



Infrastructure approval

Section 115ZB of the *Environmental Planning & Assessment Act 1979*

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

Minister for Planning

Sydney

2018

SCHEDULE 1

Application no.:	SSI 6878
Proponent:	Roads and Maritime Services
Approval Authority:	Minister for Planning
Land:	Between Yallah and Oak Flats
Description of State Significant Infrastructure:	Extension of the Princes Motorway between Yallah and Oak Flats for a distance of approximately 9.8 kilometres to bypass Albion Park Rail. Three interchanges are proposed at Yallah, Albion Park and Oak Flats, and works to the Croom Regional Sporting Complex.
Declaration as State Significant Infrastructure	The proposal is State Significant Infrastructure by virtue of Schedule 4, Part 2, clause 4 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> and section 115U of the <i>Environmental Planning and Assessment Act 1979</i> .

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DEFINITIONS

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

Table 1: Definitions relevant to all SSI projects

Term	Definition
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW)
Airport Operator	The operations manager of the Illawarra Regional Airport
Ancillary facility	A temporary facility for construction of the project including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area <i>Note: Where an approved Construction Environmental Management Plan contains a stockpile management protocol, a material stockpile area located within the construction footprint is not considered to be an ancillary facility</i>
ARI	Average Recurrence Interval
ASA	Airservices Australia
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which all construction works and activities described in the EIS and SPIR are completed, all requirements of the Secretary (if any) have been met
Consistency assessment	An assessment of whether a proposed activity for the purpose of the SSI is consistent with the terms of this approval

Term	Definition
Construction	Includes all work required to construct the SSI, other than the following low impact work: (a) survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning system (GPS)), installing repeater stations, carrying out survey of existing and future utilities, and building condition and road dilapidation surveys; (b) investigations including investigative drilling and excavation; (c) establishment of ancillary facilities identified by description and location in the EIS as amended by the SPIR or in locations meeting the criteria identified in Condition A16 of this approval, including constructing ancillary facility access roads and providing utilities to the facility; (d) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; (e) minor clearing and relocation of native vegetation, as identified in the EIS and SPIR; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas, and temporary and permanent acoustic treatments; (g) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; (h) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken to ensure that there is no impact on heritage items; (i) salvage of archaeological objects in accordance with an approved salvage strategy; (j) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and (k) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI. However, where heritage items (except as permitted under point (i), or threatened species, populations or ecological communities (within the meaning of the EP&A Act) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Secretary in consultation with OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation). The low impact work described in this definition becomes construction with the approval of a Construction Environmental Management Plan under Part C of this approval.
CASA	Civil Aviation Safety Authority
Department	NSW Department of Planning and Environment
DECC	Former NSW Department of Environment and Climate Change

Term	Definition
DPI	NSW Department of Primary Industries including DPI Agriculture, DPI Biosecurity and Food Safety, DPI Land and Natural Resources, DPI Water and DPI Fisheries
EIS	The Environmental Impact Statement submitted to the Secretary seeking approval to carry out the project described in it and as revised if required by the Secretary under the EP&A Act
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the SSI
Heavy vehicles	Has the same meaning as in the <i>Heavy Vehicle National Law (NSW)</i>
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed or may be eligible to be listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977 (NSW)</i> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977 (NSW)</i> , 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 (Commonwealth)</i> , and an Aboriginal object or Aboriginal place as defined in section 5 of the <i>National Parks and Wildlife Act 1974 (NSW)</i>
ICNG	<i>Interim Construction Noise Guideline</i> , July 2009 (or as amended)
Incident	An occurrence or set of circumstances that: - causes, or threatens to cause, material harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial; or - results in non-compliance with this approval <i>Note: This meaning of “material harm” applies for the purpose of this approval only</i>
Land	Has the same meaning as in 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
Minister	NSW Minister for Planning
Noise Management Level	As derived from the <i>Interim Construction Noise Guideline</i>
NSW Heritage Council	Heritage Council of NSW
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan

