

Billabong Creek Environmental Water Regulators - SSI-50831979

Conditions of Approval

Infrastructure approval

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I grant approval to the carrying out of the State significant infrastructure (SSI) referred to in Schedule 1, subject to the conditions in Schedule 2.



Glenn Snow
Director, Transport and Water Assessments

Sydney

19 February 2026

SCHEDULE 1

Application no.:	SSI-50831979
Proponent:	DCCEEW Water Group (NSW)
Approval Authority:	Minister for Planning and Public Spaces
Land:	Hartwood and Wanganella, Edward River LGA
Description of State Significant Infrastructure:	Replacement of two existing weirs along Billabong Creek with two new environmental water regulators.
Declaration as State Significant Infrastructure	The proposal is declared State significant infrastructure by operation of Part 5, Division 5.2 of the EP&A Act, <i>State Environmental Planning Policy (Planning Systems) 2021</i> (the Planning Systems SEPP), and <i>State Environment Planning Policy (Transport and Infrastructure) 2021</i> (the Transport and Infrastructure SEPP).

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DEFINITIONS

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

Table 1: Definitions

Term	Definition
Aboriginal Cultural Heritage	The same meaning as “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
AHIMS	Aboriginal Heritage Information Management System
AEP	Annual Exceedance Probability
Ancillary facility	A temporary facility for construction of the SSI including an office and amenities compound, construction compound, skip bin, fuel and equipment containers, a fixed material stockpile area, access roads, borrow pit, temporary coffer dams and car parking facilities. <i>Note: Where an approved CEMP contains a stockpile management protocol, a material stockpile area located within the construction boundary is not considered to be an ancillary facility.</i>
CALD	Culturally and Linguistically Diverse
CPHR	Conservation Programs Heritage and Regulation of NSW DCCEEW
Certified contaminated land consultant	A contaminated land consultant certified under one of the following certifications: <ul style="list-style-type: none"> • Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)); or • Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM)
CEMP	Construction Environmental Management Plan
CLM Act	Contaminated Land Management Act 1997
Completion of construction	The date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all construction related requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Construction	Includes Work required to construct the SSI as defined in the Project Description in the documents listed in Condition A1 including commissioning trials of equipment and temporary use of any part of the SSI but excludes Low Impact Work which is carried out or completed prior to approval of the CEMP and work approved under a Site Establishment Management Plan .
Construction Boundary	The area physically affected by work as defined in the Project Description in the documents listed in Condition A1 .

Term	Definition
Consultation	<p>To provide information and actively engage with and obtain and consider feedback from stakeholders following project approval. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project.</p> <p>This definition must be used to inform the Communication Strategy required under Condition B1.</p>
Contamination	As defined in the CLM Act
Default Operation	Default Operation means the lay flat gates of the infrastructure are set to the height that achieves a similar weir pool size and hydrological regime to the replaced Hartwood and Wanganella fixed crest weirs, and the gates on the infrastructure are operated so that the structure regulates flows as a fixed crest weir.
Department	NSW Department of Planning, Housing and Infrastructure
Disturbance of land	Work that alters the ground surface to expose underlying soils or fill materials.
DPIRD Fisheries	NSW Department of Primary Industries and Regional Development, Fisheries Division.
EIS	The Environmental Impact Statement referred to in Condition A1 , submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project.
EMS	Environmental Management System
EWR	Environmental Water Requirement
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the SSI approved by the Planning Secretary.
Fixed Crest Weir	The height of the weir for water impoundment is set (is static and does not move with the operation of any gated structure).
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in their social groupings.
Environmental Heritage	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977 (NSW)</i>
Environmental Representative Protocol	<i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018)
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law (NSW)</i> .
Heritage Council	Heritage Council of NSW or its delegate

Term	Definition
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
Heritage NSW	Heritage NSW, Department of Climate Change, Energy, the Environment and Water.
Highly noise intensive work	Work identified as particularly annoying in section 4.5 of the <i>Interim Construction Noise Guideline</i> (DECC, 2009).
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
LALC(s)	Local Aboriginal Land Council(s)
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i> .
LOTE	Language Other Than English

Term	Definition
Low Impact Work	<p>(a) surveys;</p> <p>(b) investigations;</p> <p>(c) property acquisition adjustment work;</p> <p>(d) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring to ensure that there is no impact on heritage items;</p> <p>(e) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI; and</p> <p>(f) Works or uses that the ER has determined will have minimal environmental or community impact, including out-of-hours work determined under (b) below.</p> <p>Notwithstanding the following works are not Low Impact Work:</p> <p>(a) where heritage items or expected archaeological potential, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary, following consultation by the Proponent with Heritage NSW, CPHR or DPIRD Fisheries (in the case of impact upon fish and aquatic invertebrates); and</p> <p>(b) any Work undertaken outside the hours specified in Condition E29 that exceeds noise management and vibration levels as identified in Condition E30(b), unless determined by the ER the activity can occur.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. <i>Early stages of Work are not necessarily low impact work.</i> 2. <i>Low Impact work is not construction as defined by this approval.</i> 3. <i>Where ER approval is sought, the Proponent must justify the need to undertake the activity and advise how any low impact activity will be managed including duration of the activity and cumulative impacts.</i>
Material harm	<p>Is harm that:</p> <p>(a) involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</p> <p>(b) results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. <i>This definition excludes “harm” that is either authorised under this consent or any other statutory approval.</i> 2. <i>For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i>
Minister	NSW Minister for Planning and Public Spaces
Minor Ancillary Facility	Worker amenities and materials laydown and the like that are not part of an ancillary facility site.
NML(s)	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).

Term	Definition
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the SSI (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary. <i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.</i>
OOHW	Out of hours work
POEO Act	<i>Protection of the Environment Operations Act 1997 (NSW)</i>
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977 (NSW)</i> .
RAPs	Registered Aboriginal Parties
Relevant council(s)	Edward River Council
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993 (NSW)</i> .
Remediation	As defined in the CLM Act
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the SSI under the EP&A Act.
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval.
Sensitive land use(s)	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.
SMART	Specific, Measurable, Achievable, Realistic, and Timely
Standard Operation	Standard Operation means the lay flat gates of the infrastructure may be operated to control the flow of water over the weir, in a manner that is generally consistent with the operation of the proposal to regulate flows and hydrological characteristics of Billabong Creek as set out in the documents listed in Condition A1 .

