

State Significant Infrastructure Conditions of Approval

June 2026

Infrastructure approval

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

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.



The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Sydney

4th June

2026

SCHEDULE 1

Application no.:	SSI-56980459
Proponent:	Port Macquarie-Hastings Council
Approval Authority:	Minister for Planning and Public Spaces
Land:	Lot 14, DP 1139180 (Wastewater Treatment Plant site) and associated pipeline alignments in the Port Macquarie Hastings Local Government Area.
Description of State Significant Infrastructure:	Construction of a new wastewater treatment plant (WWTP) including a recycled water plant, associated pipelines and infrastructure to service Thrumster, Sancrox and Fernbank Creek, with catchment diversions pipes from the Port Macquarie Wastewater Scheme.
Declaration as State Significant Infrastructure	The proposal is State Significant Infrastructure by virtue of Schedule 4, Section 10 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> .

TABLE OF CONTENTS	
SCHEDULE 1	2
DEFINITIONS	5
SUMMARY OF REPORTING, NOTIFICATION AND APPROVAL REQUIREMENTS	11
SCHEDULE 2	14
PART A	14
ADMINISTRATIVE CONDITIONS	14
GENERAL	14
TIMING AND APPROVALS	15
STAGING	15
INDEPENDENT APPOINTMENTS	16
ENVIRONMENTAL REPRESENTATIVE	17
NOTIFICATION OF COMMENCEMENT	18
AUDITING	18
INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING	19
IDENTIFICATION OF WORKS	19
PART B	20
COMMUNITY INFORMATION AND REPORTING	20
COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT	20
COMPLAINTS MANAGEMENT SYSTEM	21
PROVISION OF ELECTRONIC INFORMATION	22
PART C	23
CONSTRUCTION ENVIRONMENTAL MANAGEMENT	23
SITE ESTABLISHMENT WORK	23
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN	24
MONITORING PROGRAMS	26
PART D	28
OPERATIONAL ENVIRONMENTAL MANAGEMENT	28
OPERATIONAL ENVIRONMENTAL MANAGEMENT	28
OPERATIONAL MONITORING PROGRAM	29
PART E	31
KEY ISSUE CONDITIONS	31
AIR QUALITY AND ODOUR	31
BIODIVERSITY	31

CONTAMINATION	34
EFFLUENT	34
FLOODING	35
HERITAGE	36
HAZARDS	37
Pre-commissioning	37
Hazard Audit	37
Dangerous Goods	38
NOISE AND VIBRATION	38
PLACE, DESIGN AND VISUAL AMENITY	42
PROPERTY and LAND USE	43
SOILS	43
SUSTAINABILITY	43
TRAFFIC AND TRANSPORT	44
WASTE	45
WATER	45
Appendix A	47
Appendix B	48

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, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, a fixed material stockpile area and car parking facilities. 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.
At-property acoustic treatment	Includes building treatments and courtyard walls. Building treatments may include but are not limited to ventilation, acoustic blinds / noise curtains, glazing, window and door seals, sealing of vents or underfloor areas, shutters and secondary glazing.
Best Achievable Noise Performance Objectives	The construction noise level predicted at a receiver location after all practicable noise mitigation measures have been incorporated into the prediction model and considered in deriving the predicted noise level.
Certified contaminated land consultant	A contaminated land consultant certified under one of the following certifications: • Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)); or • Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM)
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan
CLM Act	Contaminated Land Management Act 1997
CNVIMS	Construction Noise and Vibration Impact Mitigation Statements
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.

Term	Definition
Competent Person	for the purpose of noise monitoring or peer reviewing of noise and vibration related documents, the person must satisfy one or more of the following: (a) have qualifications and/or experience sufficient to fulfil the requirements of 'member' grade of the Australian Acoustical Society (b) undertake duties of an acoustic consultant on behalf of a firm that is a member of the Association of Australasian Acoustical Consultants (c) have a recognised tertiary qualification in a discipline pertinent to acoustics (d) be able to demonstrate competence through professional experience and/or technical expertise to the satisfaction of the AA / Planning Secretary.
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 .
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders following project approval. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project. This definition must be used to inform the Communication Strategy required under Condition B1.
Contamination	As defined in the CLM Act
CPHR	Conservation Programs, Heritage and Regulation Group of NSW DCCEEW
DCCEEW	NSW Department of Climate Change, Energy the Environment and Water
Department	NSW Department of Planning, Housing and Infrastructure
Disturbance of land	Work that alters the ground surface to expose underlying soils or fill materials.
DSI	Detailed Site Investigations
DPIRD Fisheries	NSW Department of Primary Industries and Regional Development, Fisheries Division.
EIS	The Environmental Impact Statement referred to in Condition A1 , submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project.
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>

Term	Definition
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the SSI approved by the Planning Secretary.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Heritage	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
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</i> (NSW).
Heritage Council	Heritage Council of NSW or its delegate
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <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 affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
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> .

Term	Definition
Low Impact Work	(a) surveys; (b) investigations; (c) minor clearing and relocation of vegetation, as identified in the documents listed in Condition A1; (d) property acquisition adjustment work; (e) 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; (f) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI; and (g) Works or uses that the ER has determined will have minimal environmental or community impact, including out-of-hours work determined under (b) below. Notwithstanding the following works are not Low Impact Work: (a) where heritage items (excluding those impacted by activities (e) and (f) above) 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, aquatic invertebrates or marine vegetation); and (b) any Work undertaken outside the hours specified in Condition E33 that exceeds noise management and vibration levels as identified in Condition E35(b), unless determined by the ER the activity can occur. Notes: 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>"Affected" in relation to Heritage items means impacts greater than "little to no impact" as defined in the Heritage NSW Material Threshold Policy.</i> 4. <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	Is harm that: (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 (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). Notes: 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

Term	Definition
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).
NPWS	National Parks & Wildlife Service within the NSW Department of Climate Change, Energy, the Environment and Water
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. Note: <i>There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.</i>
Out-of-hours-work	OOHW
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Places of cultural significance	Places and areas which protect and promote cultural heritage values. They may be an area of significance to Aboriginal culture and include areas associated with a person or event in history, or include areas containing a building, place, feature, or landscape of cultural significance.
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
QDL	Quantitative Design Limits
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW).
RAPs	Registered Aboriginal Parties
Relevant council(s)	Port Macquarie Hastings Council
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW).
Remediation	As defined in the CLM Act
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the SSI under the EP&A Act.
Response to Submissions (RtS No.2)	The Proponent's second response to issues raised in submissions received (as a result of the exhibition of the Amendment Report), in relation to the application for approval for the SSI under the EP&A Act.
Site Auditor / NSW EPA accredited Site Auditor	A contaminated land auditor, accredited by the NSW EPA under the <i>Contaminated Land Management Act 1997</i> .

