

SCHEDULE 1

WESTERN SYDNEY ORBITAL

CONDITIONS OF APPROVAL

The following acronyms and abbreviations are used in these conditions:

AGL	Australian Gas and Light Company
AIIA	Ancillary Infrastructure Impact Assessment
ANZECC	Australian and New Zealand Environment Conservation Council
ARI	Average Recurrence Interval
ARMCANZ New Zealand	Agriculture and Resources Management Council of Australia and New Zealand
ASS	Acid Sulfate Soils
ASSMC	Acid Sulfate Soils Management Council
CASA	Civil Aviation Safety Authority
CFEMP	Construction Framework Environmental Management Plan
CLG	Community Liaison Group(s)
CMS	Construction Method Statements
CNVMP	Construction Noise and Vibration Management Plan
CPI	Consumer Price Index
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning or delegate
Director-General's Report	the report of the Director-General of the Department of Planning dated February 2002
DLWC	Department of Land and Water Conservation, NSW
DoP	Department of Planning
DoT	Department of Transport
EIS	<i>The Western Sydney Orbital Environmental Impact Statement</i> prepared for the RTA by Sinclair Knight Merz and PPK Environment and Infrastructure Pty Ltd, dated October 2000
EMP	Environmental Management Plan
EMR	Environmental Management Representative
EP& A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
ICLR	Independent Community Liaison Representative
L _{Aeq} 9hour from 10pm to 7am	Equivalent continuous (constant) sound level over 9 hour period
L _{Aeq} 15 hour from 7am to 10pm	Equivalent continuous (constant) sound level over 15 hour period
m	Metre
mm	Millimetre
Minister, the	Minister for Planning

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Proponent	Roads and Traffic Authority
Relevant Councils	Any one or more of the following Councils as applicable: Liverpool City Council, Fairfield City Council, Blacktown City Council and Baulkham Hills Shire Council.
Representations Report	<i>The Western Sydney Orbital Representations Report</i> prepared by RTA Operations for the RTA and dated 17 September 2001
RIC	Rail Infrastructure Corporation
RTA	Roads and Traffic Authority
SCA	Sydney Catchment Authority
SEPP	State Environmental Planning Policy
SIEC	Sydney International Equestrian Centre
SREP	Sydney Regional Environmental Plan
STA	State Transit Authority
Substantial Construction	Does not include survey, acquisitions, fencing, test drilling/test excavations, building/road dilapidation surveys, minor surveys, minor clearing except where endangered ecological communities or threatened flora or fauna species would be impacted, establishment of site compounds in generally cleared, highly disturbed or non environmentally sensitive areas, minor access roads, minor adjustments to services/utilities, noise mitigation measures and other minimal environmental/community impact activities.
SWC	Sydney Water Corporation
SWMP	Stormwater Management Plan
TMP	Traffic Management Plan
Vs	Versus
WSRP	Western Sydney Regional Park

DEFINITIONS APPLICABLE TO CONDITIONS LISTED IN CONDITION 1B OF SCHEDULE 1 AND SCHEDULE 2

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

Table 1: Definitions

Term	Definition
AA	The Acoustics Advisor for Modification 6 approved by the Planning Secretary.
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW).
At-property acoustic treatment	Includes courtyard walls and building treatments. Building treatments may include but are not limited to ventilation, acoustic blinds / curtains, glazing, window and door seals, sealing of vents or underfloor areas, shutters and secondary glazing.
CALD	Culturally and Linguistically Diverse
CEMP	Construction Environmental Management Plan

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Term	Definition
Completion of construction	The date upon which works are completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Construction	Includes work required to construct Modification 6 as defined in the Project Description described in the documents listed in Condition 1A of Schedule 1 including commissioning trials of equipment and temporary use of any part of Modification 6, but excluding Low Impact Work which is carried out or completed prior to approval of the CEMP .
Construction ancillary facility	A temporary facility for construction of Modification 6 including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, a material stockpile area, access and car parking facilities, and utility connections to the facility. <i>Note: Where an approved CEMP contains a stockpile management protocol, a material stockpile area located within the construction boundary is not considered to be a construction ancillary facility.</i>
Construction boundary/footprint	The area physically affected by work as defined in the Project Description as described in the documents listed in Condition 1A of Schedule 1 .
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders during development of post approval documents. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project. This definition must inform the Communication Strategy required under Condition B1 .
Department	NSW Department of Planning and Environment
DECC	Former NSW Department of Environment and Climate Change
Disturbance of land	Any activity that disturbs the ground surface to expose underlying soils.
DPI Fisheries	NSW Department of Primary Industries, Fisheries
DPE Water	Water Group of the Department of Planning and Environment
DPE EHG	Environment and Heritage Group of the Department of Planning and Environment
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>
EPL	Environment Protection Licence under the POEO Act

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Term	Definition
ER	The Environmental Representative(s) for Modification 6 approved by the Planning Secretary.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Representative Protocol	<i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018)
GANSW	NSW Government Architect
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW).
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
Heritage NSW	Environment and Heritage Group of the Department – Heritage NSW
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).
Highly noise intensive work	Work which are defined as annoying under the <i>Interim Construction Noise Guideline</i> (DECC, 2009) including: <ul style="list-style-type: none"> (a) use of ‘beeper’ style reversing or movement alarms, particularly at night-time; (b) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (c) grinding metal, concrete or masonry; (d) rock drilling; (e) line drilling; (f) vibratory rolling; (g) rail tamping and regulating; (h) bitumen milling or profiling; (i) jackhammering, rock hammering or rock breaking; and (j) impact piling.
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. Note: “material harm” is defined in this approval.
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i> .
LOTE	Language Other than English

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Low Impact Work	<p>Includes:</p> <ul style="list-style-type: none"> (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and buildings and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment work approved under a Construction Ancillary Facility Site Establishment Management Plan; (d) use of minor ancillary facilities if the ER has determined the operational activities will have a minor impact on the environment and the community; (e) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition 1A of Schedule 1; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property acoustic treatments; (g) property acquisition adjustment work including installation of property fencing; (h) relocation and connection of utilities where the relocation or connection has been determined by the ER to have a minor impact to the environment and the community; (i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with (a) - (h) above to ensure that there is no impact on heritage items; (j) maintenance of existing buildings and structures required to facilitate the carrying out of Modification 6; and (k) other activities determined by the ER to have minor impact on the environment and the community, which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access. <p>Notwithstanding the following works are not Low Impact Work:</p> <ul style="list-style-type: none"> (l) where heritage items (excluding those impacted by activities (h), (i) and (j) above), 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, DPE EHG or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and (m) any night time hours (as defined by the ICNG) work that exceeds noise management and vibration levels as identified in Condition D40(b). <p>The low impact work described in this definition becomes construction when the Construction Environmental Management Plan is approved. This also applies to low impact work that has already commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> 1. Early stages of Work are not necessarily low impact work. 2. Low Impact work is not construction as defined by this approval.

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Material harm	is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning
Minor Ancillary Facility	Worker amenities and materials laydown and the like that are not part of a construction ancillary facility site that meet the requirements of Condition A11 of Schedule 2 .
Modification 6	The widening of the M7, as described in Condition 1A of Schedule 1 , the carrying out of which is approved under the terms of this approval and Schedule 2 .
Modification Report	The Modification Report referred to in Condition 1A of Schedule 1 , submitted to the Planning Secretary seeking approval to modify the approval listed in Schedule 1 , and including any additional information provided by the Proponent in support of the application for approval of the project.
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
NSW Heritage Council	Heritage Council of NSW
OEMP	Operational Environmental Management Plan
Operation	The carrying out of Modification 6 (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary. <i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of Modification 6 are within the definition of construction.</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Planning Secretary	Planning Secretary of the Department (including any reference to Director General in Schedule 1) (or nominee, whether nominated before or after the date on which this approval was granted).
Project	The M7 Westlink Motorway (formerly known as the Western Sydney Orbital)
Proponent	Transport for NSW and any other person carrying out any part of Modification 6 from time to time.
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW).
Relevant council(s)	Liverpool City Council, Fairfield City Council, Blacktown City Council

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Term	Definition
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW).
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for Modification 6 under the EP&A Act.
Sensitive land use(s)	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces) and industrial premises as identified by the Planning Secretary. <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 Modification 6 and which may be a heritage item but was not identified in the documents listed in Condition 1A of Schedule 1 or suspected to be present. An unexpected heritage find does not include human remains
Work	Any physical activity for the purpose of Modification 6 including Construction and Low Impact Work

General

1. The Project shall be carried out in accordance with:
 - (a) the Project contained in the Environmental Impact Statement (EIS), and as modified by the Representations Report;
 - (b) all identified Sub Plans, safeguards and mitigation measures identified in the EIS and Representations Report;
 - (c) the Director-General's Report;
 - (d) the Conditions of Concurrence granted by the NPWS; and
 - (e) the conditions of approval granted by the Minister.

Despite the above, in the event of any inconsistency with the Project as described in the EIS and/or Representations Report, the conditions of approval granted by the Minister and Conditions of Concurrence by the NPWS shall prevail.

These conditions do not relieve the Proponent of the obligation to obtain all other approvals and licences from all relevant authorities required under any other Act. Without affecting the generality of the foregoing, the Proponent shall comply with the terms and conditions of such approvals and licences.

It shall be the ultimate responsibility of the Proponent to ensure compliance with all conditions of approval granted by the Minister.

- 1A. The Proponent must carry out Modification 6 in accordance with the terms of this approval (the conditions listed in **Condition 1B of Schedule 1**, and all Conditions listed in Schedule 2) and generally in accordance with the:

- (a) *Westlink M7 Widening Modification Report* prepared by Transport for NSW and dated August 2022; and
- (b) *Westlink M7 Widening Submissions Report* prepared by Transport for NSW and dated November 2022.

- 1B. The following Conditions listed in Schedule 1 apply to Modification 6: 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 6, 6A, 26, 44, 45, 46, 67, 90, 96A, 96B, 96C, 96D, 96E, 96F, 96G, 96H, 96I, 96J, 96K, 99A, 99B, 125 (as it applies to operation), 146A, 150, 155 and 221. All other Conditions in Schedule 1 not listed in this Condition do not apply to any Work associated with Modification 6.

- 1C. In the event of an inconsistency between:

- (a) the terms of this approval and any document listed in **Condition 1 and 1A of Schedule 1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
- (b) any document listed in **Condition 1 and 1A of Schedule 1** 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.

- 1D. The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:

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- (a) the environmental performance of Modification 6;
 - (b) any document or correspondence in relation to Modification 6;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of Modification 6;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (f) the carrying out of any additional monitoring or mitigation measures; and
 - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- 1E. Modification 6 must be carried out in accordance with all procedures, commitments, preventative actions, performance outcomes and mitigation measures set out in the documents listed in **Condition 1A** unless otherwise specified in, or required under, this approval.
- 1F. The Modification 6 approval lapses five years after the date on which it is granted, unless work has physically commenced on or before that date.
- 1G. 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 the Modification 6 approval, unless otherwise approved by the Planning Secretary.
- 1H. Where terms of the conditions identified in **Condition 1B** or Schedule 2 require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and ER (as relevant) with the corresponding documentation. The evidence must include:
- (a) documentation of the engagement with the 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) an 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.
- 1I. Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an Incident or a Non-compliance.

Staging of Specific Construction Works

2. Nothing in these conditions shall be interpreted as preventing compliance with any Condition of Approval for a separate section of the Project where the appropriate documentation / approvals have been obtained for a specific construction work site or section but not necessarily the entire project.

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Note:

The intention of this Condition is to enable construction project work to proceed without having first obtained approvals relating to other work sites, sections or stages of construction work provided that there is no significant interaction between the work sites, sections or stages or significant adverse cumulative impacts.

Compliance

General

3. The Proponent shall comply with, or ensure compliance with, all requirements of the Director-General in respect of the implementation of any measures arising from the conditions of this approval. The Proponent shall bring to the attention of the Director-General any matter that may require further investigation and the issuing of instructions from the Director-General. The Proponent shall ensure that these instructions are implemented to the satisfaction of the Director-General within such time that the Director-General may specify.

Pre-Construction Compliance Report

4. At least one month prior to commencement of substantial construction (or within such period as otherwise agreed by the Director-General), the Proponent shall submit to the Director-General a compliance report detailing compliance with all relevant conditions that apply prior to commencement of substantial construction and shall address:
 - (a) the dates of submissions of the various studies and/or requirements of various relevant conditions, and their approval and terms of approval; and
 - (b) action taken and/or proposed to implement the recommendations made in terms of approvals and/or studies.

Pre-Operation Compliance Report

5. At least one month prior to the opening to traffic on the Project, the Proponent shall submit to the Director-General a compliance report detailing compliance with all relevant conditions that apply prior to commencement of operation and shall include:
 - (a) results of environmental monitoring required under this Approval including interpretation and discussion by a suitably qualified person;
 - (b) a record of all complaints and the action taken to mitigate all such complaints;
 - (c) recommendations in regard to compliance issues; and
 - (d) action taken and/or proposed to implement the recommendations made in terms of approvals and/or studies.

The period of one month referred to in this condition above may be altered as agreed by the Director-General.

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Project Commencement

6. The Department must be notified in writing of the dates of commencement of works, construction and operation associated with Modification 6 at least one month before those dates.
- 6A. If the construction or operation of Modification 6 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 works, construction and operation at least one month before those dates.

Dispute Resolution

7. The Proponent shall endeavour, as far as possible, to resolve any dispute between relevant public authorities arising out of the implementation of the conditions of this approval. Should this not be possible, the matter shall be referred firstly to the chief executives and directors of the agencies involved. If the matter cannot be resolved then it shall be referred to the Minister for resolution. The Minister's determination of the disagreement shall be final and binding on all parties.

Complaints Procedures

8. Prior to the commencement of construction, the Proponent shall institute, publicise and list with a telephone company a 24 hour toll-free complaints contact telephone number, which would enable any member of the general public to reach a person who can arrange appropriate response action to the complaint within two hours during all times construction is being undertaken.
9. The Proponent shall record details of all complaints received during construction and ensure that at least a verbal response on what action is to be undertaken is provided to the complainant within 2 hours when Project construction works are being undertaken (unless the complainant agrees otherwise) and a detailed written response within seven (7) calendar days. Information on all complaints received and response times shall be made available to the EMR daily and on request to the Director-General and relevant government agencies. The Proponent shall nominate an appropriate person(s) to receive, log, track and respond to complaints within the specified timeframe in accordance with Condition No. 8. The name and contact details of this person(s) shall be provided to the relevant Council(s) and the Director-General upon appointment or upon any changes to that appointment, but at least one week prior to the commencement of substantial construction.

Advertisement of Activities

10. Prior to the commencement of construction, and then at three (3)-monthly intervals, the Proponent shall advertise in relevant local newspapers, the nature of the works proposed for the forthcoming three months, the areas in which these works are proposed to occur, the hours of operation and a contact telephone number.

The Proponent shall ensure that the local community and businesses are kept informed (by appropriate means such as: local newsletters, leaflets, newspaper advertisements, and

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community noticeboards, etc.) of the progress of the Project, including any traffic disruptions and controls, construction of temporary detours and work required outside the nominated working hours, including noisy works, prior to such works being undertaken.

11. The Proponent shall establish a Project internet site prior to the commencement of construction and maintain the internet site until 12 months after opening of the Project to traffic. This internet site shall contain monthly updates of work progress, consultation activities and planned work schedule, including but not limited to:
 - (a) a description of relevant approval authorities and their areas of responsibility;
 - (b) a list of environmental management reports that are publicly available and the executive summaries of those reports;
 - (c) minutes of community liaison group meetings;
 - (d) contact names and phone numbers of the Project communications staff; and
 - (e) 24 hour toll-free complaints contact telephone number.

Updates of work progress, construction activities and planned work schedule shall be provided more frequently where significant changes in the noise impacts are expected.

Communication and Consultation

Community Involvement Plan

12. The Proponent shall prepare a Community Involvement Plan for the construction period, which would be in place prior to commencement of construction. The Community Involvement Plan shall set out the community communications and consultation procedures and protocols for the Project, which shall comply with the obligations under the approval from the Minister, other approvals, licences and permits. The Community Involvement Plan shall also include but not necessarily be limited to:
 - (a) details of the communication protocols and procedures and consultation team appointed to manage and implement the Plan during the consultation period including qualifications and experience;
 - (b) details of how the Plan would address the complexities of the timing and staging of different activities across the Project including cumulative impacts;
 - (c) details of the role of the Independent Community Liaison Representative (ICLR) and demonstration of how the independence of this representative will be maintained;
 - (d) a crisis and issues management plan identifying the range of consultation activities to be undertaken to minimise community reaction to construction activities;
 - (e) maintenance and updating of the established stakeholder database with identification of the local community likely to be affected by the Project, including identification of residences, businesses and other sensitive land uses and the specific communication needs of this community (ie. language translation, disabled access etc);
 - (f) procedures for the establishment and functioning of the Community Liaison Groups in accordance with Condition No. 13;
 - (g) procedures for informing users of the affected road network of planned traffic arrangements including temporary traffic switches;

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- (h) procedures for informing the local community of planned investigation and construction operations;
- (i) provisions for dealing with complaints (particularly night time) and response requirements as specified in Condition No. 9. This should include the respective protocols for the EMR, ICLR, Contractors, and any other relevant stakeholders in handling complaints and independent dispute resolution;
- (j) provision for the Proponent's attendance and participation in all groups and public meetings forming part of the Community Involvement Plan; and
- (k) the provision of training for all employees and sub-contractors on the requirements of the Community Involvement Plan.

Community Liaison Groups

13. Four (4) Community Liaison Groups (CLG) or as otherwise agreed by the Director-General shall be formed prior to the commencement of construction of that section of the Project. The purpose of the CLGs is to discuss detailed design issues and methods for minimising the impact on the local community during the construction stage. All CLGs shall include the Environmental Management Representative, representatives from the RTA, the contractor, relevant local community groups, and Councils unless otherwise agreed by the Director-General.

Issues for discussion shall include, but not be limited to, flora and fauna protection; noise control measures; access arrangements, air and water quality; public transport impacts and opportunities; landscaping requirements and any other issues relevant to the impact of the implementation of the project on the community.

The Group may make comments and recommendations about the design and implementation of the Project, which shall be considered by the Proponent. In the event of any dispute between the Group and the Proponent, the Proponent's decision shall be considered as final so long as it is not inconsistent with these conditions.

Unless otherwise agreed to by the Director-General the CLGs shall be maintained for at least 12 months after the opening to traffic on the Project.

14. The Proponent shall:
- (a) establish appropriate representative CLGs, having considered the Guidelines for the Establishment of the Community Liaison Groups (see Attachment 1);
 - (b) nominate a chair to be approved by the Director-General;
 - (c) allow the Group to make comments and recommendations about the implementation of the development and environmental management plans, monitor compliance with conditions of this approval and other matters relevant to the operation of the development during the term of the approval;
 - (d) ensure that the Group has access to the necessary plans and information for such purposes; and
 - (e) consider the recommendations and comments of each Group and provide a response to each Group and the Director-General.

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The Proponent shall as applicable review the need, relevance, effectiveness and membership of the CLGs at 6 monthly intervals or at other times as agreed by the Director-General. Following this review and if justified the Proponent shall seek the approval of Director-General to disestablish any CLG. The Proponent shall bear all costs associated with the establishment and ongoing function of the Group.

Independent Community Liaison Representative

15. The Director-General shall approve the appointment of the person(s) nominated by the Proponent to serve as the Independent Community Liaison Representative (ICLR), for the duration of the construction period. In considering the appointment the Director-General shall take into account the qualifications of the ICLR particularly their experience in facilitation, mediation and dispute resolution.

The role of the ICLR will include but not be limited to:

- (a) confirm and monitor that the Proponent meets all the communication and consultation obligations outlined in the approved Community Involvement Plan and as they arise during the course of the Project;
- (b) attend as a facilitator local community liaison group meetings;
- (c) be available for direct contact from the community during all hours that construction works are undertaken and/or that the Display Centres are open as specified in Condition No. 16;
- (d) draw to the attention of the EMR and the Proponent all community complaints and issues; and
- (e) assist the Proponent to mediate the resolution of dispute that can not be resolved by the EMR or the Proponent in consultation with the community.

The Proponent shall bear the cost of employment of the ICLR.

Display Centres

16. Three (3) display centres or as otherwise agreed to by the Director-General shall be established no later than three (3) months prior to substantial construction of any discrete section of the Project, staffed and maintained at least until commencement of operation of the Project. The display centres shall be open between 10:00 am and 6:00 pm Monday to Friday and 10:00 am to 1:00 pm on Saturdays. Up-to-date photographs, diagrams, samples and other suitable material shall be provided at each display centre, covering at least:
 - (a) noise and retaining wall locations, details and finishes;
 - (b) landscape concept, cross section treatments, perspective views and details;
 - (c) bridges;
 - (d) overall architectural and landscape design theme; and
 - (e) temporary works affecting businesses, residences, pedestrians and public transport users.

A dedicated Personal Computer internet access point to the internet site shall be provided in each display centre. A phone line shall be provided allowing direct contact from any display centre to the centre where the ICLR is based.

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17. Prior to the opening of the display centres, the Proponent shall prepare a schedule that ensures that the ICLR(s) is available for discussion for a defined and advertised period at each of the display centres referred to in Condition No. 16. The CLGs shall be advised and the schedule advertised in local newspapers prior to the opening of the display centres and prior to any changes to the schedule.

Environmental Management

Environmental Management Representative

18. Prior to the commencement of construction, the Director- General shall approve the appointment of the person nominated to serve as the Environmental Management Representative (EMR). In considering the appointment, the Director- General shall take into account:
- (a) the qualifications and experience of the EMR including demonstration of general compliance with the principles of AS/NZS ISO 14012:1996 Guidelines for Environmental Auditing : Qualification Criteria for Environmental Auditors;
 - (b) the role and responsibility of the EMR; and
 - (c) the authority and independence of the EMR including details of the Proponent's internal reporting structure.

The EMR shall have responsibility for:

- (a) considering and advising on matters specified in the conditions of approval and compliance with such;
- (b) certifying the environmental/community impacts as minor for all activities defined by the Proponent as not constituting substantial construction;
- (c) reviewing and approving the Proponent's induction and training program for all persons involved in the construction activities and monitor implementation;
- (d) periodically monitoring the Proponent's environmental activities to evaluate the implementation, effectiveness and level of compliance of on-site construction activities with the EMP and associated plans and procedures, including carrying out site inspections at least fortnightly;
- (e) reporting monthly to the Director-General;
- (f) recording and providing a written report to the Proponent of non-conformances with the EMP and require the Proponent to undertake mitigation measures to avoid or minimise any adverse impacts on the environment or report required changes to the EMP;
- (g) directing the Proponent to stop work immediately where considered necessary, if in the view of the EMR an unacceptable impact on the environment is likely to occur, or require other reasonable steps such as the authorisation of hold points to be taken to avoid or minimise any adverse impacts;
- (h) reviewing corrective and preventative actions to ensure the implementation of recommendations made from the audits and site inspections;
- (i) reviewing minor revisions to the EMP and CMS;
- (j) providing reports to the Department on matters relevant to the carrying out of the EMR role as necessary including notifying the Director-General of any stop work notices; and
- (k) endorse the Operational EMP in accordance with Condition of Approval No. 26.