Term	Definition
Unexpected heritage find	An object or place that is discovered during the carrying out of the SSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains.
Vulnerable or marginalised groups	Vulnerable or marginalised groups include those people: on very low incomes, living with disabilities or poor health, from culturally and linguistically diverse (CALD) communities, experiencing homelessness or insecure housing, and those who for whatever reason are unable or unwilling to express or represent themselves and their needs.
Water Group	NSW DCCEEW – Water Group
Work	Any physical activity for the purpose of the SSI including Construction and Low Impact Work.
YCSOP	Yanco Creek System Operations Plan

SUMMARY OF REPORTING, NOTIFICATION AND APPROVAL REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 2**. Note that under **Condition A8** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the notification of an incident and non-compliance notification required under **Conditions A33 and A35**).

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

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

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A10	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) or the first of the proposed stages	Information
A14	Revised Staging Report	No later than one month before the proposed change in the staging	Information
A21	Environmental Representative	One month before the commencement of work	Approval
A23(k)	Environmental Representative monthly reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A25	Notification of commencement	One month before the commencement of Work (in relation to low impact works), construction and operation	Notification
A26	Notification of commencement of each stage	At least one month before the commencement of each stage	Notification
A27	Approval of Independent Auditors	Before the commencement of an Independent Audit	Approval
A31	Independent Audit Reports	Within two months of undertaking the independent audit site inspection	Information
A33	Written notification of incident	Within 24 hours of the Proponent becoming aware of an incident	Notification
A35	Non-Compliance Notification	Within seven days after the Proponent becomes aware of any non-compliance	Notification
Part B - Communication Information and Reporting			
B3	Communication Strategy	One month before the commencement of Work	Approval
B9	Complaints Register	Provided to the Planning Secretary upon request, within the timeframe stated in the request	Upon request
Part C - Construction Environmental Management			
C1	Ancillary Facility - Site Establishment Management Plan	One month before the establishment of any ancillary facilities	Approval

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

Condition	Report / Notification	Timing ¹	Purpose
C7 and C8	CEMP	One month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage	Approval
C7 and C8	CEMP Sub-plans	One month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage	Approval
Part E – Key Issues			
Key Fish Habitat			
E9	Key Fish Habitat Offset Strategy	within 12 months of the approval date for this infrastructure	Information
Contamination			
E12	Unexpected Finds Procedure for Contamination	Provided upon request to the Planning Secretary	Upon request
Heritage			
E20	Annotated Index and Reference	Provided upon request to the Planning Secretary	Upon request
E21	Unexpected Heritage Finds and Humans Remains Procedure	Provided upon request to the Planning Secretary	Upon request
Noise and Vibration			
E30(a)(ii)	Safety and Emergencies	On becoming aware of the need for emergency work	Information

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

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out the SSI in accordance with the terms of this approval and generally in accordance with the:
- (a) *Billabong Creek Environmental Water Regulators Environmental Impact Statement* dated October 2024
 - (b) *Billabong Creek Environmental Water Regulators Response to Submissions – Main Report* dated May 2025
 - (c) *Billabong Creek Regulators Request for additional information* dated September 2025
- A2 The SSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria / outcomes and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
 - (b) any document listed in **Condition A1** inclusive, the most recent document will prevail to the extent of the inconsistency.
- Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSI;
 - (b) any document or correspondence in relation to the SSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the SSI;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); and
 - (f) the carrying out of any additional monitoring or mitigation measures.
- In respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A5 This approval lapses five years after the date on which it is granted, unless Work has physically commenced on or before that date.
- A6 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise required by this approval or approved by the Planning Secretary.
- A7 This approval does not authorise the operation of the Part 4 of the Yanco Creek Modernisation Project (the Forest Creek Return Flows project).

TIMING AND APPROVALS

- A8 Any action required to be undertaken within a timeframe specified in or under the terms of this approval may be undertaken within a different timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.

EVIDENCE OF CONSULTATION

- A9 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and **ER** (as relevant) with the corresponding documentation. The evidence must include:
- (a) documentation of the consultation with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

STAGING

Staging the delivery of the SSI

- A10 The SSI may be constructed and operated in stages (including but not limited to temporal, location or activity, based staging). Where staged construction and/or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

Note: Unless otherwise specified in this approval, early works are a stage of construction unless considered to be Low Impact Work.

- A11 The **Staging Report** must:
- (a) if staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

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

- A12 Where staging is proposed, the SSI must be staged in accordance with the **Staging Report**.
- A13 Where staging is proposed, the terms of this approval that apply or are relevant to the Work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

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

- A14 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for information no later than one month before the proposed change in the staging.

Staging, Combining and Updating Strategies, Plans or Programs

- A15 Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.

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

Notes:

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

INDEPENDENT APPOINTMENTS

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

- A17 The Planning Secretary may at any time commission an audit of how an **Independent Appointment** has exercised their functions. The Proponent must:

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

- A18 The Planning Secretary may withdraw its approval of an **Independent Appointment** should they consider the Independent Appointment has not exercised their functions in accordance with this approval.

Note: Conditions A17 and A18 apply to all Independent Appointments.

- A19 More than one **Independent Appointment(s)** may be engaged for the SSI, in which case the functions to be exercised by the **Independent Appointments** under the terms of this approval may be carried out by any **Independent Appointments** that are approved by the Planning Secretary for the purposes of the SSI.

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

ENVIRONMENTAL REPRESENTATIVE

- A20 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.

- A21 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of Work.

A22 The proposed **ER** must meet the requirements of the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018) and must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in **Condition A1**, and is independent from the design and construction personnel for the SSI and those involved in the delivery of it.