Term	Definition
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. <i>Note: For the purpose of determining appropriate mitigation, a multistorey residential flat building must not be counted as one sensitive receiver.</i>
SES	NSW State Emergency Services
SMART	Specific, Measurable, Achievable, Realistic, and Timely
Tree	Long lived woody perennial plant greater than (or usually greater than) 3 metres in height with one or relatively few main stems or trunks (AS4373-2007 Pruning of amenity trees).
Unexpected heritage find	An object or place that is discovered during the carrying out of the 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.
Useable Open Space	Open Space that is accessible by active transport and greater than 30 metres in width and length at any location.
Vulnerable or marginalised groups	Vulnerable or marginalised groups include those people: on very low incomes, living with disabilities or poor health, 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.

SUMMARY OF REPORTING, NOTIFICATION AND APPROVAL REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 2**. Note that under **Condition A7** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the notification of an incident and non-compliance notification required under **Conditions 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			
A9	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) or the first of the proposed stages	Information
A13	Revised Staging Report	No later than one month before the proposed change in the staging	Information
A15	Staging Report	Staging Report must be submitted prior to or with the CEMF , i.e. no later than one month before the lodgement of any CEMP , CEMP sub plan or CMP to the Planning Secretary for approval.	Approval / 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

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

Condition	Report / Notification	Timing ¹	Purpose
Part C - Construction Environmental Management			
C1	Construction Environmental Management Framework	One month before the lodgement of any CEMP , CEMP sub plan or CMP	Approval
C3	Revised Construction Environmental Management	No later than one month prior to the proposed change in the staging	Approval
C4	Ancillary Facility - Site Establishment Management Plan	One month before the establishment of any ancillary facilities	Approval
C10 and C11	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
C10 and C11	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
C21	Construction Monitoring Programs	One month before the commencement of construction or where construction is staged, no later than one month before the commencement of each stage	Approval
C25	Construction Monitoring Report	As specified in Construction Monitoring Programs / Provided to the Planning Secretary upon request, within the timeframe stated in the request	Upon request
Part D - Operation Environmental Management			
D7	OEMP or EMS	One month before the commencement of operation	Information
D12	The Operational Monitoring Program(s)	Three months prior to the commencement of operation	Approval
D15	Operational Monitoring Reports	At the frequency identified in the terms of this approval. Where no frequency is identified in this approval, the results must be submitted at the frequency identified in the relevant OMP / be made available to the Planning Secretary and relevant regulatory agencies upon request	Information
Part E – Key Issues			
Biodiversity			
E3	Evidence of the retirement of credits	Prior to impacts on the biodiversity values	Information
E4	Unexpected finds	When the Proponent becomes aware of an incident	Notification
Contamination – high risk			

Condition	Report / Notification	Timing ¹	Purpose
E11	Detailed Site Investigation Reports	Provided upon request to the Planning Secretary	Upon request
E14	Unexpected Finds Procedure for Contamination	Provided upon request to the Planning Secretary	Upon request
Heritage			
E22	Unexpected Heritage Finds and Humans Remains Procedure	Provided upon request to the Planning Secretary	Upon request
Noise and Vibration			
E351(a)	Safety and Emergencies	On becoming aware of the need for emergency work	Information
Place, Design and Visual Amenity			
E44	Landscape Plan	One month before the commencement of permanent built work	Information
Sustainability			
E53(a)	Design rating	within 12 months of commencing Construction for the 'Design' rating'	Information
E53(b)	As built rating	within 12 months of commencing of Operation for the 'As built' rating'	Information
Traffic and Transport			
E55 & E56	Use of local roads for site access	Before the use of the local roads	Approval

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) Environmental Impact Statement Thrumster Wastewater Scheme, GHD, 2024;
 - (b) Thrumster Wastewater Scheme Response to Submissions, GHD, 2025;
 - (c) Amendment Report Thrumster Wastewater Scheme, GHD, 2025b;
 - (d) Thrumster WWS Amendment Report Response to Submissions, GHD, 2025c, (RtS No.2); and
 - (e) Proponent's response (dated 20 November 2025) to Department Request for Information (RFI).
- 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.

TIMING AND APPROVALS

- A7 Any action required to be undertaken within a timeframe specified in or under the terms of this approval may be undertaken within a different timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.

EVIDENCE OF CONSULTATION

- A8 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and **ER** (as relevant) with the corresponding documentation. The evidence must include:
- (a) documentation of the consultation with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

STAGING

Staging the delivery of the SSI

- A9 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), or as required by **Condition C1**.

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

- A10 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.*

- A11 Where staging is proposed, the SSI must be staged in accordance with the **Staging Report**.
- A12 Where staging is proposed, the terms of this approval that apply or are relevant to the Work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

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

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

Staging, Combining and Updating Strategies, Plans or Programs

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

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.

- A15 Should a **Construction Environmental Management Framework (CEMF)** be submitted for approval under **Condition C1**, the Staging Report must be submitted prior to or with the **CEMF**, i.e. no later than one month before the lodgement of any **CEMP**, **CEMP sub plan** or **CMP** to the Planning Secretary for approval.

INDEPENDENT APPOINTMENTS

- 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** including the **ER**.

- 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 after the completion of construction, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the 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 A9, C1, C4, C8, C13 and C18** and any other documents that are identified by this approval or the Planning Secretary, to ensure they are consistent with requirements of this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
 - (e) regularly monitor the implementation of the documents listed in **Conditions A9, C1, C4, C8, C13 and C18** 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 ancillary facilities as required by **Condition C7** of this approval;
 - (j) consider any minor amendments to be made to the **Ancillary Facility Site Establishment Management Plan, CEMP, CEMP Sub-plans and Construction monitoring programs** that are consistent with the terms of this approval and the **Ancillary Facility Site Establishment Management Plan, CEMP, CEMP Sub-plans and Construction monitoring programs** approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
 - (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies (where requested by those agencies), for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." **The Environmental Representative Monthly Report** must be submitted within seven days following the end of each month for the duration of the ER's engagement for the 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 Details of the proposed independent auditors must be approved by the Planning Secretary and submitted one month before the commencement of an **Independent Environmental Audit**.
- A28 **Independent Environmental Audits** of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements in force at the time the audit commences, as approved by the Secretary 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 Environmental Audit Report** prepared under **Condition A28** or **Condition A29**;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each **Independent Environmental Audit** and response to it publicly available 60 days after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.
- A31 **Independent Environmental Audit** 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.*