Term	Definition
OLS	Obstacle Limitation Surface
Operation	The operation of the SSI (whether in full or in part) for its intended purpose, excluding the following activities carried out during construction: • commissioning trials of equipment; • temporary use of any part of the SSI; and • maintenance works <i>Note: Construction and Operation are not mutually exclusive</i>
POEO Act	<i>Protection of the Environment Operations Act 1997 (NSW)</i>
Proponent	The person identified as the proponent in Schedule 1 of this approval
RAPs	Registered Aboriginal Parties
Relevant Council(s)	Any or all as relevant, Wollongong City Council or Shellharbour City Council
Relic	The same meaning as the <i>Heritage Act 1977 (NSW)</i>
RMS	NSW Roads and Maritime Services
Secretary	Secretary of the NSW Department of Planning and Environment (or nominee, whether nominated before or after the date on which this approval was granted)
Sensitive receiver	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres, passive recreation areas (including outdoor grounds used for teaching), and others as identified by the Secretary.
SES	NSW State Emergency Services
SPIR	The Submissions and Preferred Infrastructure Report submitted to the Secretary under the EP&A Act
SSI	The State Significant Infrastructure, as generally described in Schedule 1 [SSI 6878], the carrying out of which is approved under the terms of this approval
Unexpected heritage find	A potential heritage item discovered (usually during construction) but not identified in the EIS or SPIR, where assessment is required to determine if the item has heritage significance, or is an Aboriginal object. Unexpected heritage finds does not include human remains.
Works	All physical activities to construct the SSI

SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Secretary under the terms of this approval are listed in **Table 2**.

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

Condition	Report / Notification	Timing ¹	Purpose
Part A - Administrative			
A12	Staging Report	One month prior to commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages or within another timeframe agreed with the Secretary	Information
A17	Ancillary Facilities Management Plan	One month prior to the installation of any ancillary facilities	Approval
A22	Approval of Environmental Representative	One month prior to commencement of works or within another timeframe agreed with the Secretary	Approval
A24(k)	Environmental Representative reports	Within seven days following the end of each month for the duration of works or as otherwise agreed with the Secretary	Information
A26	Compliance Tracking Program	Prior to commencement of works	Information
A28	Pre-Construction Compliance Report	One month prior to commencement of works or within another timeframe agreed with the Secretary	Information
A30	Construction Compliance Reports	6-monthly from the date of the commencement of works or within another timeframe agreed with the Secretary	Information
A31	Pre-Operation Compliance Report	One month prior to commencement of operation or within another timeframe agreed with the Secretary	Information
A33	Environmental Audit Program	One month prior to commencement of works or within another timeframe agreed with the Secretary	Information
A37	Environmental Audit Report	Within six weeks of completing the audit or within another timeframe agreed with the Secretary	Information
A38	Notification of incident	As early as possible and within 24 hours of the incident	Information
A41	Notification of Incident notified to the EPA under the POEO Act	Within 24 hours of notifying the Environment Protection Authority (EPA)	Information

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

Condition	Report / Notification	Timing ¹	Purpose
Part B - Communication Information and Reporting			
B3	Community Communication Strategy	One month prior to commencement of any work	Approval
B6	Complaints Management System	Prior to the commencement of works	Information
B8	Complaints Register	On request during works	Information
Part C - Construction Environmental Management			
C3	CEMP	One month prior to commencement of construction or within another timeframe agreed with the Secretary	Approval
C7	CEMP Sub-plans	One month prior to commencement of construction	Approval
C12	Construction Monitoring Programs	One month prior to commencement of construction or within another timeframe agreed with the Secretary	Approval
C15	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D2	EMS	One month prior to commencement of operation or within another timeframe agreed with the Secretary	Approval
D3	OEMP or EMS	One month prior to commencement of operation or within another timeframe agreed with the Secretary	Information
D7	OEMP Sub-plans	One month prior to commencement of operation or within another timeframe agreed with the Secretary	Information
D9	Road Network Performance Report	Within 12 months and 5 years of the commencement of operation, or within another timeframe agreed with the Secretary	Information
D10	Operational Noise Compliance Report	Within 12 months of the commencement of operation, or within another timeframe agreed with the Secretary	Information
Part E – Key Issues			
Biodiversity			
E12	Biodiversity Offset progress report	Prior to any impacts on vegetation communities and the Eastern Flame Pea endangered population	Information
E13	Biodiversity Offset Package	Within 24 months of the submissions of the progress report or within another timeframe agreed with the Secretary	Approval

Condition	Report / Notification	Timing ¹	Purpose
E15	Credit Retirement Report	Within 12 months of the approval of the Biodiversity Offset Package or within another timeframe agreed with the Secretary	Information
Flooding and Hydrology			
E23	Flood Mitigation Measures Review	Prior to works commencing in areas affected by increased flooding impacts.	Information
Heritage			
E32	Heritage Report	12 months after the completion of the works	Information
E34	Unexpected Heritage Finds and Humans Remains Procedure	One month prior to commencement of works, or within another timeframe agreed with the Secretary	Information
Noise and Vibration			
E46	Operational Noise Mitigation Report	Prior to construction commencing, or within another timeframe agreed with the Secretary	Approval
E47	Implementation of noise mitigation measures report	Prior to the commencement of construction which would affect the identified receivers	Approval
Contaminated Land			
E59	Site Audit Statement	one month prior to the commencement of operation	Information
Sustainability			
E63	Sustainability Strategy	Prior to the commencement of construction, or within another timeframe agreed with the Secretary	Information
Urban Design			
E81	Urban Design and Landscape Character Strategy	One month prior to the commencement of construction that requires community consultation.	Information

