

# Sydney Metro West The Bays to Sydney CBD Conditions of Approval

# Infrastructure approval

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

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

**The Hon. Anthony Roberts MP**  
**Minister for Planning**

Sydney

24 April 2022

### SCHEDULE 1

<b>Application no.:</b>	SSI 19238057
<b>Proponent:</b>	Sydney Metro
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Land in the local government areas of Inner West and City of Sydney, and the parts of Sydney Harbour that adjoin these local government areas.
<b>Description of CSSI:</b>	<p>Development of the Sydney Metro West project comprising:</p> <ul style="list-style-type: none"><li>• new passenger rail infrastructure between Westmead and the central business district (CBD) of Sydney, including:<ul style="list-style-type: none"><li>◦ tunnels, stations (including surrounding areas) and associated rail facilities, and</li><li>◦ stabling and maintenance facilities (including associated underground and overground connections to tunnels), and</li></ul></li><li>• modification of existing rail infrastructure (including stations and surrounding areas), and</li><li>• ancillary development.</li></ul> <p>The development does not include the following:</p> <ul style="list-style-type: none"><li>• surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the Sydney Metro West project, and</li><li>• the relocation or upgrade of existing roads, intersections or parking areas that:<ul style="list-style-type: none"><li>◦ is carried out on land identified as being within the Bays Precinct Site on the State Significant Development Sites</li></ul></li></ul>

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

**Staged CSSI**

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

**Description of Stage 2 of the CSSI:**

Stage 2 works of the CSSI, including:

- station excavation for new metro stations at Pyrmont and Hunter Street Sydney CBD,
- tunnel excavation including tunnel support activities between The Bays and Hunter Street Sydney CBD; and
- ancillary development.

**Declaration as CSSI:**

The proposal is CSSI by virtue of Schedule 5, section 2.15 of *State Environmental Planning Policy (Planning Systems) 2021*.

SSI 19238057 MOD 1 (April 2023) shown in purple text

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## DEFINITIONS

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

**Table 1: Definitions**

Term	Definition
AA	The Acoustics Advisor for the CSSI approved by the Planning Secretary
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW)
AEP	Annual Exceedance Probability
AHIMS	Aboriginal Heritage Information Management System
Ancillary facility	A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area and parking facilities
At-property treatment	Includes building treatments and courtyard walls. Building treatments may include but are not limited to ventilation, glazing, window and door seals, sealing of vents and underfloor areas as described in Appendix B of <i>At Receiver Noise Treatment Guideline</i> (Roads and Maritime Services, 2017) and other treatments including, but not limited to, noise curtains, shutters and secondary glazing
ANZECC/ARMCANZ	<i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000</i>
ANZG (2018)	<i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018)</i>
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
CALD	Culturally and Linguistically Diverse
CBD	Central business district
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction of the CSSI is completed and all construction related requirements of the Planning Secretary (if any) have been met. If construction is phased, completion of construction of the CSSI is the date upon which construction is completed and all construction related requirements of the Planning Secretary (if any) have been met, in respect of all phases of construction
Construction	Includes all work required to construct the CSSI as described in the documents listed in <b>Condition A1</b> of <b>Schedule 2</b> , including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding <b>Low Impact Work</b>
Construction Boundary	The area physically affected by work as described in the documents listed in <b>Condition A1</b> of <b>Schedule 2</b>

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Term	Definition
CSSI	The critical State Significant Infrastructure, as described in Schedule 1, the carrying out of which is approved under the conditions of this approval
CTMP	Construction Traffic Management Plan
Department	NSW Department of Planning and Environment
DNVIS	Detailed Noise and Vibration Impact Statement(s)
DPE Environment & Heritage	Environment and Heritage Group of the Department
DPI Fisheries	NSW Department of Primary Industries, Fisheries
DPE Water	Water Group of the Department
EIS	The Environmental Impact Statement referred to in <b>Condition A1</b> , submitted to the Planning Secretary seeking approval to carry out the development described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the CSSI approved by the Planning Secretary
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	The document of the same title published by the Department of Planning and Environment (now the Department) dated October 2018
Exempt or complying development	Has the same meaning as the definition of the terms in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>
heavy vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW)
Heritage Council	Heritage Council of NSW
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
Heritage NSW	Environment and Heritage Group of the Department – Heritage NSW
Highly noise affected	As defined in the <b>ICNG</b>

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Term	Definition
Highly noise intensive works	Works which are defined as annoying under the <b>ICNG</b> , including: <ul style="list-style-type: none"> <li>(a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work;</li> <li>(b) grinding metal, concrete or masonry;</li> <li>(c) rock drilling;</li> <li>(d) line drilling;</li> <li>(e) vibratory rolling;</li> <li>(f) bitumen milling or profiling;</li> <li>(g) jackhammering, rock hammering or rock breaking;</li> <li>(h) rail tamping and regulating; and</li> <li>(i) impact piling.</li> </ul>
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance with the conditions of this approval  <i>Note: "material harm" is defined in this approval</i>
IPIAP	Independent Property Impact Assessment Panel
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Landowner	Has the same meaning as "owner" in the <i>Local Government Act 1993</i> (NSW) and in relation to a building means the owner of the building
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i> (NSW)
LOTE	Language Other than English
Low Impact Work	Includes: <ul style="list-style-type: none"> <li>(a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys;</li> <li>(b) investigations including investigative drilling, contamination investigations and excavation;</li> <li>(c) site establishment work approved under a <b>Site Establishment Management Plan</b>;</li> <li>(d) use of ancillary facilities if the <b>ER</b> has determined the operational activities will have minimal impact on the environment and community;</li> <li>(e) minor clearing and relocation of native vegetation, as identified in the documents listed in <b>Condition A1 of Schedule 2</b>;</li> <li>(f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments;</li> <li>(g) property acquisition adjustment work including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity;</li> </ul>

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Term	Definition
	<p>(h) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the <b>ER</b>;</p> <p>(i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or as identified in the documents listed in <b>Condition A1</b> of <b>Schedule 2</b>, archaeological monitoring undertaken in association with (a)-(h) above to ensure that there is no impact on Heritage items;</p> <p>(j) archaeological testing for historical archaeological resources to identify and seek to reduce impact on state significant archaeology where it is proposed, ahead of construction or in association with (a)-(h) above;</p> <p>(k) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI; and</p> <p>(l) other activities determined by the <b>ER</b> to have minimal environmental impact which may include but not limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access.</p> <p>However, where Heritage items on the State heritage register, areas of known or expected archaeological potential, or threatened species or threatened ecological communities (within the meaning of the BC Act) are affected* by <b>Low Impact Work</b>, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, DPE Environment and Heritage Group or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p> <p>*Note: Impacts due to Low Impact Work on heritage items on the State Heritage Register must not be greater than “little to no impact” as defined in Heritage NSW <i>Material Threshold Policy</i>.</p> <p>The low impact work described in this definition becomes Construction with the approval or endorsement of a <b>CEMP</b>.</p> <p>Where <b>Low Impact Work</b> has already commenced, this is considered to remain as <b>Low Impact Work</b> and is managed in accordance with the framework under which it commenced.</p> <p>Any Low Impact Work conducted during night time hours (as defined by the ICNG) that exceeds noise management and vibration levels as identified in <b>Condition D23(b)</b> is not Low Impact Work.</p>
Material harm	<p>Is harm that:</p> <p>(a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</p> <p>(b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good the harm to the environment)</p>
Minister	NSW Minister for Planning
NML	Noise Management Level as defined in the <b>ICNG</b>

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Term	Definition
Non-compliance	An occurrence or set of circumstances or development that is a breach of this approval
NSW WQO	<i>NSW Water Quality Objectives</i>
Operation	The commencement of paid services
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the CSSI from time to time
RAPs	Registered Aboriginal Parties
RBL	Rating background noise level
Relevant Council(s)	Any or all as relevant, Inner West or City of Sydney
Relevant Roads Authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW)
Sensitive land use(s)	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), and industrial premises as identified by the Planning Secretary  <i>Note: For the purpose of determining appropriate mitigation, a multi-storey residential flat building must not be counted as a single sensitive receiver.</i>
SES	NSW State Emergency Services
SHR	State Heritage Register
Sleep disturbance event	Where the subject development / premises night-time noise levels at a residential location exceed:  (a) $L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and / or (b) $L_{AFmax}$ 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater.
SMART principles	Specific, Measurable, Achievable, Realistic, and Timely
Stage 2	As described by the documents listed in <b>Condition A1</b> of <b>Schedule 2</b>
Submissions Report	The Proponent's response to issues raised in submissions received in relation to the application for approval for the CSSI under the EP&A Act
TBM	Tunnel Boring Machine
TfNSW	Transport for NSW
Tree	Long lived woody perennial plant greater than (or usually greater than) three (3) metres in height with one or relatively few main stems or trunks (AS4373-2007 Pruning of amenity trees)

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Term	Definition
Unexpected heritage find	An object or place that is discovered during the carrying out of the CSSI and which may be a Heritage item but was not identified in the documents listed in <b>Condition A1</b> of <b>Schedule 3</b> or suspected to be present. An unexpected heritage find does not include human remains
Work	Any physical work to construct or facilitate the construction of the CSSI, including <b>Low Impact Work</b> , environmental management measures and utility work.

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## SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the conditions of this approval are listed in **Table 2**. Note that under **Condition A11** of **Schedule 2** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the immediate written notification of an incident required under **Condition A11** of **Schedule 2**).