A23 For the duration of the Work until the commencement of operation, the approved **ER** must:

- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;
- (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
- (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
- (d) review documents identified in **Conditions A10, C1, C5, and C9** and any other documents that are identified by this approval or the Planning Secretary, to ensure they are consistent with requirements of this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
- (e) regularly monitor the implementation of the documents listed in **Conditions A10, C1, C5, C9** and to ensure implementation is being carried out in accordance with the document and the terms of this approval;
- (f) as may be requested by the Planning Secretary, help plan or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A28** of this approval;
- (g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;
- (h) review and determine the appropriateness of any activities reliant on the definition of Low Impact Work;
- (i) consider or assess the impacts of minor construction ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition C4** of this approval;
- (j) consider any minor amendments to be made to the **Ancillary Facility Site Establishment Management Plan, CEMP, and CEMP Sub-plans** that are consistent with the terms of this approval and the **Ancillary Facility Site Establishment Management Plan, CEMP, and CEMP Sub-plans** approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
- (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies (where requested by those agencies), for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." **The Environmental Representative Monthly Report** must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI, or as otherwise agreed by the Planning Secretary.

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

A24 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A23** (including preparation of the **ER** monthly report), as well as:

- (a) the complaints register (to be provided on a weekly basis where complaints have been received or as requested); and

- (b) a copy of any assessment carried out by the Proponent of whether proposed Work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject Work).

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

NOTIFICATION OF COMMENCEMENT

- A25 The Department must be notified in writing of the dates of commencement of Work, Construction and Operation at least one month before those dates.
- A26 If the construction or operation of the SSI is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of the commencement of the relevant Work, Construction and Operation at least one month before those dates.

AUDITING

- A27 Proposed independent auditors must be approved by the Planning Secretary before the commencement of an **Independent Audit**.
- A28 **Independent Audits** of the SSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020) or as updated from time to time and published on the Department's website.
- A29 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified in *Independent Audit Post Approval Requirements* (Department of Planning, Industry and Environment, 2020), upon giving at least four weeks notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A30 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (Planning, Industry and Environment, 2020), the Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under **Condition A28** or **Condition A29**;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each **Independent Audit Report** and response to it publicly available 60 days after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.
- A31 **Independent Audit Reports** and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (Planning, Industry and Environment, 2020).
- A32 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (Planning, Industry and Environment, 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

Incident Notification, Reporting and Response

A33 The Proponent must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an incident;
- (c) a description of what immediate steps were taken in relation to the incident; and
- (d) identifying a contact person for further communication regarding the incident.

A34 The Proponent must provide the Department with a subsequent incident report in accordance with **Appendix A** (Incident Notification and Reporting Requirements).

Non-Compliance Notification

A35 Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the SSI (including the application number and the name of the SSI if it has one), set out the condition of this approval that the SSI is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of the SSI with relevant stakeholders including:
- (a) the community (including adjoining affected landowners and businesses, and others directly impacted by the SSI);
 - (b) Aboriginal people, Registered Aboriginal Parties (RAPs) and LALCs; and
 - (c) the relevant councils.
- B2 The **Community Communication Strategy** must:
- (a) identify people, organisations, councils to be consulted during the design and work phases of the SSI;
 - (b) identify details of the community and its demographics;
 - (c) identify timing of consultation;
 - (d) set out procedures and mechanisms for the regular distribution of accessible information including to LOTE and CALD and vulnerable communities about or relevant to the SSI;
 - (e) detail the measures for advising the community and relevant councils in advance of upcoming construction
 - (f) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from stakeholders;
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI;
 - (g) address who will engage with the relevant stakeholders.
- B3 Work for the purposes of the SSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary. The Planning Secretary's approval of the **Community Communication Strategy** must be sought no later than one month before the commencement of Work.
- B4 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of Work and for 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B5 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of Work and for a minimum for 12 months following completion of construction of the SSI.

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

- B6 The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of Work and for 12 months following the completion of construction:
- (a) a telephone number for the registration of complaints and enquiries about the SSI;
 - (b) a postal address to which written complaints and enquires may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and
 - (d) a mediation system for complaints unable to be resolved.

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

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

B7 A **Complaints Register** must be maintained recording information on all complaints received about the SSI during the carrying out of any Work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:

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

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

B8 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:

- (a) the Complaints Register may be forwarded to government agencies, including the Department and its representatives (including independent appointments such as the ER), to allow them to undertake their regulatory duties;
- (b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies;
- (c) the supply of personal information by the complainant is voluntary; and
- (d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (Collection Statement).

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

Notes:

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

B9 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

PROVISION OF ELECTRONIC INFORMATION

B10 A website or webpage providing information in relation to the SSI must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 10 years following the completion of construction or unless an alternative timeframe is agreed by the Planning Secretary. The following up-to-date information (excluding confidential, personal, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of the SSI;

- (b) a copy of the documents listed in **Condition A1**, and any documentation relating to any modifications made to the SSI or the terms of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI;
- (e) a copy of the current version of each document required under the terms of this approval; and
- (f) a copy of the audit reports required under this approval.

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

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

Notes:

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

B11 Where the agreement of the Planning Secretary is sought to cease providing information via a website or webpage in accordance with **Condition B10**, the Proponent must demonstrate:

- (a) operational compliance through independent audits completed in accordance with **Condition A30(c)**;
- (b) how the public can request access to information that will no longer be available through a website or webpage.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

SITE ESTABLISHMENT WORK

Ancillary Facility - Site Establishment Management Plan

C1 Before establishing an ancillary facility that is required prior to the approval of a **CEMP** (excluding minor ancillary facilities established under **Condition C4**), the Proponent must prepare an **Ancillary Facility Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facility(ies). The **Ancillary Facility Site Establishment Management Plan** must be prepared in consultation with the relevant council and government agencies. The Plan must be endorsed by the **ER** and then submitted to the Planning Secretary for approval one month before the establishment of any ancillary facility(ies). The **Ancillary Facility Site Establishment Management Plan** must detail the management of the ancillary facility(ies) and include:

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

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

The ancillary facility(ies) listed in the **Ancillary Facility Site Establishment Management Plan** cannot be established until the Plan is approved by the Planning Secretary.

Note: This condition allows for the establishment of ancillary facility(ies) prior to the approval of a CEMP. Once a CEMP is approved, an Ancillary Facility Site Establishment Management Plan(s) is not required. The use of the ancillary facility must be addressed in the CEMP.