IDENTIFICATION OF WORKS

- A36 The SSI name, application number, telephone number, postal address and email address required under **Condition B6** of this approval must be made available on site boundary fencing / hoarding at each ancillary facility before the commencement of Works at the ancillary facility. This information must also be provided on the website required under **Condition B10** of this approval.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation 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 about or relevant to the SSI;
 - (e) identify opportunities for education within the community about construction sites;
 - (f) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by **Condition E32** including:
 - (i) justification and description of the potential work, location and duration of the out-of-hours work;
 - (ii) the noise characteristics and likely noise levels of the work;
 - (iii) likely mitigation and management measures which will be implemented to address **Condition E37** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers); and
 - (iv) respite periods;
 - (g) identify the mechanisms for engaging / involving the community to determine periods of respite, as required by **Condition E34**;
 - (h) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the SSI;
 - (i) 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, including disputes regarding rectification or compensation;
 - (j) 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 24- hour telephone number for the registration of complaints and enquiries about the SSI;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

This information must be accessible to all 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, AA 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, AA, or SA), 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 24 months following the completion of construction or unless an alternative timeframe is agreed by the Planning Secretary. The following up-to-date information (excluding confidential, personal, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of the 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;
- (f) a copy of the audit reports required under this approval; and
- (g) a copy of all approvals or permits required by a Management Plan (including but not limited to Out-of-Hours Works approvals), and approved either by the Proponent, ER or the Planning Secretary.

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 any ongoing monitoring programs required by **Condition D10** will be made publicly available; and
- (c) how the public can request access to information that will no longer be available through a website or webpage.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Framework

- C1 A **Construction Environmental Management Framework (CEMF)** may be prepared to facilitate the preparation and approval of construction environmental management and monitoring plans required under **Part C** of this approval. The **CEMF** must:
- (a) identify the **Construction Environmental Management Plans (CEMPs), CEMP Sub-plans and Construction Monitoring Programs (CMP)** required for each stage of construction consistent with the **Staging Report** prepared under **Condition A9**;
 - (b) document the proposed structure of the **CEMPs, CEMP Sub-plans and CMPs** for the relevant stage of construction;
 - (c) provide, by way of a Risk Matrix, an assessment of the predicted level of environmental and social risk, including the potential level of community concerns posed by each construction stage. This must use a process consistent with *AS/NZS ISO 31000: 2018; Risk Management – Guidelines*; and
 - (d) nominate the consultation and endorsement level for the **CEMPs, CEMP Sub-plans and CMPs** required for each construction stage. The endorsement level being one of the following:
 - (i) Low Risk Stage – to be self endorsed and consultation with stakeholders is not mandatory,
 - (ii) Medium Risk Stage – to be endorsed by the **ER** and consultation with stakeholders required, and
 - (iii) High Risk Stage– to be approved by the Planning Secretary and consultation with stakeholders required.

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

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

Notes:

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

- C2 The approved **CEMF** must be implemented for the duration of construction.
- C3 Where changes are proposed to the staging of construction, a revised **CEMF** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for approval no later than one month prior to the proposed change in the staging.

SITE ESTABLISHMENT WORK

Ancillary Facility - Site Establishment Management Plan

- C4 Before establishing an ancillary facility that is required prior to the approval of a **CEMP** (excluding minor ancillary facilities established under **Condition C7**), 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

- C5 An ancillary facility established under **Condition C4** must not be used for construction until the **CEMP** required by **Condition C8**, relevant **CEMP Sub-plans** required by **Condition C13** and relevant **CMPs** required by **Condition C18** have been approved by the Planning Secretary or endorsed consistent with the provisions of the **Construction Environmental Management Framework (Condition C1)**.
- C6 Once an ancillary facility is no longer required for the 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

- C7 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

- C8 Except as provided by **Condition C1**, a **Construction Environmental Management Plan (CEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020).

C9 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. The initial risk assessment may be undertaken as part of the **CEMF** pursuant to **Condition C1**;
- (d) details of how the activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1** and as required by this approval; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;
- (e) an inspection program detailing the activities to be inspected and frequency of inspections;
- (f) a protocol for managing and reporting 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 C13**. 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.

C10 **CEMP(s)** (and relevant **CEMP sub-plans**) must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition C1**.

C11 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.

C12 **CEMP(s)** (and relevant **CEMP sub-plans**) not requiring the Planning Secretary's approval, but requiring **ER** endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CEMPs** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.

C13 Except as provided by **Condition C1**, the following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A8**.

	Required CEMP Sub-plan	Entities to be consulted for each CEMP Sub-plan
(a)	Aboriginal Cultural Heritage Management Plan	Heritage NSW
(b)	Traffic Management Plan	Residents of Fernbank Creek Road (for the construction of the WWTP), TfNSW
(c)	Soil and Water Management Plan	-
(d)	Flood Management Plan	-
(e)	Dewatering Management Plan	DCCEE Water Group
(f)	Flora and Fauna Management Plan	-
(g)	Waste Management Plan	-
(h)	Naturally Occurring Asbestos Management Plan	-
(i)	Emergency Response Plan	-
(j)	Noise and Vibration Plan	-

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.

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.

C15 Construction must not commence until the relevant **CEMP(s)** and **CEMP Sub-plans** have been approved by the Planning Secretary or endorsed by the **ER**, (as applicable and as identified in the **CEMF** approved under **Condition C1**).

C16 The **CEMP(s)** and **CEMP Sub-plans** as approved or endorsed (as relevant), including any minor amendments approved by the **ER**, must be implemented for the duration of construction.

C17 The **Traffic, Transport and Access Management CEMP Sub-plan** is to include:

- (a) measures to be applied at the intersection of Fernbank Creek Road and Hastings River Drive to ensure that heavy vehicles are able to safely enter and exit Fernbank Creek Road; and
- (b) measures that will be enacted to maximise the safety of pedestrian and other non-motorised road users on Fernbank Creek Road during construction. These measures should be developed in consultation with residents and users of Fernbank Creek Road.

MONITORING PROGRAMS

C18 Except as provided by **Condition C1** the following **Construction Monitoring Programs (CMPs)** must be prepared in consultation with the relevant government agencies and council(s) identified for each to compare actual performance of construction of the SSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

	Required Construction Monitoring Programs	Relevant government agencies and council(s) to be consulted for each Construction Monitoring Program
(a)	Water Quality Monitoring	DIRPD Fisheries

Note(s):

1. All noise monitoring for the purposes of determining compliance with the conditions of this approval must be undertaken by a Competent Person.