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

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
<b>Part A – Administrative</b>			
A14	Phasing Report	One month before commencement of construction	Information
A21	Site Establishment Management Plan	One month before the establishment of the relevant ancillary facility	Approval
A29	Environmental Representative	Must be approved before the commencement of work	Approval
A32(e)	Documents requiring ER endorsement only	As soon as practicable after endorsement by the ER	Information
A32(k)	Environmental Representative Monthly Reports	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A34	Acoustic Advisor	Must be approved before the commencement of work	Approval
A42	Independent Auditors	Must be approved before the commencement of an Independent Audit	Approval
A44	Independent Audit Reports and Proponent's response	Within two (2) months of undertaking the independent audit site inspection	Information
A45	Initial notification of incident	Immediately upon becoming aware of the incident via phone or writing. Subsequent written notification within 24 hours if originally notified via phone	Information
A46	Written notification of non-compliance	Non-compliance notification required in writing seven (7) days after the Proponent becomes aware of the non-compliance	Information
<b>Part B - Communication Information and Reporting</b>			
B1	Overarching Community Communication Strategy	If the Overarching Community Communication Strategy has been updated	Information
B6	Complaints Register	Upon request of the Planning Secretary	Information

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

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Part C - Construction Environmental Management			
C2 C4	CEMPs (except for any CEMPs expressly nominated by the Planning Secretary to be endorsed by the ER only)	One month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase	Approval
C7 C9	CEMP Sub-plans (except for any sub-plans expressly nominated by the Planning Secretary to be endorsed by the ER only)	One month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase	Approval
C18 C20	Construction Monitoring Programs (except for any programs expressly nominated by the Planning Secretary to be endorsed by the ER only)	One month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase	Approval
C23	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D – Key Issues			
Heritage			
D16	Excavation Director	Before the commencement of archaeological excavation	Approval
D18	Heritage Report	No later than 24 months after the completion of the work	Information
Noise and Vibration			
D23(a)(ii)	Variation to Work Hours	On becoming aware of the need for emergency work	Information
D24	Out-of-Hours Work Protocol	Before the commencement of out-of-hours works	Approval
D29	Detailed Noise and Vibration Impact Statements	Upon request of the Planning Secretary	Information
D37	Out-of-Hours Works Community Consultation Outcomes on Respite	Upon completion of the outcomes of community consultation	Information
Land Use and Property			
D48	Independent Property Impact Assessment Panel	Planning Secretary to be informed of the members of the panel after its establishment	Information
D50	Settlement Monitoring	Upon request of the Planning Secretary	Information

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<b>Social</b>			
D52	Community Communications Strategy(s)	Before the commencement of construction	Information
D53	Community Benefit Plan(s)	Before the commencement of construction	Information
D53	Community benefit initiative impact register	Upon request of the Planning Secretary	Information
<b>Business</b>			
D54	Small Business Owners Engagement Plan(s)	Before commencement of construction at the relevant construction site	Information
<b>Soils and Contamination</b>			
D56	Sampling and Analysis Quality Plan	Upon request of the Planning Secretary	Information
D59	Detailed Site Investigation Report(s)	As soon as practicable following receipt of the final report(s)	Information
D61	Remedial Action Plan(s), Section B Site Audit Statement or interim audit advice	Before commencing remediation	Information
D62	Revised Remedial Action Plan	If applicable	Information
D63	Section A1 or A2 Site Audit Statement (including Environmental Management Plan) and Site Audit Report	After remediation and before the commencement of operation	Information
<b>Traffic and Transport</b>			
D71	Heavy Vehicle Monitoring	Upon request of the Planning Secretary	Information
D72	Construction Traffic Management Plans	Before commencement of construction in the area identified and managed within the relevant CTMP	Information
D73	Additional Local Roads to be Used by Heavy Vehicles	Before the use of the additional local road	Approval
D78	Construction Parking and Access Strategy	One month before the commencement of construction	Approval
D81	Road Safety Audits	Upon request of the Planning Secretary	Information
<b>Water</b>			
D101	Groundwater Modelling Report	Before bulk excavation at the relevant construction location	Information

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

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## SCHEDULE 2

### PART A

#### ADMINISTRATIVE CONDITIONS

##### GENERAL

- A1 The Proponent must carry out the CSSI in accordance with the conditions of this approval and generally in accordance with the:
- (a) *Sydney Metro West – Major civil construction between The Bays and Sydney CBD Environmental Impact Statement* dated 25 October 2021;
  - (b) *Sydney Metro West – Major civil construction between The Bays and Sydney CBD Submissions Report* dated April 2022;
  - (c) *Sydney Metro West – Archaeological Research Design and Excavation Methodology – Pyrmont Station* dated April 2022; ~~and~~
  - (d) *Sydney Metro West – Aboriginal and Historical Archaeological Research Design– Hunter Street Station (Sydney CBD)* dated May 2022;-
  - (e) *Sydney Metro West – Major civil construction between The Bays and Sydney CBD – Modification Request (Mod 1)* dated 1 February 2023; and
  - (f) *Sydney Metro West – Stage 2 – Modification 1: Response to Submissions (correspondence)* undated.
- A2 The CSSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed in **Condition A1**, the conditions of this approval will prevail to the extent of the inconsistency; and
  - (b) any document listed in **Condition A1**, the most recent document will prevail to the extent of the inconsistency.
- Note: For the purpose of this condition, there is an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 In the event that there are differing interpretations of the conditions of this approval, including in relation to a condition of this approval, the Planning Secretary's interpretation is final.
- A5 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the CSSI;
  - (b) any document or correspondence in relation to the CSSI;
  - (c) any notification given to the Planning Secretary under the conditions of this approval;
  - (d) any audit of the CSSI;
  - (e) the conditions of this approval and compliance with the conditions of this approval (including anything required to be done under this approval);
  - (f) the carrying out of any additional monitoring or mitigation measures; and
  - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under the conditions of this approval.

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- A6 Where the conditions of this approval require a document or monitoring program to be prepared, or a review to be undertaken, in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
  - (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
  - (c) documentation of the follow-up with the identified party(s) where feedback has not been provided to confirm that the party(s) has none or has failed to provide feedback after repeated requests;
  - (d) outline of the issues raised by the identified party(s) and how they have been addressed; and
  - (e) a description of the outstanding issues raised by the identified party(s) and the reasons why they have not been addressed.

*Note: \*Consultation with the community and businesses will be undertaken in accordance with the Overarching Community Communication Strategy required under **Condition B1**.*

- A7 This approval lapses five (5) years after the date on which it is granted, unless work has physically commenced on or before that date.
- A8 References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this approval, unless otherwise approved by the Planning Secretary.
- A9 The Proponent may update corresponding strategies, plans, procedures, panels, systems, protocols and programs prepared to meet the requirements of CSSI Approvals SSI 10038 and SSI 7400 for the purposes of meeting the requirements of the CSSI consistent with this approval.

Where a strategy, plan, procedure, panel, system protocol or program in SSI 10038 and SSI 7400 has been updated and remains consistent with that prepared for SSI 10038 and SSI 7400 and meets the requirements of this approval, the updated version must be submitted to the Planning Secretary for information.

Where the update is inconsistent with the prepared documents for SSI 10038 and SSI 7400, the approval for the document must be sought in accordance with the requirements of this approval, if required.

*Note: Where a strategy, plan, procedure, panel, system protocol or program in SSI 10038 or SSI 7400 has been updated for the purpose of this approval, that update does not affect the strategy, plan, procedure, panel, system protocol or program for the purpose of complying with SSI 10038 or SSI 7400, and the original document/s continues to apply in relation to SSI 10038 and SSI 7400.*

- A10 Notwithstanding **Condition A9**, where the following have been approved by the Planning Secretary for the purpose of SSI 10038 and SSI 7400, further approval is not required for the CSSI where the same individual/company/document is nominated:
- (a) Environmental Representative;
  - (b) Acoustics Advisor;
  - (c) Excavation Director
  - (d) Community Complaints Mediator;
  - (e) Community Communication Strategy;
  - (f) Out-of-Hours Work Protocol; or
  - (g) Independent Property Impact Assessment Panel.

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The Proponent must notify the Planning Secretary of any such appointment of an individual/company or application of a document consistent with the requirements of the corresponding condition in SSI 10038 and SSI 7400.

## **TIMING AND APPROVALS**

- A11 Any document that must be submitted or action taken within a timeframe specified in or under the conditions of this approval may be submitted or undertaken within a later timeframe agreed with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident under **Condition A45**.
- A12 Any document or similar that must be prepared under the conditions of this approval, may be prepared, and where applicable submitted, for multiple phases of the CSSI, if agreed by the Planning Secretary.
- A13 Without limitation, all strategies, plans, programs, reviews, audits, report recommendations, protocols and the like required by the terms of this approval must be implemented by the Proponent and in accordance with all requirements issued by the Secretary.

## **PHASING**

- A14 The CSSI may be constructed in phases. Where phased construction is proposed, a **Phasing Report** must be prepared and submitted to the Planning Secretary for information. The **Phasing Report** must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction of the first of the proposed phases of construction.
- A15 The **Phasing Report** must:
- (a) set out how construction of the whole of the CSSI will be phased, including details of work and other activities to be carried out in each phase and the general timing of when construction of each phase will commence and finish;
  - (b) specify the relevant conditions that apply to each phase and how compliance with conditions will be achieved across and between each of the phases of the CSSI;
  - (c) set out mechanisms for managing any cumulative impacts arising from the proposed phasing; and
  - (d) for the purposes of informing **Conditions C2, C7 and C18**, include an assessment of the predicted level of environmental risk and potential level of community concern posed by the construction activities required to construct each phase of the CSSI.