Use of and Decommissioning of an Ancillary Facility

C2 An ancillary facility established under **Condition C1** must not be used for construction until the **CEMP** required by **Condition C5**, and relevant **CEMP Sub-plans** required by **Condition C9** have been approved by the Planning Secretary.

C3 Once an ancillary facility is no longer required for the SSI, the land must be returned to its pre-existing or better condition within six months of the site being decommissioned or within two years of operation (whichever is the earliest), unless the land is subject to another requirement of this approval.

Minor Ancillary Facilities

C4 Minor Ancillary Facilities can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

- (a) are located within or immediately adjacent to the construction boundary; and
- (b) have been assessed by the proponent and endorsed by **ER** to have:
 - i. minimal amenity impacts to surrounding sensitive land use(s), and
 - ii. minimal environmental impact, and;

- iii. no impacts on biodiversity, heritage items beyond those already approved under other terms of this approval.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

C5 A **Construction Environmental Management Plan (CEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020).

C6 The **CEMP** must provide:

- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
- (b) details of environmental and social policies, guidelines and principles to be followed in the construction of the SSI;
- (c) a program for ongoing analysis of the key environmental and social impact risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the SSI;
- (d) details of how the activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1** and as required by this approval; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;
- (e) an inspection program detailing the activities to be inspected and frequency of inspections;
- (f) a protocol for managing and reporting any:
 - (i) incidents; and
 - (ii) non-compliances with this approval or statutory requirements;
- (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
- (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C9**. Where staged construction of the SSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
- (i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;
- (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental, social and compliance obligations under the terms of this approval; and
- (k) for periodic review and update of the **CEMP** and all associated plans and programs

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

C7 **CEMP(s)** (and relevant **CEMP sub-plans**) must be submitted to the Planning Secretary for approval.

C8 Where a **CEMP** (and relevant **CEMP sub-plans**) requires Planning Secretary's approval, the **CEMP** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.

C9 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies and councils identified for each **CEMP Sub-plan**. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A9**.

	Required CEMP Sub-plan	Relevant government agencies and councils to be consulted for each CEMP Sub-plan
(a)	Biodiversity Management Plan	CPHR
(b)	Aboriginal Cultural Heritage Management Plan	Heritage NSW, Edward River Council
(c)	Local Accommodation and Employment Plan	Edward River Council

Notes:

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

C10 The **CEMP sub-plan for Biodiversity Management** must be prepared to incorporate mitigation measures identified in the documents listed in **Condition A1** and the following:

- (a) be prepared by a suitably qualified and experienced biodiversity expert/s in consultation with NSW DCCEEW CPHR
- (b) be prepared in accordance with the BDAR dated June 2025
- (c) include a description of the measures and timeframes that would be implemented for:
 - (i) ensuring the development does not adversely affect the native vegetation and habitat outside the disturbance footprint;
 - (ii) minimising the clearing of native vegetation and habitat within the disturbance footprint;
 - (iii) minimising impacts on entities at risk of a serious and irreversible impact (SAIL)(Plains-wanderer (*Pedionomus torquatus*) habitat),
 - (iv) minimising impacts on the breeding cycles of the Little Eagle and Southern Bell Frog, including avoiding construction during breeding periods where possible
 - (v) rehabilitating and revegetating temporary disturbance areas;
 - (vi) protecting native vegetation and key fauna habitat outside the approved disturbance area;
 - (vii) maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (such as fauna habitat enhancement) during the rehabilitation and revegetation of the site;
 - (viii) collecting and propagating seed (where relevant);
 - (ix) controlling weeds and feral pests;
 - (x) controlling erosion; and
 - (xi) bushfire management;
- (d) include supplementary surveys to confirm the extent of threatened species within the development footprint
- (e) include a detailed program to monitor and report on the effectiveness of these measures;
- (f) include details of who would be responsible for monitoring, reviewing and implementing the plan.

C11 The **CEMP sub-plan for Aboriginal Cultural Heritage Management** must be prepared to incorporate mitigation measures identified in the documents listed in **Condition A1** and the following:

- (a) be prepared by suitably qualified and experienced persons
- (b) be prepared in consultation with the Registered Aboriginal Parties (RAPs) and reviewed by Heritage NSW
- (c) include a description of the measures (and associated methodologies) including digital recording, removal, archaeological salvage, trimming of branches, and protection measures that would be implemented for all Aboriginal sites that would be impacted by the proposed works and all Aboriginal sites in the vicinity of the proposed works as identified in the documents listed in **Condition A1**
- (d) the long-term management of any Aboriginal heritage items or cultural material collected under the ACHMP
- (e) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions

- (f) ongoing consultation and involvement of RAPs during the implementation of the ACHMP
 - (g) preparing Aboriginal Site Impact Recording Form/s (ASIRFs) for all Aboriginal heritage sites following construction activities with ASIRFs to be submitted to the Aboriginal Heritage Information Management System (AHIMS) registrar.
 - (h) Include a program to monitor and report on the effectiveness of management measures and any Aboriginal cultural heritage impacts of the project.
- C12 The **CEMP sub-plan for Local Accommodation and Employment** must be prepared to incorporate mitigation measures identified in the documents listed in **Condition A1** and the following:
- (a) measures to ensure there is sufficient accommodation for the workforce associated with the development
 - (b) options to prioritise the employment of local workers for construction and operation.
- C13 The **CEMP sub-plan for Soil and Water Management** must be prepared to incorporate mitigation measures identified in the documents listed in **Condition A1** and the following:
- (a) energy dissipation and stabilisation measures in areas of disturbance and increased flow velocity and/or shear stress
 - (b) geomorphic monitoring of channel form and erosion, and suitable response measures
- C14 The **CEMP Sub-plans** must state how:
- (a) the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
 - (b) the mitigation measures identified in the documents listed in **Condition A1** will be implemented;
 - (c) the relevant terms of this approval will be complied with; and
 - (d) issues requiring management during construction (including any trigger levels and cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.
- Construction must not commence until the relevant **CEMP(s)** and **CEMP Sub-plans** have been approved by the Planning Secretary.
- C15 The CEMP must include considerations about contamination at the sites, including all known and suspected contamination present in soils at the sites and consider the potential for groundwater to also be contaminated. Additionally, it must outline clear measures to mitigate impacts to human health and the environment from the contamination and identify the parties responsible for implementing these measures, as well as consider the information outlined in *Billabong Creek Regulators – Landfill Gas Investigation* (GHD, 2025).
- C16 The **CEMP(s)** and **CEMP Sub-plans** as approved, including any minor amendments approved by the **ER**, must be implemented for the duration of construction.