C19 Each **CMP** must be consistent with SMART principles and provide:

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

C20 CMPs must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition C1**.

C21 Where a **CMP** requires Planning Secretary's approval, the **CMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.

C22 **CMP(s)** not requiring the Planning Secretary's approval, but requiring ER endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CMP(s)** must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.

C23 Construction must not commence until the relevant **CMP(s)** have been approved by the Planning Secretary or endorsed by the **ER**, (as applicable and as identified in the **CEMF** approved under **Condition C1**), and all relevant baseline data for the specific construction activity has been collected.

C24 The **CMP(s)**, as approved or endorsed (as relevant), including any minor amendments approved by the **ER**, must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.

C25 The results of the construction monitoring must be uploaded to the project website (required by **Condition B10**) in the form of a **CMP** at the frequency identified in the relevant **CMP** and submitted to the Planning Secretary and relevant regulatory agencies upon request.

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

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

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The **OEMP** must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. **Condition D1** does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the SSI if the Proponent has a certified ISO 14000 **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the certified **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and specified relevant terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed; and
 - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 The following **Sub-plans** must be included in the **OEMP or EMS**:

	Required OEMP Sub-plan	Relevant government agencies to be consulted for each OEMP Sub-plan
(a)	Vegetation Management Plan	-
(b)	Chemical Storage and Management Plan	-
(c)	Pollution Incidence and Emergency Response Plan	EPA, NSW Food Authority (Shellfish program)
(d)	Operation Waste Management Plan	-
(e)	Effluent Quality Management Plan	EPA, NSW Food Authority (Shellfish program)

Notes:

1. **OEMP 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 **OEMP Sub-plans**.
- D4 Each of the **OEMP Sub-plans** must include the information set out in **Condition D2** of this approval.
- D5 The **OEMP Sub-plans** must be developed in consultation with relevant government agencies as identified in **Condition D3** and must include information requested by an agency to be included in an **OEMP Sub-plan** during such consultation. Details of all information requested by an agency to be included in an **OEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **OEMP Sub-Plan**.
- D6 The **OEMP Sub-plans** must be submitted to the Planning Secretary as part of the **OEMP**.
- D7 The **OEMP** or evidence of ISO 14000 **EMS** certification or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one month before the commencement of operation.

- D8 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented (and updated as relevant) for the duration of operation and must be made publicly available before the commencement of operation.
- D9 The **OEMP** or **EMS** must include the ongoing management of “Wetland A” in accordance with the requirements of the Wetlands Management Plan as referenced in **Condition D17**.

OPERATIONAL MONITORING PROGRAM

- D10 The following **Operational Monitoring Programs (OMP)** must be prepared in consultation with the relevant government agencies and councils identified for each **OMP** to compare actual operational performance against predicted performance. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **OMP**, including copies of all correspondence from those agencies as required by **Condition A8**.

	Required Operational Monitoring Programs	Relevant government agencies and council(s) to be consulted for each Operational Monitoring Program
(a)	Potential (and) Acid Sulfate Soils Monitoring	-
(b)	Water Quality Monitoring Program	EPA, DPI Fisheries, NSW Food Authority (Shellfish programme)
(c)	Effluent Quality Monitoring Program	EPA, DPI Fisheries, NSW Food Authority (Shellfish programme)
(d)	Storm pond discharge monitoring	EPA, DPI Fisheries, NSW Food Authority (Shellfish programme)

- D11 Each **OMP** must be consistent with SMART Principles and include:

- details of baseline data;
- details of all monitoring of the SSI to be undertaken;
- the parameters of the SSI to be monitored;
- the frequency and lifespan of monitoring to be undertaken;
- the location of monitoring;
- how the reporting of monitoring results and analysis of results against relevant criteria will be undertaken;
- details of the methods that will be employed to analyse the monitoring data;
- procedures and/or trigger points to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and
- any consultation to be undertaken in relation to the monitoring programs.

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

- D12 The **OMP(s)** must be submitted to the Planning Secretary for approval at least three months before the commencement of operation.
- D13 Operation must not commence until the Planning Secretary has approved all of the required **OMPs**, and all relevant baseline data has been collected.
- D14 The **OMPs**, as approved by the Planning Secretary, must be implemented for the duration identified in the terms of this approval or in perpetuity where no duration is specified. Where no duration is specified in this approval, they must be implemented for the duration specified in the relevant **OMP** or as specified by the Planning Secretary, whichever is the greater.

- D15 The results of operational monitoring must be uploaded to the project website (required by **Condition B10**) or Proponent's website in the form of an **Operational Monitoring Report** at the frequency identified in the terms of this approval. Where no frequency is identified in this approval, the results must be submitted at the frequency identified in the relevant **OMP**. The **Operational Monitoring Reports** must summarise the trends in results, assess the results against relevant criteria, provide an interpretation of the results and detail any proposed or implemented management measures in accordance with the relevant **OMP**. The **Operational Monitoring Report** must be made available to the Planning Secretary and relevant regulatory agencies upon request.
- D16 Where a relevant **OEMP Sub-plan** exists, the relevant **Operational Monitoring Program** may be **incorporated** into that **OEMP Sub-plan**.

WETLANDS MANAGEMENT

- D17 A Wetlands Management Plan for "Wetland A" (as known in the updated Biodiversity Development Assessment Report (BDAR) dated 16 April 2025) must be prepared by an appropriately qualified and experienced person to ensure the protection and maintenance of habitat for Giant Dragonfly (*Petalura gigantea*).
- D18 The Wetlands Management Plan must be approved by the Planning Secretary prior to operation of the SSI. The Plan must:
- (a) define the extent of Wetland A that is to be protected (noting that this should be as large as practical within the extent of Wetland A and buffer areas);
 - (b) include management practices similar to those undertaken for the existing Partridge Creek Bio-Banking site, and include and not be limited to:
 - (i) restriction of use – the site must be inaccessible to unauthorised personal and prevent grazing by cattle.
 - (ii) weed management – weeds must be managed with consideration for reducing erosion, ensuring that herbicide use is suitable for wetland areas and excluding potential insecticide use near the wetlands.
 - (iii) management of feral hard hooved animals – this must initially target deer but be adaptive to allow for other introduced hard hooved animals.
 - (iv) monitoring of Wetland A to ensure that the condition of the wetland is maintained consistent with the adjacent Bio-Banking site.
 - (v) research opportunities - allow inspections of the site at the request of relevant authorities and for valid research purposes.
 - (vi) notification requirements - including to CPHR of any major disturbance events or change of ownership.
- D19 The Wetlands Management Plan must be a standalone plan and referenced in OEMP (or EMS if **Condition D2** is active). The Plan must be implemented, and updated as needed, throughout the duration of operation of the SSI.