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The SSI must be carried out in accordance with;
- (a) the description of the SSI in the EIS as amended by the SPIR; and
 - (b) the terms of this approval.
- A2 The SSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the EIS as amended by the SPIR unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between the EIS as amended by the SPIR or any other document required under this approval, and a term of this approval, the term of this approval prevails to the extent of the inconsistency. For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.
- A4 The Proponent must comply with all requirements of the Secretary in relation to:
- (a) the environmental performance of the SSI;
 - (b) any document or correspondence;
 - (c) any notification given to the Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the SSI;
 - (e) compliance with the terms of this approval (including anything required to be done under this approval); and
 - (f) the carrying out of any additional monitoring or mitigation measures.
- A5 In the event that there are differing interpretations of the terms of this approval, including in relation to a condition of this approval, the Secretary's interpretation is final.
- A6 Where the terms of approval provide the Secretary the discretion to alter the requirements of the approval, the Proponent must provide supporting evidence so that the Secretary can consider the need, environmental impacts and consistency of the alteration.
- Note: Inaction and/or expedience will not be supported as justifications for need unless it can be demonstrated that there will be beneficial environmental outcomes.*
- A7 Without limitation, all strategies, plans, programs, reviews, audits, report recommendations, protocols and the like required by the terms of this approval must be implemented by the Proponent in accordance with all requirements issued by the Secretary from time to time in respect of them.
- A8 Where the terms of this approval require consultation with identified parties, details of the consultation undertaken, matters raised by the parties, and how the matters were considered, must accompany the strategies, plans, programs, reviews, audits, protocols and the like submitted to the Secretary.

- A9 This approval lapses five (5) years after the date on which it is granted, unless works for the purpose of the SSI are commenced on or before that date.
- A10 The Proponent is responsible for any breaches of the conditions of this approval resulting from the actions of all persons that it invites onto any site, including contractors, sub-contractors and visitors.

CROOM REGIONAL SPORTING COMPLEX

- A11 The relocation of sporting facilities and associated components of the Croom Regional Sporting Complex are not subject to Part C and Part D of this approval, subject to:
- (a) no works be undertaken in Precinct 7 as identified in the EIS;
 - (b) the preparation of a Construction Environmental Management Process (Plan), in consultation with relevant government agencies and Shellharbour City Council, and endorsed by the ER under **Condition A24(d)**. The Plan must detail how the performance outcomes, commitments, mitigation and monitoring measures specified in the EIS as amended by the SPIR will be implemented and achieved during construction; and
 - (c) the implementation of the approved Construction Environmental Management Process (Plan).

STAGING

- A12 The SSI may be delivered and operated in stages (including in relation to works undertaken in Croom Regional Sporting Complex). Where staged delivery or operation is proposed, a **Staging Report** (for either or both delivery and operation as the case requires) must be prepared and submitted to the Secretary for information. The **Staging Report** must be submitted to the Secretary no later than one month prior to the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month prior to the commencement of operation of the first of the proposed stages of operation), or within another timeframe agreed with the Secretary.
- A13 The **Staging Report** must:
- (a) if staged delivery is proposed, set out how the whole of the SSI will be staged, including general details of work and other activities to be carried out in each stage and the general timing of when the delivery of each stage will commence;
 - (b) if staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including general details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence;
 - (c) specify the relevant conditions of approval that apply to each stage and how compliance with those conditions will be achieved across and between each of the stages of the SSI; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A14 The SSI must be staged in accordance with the **Staging Report**, as submitted to the Secretary.
- A15 Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

ANCILLARY FACILITIES

- A16 Ancillary facilities that are not identified by description and location in the EIS as amended by the SPIR must meet the following criteria, unless otherwise approved by the Secretary:

- (a) the facility is development of a type that would, if it were not for the purpose of the SSI, otherwise be exempt or complying development; or
 - (b) the facility is located as follows:
 - i. at least 50 metres from any waterway unless an erosion and sediment control plan is prepared and implemented so as not to adversely affect water quality in the waterway in accordance with Managing Urban Stormwater series;
 - ii. within or adjacent to land upon which the SSI is being carried out unless it can be demonstrated that performance criteria established in this approval can be met and that there will be a reduction in impact at other sites and a reduction in the construction program;
 - iii. with ready access to a road network;
 - iv. to prevent heavy vehicles travelling on local streets or through residential areas in order to access the facility, except as identified in the EIS as amended by the SPIR;
 - v. so as to be in accordance with the Interim Construction Noise Guideline (DECC 2009) or as otherwise agreed in writing with affected landowners and occupiers;
 - vi. so as not to require vegetation clearing beyond the extent of clearing approved under other terms of this approval except as approved by the ER as minor clearing;
 - vii. so as not to have any impact on heritage items (including areas of archaeological sensitivity) beyond the impacts identified, assessed and approved under other terms of this approval;
 - viii. so as not to unreasonably interfere with lawful uses of adjacent properties that are being carried out at the date upon which establishment of the facility is to commence;
 - ix. to enable operation of the ancillary facility during flood events and to avoid or minimise, to the greatest extent practicable, adverse flood impacts on the surrounding environment and other properties and infrastructure; and
 - x. so as to have sufficient area for the storage of raw materials to minimise, to the greatest extent practicable, the number of deliveries required outside standard construction hours.
- A17 Before establishment of any ancillary facility, except in relation to the delivery of the Croom Regional Sporting Complex, the Proponent must prepare an **Ancillary Facilities Management Plan** which details the management of the ancillary facilities. The **Ancillary Facilities Management Plan** must be prepared in consultation with relevant government agencies and the Relevant Council(s) and submitted to the Secretary for approval one month prior its establishment. The **Ancillary Facilities Management Plan** must include:
- (a) a description of activities to be undertaken during construction, operational and decommissioning (including scheduling of construction);
 - (b) 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 prior to the commencement of construction of the SSI; and
 - (c) 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 EIS as amended by the SPIR; and
 - ii. manage the risks identified in the risk analysis undertaken in subsection (b) of this condition.
- A18 Minor ancillary facilities comprising lunch sheds, office sheds, and portable toilet facilities, that are not identified in the EIS as amended by the SPIR and which do not satisfy the criteria set out in **Condition A16** of this approval must satisfy the following criteria:
- (a) have no greater environmental and amenity impacts than those that can be managed through the implementation of environmental measures detailed in the **CEMP** required under **Condition C1** of this approval; and
 - (b) have been assessed by the ER to have:

- i. minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the ICNG, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts;
 - ii. minimal environmental impact with respect to waste management and flooding; and
 - iii. no impacts on biodiversity, soil and water, and heritage beyond those already approved under other terms of this approval.
- A19 Boundary fencing must be erected around ancillary facilities that are adjacent to sensitive receivers for the duration of construction unless otherwise agreed with the affected receiver(s).
- A20 Boundary fencing required under **Condition A19** of this approval must minimise visual, noise and air quality impacts on adjacent sensitive receivers.
- A21 Ancillary facility AS10 must only be used for works associated with the Croom Regional Sporting Complex, and must be rehabilitated on the completion of those works. The construction access road near Swansea Farm House must be rehabilitated to its pre-construction condition, unless otherwise agreed with Shellharbour City Council.

ENVIRONMENT REPRESENTATIVE

- A22 A suitably qualified and experienced Environmental Representative (ER) who is independent of the design and construction personnel must be nominated by the Proponent, approved by the Secretary and engaged for the duration of works of the SSI. Additional ERs may be engaged for the purpose of **Condition A24**, in which case the obligations to be carried out by an ER under the terms of this approval may be satisfied by any ER that is approved by the Secretary. The details of nominated ER(s) must be submitted to the Secretary for approval no later than one month prior to the commencement of works, or within another timeframe agreed with the Secretary.
- A23 Works must not commence until an ER nominated under **Condition A22** of this approval in respect of such works has been approved by the Secretary.
- A24 From commencement of works until completion of construction, the approved ER must:
- (a) receive and respond to communications from the Secretary in relation to the environmental performance of the SSI;
 - (b) consider and inform the Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) review all work and construction related documents required to be prepared under the terms of this approval, ensure they address any requirements in or under this approval and if so, endorse them prior to submission to the Secretary (if required to be submitted to the Secretary) or prior to implementation (if not required to be submitted to the Secretary);
 - (e) regularly monitor the implementation of all work and construction related documents required by the terms of this approval for implementation in accordance with what is stated in the document and the terms of this approval;
 - (f) as may be requested by the Secretary, help plan, attend or undertake Department audits of the SSI, briefings, and site visits;
 - (g) if conflict arises between the Proponent and the community in relation to the environmental performance of the SSI, follow the procedure in the **Community Communication Strategy** approved under **Condition B2** of this approval to attempt to resolve the conflict, and if it cannot be resolved, notify the Secretary;
 - (h) review any draft consistency assessment that may be carried out by the Proponent, and provide advice on any additional mitigation measures required to minimise the impact of the work;