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 The height at which lay flat gates are set for operation as a fixed crest weir under Default Operations:
- a. is to be determined in consultation with WaterNSW and DPIRD Fisheries prior to demolition of the existing weirs
 - b. must be generally consistent with achieving the EWRs, flow regimes, environmental flow and river flow objectives under the hydrological base case set out in the documents listed in **Condition A1**
 - c. Unless permitted by **Condition D9** the height of the lay flat gates must not be set at an operational level exceeding:
 - i. 95.44m AHD for Hartwood regulator
 - ii. 80.99m AHD for Wanganella regulator
 - d. must be notified to the Planning Secretary prior the demolition of the existing weirs.

***Note 1: Condition D1** does not prevent the achievement of better environmental outcomes than under the hydrological base case. The hydrological base case is set out in Appendix G of the EIS.*

- D2 The infrastructure must be operated under Default Operations unless the Planning Secretary has confirmed in writing that:
- a. the Yanco Creek Systems Operations Plan (YCSOP) has been approved by the Planning Secretary; or
 - b. a waiver to the requirement for a YCSOP has been granted under **Condition D3(b)**.

- D3 The infrastructure may be operated under Standard Operations after:
- a. An YCSOP that is consistent with the documents listed in **Condition A1** has been submitted to and approved by the Planning Secretary; or
 - b. A waiver to the requirement for a YCSOP has been granted by the Planning Secretary, as a Water Sharing Plan (WSP) has been made under the *Water Management Act 2000* (NSW) that contains rules which achieve:
 - i. operation of the infrastructure in a manner consistent with the documents listed in **Condition A1**.
 - ii. a level of environmental performance consistent with the documents listed in **Condition A1** with respect to EWR achievement, flow regimes and river flow objectives.

***Note:** This approval does not intend to limit or prevail over any requirement under the *Water Management Act 2000*. This condition does not prevent a YCSOP and WSP waiver from operating concurrently.*

- D4 The Planning Secretary must be notified if the infrastructure returns to Default Operations after Standard Operations has commenced.
- D5 The infrastructure must be operated generally in accordance with any approved YCSOP under **Condition D3(a)**.
- D6 An amended YCSOP may be submitted to the Planning Secretary for approval under **Condition D3(a)** to replace any previously approved plan.
- D7 A waiver may be sought under **Condition D3(b)** by providing information that supports or demonstrates that the WSP made is consistent with **Condition D3(b)** of this approval.
- D8 Any waiver granted under **Condition D3(b)**:
- a. starts from the date identified in the waiver granted by the Planning Secretary
 - b. is automatically revoked if the WSP supporting the waiver is repealed or ceases to have effect

- c. is automatically revoked if the WSP supporting the waiver is amended and the WSP rules no longer achieve operation of the infrastructure in a manner consistent with the documents listed in **Condition A1**.

Note: If a WSP is repealed or ceases to have effect the infrastructure must be operated in Default Operations unless a YCSOP has also been approved.

- D9 During Default Operation, the infrastructure may be operated so that the fixed crest weir heights of the infrastructure specified in **Condition D1** are exceeded in order to support improved environmental outcomes for fish passage, fish breeding or migration events. Any such operation must also be to the satisfaction of DPIRD Fisheries and approved by the Planning Secretary in writing.

*Note: This is despite **Condition D1** of this approval.*

- D10 Hartwood regulator may be set at a lower height than the height determined for Default Operations under **Condition D1** for water delivery to meet operational shortfall with the prior written agreement of the Planning Secretary.

*Note: This is despite **Condition D1** of this approval. This condition allows for the operation of Hartwood regulator for the purpose of delivering water to meet operational shortfalls in a manner consistent with the operation of the previous Hartwood weir drop boards.*

- D11 The Planning Secretary must be provided with a data summary for publication every 5 years, after the initial commencement of Standard Operation, that reports on:
- a. achievement of EWRs during the 5-year period
 - b. achievement of EWRs during the previous 10 years where applicable
 - c. details when flows corresponding to the EWR codes were achieved
 - d. operating water levels of the regulators and weir pools, including the percentage of time water levels in each weir pool were within the operating zones identified in the documents listed in **Condition A1**, and includes data on the seasonality of water levels in the each of operating zones.

Note: The EWR codes are defined in the Murrumbidgee Long Term Water Plan.

PART E

KEY ISSUE CONDITIONS

AIR QUALITY AND ODOUR

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

BIODIVERSITY

Biodiversity Credits

- E2 The clearing of native vegetation must be minimised to the greatest extent practicable with the objective of reducing impacts to threatened ecological communities and threatened species habitat.
- E3 The Proponent must not clear any native vegetation or fauna habitat located outside the construction and operational disturbance footprints.
- E4 The Proponent must ensure that the vegetation habitat clearing limits specified in **Table 3** and **Table 4** are not exceeded.
- E5 Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Proponent must provide evidence to the Planning Secretary that biodiversity credits have been retired.
- E6 Prior to the impacts set out in **Table 3** and **Table 4**: Species Credits the number and classes of ecosystem credits and species credits (like-for-like) must be achieved by:
- a. retirement of biodiversity credits of a number and class specified in **Table 3**: Ecosystem Credits and **Table 4**: Species Credits in accordance with the Biodiversity Conservation Act 2016; and/or
 - b. where evidence of compliance with the [Ancillary rule: biodiversity conservation action](#) has been provided to the Planning Secretary, and/or
 - c. making a payment into the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits.