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 Prior to impacts on the biodiversity values set out in **Table 3** and **Table 4**, the number and classes of ecosystem credits and species credits (like-for-like) must achieved by:
- (a) retirement of 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	Impact area	Ecosystem credits required (* indicates Hollow Bearing Trees present)
PCT 3167 Northern Hinterland Blackbutt-Forest Oak Wet Forest (Low Condition)	0.24	5*
PCT 3167 Northern Hinterland Blackbutt-Forest Oak Wet Forest (Moderate Condition)	1.15	33*
PCT 3250 Northern Foothills Blackbutt Grassy Forest (Low Condition)	0.55	10
PCT 3250 Northern Foothills Blackbutt Grassy Forest (Moderate - Good Condition)	0.63	20*
Exotic Vegetation	18.02	0
PCT 3544 Coastal Sands Apple-Blackbutt Forest (Low Condition)	1.91	0
PCT 3544 Coastal Sands Apple-Blackbutt Forest (Moderate Condition)	0.21	4
PCT 3967 Northern Lower Floodplain Eleocharis Wetland (Good Condition)	0.64	22
PCT 4006 Northern Paperbark-Swamp Mahogany Saw-sedge Forest (Moderate Condition)	0.63	19
TOTAL	23.97	113

Table 4: Species credits required

Common name	Scientific name	Loss of habitat (ha)	Species credits required
Trailing Woodruff	<i>Asperula asthenes</i>	0.61	18
Small Pale Grass-lily	<i>Caesia parviflora</i> var. <i>minor</i>	0.76	30
Wallum Froglet	<i>Crinia tinnula</i>	3.25	26
Leafless Tongue Orchid	<i>Cryptostylis hunteriana</i>	2.98	28
Spider Orchid	<i>Dendrobium melaleucaphilum</i>	0.76	30
Swift Parrot	<i>Lathamus discolor</i>	2.3	67
Green-thighed Frog	<i>Litoria brevipalmata</i>	0.75	21
Slender Marsdenia	<i>Marsdenia longiloba</i>	1.04	41
Biconvex Paperbark	<i>Melaleuca biconvexa</i>	1.88	6
Southern Myotis	<i>Myotis Macropus</i>	10.15	84
Giant Dragonfly	<i>Petalura gigantea</i>	13.74	139
Squirrel Glider	<i>Petaurus norfolcensis</i>	3.4	115
Koala	<i>Phascolarctos cinereus</i>	3.4	115
Eastern Cave Bat	<i>Vespadelus troughtoni</i>	23.97	281

Notes:

1. Credits have been calculated using the Biodiversity Assessment Method.
2. No Work can commence or impact any of the above biodiversity values until the credits have been retired.
3. The variation rule does not apply to biodiversity credits for threatened species or threatened ecological communities that are listed as critically endangered under the Biodiversity Conservation Act 2016 or listed in any capacity under the Environment Protection and Biodiversity Conservation Act 1999.
4. Should the Proponent intent to vary its offset obligations this can only be done via a Modification of the Instrument of approval.

Evidence of the retirement of credits in satisfaction of **Conditions E3(a), E3(b)** or payment to the Biodiversity Conservation Fund in satisfaction of **Condition E3(c)** must be provided to the Planning Secretary prior to impacts on the biodiversity values

Unexpected Finds

E4 On the discovery of potential or actual impacts to any threatened species or threatened ecological communities:

- (a) not listed in **Condition E3**; or
- (b) greater than the impacts listed in **Condition E3** or;
- (c) listed in **Condition E3** but located in an alternative location,

all work in the associated location must stop to prevent further impact and the Planning Secretary and CPHR notified. Work in the associated location is not to recommence until approval to recommence work in the associated location has been issued by the Planning Secretary in consultation with CPHR.

Notes:

1. The intent of this condition is to ensure that where new or additional impacts to threatened species or ecological communities are found, all work must stop. This includes where there are more impacts than approved, if the listed species or communities are found in new locations, or if new species or communities are found which were not included in the initial surveys (EIS, RtS, Amendment Report, PIR).

2. *Where there is the potential for new or additional impacts to threatened species or ecological communities and the impacts would generate credits under the BC Act, a modification application will need to be lodged. The species and/or communities cannot be impacted until the modification application has been determined.*

E5 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.

Re-use of Timber

E6 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), NPWS, 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 / collection, 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.*

Tree Replacement

E7 The SSI must be designed to retain as many existing trees as possible. Where trees are removed, replacement trees must, unless otherwise agreed by the Planning Secretary:

- (a) be provided at a ratio of at least 2:1 (except for trees that are offset under **Condition E3**); and
- (b) deliver an increase in tree canopy.

E8 Replacement trees must:

- (a) be located on public land and prioritised within 500 metres of the SSI; and
- (b) deliver increased shading to footpaths, pedestrian and cycle paths; and
- (c) be native species of local provenance from the relevant native vegetation community that once occurred in the locality suitable to the location, having regard for local ecology; and
- (d) meet the requirements for quality tree stock specified in the *AS2303:2018: Tree Stock for Landscape Use*; and
- (e) have a minimum pot size consistent with the relevant council's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant council(s); and
- (f) be provided no later than six months following the commencement of operation.

E9 Replacement and enhancement of vegetative screening along the SSI corridor must be undertaken in a progressive manner during construction to allow for the early establishment of vegetative screening.

- E10 The Proponent must retain a record of the number of trees removed and replaced in accordance with this condition including number, location, size and species. The record must be made available to the Planning Secretary upon request.

CONTAMINATION

- E11 A **Site Contamination Report**, documenting the outcomes of Preliminary Site Investigation (Phase 1) and Detailed Site Investigations (Phase 2) of land upon which the SSI is to be carried out, or land associated with the SSI, that is suspected, or known to be, contaminated must be prepared by a certified contaminated land consultant.
- E12 If a **Site Contamination Report** prepared under **Condition E11** finds that land is of moderate to high risk of contamination, a site audit is required to determine the suitability of a site for a specified use. If a site audit is required, a **Site Audit Statement** and **Site Audit Report** must be prepared by a NSW EPA Accredited Site Auditor. Contaminated land must not be used for the purpose approved under the terms of this approval until a **Site Audit Statement** determines the land is suitable for that purpose and any conditions on the **Site Audit Statement** have been complied with.
- E13 A copy of the **Site Contamination Report** and associated **Site Audit Statement** and **Site Audit Report** must be made public in accordance with **Condition B10**.
- E14 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.
- E15 The **Unexpected Finds Procedure for Contamination** must be implemented throughout Work.