- (i) consider any minor amendments to be made to the **CEMP**, **CEMP sub-plans** and monitoring programs that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the **CEMP**, **CEMP sub-plans** and monitoring programs approved by the Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval;
- (j) assess the impacts of minor ancillary facilities as required by **Condition A18** of this approval; and
- (k) prepare and submit to the Secretary and other relevant regulatory agencies, for information, a monthly **Environmental Representative Report** detailing the ER's actions and decisions on matters for which the ER was responsible in the preceding month (or other timeframe agreed with the Secretary). The **Environmental Representative Report** must be submitted within seven (7) days following the end of each month for the duration of the delivery of the SSI, or as otherwise agreed with the Secretary.

COMPLIANCE TRACKING PROGRAM

- A25 A **Compliance Tracking Program** to monitor compliance with the terms of this approval must be prepared, taking into consideration any staging of the SSI that is proposed in a **Staging Report** submitted in accordance with **Condition A12** and **Condition A13** of this approval.
- A26 The **Compliance Tracking Program** must be endorsed by the ER and then submitted to the Secretary for information prior to the commencement of works or within another timeframe agreed with the Secretary.
- A27 The **Compliance Tracking Program** in the form required under **Condition A25** of this approval must be implemented for the duration of works and for a minimum of one (1) year following commencement of operation, or for a longer period as determined by the Secretary based on the outcomes of independent environmental audits, **Environmental Representative Reports** and regular compliance reviews submitted through **Compliance Reports**. If staged operation is proposed, or operation is commenced of part of the SSI, the **Compliance Tracking Program** must be implemented for the relevant period for each stage or part of the SSI.

CONSTRUCTION COMPLIANCE REPORTING

- A28 A **Pre-Construction Compliance Report** must be prepared and submitted to the Secretary for information no later than one month before the commencement of works or within another timeframe agreed with the Secretary. The **Pre-Construction Compliance Report** must include:
 - (a) details of how the terms of this approval that must be addressed before the commencement of works have been complied with; and
 - (b) the commencement date for works.
- A29 Works must not commence until the **Pre-Construction Compliance Report** has been submitted to the Secretary.
- A30 **Construction Compliance Reports** must be prepared and submitted to the Secretary for information every six (6) months from the date of the commencement of works or within another timeframe agreed with the Secretary, for the duration of works. The **Construction Compliance Reports** must include (as applicable):
 - (a) a results summary and analysis of environmental monitoring;

- (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
- (c) details of any review of, and minor amendments made to, the **CEMP** as a result of construction carried out during the reporting period;
- (d) a register of any consistency assessments undertaken and their status;
- (e) results of any environmental audits and details of any actions taken in response to the recommendations of an audit;
- (f) a summary of all incidents notified in accordance with **Condition A38** and **Condition A41** of this approval; and
- (g) any other matter relating to compliance with the terms of this approval or as requested by the Secretary.

PRE-OPERATION COMPLIANCE REPORT

- A31 A **Pre-Operation Compliance Report** must be prepared and submitted to the Secretary for information no later than one month before the commencement of operation (or stage of operation) or within another timeframe agreed with the Secretary. The **Pre-Operation Compliance Report** must include:
- (a) details of how the terms of this approval that must be addressed before the commencement of operation have been complied with; and
 - (b) the commencement date for operation.
- A32 Operation (or stage of operation) must not commence until the **Pre-Operation Compliance Report** has been submitted for information to the Secretary.

AUDITING

- A33 An **Environmental Audit Program** for independent environmental auditing against the terms of this approval must be prepared in accordance with *AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems* and submitted to the Secretary for information no later than one month before the commencement of works except in relation to the works at the Croom Regional Sporting Complex, or within another timeframe agreed with the Secretary.
- A34 The **Environmental Audit Program**, as submitted to the Secretary, must be implemented for the duration of the works except in relation to the works at the Croom Regional Sporting Complex.
- A35 All independent environmental audits of the SSI must be conducted by a suitably qualified, experienced and independent team of experts in auditing and be documented in an **Environmental Audit Report** which:
- (a) assesses the environmental performance of the SSI, and its effects on the surrounding environment;
 - (b) assesses whether the project is complying with the terms of this approval;
 - (c) reviews the adequacy of any document required under this approval; and
 - (d) recommends measures or actions to improve the environmental performance of the SSI, and improvements to any document required under this approval.
- A36 The **Environmental Audit** must be carried out within 12 months of works commencing except in relation to the works at the Croom Regional Sporting Complex, and annually thereafter during the delivery of the SSI, and within 12 months of the commencement of operation and then as required by the Secretary.