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

- A16 The CSSI must be phased in accordance with the **Phasing Report**, as submitted to the Planning Secretary for information.
- A17 Where phasing is proposed, the conditions of this approval that apply or are relevant to the work or activities to be carried out in a specific phase must be complied with at the relevant time for that phase.
- A18 Where changes are proposed to the phasing of construction, a revised **Phasing Report** must be prepared and submitted to the Planning Secretary for information before the commencement of changes to the phasing of construction.

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- A19 With the approval of the Planning Secretary, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis within each phase of the CSSI.

*Notes:*

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

## ANCILLARY FACILITIES

### Ancillary facilities

- A20 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 user(s) (including where an access road is between the facility and the receiver), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and
- (c) they have no impacts on Heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the conditions of this approval; and
- (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the conditions of this approval, including in relation to environmental, social and economic impacts.

*Note: This condition does not apply to any ancillary facilities or work that are exempt or complying development, established before the commencement of construction under this approval or minor ancillary facilities established under **Condition A23**.*

## SITE ESTABLISHMENT WORK

### Site Establishment Management Plan

- A21 Before establishment of any ancillary facility (excluding exempt or complying development, minor ancillary facilities determined by the **ER** to have minimal environmental impact and those established under **Condition A23**, and those considered in an approved **CEMP**), the Proponent must prepare a **Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facilities. The **Site Establishment Management Plan** must be prepared in consultation with the Relevant Council(s) and relevant government agencies. The **Site Establishment Management Plan** must include:

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

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- (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring, where appropriate or required.

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

**Site Establishment Management Plans** must be submitted to the Planning Secretary for approval one (1) month before the establishment of any ancillary facilities.

#### **Use of Ancillary Facilities**

- A22 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 C5** and relevant **Construction Monitoring Programs** required by **Condition C14** have been approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable).

*Note: This condition does not apply to **Condition A23** or where the use of an ancillary facility is Low Impact Work or for Low Impact Work.*

#### **Minor Ancillary Facilities**

- A23 Lunch sheds, office sheds, portable toilet facilities, and the like, can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

- (a) are located within or adjacent to the Construction Boundary; and
- (b) have been assessed by the **ER** to have:
  - (i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the ICNG, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
  - (ii) minimal environmental impact with respect to waste management and flooding, and
  - (iii) no impacts on biodiversity, soil and water, and Heritage items beyond those already approved under other conditions of this approval.

#### **Boundary screening**

- A24 Boundary screening must be erected around ancillary facilities that are adjacent to sensitive land user(s) for the duration that the ancillary facility is in use unless otherwise agreed with relevant affected residents, business operators or landowners.

- A25 Boundary screening required under **Condition A24** must minimise visual impacts on adjacent sensitive land user(s).

#### **INDEPENDENT APPOINTMENTS**

- A26 All **Independent Appointments** required by the conditions of this approval must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

- A27 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.

- A28 Upon completion of an audit under **Condition A27** above, the Planning Secretary may withdraw its approval of an **Independent Appointment** should they consider the **Independent Appointment** has not exercised their functions in accordance with this approval.

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*Note: **Conditions A27** and **A28** apply to all **Independent Appointments** including the **ER**, **AA** and **Independent Auditor**.*

## ENVIRONMENT REPRESENTATIVE

- A29 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.
- A30 The proposed **ER** must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in **Condition A1**, is independent from the design and construction personnel for the CSSI and those involved in the delivery of it and engaged for the duration of work and for no less than six (6) months following completion of construction of the CSSI.
- A31 The Proponent may engage more than one **ER** for the CSSI, in which case the functions to be exercised by an **ER** under the conditions of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the CSSI. The **ER** must meet the requirements of the Department's *Environmental Representative Protocol* (DPE, 2018). The appointment of the **ER** must have regard to the Department's guideline *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).
- A32 For the duration of the work or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the CSSI;
  - (b) consider and inform the Planning Secretary on matters specified in the conditions of this approval;
  - (c) consider and recommend to the Proponent 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 A14, A21, C1, C5 and C14** 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) must 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) must make a written statement to this effect before the implementation of such documents (if those documents are only required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary / Department);
    - (iii) provide a written statement to the Planning Secretary advising the documents have been endorsed.
  - (e) for documents that are required to be submitted to the Planning Secretary / Department for information under (d)(ii) above, the documents must be submitted as soon as practicable to the Planning Secretary / Department after endorsement by the **ER**, unless otherwise agreed by the Planning Secretary;
  - (f) regularly monitor the implementation of the documents listed in **Conditions A14, A21, C1, C5 and C14** to ensure implementation is being carried out in accordance with the document and the conditions of this approval;
  - (g) as may be requested by the Planning Secretary, help plan or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A41**;
  - (h) as may be requested by the Planning Secretary, assist in the resolution of community complaints received directly by the Department;
  - (i) consider or assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A23**; and

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- (j) consider any minor amendments to be made to the **Site Establishment Management Plan, CEMP, CEMP Sub-plans** and construction monitoring programs without increasing impacts to nearby sensitive receivers, and are consistent with the conditions of this approval and the **Site Establishment Management Plan, CEMP, CEMP Sub-plans** and construction monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the conditions of this approval;
- (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading “Environmental Representative Monthly Reports”. The **Environmental Representative Monthly Report** must be submitted within seven (7) days following the end of each month for the duration of the ER’s engagement for the CSSI, or as otherwise agreed by the Planning Secretary; and
- (l) assess the impacts of activities as required by the **Low Impact Work** definition.

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

A33 The Proponent must provide the **ER** with all documentation requested by the **ER** in order for the **ER** to perform their functions specified in **Condition A32** (including preparation of the **ER** monthly report), as well as:

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

## ACOUSTICS ADVISOR

A34 Work must not commence until an **AA** has been nominated by the Proponent and approved by the Planning Secretary.

A35 A suitably qualified and experienced **Acoustics Advisor(s) (AA)** in noise and vibration management, who is independent of the design and construction personnel, must be nominated by the Proponent and engaged for the duration of work (as required by **Condition A34**) and for no less than six (6) months following completion of construction of the CSSI.

A36 The Proponent may nominate additional suitably qualified and experienced persons, for the Planning Secretary’s approval, to assist the lead **AA**.

A37 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 conditions of this approval relating to noise and vibration;
- (c) consider and recommend, to the Proponent, improvements that may be made to avoid or minimise adverse noise and vibration impacts;
- (d) review all proposed night-time works (with the exception of low risk activities) to determine if sleep disturbance would occur and recommend measures to avoid sleep disturbance or appropriate additional alternative mitigation measures;
- (e) review all noise and vibration documents required to be prepared under the conditions of this approval and, should they be consistent with the conditions of this approval, endorse them before submission to the Planning Secretary (if required to be submitted to the Planning Secretary) or before implementation (if not required to be submitted to the Planning Secretary);

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- (f) regularly monitor the implementation of all noise and vibration documents required to be prepared under the conditions of this approval to ensure implementation is in accordance with what is stated in the document and the conditions of this approval;
- (g) review the Proponent's notification of incidents in accordance with **Condition A45**;
- (h) in conjunction with the **ER** (where required), the **AA** must:
  - (i) as may be requested by the Planning Secretary or **Community Complaints Mediator** (required by **Condition B8**), 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 **Overarching Community Communication Strategy** referenced in **Condition B1** to attempt to resolve the conflict, and if it cannot be resolved, notify the Planning Secretary,
  - (iii) if requested by the **ER**, consider relevant minor amendments made to the **Site Establishment Management Plan, CEMP**, relevant sub-plans and noise and vibration monitoring programs that require updating or are of an administrative nature, and are consistent with the conditions of this approval and the management plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, endorse the amendment, (this does not include any modifications to the conditions of this approval),
  - (iv) if requested by the **ER**, review the noise impacts of minor ancillary facilities, and
  - (v) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, a **Monthly Noise and Vibration Report** detailing the **AA**'s actions and decisions on matters for which the **AA** was responsible in the preceding month. The **Monthly Noise and Vibration Report** must be submitted within seven (7) days following the end of each month for the duration of the **AA**'s engagement for the CSSI, or as otherwise agreed by the Planning Secretary.

A38 The Proponent must cooperate with the **AA** by:

- (a) providing access to noise and vibration monitoring activities as they take place;
- (b) providing access to the **Complaints Register** if requested;
- (c) providing for review of noise and vibration documents required to be prepared under the conditions of this approval; and
- (d) considering any recommendations to improve practices and demonstrating, to the satisfaction of the **AA**, why any recommendation is not adopted.

## NOTIFICATION OF COMMENCEMENT

A39 The Department must be notified in writing of the date of commencement of construction before the commencement of construction.

A40 If construction of the CSSI is to be phased, the Department must be notified in writing before the commencement of each phase, of the date of the commencement of that phase.

## INDEPENDENT ENVIRONMENTAL AUDIT

A41 **Independent Audits** of the CSSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).