EFFLUENT

- E16 The SSI must be operated so that the effluent output after treatment (and before mixing with other water sources) meets (as a minimum quality standard) the treated wastewater quality parameters detailed in **Table 5**. If an Environmental Protection Licence (EPL) issued for the operation of the SSI prescribes parameters or concentration limits for effluent quality that differ from those specified in Table 5, the requirements of the EPL shall prevail. In such circumstances, the Proponent must implement and comply with the parameters and limits specified in the EPL for the purposes of monitoring, reporting, and operation. Any effluent quality parameters referenced in this condition that are not prescribed in the EPL shall have no effect and are not required to be applied by the Proponent.

Table 5 | Assumed treated wastewater quality for Thrumster WWTP discharge

Parameter	Units	Kooloonbung Creek discharge
Total nitrogen	mg/L	6.0
Total ammonia	mg/L	0.2 (1.6*)
Oxidised nitrogen	mg/L	4.5
Nitrate	mg/L	(5.0*)
Organic nitrogen	mg/L	1.3
Total phosphorus	mg/L	0.52

Filterable reactive phosphorus	mg/L	0.50
pH	pH units	6.5 to 8.5
BOD	mg/L	<5.0

Notes: Values are medians.

90th percentile values are shown in brackets for total ammonia and nitrate.

*90th percentile values provided for total ammonia and nitrate only.

The parameters identified in Table 5 apply, unless an EPL is in force which regulates the relevant parameter, in which case the parameter set by the EPL takes priority.

- E17 The effluent discharges from the SSI to Kooloonbung Creek must be monitored in accordance with the frequency outlined in the Effluent Quality Management Sub-Plan.

If an EPL issued for the SSI specifies a different monitoring frequency to that detailed in the approved Effluent Quality Management Sub-Plan, the EPL monitoring frequency shall take precedence. In such cases, the Proponent must comply with the EPL-specified frequency for all monitoring, reporting, and operational requirements.

- E18 In the event that monitoring detects, or SSI operations result in:

- (a) an exceedance (or in the case of pH, an inconsistency) with the discharge parameters outlined in **Condition E16** (or EPL as relevant); or
- (b) any unplanned discharges of effluent or sewage (however treated); or
- (c) a bypassed or compromised treatment plant process; or
- (d) a discharge to Partridge Creek,

the EPA and NSW Food Authority (Shellfish program) must be notified within one hour of the Proponent becoming aware of a condition (a) to (d) event, or in accordance with relevant timeframes outlined in the OEMP (or an Environmental Management System if an EMS has replaced an OEMP).

Note: Methods of notification, as required by **Condition E18**, should be defined in consultation with relevant stakeholders and documented in the OEMP or EMS.

The NSW Food Authority (Shellfish Program) will contact Hastings River oyster farmers in the event of any **Condition E18** events occurring.

FLOODING

- E19 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.

Design Limits

- E20 The SSI must be designed, constructed and operated so as not to result in an increase in flood hazard or risk to life, and to limit impacts on flooding characteristics in areas outside the project boundary during any flood event up to and including the 1% AEP flood event, in accordance with each of the following Quantitative Design Limits:

- (a) a maximum increase of 100 mm in inundation of land zoned as rural, primary production, environment zone or public recreation;
- (b) maximum relative increase in velocity of less than 0.1 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.

Information Sharing

- E21 Relevant stakeholders, including, CPHR, Water Group and the SES must be notified in writing by the Proponent that flood information (including flood reports, models and geographic information system outputs, and work as executed information from a qualified surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, 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.*

HERITAGE

Unexpected Finds

- E22 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared:

- (a) by a suitably qualified and experienced heritage specialist in consultation with Heritage NSW and the Heritage Council of NSW;
- (b) in accordance with guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW; and
- (c) no later than one (1) month before the commencement of Work and submitted to the Planning Secretary and Heritage NSW upon request / submitted to the Planning Secretary for approval in consultation with Heritage NSW.

The **Unexpected Heritage Finds and Human Remains Procedure** must be implemented for the duration of Work. and must be included in the **Heritage CEMP Sub-Plan** required by **Condition C13**.

***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

- E23 The Proponent must not destroy, modify or otherwise affect any Heritage item not identified in the documents referred to in **Condition A1**. Unexpected heritage finds identified by the SSI must be managed in accordance with the **Unexpected Heritage Finds Procedure and Human Remains Procedure** required by **Condition E22**. Consideration of avoidance and redesign to protect State significant unexpected finds must be addressed where this condition applies.

Aboriginal Cultural Heritage

- E24 All practicable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval. This includes impacts from vibrations in close proximity.
- E25 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.*

- E26 One month prior to carrying out any work, the Proponent must submit an **Aboriginal Cultural Heritage Management Plan (ACHMP)** to the Secretary for approval. The plan must be implemented once approved by the Sectary and maintained until completion of construction and must:

- (a) be prepared by a suitably qualified and experienced person;
- (b) be prepared in consultation with the RAPs and reviewed by Heritage NSW;
- (c) include a description of the measures (and associated methodologies) that would be implemented for:
 - i) protecting the Aboriginal heritage items identified within the project footprint or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction, noting that no harm is permitted to 'Watto2' (AHIMS ID# 30-3-0205).
 - ii) minimising and managing the impacts of the development on Aboriginal heritage items that cannot be avoided, including provisions for Aboriginal community collection of Aboriginal objects from within site 'E1' (AHIMS ID# 30-3-0321).
 - iii) a strategy for the short-term and long-term management of any Aboriginal objects salvaged under this approval (including those recovered during previous test excavations
 - iv) include updated mapping of all areas that have been and will be subject to mitigation measures such as surface collection or protective fencing.
 - v) ensuring workers onsite receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.
 - vi) ongoing consultation with the RAPs during the implementation of the ACHMP;
 - vii) preparing Aboriginal Site Impact Recording Form/s (ASIRFs) for all Aboriginal heritage sites where management via community collection has occurred under the ACHMP with the ASIRFs to be submitted to the Aboriginal Heritage Information Management Sydney (AHIMS) registrar.
- (d) include a contingency plan and reporting procedures including an Unexpected Finds and Human Remains Procedure (Condition E.28).
- (e) include a program to monitor and report on the effectiveness of these measures and any heritage impacts of the project.

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 **Heritage CEMP Sub-plan** required by **Condition C13** and, where relevant, include registration in the **Aboriginal Heritage Information Management System (AHIMS)**.