Table 3: Ecosystem Credits

Credit Class	Number of Credits	IBRA sub-region	Like-for-like PCTs	Hollow Bearing tree credit
Hartwood				
PCT 7 River Red Gum - Warrego Grass - herbaceous riparian tall open forest wetland	26	Murrumbidgee	Inland Riverine Forests. Includes PCT's: 2, 5, 7, 8, 9, 10, 11, 36, 78, 79, 112, 233, 234, 249, 356, 362, 4088, 4089	26
PCT 10 River Red Gum - Black Box woodland wetland of the	19	Murrumbidgee	Inland Riverine Forests This includes PCT's: 2, 5, 7, 8, 9, 10, 11, 36, 78, 79,	14

Credit Class	Number of Credits	IBRA sub-region	Like-for-like PCTs	Hollow Bearing tree credit
semi-arid (warm) climatic zone			112, 233, 234, 249, 356, 362, 4088, 4089	
PCT 13 Black Box - Lignum woodland wetland of the inner floodplains in the semi-arid (warm) climate zone	90	Murrumbidgee	Inland Floodplain Woodlands This includes PCT's: 13, 15, 16, 83, 438, 454, 630	68
PCT 44 Forb-rich Speargrass - Windmill Grass - White Top grassland	12	Murrumbidgee	Riverine Plain Grasslands This includes PCT's: 44	0
PCT 46 Curly Windmill Grass - speargrass - wallaby grass grassland on alluvial clay and loam (46 Moderate)	138	Murrumbidgee	Plain Grasslands This includes PCT's: 44, 45, 46, 165, 1203	0
PCT 46 Curly Windmill Grass - speargrass - wallaby grass grassland on alluvial clay and loam (46 Poor)	8	Murrumbidgee	Plain Grasslands This includes PCT's: 44, 45, 46, 165, 1203	0
Wanganella				
PCT 7 River Red Gum - Warrego Grass - herbaceous riparian tall open forest wetland	11	Murrumbidgee	Inland Riverine Forests This includes PCT's: 2, 5, 7, 8, 9, 10, 11, 36, 78, 79, 112, 233, 234, 249, 356, 362, 4088, 4089	11
PCT 10 River Red Gum - Black Box woodland wetland of the semi-arid (warm) climatic zone	18	Murrumbidgee	Inland Riverine Forests This includes PCT's: 2, 5, 7, 8, 9, 10, 11, 36, 78, 79, 112, 233, 234, 249, 356, 362, 4088, 4089	18
PCT 13 Black Box - Lignum woodland wetland of the inner floodplains in the semi-arid (warm) climate zone (13 Good)	30	Murrumbidgee	Inland Floodplain Woodlands This includes PCT's: 13, 15, 16, 83, 438, 454, 630	30

Credit Class	Number of Credits	IBRA sub-region	Like-for-like PCTs	Hollow Bearing tree credit
PCT 13 Black Box - Lignum woodland wetland of the inner floodplains in the semi-arid (warm) climate zone (13 DNG)	7	Murrumbidgee	Inland Floodplain Woodlands This includes PCT's: 13, 15, 16, 83, 438, 454, 630	0
PCT 46 Curly Windmill Grass - speargrass - wallaby grass grassland on alluvial clay and loam	63	Murrumbidgee	Riverine Plain Grasslands This includes PCT's: 44, 45, 46, 165, 1203	0
PCT 160 Nitre Goosefoot shrubland wetland on clays of the inland floodplains	7	Murrumbidgee	Inland Floodplain Shrublands This includes PCT's: 17, 24, 25, 115, 160, 161, 240, 241, 247, 261, 271, 375	0

Table 4: Species Credits

Species	Indirect Impacts (ha)	Direct Impacts (ha)	Number of credits
Hartwood			
Southern Bell Frog	0	5.52	157
Plains-Wanderer	0	1.96	123
Southern Myotis	0	5.52	157
Slender Darling Pea	0	2.25	94
Wanganella			
Little Eagle	0	1.25	30
Southern Bell Frog	0	3.28	85
Bush Stone-curlew	0	2.33	74
Pink Cockatoo	0	2.33	74

E7 An **Unexpected Finds Protocol** must be developed for threatened species and threatened ecological communities before the commencement of Work. The **Unexpected Finds Protocol** must be submitted to the Planning Secretary for approval at least one month before the commencement of Work. Work cannot commence until the unexpected finds protocol is approved by the Planning Secretary. The **Unexpected Finds Protocol** must be implemented throughout the duration of Work.

Key Fish Habitat

E8 The Proponent must minimise impacts to Key Fish Habitat (KFH) as defined in the Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013 update).

E9 A **Key Fish Habitat Offset Strategy** must be prepared in consultation with DPIRD Fisheries and published in accordance with **Condition B10** within 12 months of the approval date for this infrastructure. The Strategy must:

- (a) Describe the detailed measures that would be implemented to comply with **Condition A1** related key fish habitat offsets, and meet requirements of relevant policies and guidelines,

- including but not limited to, the *NSW Biodiversity Offsets Policy for Major Projects and Policy and guidelines for Fish Habitat Conservation and Management Update 2013* (DPI, 2013)
- (b) include the establishment of a governance group made up of NSW DCCEE and DPIRD Fisheries to guide the implementation of the strategy
 - (c) be published on the Major Projects portal prior to implementation, including confirmation that the strategy meets DPIRD Fisheries requirements.

E10 The measures within the Key Fish Habitat Offset Strategy must be delivered within 5 years of development of the Strategy as per **Condition E9**. The Proponent must notify the Planning Secretary when the habitat offsets have been delivered.

Re-use of Timber

E11 The SSI must maximise the reuse of native vegetation and other habitat features that have been approved for removal. Where reuse by the SSI is not possible, relevant council(s), Local Land Services, local Landcare groups, DPIRD Fisheries and any additional relevant government agencies must be consulted prior to the removal of vegetation and other habitat to determine if:

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

could be used by others in the local area in habitat enhancement and rehabilitation work which is currently underway or planned within 6 months of removal, before pursuing other disposal options. If the timber can be re-used by others, the Proponent must advise them and facilitate access for salvage.