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

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- A42 Proposed independent auditors must be approved by the Planning Secretary before the commencement of an **Independent Audit**.
- A43 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified in the *Independent Audit Post Approval Requirements* (DPIE, 2020), upon giving at least four (4) weeks' notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A44 Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within two (2) months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020), unless otherwise agreed by the Planning Secretary.

## INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

- A45 The Planning Secretary must be notified via phone or in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. Any notification via phone must be followed up by a notification in writing via the Major Projects website within 24 hours of the initial phone call.

The written notification must identify the CSSI (including the application number and the name of the CSSI if it has one) and set out the location and general nature of the incident.

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

- A46 The Planning Secretary must be notified in writing via the Major Projects website within seven (7) days after the Proponent becomes aware of any non-compliance with the conditions of this approval.
- A47 A non-compliance notification must identify the CSSI (including the application number for it), set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be undertaken to address the non-compliance.

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

## IDENTIFICATION OF PROJECT

- A48 The CSSI name, application number, telephone number, postal address and email address required under **Condition B3** must be available on site boundary fencing / hoarding at each ancillary facility before the commencement of construction. This information must also be provided on the website required under **Condition B11**.
- A49 The locations of all heavy vehicles used for spoil haulage must be monitored in real time and the records of monitoring be made available to the Planning Secretary and the EPA upon request for a period of no less than one year following the completion of construction.

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## PART B

### COMMUNITY INFORMATION AND REPORTING

#### COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

##### Community Communication

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

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

#### COMPLAINTS MANAGEMENT SYSTEM

- B2 A **Complaints Management System** must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the CSSI.

- B3 The following information must be available to facilitate community enquiries and manage complaints before the commencement of work and for 12 months following the completion of construction:

- (a) a 24- hour telephone number for the registration of complaints and enquiries about the CSSI;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

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

- B4 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:

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

- B5 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:

- (a) the Complaints Register may be forwarded to government agencies, including the Department (Department of Planning and Environment, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150), to allow them to undertake their regulatory duties;
- (b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies;
- (c) the supply of personal information by the complainant is voluntary; and

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

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

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

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

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

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

- B9 **Community Complaints Mediation** will:

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

- B10 **Community Complaints Mediation** will not be enacted before the **Complaints Management System** required by **Condition B2** has been executed for a complaint and will not consider issues such as property acquisition, where other dispute processes are provided for in this approval or clear government policy and resolution processes are available, or matters which are not within the scope of this CSSI.

## PROVISION OF ELECTRONIC INFORMATION

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

- (a) information on the current implementation status of the CSSI;
- (b) a copy of the documents listed in **Condition A1**, and any documentation relating to any modifications made to the CSSI or the conditions of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its conditions), and copies of any approval granted by the Minister to a modification of the conditions of this approval, or links to the referenced documents where available;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI, or where the issuing agency maintains a website of approvals, licences or permits, a link to that website;

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- (e) a current copy of each document required under the conditions of this approval, which must be published within one (1) week of its approval or before the commencement of any work to which they relate or before their implementation, as the case may be; and
- (f) a copy of the audit reports required under this approval.

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

All information required in this condition is to be provided on the website or webpage, and easy to navigate.

**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.*

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## PART C

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

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

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Noise and vibration	Place Management NSW (in respect of The Bays) and Relevant Council(s)
(b)	Flora and fauna	DPE Environment and Heritage Group, DPI Fisheries, and Relevant Council(s)
(c)	Heritage (Non-Aboriginal and Aboriginal)	Heritage NSW, Place Management NSW (in respect of The Bays) and Relevant Council(s)
(d)	Spoil	Relevant council(s)
(e)	Soil and water	DPE Water and Relevant Council(s)

- C6 The **CEMP Sub-plans** must state how:
- (a) the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
  - (b) the mitigation measures identified in the documents listed in **Condition A1** will be implemented;
  - (c) the relevant conditions of this approval will be complied with; and

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- (d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.
- C7 With the exception of any **CEMP Sub-plans** expressly nominated by the Planning Secretary to be endorsed by the **ER**, all **CEMP Sub-plans** must be submitted to the Planning Secretary for approval.
- C8 The **CEMP Sub-plans** not requiring the Planning Secretary's approval must obtain the endorsement of the **ER** as being in accordance with the conditions of approval and all relevant undertakings made in the documents listed in **Condition A1**. Any of these **CEMP Sub-plans** must be submitted to the **ER** with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before construction or where construction is phased no later than one (1) month before the commencement of that phase.
- C9 Any of the **CEMP Sub-plans** to be approved by the Planning Secretary must be submitted to the Planning Secretary with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before construction or where construction is phased no later than one (1) month before the commencement of that phase.
- C10 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable), unless otherwise agreed by the Planning Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Planning Secretary or endorsed by the **ER** (whichever is applicable), including any minor amendments approved by the **ER**, must be implemented for the duration of construction. Where construction of the CSSI is phased, construction of a phase must not commence until the **CEMP** and **CEMP Sub-plans** for that phase have been approved by the Planning Secretary or endorsed by the **ER** upon nomination by the Planning Secretary (whichever is applicable).
- C11 In addition to the relevant requirements of the **CEMF**, the **Flora and fauna CEMP Sub-plan** must address procedures to avoid, minimise, mitigate and manage impacts on native fauna prior to clearing of vegetation and demolition of potential microbat roost structures. The **Flora and fauna CEMP Sub-plan** must include, but not be limited to:
- (a) preclearance surveys for vegetation and potential microbat roost structures that require demolition;
  - (b) **Unexpected Microbat Find Procedure** that:
    - (i) includes protocols in the event microbats are identified;
    - (ii) notification to the NSW Environment and Heritage Group in the event microbats and/or roosting sites are identified; and
    - (iii) details for undertaking and mitigating vegetation clearance.
- C12 In addition to the relevant requirements of the **CEMF**, the **Heritage CEMP Sub-plan** must include, but not be limited to:
- (b) be prepared in consultation with a suitably qualified and experienced heritage expert;
  - (c) identify exclusion zones, archival recording requirements, baseline and periodic monitoring protocols (including before and during construction);
  - (d) identify and assess the heritage significance of items identified as retaining 'potential heritage significance' in the documents listed in **Condition A1** and which will be impacted by the CSSI;
  - (e) in association with **Condition D44**, set out the final site inspections to be conducted for the **Post-Construction Condition Report** within three (3) months of completion of construction for the following heritage sites unless otherwise agreed by the Planning Secretary:
    - (i) Former Skinners Family Hotel (SHR 00584);
    - (ii) NSW Club House Building (SHR 00145);
    - (iii) Former Bank – Delfin House (SLEP I1903); and

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- (iv) Richard Johnson Square (SLEP I1673).
- (f) set out means of rectification of damage by the CSSI to Heritage items **(d)(i)** to **(d)(iv)** above within six (6) months of the completion of construction at the construction site identified in the relevant **Heritage CEMP Sub-plan**. This rectification work must be in consultation with a suitably qualified and experienced heritage consultant to ensure the use of appropriate materials, appropriate conservation practices and in accordance with existing heritage management documents (for example, conservation management plans or strategies) to protect and conserve the heritage significance of the items.

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

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

- (a) details of construction activities and their locations which have the potential to expose areas known to contain, or potentially contain, contaminated soils and / or materials;
- (b) measures for the handling, treatment and management of hazardous and contaminated soils and materials including measures to manage and / or minimise worker and public health and safety with regards to exposure to contamination; and
- (c) a description of how the effectiveness of the actions and measures for managing contamination impacts would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken, the locations where monitoring would take place, and how the results of the monitoring would be recorded and reported.

The contamination component of the Soil and Water CEMP Sub-plan must be prepared, (or reviewed and approved), by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

## CONSTRUCTION MONITORING PROGRAMS

C14 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of 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)	Noise and vibration	EPA, Place Management NSW (in respect of The Bays) and Relevant Council(s)
(b)	Surface water quality	DPE Water, Relevant Council(s) and Sydney Water (if any Sydney Water assets are impacted)
(c)	Groundwater	DPE Water

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

- (a) details of baseline data available including the period of baseline monitoring;
- (b) details of baseline data to be obtained and when;
- (c) details of all monitoring of the project to be undertaken;
- (d) the parameters of the project to be monitored;
- (e) the frequency of monitoring to be undertaken;
- (f) the location of monitoring;

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- (g) the reporting of monitoring results and analysis results against relevant criteria;
- (h) details of the methods that will be used to analyse the monitoring data;
- (i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicated unacceptable project impacts;
- (j) a consideration of SMART principles; and
- (k) any consultation to be undertaken in relation to the monitoring programs; and
- (l) any specific requirements as required by **Conditions C16** and **C17**.

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

- (a) noise and vibration monitoring determined in consultation with the **AA** to confirm the best-achievable construction noise and vibration levels with consideration of all reasonable and feasible mitigation and management measures that will be implemented;
- (b) for the purposes of (a), noise monitoring must be undertaken during the day, evening and night-time periods and within the first month of work as well as throughout the construction period and cover the range of activities being undertaken at the sites; and
- (c) a process to undertake real time noise and vibration monitoring. The results of the monitoring must be readily available to the construction team, the Proponent, **ER** and **AA**. The Planning Secretary and EPA must be provided with access to the results on request.
- (d) noise monitoring methods must be developed and carried out to meet the requirements of the EPA's *Approved Methods for the Measurement and Analysis of Environmental Noise* (EPA, 2022).