HAZARDS

Pre-commissioning

E28 At least one month prior to the operation of the SSI, or within such further period as the Planning Secretary may agree, the Proponent must submit for the approval of the Planning Secretary a comprehensive **Emergency Plan** and detailed emergency procedures for the SSI. The **Emergency Plan** must include consideration of the safety of all people outside of the SSI who may be at risk from the SSI. The plan must be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'. Commissioning must not commence until approval has been given by the Planning Secretary.

Hazard Audit

E29 Within twelve months after the commencement of operation of the SSI and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Proponent must carry out a comprehensive Hazard Audit of the development. The hazard audit must:

- (a) be carried out at the Applicant's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development;
- (b) be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'; and

- (c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.

Dangerous Goods

E30 The Proponent must store all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) for liquids, the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Manual.'

E31 In the event of an inconsistency between the requirements of **Condition E30(a)** and **Condition E30(b)**, the most stringent requirement must prevail to the extent of the inconsistency.

NOISE AND VIBRATION

Sensitive Land Use Investigation

E32 A Sensitive land use investigation must be undertaken to confirm sensitive land use(s) at the Port Macquarie Base Hospital (including critical working areas such as operating theatres and precision laboratories) that could be potentially be exposed to noise and vibration, including:

- (a) construction noise and vibration;
- (b) construction ground-borne noise; and
- (c) operational noise.

The investigation must be undertaken before the commencement of Work which generates noise and vibration in that area. The results of the investigation must be included in the **Noise and Vibration CEMP Sub-plan** required by **Condition (Part C)**.

Work Hours

E33 Except as permitted by **Condition E35**, 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.

Highly Noise Intensive Work

E34 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the noise affected NML at the same sensitive land use(s) must only be undertaken:

- (a) between the hours of 8:00 am to 6:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 1:00 pm Saturday; and
- (c) if continuously (any period during which there is less than one hour between ceasing and recommencing any highly noise intensive work), then not exceeding three (3) hours), with a minimum cessation of highly noise intensive work of not less than one hour.

Notes:

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

Variation to Work Hours

E35 Notwithstanding **Conditions E33** and **E34**, Work may be undertaken outside the hours specified in any of the following circumstances (a, b, c or d 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 E35(a)(ii)** the ER, the Planning Secretary and the EPA must be notified of the reasons for such work. Best endeavours must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land use(s) of the likely impact and duration of those Work.

Note: *If an activity is scheduled to take a long period to be completed, this activity should be commenced as early as possible and aim to be started and completed within the Work hours identified in Condition E33. Programming should not form part of the rationale to undertake safety and emergencies under Condition E35(a)(ii). It is essential to prioritise timely completion of activities to ensure the safety and well-being of workers and anyone else who may be affected by the construction activities.*

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

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

(c) **By Approval**

- (i) where different Work hours are permitted or required under an EPL in force in respect of the SSI; or
- (ii) Work which is not subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition E34**; or
- (iii) negotiated agreement with the substantial majority of affected residents and sensitive land use(s) for Work which are not subject to an EPL.

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

(d) **By Activity, including:**

- (i) Partridge Creek HDD: Night time works for a maximum of four periods of two consecutive nights.
- (ii) Recycled Water HDD: Night time works for a maximum of one period of 10 consecutive nights.

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

E36 An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of work which is outside the hours defined in Conditions E33. The Protocol must be prepared in consultation with the ER. The Protocol must include:

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

- (b) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) the **ER** review all proposed out-of-hours activities and confirm their risk levels,
 - (ii) low risk activities can be approved by the **ER**, and
 - (iii) high risk activities that are approved by the Planning Secretary.
 The risk assessment(s) must be based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2018 "Risk Management";
- (c) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
- (d) a process for selecting and implementing mitigation measures for residual impacts in consultation with impacted residents and sensitive land use(s) at each affected location. The measures must take into account the predicted noise levels (based off worst case work scenarios and where mitigation measures will be implemented) and the likely frequency and duration of the out-of-hours works that residents and sensitive land use(s) would be exposed to, including the number of noise awakening events;
- (e) details of respite periods consistent with the requirements developed in consultation with impacted residents and sensitive land use(s);
- (f) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (g) notification arrangements in accordance with **Condition B2(f)** and notification to the Planning Secretary of approved low risk out-of-hours works.

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

The Protocol does not apply if the requirements of **Condition E35(a) or (b) or (d)** are met, or if the Work is subject to an EPL or if a negotiated agreement is made with the impacted residents and sensitive land use(s).

Notes:

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

Construction Noise Management Levels and Vibration Criteria

E37 Mitigation measures must be implemented with the aim of achieving the following NMLs and vibration criteria:

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

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

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

- E38 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

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

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol**, required by **Condition 37**.

- E39 Work that results in noise levels above the NMLs at community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

- E40 Mitigation measures such as temporary alternative accommodation or other agreed mitigation measures, must be offered/ made available to residents affected by out-of-hours work (including where utility works are being undertaken for the SSI or under a road occupancy license) where the construction noise levels between:

- (a) 10:00 pm and 7:00 am, Monday to Friday;
- (b) 10:00 pm Saturday to 8:00 am Sunday; and
- (c) 6:00 pm Sunday and public holidays to 7:00 am the following day unless that day is Saturday then to 8:00 am,

are predicted to exceed the NML by 25 dB(A) or are greater than 75 dBA ($L_{Aeq(15 \text{ min})}$), whichever is the lesser and the impact is planned to occur for more than two (2) nights over a seven (7) day rolling period.

The NML must be reduced by 5 dB where the noise contains annoying characteristics and may be increased by 10 dB if the property has received at-property acoustic treatment. The noise levels and duration requirements identified in this condition may be changed through an EPL applying to the SSI.

Construction Vibration – Notification

- E41 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Ancillary Site Establishment Management Plan** required by **Condition C4** and/or the **Noise and Vibration CEMP Sub-plan** required by **Condition (Part C)** and the process for notifying these owners and occupiers in accordance with the **Community Communication Strategy** required by **Condition (Part B)**.

Construction Noise and Vibration Mitigation and Management

- E42 Industry best practice construction methods must be implemented where reasonably practicable to ensure that noise levels are minimised. Practices must include, but are not limited to:

- (a) use of regularly serviced low sound power equipment;
- (b) early occupation and later release of road carriageways and construction sites;

- (c) undertake any high noise impact works before 12 midnight where possible;
- (d) shielding stationary noise sources
- (e) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rockhammering and concrete cutting;
- (f) use of alternative construction and demolition techniques; and
- (g) Measures identified in the Proponent's response to Request for Information (dated 20 November 2025).