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The EMR shall immediately advise the Proponent and the Director-General concurrently of any major issues resulting from the construction of the Project that have not been dealt with expediently or adequately by the Proponent.

The EMR shall be available during construction activities at the site and be present on-site during any critical construction activities as defined in the relevant Environmental Management Plan (EMP) or Construction Method Statements (CMSs).

Environmental Management System

19. The Proponent shall ensure the appointment of construction and/or operation head contractors that have a demonstrated capability and experience in the implementation of an Environmental Management System prepared in accordance with the AS/NZS ISO 14000 series or BS7750-1994 certified by an accredited certifier and/or have a proven environmental management performance record.

Ancillary Infrastructure Impact Assessment

20. At least two (2) months prior to substantial construction of any discrete section of the Project the Proponent shall complete an Ancillary Infrastructure Impact Assessment (AIIA). The AIIA shall be updated as detailed design for each section is completed. The AIIA shall address the environmental impacts of all ancillary facilities associated with the Project including but not limited to:

- (a) construction compound(s);
- (b) concrete or asphalt batch plant(s);
- (c) noise mitigation;
- (d) service centre(s);
- (e) toll facilities/gantries;
- (f) off motorway cycleway facilities;
- (g) sedimentation basins;
- (h) flood detention basins/constructed wetlands; and
- (i) variable message/speed limit signs.

The findings of the AIIA in relation to recommended mitigation or safeguard measures shall be incorporated into the reports required in accordance with Condition Nos. 21 and 22.

The AIIA shall also assess the additional impacts on any endangered ecological communities and threatened flora and fauna species and shall incorporate findings into negotiations with the NPWS on mitigation measures, including compensatory habitat as appropriate.

The AIIA shall be prepared in consultation with DLWC, EPA, NPWS, local Councils and the CLGs. The AIIA shall require the approval of the Director-General and shall be made publicly available.

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Construction Framework Environmental Management Plan

21. Prior to the commencement of substantial construction, a Construction Framework Environmental Management Plan (CFEMP) shall be prepared, following consultation with the EPA, DLWC, NPWS, Department of Transport relevant councils and all relevant utility/service providers. The Construction Framework EMP shall be prepared in accordance with the conditions of this approval, all relevant Acts and Regulations and accepted best practice management Sub Plans.

The Construction Framework EMP shall require approval by the Director-General prior to the commencement of substantial construction or within such time as otherwise agreed to by the Director-General. The Construction Framework EMP shall be certified by the EMR as being in accordance with the Conditions of Approval and all undertakings made in the EIS and Representations Report, prior to seeking approval of the Director-General.

The Construction Framework EMP shall include:

- (a) reference and proposed timeframes for all the Sub Plans required under this Approval;
- (b) the role of the EMR;
- (c) details of the community communication and consultation process and identification of the role of the ICLR;
- (d) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to compliance with the Construction Framework EMP;
- (e) a matrix of Construction Method Statements (CMS) required to construct the Project, including an assessment of the predicted level of risk and potential level of public interest posed by each CMS and indicative timeframes for completion; and
- (f) propose a response timeframe for all CMS to be approved by the Director-General.

The Construction Framework EMP shall be made publicly available.

Construction Method Statements

22. The Proponent shall prepare in consultation with the relevant government agencies and the CLGs, Construction Method Statements (CMS) for all construction methods and/or major construction work sites to be utilised during construction in accordance with the Framework Construction EMP required by Condition No. 21. The Director-General shall nominate the CMSs that will require approval by the Director-General. Those CMSs not requiring the approval of the Director-General shall require the certification of the EMR as being in accordance with the Conditions of Approval and all undertakings made in the EIS and Representations Report. Any CMS to be approved by the Director-General shall be submitted to the Department following certification by the EMR no less than one (1) month prior to the proposed commencement of the relevant construction activities.
23. Each CMS shall include, but not be limited to:
- (a) construction activities and processes associated with the relevant construction site(s), including staging and timing of the proposed works;
 - (b) length (time) of construction;
 - (c) specific hours of operation for all key elements including off-site movements;

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- (d) cover specific environmental management objectives and strategies for the main environmental impacts and include, but not be limited to: noise and vibration; air quality; flora and fauna, riparian management, water quality; erosion and sedimentation; access and traffic including public transport; property acquisition and/or adjustments; heritage and archaeology; groundwater; acid sulfate soils; spoil stockpiling and disposal; waste/resource management; weed management; flooding and stormwater control; geotechnical issues; visual screening, landscaping and rehabilitation; hazards and risks; energy use, resource use and recycling; and utilities; and
- (e) address, but not be limited to:
 - (i) identification of the statutory and other obligations which the Proponent is required to fulfil during Project construction, including all approvals and consultations/agreements required from other authorities and stakeholders, and key legislation and policies which control the Proponent's construction of the Project;
 - (ii) measures to avoid and/or control the occurrence of environmental impacts;
 - (iii) measures (where practicable and cost effective) to provide positive environmental offsets to unavoidable environmental impacts;
 - (iv) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to compliance with the CMS;
 - (v) site specific environmental management techniques and processes for all construction in respect of permanent and/or temporary works;
 - (vi) site specific monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental management of the Project, including performance criteria, tests, and protocols (eg. frequency and location);
 - (vii) identification of affected residents and consultation/notification requirements;
 - (viii) locational details of important elements such as temporary noise barriers; sedimentation basins and facilities; detention basins and/or constructed wetland; portable offices and amenities; truck, plant and materials storage; access locations; provision of site hoardings etc;
 - (ix) environmental management instructions for all complex environmental control processes which do not follow common practice or where the absence of such instructions could be potentially detrimental to the environment;
 - (x) steps the Proponent intends to take to ensure that all Plans and Sub Plans are being complied with;
 - (xi) the provision of safe pedestrian and cyclist access to at least the same standard that existed prior to commencement, without due inconvenience to pedestrians and cyclists for periods longer than 24 hours during the construction stage;
 - (xii) safety, security and crime management measures;
 - (xiii) consultation requirements with relevant government agencies; and
 - (xiv) community communication, consultation and notification strategy (including local community, businesses, relevant government agencies, and all relevant Councils), and complaint handling procedures.

Specific requirements of the main environmental system elements referred to in (d) shall be as required under the conditions of this approval and/or as required under any licence or approval. All CMSs shall be made publicly available.

Environmental Monitoring – Construction

24. The Proponent shall submit to the Director-General a report(s) in respect of the environmental

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performance of the construction works and compliance with the Construction Framework EMP, all relevant CMSs and any other relevant conditions of this approval. The reports shall be prepared six months after the start of substantial construction and thereafter at six monthly intervals or at other such periods as requested by the Director-General to ensure adequate environmental performance over the duration of the construction works. The report(s) shall include, but not be limited to, information on:

- (a) applications for consents, licences and approvals, and responses from relevant authorities;
- (b) implementation and effectiveness of environmental controls and conditions relating to the work undertaken;
- (c) identification of construction impact predictions made in the EIS and any supplementary studies and details of the extent to which actual impacts reflected the predictions;
- (d) details and analysis of results of environmental monitoring;
- (e) number and details of any complaints, including summary of main areas of complaint, action taken, response given and intended strategies to reduce complaints of a similar nature; and
- (f) any other matter relating to the compliance by the Proponent with the conditions of this approval or as requested by the Director-General.

The report(s) shall be provided to the EPA, DLWC, NPWS, relevant Councils and any other relevant government agency nominated by the Director-General. The report(s) shall also be made publicly available.

25. The Proponent shall ensure that it has an internal audit system and that internal audits are undertaken and endorsed by the EMR every three (3) months to ensure compliance with the EMP, the conditions of approval and all other relevant licences and approvals. Each audit must be completed within 6 weeks of the end of the 3 month period and be made available to the Director-General upon request.

Operational Environmental Management Plan

26. [The existing Westlink M7 Operational Environmental Management Plan \(OEMP\) and associated sub-plans \(including those required by Conditions 90 and 125 \(as it relates to operation\)\) must be updated no later than one month prior to the commencement of operation of Modification 6.](#) The Plan [and associated sub-plans must be updated](#) in accordance with the conditions of this approval, [Schedule 2 of this approval and](#) all relevant Acts and Regulations and accepted best practice. [The updated OEMP and associated sub-plans must be submitted to the Planning Secretary upon request. The consultation requirements of Condition 90 and 125 do not apply to the updates of Operational sub-plans made as a result of Modification 6.](#)

Environmental Impact Audit Report

27. An Environmental Impact Audit Report shall be submitted to the Director-General, 12 months, 2 and 7 years from the Project opening to traffic or as otherwise agreed to by the Director-General. The Environmental Impact Audit Report shall be prepared by an independent person(s) or organisation approved by the Director-General and paid for by the Proponent. The Report shall assess the key impact predictions made in the EIS and any supplementary studies and detail the extent to which actual impacts reflect the predictions during the first 12 months of operation and any other periods as required. The Report shall provide details on actual versus predicted impacts for all key issues identified in the EIS. The suitability of implemented mitigation

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measures and safeguards shall also be assessed. The Report shall also assess compliance with the Operational EMP.

The Report shall discuss results of consultation with the local community in terms of feedback/complaints and issues of concern raised on the construction and operation phases of the Project. The Proponent shall comply with all reasonable requirements of the Director-General, EPA and other relevant authorities with respect to any reasonable measure arising from, or recommendations in, the report.

The Report shall be made publicly available.

Major Project Design Issues

28. The Project shall be opened to traffic as a complete Project between the M5 and the M2 operating as described in the Representations Report.
29. Deleted.
30. The Proponent shall ensure that the recommendations contained within the 'Road and Interchange Design Review' (Arup, January 2002) conducted for the Department are made available to tenderers and the Proponent shall demonstrate how such recommendations have been specifically considered during the detailed design process. A summary of these considerations shall be included as part of the AIIA detailed in Condition No. 20.
31. During the detailed design process, the Proponent shall investigate alternative designs and alignments for the M5 to Project ramp westbound and the Project to M5 eastbound with an objective of minimising the footprint, bulk and scale. In assessing alternative designs the Proponent shall consider the recommendations in the 'Road and Interchange Design Review' (Arup, January 2002) referred to in Condition No. 30 and issues in relation to design speeds, safety, visual impacts, noise impacts, flooding, landtake, access and impacts on flora and fauna. The proposed final design shall be completed within 12 months of the date of this approval unless otherwise agreed by the Director-General. The study shall be prepared in consultation with NPWS, DLWC, Liverpool Council and the Director-General.
32. **Prior to substantial construction** the Proponent shall investigate alternative design treatments to address potential flooding issues and environmental impacts for the section of the Project between Camden Valley Way and Cowpasture Road.

The assessment as a minimum shall include:

- (a) results of consultation with EPA, DLWC, NPWS, and relevant Councils;
- (b) changes to hydraulic and hydrological regimes including any additional areas inundated, inundation times, inundation depths, number of properties impacted and damage estimates;
- (c) review of current and future landuses in consultation with the Department and relevant Councils;
- (d) impacts on vegetated areas including riparian zones and any endangered ecological communities and/or threatened flora and fauna;
- (e) visual impacts;
- (f) severance including relative vehicular and pedestrian access between existing and future development on both sides of the Project; and

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- (g) a cost benefit assessment prepared in accordance with the Department's Draft Guideline 'Economic Effects and Evaluation in Environmental Impact Assessment' and include the relative costs related to any flooding impacts, spoil acquisition and transport costs, costs of landtake for any detention basins and environmental costs associated with alternative designs.

The primary objective of the alternative design treatment shall be to minimise increases in afflux as a result of the Project and to minimise environmental impacts.

The assessment shall nominate a preferred design which shall require the approval of the Director-General.

- 33. If archaeological and anthropological investigations in the vicinity of the Plumpton Ridge area or other PADs reveal that these sites have a high Aboriginal heritage significance and would be significantly impacted by the Project, the Proponent shall in consultation with relevant Aboriginal communities, NPWS and the Department of Aboriginal Affairs prepare an assessment of possible route re-alignment alternatives or other appropriate measures. These investigations shall be complete within six (6) months from the date of this approval unless otherwise agreed by the Director-General and the findings of any report require the approval of the Director-General.
- 34. **Prior to substantial construction** the Proponent shall conduct an investigation into the feasibility, impact and cost effectiveness of using vertical walls or other treatments to minimise the footprint of the Project in the vicinity of adjacent endangered ecological communities, threatened flora locations, Aboriginal heritage areas and non-indigenous heritage sites. The investigation shall be prepared in consultation with NPWS and the Director-General.
- 35. The Proponent shall consult with Liverpool City Council and bus operators to ensure that the Project is designed to the satisfaction of the Director-General to allow for future connections across the Project in relation to any proposed development in the Hoxton Park aerodrome area or surrounds between chainage 5500 and 7500 as shown in Sheets 3 and 4 from the Representations Report.

Public Transport Enhancement Measures

Pre-construction Stage

- 36. The Proponent shall, in consultation with the DoT, design the Project to accommodate the future provision of public transport facilities. Consideration shall include but not be limited to, the requirements for bus and light rail stops/stations, bridge crossings, vertical and horizontal clearances and alignments, and pedestrian and bicycle access such that retrofitting for dedicated public transport use is not precluded in the future.
- 37. During the detailed design process, the Proponent shall investigate in consultation with the Department of Transport, infrastructure required for the establishment of any regular bus services on the Project between Richmond Road and the M2, and for interchanges with other public transport services which intersect the Project such as the proposed Parramatta-Mungerie Park Transitway, the proposed Blacktown-Castle Hill Transitway and the potential future extension of the Liverpool to Parramatta Transitway to Edmondson Park.

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38. The Proponent shall consult all affected schools in relation to all practicable measures to be taken to avoid undue disruption from altered school bus services during construction.

Construction Stage

39. In accordance with the findings in Condition No. 37, the Proponent shall consult with the Department of Transport and if required by the Department of Transport arrange for the provision of all relevant infrastructure to ensure that bus services can operate on the Project between Richmond Road and the M2 immediately after opening. Provision of infrastructure shall include but not be limited to covered bus stops, safe bus set-down areas, timetable information facilities, bicycle and pedestrian access facilities, lighting and, if required, car parking provisions and bicycle lockers.
40. At least six months prior to the opening to traffic on the WSO the Proponent shall identify, in consultation with potentially affected bus companies, relevant Councils, the CLGs and Department of Transport any roads or intersections surrounding and across the Project where the predicted level of traffic as a result of the Project would affect existing bus services. The investigation shall identify any required bus measures including the consideration of bus priority measures to minimise impacts. The investigation shall be reviewed 12 months following the opening of the Project to traffic.

Operation Stage

41. The Proponent shall install as soon as practicable, in consultation with the Department of Transport, dedicated bus lanes and facilities including but not limited to covered bus stops, pedestrian access and bicycle facilities, lighting and, if required, car parking provisions and bicycle storage between Richmond Road and the M2 should the following occur:
- Predicted or measured midblock volume/capacity ratios reach or exceed Level of Service D during the morning or afternoon peak period for any section between Richmond Road and the M2; and
 - Stated preference surveys indicate potential patronage levels equivalent to or higher than those achieved at the M2 east of Windsor Road during the M2s first 12 months of operations. Preference surveys shall be undertaken prior to substantial construction in consultation with the Department of Transport.
42. Five (5) years after the opening of the Project to traffic and every ten (10) years subsequently up to 25 years, the Proponent shall review the potential demand for dedicated public transport services on the Project to the satisfaction of the Department of Transport and shall implement any such measures as agreed between the Proponent and the Department of Transport.

Freight

43. Twelve (12) months after the opening to traffic on the Project, the Proponent shall prepare a report on the use of the Project by heavy vehicles. Should the report indicate a usage rates generally inconsistent with those predicted at opening in the report titled 'Western Sydney Orbital – Traffic Report' (Masson Wilson and Twiney, January 2002) the Proponent shall prepare a freight enhancement strategy to encourage higher usage on the Project. The strategy shall include but not be limited to investigations into:

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- (a) the cost effectiveness and feasibility of innovative tolling including at least the option of reducing the toll for heavy vehicles to encourage heavy vehicle use of the Project;
- (b) advertising and promotional methods to encourage use; and
- (c) methods to discourage heavy vehicle use on alternative routes such as the Cumberland Highway.

The review of heavy vehicle usage, reporting and any recommended strategies shall be prepared to the satisfaction of the Director-General and shall be reviewed on a two (2) yearly basis to 25 years after opening to traffic on the Project. The Proponent shall comply with any request of the Director-General in relation to the outcomes of the study.

Tolling

- 44. A tolling system shall be implemented which:
 - (a) is compatible with the existing standard for electronic tolling adopted throughout Sydney and Australia; and
 - (b) makes adequate provision for casual users.
- 45. All buses (including school buses) providing scheduled public passenger transport services shall be exempt from all Project tolls.
- 46. Emergency service vehicles responding to emergencies and bicycles shall be exempt from all Project tolls.

Flora and Fauna

Pre-Construction

- 47. Prior to construction commencement, the Proponent shall undertake targeted surveys for microchiropteran bats, in particular the Greater Broad-nosed Bat (*Scoteanax ruepellii*), Eastern Freetail Bat (*Mormopterus norfolkensis*) and the Grey-headed Flying Fox (*Pteropus poliocephalus*) along the proposed alignment. In particular, surveys shall focus on the identification of roost sites outside of the Project footprint but within the Project reserve. Survey methodology, timing and effort shall be in consultation with the Director-General and NPWS. The Proponent shall not remove any threatened bat roost sites outside of the Project footprint but within the Project reserve.
- 48. The Proponent shall ensure that a compensatory habitat package is negotiated prior to construction and complies with the conditions of concurrence issued by the NPWS. The compensatory habitat package shall be approved by the NPWS Manager of Conservation Programs and Planning Division, Central Directorate. The compensatory habitat package shall be based on the criteria outlined in Section 2.3.7 of the NPWS concurrence issued on 14 September 2001 and any additional finding as identified in Condition No. 20.
- 49. As part of the Framework Construction EMP, the Proponent shall prepare a detailed Flora and Fauna Management Sub Plan in consultation with the NPWS. The Sub Plan shall be prepared **prior to substantial construction** and shall identify requirements for seed collection, strategies for minimising vegetation clearance and protection of vegetated areas outside the direct impact

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zone, controlling impacts due to spills, spread of debris and refuse, movement and storage of materials and equipment, vegetation and soil clearing for construction, revegetation of cleared areas, weed control including aquatic species and handling of any fauna.

50. A part of the Flora and Fauna Management Sub Plan referred to in Condition No. 49, the Proponent shall prepare a detailed threatened Species Management Procedure(s) to the satisfaction of the NPWS and the Director-General. The Procedures shall be prepared **prior to substantial construction** activities and shall identify requirements for minimising habitat disturbance, appropriate remediation of degraded habitat, monitoring procedures, training of construction personnel, etc.

Construction

51. The Proponent shall undertake all works as part of the Project in accordance with the conditions stated in Section 9 of the Concurrence Report issued by the Director-General of the NPWS on 14 September 2001.

Endangered or Threatened Species

52. Endangered ecological communities and threatened species habitat located adjacent to the Project footprint and that may otherwise be impacted upon by the construction of the Project shall be fenced and access to these areas prohibited. The fencing shall be installed concurrent with or immediately following the pegging of the limit of clearing and shall be in advance of any substantial clearing of the road footprint. The fencing shall be clearly visible to machinery operators. The fencing shall remain in place delineating the limit of clearing until construction completion. All employees and contractors shall be made aware of any sensitive areas in relation to endangered ecological communities and/or threatened species.
53. A qualified ecologist shall be consulted on the location of individual rare or threatened plants or communities or the Cumberland Land Snail (*Meridolum corneovirens*), to ensure minimal disturbance to native vegetation, to provide direction on methods for relocation and/or replacement plantings, and to initiate and undertake rehabilitation works as soon as practicable.
54. If, during the course of construction, the Proponent becomes aware of the presence of any threatened species which are likely to be significantly affected and are not recognised in an existing concurrence from NPWS for the Project under the *Threatened Species Conservation Act 1995*, or listed under the *Fisheries Management Amendment Act 1997*, the Proponent shall immediately consult with the NPWS and/or NSW Fisheries as appropriate. Following this consultation, the Proponent shall meet all requirements as directed by the Director-General prior to recommencement of any works likely to affect any threatened species.

Vegetation

55. The clearing of vegetation shall be limited to areas that need to be used for construction of the Project. Cleared vegetation must be reused or recycled to the greatest extent practicable. No burning of cleared vegetation shall be permitted. Reuse options include removing millable logs, recovering fence posts, and mulching and chipping unusable vegetation waste for on-site use such as landscaping. All reasonable measures to use any surplus vegetation shall be undertaken including donation to community groups, distribution to the local community, etc.

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56. Landscaping and revegetation shall utilise seed of locally native flora species or suitable tubestock grown from seed of locally native species to the satisfaction of a qualified ecologist or bushland regeneration officer.
57. Temporary revegetation shall be undertaken to stabilise disturbed areas. Progressive permanent revegetation shall be undertaken to stabilise completed works and allow adopted landscaping themes to be developed.
58. If permanent wetlands are constructed, macrophyte or water plant growth shall be undertaken within them, in accordance with the DLWC Constructed Wetlands Manual.

Visual Impacts, Landscaping and Urban Design

Pre-Construction

59. The Proponent shall prepare an Urban Design and Landscape Sub Plan as part of the Framework Construction EMP to the satisfaction of the Director-General. The Plan shall be prepared by a suitably qualified urban designer/landscape architect. The Plan shall present an integrated urban design for the Project, applying all design principles established in the EIS and associated documents. The Plan shall identify the key principles including but not limited to:
 - (a) built elements including bridges and other structures, retaining walls, noise walls and toll infrastructure;
 - (b) motorway and road furniture including safety barriers, kerbs, paving, signage, lighting, medians, emergency phones and breakdown facilities;
 - (c) pedestrian and cycle elements including footpaths and paving, pedestrian crossings and fixtures (i.e. tree guards, seating, lighting, fencing and signage);
 - (d) public transport facilities;
 - (e) open space links;
 - (f) a schedule of species to be used in landscaping; and
 - (g) landscape elements including proposed treatments, finishes and materials of exposed surfaces (including colour specifications and samples).

The plan shall be prepared in accordance with relevant environmental planning instruments including Sydney Regional Environmental Plan No. 31, any Plans of Management and masterplans.