**C17 Groundwater Construction Monitoring Program** must include:

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

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

**C19** The **Construction Monitoring Programs** not requiring the Planning Secretary's approval must obtain the endorsement of the **ER** as being in accordance with the conditions of approval and all undertakings made in the documents listed in **Condition A1**. Any of these **Construction Monitoring Programs** must be submitted to the **ER** for endorsement at least one (1) month before the commencement of construction or where construction is phased no later than one (1) month before the commencement of that phase.

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

**Notes:**

1. Where a relevant **CEMP Sub-plan** exists, the relevant **Construction Monitoring Program** may be incorporated into that **CEMP Sub-plan**.
2. Data must be provided in an acceptable format for relevant regulatory agencies.
3. With regards to monitoring data to be provided to DPE Water, the format of the dataset must be both in a tabulated and electronic quality-controlled data (.csv, Excel) ready to use format.

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## PART D

### KEY ISSUE CONDITIONS

#### AIR QUALITY

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

#### FLOODING

- D2 Unless otherwise agreed by the Planning Secretary, the CSSI must be designed and constructed to not worsen flooding characteristics within and in the vicinity of the CSSI. Not worsen existing flooding characteristics means the following:
- (a) a maximum increase in inundation time of one hour during any flood event up to and including a one (1) per cent Annual Exceedance Probability (AEP) flood event;
  - (b) a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded during any flood event up to and including a one (1) per cent AEP flood event;
  - (c) a maximum increase of 50 mm in inundation of land at properties where floor levels would not be exceeded during any flood event up to and including a one (1) per cent AEP flood event; and
  - (d) no inundation of floor levels which are currently not inundated during any flood event up to and including a one (1) per cent AEP flood event.

Measures identified in the documents listed in **Condition A1** of this schedule to not worsen flooding characteristics or measures that achieve the same outcome must be incorporated into the detailed design. The incorporation of these measures must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPE Water, DPI Fisheries, Environment and Heritage Group, NSW State Emergency Service (SES) and relevant Councils.

Where flooding characteristics exceed the levels identified in (a), (b), (c), (d) above, the Proponent must undertake the following:

- (e) consult with property owners for properties adversely flood affected as a result of the CSSI and mitigate where necessary; and
  - (f) consult with the NSW State Emergency Service (SES) and relevant Councils regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.
- D3 Flood information including flood reports, project flood models, data and geographic information system outputs, must be provided to the relevant Council, Environment and Heritage Group and the SES. The Council, Environment and Heritage Group 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, Environment and Heritage Group 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, Environment and Heritage Group and the SES.

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## HERITAGE

### Non-Aboriginal Heritage

- D4 The Proponent must not destroy, modify or otherwise affect any Heritage item not identified in documents referred to in **Condition A1**. Unexpected heritage finds identified by the CSSI must be managed in accordance with the *Sydney Metro Unexpected Heritage Finds Procedure* (Sydney Metro 2022) and the *Exhumation Management Procedure* (Sydney Metro 2022) outlined in the documents list under **Condition A1**. Consideration of avoidance and redesign to protect state significant unexpected finds must be addressed where this condition applies.

*Note: Affect in this condition means any impact above "little to no impact" as defined in the Material Threshold Policy (Heritage NSW, 2020).*

- D5 Before installing acoustic treatment at any heritage item identified in the documents listed in **Condition A1**, the advice of a suitably qualified and experienced built heritage expert must be obtained to guide installation to minimise impact to the heritage significance of the item or fabric.
- D6 Before commencement of excavation at the Hunter Street metro station construction site, investigations must be carried out to confirm and record the location, depth, integrity, extent and condition of the Tank Stream (SHR item no. 00636) and Bennelong Stormwater Channel No. 29A (Sydney Water s170 item no. 4570854). Survey investigations must be supervised by a suitably qualified heritage consultant in consultation with Sydney Water. The results of the investigations must be incorporated in the relevant final **Heritage Report**.
- D7 During construction, the Proponent must implement protective measures to prevent adverse impacts to the heritage significance of the former Skinners Family Hotel. Before installing such measures, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item. Protection measures must also consider and avoid potential impacts to significant historical archaeology and seek the advice from the Excavation Director approved under **Condition D16** below.
- D8 The Former Skinners Family Hotel, Tank Stream, Bennelong Stormwater Channel No. 29A, NSW Club house Building, Delfin House, Richard Johnson Square, Railway Cutting (Pyrmont), and St James Railway Station must not be destroyed, modified or otherwise affected, except as identified in the documents listed in **Condition A1**.

*Note: Affected in this condition means any impact above "little to no impact" as defined in the Material Threshold Policy (Heritage NSW, 2020).*

- D9 Where Heritage items, or items assessed to be of local heritage significance in the documents listed in **Condition A1**, are proposed to be fully or partially destroyed, heritage salvage must occur in consultation with a suitably qualified heritage specialist. The Proponent must develop a significant fabric and moveable heritage salvage register. The register must identify significant items to be salvaged. Salvage must occur for items that are assessed as having heritage significance and the potential for re-use or reinstatement has been identified. The salvage from any State-listed items must be undertaken in consultation with Heritage NSW.

### Aboriginal Heritage

- D10 All reasonable steps must be taken not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- D11 The Registered Aboriginal Parties (RAPs) must be kept informed about the CSSI. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the CSSI.

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- D12 Excavation must not commence in areas where archaeological excavation is required until the archaeological works outlined in the **Archaeological Research Design/s** referred to in **Condition A1** have been completed.
- D13 At the completion of Aboriginal cultural heritage test and salvage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)**, prepared by a suitably qualified expert, must be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, OEH 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, DECCW 2010. The **Aboriginal Cultural Heritage Excavation Report(s)** must document the results of the archaeological test excavations and any subsequent salvage excavations. The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to Heritage NSW within 24 months of the completion of the Aboriginal archaeological excavations (both test and salvage).
- D14 Where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area and a suitably qualified and experienced Aboriginal heritage expert must be contacted to provide specialist heritage advice, before construction recommences. The measures to consider and manage this process must be specified in the **Heritage CEMP Sub-plan** required by **Condition C5** and, where relevant, include registration in the Aboriginal Heritage Information Management System (AHIMS).

#### **Excavation and Archaeology**

- D15 Archaeological mitigation measures recommended in the **Archaeological Research Design/s** must be carried out in accordance with Heritage NSW guidelines, and where appropriate, supervised by a suitably qualified Excavation Director approved under **Condition D16**. The **Archaeological Research Design/s** must be implemented throughout the entire archaeological excavation programs.
- D16 Before ground disturbance in areas subject to archaeological excavation, the Proponent must nominate a suitably qualified **Excavation Director**, who complies with Heritage Council of NSW's *Criteria for Assessment of Excavation Director* (September 2019), to oversee and advise on matters associated with historical archaeology for the approval of the Planning Secretary, in consultation with Heritage NSW. The **Excavation Director** must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations consistent with the approved **Archaeological Research Designs** under **Condition A1**. Aboriginal archaeological excavations must be conducted by a suitably qualified person in accordance with the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010). More than one **Excavation Director** may be engaged for the CSSI to exercise the functions required under the conditions of this approval.
- D17 Following completion of all work described in the documents listed in **Condition A1** in relation to heritage items, a **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.
- D18 The **Heritage Report** must be submitted to the Planning Secretary, the Heritage Council of NSW and Heritage NSW for information no later than 24 months after the completion of the work referred to in **Condition D17**.

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## Unexpected Finds

- D19 The Sydney Metro *Unexpected Heritage Finds Procedure* (Sydney Metro 2022) and the *Exhumation Management Procedure* (Sydney Metro 2022), as submitted to the Planning Secretary, must be implemented for the duration of construction.

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

## NOISE AND VIBRATION

### Land Use Survey

- D20 A detailed land use survey must be undertaken to confirm sensitive receivers (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration and construction ground-borne noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of work which generates construction noise, vibration or ground-borne noise in that area. The results of the survey must be included in the **Noise and Vibration CEMP Sub-plan** required under **Condition C5**.

### Construction Hours

- D21 Work must only be undertaken during the following hours:

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

### Highly Noise Intensive Work

- D22 Except as permitted by an EPL, highly noise intensive work that results in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

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

### Variation to Work Hours

- D23 Notwithstanding **Conditions D21** and **D22** work may be undertaken outside the hours specified in the following circumstances:

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

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

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- (b) **Low Noise Impact Work**, including:
- (i) construction that causes  $L_{Aeq}(15 \text{ minute})$  noise levels:
    - no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and
    - no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land user(s); and
  - (ii) construction that causes  $L_{AFmax}(15 \text{ minute})$  noise levels no more than 15 dB(A) above the rating background level at any residence; or
  - (iii) construction that causes:
    - continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), or
    - intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).
- (c) **By Approval**, including:
- (i) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or
  - (ii) works which are not subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition D24**; or
  - (iii) negotiated agreements with directly affected residents and sensitive land user(s).
- (d) **By Prescribed Activity**, including:
- (i) tunnelling ~~by tunnel boring machine~~ (and associated activities of rockbolting, shotcreting and mucking out, but excluding cut and cover tunnelling and surface works) are permitted 24 hours a day, seven days a week; or
  - (ii) delivery of material that is required to be delivered outside of standard construction hours in **Condition D21** to directly support tunnelling activities, except between the hours 10:00 pm and 7:00 am to / from the Pyrmont construction site which could result in a sleep disturbance event for receivers in the proximity of Pyrmont Street, Edward Street, Union Street, Paternoster Row and Pyrmont Bridge Road; or
  - (iii) haulage of spoil except between the hours of 10:00 pm and 7:00 am to / from the Pyrmont construction site; or
  - (iv) work within an acoustic shed where there is no exceedance of noise levels under Low Noise Impact Work circumstances identified in (b) above, unless otherwise agreed by the Planning Secretary.