- A37 The Proponent must submit a copy of the **Environmental Audit Report** to the Secretary with a response to any recommendations contained in the audit report within six (6) weeks of completing the audit, or within another timeframe agreed with the Secretary.

INCIDENT NOTIFICATION

- A38 The Secretary must be notified as soon as possible and in any event within 24 hours of any incident associated with the delivery of the SSI.
- A39 Notification of an incident under **Condition A38** of this approval must include the time and date of the incident, details of the incident and must identify any non-compliance with this approval.
- A40 Any requirements of the Secretary or relevant government authority (as determined by the Secretary) to address the cause or impact of an incident reported in accordance with **Condition A38** of this approval, must be met within the timeframe determined by the Secretary or relevant government authority.
- A41 If statutory notification is given to the EPA as required under the POEO Act in relation to the SSI, such notification must also be provided to the Secretary within 24 hours after the notification was given to the EPA.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- B1 A **Community Communication Strategy** must be prepared to facilitate communication between the Proponent and the community (including Relevant Council(s), adjoining affected landowners and businesses, and others directly impacted by the SSI), during the delivery of the SSI and for a minimum of 12 months following the completion of the SSI.
- B2 The **Community Communication Strategy** must:
- (a) identify people or organisations to be consulted during the delivery of the project;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI;
 - (c) identify opportunities to provide accessible information regarding regularly updated site activities, schedules and milestones at each construction site;
 - (d) identify opportunities for the community to visit construction sites (taking into consideration workplace health and safety requirements);
 - (e) involve construction personnel from each construction site in engaging with the local community;
 - (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 the SSI; and
 - (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; and
 - iii. to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI.
- B3 The **Community Communication Strategy** must be submitted to the Secretary for approval no later than one (1) month before commencement of any works, or within another timeframe agreed with the Secretary.
- B4 Work for the purposes of the SSI must not commence until the **Community Communication Strategy** has been approved by the Secretary.
- B5 The **Community Communication Strategy**, as approved by the Secretary, must be implemented for the duration of the works and for 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B6 A **Complaints Management System** must be prepared and submitted to the Secretary for information prior to the commencement of any works in respect of the SSI and must be implemented and maintained for the duration of works and for a minimum for 12 months following completion of construction of the SSI.
- B7 The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the SSI during the carrying out of any works associated with the SSI, and for a minimum of 12 months following the completion of construction.

The **Complaints Register** must record the:

- (a) number of complaints received;
- (b) number of people affected in relation to a complaint; and
- (c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

B8 The **Complaints Register** must be provided to the Secretary upon request, within the timeframe stated in the request.

B9 The following facilities must be made available within one (1) month from the date of this approval or within another timeframe agreed with the Secretary, and for 12 months following the completion of construction:

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

B10 The telephone number, postal address and email address required under **Condition B9** of this approval must be published in a newspaper circulating in the local area prior to the commencement of works and published in the same way again prior to the commencement of operation. This information must also be provided on the website required under **Condition B11** of this approval.

PROVISION OF ELECTRONIC INFORMATION

B11 A website providing information in relation to the SSI must be established before the commencement of works and maintained during the delivery of the SSI, and for a minimum of 12 months following the completion of construction or within another timeframe agreed with the Secretary. The following up-to-date information (excluding confidential, private and commercial information) must be published and maintained on the website or dedicated pages:

- (a) information on the current implementation status of the SSI;
- (b) a copy of the documents listed in **Table 2** of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI; and
- (e) a current copy of each document required under the terms of this approval and any endorsements, approvals or requirements from the ER and Secretary, all of which must be published prior to the commencement of any works to which they relate or prior to their implementation as the case may be.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared in accordance with the Department's *Guideline for the Preparation of Environmental Management Plans* to detail how the performance outcomes, commitments and mitigation measures specified in the EIS as amended by the SPIR will be implemented and achieved during construction.
- C2 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
 - (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;
 - (c) a schedule for compliance auditing;
 - (d) 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 the SSI;
 - (e) 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 EIS as amended by the SPIR; and
 - ii. manage the risks identified in the risk analysis undertaken in subsection (d) of this condition;
 - (f) an inspection program detailing the activities to be inspected and frequency of inspections;
 - (g) a protocol for managing and reporting any:
 - i. incidents; and
 - ii. non-compliances with this approval and with statutory requirements;
 - (h) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
 - (i) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C4**. Where staged construction of the SSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
 - (j) a description of the roles and environmental responsibilities for relevant employees and their relationship with the ER;
 - (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.
- C3 The **CEMP** must be endorsed by the ER and then submitted to the Secretary for approval no later than one (1) month before the commencement of construction or within another timeframe agreed with the Secretary.
- C4 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan** and be consistent with the **CEMP** referred to in **Condition C1**.