PLACE, DESIGN AND VISUAL AMENITY

Lighting and Security

E43 The SSI must be constructed and operated with the objective of minimising light spillage to surrounding properties and bushland areas. All lighting associated with the construction and operation of the SSI must be consistent with the requirements of *AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*. Additionally, mitigation measures must be provided to manage any residual night lighting impacts to protect properties adjoining or adjacent to the SSI, in consultation with affected landowners.

Landscape Plan

E44 A **Landscape Plan** must be prepared to document and illustrate the permanent built works and landscape design of the Wastewater Treatment Plant site and how these works are to be maintained. The **LP** must be:

- (a) prepared by a suitably qualified and experienced person(s) in landscape design and bush regeneration;
- (b) reviewed by an independent and suitably qualified and experienced person, including any sub-plans;
- (c) submitted to the Planning Secretary for information no later than one (1) month before the construction of permanent built surface works and/or landscaping in the area to which the **LP** applies, excluding those elements which for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary do not allow for alternate design outcomes; and
- (d) implemented during construction and operation of the SSI.

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

E45 The **LP** must include descriptions and visualisations (as appropriate) of:

- (a) the design of the permanent built elements of the SSI including their form, materials and detail;
- (b) the design of the project landform and landscaping elements;
- (c) details of strategies to rehabilitate, regenerate or revegetate disturbed areas with local native species; and
- (d) management and routine maintenance standards and regimes for landscaping work (including adequate watering of plants following planting depending on forecast weather conditions and weed management) to ensure the success of the design and landscape outcomes.

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

Operational Maintenance

- E46 Should any plant loss occur during the maintenance period, the plants should be replaced by the same plant species and growth form (i.e. a tree with a tree) unless it is determined by a suitably qualified person that a different species is more suitable for that location. Any replacement plantings must use local native provenance species from the relevant native vegetation community.

PROPERTY and LAND USE

- E47 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.
- E48 Access to all utilities and properties must be maintained during Works, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.
- E49 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.
- E50 During Work, measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented prior to the disruption. Adequate signage and directions to businesses must be provided prior to, and for the duration of, any disruption.

SOILS

Erosion and sediment controls

- E51 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’.
- E52 Must 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.

SUSTAINABILITY

- E53 The SSI must achieve a minimum Silver ‘Design’ and ‘As built’ rating under the Infrastructure Sustainability Council of Australia infrastructure rating tool 2.2.

Evidence that the ‘Silver’ ratings has been achieved must be provided to the Planning Secretary for information:

- (a) within 12 months of commencing Construction for the ‘Design’ rating; and
- (b) within 12 months of commencing of Operation for the ‘As built’ rating.

- E54 A **Water Reuse Strategy** must be prepared, which sets out options for the reuse of collected stormwater and groundwater during construction and operation. The **Water Reuse Strategy** must include, but not be limited to:

- (a) evaluation of reuse options;
- (b) details of the preferred reuse option(s), including volumes of water to be reused, proposed reuse locations and/or activities, proposed treatment (if required), and any additional licences or approvals that may be required;

- (c) measures to avoid misuse of recycled water as potable water;
- (d) consideration of the public health risks from water recycling; and
- (e) a time frame for the implementation of the preferred reuse option(s).

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

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

The **Water Reuse Strategy** must be implemented and made publicly available.

***Note:** Nothing in this condition prevents the Proponent from preparing separate **Water Reuse Strategies** for the construction and operational phases of the SSI.*

TRAFFIC AND TRANSPORT

Construction traffic management

- E55 Local roads proposed to be used by heavy vehicles to directly access the construction boundary and ancillary facilities that are not shown in Technical Report 7-Traffic and Transport Assessment of the EIS must be approved by the Planning Secretary and included in the **Traffic, Transport and Access Management CEMP Sub-plan**.
- E56 All requests to the Planning Secretary under **Condition E55** must include the following:
- (a) justification for the use;
 - (b) a swept path analysis;
 - (c) demonstration that the use will not compromise the safe operation of the roadway (including for pedestrians and cyclists);
 - (d) measures that will be implemented to avoid, where practicable, the use of roads past schools, aged care facilities and child care facilities during their peak times, including consultation; and
 - (e) written advice from an appropriately qualified professional on the suitability of the proposed heavy vehicle route which takes into consideration items (a), (b), (c), and (d) of this condition.

Pedestrian and Cyclist Access

- E57 Safe pedestrian and cyclist access must be maintained around work sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, a proximate alternative route which complies with relevant standards, unless otherwise endorsed by an independent, appropriately qualified and experienced person, must be provided (including signposting) prior to the restriction or removal of the impacted access.

Construction Parking Management

- E58 Vehicles (including light and heavy vehicles) associated with the SSI must be managed to:
- (a) minimise parking on public roads;
 - (b) minimise the removal of on and off street parking;
 - (c) minimise idling and queueing on state and regional roads;
 - (d) not carry out marshalling of construction vehicles near sensitive land user(s);
 - (e) not block or disrupt access across pedestrian or shared user paths; and
 - (f) ensure spoil haulage vehicles adhere to the nominated haulage routes identified in the **Traffic, Transport and Access Management CEMP Sub-plan**.

Public Transport – Construction

- E59 Bus stops must not be closed or relocated (either temporarily or permanently) until replacement bus stops, within a 400 metre walking distance of the existing bus stop, that comply with relevant standards, are functioning with similar capacity and amenity to that which it has replaced. Closure and relocation of bus stops must be undertaken in consultation with relevant council(s) and bus service providers. Wayfinding signage must be provided to direct commuters to adjacent or relocated bus stops. Pedestrian access to relocated bus stops must meet accessibility and safety standards.
- E60 Prior to the commencement of operation, all bus stops temporarily closed must be reinstated in a manner that complies with relevant standards, provides equal or improved capacity, amenity and accessibility (including footpaths and road crossings) in consultation with relevant council(s).

WASTE

- E61 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.
- E62 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the SSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- E63 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.
- E64 All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.

WATER

- E65 The SSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

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.*

- E66 Works on waterfront land and within watercourses must be carried out with regard to *Controlled activities – Guidelines for riparian corridors on waterfront landland (DCCEEW, 2024)*.

Note: *This includes outlets and watercourse crossings.*

- E67 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.

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.

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 E35(c)(iii) (Variation to Work Hours)** and **Condition E36(e) (Out-of-Hours Work Protocol)**.

Requirements for community consultation and agreement

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

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

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

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