*Note: Tunnelling does not include station box excavation and the requirements of Condition D26 apply.*

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

**D24** An **Out-of-Hours Work Protocol** must be prepared before the approval of out-of-hours-work under **Condition D23(c)(ii)**. The Protocol must identify a process for the consideration, management and approval of work which are outside the hours defined in **Conditions D21** and **D22**. 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** and the **AA**. The Protocol must provide:

- (a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
  - (i) the **ER** and **AA** review all proposed out-of-hours activities and confirm their risk levels;
  - (ii) low risk activities can be approved by the **ER** in consultation with the **AA**; and
  - (iii) high risk activities that are approved by the Planning Secretary;
- (b) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;

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- (c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of **Condition D36**. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land user(s) would be exposed to, including the number of noise awakening events;
- (d) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (e) notification arrangements for affected receivers for all approved out-of-hours works and notification to the Planning Secretary of approved low risk out-of-hours works.

This condition does not apply if the requirements of **Condition D23(b)** are met.

*Note: Out-of-hours work is any work that occurs outside the construction hours identified in **Conditions D21** and **D22**.*

### **Construction Noise Management Levels and Vibration Criteria**

D25 All reasonable and feasible mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:

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

Any work identified as exceeding the noise management levels and / or vibration criteria must be managed in accordance with the **Noise and Vibration CEMP Sub-plan**.

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

D26 All reasonable and feasible mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

- (a) evening (6:00 pm to 10:00 pm) — internal  $L_{Aeq(15 \text{ minute})}$ : 40 dB(A); and
- (b) night (10:00 pm to 7:00 am) — internal  $L_{Aeq(15 \text{ minute})}$ : 35 dB(A).

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol**, required by **Condition D24**.

D27 Noise generating work in the vicinity of potentially-affected community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled within sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

### **Construction Noise and Vibration Mitigation and Management**

D28 Industry best practice construction methods must be implemented where reasonably practicable to ensure that noise levels are minimised around sensitive land user(s). Practices must include, but are not limited to:

- (a) use of regularly serviced low sound power equipment;

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

- D29 **Detailed Noise and Vibration Impact Statements (DNVIS)** must be prepared for work that may exceed the NMLs, vibration criteria and / or ground-borne noise levels specified in **Conditions D25** and **D26** at any residence outside construction hours identified in **Condition D21**, or where receivers will be highly noise affected. The **DNVIS** must include specific mitigation measures identified through consultation with affected sensitive land user(s) and the mitigation measures must be implemented for the duration of the works. A copy of the **DNVIS** must be provided to the **AA** and **ER** before the commencement of the associated works. The Planning Secretary and the EPA may request a copy (ies) of the **DNVIS**.
- D30 **DNVIS** must be prepared for each construction site before construction noise and vibration impacts commence and include specific mitigation measures identified through consultation with affected sensitive land users and updated as required if site conditions or activities change.
- D31 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before works that generate vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan**.

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

- D32 Vibration testing must be conducted during vibration generating activities that have the potential to impact on Heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures. Such measures must include, but not be limited to, review or modification of excavation techniques.
- D33 The Proponent must seek the advice of a heritage specialist on methods and locations for installing equipment used for vibration, movement and noise monitoring at Heritage items.
- Note: The installation of noise and vibration equipment must not impact on the heritage value of the Heritage items.*
- D34 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.
- D35 If a Heritage item is found to be structurally unsound (following inspection) a cosmetic damage criterion of 2.5 mm/s peak component particle velocity (from DIN 4150) must be applied.

#### **Utility Coordination and Respite**

- D36 All work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations) must be coordinated to ensure respite periods are provided. The Proponent must:
- (a) reschedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with **Condition D37**; or
  - (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and

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

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

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

D37 In order to undertake out-of-hours work outside the hours specified under **Condition D21**, appropriate respite periods for the out-of-hours work must be identified in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:

- (a) a progressive schedule for periods no less than three (3) months of likely out-of-hours work;
- (b) a description of the potential work, location and duration of the out-of-hours work;
- (c) the noise characteristics and likely noise levels of the work; and
- (d) likely mitigation and management measures which aim to achieve the relevant NMLs under **Condition D26** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers).

The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour work must be provided to the **AA**, EPA and the Planning Secretary.

*Note: Respite periods can be any combination of days or hours where out-of-hours work would not be more than 5 dB(A) above the RBL at any residence.*

#### **Rock breaking and Respite**

D38 The Proponent must identify all receivers at Pyrmont and Hunter Street Sydney CBD likely to experience internal noise levels greater than  $L_{eq(15 \text{ minute})}$  60 dB(A) inclusive of a 5 dB penalty, if rock breaking or any other highly noise intensive activity likely to result in regenerated (ground-borne) noise or a perceptible level of vibration is planned (including works associated with utility adjustments), between 7am and 8pm.

*Note: This condition does not override requirements for work hours as outlined in Conditions D21, D22 and D23 above.*

D39 The Proponent must consult with all receivers identified in accordance with **Condition D38** with the objective of determining appropriate hours of respite so that construction noise (including ground-borne noise), does not exceed internal noise levels of:

- (a)  $L_{eq(15 \text{ minute})}$  60 dB(A) inclusive of a 5 dB penalty if rock breaking or any other highly noise intensive activity likely to result in ground-borne noise or a perceptible level of vibration is planned between 7am – 8pm for more than 50 percent of the time; and
- (b)  $L_{eq(15 \text{ minute})}$  55 dB(A) inclusive of a 5 dB penalty if rock breaking or any other highly noise intensive activity likely to result in ground-borne noise or a perceptible level of vibration is planned between 7am – 8pm for more than 25 percent of the time,

unless an agreement is reached with those receivers. This condition does not apply to noise associated with the cutting surface of a TBM as it passes under receivers.

*Note This condition requires that noise levels be less than  $L_{eq(15 \text{ minute})}$  60 dB(A) for at least 6.5 hours between 7am and 8pm, of which at least 3.25 hours must be below  $L_{aeq(15 \text{ minute})}$  55 dB(A). Noise equal to or above  $L_{eq(15 \text{ minutes})}$  60 dB(A) is allowed for the remaining 6.5 hours between 7am and 8pm.*

D40 Notwithstanding **Conditions D22** and **D23**, rock breaking and other particularly highly noise intensive activities for station shaft or cut and cover stations is not permitted outside of hours identified in **Condition D21**, except at Hunter Street Sydney CBD; or

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- (a) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
- (b) where different construction hours are permitted or required under an EPL in force in respect of the construction; or
- (c) where an EPL is not required or in force, approved through an Out of Hours Work Protocol developed in accordance with **Condition D24**; or
- (d) construction that causes  $L_{Aeq(15\text{ min})}$  noise levels:
  - (i) no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline (DECC, 2009)*; and
  - (ii) no more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline (DECC, 2009)* at other sensitive land uses; and
  - (iii) continuous or impulsive vibration values, measures at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline (DEC, 2006)*; and
  - (iv) intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline (DEC, 2006)*.

### **Blasting**

D41 No blasting is permitted as part of this CSSI.

### **LAND USE AND PROPERTY**

D42 The CSSI must be designed and constructed with the objective of minimising impacts to, and interference with, third party property and infrastructure, and that such infrastructure and property is protected during construction.

D43 The utilities and services (hereafter “services”) potentially affected by construction must be identified to determine requirements for diversion, protection and / or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. Disruption to services resulting from construction must be avoided, wherever possible, and advised to customers where it is not possible.

### **Condition Survey**

D44 A suitably qualified and experienced person must undertake condition surveys of all buildings, structures, utilities and the like identified in the documents listed in **Condition A1** as being at risk of damage before commencement of any work that could impact on the subject surface / subsurface structure. The results of the surveys must be documented in a **Pre-construction Condition Survey Report** for each item surveyed. Copies of **Pre-construction Condition Survey Reports** must be provided to the relevant owners of the items surveyed in the vicinity of the proposed work, and no later than one (1) month before the commencement of the work that could impact on the subject surface / subsurface structure.

D45 Condition surveys of all items for which condition surveys were undertaken in accordance with **Condition D44** must be undertaken by a suitably qualified and experienced person after completion of the work identified in **Condition D44**. The results of the surveys must be documented in a **Post-construction Condition Survey Report** for each item surveyed. Copies of **Post-construction Condition Survey Reports** must be provided to the landowners of the items surveyed, and no later than three (3) months following the completion of the work that could impact on the subject surface / subsurface structure unless otherwise agreed by the Planning Secretary.

D46 The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration or from groundwater change) by the work at no cost to the owner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the property owner. Rectification or compensation must be undertaken within 12 months of

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completion of the work identified in **Condition D44** unless another timeframe is agreed with the owner of the affected surface or sub-surface structure or recommended by the **IPIAP**.