*Note: Before reusing rootballs and other vegetative material by the SSI or offered to others, it must be checked by a suitably qualified arborist/ecologist/pathologist to determine that Pathogens (including but not limited to *Phytophthora cinnamomi*, *Chytrid fungus*, *Myrtle rust* and *Fusarium wilt / Panama disease*) are absent from the construction footprint and the material is not showing signs of infection or pests.*

CONTAMINATION

E12 An **Unexpected Finds Procedure for Contamination** must:

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

E13 The **Unexpected Finds Procedure for Contamination** must be implemented throughout Work.

FLOODING

E14 Measures identified in the documents listed in **Condition A1** to not worsen flood characteristics or other measures that achieve the same outcomes, must be incorporated into the detailed design of the SSI.

- E15 Unless otherwise agreed by the Planning Secretary, the SSI must be designed and constructed to limit impacts on flooding characteristics in areas hydraulically connected to the infrastructure during any flood event up to and including the 1% AEP flood event, to the following:
- a maximum increase of 50 mm depth of inundation for land zoned as residential, industrial or commercial;
 - a maximum increase of 100 mm depth of inundation for land zoned as rural, primary production, environment zone or public recreation;
 - no increase in the flood hazard or risk to life; and
 - maximum relative increase in velocity of 10%, where the resulting velocity is greater than 1.0 m/s, unless adequate scour protection measures are implemented and/or the velocity increases do not exacerbate erosion as demonstrated through site-specific risk of scour or geomorphological assessments.

E16 Where the requirements set out in **Condition E15** cannot be met alternative flood levels or mitigation measures may be agreed to with the affected landowner.

E17 Relevant stakeholders, including councils, CPHR, WaterNSW, DCCEEW Water Group NSW and the NSW SES must be notified in writing that flood information (including flood reports, models and geographic information system outputs) obtained to meet the requirements of this approval is available at their request. The notification must occur no later than one month following the commencement of operation. Information requested by the relevant stakeholder must be provided within one month of the request.

Note: Flood information must be shared at no cost and by way of a perpetual, irrevocable, non-exclusive license.

HEALTH AND SAFETY

E18 Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with the requirements of all relevant Australian Standards.

HERITAGE

E19 Following completion of all Work described in the documents listed in **Condition A1** that is related to heritage, an **Annotated Index and Reference** of archival recording, historical research, archaeological excavations (with artefact analysis and identification of a final repository for finds), and other heritage documents of the SSI must be prepared.

E20 The **Annotated Index and Reference** must be completed no later than 12 months after the completion of the Work referred to in **Condition E19** and provided to the Planning Secretary, the Heritage Council of NSW, Heritage NSW, LALCs, RAPs and the relevant Council(s) on request.

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

Unexpected Finds

E21 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared:

- by a suitably qualified and experienced heritage specialist in consultation with Heritage NSW and the Heritage Council of NSW;
- in accordance with guidelines and standards prepared by the Heritage Council of NSW and Heritage NSW;
- include the requirement to register any newly identified Aboriginal objects or sites in the AHIMS database, and;
- no later than one (1) month before the commencement of Work and submitted to the Planning Secretary and Heritage NSW for approval on request.

The **Unexpected Heritage Finds and Human Remains Procedure** must be implemented for the duration of Work and must be included in the **Aboriginal Cultural Heritage Management Plan (ACHMP)** required by **Condition C9**.

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

Environmental Heritage

- E22 The Proponent must not destroy, modify or otherwise affect any Heritage item not identified in the documents referred to in **Condition A1** and except as permitted by **Condition E28**. Unexpected heritage finds identified by the SSI must be managed in accordance with the **Unexpected Heritage Finds Procedure and Human Remains Procedure** required by **Condition E21**. Consideration of avoidance and redesign to protect State significant unexpected finds must be addressed where this condition applies.
- E23 An **Archival Recording Report** must be prepared for heritage-listed items that are affected by Work. The archival recording must be prepared in accordance with Guidelines for preparing archival recordings of heritage items as a condition of consent (DCCEEW 2025). The recordings must capture the potentially affected heritage listed items impacted by Works, and the immediate surrounds, before, during and after the works.
- E24 The **Archival Recording Report** must be prepared no later than 12 months after the completion of Construction and a copy must be provided to Heritage NSW, WaterNSW and the relevant council(s) and must be submitted as part of the annotated index required by **Condition E19**.

Aboriginal Cultural Heritage

- E25 All practicable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- E26 The **Registered Aboriginal Parties (RAPs)** must be kept informed about the SSI. The RAPs must be provided with the opportunity to be regularly consulted about the Aboriginal cultural heritage management requirements of the SSI.
- Note: The intent of this condition is to keep RAPs regularly informed about project matters relating to Aboriginal Cultural Heritage.*
- E27 Where previously unidentified Aboriginal objects are discovered, all Work must immediately stop in the vicinity of the affected area and a suitably qualified and experienced Aboriginal heritage expert must be contacted to provide specialist heritage advice before Work recommences. The measures to consider and manage this process must be specified in the **Aboriginal Cultural Heritage Management Plan** required by **Condition C9** and, where relevant, include registration in the **Aboriginal Heritage Information Management System (AHIMS)**.
- E28 An **Aboriginal Cultural Heritage Salvage Report** must be prepared following the completion of salvage activities under the **Aboriginal Cultural Heritage Management Plan (ACHMP)** required by **Condition C9**. The **Aboriginal Cultural Heritage Salvage Report(s)** must:
- be prepared by a suitable qualified expert
 - 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)
 - document the results of the salvage works and scarred tree removal and recording completed under the ACHMP
 - document the results of any specialist studies including analysis of dating of hearth materials
 - outline the long-term management strategy for all cultural material recovered from the project area, including any permanent public interpretive display
 - be provided to the RAPs who must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided

to the Planning Secretary, Heritage NSW, AHIMS, and the RAPs within 24 months of the completion of the Aboriginal archaeological collections and excavations.

NOISE AND VIBRATION

Work Hours

E29 Except as permitted by **Condition E30**, Work must be undertaken during the following hours:

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

Variation to Work Hours

E30 Notwithstanding **Condition E29**, Work may be undertaken outside the hours specified in any of the following circumstances (a, b, or c below):

(a) **Safety and Emergencies**

- (i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
- (ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property (external to the SSI) or to prevent environmental harm, except where construction programming has led to the incident.