60. As part of the preparation of Construction Method Statements as specified in Condition No. 22 and in accordance with the principles defined as a result of Condition No. 59 Urban Design and Landscape Plans (including cycleways) shall be prepared in consultation with relevant Councils and the Director-General and generally in accordance with any findings in Condition Nos. 109 and 112.

The Plan shall include, but not be limited to:

- (a) sections and perspective sketches;
- (b) methodology of landscaping works;
- (c) built elements including bridges and other structures, retaining walls, noise walls and toll

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- infrastructure;
- (d) motorway and road furniture including safety barriers, kerbs, paving, signage, lighting, medians, emergency phones and breakdown facilities;
- (e) pedestrian and cycle elements including footpaths and paving, pedestrian crossings and fixtures (i.e. tree guards, seating, lighting, fencing and signage);
- (f) public transport facilities;
- (g) open space links;
- (h) landscape elements including proposed treatments, finishes and materials of exposed surfaces (including colour specifications and samples);
- (i) timing and staging of works, methodology, monitoring and maintenance; and
- (j) location and identification of existing and proposed vegetation including use of locally native species and target survival rates for plantings.

The Plan(s) shall consist of a report with accompanying annotated plans, sections and perspective sketches, photomontages and other illustrative material at a scale and level of detail which is adequate to convey the Project.

Specific Design Requirements

61. Prior to substantial construction and in accordance with Condition Nos. 59 and 60 the Proponent shall prepare an Urban Design and Landscape Strategy for the Regional Parklands area affected by the project between chainage 7500 as shown in Sheet 4 of the Representations Report and Elizabeth Drive. The Strategy shall be prepared in consultation with the Department, Greening Australia, Liverpool City Council and the CLG representing the area and shall require the approval of the Director-General.

The Strategy shall include but not be limited to:

- (a) measures to minimise the visual impacts of the Project to residents of Cecil Hills including tree planting or other landscape measures in accordance with Condition No. 56;
- (b) consideration of noise barriers;
- (c) appropriate access across the Project including the consideration of width, length and treatment for any overpasses, underpasses in accordance with Condition No. 112; and
- (d) the consideration of community offsets related to the provision of the Project if reasonable and feasible.

Any recommendations outlined in the Strategy shall be implemented in accordance with any requirements of the Director-General.

62. Unless otherwise agreed by the Director-General in accordance with Condition No. 61, the Proponent shall ensure that proposed pedestrian/cycleway access points across the Project between chainage 7500 and 10000 (as shown in Sheet 4 of the Representations Report) shall be designed to be a minimum of 20 metres wide.
63. Bridge structures shall be designed to span the open space link at Lady Penhryn Park, Kings Langley so that a minimum 10 metres span width on either side of the watercourse exists.
64. The Proponent shall construct bridges across both Eastern and Breakfast Creeks without any fill or embankment on land between the creeks.

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65. The Proponent shall consult with landholders in Erin Place, Casula and the EPA with regards to mitigation of impacts on natural light and shadowing of properties as a result of the Project. Consultation shall include, but not necessarily be limited to, the development of the noise management strategy (with regard to design of noise barriers) and preparation of detailed landscape and urban design management plans to the satisfaction of the Director-General and in accordance with Condition Nos. 59 and 90.
66. Deleted.
67. Modification 6 must be constructed and operated with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation of Modification 6 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 project, in consultation with affected landowners.

Landscaping

68. Prior to construction commencement, weed mapping of the road reserve shall be undertaken by a qualified ecologist or bushland regeneration officer. Topsoil stockpiled from locations where significant weed infestation is identified shall not be used in landscaping or rehabilitation unless it is sterilised or treated using accepted methods as specified by the ecologist or bushland regeneration officer.
69. Specific construction and operational landscape management sub-plans shall be prepared to the satisfaction of NPWS and the Director-General for the section of the Project adjacent to the Regional Parklands as defined in Sydney Regional Environmental Plan No. 31 including the Western Sydney Regional Park (WSRP) and the Sydney International Equestrian Centre, as part of the Urban Design and Landscape Plan(s) as specified in Condition No. 60. The sub-plans shall include mitigation, management and monitoring of the following as appropriate, but not be limited to:
 - (a) landscaping sympathetic to the naturally occurring vegetation;
 - (b) weed management to minimise potential impacts on the Regional Parklands or WSRP;
 - (c) security and safety of WSRP visitors;
 - (d) noise mitigation requirements;
 - (e) incorporation of stormwater and drainage controls consistent with existing infrastructure and future planning for the Regional Parklands or WSRP;
 - (f) potential linkages with current and future cycleway networks in the area; and
 - (g) progressive rehabilitation measures to minimise impacts.
70. All landscaping works shall be monitored and maintained by a suitably qualified landscape specialist at the Proponent's expense for a period of not less than three years. The Proponent shall implement any required remediative measures to maintain landscaping works to a high standard. Any landscaping within the road reserve shall be maintained by the Proponent for the life of the Project.

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Noise and Vibration

Pre-Construction

71. The Proponent shall complete additional background noise monitoring to the satisfaction of the Director-General following consultation with the EPA to be used in the development of the Construction Noise Impact Statements required by Condition No. 76.

Construction

72. Open-graded asphaltic concrete shall be used on the main carriageways unless otherwise agreed by the EPA through the Construction Noise and Vibration Management Sub Plan as required in Condition of Approval No.73.

Construction Noise and Vibration Management Sub Plan

73. A detailed Construction Noise and Vibration Management Sub Plan (CNVMP) shall be prepared as part of the Construction Framework EMP in consultation with the EPA, other relevant government agencies, Councils and the CLGs. The Sub Plan shall provide details of general noise and vibration control measures to be undertaken during the construction stage. The Sub Plan shall provide the framework for construction noise and vibration management. Detailed analysis and assessment of potential impacts and mitigation measures shall be undertaken for each specific construction site through the Construction Noise Impact Statements required in Condition of Approval No. 76. The Sub Plan shall include, but not be limited to:
- (a) identification of each work area, site compound and construction depot;
 - (b) identification of general activities that will be carried out and associated noise sources for each work area, site compound and construction depot;
 - (c) identification of the appropriate construction noise objective for the Project with regard to the requirements of Condition No. 75;
 - (d) identification of appropriate construction vibration objectives with regard to the requirements of Condition No. 85;
 - (e) establishment of procedures for the assessment of noise and vibration impacts from each work site with regard to the requirements of Condition No. 76;
 - (f) details of overall management methods and procedures that will be implemented to control noise and vibration from the construction stage of the Project;
 - (g) a pro-active and reactive strategy for dealing with complaints including compliance with the construction noise and vibration goals, particularly with regard to verbal and written responses;
 - (h) noise and vibration monitoring, reporting and response procedures;
 - (i) internal audits of compliance of all plant and equipment;
 - (j) construction timetabling, in particular works outside standard hours, to minimise noise impacts;
 - (k) procedures for notifying residents of construction activities likely to affect their noise and vibration amenity; and
 - (l) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

Construction Hours

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74. All construction activities, including transportation of fill and spoil, shall be restricted to the hours of 7:00 am to 6:00 pm (Monday to Friday); 8:00 am to 1:00 pm (Saturday) and at no time on Sundays and public holidays.

Works outside these hours that may be permitted include:

- (a) any works which do not cause noise emissions to be audible at any nearby residential property;
- (b) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons;
- (c) emergency work to avoid the loss of lives, property and/or to prevent environmental harm; and
- (d) any other work as agreed by the EPA through the Construction Noise and Vibration Management Sub Plan process.

In relation to points (b) and (d) above local residents should be informed of the timing and duration at least 48 hours prior to commencement of the work.

Construction Noise Guidelines

75. The construction noise objective for the Project is to manage noise from construction activities to the L_{10} level measured over a period of not less than 15 minutes not exceeding the background L_{A90} noise level by more than 5dB(A) at any residence or other noise sensitive receiver. The Proponent shall ensure that all reasonable and feasible noise mitigation and management measures are implemented with the aim to achieve the construction noise objective to the satisfaction of the EPA. Any potential activities that may cause noise emissions that exceed the objective shall be identified and managed in accordance with the specific Construction Noise Impact Statements in Condition No. 76.

For the purposes of the noise objective for this Condition, 5dB(A) must be added to the measured level if the noise from the activity is substantially tonal or impulsive in nature in accordance with Chapter 4 of the *NSW Industrial Noise Policy*.

Construction Noise Impact Statements

76. Specific Construction Noise Impact Statements shall be prepared in consultation with relevant government agencies, relevant Councils and CLGs for specific stages of construction consistent with the Construction Noise and Vibration Management Sub Plan and the relevant CMS and shall specifically address each of the major construction sites. The statements shall include:
- (a) a description of the proposed processes and activities;
 - (b) identification of all potentially affected noise sensitive receivers including residences, schools, commercial premises and noise sensitive equipment;
 - (c) determination of appropriate noise and vibration objectives for each identified noise sensitive receiver;
 - (d) assessment of potential noise from the proposed construction methods including noise from construction vehicles and noise impacts from required traffic diversions;

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- (e) examination of all reasonable and feasible noise mitigation measures including the use of alternative methods where potential noise levels exceed the relevant guideline levels;
- (f) consideration of where reasonable and feasible, erection of operational stage noise mitigation measures prior to construction commencement;
- (g) description and commitment to work practices which limit noise;
- (h) description of specific noise mitigation treatments and time restrictions including respite periods, duration, and frequency;
- (i) justification for any activities outside the normal hours specified in Condition No. 74;
- (j) extent of noise monitoring;
- (k) internal noise audit systems including recording of daily hours of construction, progressive impact assessments as the work proceeds, conducting informal checks by the EMR, providing active and continuous communication links to relevant Councils, residents etc;
- (l) community consultation and notification;
- (m) assessment and examination of potential reasonable and feasible offsite mitigation measures for traffic noise; and,
- (n) additional noise mitigation measures as successfully negotiated with affected residents and other sensitive receptors.

With respect to (e) above, the Proponent shall consider the use of a range of structural and non-structural measures during construction including barriers, acoustic treatment of residences, scheduling of construction activities to minimise impacts and temporary relocation of affected residents.

Construction Noise Management

- 77. The Proponent shall where reasonable and feasible apply best practice innovative noise mitigation measures including:
 - (a) maximising the offset distance between noisy plant items and nearby noise sensitive receivers;
 - (b) avoiding the co-incidence of noisy plant working simultaneously close together and adjacent to sensitive receivers;
 - (c) orienting equipment away from sensitive areas;
 - (d) carrying out loading and unloading away from noise sensitive areas; and
 - (e) selecting site access points and roads as far as possible away from sensitive receivers.
- 78. Construction noise levels shall be monitored to verify compliance with the goals developed in the Construction Noise Impact Statements. Should monitoring indicate significant exceedances of these goals, the Proponent shall consult with the EPA and implement best available additional mitigation measures to the satisfaction of the EPA.
- 79. The Proponent shall ensure that rock breaking, rock hammering, sheet piling and any other activities which result in impulsive or tonal noise generation are only scheduled between the following hours unless otherwise agreed to by the EPA through the Construction Noise and Vibration Management Sub Plan process:
 - (a) 8 am to 12 pm (noon), Monday to Saturday; and
 - (b) 2 pm to 5 pm Monday to Friday.

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Where these activities are undertaken for a continuous three (3) hour periods and are audible to noise sensitive receptors, a minimum respite period of at least one hour shall be scheduled before activities re-commence.

80. The Proponent shall investigate and apply all reasonable and feasible noise source controls to reduce noise from all plant and equipment including bulldozers, cranes, graders, excavators and trucks. Examples of appropriate noise source are provided in Section 5 of the RTA Environmental Noise Management Manual.
81. The Proponent shall ensure that all entry and departure of heavy vehicles to and from the site are restricted to the construction hours as specified in Condition No. 74.
82. The Proponent shall ensure that wherever practical and where sensitive noise receptors may be affected, piling activities are completed using bored piles. If driven piles are required they shall only be installed as agreed by the Director-General in consultation with the EPA.

Schools and Institutions

83. The Proponent shall consult with affected educational institutions and ensure that noise generating construction works in the vicinity of affected buildings are not timetabled during examination periods, unless other arrangements acceptable to the affected institutions are made at no cost to the affected institutions.
84. As part of the CNVMP, relevant schools, relevant Councils and landowners shall be consulted in relation to the provision of a satisfactory combination of noise mitigation measures at Sule College, New Tribes Bible College, Horsley Park Public School, Seven Hills North Public School, Marion Primary School, Hoxton Park Catholic School, Hoxton Park Christian Life Centre, Horsley Park Catholic Church and Rooty Hill Presbyterian Church where exceedances of EPA noise criteria are predicted. The mitigation measures shall be installed **prior to substantial construction** to mitigate against both construction and operational noise. Where feasible and reasonable all costs shall be borne by the Proponent.

Vibration Criteria

85. Vibration resulting from construction of the Project shall be limited to:
 - (a) For structural damage vibration - German Standard DIN 4150; and
 - (b) For human exposure to vibration – the evaluation criteria presented in British Standard BS 6472 for low probability of adverse comment unless otherwise agreed by the Director-General in consultation with the EPA through the Construction Noise and Vibration Management Sub Plan.

Vibration Management

86. Vibration testing of actual equipment such as vibratory compactors and rock breakers shall be carried out on site to determine acceptable buffer distances to commercial and residential occupancies to avoid structural damage. The methods for testing and buffer zones shall be detailed in the Noise and Vibration Construction Management Plan. Should it be necessary to use vibratory compactors or rock breakers within the buffer zone, building condition surveys of all

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buildings and structures within this area shall be undertaken before and after use of this type of equipment.

87. The Proponent shall advise all property owners of buildings to be surveyed, as defined in Condition No. 86, what the survey will entail and the process for making a claim regarding property damage within a reasonable time prior to the commencement of the surveys. A copy of the survey(s) shall be given to the affected owner. A register of all properties surveyed shall be maintained by the Proponent and provided to the Director-General upon request.
88. A management procedure shall be implemented to deal with vibration complaints. This shall be detailed in the Noise and Vibration Construction Management Sub Plan. Each complaint shall be investigated and where vibration levels are established as exceeding the set limits, appropriate amelioration measures shall be put in place to mitigate future occurrences.

Blasting

89. Blasting shall not be permitted as part of the construction of the Project unless otherwise approved by the EPA.

Operational Noise Management

90. A detailed Operational Noise Management Sub Plan shall be prepared as part of the Operational EMP, to the satisfaction of the Director-General. The Sub Plan shall provide details of noise control measures to be undertaken during the operation stages, sufficient to address the technical requirements of the EPA, and generally in accordance with the NSW Government's Environmental Criteria for Road Traffic Noise and the RTA's Environmental Noise Management Manual. The Sub Plan shall include, but not be limited to:
 - (a) identification of the appropriate operational noise criteria;
 - (b) predicted noise levels at all affected residential, recreational, commercial and industrial land uses;
 - (c) location, type and timing of erection of permanent noise barriers and/or other noise mitigation measures demonstrating best practice;
 - (d) specific physical and managerial measures for controlling noise;
 - (e) noise monitoring, reporting and response procedures including the monitoring on surrounding roads which experience significantly increased traffic volumes as a result of the Project; and
 - (f) the urban design issues relating to noise control measures.
91. Deleted.
92. Deleted.
93. Deleted.
94. Deleted.
95. Deleted.

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96. Deleted.

Operational Noise Mitigation Measures for Modification 6

96A. An **Operational Noise Review (ONR)** must be prepared to confirm noise control measures that would be implemented for the operation of Modification 6. The **ONR** must be prepared in consultation with relevant council(s) and must:

- (a) include an operational noise monitoring program to cover the existing and future traffic noise emission and sound propagation conditions to verify the calculation of road traffic noise impacts encountered in the area of interest;
- (b) confirm the appropriate operational noise and vibration objectives and levels for surrounding development, including existing sensitive land use(s);
- (c) confirm the operational noise predictions based on the final design. Confirmation must be based on an appropriately calibrated model(s) (which has incorporated noise monitoring, and concurrent traffic counting, where necessary for calibration purposes). The assessment must specifically include verification of noise levels, based on noise monitoring undertaken at appropriately identified noise catchment areas surrounding the facilities;
- (d) confirm traffic inputs, based on the latest traffic forecasting model data (including consideration of latest traffic data obtained from the relevant local councils on adjacent traffic-generating developments);
- (e) confirm the operational noise impacts at sensitive land use(s) based on the final design of Modification 6. Confirmation must be based on an appropriately calibrated noise model and include operational daytime $L_{Aeq}(15 \text{ hour})$ and night-time $L_{Aeq, 9\text{-hour}}$ traffic noise contours and address the following -
 - (i) impacts arising from traffic control devices, and
 - (ii) the ranking of maximum noise level impacts on sensitive land use(s) affected by (i) above for the prioritisation of noise mitigation measures;
- (f) identify sensitive land use(s) that are predicted to exceed the requirements of the *NSW Road Noise Policy* (DECCW, 2011);
- (g) identify all operational noise mitigation measures to be implemented including location, type and timing of mitigation measures and how the final suite of mitigation measures will achieve the requirements of **Condition 96A(b)** with a focus on -
 - (i) traffic management,
 - (ii) source control and design,
 - (iii) in-corridor noise barriers/mounds (contingency factors need to adopt safety factors),
 - (iv) at-property treatments or localised barriers/mounds (if relevant), and
 - (v) 'best practice' achievable noise and vibration outcomes;
- (h) include a consultation strategy to seek feedback from directly affected landowners on the noise mitigation measures;
- (i) procedures for the management of operational noise complaints, including investigation and monitoring (subject to complainant agreement); and
- (j) include a review of the performance of existing acoustic barriers along the M7 corridor (between Richmond Road and the M5).

The **ONR** must be verified by an independent road traffic noise acoustic expert. The **ONR** must be submitted to the Planning Secretary for information within 12 months of the commencement of construction, unless an alternative timeframe is agreed with the Planning Secretary.

The identified noise control measures must be implemented and the **ONR** must be made publicly

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available following its submission to the Planning Secretary for information.

*Note 1: The design of noise barriers and the like must be undertaken in consultation with the community as part of the **Design and Landscape Plan** required under **Condition D19 and D22 of Schedule 2**.*

*Note 2: The **ONR** may be verified by the **AA**, where the **AA** has suitable experience in road traffic noise assessment.*

- 96B. Where the operational noise management level in **Condition D42(a) of Schedule 2** is likely to be exceeded at residences during construction, the operational noise mitigation measures identified in the **ONR**, that will not be physically affected by construction must be implemented within 6 months of the Planning Secretary receiving the **ONR**, unless another timeframe is agreed to by the Planning Secretary.

All requests to the Planning Secretary for an extension to the timeframe must be accompanied by a report endorsed by the **AA**, justifying why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures are implemented. Any identified temporary measures must be retained until permanent measures are installed.

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

- 96C. The implementation of at-property acoustic treatment does not preclude the application of other noise and vibration mitigation and management measures including temporary accommodation to address construction noise.
- 96D. Operational traffic noise mitigation measures must be prioritised to address source control measures, road design and then the application of additional mitigation measures (such as at-property acoustic treatment).
- 96E. Where the review required by **Condition 96A(j)** identifies acoustic barriers that are not meeting the expected noise performance outcomes, the Proponent must replace or repair the barriers prior to the operation of the Modification 6.
- 96F. Operational noise mitigation measures identified in the **ONR** required by **Condition 96A** must be implemented prior to operation of Modification 6, unless otherwise agreed with the Planning Secretary.

Operational Noise Validation

- 96G. Within 12 months, and again at 5 years (if low noise pavement is used as a noise mitigation measure), of the commencement of operation of Modification 6, monitoring of operational noise must be undertaken to compare actual noise performance of the project (including Modification 6) against the noise performance predicted in the review of noise mitigation measures required by **Condition 96A**.
- 96H. The Proponent must prepare an **Operational Monitoring Report** which sets out how monitoring is to be undertaken for the comparison of noise performance required by **Condition 96G**. The report must include:
- (a) proposed monitoring methodology; and

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- (b) location of noise monitoring sites, with reference to specific impacts on receivers. Monitoring locations must be grouped by –
 - (i) pavement type,
 - (ii) topography, and
 - (iii) line of sight from a monitoring location to the Project.

The **Operational Monitoring Report** must be provided to the Planning Secretary for information at least one month prior to undertaking the monitoring.

- 96I. Classified traffic counts must be undertaken simultaneously with the operational noise monitoring required by **Condition 96G** to confirm traffic volumes and traffic mix assumptions and must be used in the **ONCR** required by **Condition 96J**.

Operational Noise Compliance Report (ONCR) for Modification 6

- 96J. An **ONCR** must be prepared to document the findings of the operational noise monitoring carried out under **Condition 96G**. The **ONCR** must address the following:

- (a) details of any complaints (and the resolution of these complaints) and enquiries received in relation to operational noise generated by the project between the date of commencement of operation of Modification 6 and the date the traffic monitoring (required by **Condition 96I**) was undertaken;
- (b) an assessment of compliance with the operational noise levels in terms of criteria, noise goals and trigger levels established in the *NSW Road Noise Policy* (DECCW, 2011) using -
 - (i) noise monitoring data of the actual change in traffic noise at locations identified in **Condition 96A** and at representative locations identified from clause (a) above, and
 - (ii) calibrated and validated noise model outputs (based on updated traffic counts required under **Condition 96I**) at all other impacted receivers, and
 - (iii) a calibrated 2036 (or 10 years from the date of opening whichever comes first) forecasted model outputs for all receivers;
- (c) a review of the acoustic performance of different pavement types over their design life of the pavement type (if low noise pavement is used as a noise mitigation measure);
- (d) a review of the performance and effectiveness of applied noise and vibration mitigation measures and if necessary, reassessment of mitigation measures;
- (e) identification of additional measures to those identified in the review of noise and vibration mitigation measures required by **Condition 96A**, that are to be implemented with the objective of meeting the operational noise levels in terms of noise assessment criteria set out in the *NSW Road Noise Policy* (DECCW, 2011); and
- (f) identification of when these additional measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

The **ONCR** must be prepared in accordance with the *Model Validation Guideline* (RMS, 16 May 2018 Version 1.1).

The **ONCR** must be submitted to the Planning Secretary and the EPA for information within 90 days of completing the operational noise monitoring and made publicly available in accordance with **Condition B11** upon submission to the Planning Secretary.

Note 1: The *Operational Noise Management Sub Plan* must be updated to include the outcomes of the **ONR** and **ONCR**.

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Note 2: The measures identified in Condition 96J(f), should aim to be implemented within 12 months of the completion of the 12-month operational noise validation required under Condition 96G.

Maintenance of Low Noise Road Pavements

96K. Where low noise road pavements are used as a noise mitigation measure, low noise road pavements must be maintained to ensure that they continue to contribute to the compliance of mitigated noise levels identified in the ONR (Condition 96A) throughout the life of the project.