- D47 Appropriate equipment to monitor areas in proximity of construction sites and the tunnel route during construction must be installed with particular reference to at risk buildings, structures and utilities identified in the condition surveys required by **Condition D44** and / or geotechnical analysis as required. If monitoring during construction indicates exceedance of predicted impacts identified in the documents in **Condition A1** or determined through geotechnical analysis, then all construction affecting settlement must cease immediately if it is safe to do so and must not resume until fully rectified or a revised method of construction is established that will ensure protection of affected buildings.
- D48 An **Independent Property Impact Assessment Panel (IPIAP)** must be established. The Planning Secretary must be informed of the members of the **IPIAP** and the **IPIAP** must comprise geotechnical and engineering experts independent of the design and construction team. The **IPIAP** will be responsible for independently verifying condition surveys undertaken under **Conditions D44** and **D45**, the resolution of property damage disputes and the establishment of ongoing settlement monitoring requirements.
- D49 Either the affected property owner or the Proponent may refer unresolved disputes arising from potential and/or actual property impacts to the **IPIAP** for resolution. All costs incurred in the establishing and implementing of the panel must be borne by the Proponent regardless of which party makes a referral to the **IPIAP**. The findings and recommendations of the **IPIAP** are final and binding on the Proponent.
- D50 Settlement monitoring must be extended if directed so by the **IPIAP** following its review of the monitoring data from the period not less than six (6) months after settlement has stabilised, consistent with **Condition D47**. The results of the monitoring must be made available to the Planning Secretary upon request.

## **SOCIAL**

- D51 Adverse social impacts as a result of the CSSI must be minimised and managed, and social benefits enhanced in accordance with the *Social Impact Assessment Guideline* (Department of Planning, Industry and Environment, November 2021).

### **Community Communications Strategy(s)**

- D52 Community Communications Strategy(s) must be prepared in accordance with the Overarching Community Communication Strategy as provided in the documents listed in **Condition A1** and must:
- (a) identify affected communities, including vulnerable or marginalised groups;
  - (b) include specific and proportionate measures and mitigations to manage impacts identified in section 4.3 (as relevant) of the *Social Impact Assessment Guideline* (Department of Planning, Industry and Environment, November 2021) and enhance positive social outcomes;
  - (c) support the implementation of the Community Benefits Plan(s) as required under **Condition D53**;
  - (d) be informed by engagement with directly affected communities and stakeholders; and
  - (e) consider cumulative impacts at each site, as relevant.

The Community Communication Strategy(s) must be submitted to the Planning Secretary for information before construction. The Community Communication Strategy(s) must be implemented for the duration of construction.

The CCS(s) must be monitored and reviewed in accordance with the OCCS, including consideration of the appropriateness of mitigation measures and lessons learnt.

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## Community Benefit Plan(s)

D53 A **Community Benefit Plan(s) (CBP)** must be prepared by suitably qualified and experienced person(s), to guide the delivery of measures identified in the documents listed in **Condition A1** of this schedule relating to social impacts and the development of community benefit initiatives to deliver tangible benefits. The **CBP(s)** must aim to:

- (a) make a positive contribution to the potentially affected community including vulnerable and marginalised groups;
- (b) respond to community priorities and needs;
- (c) create positive community or environmental outcomes; and
- (d) prioritise consideration of achieving outcomes for enhancing community character, community culture, community wellbeing and the local surroundings.

The **CBP(s)** must include a community benefit initiative impact register to monitor, review, and report on the effectiveness of the plan(s).

The **CBP(s)** must review and refine the social impacts, risks and mitigations in the documents listed in **Condition A1**, including impacts identified in section 4.3 (as relevant) of the *Social Impact Assessment Guideline* (Department of Planning, Industry and Environment, November 2021

Nothing in this condition prevents the preparation of individual **Community Benefit Plan(s)** for each station precinct.

The **Community Benefit Plan(s)** must be submitted to the Planning Secretary for information, before construction. The **Community Benefit Plan(s)** must be implemented for the duration of construction. The community benefit initiative impact register must be provided to the Planning Secretary upon request.

## BUSINESS

### Small Business Owners Engagement Plan(s)

D54 **Small Business Owners Engagement Plan(s)** must be prepared and implemented in accordance with the **Overarching Community Communication Strategy** to minimise adverse impacts and secure benefits to businesses and traders on streets and underground pedestrian access affected by construction of the CSSI. The Plan(s) must include but not necessarily be limited to:

- (a) measures to address amenity, vehicular and pedestrian access (including wayfinding) and visibility of the business or service appropriate to its reliance on such, and other reasonable matters raised in consultation with affected businesses and traders;
- (b) measures to address impacts from the permanent closure of DeMastre Place and temporary closure of the underground pedestrian walkway between Wynyard Station and Pitt Street;
- (c) measures to assist small businesses adversely impacted by construction of the CSSI, such as small business education and mentoring, activation events, business engagement events, marketing and promotion.

The Plan(s) must be prepared and submitted to the Planning Secretary for information before construction at the relevant construction site.

The Plan(s) must be monitored and reviewed in accordance with the Overarching Community Communication Strategy.

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## SOILS AND CONTAMINATION

### Soils

- D55 Prior to the commencement of any ground disturbance, erosion and sediment controls must be installed and maintained, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'.

### Contamination

- D56 A NSW EPA-accredited Site Auditor must be engaged throughout the duration of works to ensure that any work required in relation to contamination is appropriately managed.
- D57 A **Sampling and Analysis Quality Plan (SAQP)** must be prepared for medium and high risk sites as identified in the documents referred to in **Condition A1** to ensure that field investigations and analyses will be undertaken in a way that enables the collection and reporting of reliable data to meet project objectives, including (where applicable) the relevant site characterisation requirements of the detailed or targeted site investigations. The SAQP must:
- (a) be prepared (or reviewed and approved) by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
  - (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*; and
  - (c) be reviewed by a NSW EPA accredited Site Auditor. The Site Auditor must issue interim audit advice stating whether they consider the SAQP to be appropriate. The SAQP and the interim audit advice prepared by a Site Auditor must be submitted to the Planning Secretary for information.
- D58 **Detailed Site Investigations** to confirm moderate and high risk contaminated sites identified in Preliminary Site Investigation in **Condition A1** must be prepared, or reviewed and approved by a Contaminated Land Consultant certified under either the Environment Institute of Australia or New Zealand's "Certified Environmental Practitioner" (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

The **Detailed Site Investigations** must be undertaken before ground disturbance in areas identified in the documents under **Condition A1** as moderate to high risk.

- D59 A **Detailed Site Investigation Report** must be prepared and submitted to the Planning Secretary for information following the completion of **Detailed Site Investigations** required by **Condition D58** and:
- (a) be prepared (or reviewed and approved) by a Contaminated Land Consultant certified under either the Environment Institute of Australia or New Zealand's "Certified Environmental Practitioner" (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
  - (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (NSW); and
  - (c) be reviewed by a NSW EPA-accredited Site Auditor. The Site Auditor must issue **interim audit advice** stating whether the DSI appropriately categorises risk and remediation requirements. The **Detailed Site Investigation Report** and **interim audit advice** must be submitted to the Planning Secretary for information.

Nothing in this condition prevents the Proponent from preparing individual Site Contamination Reports for separate sites.

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D60 If remediation is required to make land suitable for the intended land use, a **Remedial Action Plan** must:

- (a) be prepared (or reviewed and approved) by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
- (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
- (c) include measures to remediate the contamination at the site to ensure the site will be suitable for the proposed use and detail how the environmental and human health risks will be managed during the disturbance, remediation and/or removal of contaminated soil/sediment or groundwater; and
- (d) be reviewed by a NSW EPA-accredited Site Auditor. The Site Auditor must issue a **Section B Site Audit Statement** or **interim audit advice** which certifies that the **Remedial Action Plan** is appropriate to remediate identified contamination.

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

D61 Before commencing remediation, a copy of the **Remedial Action Plan** and the **Section B Site Audit Statement**, or **interim audit advice**, must be submitted to the Planning Secretary for information.

D62 The **Remedial Action Plan** must be implemented and changes to the **Remedial Action Plan** must be approved in writing by the NSW EPA accredited Site Auditor. A copy of the revised **Remedial Action Plan** must be provided to the Planning Secretary for information.

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

D63 A **Section A1** or **A2 Site Audit Statement** (accompanied by an Environmental Management Plan) and its accompanying **Site Audit Report**, which state the contaminated land subject to the **Remedial Action Plan** has been made suitable for the intended land use, must be submitted to the Planning Secretary and Council after remediation and before the commencement of operation of the CSSI.

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

D64 Contaminated land must not be used for the purpose approved under the terms of this approval until a **Section A1** or **A2 Site Audit Statement** is obtained which states that the land is suitable for that purpose and any conditions on the **Section A Site Audit Statement** have been complied with.

D65 An **Unexpected Finds Procedure for Contamination** must be prepared before the commencement of construction and implemented throughout construction. The procedure must:

- (a) be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered;
- (b) include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved; and
- (c) be prepared, (or reviewed and approved), by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified

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## SUSTAINABILITY

D66 A **Water Reuse Strategy** must be prepared, which sets out options for the reuse of collected stormwater during the CSSI. The Water Reuse Strategy must include, but not be limited to:

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

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

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

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

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

## TRAFFIC AND TRANSPORT

D67 Access to all utilities and affected properties must be maintained where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.

D68 Any property access physically affected by the CSSI must be reinstated to at least an equivalent standard, unless otherwise agreed by the relevant landowner or occupier.