On becoming aware of the need for emergency work in accordance with **Condition E30 (a)(ii)**, the **ER**, the Planning Secretary and the EPA must be notified of the reasons for such work. Best endeavors must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land use(s) of the likely impact and duration of those Work.

Note: *If an activity is scheduled to take a long period to be completed, this activity should be commenced as early as possible and aim to be started and completed within the Work hours identified in **Condition E29**. Programming should not form part of the rationale to undertake safety and emergencies under **Condition E30(a)(ii)**. It is essential to prioritise timely completion of activities to ensure the safety and well-being of workers and anyone else who may be affected by the construction activities.*

(b) **Work that meets all of the following criteria**

- i. Work that causes LAeq(15 minute) noise levels:
 - no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and
 - no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land use(s); and
- ii. Work that causes LAFmax noise levels no greater than 15 dB(A) above the night period rating background level at any residence during the night period as defined in the ICNG; and
- iii. Work that causes:
 - continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
 - intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

(c) **By Approval**

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

Note: Refer to **Appendix B** for guidance regarding negotiated agreements.

Construction Noise Management Levels and Vibration Criteria

E31 Mitigation measures must be implemented with the aim of achieving the following NMLs and vibration criteria:

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

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

E32 Work that results in noise levels above the NMLs at community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

PROPERTY and LAND USE

E33 Utilities and services (hereafter "services") potentially affected by Works must be identified to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation with the service providers. Disruption to services resulting from Works are to be avoided where practical and advised to customers.

E34 Access to all utilities and properties must be maintained during Works, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.

E35 Any property access physically affected by the SSI must be reinstated to at least an equivalent standard, unless otherwise agreed by the landowner or occupier.

SOILS

Erosion and sediment controls

E36 Erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

E37 Ensure that all vehicles, motorised plant and equipment leaving the premises do not deposit mud, soil, sand, gravel and any other materials onto public roads.

TRAFFIC AND TRANSPORT

Road Dilapidation

E38 Before any local road is used by a heavy vehicle for the purposes of the SSI, a **Road Dilapidation Report** must be prepared for the road, including any intersections with the Cobb Highway. A copy of the **Road Dilapidation Report** must be provided to the relevant road authority within three weeks of completion of the survey and no later than one month prior to the road being used by heavy vehicles associated with the SSI.

E39 If damage to roads occurs as a result of the SSI, the Proponent must either (at the relevant road authority's discretion):

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

Rectification works must be undertaken within three months of the subject road no longer being used for the construction of the SSI, unless an alternative timeframe is agreed to by the relevant road authority.

WASTE

E40 Waste generated during construction and operation must be dealt with in accordance with the following priorities:

- a. waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
- b. where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
- c. where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.

E41 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must be carried out 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.

E42 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.

E43 All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.

E44 Consultation must be carried out with Council prior to any waste disposal of at any Council landfill site.

WATER

E45 The SSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval in respect of the SSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

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

E46 Works on waterfront land and within watercourses must be carried out in accordance with the *Guidelines for Controlled Activities on Waterfront land* (DCCEE, 2025).

Note: *This includes outlets and watercourse crossings.*

- E47 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.
- E48 Sufficient entitlement must be obtained to account for water take, unless an exemption with reporting requirements applies.

Appendix A

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Proponent must provide notification as required under these requirements, even if the Proponent fails to give the notification required under **Condition A33** or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Proponent making the immediate incident notification (in accordance with **Condition A33**), the Proponent is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the Proponent became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident;
 - (e) a summary of the incident;
 - (f) outcomes of an incident investigation, including identification of the cause of the incident;
 - (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (h) details of any communication with other stakeholders regarding the incident.
4. The Proponent must submit any further reports as directed by the Planning Secretary.
5. Council shall be notified in any incidents impact on Council's assets as soon as practicable.

Appendix B

Community consultation and agreement

The below is guidance material on how to engage and record community agreements and is based off EPA model licence conditions (E1.2 and E1.3) and [EPA guidance material for EPL applications](#). The intent is to provide guidance on how the Proponent can engage and obtain community agreements to undertake out-of-hours-works. This guidance should be read in conjunction with **Condition E30(c)(i) (Variation to Work Hours)**.

Requirements for community consultation and agreement

1. Any negotiated agreements with affected residents and sensitive land use(s) for out-of-hours-work must:
 - (a) include consultation of impacted residents and sensitive land use(s). This includes sensitive land use(s) that have declined to participate in previous agreements unless a community member has explicitly requested not to be involved in any future consultation about future out-of-hours-work;
 - (b) include the following information:
 - (i) description and justification of the Work(s) proposed;
 - (ii) any expected impacts in clear plain English based on noise modelling;
 - (iii) the expected duration of the Work(s);
 - (iv) respite periods;
 - (v) any expected benefits for receivers;
 - (vi) any other known concurrent OOHW that will be occurring; and
 - (vii) any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend;
 - (c) request consent from the residents and sensitive land use(s) for their responses to be provided to the Planning Secretary and ER;
 - (d) ensure that a record is kept when contact cannot be made with residents and sensitive land use(s) after three attempts, including leaving "sorry I missed you" cards explaining the reason for the visit and requesting a return phone call; and
 - (e) for longer term community agreements (those predicted to go on longer than 28 calendar days), re-engage the impacted community to ensure consent is maintained and continuing.

Detailed records of all community consultations, including attempts to contact impacted residents and sensitive land use(s), must be maintained for the duration of the Work by the Proponent.

Any residents and sensitive land use(s) who requests a copy of the record of conversations must be supplied with one.

2. The outcomes of the community consultation and agreement process must be documented and include:
 - (a) the script used during the community consultation;
 - (b) community response and consent rates (including where no contact could be made) based on:
 - (i) impacted sensitive land use(s);
 - (ii) location of the proposed work to the sensitive land use(s);
 - (iii) duration and potential impacts to be experienced; and
 - (iv) proposed mitigation and management measures to be implemented