Regional Traffic

Construction

97. The Proponent shall ensure adequate monitoring of the local and regional road network is conducted prior to the opening of the Project to provide an appropriate base line for measuring significant changes resulting from the construction and/or operation of the Project. Key impact prediction shall include traffic volumes on approach and departure routes, major roads and local streets and impacts on bus services and travel times. The Proponent shall consult with and take into account comments from relevant Council(s) and bus operators regarding the methodology and timing of the study.
98. As part of the TMP identified in Condition No. 101, the Proponent shall work with the relevant local councils to ensure that traffic impacts within the regional road network affected by the Project are consistent with the predictions made and managed in consultation with the relevant local council(s).

Operation

99. The Proponent shall, as part of its impact verification required under Condition No. 27, monitor traffic changes on all regional and local roads/streets predicted to have increases in traffic as a result of the Project. Monitoring shall be undertaken at 6, 12 and 18 months after opening. Should monitoring indicate intrusion of these roads/streets substantially above that predicted by additional traffic modelling in 'Western Sydney Orbital – Traffic Report' (Masson Wilson and Twiney, January 2002) as a result of the operation of the Project, the Proponent shall prepare and implement traffic management measures to mitigate the impacts of intrusive traffic in the affected areas following consultation with relevant Councils, local communities and with the agreement of the relevant local Council Traffic Management Committee.

99A. A Road Network Performance Plan must be prepared in consultation with the relevant council(s). The Plan must:

- (a) consider the impacts of Modification 6 at the M7 intersections with the following roads: Bernera Road, Cowpasture Road, The Horsley Drive, Great Western Highway, Old Wallgrove Road, Rooty Hill Road and Richmond Road;
- (b) include the most recent baseline road network performance data for the locations identified at (a) above;
- (c) include updated traffic modelling and an assessment of the road network performance, as a consequence of Modification 6, at the locations identified in (a) above;

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- (d) identify mitigation measures to manage predicted traffic performance impacts as identified in (c) above as relevant, including local area traffic management, upgrades or changes to intersections, signal optimisation; and
- (e) timing of the implementation of mitigation measures identified in the Plan.

The **Road Network Performance Plan** must be submitted to the Planning Secretary and relevant council(s) for information twelve months before the operation of Modification 6. The Proponent is responsible for the implementation of identified measures under (d) above. The mitigation measures in the Plan must be implemented in accordance with the timing identified in (e) above.

Note: Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Work will need to meet relevant design standards and be subject to independent road safety audits.

- 99B. The Proponent must prepare an **Operational Road Network Performance Review**, within 12 months and again at five years and at any other timeframe(s) specified by the Planning Secretary, after the commencement of operation of Modification 6. The Reviews must address road network performance compared with the baseline data required by **Condition 99A** and review the effects of Modification 6 on the adjoining road network (including local roads in the vicinity of the Modification 6). The Reviews must confirm whether the mitigation measures identified in the **Road Network Performance Plan** required under **Condition 99A** are adequate.

The Reviews must be undertaken in consultation with relevant council(s). The Reviews must be completed and submitted to the Planning Secretary for information within six months of the review timeframes, unless an alternative submission timeframe is agreed to by the Planning Secretary.

The identification of further mitigation measures, if required, must be included in the Reviews along with a timetable for their implementation determined with the involvement of the relevant local roads authority. The Proponent is responsible for the implementation of the identified measures within the **Operational Road Network Performance Review(s)**.

Note: Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Work will need to meet relevant design standards and be subject to independent road safety audits.

Construction Stage Traffic Impacts

Pre construction Stage

100. The Proponent shall prepare a Framework Traffic Management Plan as part of the Construction Framework EMP for overall traffic arrangements during the construction period. The Plan shall include, with respect to the Project as a whole:
- (a) cumulative impacts of multiple construction sites;
 - (b) measures to manage traffic flows through and surrounding the Project, including regulatory and direction signposting, line marking and variable message signs; and
 - (c) identify any regulatory measures to improve the efficiency of traffic conditions.

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The Plan shall take into account both local and regional traffic impacts and shall at all stages give priority to public transport, bicycles and pedestrian movements. The Plan shall be prepared by an experienced traffic/transport planner in consultation with the Department of Transport and approved by the RTA (Transport Management Centre) **prior to substantial construction**.

101. The Proponent shall prepare individual Traffic Management Plans (TMPs) for each construction site in accordance with the Framework Construction Traffic Management Plan required by Condition No. 100, and in consultation with relevant local councils and other relevant transport agencies, prior to commencement of substantial construction affecting that area. The individual TMPs shall be incorporated into the relevant Construction Method Statements required under Condition No. 22. The individual TMPs shall include, but not be limited to:

- (a) impacts on all existing traffic (including pedestrians, public transport services, cyclists and disabled persons), including the staging of construction works to minimise road closures and delay or detours to traffic;
- (b) access to construction sites and site compounds, including minimising the disruption from construction vehicles entering and leaving construction sites and site compounds;
- (c) any changes to existing number and width of traffic lanes;
- (d) maximum and average truck volumes and expected hourly distribution;
- (e) truck ingress and egress routes;
- (f) entry/exit locations to construction sites;
- (g) nature of loads and materials;
- (h) temporary traffic arrangements, including the identification and promotion of alternative routes;
- (i) no heavy vehicle queuing on public roads unless otherwise agreed by the relevant Council(s);
- (j) provision of barriers between working and trafficked areas;
- (k) the impact on pedestrian and bicycle facilities, including measures to ensure safe pedestrian and cycle routes and access at all times, and the provision of alternative facilities and locations for pedestrians and cyclists;
- (l) the provision of safe and convenient access to all bus stops and measures to mitigate impacts on any affected bus routes;
- (m) signposting;
- (n) stormwater drainage;
- (o) methods for implementing the TMP;
- (p) access to side streets;
- (q) access to adjoining properties, which would be maintained at all times wherever practicable;
- (r) road or lane closures;
- (s) the use of cranes on public roads;
- (t) deliveries to construction sites and site compounds;
- (u) a response plan which sets out the proposed response to any traffic, construction or other incident; and
- (v) appropriate review and amendment mechanisms.

The TMP shall be certified by an experienced traffic/transport planner who shall be engaged throughout the construction stage on a needs basis to advise on implementation issues and amendments and as a key liaison contact for the relevant local Councils.

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Construction Management

102. The Proponent shall ensure that all businesses affected by altered traffic arrangements are consulted at least 10 days prior to affectation and shall endeavour where reasonable and feasible to maintain critical access at all times.
103. The Proponent shall investigate the provision of bus pick-up and drop-offs from a central location(s) for each shift and car-pooling mechanisms to minimise worker traffic generation and parking requirements during construction. The Proponent shall incorporate any recommendations from this investigation into the relevant TMPs.
104. For the duration of the Project, the construction sites, site compounds and surrounding work areas shall be maintained in a generally clean and tidy condition.

Local Traffic and Access

Pre-Construction

105. A road dilapidation report shall be prepared for all non-arterial roads likely to be used by construction traffic **prior to substantial construction** and after construction is complete. A copy of the report shall be provided to relevant Councils. Any damage resulting from the construction of the Project, aside from that resulting from normal wear and tear shall be repaired at the cost of the Proponent.
106. The Proponent shall consult with relevant Councils to develop management techniques for construction traffic on local roads, **prior to substantial construction**. The Proponent shall monitor the use of local roads by construction heavy vehicle traffic in consultation with relevant Councils and shall consult with relevant Councils to develop measures to minimise and/or restrict use of local roads by heavy vehicle traffic if so required.

Note:

Nothing in Conditions 105 or Condition 106 shall be taken as restricting the Proponent from negotiating an alternative payment for damage to local roads with relevant Councils, subject to the agreement of relevant Councils.

Construction

107. The Proponent shall ensure that access to all properties is maintained during construction and following opening of the Project to traffic. The Proponent shall ensure that any access affected by the Project is reinstated to an equivalent standard or that adequate compensation is negotiated with the relevant landowner(s).
108. Access to the Western Sydney Regional Park shall be maintained throughout construction of the Project. Temporary access arrangements shall be determined in consultation with and to the satisfaction of the NPWS and the Sydney International Equestrian Centre.

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Pedestrians and Cyclists

Cycleways

109. A safe, high quality, contiguous and aesthetically pleasing cyclist/pedestrian path(s) shall be provided for inexperienced and recreational and commuter cyclists and for pedestrians for the length of the Project. Details of the provisions for cyclists shall be developed through the preparation of a detailed Cycleway Strategy which shall be prepared in consultation with Bicycle NSW, relevant Councils, relevant bicycle user groups, CLGs and be generally cognisant of the Pedestrian Access Strategy required under Condition No. 112.

The Cycleway Strategy shall also address:

- (a) a detailed description of the proposed design including all connections to surrounding roads, streets and paths;
- (b) lighting where appropriate;
- (c) safety and security;
- (d) linemarking and signage to separate cyclists from pedestrians in accordance with signposting directions from the RTA in relation to all shared paths;
- (e) signage for services such as drinking water fountains, toilets and shops;
- (f) provision of bicycle lockers at public transport stop/stations;
- (g) maintenance; and
- (h) consideration of existing and future planned cycle networks, roads and paths and potential linkages.

The Cycleway Strategy shall be submitted to the Director-General ~~for approval and require the approval of the Minister for Planning~~ within an appropriate timeframe to ensure that the approved cycleway is opened to cyclists no later than the opening of the Project to traffic.

110. All cycleway elements resulting from the Cycleway Strategy required under Condition 109, shall be designed and constructed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles. The cycleway shall also, where relevant:

- (a) be grade separated from all roads that cross the Project;
- (b) designed so that the pavement is above the highest flood level of a 1 in 2 year ARI;
- (c) bridges shall be provided over all watercourses and for each bridge the deck surface shall be at least one (1) metre above the existing bank levels of the watercourse; and,
- (d) demonstrate adherence to all conditions of concurrence set by NPWS,

unless otherwise specified in the approved Cycleway Strategy.

111. The off-motorway cycleway shall be fully installed and opened to bicycles/pedestrians no later than the opening of the Project to traffic.

Pedestrian Access

112. The Proponent shall prepare a Pedestrian Access Strategy to identify the pedestrian access requirements across the Project generally consistent with Condition No. 109 and shall include,

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but not be limited to the following:

- (a) key pedestrian origins and destinations adjacent to the route of the Project such as:
 - (i) residential and commercial/industrial development ;
 - (ii) public facilities such as educational, community and recreational facilities;
 - (iii) public transport nodes;
- (b) the appropriateness of existing pedestrian access points across the Project to cater for demand;
- (c) the need for additional access points across the Project;
- (d) appropriate urban design of access points, pathways, landscaping, lighting and signage; and
- (e) safety and security issues.

The strategy shall be prepared in consultation with relevant local councils, CLGs, NPWS, Olympic Co-ordination Authority, NSW Police and other relevant agencies. The strategy shall be submitted to the Director-General for approval at least one (1) month prior to commencement of substantial construction. Recommendations of the strategy shall be installed, implemented and open to pedestrians no later than the opening of the Project to traffic.

- 113. The design of all interchanges with the Project shall incorporate pedestrian access including the provisions of footpaths, crossing points etc to the satisfaction of the Director-General and in consultation with local Councils.
- 114. The Project between Camden Valley Way and Cowpasture Road shall be designed consistent with any findings as a result of Condition No. 32 and including:
 - (a) retaining existing local street links for pedestrian access, including Illaroo Road, Wilson Road and Ash Road reservations and allow for future local roads;
 - (b) providing visual connections under/through the Project; and
 - (c) improving pedestrian access at Bernera Road interchange.
- 115. Grade separated pedestrian/bicycle access shall be maintained across the Project within the following road reserves:
 - (a) ~~Mavis Street, Rooty Hill (incorporating Angus Creek crossing and access to Aquilina Reserve);~~
 - (b) Simms Road and Ainsley Avenue, Glendenning; and
 - (c) Redmayne Road, Horsley Park.

Road Safety Audit

- 116. The Proponent shall undertake a Road Safety Audit during detailed design of the Project and prior to opening.

Air Quality

Pre-Construction

- 117. A detailed Dust Management Sub Plan shall be prepared in consultation with the EPA and incorporated into the Construction Framework EMP. This Sub Plan shall detail the

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implementation and management of measures and procedures to ensure that dust emissions from the Project are either prevented or minimised. This Sub Plan shall include, but not be limited to:

- (a) identification of potential sources of dust deposition;
- (b) monitoring (by sampling and obtaining results by analysis);
- (c) details of mitigation measures to be implemented during normal operations and during periods of extreme climatic conditions where high level dust episodes are likely to occur;
- (d) establishment of a protocol for handling dust complaints that includes recording, reporting and acting on complaints;
- (e) a reactive management program detailing how and when operations are to be modified to minimise the potential for dust emissions, should emission levels exceed the criteria; and
- (f) progressive revegetation strategy for exposed surfaces in accordance with Conditions.

The maximum acceptable increase over existing dust deposition is 2 g/m²/month. Monitoring shall be carried out during the construction phase of the Project to assess compliance with goals for dust concentration and deposition rates.

118. Prior to construction commencing, dust sensitive industries shall be identified, appropriately consulted and mitigative measures put into place.

Construction

119. The Proponent shall undertake a regular dust monitoring program at all locations in close proximity to the public in accordance with the Dust Management Sub Plan.
120. The Proponent shall ensure that trucks entering and leaving all construction sites that are carrying loads of potential dust generating material are covered and appropriately sealed.
121. To ensure that any vehicles which leave construction site(s) do not track materials on public roads the Proponent shall construct and maintain wheel wash facilities or equivalent to be utilised by all departing trucks and machinery which have been used in unsealed areas.
122. Water sprays and tankers shall be used to minimise the amount of dust generated, especially on hot, dry, windy days. When conditions are excessively dusty and the dust emissions from operations cannot be maintained within the dust goal specified in Condition No. 117, then all dust generating activities shall cease until dust suppression can be adequately carried out.
123. In accordance with the Protection of Environment Operations (Control of Burning) Regulation 2000, no open burning or incineration shall be permitted at any construction sites.

Operations

124. Prior to the opening of the Project to traffic, the Proponent shall investigate, in consultation with the EPA the measures for smoky vehicle enforcement in areas surrounding the Project, taking into consideration cost effectiveness. Any measures implemented as a result of investigation recommendations shall be in accordance with the Smoky Vehicle Enforcement Program.

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Water Quality, Erosion and Sediment Control

Soil and Water Quality Management Plan(s)

125. As part of the Construction Method Statements and Operational EMPs, detailed Soil and Water Quality Management Plan(s) shall be prepared in consultation with the EPA, DLWC, NSW Fisheries, relevant Catchment Management Trusts, Sydney Water, Sydney Catchment Authority and relevant Councils. The Plan(s) shall be prepared in accordance with the Department of Housing's guideline Managing Urban Stormwater - Soils and Construction 1998, the RTA's Guidelines for the Control of Erosion and Sedimentation in Roadworks and where appropriate, DLWC's Constructed Wetlands Manual. The Plan(s) shall be prepared **prior to substantial construction** or operation as appropriate. The Soil and Water Quality Management Plan(s) shall contain, but not be limited to:
- (a) management of the cumulative impacts of the development on the quality and quantity of surface and groundwater, including stormwater in storage, sedimentation dams and flooding impacts;
 - (b) details of short and long term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the exact locations and capacities of sedimentation basins;
 - (c) identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
 - (d) detailed description of water quality monitoring to be undertaken during the pre-construction, construction and operation stages of the Project including base line monitoring, identification of locations where monitoring would be carried out and procedures for analysing the degree of contamination of potentially contaminated water;
 - (e) measures to handle and dispose of stormwater, effluent and contaminated water and soil including incident management structures;
 - (f) a process for the disposal of water from sedimentation basins and constructed wetlands developed in consultation with the EPA;
 - (g) measures for the use of water reclaimed or recycled on-site; and
 - (h) contingency plans to be implemented in the event of fuel spills or turbid water discharge from the site.

Note: The Operational Soil and Water Quality Management Sub Plan must be updated to include the outcomes of Condition 146A and 150.

126. The Soil and Water Quality Management Plan(s) shall incorporate detailed erosion and sedimentation controls including a strategy to manage the extent of exposed ground surface during construction and progressive site rehabilitation requirements. The Plan shall be prepared to the satisfaction of DLWC and in consultation with the EPA, local Councils and NSW Fisheries and sufficient to address the technical requirements for obtaining the relevant EPA Licence.

Construction

127. The Proponent shall ensure that all appropriate soil and erosion and sediment control works are completed and in place prior to commencement of any works that may have the potential to generate soil erosion or sediment. Erosion and sediment protection measures shall also be in

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place before the commencement of any stockpiling activity. These controls shall be maintained until all ground surfaces are stabilised and revegetated.

128. The Proponent shall only construct sedimentation and erosion controls and sedimentation basins under this approval in those locations that satisfy the following criteria:
- (a) sites to be located within the road reserve unless otherwise approved by the Director-General;
 - (b) sites to be located with ready access to access tracks;
 - (c) sites shall not be constructed over water or sewer pipelines unless otherwise agreed to by SWC and/or SCA;
 - (d) sites for sedimentation basins to be separated from nearest residences by at least 100m where practicable and where it can be demonstrated that there will be no adverse impacts on noise, visual and air quality, health and safety;
 - (e) sedimentation basins are not to be located within 100m of waterways unless adequate controls are implemented to protect water quality in case of overflows or otherwise agreed to by the DLWC;
 - (f) sites are not to involve the utilisation or modification of any existing wetlands or waterways;
 - (g) sites are to have low conservation significance for flora, fauna or heritage and they are not to require any clearing of native vegetation beyond that which must be cleared for the Project in any case, [unless otherwise agreed by the Director General. Where an area of low conservation significance cannot be used, detailed justification for the selected site must be provided](#);
 - (h) sites for sedimentation basins are to have a low risk of contamination and be free of existing utilities and services;
 - (i) all conditions of concurrence set by NPWS shall be adhered to;
 - (j) if land is leased to enable construction of a temporary sediment basin, it shall be restored following construction to a level equal or better than the original condition; and
 - (k) sedimentation basins on private land shall be fenced to minimise safety risks.
129. All surface water flows from construction sites shall be detained through appropriate measures to ensure that there is no exacerbation of existing flooding to the satisfaction of DLWC. The Proponent shall consult with the relevant Councils on appropriate and specific measures to be implemented at various locations.
130. No disposal of water from sedimentation basins or constructed wetlands shall be allowed to the sewer system without prior agreement from Sydney Water.
131. All water collected during construction which is likely to be contaminated shall be tested, treated, handled and disposed of to the satisfaction of the EPA.
132. Topsoil shall be stripped and stockpiled. All stockpiles shall be protected from surface flows. They shall be located away from drainage lines and upstream of sediment basins.
133. An appropriately qualified soil conservationist shall be consulted on a regular basis in accordance with Construction Method Statements during construction of the Project to undertake inspections of temporary and permanent erosion and sedimentation control devices to ensure that the most appropriate controls are being implemented and that they are being maintained in an efficient condition at all times and meet the requirements of any relevant approval/licence condition(s).

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Flooding and Hydrology

General

134. The Proponent shall develop a detailed Flooding and Drainage Management Sub Plan for the Project as part of the Construction Framework EMP to the satisfaction of DLWC and in consultation with Local Councils. The Sub Plan shall be in accordance with the measures identified in the "Floodplain Management Manual: the management of flood liable land" dated January 2001 (or its latest edition) and the requirements of Australian Rainfall and Runoff (1987). The objective of the Sub Plan shall be to not increase inundation levels or durations during a 100 year ARI flood event in any areas sensitive to flooding.
135. All drainage lines (whether permanent or ephemeral) crossed by the Project and/or any on/off ramps and/or the proposed cycleway exhibiting a defined bed and bank channel shall be through the provision of a bridge unless otherwise agreed to by the Director-General following consultation with the DLWC.
- Prior to seeking any agreement by the Director-General, the Proponent shall provide evidence of the consultation with DLWC and shall explicitly identify where there are disputes. For any crossings under dispute the Proponent shall provide detailed information to the Director-General on the nature of the dispute.
136. The Proponent shall consult with DLWC and NSW Fisheries in relation to the design and timing of all watercourse crossings including size and installation method of crossing **prior to substantial construction**. Where reasonable and feasible, all bridges shall be designed to have a minimum of 2m clearance from the natural ground surface unless otherwise agreed by DLWC. The Proponent shall also investigate in consultation with DLWC and NSW Fisheries measures to ensure that adequate light and moisture is maintained to facilitate growth of native vegetation underneath bridges. Box culverts shall be preferred to pipe culverts, where practical.
137. The Proponent shall design bridge abutments at a sufficient distance from the edges of watercourse banks to allow for fauna movement and for vegetation linkages to the satisfaction of the NPWS and DLWC.
138. The Project shall be designed such that there are no bridge piers in watercourses unless otherwise agreed by the Director-General following consultation with the DLWC.
139. In undertaking bridge design and construction, the Proponent shall ensure where practicable that: no earthen platforms for driving pylons are constructed in permanent or ephemeral watercourses; and all embankments are located away from the edge of waterways unless otherwise agreed by NSW Fisheries.
140. If during the detailed design stage it is proposed that any construction and operational noise barriers would include a gap between the bottom of the noise barrier and the ground surface and/or components of the barrier are hinged for flooding purposes if agreed to by DLWC, the Proponent shall ensure that all noise and safety implications are investigated.

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141. During the detailed design the Proponent shall ensure that flood mitigation measures associated with the Project in the vicinity of Cabramatta, Hinchinbrook and Maxwells Creeks are consistent with the Floodplain Management Manual (January, 2001) and any flood mitigation strategy adopted by Liverpool City Council and/or other relevant Councils (and other relevant authorities). The design shall be undertaken in consultation with Liverpool City Council, DLWC, Landcom and any private land developers.

Drainage Design

142. Cross drainage of the Project shall be designed to ensure that there is no exacerbation of existing flooding to the satisfaction of DLWC and consultation with relevant local Councils.
143. All temporary or permanent drainage works as part of the Project in the vicinity of the Western Sydney Regional Park shall be designed so that resizing or redesign of any existing or proposed drainage facilities in the Park is not required unless otherwise agreed to by NPWS.