D69 During construction of the CSSI, all reasonably practicable measures must be implemented to maintain pedestrian, cyclist and vehicular access to, and parking in the vicinity of affected businesses / traders. 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 / traders and relevant Councils and implemented prior to the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

D70 Construction vehicles (including light vehicles) must not use Robert Street, Rozelle to access The Bays metro station construction site, unless required in the event of an emergency situation.

D71 The locations of all heavy vehicles used for spoil haulage for the CSSI must be monitored in real time and the records of monitoring be made available electronically to the Planning Secretary and the EPA upon request for a period of no less than one (1) year following the completion of construction.

D72 **Construction Traffic Management Plans (CTMPs)** must be prepared in accordance with the Construction Traffic Management Framework. A copy of the **CTMPs** must be submitted to the Planning Secretary for information before the commencement of any construction in the area identified and managed within the relevant **CTMP**.

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D73 Local roads proposed to be used by heavy vehicles to directly access construction sites that are not identified in the documents listed in **Condition A1** must be approved by the Planning Secretary and be included in the **CTMPs**.

D74 All requests to the Planning Secretary under **Condition D73** must include the following:

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

### **Road Dilapidation**

D75 Prior to any local road being used by a heavy vehicle for the purposes of construction of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the relevant council within three (3) weeks of completion of the survey and at no later than one (1) month before the road being used by heavy vehicles associated with the construction of the CSSI.

D76 If damage to roads occurs as a result of the construction of the CSSI, the Proponent must either (at the relevant council's discretion):

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

### **Construction Parking and Access Management**

D77 All vehicles associated with the CSSI (including light vehicles and heavy vehicles) must be managed to:

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

D78 A **Construction Parking and Access Strategy** must be prepared to identify and mitigate impacts resulting from on and off-street parking changes during construction of the CSSI. The **Construction Parking and Access Strategy** must include, but not necessarily be limited to:

- (a) achieving the requirements of **Condition D77** above;
- (b) confirmation and timing of the removal of on and off-street parking associated with construction of the CSSI;
- (c) parking surveys of all parking spaces to be removed or occupied by the project workforce to determine current demand during peak, off-peak, school drop off and pickup, weekend periods and during special events;
- (d) consultation with affected stakeholders utilising existing on- and off-street parking stock which will be impacted as a result of construction;

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- (e) assessment of the impacts to on and off-street parking stock taking into consideration, outcomes of consultation with affected stakeholders and considering the impacts of other major projects in the locality and special events;
- (f) identification of practicable mitigation measures to manage impacts to stakeholders as a result of on and off-street parking changes including, but not necessarily limited to, staged removal and replacement of parking, provision of alternative parking arrangements, managed staff parking arrangements and working with relevant council(s) to introduce parking restrictions adjacent to work sites and compounds or appropriate residential parking schemes;
- (g) mechanisms for monitoring, over appropriate intervals (not less than 6 months), to determine the effectiveness of implemented mitigation measures;
- (h) details of shuttle bus service(s) to transport the project workforce to construction sites from public transport hubs and off-site car parking facilities (where these are provided) and between construction sites;
- (i) provision of contingency measures should the results of mitigation or monitoring indicate implemented measures are ineffective; and
- (j) provision of reporting of monitoring results to the Planning Secretary and relevant Councils at six (6) monthly intervals.

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

#### Road Safety

- D79 A **Traffic and Transport Liaison Group(s)** must be established before construction in accordance with the Construction Traffic Management Framework to inform the development of **CTMPs**.
- D80 Supplementary analysis and modelling as required by TfNSW and / or the **Traffic and Transport Liaison Group(s)** must be undertaken to demonstrate that construction and operational traffic can be managed to minimise disruption to traffic network operations including changes to and the management of pedestrian, bicycle and public transport networks, public transport services, and pedestrian and cyclist movements. Revised traffic management measures must be incorporated into the **CTMPs**.
- D81 Permanent road works, including vehicular access, signalised intersection works, and works relating to pedestrians, cyclists, and public transport users must be subject to safety audits demonstrating consistency with relevant design, engineering and safety standards and guidelines. Safety audits must be prepared in consultation with the relevant **Traffic and Transport Liaison Group** before the completion and use of the subject infrastructure and must be made available to the Planning Secretary upon request.

#### Pedestrian and Cyclist Access

- D82 Safe pedestrian and cyclist access must be maintained and signposted around CSSI construction sites during construction, including during the operation of festivals and special events, in accordance with the **CTMPs**.

*Note: Pedestrian and cyclist access around construction sites must be as direct as reasonably practicable.*

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### **Emergency Vehicle Access**

D83 The Proponent must maintain emergency vehicle access, in consultation with TfNSW, relevant Councils and emergency services at all times throughout the CSSI. Measures must be outlined in the **Construction Parking and Access Strategy** required under **Condition D78** above.

## **UTILITIES MANAGEMENT**

D84 Utilities, services and other infrastructure potentially affected by construction must be identified before works affecting the item, to determine requirements for access to, diversion protection, and / or support. The relevant owner(s) and / or provider(s) of services must be consulted to make suitable arrangements for access to diversion, protection, and / or support of the affected infrastructure as required. The Proponent must ensure that disruption to any service is minimised and be responsible for advising local residents and businesses affected before any planned disruption of service.

### **Utility Coordination Manager**

D85 A **Utility Coordination Manager** must be appointed for the duration of work associated with the CSSI. The role of the **Utility Coordination Manager** must include, but not be limited to:

- (a) the management and coordination of all utility work associated with the delivery of the CSSI, to ensure respite is provided to the community;
- (b) providing advice to the Sydney Metro Place Manager regarding upcoming utility work, including the scope of the work and the responsibility for the work; and
- (c) investigating complaints received from the Community Complaints Mediator or the Project communication team relating to utility work and providing a response as required.

## **URBAN DESIGN AND VISUAL AMENITY**

### **Ancillary Facilities**

D86 Wayfinding information must be incorporated on temporary hoardings to guide pedestrians around ancillary facilities and enhance their understanding and experience of the locality and space.

D87 Nothing in this approval permits commercial advertising on any element of the CSSI.

### **Lighting and Security**

D88 The CSSI must be constructed with the objective of minimising light spill to surrounding properties including from headlights of construction vehicles. All lighting associated with the construction of the CSSI must be consistent with the requirements of *Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*. Additionally, mitigation measures must be provided to manage any residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.

### **Visual Amenity**

D89 The CSSI must be constructed in a manner that minimises visual impacts of construction sites including, providing temporary landscaping and vegetative screening, minimising light spill, minimising impacts to identified significant view lines and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located, wherever practicable.

## **WASTE**

D90 Waste generated during construction and operation must be dealt with in accordance with the following priorities:

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- (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
  - (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
  - (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.
- D91 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the CSSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- D92 Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.
- D93 All waste must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

## WATER

- D94 Work on waterfront land must be carried out in accordance with controlled activity guidelines.

### Water Quality

- D95 The CSSI must be designed and constructed so as to maintain the *NSW Water Quality Objectives* (NSW WQO) where they are being achieved as at the date of this approval, and contribute towards achievement of the NSW WQO over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the NSW WQO, in which case those requirements must be complied with.
- D96 Unless an EPL is in force in respect to the CSSI and that licence specifies alternative criteria, discharges from wastewater treatment plants to surface waters must not exceed:
- (a) the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018* (ANZG (2018)) default guideline values for toxicants at the 95 per cent species protection level;
  - (b) for physical and chemical stressors, the guideline values set out in Tables 3.3.2 and 3.3.3 of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000* (ANZECC/ARMCANZ)
  - (c) for bioaccumulative and persistent toxicants, the ANZG (2018) guidelines values at a minimum of 99 per cent species protection level; and
  - (d) the draft *Australian and New Zealand Guidelines* default guideline values for iron (marine).

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.

- D97 If alternative discharge criteria from the Water Treatment Plants are proposed via an EPL, a **Water Pollution Impact Assessment** will be required for the relevant pollutants to inform licensing consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with a level of detail commensurate with the potential water pollution risk.

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- D98 If construction stage stormwater discharges are proposed, a **Water Pollution Impact Assessment** will be required to inform licensing consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with a level of detail commensurate with the potential water pollution risk.
- D99 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.

#### **Groundwater**

- D100 Make good provisions for groundwater users must be provided in the event of a material decline in water supply levels, quality or quantity from registered existing bores associated with groundwater changes from construction dewatering by the CSSI in accordance with the *NSW Aquifer Interference Policy* (NSW DPIE, 2012). .
- D101 The Proponent must submit a revised **Groundwater Modelling Report** in association with the CSSI to the Planning Secretary for information before bulk excavation at the relevant construction location. The **Groundwater Modelling Report** must include:
- (a) for each construction site where excavation will be undertaken, cumulative (additive) impacts from nearby developments, parallel transport projects and nearby excavation associated with the CSSI;
  - (b) predicted incidental groundwater take (dewatering) including cumulative project effects;
  - (c) potential impacts of the CSSI or detail and demonstrate why the CSSI will not have lasting impacts to the groundwater system, groundwater incidental take and groundwater level drawdown effects;
  - (d) actions required to minimise the risk of inflows;
  - (e) saltwater intrusion modelling analysis, from estuarine and saline groundwater in shale, into Pyrmont construction site and other relevant metro station sites; and
  - (f) a schematic of the conceptual hydrogeological model.

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## Appendix A

### WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven (7) days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A43** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the CSSI and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the Proponent became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of approval;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.

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