Detention Facilities

144. Stormwater detention basins and stormwater interceptors shall be designed to contain the 100 ARI critical duration storm event.
145. The outlet of the detention facility shall be designed to ensure the development does not alter the natural hydrology of the catchment for all events up to the 100 year ARI flood event.
146. The Proponent shall only construct detention basins/constructed wetlands associated with the Project in those locations that satisfy the following criteria:
- (a) sites to be located within the road reserve unless otherwise approved by the Director-General;
 - (b) sites to be located with ready access to access tracks unless otherwise approved by the Director-General;
 - (c) sites to be located off-line unless agreed to by DLWC;
 - (d) sites are not to be constructed over water supply or sewer pipelines without the prior agreement of SWC or SCA;
 - (e) sites for flood detention basins to be separated from the nearest residences by at least 100m and for constructed wetlands by at least 200m where practicable unless it can be demonstrated that there will be no adverse impacts on noise, visual, air quality impacts, health, safety and mosquito levels;
 - (f) detention basins and constructed wetlands are to be offline and not to be located within 50m of waterways unless adequate controls are implemented to the satisfaction of DLWC and the EPA to protect water quality in case of overflows;
 - (g) sites are to have low conservation significance for flora, fauna or heritage, *unless otherwise agreed by the Director General. Where an area of low conservation significance cannot be used, detailed justification for the selected site must be provided;*
 - (h) sites for detention basins and constructed wetlands are to have a low risk of contamination and be free of existing utilities and services;
 - (i) all conditions of concurrence set by NPWS shall be adhered to; and
 - (j) detention basins and constructed wetlands shall be fenced to minimise safety risks.

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- 146A. Modification 6 must be operated so as to maintain the *NSW Water Quality Objectives* (ANZG 2018), and where relevant the *Performance Criteria for Protecting and Improving the Blue Grid in the Wianamatta – South Creek Catchment* (DPIE, 2021), where they are being achieved as at the date of this approval. Modification 6 must also contribute towards achievement of the *NSW Water Quality Objectives*, and, where relevant, the *Performance Criteria for Protecting and Improving the Blue Grid in the Wianamatta – South Creek Catchment*, over time where they are not being achieved as at the date of the approval of Modification 6.
147. The design of any detention basins or constructed wetlands is to be in accordance with NSW Dam Safety Committee standards.

Stormwater

148. As part of the Construction Method Statements, Stormwater Management Plan(s) (SWMP) shall be prepared in consultation with the EPA, relevant Councils, Catchment Management Trusts and DLWC **prior to substantial construction**. The SWMP shall be prepared in accordance with the principles and practices set out in "Managing Urban Stormwater, Soils and Construction: (1998)" prepared by Department of Housing and RTA's "Guidelines for the Control of Erosion and Sedimentation." The SWMP shall be prepared so as not to exacerbate existing flood conditions. The SWMP shall address the impacts of stormwater from the Project and as a minimum provide:
- (a) details of mitigation measures and sedimentation basins which are required;
 - (b) details of the impact of the Project on waterways from stormwater;
 - (c) a de-watering procedure;
 - (d) where reasonable and feasible separate water systems in the proposed drainage system, one for run-off from the roadway areas and the other for run-off from catchments adjacent to the road; and
 - (e) how the issue of insufficient space for stormwater quantity and quality facilities within the road reserve will be addressed.
149. Where practicable, the Proponent, shall in consultation with DLWC, ensure that discharge of stormwater (for both construction and operational phases) is prevented from draining into areas of existing native vegetation.

Operation Stage Control Measures

150. All operational stormwater and wastewater systems of the Project including stormwater drainage, erosion, sedimentation and water pollution control systems and facilities of the Project shall be located, designed, constructed, operated and maintained to meet the requirements of the relevant authorities including the EPA, NSW Fisheries, DLWC, SWC and relevant Councils. All facilities including wetland filters, grass filter strips, gross pollutant traps and sedimentation basins shall be inspected regularly and maintained in a functional condition for the life of the Project.

Operational stormwater and wastewater systems impacted by Modification 6 must meet the requirements of DPI Fisheries, DPE Water, Sydney Water and relevant Councils.

151. **Where practical and feasible** stormwater control measures for the operational phase of the Project shall be installed and utilised within the road reserve **prior to substantial construction**.

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152. Road stormwater shall be treated through gross pollutant traps, stormwater interceptors, constructed stormwater wetlands and/or detention basins. Gross pollutant traps shall be constructed at discharge locations where it is not possible to construct water quality ponds. Gross pollutant traps shall be designed to operate during a 1 year ARI flood event and shall provide for control of coarse sediments and collection of trash and litter. The design of gross pollutant traps shall incorporate adequate by-pass mechanisms to manage events greater than the 1 year ARI flood event.
153. All stormwater and pollution detention systems shall be located outside of, or protected from, existing or future flood hazard areas, to ensure that collected pollutants do not come into contact with floodwaters.

Spill Management

154. The Proponent shall provide appropriate detention systems for containment of spills and materials arising from accidents that are consistent with the RTA's *Code of Practice for Water Management – Road Development and Management* in consultation with the EPA.
155. In the event of a spill, the Proponent shall ensure that all material spilled is removed as soon as practicable and at least within 24 hours.

Indigenous Heritage

Indigenous Heritage and Archaeology Management Sub Plan

156. As part of the Construction Framework EMP, the Proponent shall prepare and Implement an Indigenous Heritage and Archaeology Management Sub Plan in consultation with the relevant Local Aboriginal Land Councils, relevant Aboriginal communities, National Parks and Wildlife Service and relevant Councils to manage archaeological resources located within the area impacted by construction activities. The Sub Plan shall include:
- (a) an assessment of the significance of effects on archaeological items and Aboriginal heritage features, including demolition, relocation, removal, damage and physical intrusion into conservation areas;
 - (b) details of the archaeological investigations to be undertaken;
 - (c) management measures for all identified features and excavated materials;
 - (d) a Contingency Protocol to be implemented in the event of discovery of relics including provision for significance assessment, consideration of management options and, where destruction or removal is proposed, application be made for appropriate NPWS permits and documentation and recording be undertaken for archival purposes;
 - (e) a conservation management strategy; and
 - (f) an independent conflict resolution process.

Pre-Construction

157. The Proponent shall undertake additional Aboriginal Heritage investigations to the satisfaction of NPWS prior to construction and incorporate the findings into the Indigenous Heritage and Archaeology Management Sub Plan. The investigations shall include:

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- (a) consultation with the relevant Aboriginal communities including Deerubbin and Gandangarra Local Aboriginal Land Councils, the Darug Tribal Aboriginal Corporation and the Darug Custodian Aboriginal Corporation;
 - (b) identification and assessment of places of cultural significance shall be undertaken in consultation with the relevant Aboriginal groups;
 - (c) statements of heritage significance for cultural and archaeological sites;
 - (d) review of management options shall be undertaken for all sites as presented in the EIS;
 - (e) preparation of preliminary research permit applications for all areas of Potential Archaeological Deposit (PAD);
 - (f) sub-surface identification and testing of all PADs by an archaeologist and representatives of the Aboriginal Community;
 - (g) NPWS shall be provided with a regional contextual database identifying sites of archaeological and cultural significance;
 - (h) where required Consents to Destroy to be lodged under Section 90 of the National Parks and Wildlife Act 1974; and
 - (i) research involving extensive testing programs, shall be conducted at Plumpton Ridge.
158. Where sites of high scientific and/or Aboriginal community significance are within the impact area and avoidance is not possible, the RTA shall consider in consultation with the NPWS and the Aboriginal community, measures such as the establishment of additional conservation areas, undertaking Aboriginal heritage community projects (for example, setting aside a Keeping Place for artefacts or funding Aboriginal heritage conservation projects) or ethnographic studies/Aboriginal heritage/Aboriginal archaeological studies.

Construction

159. A suitably qualified archaeologist, the Deerubbin and Gandangarra Local Aboriginal Land Councils, the Darug Custodian Aboriginal Corporation and the Darug Tribal Aboriginal Corporation Incorporated shall be on-site during initial ground clearing and preliminary works in the vicinity of known or potential archaeological sites.
160. During construction, temporary protective fencing shall be placed around sites considered to be archaeologically sensitive and for which Consent to Destroy Permits have not been obtained. Protective fencing shall also be provided during the construction phase to sites located outside the immediate boundary of the Project but in close proximity to the construction works.

Construction Management

161. The Proponent shall ensure that all employees and sub contractors are appropriately trained on the obligations for Aboriginal Heritage conservation. The Aboriginal community and a qualified archaeologist shall be involved in this training process.

Unexpected Items

162. If during the course of construction the Proponent becomes aware of any items of Aboriginal archaeology, all work likely to affect the site(s) shall cease immediately and the relevant authorities, including the NPWS, the relevant Local Aboriginal Land Council(s) and the relevant Aboriginal groups shall be consulted to determine an appropriate course of action prior to the commencement of work at that site. Appropriate supporting documentation would need to

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accompany any application for required permit/consent(s). The relevant Local Aboriginal Land Council(s) and the relevant Aboriginal groups shall also be consulted about management of the deposits before construction re-commences.

Non-Indigenous Heritage

Non-Indigenous Heritage and Archaeology Management Sub Plan

163. As part of the Construction Framework EMP, the Proponent shall prepare and Implement a Non-Indigenous Heritage and Archaeology Management Sub Plan in consultation with the NSW Heritage Office and relevant Councils to manage heritage items and archaeological resources located within the area impacted by construction activities. The Sub Plan shall include:
- (a) identification of all heritage properties including all those listed in the EIS and the Representations Report plus any additional heritage properties as required by relevant Councils and the Heritage Office at the time of construction commencement;
 - (b) an assessment of the significance of effects on heritage items including demolition, relocation, removal, damage and physical intrusion into conservation areas;
 - (c) management measures for all identified features; and
 - (d) a conservation management strategy where necessary.
164. A Plan of Management shall be prepared in consultation with Sydney Water, the Sydney Catchment Authority, the NSW Heritage Office, the National Trust, the Australian Heritage Commission, heritage representatives from Liverpool and Fairfield City Councils and the Department for the section of the Cecil Hills Water Supply Tunnel and the Woodstave Pipeline affected by the Project. The findings of the Plan of Management shall be incorporated into the Non-Indigenous Heritage and Archaeology management Sub Plan.

Pre-Construction

165. The following tasks shall be undertaken **prior to substantial construction**:
- (a) statements of significance shall be developed for each site impacted by the Proposal;
 - (b) statements of Heritage Impact shall be developed for each site;
 - (c) management and archaeological monitoring strategies shall be developed for impacted sites; and
 - (d) necessary permits and approvals shall be obtained from the NSW Heritage Office.
166. Known heritage items for which approval to impact has not been obtained shall be protected from being disturbed during construction by the erection of protective fencing or flagging of the site.

Individual Items

167. Prior to construction in the vicinity of the Pearce's Cemetery the Proponent shall conduct preliminary archaeological investigations including hand and machine trenching to substantiate any evidence of human burials outside of the cemetery boundary. The investigations shall be supervised by an appropriately qualified archaeologist. During construction in the vicinity of Pearce's Cemetery a minimum 10m setback from the closest grave or the State Heritage Register boundary, whichever is the greater shall be maintained for construction works. A Plan of

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Management including landscaping shall be undertaken for this site and reviewed by the NSW Heritage Office, prior to any works on the Project in the vicinity of this item. The site shall be fenced during the construction period to ensure that construction does not encroach into this area. Access to the cemetery shall be maintained. The findings of the Plan of Management shall be incorporated into the Non-Indigenous Heritage and Archaeology management Sub Plan.

168. Plans of Management shall be prepared for all historically significant items and areas potentially affected by the Project **prior to substantial construction** including Meurants Cottage, the Timber Barn site, Rooty Hill and the wooden building thought to be the remains of Coleman's Inn. Any Plans of Management shall be prepared in consultation with the NSW Heritage Office. The findings of the Plans of Management shall be incorporated into the Non-Indigenous Heritage and Archaeology management Sub Plan.
169. At least three months **prior to substantial construction**, an advertisement to be approved by NSW Heritage Office shall be placed in the local and Sydney newspapers for a period of three weeks to locate any living relatives who may be able to confirm whether site Project-E-15 is in fact a burial site. Should it be confirmed that this is a burial site then the site shall be removed, restored and relocated with the approval from the Heritage Council of NSW. This process shall also be undertaken in consultation with relatives, The Department of Health, the Coroner and Local Council.

Construction Management

170. The Proponent shall ensure that all employees and subcontractors are appropriately trained on the obligations for heritage conservation under the NSW Heritage Act.

Unexpected Items

171. Should any historical relics be unexpectedly discovered in areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the Heritage Act 1977.

Property Acquisition

Pre-Construction

172. The Proponent shall identify all properties to be affected by land acquisition and complete negotiations with landholders prior to construction commencement and in accordance with the RTA's Land Acquisition Policy. Where a mutually acceptable arrangement cannot be made using this method, the Proponent shall ensure that the acquisition of any land shall be in a responsive and sensitive manner and in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. The Proponent shall consult affected landowners prior to and during the property acquisition process in accordance with the requirements of Condition No. 174.
173. **Prior to substantial construction**, the Proponent shall consult all affected landowners regarding any practicable and cost-effective measures to minimise impacts which may be beneficially implemented prior to the commencement of construction or within such time as agreed with the relevant landowner.

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174. The Proponent shall notify the owner of any property that is to be adjusted, acquired or from which an easement is to be obtained. This notice shall contain sufficient details to identify the land of interest being adjusted/acquired and is to include dimensions, location with respect to boundaries and any other information necessary to enable the identification of the land in relation to the development. This notification shall be given in adequate advanced time prior to access for construction purposes.

Construction

175. Any damage to buildings, structures, lawns, trees, sheds, gardens etc. as a result of any direct or indirect construction activity which can be reasonably connected with construction activities as certified by an independent building surveyor or structural engineer (as appropriate) shall be fully rectified by the Proponent at no cost to the owner(s). Construction activities undertaken within private property shall be sympathetic to the specific needs of individual property owners particularly in terms of requirements for temporary facilities such as fencing, access to footpaths/driveways/garages etc.
176. The Proponent shall ensure that the demolition of any structures is carried out only by specialist employees and/or contractors who hold any necessary licences to carry out such works.

Spoil, Fill Material and Waste Management

Spoil and Fill Material

177. Prior to the commencement of substantial construction where large volumes of imported fill are required, a detailed cost effectiveness study investigating the viability of importing fill by train shall be undertaken. The study shall include but not be limited to detailed consideration of rail opportunities on the Main Southern Line, Main Western Line and the Richmond Line and interfaces with the Project alignment. The study shall require the approval of the Director-General and the Proponent shall implement any such measures as required by the Director-General.
178. As part of the Construction Framework EMP, the Proponent shall prepare a Spoil and Fill Material Management Sub Plan in consultation with the EPA and relevant Council(s). This Sub Plan shall be prepared to the satisfaction of the Director-General. The Sub Plan shall identify how spoil and/or fill material would be sought, handled, stockpiled, reused including details of disposal/reuse sites and the volumes of spoil and/or fill material to be transported to each site and transport mode breakdowns. The Sub Plan shall include an assessment of road vs rail based spoil transport options and identify all material transport routes to be used to and from the Project. The Sub Plan shall be prepared in consultation with the EPA and Council **prior to substantial construction** at relevant sites and address issues of dust mitigation, drainage, disturbance and contaminated material (including procedures for dealing with the unanticipated discovery of contaminated material during the course of construction), noise and local amenity.

The Sub Plan shall also assess the cumulative impacts associated with spoil management with regard to other Projects such as the South Windsor Flood Relief Route, Lane Cove Tunnel, Parramatta Rail Link, Port Botany expansion proposals. The Proponent shall ensure that this Sub

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Plan is fully integrated with the Traffic Management Plans.

179. As part of the formal tender evaluation process, the Proponent shall demonstrate to the satisfaction of the Director-General that the externality costs of truck-based importation of fill has been explicitly considered in the weighted comparative ranking and rating of tenders on the issue of cost. For the purposes of quantifying and comparing externality costs under this condition, the Proponent shall consider a ranking hierarchy from best to worst in accordance with the following:
- (a) heavy rail transport;
 - (b) road based fill transport by Freeways or Tollways;
 - (c) road based fill transport by state roads (with the exception of Freeways or Tollways);
 - (d) road based fill transport by regional roads; and
 - (e) road based fill transport by local roads.
180. Notwithstanding the outcomes of Condition Nos. 177 to 179, the transport of spoil and/or fill material shall be limited to movements within the road reserve wherever possible. Where the transport of spoil or fill material on public roads is required the Proponent shall only use regional, state roads or freeways/tollways unless no other reasonable alternatives exist. Unless agreed to by the Director-General access points to and from the Project for spoil and/or fill material transport shall be limited to:
- (a) Camden Valley Way;
 - (b) Beech Road;
 - (c) Hoxton Park Road;
 - (d) Cowpasture Road;
 - (e) Elizabeth Drive;
 - (f) Saxony Road;
 - (g) The Horsley Drive;
 - (h) Wallgrove Road;
 - (i) Great Western Highway;
 - (j) Woodstock Avenue;
 - (k) Power Street;
 - (l) Rooty Hill Road;
 - (m) Richmond Road;
 - (n) Sunnyholt Road;
 - (o) Old Windsor Road; and
 - (p) M2 Motorway.
181. The Proponent shall ensure that all clean and/or treated spoil shall be reused or recycled where possible. In particular the EMR shall endorse that:
- (a) use of spoil generated from construction activities is maximised in preference to any import of fill; and
 - (b) where reasonable and feasible all clean excavated natural material is either reused on the Project or otherwise made available for reuse elsewhere in preference to disposal to landfill.

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Waste Management and Recycling

182. As part of the Construction Framework EMP and as relevant, a detailed Waste Management and Reuse Sub Plan shall be prepared in consultation with the EPA. The Sub Plan shall address the management of wastes during the construction and operation stages respectively. It shall specify specific waste management measures to be followed during the construction period by the construction contractor. It shall be consistent with the *Waste Avoidance and Resource Recovery Act 2001*, and the EPA's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*, and shall identify requirements for waste avoidance, reduction, reuse and recycling. The Sub Plan shall provide details of requirements for:

- (a) handling;
- (b) stockpiling;
- (c) disposal of wastes: specifically contaminated soil or water, concrete, demolition material, cleared vegetation, oils, grease, lubricants, sanitary wastes, timber, glass, metal, etc.; and
- (d) identifying any site for final disposal of any material and any remedial works required at the disposal site before accepting the material.

This Sub Plan shall include but not be limited to:

- (i) methods of management of all waste generated as part of the Project;
- (ii) an outline of comprehensive plans of action for key waste streams;
- (iii) implementation of the waste hierarchy by seeking to avoid waste generation as a priority, the reuse, recycling or reprocessing of waste and, as a last resort, disposal of waste;
- (iv) arrangements for waste which cannot be re-used, recycled or reprocessed to be disposed of at a licensed waste disposal facility;
- (v) procedures for separating excavation and demolition waste and for identifying destinations for the material;
- (vi) procedures for classifying waste in accordance with the EPA's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*;
- (vii) installation of segregated bins for recyclable materials and provision for material to be reused or recycled wherever possible;
- (viii) except where a sewer is available, the discharge of sewerage from site amenities to holding tanks for removal by tankers;
- (ix) the provision of rubbish skips at all construction sites and site compounds and their regular removal or emptying;
- (x) ensuring that local roads affected by construction remain intact to reduce the need for new paving materials;
- (xi) erecting signs within construction sites and site compounds encouraging employees to reduce, re-use, or recycle wherever possible;
- (xii) the disposal of chemical, fuel and lubricant containers and solid and liquid wastes in accordance with the requirements of the EPA;
- (xiii) appropriate induction and training of all employees and sub-contractors in the waste hierarchy and the requirements of this Waste Management and Reuse Sub Plan;
- (xiv) undertaking regular audits of waste management; and
- (xv) keeping of a waste management register of all significant waste collected from

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construction sites and site compounds for disposal, including amounts, date and time and details and locations of disposal.

As part of the Sub Plan, an Action Plan shall be prepared to promote the use of recycled materials, including construction and landscape materials. The Plan shall detail how the Project gives consideration and support to the Government's *Waste Reduction and Purchasing Policy*. The Plan shall also include details on measures to implement energy conservation best practice.

183. Any waste material that is unable to be reused, reprocessed or recycled shall be disposed at a landfill licensed by the EPA to receive that type of waste. The Waste Management and Reuse Sub Plan shall be framed using the waste minimisation hierarchy principles of avoid-reduce-reuse-recycle-dispose. This shall also include the demand for water.

Contamination

184. A detailed assessment of potentially contaminated land and the remediation required shall be undertaken having regard to the principles of SEPP55 and in accordance with the (1998) Managing Land Contamination: Planning Guidelines and guidelines made or approved by the EPA under Section 105 of the *Contaminated Lands Management Act* prior to substantial construction. The results of this investigation shall be incorporated into a Contamination Investigation Report to determine the nature, extent and degree of contamination. The Report shall detail the results of site investigations and the assessment of potential risks posed by contaminants to health and the environment and indicate whether remediation is required. The Report shall be prepared to the satisfaction of an EPA accredited site auditor.
185. Should the Contamination Investigation Report required by Condition No. 184 indicate that remediation is necessary to reduce or remove risks posed by contaminants in particular locations, then the Proponent shall remediate the land in accordance with a Remedial Action Plan which shall be incorporated into the relevant CMS(s) required by Condition No. 22. The Plan(s) shall be prepared in consultation with relevant Council(s) and to the satisfaction of an EPA accredited site auditor.
186. In the event of discovery of previously unidentified area(s) of potentially contaminated material, the Proponent shall cease work in the vicinity of the discovery and not commence work until the extent of contamination has been assessed and if necessary a Remedial Action Plan has been prepared and implemented in accordance with Condition No. 185.
187. Disposal of any contaminated material shall only be to a landfill approved by the EPA to accept that type of waste.
188. Dilution of contaminated spoil with clean material shall not be undertaken.
189. The Proponent shall ensure that the cost of treatment of any contaminated spoil on-site for reuse is investigated, and if cost effective, implemented to the satisfaction of an EPA accredited contaminated site auditor, prior to commencement of spoil disposal.
190. A contingency plan for the management of contaminated water generated by an emergency situation shall be developed as part of the Project CEMP.

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Acid Sulfate Soils

191. An Acid Sulfate Soil (ASS) Contingency Sub Plan shall be developed **prior to substantial construction** and incorporated into the Construction Framework EMP. This shall include mitigation measures for the unexpected discovery of actual or potential acid sulfate soils during construction. It shall be prepared to the satisfaction of the DLWC and in consultation with the EPA. The ASS Contingency Plan shall be prepared in accordance with the Acid Sulfate Soils Manual (ASSMC, 1998).

Groundwater

Groundwater Management Sub Plan

192. A detailed Groundwater Management Sub Plan shall be prepared to meet the requirements of DLWC and the EPA and incorporated into the Construction Framework and Operational EMPs. The Sub Plan shall cover the complete Project and shall provide details of groundwater control measures to be undertaken during both the construction and operation stages respectively and include but not be limited to:

- (a) handling, treatment and disposal of contaminated groundwater;
- (b) treatment strategies appropriate to predicted levels of salinity and quantities of seepage water;
- (c) pre-construction and construction monitoring in accordance with the NSW EPA *Contaminated Sites: Sampling Design Guidelines* (NSW Environment Protection Authority 1995) to identify elevated concentrations of contaminants; and
- (d) auditing.

Pre-Construction

193. Groundwater studies to determine quality, quantity and hydrological characteristics shall be undertaken for any proposed tunnel locations and significant cuts. This shall include targeted field investigations involving drilling, groundwater monitoring, bore installation, soil and groundwater sampling and analysis, and data interpretation. The investigations and monitoring shall be undertaken by a suitably experienced hydrogeologist or geotechnical engineer.
194. In accordance with Condition No. 193 investigations into groundwater salinity shall be undertaken at all locations identified as potentially containing high salinity levels and areas in close proximity to sensitive watercourses. Further investigations for the groundwater salinity issues shall include, at a minimum:
- (a) boreholes to 5m below the proposed base of cuts, in all cuts deeper than 5m;
 - (b) installation of groundwater sampling and monitoring wells in the boreholes;
 - (c) sampling of the groundwater for salinity and general groundwater chemistry;
 - (d) regular monitoring of the groundwater levels; and
 - (e) assessment of the results of the testing and monitoring by an experienced hydrogeologist.
195. The Proponent shall establish parameters for any potential salinity increases as a result of the Project at nearby watercourses in accordance with guidelines specified in ANZECC and ARMCANZ (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

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196. Prior to any major earthworks, the Proponent shall develop methods and procedures to monitor changes in the groundwater table due to modifications of the terrain, loss of vegetation, impacts on any existing bores and shall include measures to safeguard and/or mitigate impacts. The procedures to monitor changes in the groundwater table would be implemented prior to major earthworks, 12 months and two years after the opening of the Project to traffic. If changes in the groundwater are detected and determined to be a result of the above impacts, further testing shall be carried out and appropriate measures taken. The Proponent shall comply with all requirements of DLWC.

Construction

197. Fortnightly groundwater monitoring shall take place for the duration of construction at a minimum at all locations monitored during pre-construction studies. This shall also include the collection of data on salinity levels in nearby surface waters potential affected by construction works.
198. Licensable groundwater works shall only be undertaken by drilling contractors who hold a current Driller's Licence issued by DLWC with appropriate endorsement for the nature of the work required.

Greenhouse Gases

Construction Stage

199. The Proponent shall develop in consultation with the Sustainable Energy Development Authority criteria for assessment of potential contractors in the formal tender evaluation process encouraging the use of alternative cleaner fuel sources for construction equipment and vehicles.
200. The Proponent shall promote the reduction of greenhouse gases by adopting energy efficient work practices including, but not limited to:
- (a) developing and implementing procedures to minimise energy waste;
 - (b) conducting awareness programs as part of induction for all site personnel regarding energy conservation methods; and
 - (c) conducting regular energy audits during the Project to identify and address energywastage.
201. No rainforest timbers shall be used in any construction activities.

Sustainable Energy

202. Green power shall be purchased for the supply of at least 50% of the electrical energy requirements for the construction of the Project.

Utilities and Services

Pre-Construction

203. During the detailed design process the Proponent shall consult with relevant utility and service authorities to determine potential co-location opportunities for services with the construction of the Project.

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204. The Proponent shall identify all locations where as a result of the Project new locations for electricity towers are required and existing towers need to be raised. The Proponent shall conduct a visual impact assessment at each location and investigate the cost effectiveness of alternative strategies such as the undergrounding of these power lines. The findings of these investigations shall be input to the Ancillary Infrastructure Impact Assessment as detailed in Condition No. 20.
205. Prior to the commencement of construction the Proponent shall identify the services potentially affected by construction activities including the Sydney-Moomba high pressure gas pipeline, to determine requirements for diversion, protection and/or support. This shall be undertaken in consultation with the relevant service provider(s) and based on any recommendations from Condition of Approval No. 212.
206. An appropriately qualified person acceptable to Sydney Water shall be commissioned to design, or review the design for water and sewer mains to be constructed and/or relocated as a result of the road construction. The design shall demonstrate compliance with Sydney Water's Design Manual as a guide and consult with Sydney Water throughout the process.

Construction

207. Any alterations to utilities and services shall be carried out to the satisfaction of the relevant service provider(s), and unless otherwise agreed to, at no cost to the service/utility provider(s).

Note:

Nothing in Condition No. 207 shall be taken as requiring the Proponent to meet the cost of any alterations should any prior agreements or protocols be in place between the Proponent and service

208. The Proponent shall ensure that disruption to services resulting from the Project are minimised and shall be responsible for advising local residents and businesses affected prior to any disruption of service.
209. If any interruption of bulk water supply along the pipelines are anticipated during construction work, relevant authorities shall be informed as early as possible so that contingency plans can be developed. The Proponent shall bear all costs of disruptions, contingency plans and/or alterations unless otherwise agreed to be the relevant authorities.
210. The Proponent shall avoid sewer access chambers unless otherwise agreed to by Sydney Water. Any sewer access chamber affected shall be restored and ready access shall be facilitated for maintenance work by Sydney Water. No new or relocated access chambers shall be located within the Project carriageways.

Safety and Security

211. The Proponent shall prepare and implement a Security and Crime Management Strategy with aims to prevent unauthorised public ingress to the Project and to minimise the potential for crime in the vicinity of Project infrastructure (eg vandalism, loitering, illegal dumping etc). The Strategy

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shall be generally in accordance with the principles outlined in the joint DoP and Police Service publication *Crime Prevention and the Assessment of Development Applications*, and be developed in consultation with the NSW Police Service, relevant councils and CLGs. The Strategy shall include, but not necessarily be limited to:

- (a) details of security arrangements to prevent unauthorised access to the Project, including physical exclusion measures, detection devices and management mechanisms;
- (b) policies and procedures for addressing security issues, should they arise;
- (c) specific design features of the Project intended to discourage the incidence of crime at and in the immediate vicinity of Project access points;
- (d) lighting considerations, including light intensity, direction and hours of operation at and in the immediate vicinity of Project access points, paths to bus stops and at public transport stops/stations and the off-motorway cycleway with the aim of minimising areas that may encourage crime;
- (e) policies and procedures for the management and removal of graffiti, amelioration of vandalism, should it occur at or on any component of the Project; and
- (f) policies and procedures for the management and removal of illegal or inappropriate bill-posting and illegally dumped materials, should it occur at or on any component of the Project.

The Security and Crime Management Strategy shall be incorporated into the Operational EMP. After opening, the Proponent shall audit the Strategy in accordance with the requirements of Condition No. 27.

Hazards and Risks

Pre-Construction

212. Prior to construction commencement, the Proponent shall hold a risk management workshop to identify the potential construction and operational hazards, to assess the risks, to nominate any necessary risk mitigation measures. In particular the workshop shall assess: (i) the need for risk mitigation measures in the vicinity of sensitive land uses (eg. Schools, waterways etc.), the urbanised areas along the route and at major intersections; and (ii) the location and design of the earth bunds proposed for stormwater containment.

Participants at the workshop shall include, but not be limited to, the RTA, Department, SWC, SCA, DLWC, EPA, Telstra, RIC, Integral Energy, TransGrid, AGL and Duke Energy. An independent person qualified in risk management shall chair the workshop.

The Proponent shall prepare and submit prior to the commencement of substantial construction for the approval of the Director-General a report detailing the outcomes of the workshop. In particular, the report of the workshop shall demonstrate for the approval of the Director-General that all necessary risk mitigation measures would be provided.

The outcomes of the workshop shall be used in the development of the Hazards and Risk Management Sub Plan required under Condition of Approval No. 214.

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213. The Proponent shall undertake a geotechnical study during detailed design and **prior to substantial construction** to determine the potential impacts as a result of or to the Project. The study will include the area in the vicinity of Elizabeth Drive where medium to very high risk of slope instability occurs. The results of the study shall be used in the development of the Soil and Water Quality Management Plan(s) required in Condition of Approval No. 125. Mitigation measures required to minimise the potential impacts of slope instability shall be designed in consultation with the DLWC, NPWS and EPA and to the satisfaction of the Director-General.
214. A Hazards and Risk Management Sub Plan shall be prepared as part of the Construction Framework EMP. The Sub Plan shall include, but not be limited to:
- (a) the provision of adequate emergency procedures and equipment for the response to and management of any environmental pollution events;
 - (b) a program for training of all staff;
 - (c) a protocol for notifying the appropriate authorities in the case of an emergency;
 - (d) procedures to ensure compliance with all legislative and industry standard requirements for safe handling and storage of hazardous substances; and
 - (e) undertaking hazardous activities such as washing out of concrete delivery vehicles, washing down of construction plant etc. only at appropriate locations that have appropriate environmental protection controls.
215. Prior to the commencement of construction or operation in the vicinity of Hoxton Park Airport the Proponent must prepare procedures dealing with the construction and operation stage impacts in the vicinity of Hoxton Park Airport. These Procedures must be prepared in consultation with the Hoxton Park Airport management and to the satisfaction of the Civil Aviation Safety Authority and AirServices Australia. The construction stage procedures shall be incorporated into the relevant Construction Method Statement and must be submitted for approval at least 1 month prior to the commencement of construction or operation, as appropriate. The Procedures must address, as relevant to the particular stage, but are not limited to:
- (a) construction stage working hours; obstacle limitation surfaces; temporary navigation aids; Airport security requirements; lighting; bird hazards (including temporary and permanent waterbodies) access to and from the Airport; transport of dangerous goods; Motorway height and toll gantries; and
 - (b) flood mitigation, stormwater control and dust management.

The Procedures must, in relation to matters specified in (b), be prepared in consultation with the EPA and DLWC.

216. In accordance with the outcomes of the risk management workshop in Condition No. 212 and the findings of the Sub-Plan, the Proponent must prepare procedures dealing with the construction stage impacts in the vicinity of utilities and services, determine the need for specific risk assessments and to approve the design of any protective structures required. These procedures must be prepared to the satisfaction of the relevant authority as nominated above and in consultation with the Ministry of Energy and Utilities as appropriate prior to construction and incorporated into the Construction Method Statements.

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Construction Hazards

217. The Proponent shall not store significant quantities of Dangerous Goods (as per the Australian Dangerous Goods Code and the Dangerous Goods Act and Regulations) at any location associated with the Project, unless required for refuelling of vehicles etc in accordance with Condition No. 218. The Proponent shall consult with WorkCover NSW to ensure all Dangerous Goods are stored in an appropriate manner.
218. Diesel fuel or other fuel requirements shall be located within appropriately located and constructed bunds. Fuel storage and refuelling locations shall be in accordance with the requirements for ancillary infrastructure identified in Condition of Approval No. 223 and the following:
- (a) refuelling areas shall be constructed of concrete and covered where possible;
 - (b) shall comply with *AS 1940-1993 The Storage and Handling of Flammable and Combustible Liquids*;
 - (c) walls and floors of the bund shall be constructed of reinforced concrete, including a collection sump; and
 - (d) bund volume shall be sufficient to contain at least 110% of the largest container to be stored.

Operational Hazards

219. Deleted.
220. For the first five years of operation, the Proponent shall undertake an annual Hazard Review of the Project and hazardous incidents that have occurred during the preceding twelve-month period, with the first Review to be undertaken no later than twelve months after the opening of the Project to traffic. A report outlining the results of the Hazard Review, and any proposed additional safety measures to be implemented in response to the findings of the Review, shall be submitted to the Director-General within one month of completion of the Review. The Proponent shall meet the Director-General's requirements in relation to the findings of the Review, within such time as the Director-General may agree. The Proponent shall undertake further Hazard Review if directed by the Director-General following any major incident on the Project.
221. The Project carriageways, not including the pedestrian/cycleway, shall be appropriately fenced at all times to prevent access by the general community. Particular attention shall be paid to areas of open space or community land use such as the [Western Sydney Parklands \(as identified in SEPP \(Precincts – Western Parkland City\) 2021\)](#), including the Western Sydney Regional Park and SIEC. Locked gates shall be provided at suitable locations to allow for emergency service access in consultation with the NSW Police Service, NSW Fire Brigade and State Emergency Services.
222. Emergency telephones shall be provided at 2km intervals along the road.

Location of Construction Compounds and Ancillary Facilities

223. The Proponent shall only construct construction compounds or any other ancillary facilities such as batching plants, Service Centre(s), toll gantries etc and not addressed in Condition Nos. 128 and 146 under this approval in those locations that satisfy the following criteria:

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- (a) sites to be located within the road reserve wherever possible;
- (b) sites to be located with ready access to the local road network;
- (c) sites on relatively level land;
- (d) sites to be separated from nearest residences by at least 100m where practicable unless it can be demonstrated that there will be no adverse impacts on noise, visual and air quality impacts;
- (e) sites are not to be located within 100m of waterways unless adequate erosion and sediment controls are implemented to protect water quality;
- (f) sites above the 100 ARI flood level unless otherwise agreed to by DLWC;
- (g) sites are to be excluded from areas that would have an impact on any endangered ecological communities or threatened flora and fauna unless otherwise agreed by the Director General. Where an area of low conservation significance cannot be used, justification for the selected site must be provided; and
- (h) all conditions of concurrence set by NPWS shall be adhered to.

Guidelines for the Establishment of the Community Liaison Group

The proponent shall consider the following when establishing a Community Liaison Group:

1. At its first meeting, the Group shall consider its interrelationship with any existing community liaison/ consultative groups of adjoining or interrelated developments.
2. Representatives from relevant government agencies or other individuals may be invited to attend meetings as required by the Chair.
3. Where determined necessary by the Chair, an independent note taker would be provided by the Chair at the expense of the Proponent.
4. The Proponent shall, at its own expense:
 - nominate two (2) representatives to attend all meetings of the Committee;
 - provide to the Group regular information on the progress of work and monitoring results;
 - promptly provide to the Group such other information as the Chair of the Group may reasonably request concerning the environmental performance of the development;
 - provide access for site inspections by the Group; and
 - provide meeting facilities for the Group, and take minutes of Group meetings. These minutes, once endorsed by the Chair, shall be available for public inspection at Council within 14 days of the meeting.

Where reasonably required the Proponent shall engage consultants to interpret technical information and tasks of a similar nature for the benefit of the CLG.

MOD 6 Specific Conditions

***Note:** Schedule 2 conditions apply to work associated with Modification 6.*

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SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 For the purposes of Modification 6, the following conditions apply:
- (a) the conditions listed in **Condition 1B** of **Schedule 1**; and
 - (b) all conditions listed in Schedule 2 of this approval.

STAGING

Staging the delivery of Modification 6

- A2 Modification 6 may be constructed and operated in stages (including but not limited to temporal, location or activity based staging). Where staged construction is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

Note: Unless otherwise specified in this approval, early works are a stage of construction.

- A3 The **Staging Report** must:

- (c) if staged construction is proposed, set out how the construction of the whole of Modification 6 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;
- (d) if staged operation is proposed, set out how the operation of the whole of Modification 6 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);
- (e) specify how compliance with conditions will be achieved across and between each of the stages of Modification 6; and
- (f) 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.

- A4 Where staging is proposed, Modification 6 must be staged in accordance with the **Staging Report**, and submitted for information to the Planning Secretary.
- A5 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.
- A6 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 prior to the proposed change in the staging.

Staging, Combining and Updating Strategies, Plans or Programs

- A7 Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.

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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 the existing operations on site are covered by suitable strategies, plans or programs at all times; and*
2. *If the submission of any strategy, plan or program is to be undertaken in a progressive manner, then the relevant strategy, plan or program must clearly describe the specific stage to which strategy, plan or program applies, the relationship of this stage to future stages, and the trigger for updating the strategy, plan or program.*

CONSTRUCTION ANCILLARY FACILITIES

Construction ancillary facilities

A8 Construction ancillary facilities (excluding minor ancillary facilities established under **Condition A11** that are not identified by description and location in the documents listed in **Condition 1A of Schedule 1** can only be established and used in each case if:

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

SITE ESTABLISHMENT WORK

Construction Ancillary Facility - Site Establishment Management Plan

A9 Before the establishment of a construction ancillary facility that is required prior to the approval of a **CEMP** (excluding minor ancillary facilities determined by the **ER** to have minimal environmental impact and those established under **Condition A11**), the Proponent must prepare an **Construction Ancillary Facility Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facilities. The **Construction Ancillary Facility Site Establishment Management Plan** must be prepared in consultation with the relevant council and government agencies. The Plan must be submitted to the Planning Secretary for approval one month before the establishment of any construction ancillary facilities. The **Construction Ancillary Facility Site Establishment Management Plan** must detail the management of the construction ancillary facilities and include:

- (a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of work to be undertaken at the site);
- (b) figures illustrating the proposed site layout and the location of the closest sensitive land use(s);
- (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment work;
- (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition 1A of Schedule 1**, and

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- (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
- (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring.

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

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

Use of a Construction Ancillary Facility

A10 A construction ancillary facility established under **Condition A9** must not be used for Construction until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C4** and relevant **Construction Monitoring Programs** required by **Condition C9** have been approved.

Minor Ancillary Facilities

A11 Minor Ancillary Facilities can be established and used where they have been assessed in the documents listed in **Condition 1A of Schedule 1** or satisfy the following criteria:

- (a) are located within or immediately adjacent to the construction boundary; and
- (b) have been assessed by the **ER** to have -
 - (i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *Interim Construction Noise Guideline* (DECC, 2009) (ICNG), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) minimal environmental impact with respect to waste management and flooding, and
 - (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.

Boundary screening

A12 Boundary screening must be erected between construction ancillary facilities (excluding minor ancillary facilities) and adjacent to sensitive land use(s) for the duration of the time that the construction ancillary facility is in use, unless otherwise agreed with the owner and occupier of the adjacent sensitive land use(s).

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

INDEPENDENT APPOINTMENTS

A13 All **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020). All **Independent Appointments** must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

A14 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.

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- A15 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 A14 and A15 apply to all Independent Appointments including the ER and AA.

ENVIRONMENTAL REPRESENTATIVE

- A16 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.
- A17 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of work.
- A18 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 1A of Schedule 1**, and is independent from the design and construction personnel for Modification 6 and those involved in the delivery of it.
- A19 More than one **ER** may be engaged for Modification 6, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of Modification 6.
- A20 For the duration of Work until the completion of construction, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of Modification 6;
 - (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 A2, A6, A9, C1, C4 and C9** and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
- Note: The written statement must be made via the Major Projects Portal.*
- (e) regularly monitor the implementation of the documents listed in **Conditions A2, A6, A9, C1, C4 and C9** 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 A27** of this approval;
 - (g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;
 - (h) review the appropriateness of any activities reliant on the definition of Low Impact Work;
 - (i) consider or assess the impacts of minor ancillary facilities as required by **Condition A11**;
 - (j) consider any minor amendments to be made to the **Construction Ancillary Facility Site Establishment Management Plan, CEMP, CEMP Sub-plans and monitoring programs** without increasing impacts to nearby sensitive land uses or that comprise updating or are

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- of an administrative nature, and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
- (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading “Environmental Representative Monthly Reports.” **The Environmental Representative Monthly Report** must be submitted within seven days following the end of each month for the duration of the ER’s engagement for Modification 6, or as otherwise agreed by the Planning Secretary.
- A21 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A20** (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).

ACOUSTICS ADVISOR

- A22 A suitably qualified and experienced **Acoustics Advisor(s) (AA)** in noise and vibration management, who is independent of the design and construction personnel, must be nominated by the Proponent and engaged for the duration of Construction.
- A23 Construction must not commence until an **AA** has been approved by the Planning Secretary no later than one (1) month before commencement of construction.
- A24 The Proponent must cooperate with the **AA** by:
- (a) providing access to noise and vibration monitoring activities as they take place;
 - (b) providing for review of noise and vibration plans, assessments, monitoring reports, data and analyses undertaken; and
 - (c) considering any recommendations to improve practices and demonstrating, to the satisfaction of the **AA**, why any recommendation is not adopted.
- A25 The approved **AA** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the performance of Modification 6 in relation to noise and vibration;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval relating to noise and vibration;
 - (c) consider and recommend to the Proponent, improvements that may be made to avoid or minimise adverse noise and vibration impacts;
 - (d) review proposed night-time works to determine if sleep disturbance would occur and recommend measures to avoid sleep disturbance or appropriate additional alternative mitigation measures;
 - (e) review noise and vibration documents required to be prepared under the terms of this approval, and should they be consistent with the terms of this approval, endorse them before submission to the Planning Secretary (if required to be submitted to the Planning Secretary) or before implementation (if not required to be submitted to the Planning Secretary);
 - (f) regularly monitor the implementation of all noise and vibration documents required to be prepared under the terms of this approval to ensure implementation is in accordance with what is stated in the document(s) and the terms of this approval;

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- (g) notify the Planning Secretary of noise and vibration incidents in accordance with **Conditions A33** and **A35** of this approval;
- (h) in conjunction with the **ER**, the **AA** must:
 - (i) as may be requested by the Planning Secretary help plan, attend or undertake audits of noise and vibration management of the CSSI including briefings, and site visits,
 - (ii) in the event that conflict arises between the Proponent and the community in relation to the noise and vibration performance of Modification 6, follow the procedure in the **Community Communication Strategy** approved under **Condition B2** to attempt to resolve the conflict, and if it cannot be resolved, notify the Planning Secretary,
 - (iii) consider relevant minor amendments made to the **Construction Ancillary Facility Site Establishment Management Plan, CEMP**, relevant sub-plans and noise and vibration monitoring programs that require updating or are of an administrative nature, and are consistent with the terms of this approval and the management plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, endorse the amendment, (this does not include any modifications to the terms of this approval),
 - (iv) review the noise impacts of minor construction ancillary facilities, and
 - (v) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, a **Monthly Noise and Vibration Report** detailing the **AA**'s actions and decisions on matters for which the **AA** was responsible in the preceding month. The **Monthly Noise and Vibration Report** must be submitted within seven days following the end of each month for the duration of the **AA**'s engagement for Modification 6, or as otherwise agreed by the Planning Secretary.

AUDITING

- A26 Proposed independent auditors must be agreed to in writing by the Planning Secretary before the commencement of an **Independent Audit**. This condition does not apply to the engagement of auditors required under **Condition D96**.
- A27 **Independent Audits** of Modification 6 must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A28 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified above, upon giving at least four weeks notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A29 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under **Condition A27** or **Condition A28**;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each **Independent Audit Report** and response to it publicly available two months after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.
- A30 **Independent Audit Reports** and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A31 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

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INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

Incident Notification, Reporting and Response

- A32 The Planning Secretary must be notified via the Major Projects Website as soon as possible and no later than 12 hours after the Proponent becomes aware of an incident. The notification must identify Modification 6 (including the application number and the name of Modification 6) and set out the location and nature of the incident.
- A33 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix A**.

Non-Compliance Notification

- A34 The Planning Secretary must be notified via the Major Projects Website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify Modification 6 (including the application number and the name of Modification 6 if it has one), identify the condition/s against which Modification 6 is non-compliant, the nature of the non-compliance; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A35 A non-compliance which has been notified as an incident under **Condition A32** does not need to be notified as a non-compliance.

IDENTIFICATION OF WORKFORCE AND COMPOUNDS

- A36 The Modification 6 name; application number; telephone number, postal address and email address required under **Condition B7** of this approval must be made available on site boundary fencing / hoarding at each construction ancillary facility before the commencement of construction at that location. This information must also be provided on the website required under **Condition B11** of this approval.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Communication Strategy

- B1 A **Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of Modification 6 with:
- (a) the community (including adjoining affected landowners and businesses, and others directly impacted by Modification 6); and
 - (b) the relevant councils and relevant agencies.
- B2 The **Communication Strategy** must:
- (a) identify people, organisations, councils and agencies to be consulted during the design and work phases of Modification 6;
 - (b) identify details of the community and its demographics;
 - (c) identify timing of consultation;
 - (d) set out procedures and mechanisms for the regular distribution of accessible information including to LOTE and CALD and vulnerable communities about or relevant to Modification 6;
 - (e) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by **Condition D54**;
 - (f) 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 Modification 6;
 - (g) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community;
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of Modification 6, including disputes regarding rectification or compensation;
 - (h) address who will engage with the community, relevant councils and agencies.
- B3 The **Communication Strategy** must be submitted to the Planning Secretary for approval no later than one (1) month before the commencement of any Work.
- B4 Work for the purposes of Modification 6 must not commence until the **Communication Strategy** has been approved by the Planning Secretary.
- B5 The **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

- B6 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of Work and for a minimum for 12 months following completion of construction of Modification 6.
- Note: In the situation where there are different entities constructing and operating Modification 6, continuity of access to the Complaints Management System must be maintained.*
- B7 The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of Work and for 12 months following the completion of construction:

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- (a) a 24-hour telephone number for the registration of complaints and enquiries about Modification 6;
- (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.

B8 A **Complaints Register** must be maintained recording information on all complaints received about Modification 6 during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:

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

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

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

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

***Note:** Should a complainant disagree with the Collection Statement, a note to that effect must be recorded in the Complaints Register required by **Condition B8**.*

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

PROVISION OF ELECTRONIC INFORMATION

B11 A website or webpage providing information in relation to Modification 6 must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of Modification 6;

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- (b) a copy of the documents listed in **Condition 1A of Schedule 1**, and any documentation relating to any modifications made to the approved project 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 Modification 6;
- (e) a copy of the final version of each document required under the terms of this approval; and
- (f) a copy of the audit reports required under this approval.

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

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

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

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

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).

C2 The **CEMP** must provide:

- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
- (b) details of environmental and social policies, guidelines and principles to be followed in the construction of Modification 6;
- (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of Modification 6;
- (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 1A of Schedule 1**, 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 C4**. Where staged construction of Modification 6 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) a Worker Code of Conduct for employees, contractors and subcontractors;
- (k) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and
- (l) for periodic review and update of the **CEMP** and all associated plans and programs

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

C3 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.

C4 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 1H of Schedule 1**.

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Table 2: CEMP Sub-plans

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Traffic and Transport	Relevant council(s)
(b)	Noise and Vibration	WaterNSW and relevant council(s)
(c)	Flora and Fauna	DPI Fisheries and relevant council(s)
(d)	Soil and Water	DPE Water, WaterNSW and relevant council(s)
(e)	Heritage	NSW Heritage and Water NSW

Note: *CEMP Sub-plan(s) may reflect the construction of the project through geographical activities, temporal activities or activity based staging.*

C5 The **CEMP Sub-plans** must state how:

- (a) the environmental performance outcomes identified in the documents listed in **Condition 1A of Schedule 1** will be achieved;
- (b) the mitigation measures identified in the documents listed in **Condition 1A of Schedule 1** will be implemented;
- (c) the relevant terms of this approval will be complied with; and
- (d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.

C6 Construction must not commence until the relevant **CEMP(s)** and **CEMP Sub-plans** have been approved by the Planning Secretary.

C7 The **CEMP(s)** and **CEMP Sub-plans** as approved, including any minor amendments approved by the **ER**, must be implemented for the duration of construction.

C8 The **Soil and Water Management Plan (SWMP)** must be prepared in accordance with the principles and requirements in Managing Urban Stormwater – Soils and Construction, Volume 1 (Landcom, 2004) and Volume 2D (DECC, 2008) and be prepared by a suitably qualified person either certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

The **SWMP** must include, but not be limited to:

- (a) the erosion and sediment control measures for areas of low contamination risk;
- (b) the erosion and sediment control measures for areas of moderate to high contamination risk;
- (c) adopted assessment criteria for proposed discharges, and how these would be measured;
- (d) a surface water monitoring program for areas of moderate to high contamination risk for contaminants of potential concern (CoPC), and
- (e) a dewatering management plan (DMP), that identifies and manages water contamination risks and identifies licensed waste facilities where contaminated groundwater will be disposed.

Note: *If a NSW EPA accredited Site Auditor is required under **Condition D68**, the contamination aspects of the SWMP may need to be updated following any potential advice from the Site Auditor regarding the appropriateness of management measures.*

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CONSTRUCTION MONITORING PROGRAMS

- C9 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of Modification 6 against the performance predicted in the documents listed in **Condition 1A of Schedule 1** or in the **CEMP**:

Table 3: Construction Monitoring Programs

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	Noise and Vibration	Relevant council(s)
(b)	Surface Water Quality	DPE Water and relevant council(s)

- C10 Each **Construction Monitoring Program (CMP)** must have consideration of SMART principles and provide:
- (a) details of baseline data available;
 - (b) details of baseline data to be obtained and when;
 - (c) details of all monitoring of the project to be undertaken;
 - (d) the parameters of the project to be monitored;
 - (e) the frequency of monitoring to be undertaken;
 - (f) the location of monitoring;
 - (g) the reporting of monitoring results and analysis results against relevant criteria;
 - (h) details of the methods that will be used to analyse the monitoring data;
 - (i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable project impacts; and
 - (j) any consultation to be undertaken in relation to the monitoring programs.
- C11 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.
- C12 Construction must not commence until the relevant **CMP(s)** have been approved by the Planning Secretary and all relevant baseline data for the specific construction activity has been collected.
- C13 The **CMP(s)**, as approved, 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.
- C14 The results of the **CMP(s)** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **CMP**.

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

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PART D

KEY ISSUE CONDITIONS

AIR QUALITY AND ODOUR

- D1 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition 1A of Schedule 1**, all practicable measures must be implemented to minimise and manage the emission of dust and other air pollutants (including odours) during the construction of Modification 6.

BIODIVERSITY

- D2 The clearing of native vegetation must be minimised with the objective of reducing impacts to threatened ecological communities and threatened species habitat.
- D3 Impacts to plant community types must not exceed those identified in the documents listed in **Condition 1A of Schedule 1**, unless otherwise approved by the Planning Secretary. In requesting the Planning Secretary's approval, an assessment of the additional impact(s) to plant community types and an updated ecosystem and / or species credit requirement under **Condition D4** below, if required, must be provided.
- D4 Prior to impacts on the biodiversity values set out in **Table 4** and **Table 5**, the number and classes of ecosystem credits and species credits (like-for-like) must be retired.

Table 4: Ecosystem Credits

Ecosystem Credits		
<i>Plant Community Type (PCT) ID and name</i>	<i>Construction footprint (hectares)</i>	<i>Number of Credits</i>
724: Castlereagh shale – gravel transition forest	0.11	2
725: Castlereagh Ironbark Forest	0.08	1
835: Cumberland riverflat forest	0.74	9
849: Cumberland shale plains woodland	0.58	7
850: Cumberland shale hills woodland (low), vegetation zone 4	0.83	15
1737: Typha rushland	0.10	3
1800: Cumberland Swamp Oak riparian forest	2.01	30
TOTAL ECOSYSTEM CREDITS	4.45	67

Table 5: Species Credits required

<i>Species</i>	<i>Loss of habitat or individuals</i>	<i>Number of Credits</i>
<i>Foraging habitat for the Southern Myotis</i>	2.31 ha	33
TOTAL SPECIES CREDITS		33

Note: Credits have been calculated using the Biodiversity Assessment Method.

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- D5 The requirement to retire like-for-like ecosystem credits and species credits in **Condition D4** may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.
- D6 Where evidence of compliance with the Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules has been provided to the Planning Secretary, variation rules may be applied to retire the relevant ecosystem credits and species credits as set out in the BAM Biodiversity Credit Report (Variation).
- D7 Prior to any works, additional field surveys for Southern Myotis must be undertaken. The surveys must confirm whether Southern Myotis are identified as using the construction footprint for breeding, roosting and/or foraging purposes. The survey results must be used to inform the preparation of the **Construction Flora and Fauna Management Plan** required by **Condition C4(c)** and the Microbat Management Plan proposed in the documents listed in **Condition 1A of Schedule 1**.
- Note: If additional impacts to the Southern Myotis are required to be offset above that required in Table 5, an updated BDAR must be prepared and Table 5 modified.*
- D8 Evidence of the retirement of credits in satisfaction of **Condition D4** or payment to the Biodiversity Conservation Fund in satisfaction of **Condition D5** must be provided to the Planning Secretary prior to impacts on the relevant biodiversity values.
- D9 Impacts to Plant Community Types 724, 1737 and 1800 at the Maxwell Creeks Compound (C2@B9817) must be limited to the greatest extent possible to minimise impacts upon Aboriginal cultural values. All impacted riparian corridors must be revegetated with suitable indigenous species (and where possible using impacted PCT) in consultation with the relevant Local Aboriginal Land Council's (LALCs).

Re-use of Timber

- D10 Prior to vegetation clearing, the Proponent must identify where it is practicable for Modification 6 to reuse native trees and vegetation that are to be removed. If it is not possible for Modification 6 to reuse removed native trees and vegetation, the Proponent must consult with one or more of the following; the relevant council(s), NSW National Parks & Wildlife Service, Western Sydney Parklands Trust, Greater Sydney Local Land Services, Landcare groups, DPI Fisheries and any additional relevant government agencies. This consultation should 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 Modification 6; and
 - (b) collected plant material, seeds and/or propagated plants from native vegetation impacted by Modification 6,

could be used by others in habitat enhancement and rehabilitation work, before pursuing other disposal options.

Tree replacement

- D11 Revegetation and the provision of replacement trees must be informed by a Tree Survey undertaken during detailed design. The Tree Survey must identify the number, type and location of any trees to be removed, except for trees that are offset under **Condition D4**. The Tree Survey must be submitted to the Planning Secretary for information with the **Design and Landscape Plan** required under **Condition D19**.
- D12 Where trees are to be removed, the Proponent must provide a net increase in the number of replacement trees at a ratio of 2:1, except trees that are offset under **Condition D4**. Replacement trees must have a minimum pot size consistent with the relevant authority's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant authority(ies). Replacement trees and plantings must deliver an

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increase in tree canopy and aim to enhance the relevant council's position in respect of the Sydney Green Grid, unless otherwise agreed by the Planning Secretary.

***Note:** For the purposes of this condition, the relevant authority is that State or local government authority that owns or manages the land on which the replacement trees will be planted.*

DESIGN AND VISUAL AMENITY

Construction Ancillary Facilities

D13 Modification 6 must be constructed in a manner that minimises visual impacts of construction ancillary facilities, including providing screening of ancillary facilities, minimising light spill, and incorporating finishes within key elements of temporary structures that reflect the context within which the construction sites are located, including recognition of Country.

Design Outcomes

D14 The design and landscape outcomes of Modification 6 must:

- (a) be informed by and be consistent with Appendix K of the Modification Report, including but not limited to the objectives and design principles, requirements, and opportunities;
- (b) be prepared in consultation with the community (including the affected landowners and businesses or a representative of the businesses), LALCs, the stakeholders identified in Appendix E of the Submissions Report (if interest is expressed in further consultation) and relevant council(s);
- (c) have consideration of Designing with Country and the principles and objectives of the draft Connecting with Country Framework; and
- (d) be informed by a design review process undertaken by a Design Review Panel (**DRP**) including TfNSW's Urban Design, Roads and Waterways Group and an independent member from the NSW State Design Review Panel Pool nominated by the NSW Government Architect (GANSW). The **DRP's** review and recommendations must focus on the following components:
 - (i) the interchanges with the M4 and M12 (including artwork installations);
 - (ii) the consistency of upgraded, modified and new noise barriers with the existing design; and
 - (iii) maximising the aesthetic consistency of the proposed bridge upgrades with the existing bridge structures.

***Note:** As part of the design review process, members of the M12 **DRP** can be involved to ensure consistency of design between the M12 and Modification 6 are achieved.*

D15 GANSW must be invited as an observer to any reviews, briefings and/or presentations required for **Condition D14(d)**.

D16 The advice and recommendations provided by the **DRP** should be progressively issued to the Planning Secretary and GANSW for information and included in the final **DLP**.

D17 The Terms of Reference of the **DRP** must be prepared in consultation with GANSW within 3 months of the date of the Modification Instrument for SSI 663 MOD 6.

D18 Operational noise barriers must be designed to minimise visual and amenity impacts. Opportunities should be explored to incorporate aesthetics, wayfinding and public art into the design of the noise barriers.

Design and Landscape Plan

D19 A **Design and Landscape Plan (DLP)** must be prepared to document and illustrate the permanent built works and landscape design of Modification 6 and how these works are to be maintained. The **DLP** must inform the final design of the modification and give effect to the outcomes and commitments documented in **Condition 1A of Schedule 1**. The Plan does not apply to work, which for technical, engineering, or ecological requirements, or other

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requirements as agreed by the Planning Secretary, do not allow for alternative design outcomes.

D20 The **DLP** must be:

- (a) prepared by a suitably qualified and experienced person(s) in urban and landscape design;
- (b) prepared in consultation with relevant councils and the community, including affected landowners and businesses
- (c) submitted to the Planning Secretary for information no later than one month before the construction of permanent built surface works and/or landscaping in the area to which the **DLP** applies; and
- (d) implemented during construction of Modification 6 and operation of the modified project.

***Note:** The **DLP** 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*

D21 The **DLP** must document how the following matters have been considered in the design and landscaping of the project:

- (a) the requirements of **Conditions D14 to D18**;
- (b) demonstrated integration of Crime Prevention Through Environmental Design principles;
- (c) Designing with Country and the principles and objectives of the draft Connecting with Country Framework; and
- (d) advice and recommendations arising from the **DRP** required by **Condition D14(d)**. In relation to any matter that is not consistent with the **DRP's** advice and recommendations resulting from **Condition D14(d)**, evidence of how the design provides an equivalent or superior quality design or landscaping outcome must be provided.

D22 The **DLP** must include, but not limited to:

- (a) the design of the permanent built elements of Modification 6 including their form, materials and detail, with a focus on high quality bridge design, and integrated art;
- (b) the design of the project landform and landscaping elements (including visual screening);
- (c) details of strategies to rehabilitate, regenerate or revegetate disturbed areas with local native species;
- (d) details of how Aboriginal and non-Aboriginal heritage interpretation and public art are incorporated within the design of built features (such as noise barriers, signage, artwork and landscaping);
- (e) details of how impacted plant community types with significant Aboriginal cultural values at Maxwell's Creek would be replanted with indigenous plantings;
- (f) developed visualisations, cross sections and plans showing the proposed design outcome; and
- (g) management and routine maintenance standards and regimes for design elements and 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, as detailed in the **Vegetation Management Plan**, required by **Condition D24**.

D23 Unless otherwise agreed with the Planning Secretary, construction of permanent built work or landscaping that are the subject of the **DLP** must not be commenced (in the area to which the **DLP** applies) until the **DLP** has been received by the Planning Secretary.

D24 A **Vegetation Management Plan (VMP)** must be prepared by a qualified ecologist to inform revegetation of creek-side vegetation (including all areas of River Flat Eucalyptus Forest identified for rehabilitation in the documents listed in **Condition 1A of Schedule 1**), and must be included as part of the **DLP**. The **VMP** must include:

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- (a) the identification of proposed Plant Community Types (PCT) and the local provenance native species representative of the PCTs present, to be planted in the locations of disturbance, including those required by **Condition D9**;
- (b) site specific plans and rehabilitation measures for each area to be rehabilitated; and
- (c) specific measures to address weed management, erosion and sediment control/bank stabilization, rubbish removal and habitat supplementation.

The **VMP** must be prepared in consultation with a qualified bushland regenerator.

Operational Maintenance

- D25 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of Modification 6 remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **DLP**, required by **Condition D22**.
- D26 The Planning Secretary must be advised of the date of transfer of the asset(s) to the relevant authority.
- D27 Should plant loss occur during the maintenance period that impacts the capacity of the landscaping to achieve the design objectives (e.g. reduction in canopy species cover), the plants must be replaced by the same plant species and with similar growth form (i.e. a tree with an advanced juvenile 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 native species of local provenance from the relevant native vegetation community.

FLOODING

- D28 Measures identified in the documents listed in **Condition 1A of Schedule 1** to minimise the impact of Modification 6 on flood behaviour, must be incorporated into the detailed design of Modification 6. The incorporation of these measures into the detailed design must be reviewed and endorsed by a suitably qualified flood consultant, who is independent of the project's design and construction, in consultation with directly affected landowners, DPE Water, DPI Fisheries, Environment and Heritage Group, NSW State Emergency Service (SES) and relevant Councils.
- D29 Prior to undertaking updated flood assessments at the detailed design stage, the Proponent must consult with Environment and Heritage Group to ensure the most up to date flood studies and data for Cabramatta Creek catchment are utilised.
- D30 Unless otherwise agreed by the Planning Secretary, Modification 6 must be built to limit impacts on flooding characteristics in areas outside the project boundary during any flood event up to and including the 1% AEP flood event, to the following:
 - (a) a maximum increase in inundation time of one hour;
 - (b) a maximum increase of 10 mm in above-floor inundation to habitable rooms where floor levels are currently exceeded;
 - (c) no above-floor inundation of habitable rooms which are currently not inundated;
 - (d) a maximum increase of 50 mm in inundation of land zoned as residential, industrial or commercial;
 - (e) a maximum increase of 100 mm in inundation of land zoned as rural, primary production, environment zone or public recreation;
 - (f) no significant increase in the flood hazard or risk to life; and
 - (g) maximum relative increase in velocity of 10%, where the resulting velocity is greater than 1.0 m/s, unless adequate scour protection measures are implemented and/or the velocity increases do not exacerbate erosion as demonstrated through site-specific risk of scour or geomorphological assessments.

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Where the requirements set out in clauses (d), (e) and (g) cannot be met alternative flood levels or mitigation measures may be agreed to with the affected landowner.

In the event that the Proponent and the affected landowner cannot agree on the measures to mitigate the impact as described in clauses (d), (e) and (g), the Proponent must engage a suitably qualified and experienced independent person to advise and assist in determining the impact and relevant mitigation measures.

- D31 Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant Council, Environment & Heritage Group and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the Modification. The relevant Council, Environment & Heritage Group and the SES must be notified in writing that the information is available no later than one month following the completion of construction. Information requested by the relevant Council, Environment & Heritage Group or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the relevant Council, Environment & Heritage Group and the SES.

HERITAGE

Aboriginal Cultural Heritage

- D32 All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects.
- D33 The LALCs and the stakeholders identified in Appendix E of the Submissions Report (if interest is expressed in further consultation) must be kept regularly informed about Modification 6. The LALCs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of Modification 6.
- D34 Where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects and places must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the **Unexpected Heritage Finds and Human Remains Procedure** required by **Condition D35** and include registration in the **Aboriginal Heritage Information Management System (AHIMS)**.

Unexpected Heritage Finds and Human Remains

- D35 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds (including maritime discoveries) in accordance with any guidelines and standards prepared by Heritage NSW and submitted to the Planning Secretary for information before the commencement of Work. The procedure must be included in the **Heritage CEMP Plan** required by **Condition C4**.
- D36 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of Work.

Where archaeological investigations have been undertaken as a result of Unexpected Finds notifications then a Final Archaeological Report must be provided in accordance with Heritage Council guidance and standard requirements for final reporting under Excavation Permits.

***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.*

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NOISE AND VIBRATION

Land Use Survey

D37 A detailed land use survey must be undertaken to confirm sensitive land use(s) (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of work which generates construction or operational noise, vibration or ground-borne noise in that area. The results of the survey must be included in the **Noise and Vibration CEMP Sub-plan** required by **Condition C4 (Part C)**.

Work Hours

D38 Work must be undertaken during the following hours:

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

Highly Noise Intensive Work

D39 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

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

Variation to Work Hours

D40 Notwithstanding **Conditions D38** and **D39** work may be undertaken outside the hours specified in the following circumstances (a, b or c):

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

On becoming aware of the need for emergency work in accordance with **Condition D40(a)**, the **AA**, the **ER**, the Planning Secretary and the EPA must be notified of the reasons for such work. Best endeavors must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land use(s) of the likely impact and duration of those work.

- (b) **Work that meets any 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); or
 - (ii) $LAF_{max(15 \text{ minute})}$ noise levels no more than 15 dB(A) above the rating background level at any residence during the night time period; 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), or

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- intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

(c) **By Approval**, including:

- (i) where different construction hours are permitted or required under an EPL in force in respect of Modification 6; or
- (ii) works which are not subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition D41**; or
- (iii) negotiated agreements with directly affected residents and sensitive land use(s).

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

D41 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 **Condition D38**, and that are not subject to an EPL. The Protocol must be prepared in consultation with the **ER** and **AA**. The Protocol must include:

- (a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) the **ER** and **AA** review all proposed out-of-hours activities and confirm their risk levels,
 - (ii) low risk activities can be approved by the **ER** in consultation with the **AA**, and
 - (iii) high risk activities that are approved by the Planning Secretary;
- (b) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
- (c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of **Condition D60**. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land use(s) would be exposed to, including the number of noise awakening events;
- (d) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (e) notification arrangements for affected receivers for approved out-of-hours work and notification to the Planning Secretary of approved low risk out-of-hours works.

The Protocol must be submitted to and approved by the Planning Secretary before commencement of the out-of-hours work and implemented during Work which is outside the hours defined in **Conditions D38** and not subject to an EPL.

Adherence to the Protocol does not apply if the requirements of **Condition D40(a) or (b)** are met.

Notes:

1. **Conditions D54 and D55** provide additional parameters to be considered.
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.

Construction Noise Management Levels and Vibration Criteria

D42 Mitigation measures must be implemented with the aim of achieving the following construction noise and vibration outcomes:

- (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

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- (e) the vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration-effects of vibration on structures* (for structural damage).

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

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

- D43 Mitigation measures must be implemented prior to construction at residential receivers where a relative increase in road traffic noise of greater than 2 dB(A) are expected as a result of traffic detours (presented in Table 7-23 of the Modification Report as identified in **Condition 1A(a) of Schedule 1**).
- D44 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 D41**.

- D45 Noise generating work in the vicinity of community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.
- D46 At no time can noise generated by construction exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8hr) equivalent continuous A-weighted sound pressure level of $L_{Aeq,8h}$ of 85 dB(A) for any employee working at a location near Modification 6.
- D47 **Construction Noise and Vibration Impact Statements (CNVIS)** must be prepared for work that may exceed the noise management levels, vibration criteria and/or ground-borne noise levels specified in **Condition D42** and **Condition D44** at any residence outside construction hours identified in **Condition D38**, or where receivers will be highly noise affected. The **CNVIS** must include specific mitigation measures identified through consultation with affected sensitive land use(s) and the mitigation measures must be implemented for the duration of the works. A copy of the **CNVIS** must be provided to the **AA** and **ER** prior to the commencement of the associated works. The Planning Secretary may request a copy/ies of **CNVIS**.
- D48 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan** required by **Condition C4** and the **Community Communication Strategy** required by **Condition B1**.

Construction Noise and Vibration Mitigation and Management

- D49 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;

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- (c) scheduling of noisiest works before 11.00 pm Sunday to Thursday and before 12 midnight Friday and Saturday;
- (d) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rock hammering and concrete cutting; and
- (e) use of alternative construction and demolition techniques.

Construction Vibration Mitigation - Heritage

- D50 Vibration testing must be undertaken before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are likely to be exceeded, the construction methodology must be reviewed and, if necessary, additional mitigation measures implemented.
- D51 Advice from a heritage specialist must be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.
- D52 Before conducting at-property treatment at any heritage item identified in the documents listed in **Condition 1A of Schedule 1**, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item.

Utility Coordination and Respite

- D53 All work undertaken for the delivery of Modification 6, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. This must include:
- (a) rescheduling work to provide respite to impacted noise sensitive land use(s) so that the respite is achieved in accordance with **Condition D54**; or
 - (b) the provision of alternative respite or mitigation to impacted noise sensitive land use(s); and
 - (c) the provision of documentary evidence to the **AA** in support of any decision made in relation to respite or mitigation.

The consideration of respite must also include all other CSSI, SSI and SSD projects which may cause cumulative and/or consecutive impacts at receivers affected by the delivery of Modification 6.

Out-of-Hours Works – Community Consultation on Respite

- D54 In order to undertake out-of-hours work outside the hours specified under **Condition D38**, the appropriate respite periods must be identified for the out-of-hours work in consultation with the community at each affected location on a regular basis.

This consultation must include (but not be limited to) providing the community with:

- (a) a progressive schedule for periods no less than three (3) months, of likely out-of-hours work;
- (b) a description of the potential work, location and duration of the out-of-hours work;
- (c) the noise characteristics and likely noise levels of the work; and
- (d) likely mitigation and management measures which aim to achieve the relevant noise management levels and vibration criteria under **Condition D42** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers).

The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour work must be provided to the **AA**, **ER**, EPA and the Planning Secretary for information prior to undertaking the work scheduled for the subject period.

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

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Out-of-Hours Work periods

D55 Work outside the hours specified in **Condition D38** which result in an exceedance of the relevant NML at the same sensitive land use(s) can only be undertaken in accordance with the following:

- (a) two consecutive evenings and/or nights per week; or
- (b) three non-consecutive evenings and/or nights per week; or
- (c) 10 evenings and/or nights per month; or
- (d) except as identified by an EPL; or
- (e) in accordance with an agreement with a potentially impacted receiver(s) as required by **Condition D40(c)(iii)**.

D56 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 Modification 6 or under a road occupancy licence) 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 noise treatment. The noise levels and duration requirements identified in this condition may be changed through an EPL applying to Modification 6.

LAND USE AND PROPERTY

D57 The Proponent must identify the utilities and services (hereafter “services”) potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the Activity are avoided where practical and advised to customers.

Condition Survey

D58 The Proponent must offer pre-construction surveys to the owners of surface and sub-surface structures and other relevant assets identified at risk from vibration, including all listed heritage items and buildings/structures of heritage significance as identified in the documents listed in **Condition 1A of Schedule 1**. Where the offer is accepted, the survey must be undertaken by a suitably qualified and experienced engineer and/or building surveyor prior to the commencement of vibration generating works that could impact on the structure/asset. The results of each survey must be documented in a **Pre-construction Condition Survey Report** and the report must be provided to the owner of the item(s) surveyed no later than one month before the commencement of all other potentially impacting works.

D59 Where pre-construction surveys have been undertaken in accordance with **Condition D58**, subsequent post-construction surveys of the structure / asset must be undertaken by a suitably qualified and experienced engineer and/or building surveyor to assess damage that may have resulted from the vibration-generating works. The results of the post-construction surveys must be documented in a **Post-Construction Condition Survey Report** for each item surveyed. The Post-construction Condition Survey Reports must be provided to the owner of the

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structures/assets surveyed, and no later than four months following the completion of construction activities that have the potential to impact on the structure / asset.

- D60 Where damage has been determined to occur as a result of Modification 6, the Proponent must carry out rectification at its expense and to the reasonable requirements of the owner of the structure/asset within nine months of the completion of construction activities that have the potential to create damage unless another timeframe is agreed with the owner. Alternatively, the Proponent may pay compensation for the damage as agreed with the owner.

Upper Canal System

- D61 The Proponent must not impact the Upper Canal Pheasants Nest to Prospect Reservoir system and must follow the *Upper Canal Conservation Management Plan* (NSW Public Works Governments Architect's Office, 2016) and *Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines* (WaterNSW, 2021) when constructing Modification 6.
- D62 The Proponent must ensure access to the Upper Canal Pheasants Nest to Prospect Reservoir system is maintained for WaterNSW during both the construction and operation of Modification 6.

Western Sydney Regional Park

- D63 Access to construction compounds or works must not occur on National Parks and Wildlife Service (NPWS) estate as part of this modification unless authorisation is granted by NPWS under the *National Parks and Wildlife Act 1974* (NPW Act) or the National Parks and Wildlife Regulation 2019. The Western Sydney Regional Park must not be used to gain access to the construction footprint, ancillary facilities, or for the storage of materials, equipment, workers' vehicles or machinery at any time, unless authorisation is granted by NPWS under the *National Parks and Wildlife Act 1974* (NPW Act) or the National Parks and Wildlife Regulation 2019.
- D64 Prior to any works adjacent to the Western Sydney Regional Park, demarcation of the construction boundary must be undertaken to reduce the risk of accidental encroachments or damage to the park.

SOILS

- D65 Prior to the commencement of any Work that results in the disturbance of land in any particular area, 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'.

Contaminated sites

- D66 A **Sampling and Analysis Quality Plan (SAQP)** must be prepared for medium and high risk sites as identified in the documents referred to in **Condition 1A of Schedule 1** to ensure that field investigations and analyses will be undertaken in a way that enables the collection and reporting of reliable data to meet project objectives, including (where applicable) the relevant site characterisation requirements of the detailed or targeted site investigations. The SAQP must:
- (a) be prepared (or reviewed and approved) by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
 - (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997.
- D67 **Detailed Site Investigations** to confirm moderate and high risk contaminated sites identified in Preliminary Site Investigation in **Condition 1A of Schedule 1** must be prepared, or reviewed and approved by a Contaminated Land Consultant certified under either the Environment

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Institute of Australia or New Zealand's "Certified Environmental Practitioner" (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

The **Detailed Site Investigations** must be undertaken before ground disturbance in areas identified in the documents under **Condition 1A of Schedule 1** as moderate to high risk contamination.

- D68 If a **Detailed Site Investigation** identifies moderate or high risk contamination, a NSW EPA-accredited Site Auditor must be engaged to provide independent oversight for any work required in relation to areas of moderate or high risk contamination is appropriately managed.
- D69 A **Detailed Site Investigation Report** must be prepared and submitted to the Planning Secretary for information following the completion of Detailed Site Investigations required by **Condition D67** and:
- (a) be prepared (or reviewed and approved) by a Contaminated Land Consultant certified under either the Environment Institute of Australia or New Zealand's "Certified Environmental Practitioner" (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
 - (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (NSW); and
 - (c) be reviewed by a NSW EPA-accredited Site Auditor (if a **Detailed Site Investigation** identify moderate or high-risk contamination). The Site Auditor must issue **interim audit advice** stating whether the **Detailed Site Investigations** appropriately categorises risk, the appropriateness of the Report and any proposed management measures. The **Detailed Site Investigation Report** and **interim audit advice** must be submitted to the Planning Secretary for information.

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

- D70 If remediation is required to make land suitable for the intended land use, a **Remedial Action Plan** must:
- (a) be prepared (or reviewed and approved) by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
 - (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
 - (c) include measures to remediate the contamination at the site to ensure the site will be suitable for the proposed use and detail how the environmental and human health risks will be managed during the disturbance, remediation and/or removal of contaminated soil/sediment or groundwater; and
 - (d) be reviewed by a NSW EPA-accredited Site Auditor. The Site Auditor must issue a **Section B Site Audit Statement** or interim audit advice which certifies that the **Remedial Action Plan** is appropriate to remediate identified contamination.

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

- D71 Before commencing remediation, a copy of the **Remedial Action Plan** and the **Section B Site Audit Statement**, or **interim audit advice**, must be submitted to the Planning Secretary for information.

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- D72 The **Remedial Action Plan** must be implemented and changes to the **Remedial Action Plan** must be approved in writing by the NSW EPA accredited Site Auditor. A copy of the revised **Remedial Action Plan** must be provided to the Planning Secretary for information.

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

- D73 A **Section A1 or A2 Site Audit Statement** (accompanied by an Environmental Management Plan) and its accompanying **Site Audit Report**, which state that the contaminated land disturbed by the work has been made suitable or can be made suitable for the intended land use, must be submitted to the Planning Secretary and Council after remediation and before the commencement of operation of Modification 6.

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

- D74 Contaminated land must not be used for the purpose approved under the terms of this approval until a **Section A1 or A2 Site Audit Statement** is obtained which states that the land is suitable for that purpose and any conditions on the **Section A Site Audit Statement** have been complied with.

- D75 An **Unexpected Finds Procedure for Contamination** must be prepared before the commencement of Work. The procedure must:
- (a) be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered;
 - (b) include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved; and
 - (c) be prepared, (or reviewed and approved), by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

***Note:** Should any unexpected moderate to high risk contamination be identified during Work, the contamination process identified in the conditions above applies.*

- D76 The **Unexpected Finds Procedure for Contamination** must be implemented during Work.

SUSTAINABILITY

- D77 A **Sustainability Strategy** must be prepared to achieve a minimum "Excellent" 'Design' and 'As built' rating under the Infrastructure Sustainability Council infrastructure 1.2 rating tool.

Evidence that the 'Excellent' ratings has been achieved must be provided to the Planning Secretary for information within one month of achieving certification of the:

- (a) 'Design' rating; and
- (b) the 'As built' rating.

- D78 The **Sustainability Strategy** must be implemented throughout construction of Modification 6 and operation of the modified project.

- D79 A **Water Reuse Strategy** must be prepared, which sets out options for the reuse of collected stormwater during construction. The **Water Reuse Strategy** must include, but not be limited to:

- (a) evaluation of reuse options;

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- (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 of Modification 6.

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

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

***Note:** Contaminated groundwater must be disposed of in accordance with **Condition D111**.*

TRAFFIC AND TRANSPORT

Construction Traffic Management

- D80 Access to all utilities and properties must be maintained during construction, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.
- D81 Any property access physically affected by Modification 6 must be reinstated to at least an equivalent standard, unless otherwise agreed by the landowner or occupier.
- D82 Windsor Road, and the Windsor Road/Edinburgh Circuit/Sandringham Drive roundabout at Cecil Hills must not be used as a detour route during closures of the M7 Motorway during construction.

***Note:** The detour for southbound traffic during closures between Cowpasture Road and Elizabeth Drive in Table 7-9 of Chapter 7.1 of the Modification Report identifies an alternate route.*

- D83 Local roads proposed to be used by heavy vehicles to directly access the construction boundary and ancillary facilities that are not listed in Table 6-6 of Appendix D of the Modification Report (as listed in **Condition 1A(a) of Schedule 1**) must be approved by the Planning Secretary and included in the **Traffic, Transport and Access Management CEMP Sub-plan**.
- D84 All requests to the Planning Secretary under **Condition D83** must include a traffic and pedestrian impact assessment and be prepared in consultation with the relevant council(s). The assessment must be undertaken by an appropriately qualified and experienced person and must include a swept path analysis if required by the Department. The traffic and pedestrian impact assessment must:
 - (a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts;
 - (b) provide details as to the date of completion of road dilapidation surveys for the subject local roads; and
 - (c) describe the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and childcare facilities during peak times for operation.

The outcomes and recommendations of the traffic and pedestrian impact assessment must be incorporated into the **Site Establishment Management Plan** or **Traffic Management CEMP Sub-plan** as relevant.

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Road Dilapidation

D85 Before any local road is used by a heavy vehicle for the purposes of the modification, a **Road Dilapidation Report** must be prepared for the road unless otherwise agreed to by the relevant road authority. A copy of the **Road Dilapidation Report** must be provided to the relevant council within three weeks of completion of the survey and no later than two weeks before the road being used by heavy vehicles associated with Modification 6.

If damage to roads occurs as a result of the construction of the modification, the Proponent must rectify the damage to restore the road to at least the condition it was in pre-construction in consultation with the relevant road authority. Rectification works must be undertaken within three months of the subject road no longer being used for the construction of Modification 6 unless an alternative timeframe is agreed to by the relevant road authority.

Middleton Drive – Aviation Road Connection

D86 The Proponent must not preclude Liverpool Council's proposed Middleton Drive – Aviation Road connection.

Active Transport

D87 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.

D88 An **Active Transport Network Review** must be prepared by a suitably qualified and experienced independent person(s) in consultation with relevant Councils and relevant Bicycle User Groups. The **Active Transport Network Review** must review active transport infrastructure within at least 500 metres of the M7 Motorway corridor subject to Modification 6 and include:

- (a) an analysis of existing and expected patronage levels of existing routes and the identification of existing and expected capacity constraints;
- (b) an analysis of the routes, including the identification of:
 - (i) gaps between routes (including links across the M7 corridor),
 - (ii) compliance or otherwise with current active transport safety standards along the shared user path adjacent to the M7 motorway corridor,
 - (iii) new routes required between trip generators, both existing and planned (including those beyond 500 metres of the M7 Motorway corridor subject to Modification 6);
- (c) consideration of State and Council cycling strategies and maps (including draft strategies); and
- (d) a list of recommendations and the timeframes for implementation to address the findings of (a), (b), and (c) above. The recommendations must form part of an **Active Transport Action Plan** that prioritises each of the recommendations and identifies how these will be delivered by the Proponent.

The **Active Transport Network Review** and **Active Transport Action Plan** must be provided to the Planning Secretary for approval within 12 months of the approval unless otherwise agreed by the Planning Secretary. The recommendations identified must be implemented as part of Modification 6 in the timeframes outlined in the **Active Transport Action Plan**, but no later than 24 months after operation of Modification 6 unless otherwise agreed by the Planning Secretary.

D89 During construction, all practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented

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prior to the disruption. Adequate signage and directions to businesses must be provided prior to, and for the duration of, any disruption.

- D90 The Proponent must provide facilities (e.g. rest areas, shade structures etc.) along the M7 shared user path in consultation with bicycle user groups and Councils prior to operation. The proposed facilities must be identified within the **DLP** required by **Condition D19**. The facilities must be complete and usable prior to the opening of the widened motorway.
- D91 Temporary active transport facilities and detours must be designed, constructed and/or rectified in accordance with:
- (a) the process set out in the Movement and Place Framework (NSW Government) and the *Cycleway Design Toolbox: Designing for Cycling and Micromobility* (TfNSW, 2020);
 - (b) the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads 2017) where not otherwise covered by (a);
 - (c) relevant Australian Standards (AS) such as *AS 1428.1-2009 Design for access and mobility*;
 - (d) relevant Crime Prevention Through Environmental Design (CPTED) principles; and
 - (e) recommendations arising from consultation with relevant Councils, Bicycle NSW, Bike North, the CAMWEST Bicycle User Group and other relevant local bicycle user groups, where reasonable.

Where site constraints prevent the provision of temporary active transport facilities that achieve the requirements of (a) - (e) listed above, the Proponent must write to the Planning Secretary identifying:

- (i) where the temporary active transport facilities are located; and
- (ii) which elements of the requirements of **Condition D91** (a) - (e) cannot be met and why this is acceptable.

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

- D92 Any new permanent active transport facilities must be designed, constructed and/or rectified in accordance with:
- (a) the process set out in the Movement and Place Framework (NSW Government) and the *Cycleway Design Toolbox: Designing for Cycling and Micromobility* (TfNSW, 2020);
 - (b) the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads 2017) where not otherwise covered by (a);
 - (c) relevant Australian Standards (AS) such as *AS 1428.1-2009 Design for access and mobility*;
 - (d) relevant Crime Prevention Through Environmental Design (CPTED) principles; and
 - (e) recommendations arising from consultation with relevant Councils, Bicycle NSW, Bike North, the CAMWEST Bicycle User Group and other relevant local bicycle user groups, where reasonable.

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

- D93 The Proponent must provide a sealed active transport connection along the existing unpaved corridor to the north of the Main Western Line between the corner of Station Street and the Westlink M7 Share Path at Rooty Hill. The connection must be completed prior to the completion of construction of Modification 6.

Note: *The cycleway connection identified in **Condition D93** may require further assessment and approval under the EP&A Act 1979.*

- D94 Modification 6 must not preclude Blacktown City Council's delivery of the Mavis Street – Blacktown International Sports Park active transport link. The Proponent must facilitate an

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interface agreement with Blacktown City Council and provide access to Council until 31 December 2023 to enable the construction of the active transport link by this date. If Council has not commenced construction of the active transport link by 30 June 2023 to enable completion of construction by 31 December 2023, the Proponent must facilitate access to Council as soon as construction in this area is completed to facilitate construction of the active transport link.

Road Safety

D95 Modification 6 must be designed to meet relevant design, engineering and safety guidelines, including the *Austroads Guide to Traffic Management* for new or modified local roads, parking, pedestrian and cycle infrastructure.

D96 An independent **Road Safety Audit** must be undertaken to assess the safety performance of new or modified local road, parking, pedestrian and cycle infrastructure provided as part of Modification 6 (including ancillary facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including *Austroads Guide to Traffic Management*.

The audit must be undertaken by an appropriately qualified and experienced person during detailed design development (audit of plans) and prior to opening (pre-opening audit).

The audit findings and recommendations of the detailed design plans (audit of the plans) must be actioned prior to construction of the relevant infrastructure. The pre-opening audit findings and recommendations must be actioned prior to the relevant infrastructure being made available for use.

Public Transport - Construction

D97 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). 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.

D98 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).

UTILITIES MANAGEMENT

Utilities Management Strategy

D99 A **Utilities Management Strategy** must be prepared and implemented for all utility work undertaken as a result of the SSI. The Strategy must identify how utility Work (excluding Low Impact Work) will be defined and managed. The **Utilities Management Strategy** must include:

- (a) A description of all utility Work to be undertaken; and
- (b) Management measures to be implemented to manage dust, noise, traffic, access, lighting and other relevant impacts associated with utility Work.

The **Utilities Management Strategy** must be submitted to the Planning Secretary for approval at least one month before the commencement of utility Work.

D100 Nothing in this approval permits the carrying out of any utility work not required for the purpose of Modification 6.

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WASTE

- D101 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.
- D102 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the EPL for Modification 6, 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.
- D103 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, except in accordance with **Condition D10**.
- D104 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

- D105 Modification 6 must be designed and constructed so as to maintain the *NSW Water Quality Objectives* (ANZG 2018) 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 Modification 6 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.

Construction Requirements

- D106 Works on waterfront land and within watercourses must have regard to *Guidelines for controlled activities on waterfront land* (NRAR, 2018). This includes outlets and watercourse crossings.
- D107 Proposed revegetation within riparian zones should have regard to NRARs guidelines for Vegetation Management Plans and accommodate an appropriately structured vegetated riparian zone using indigenous species.

Note: Revegetation must include a maintenance component identified in the **DLP** as required by **Condition D22 and D24**, and the operational maintenance requirements of **Conditions D25 and D27**.

- D108 Local erosion and sediment control measures to manage stormwater discharges can only be used in lieu of sediment retention basins or sumps where it is demonstrated that:
- (a) such measures would adequately manage the risk of erosion and sedimentation in accordance with Volume 1 and 2D of the Blue Book, and

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- (b) contaminated soils do not pose a risk to water quality in receiving waterways.

The Proponent must obtain approval from the Secretary before implementing the alternative local erosion and sediment control measures.

Note: Approval from the Planning Secretary as required by **Condition D108** may be sought through the **Soil and Water Management Plan** (as required by **Condition C8**).

D109 Sediment retention basins or sumps must be used to control contaminated runoff from the construction of the proposed modification. Any sediment retention basin used must be appropriately sized to ensure that:

- (a) risks identified in the detailed site investigation are mitigated; and
- (b) managed overflows could only occur as a result of large rainfall events.

Note: Existing stormwater quality control systems and ponds cannot accept contaminated runoff.

D110 For areas of moderate to high contamination risk (as identified in the **SWMP** required by **Condition C8** and any Detailed Site Investigations under **Condition D67**), and where the application of sediment retention basins or sumps is restricted by site constraints and the outcomes of **Condition D109** cannot be met, alternative capture and treatment systems may only be used with approval from the Planning Secretary.

Note: Approval from the Planning Secretary as required in this Condition may be sought through the approval of the **Construction Soil and Water Management Sub Plan** (as required by **Condition C8**).

Groundwater

D111 Any contaminated groundwater extracted from excavations during piling must be disposed of at a licensed waste facility.

Stormwater Drainage

D112 All new or modified drainage systems associated with Modification 6 must be designed to:

- (a) meet the capacity constraints of any council's drainage system to receive and convey the proposed flows from the Project, or otherwise upgrade council's drainage system at the Proponent's expense where it is identified that Modification 6 will have an adverse impact on the capacity of council's drainage system, in consultation with the relevant council(s);
- (b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); and
- (c) ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and the receiving environment.

Upper Canal System

D113 Modification 6 must not introduce any surface water flows into the Upper Canal via Shaft 4 during construction or operation.

This version includes:

Modification 1 approved on 19 June 2003
Modification 2 approved on 4 May 2004
Modification 3 approved on 25 August 2004

Modification 4 approved on 24 January 2006
Modification 5 approved on 18 July 2019
Modification 6 approved on 17 February 2023

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A33** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the Modification and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with terms of the approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.