Table 3: CEMP Sub-plan Consultation Requirements

	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	EPA

c)	Fauna and Flora	OEH and DPI Fisheries
d)	Soil and water	EPA and DPI Water and Fisheries
e)	Heritage	OEH, Relevant Council(s), Registered Aboriginal Parties
f)	Flooding and Hydrology	OEH and Relevant Council(s)

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

- (a) the environmental performance outcomes identified in the EIS as amended by the SPIR as modified by these conditions will be achieved;
- (b) the mitigation measures identified in the EIS as amended by the SPIR as modified by these conditions will be implemented;
- (c) the relevant terms of this approval will be complied with (in particular Part E of this approval);
- (d) the identification of the relevant environmental specific training and induction processes for construction personnel; and
- (e) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed.

C6 The **CEMP Sub-plans** must be developed in consultation with relevant government agencies identified in **Table 3** of **Condition C4** of this approval. Where an agency(ies) request(s) is not included, the Proponent must provide the Secretary justification as to why. Details of all information requested by an agency to be included in a **CEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **CEMP Sub-Plan**.

C7 Any of the **CEMP Sub-plans** may be submitted to the Secretary for approval along with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before commencement of construction.

C8 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Secretary, including any minor amendments approved by the ER must be implemented for the duration of construction. Where the SSI is being staged, construction of that stage is not to commence until the relevant CEMP and sub-plans have been approved by the Secretary, unless otherwise agreed by the Secretary.

CONSTRUCTION MONITORING PROGRAMS

C9 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each **Construction Monitoring Program** to compare actual performance of construction of the SSI against performance predicted performance:

Table 4: Construction Monitoring Program Consultation Requirements

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
a)	Air Quality	EPA
b)	Groundwater	DPI Water
c)	Surface Water	EPA and DPI Fisheries
d)	Noise	EPA

- C10 Each **Construction Monitoring Program** must 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;
 - (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and
 - (i) any consultation to be undertaken in relation to the monitoring programs.
- C11 The **Construction Monitoring Programs** must be developed in consultation with relevant government agencies as identified in **Table 4** of **Condition C9** of this approval and must include, to the written satisfaction of the Secretary, information requested by an agency to be included in a **Construction Monitoring Programs** during such consultation. Details of all information requested by an agency including copies of all correspondence from those agencies, must be provided with the relevant **Construction Monitoring Program**.
- C12 The **Construction Monitoring Programs** must be endorsed by the ER and then submitted to the Secretary for approval at least one (1) month before the commencement of construction or within another timeframe agreed with the Secretary.
- C13 Construction must not commence until the Secretary has approved all of the required **Construction Monitoring Programs**, and all relevant baseline data for the specific construction activity has been collected.
- C14 The **Construction Monitoring Programs**, as approved by the Secretary, including any minor amendments approved by the ER, must be implemented for the duration of construction and for any longer period as set out in the monitoring program or specified by the Secretary, whichever is the greater.
- C15 The results of the **Construction Monitoring Programs** must be submitted to the Secretary, and relevant regulatory agencies and Relevant Council(s), for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.
- C16 Where a relevant **CEMP Sub-plan** exists, the relevant **Construction Monitoring Program** may be incorporated into that **CEMP Sub-plan**.

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Management Plan (OEMP)** must be prepared in accordance with the Department's *Guideline for the Preparation of Environmental Management Plans* to detail how the performance outcomes, commitments and mitigation measures made and identified in the EIS as amended by the SPIR will be implemented and achieved during operation. This condition (**Condition D1**) does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the SSI if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Secretary, and can demonstrate, to the written satisfaction of the Secretary at least one (1) month prior to the commencement of operation or within another timeframe agreed with the Secretary, that through the **EMS**:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the EIS as amended by the SPIR, and these conditions of approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed; and
 - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 The **OEMP** or **EMS** or equivalent as agreed with the Secretary, must be submitted to the Secretary for information no later than one (1) month before the commencement of operation or within another timeframe agreed with the Secretary.
- D4 Where an **OEMP** is required, the Proponent must include the following **OEMP Sub-plans** in the **OEMP**:

Table 5: OEMP Sub-plan Consultation Requirements

	Required OEMP Sub-plan	Relevant government agencies to be consulted for each OEMP Sub-plan
a)	Noise and vibration	EPA
b)	Soil and Water	EPA, DPI Water and Fisheries
c)	Traffic and Transport	Relevant Council(s)
d)	Flooding	OEHS and Relevant Council(s)

- D5 Each of the **OEMP Sub-plans** must include the information set out in **Condition D2** of this approval.
- D6 The **OEMP Sub-plans** must be developed in consultation with relevant government agencies as identified in **Table 5** of **Condition D4**. Where an agency(ies) request(s) is not included in an OEMP sub-plan, the Proponent must provide to the Secretary justification as to why. Details of all information requested by an agency to be included in an **OEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **OEMP Sub-Plan**.
- D7 The **OEMP Sub-plans** must be submitted to the Secretary as part of the **OEMP**.
- D8 The **OEMP** or **EMS** or equivalent as agreed with the Secretary, as submitted to the Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** must be made publicly available prior to the commencement of operation.

OPERATIONAL MONITORING PROGRAM

Transport and Access

D9 Within 12 months and 5 years of the commencement of operation of the SSI, or within another timeframe agreed to by the Secretary, the Proponent must prepare a **Road Network Performance Report** to confirm the operational traffic impacts of the project on surrounding roads and intersections. The review must be carried out in consultation with the Relevant Councils, and include:

- (a) an updated traffic analysis, including traffic modelling if required, of movements on the surrounding road network;
- (b) an assessment of the level of service at key intersections and sections of the road network;
- (c) mitigation measures to manage any actual or predicted traffic performance impacts; and
- (d) a comparison of the pre-construction and post construction road network performance for all road users.

The assessment must be based on actual traffic counts, and take into consideration the Tripoli Way and Yallah Road projects, should they be operational, and the Illawarra Highway Corridor Strategy should it be adopted by RMS, during the review periods.

The **Road Network Performance Report** must be submitted to the Secretary and Relevant Council(s) for information within 60 days of its completion or as otherwise agreed by the Secretary, and made publicly available.

The Proponent is responsible for the implementation of the identified measures under **Condition D9(c)**.

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

Operational Noise

D10 Within 12 months of the commencement of operation of the SSI, except for the Croom Regional Sporting Complex, or as otherwise agreed by the Secretary, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the SSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E46**.

The Proponent must prepare an **Operational Noise Compliance Report** to document this monitoring. The Report must include, but not necessarily be limited to:

- (a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under **Condition E46**;
- (b) a review of the operational noise levels in terms of criteria and noise goals established in the *NSW Road Noise Policy 2011*;
- (c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;
- (d) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared;

- (e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;
- (f) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
- (g) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E46**, that would be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy 2011*, when these measures would be implemented and how their effectiveness would be measured and reported to the Secretary and the EPA.

The Operational Noise Report must be submitted to the Secretary and the EPA within 60 days of completing the operational noise monitoring or as otherwise agreed by the Secretary, and made publicly available.

PART E

KEY ISSUE CONDITIONS

AIR QUALITY

- E1 In addition to the performance outcomes, commitments and mitigation measures specified in the EIS as amended by the SPIR, all feasibly and reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during works and operation of the SSI.

AVIATION

- E2 The SSI must be delivered and operated to comply with the Code 2 (Runway 08/26) and Code 3 (Runway 16/34) OLS for the Illawarra Regional Airport, except as provided for under **Condition E3** and **Condition E7**.
- E3 An **Aviation Method of Working Plan** must be developed for the Illawarra Regional Airport by an appropriately qualified expert in aviation safety in consultation with the airport operator. The Plan must provide details of any proposed works that may impact on airport operations and events. The plan must include:
- (a) identification of works likely to cause a hazard to or impact on aircraft and airport operations including but not limited to, intrusions into the Code 2 (Runway 08/26) and Code 3 (Runway 16/34) OLS, dust and debris, wildlife hazards, lighting and light spill, glare and reflection, and impacts from plant and equipment on aviation infrastructure (such as communication, navigation and surveillance facilities and structures);
 - (b) identification and consultation with appropriate operators of impacted aviation infrastructure and instrument flight procedures at the airport, and known flight scheduling;
 - (c) procedures to ensure that the runways can operate when required;
 - (d) procedures to ensure impacts resulting in the closures or restriction of operations at either runway are limited to a duration considered reasonable in consultation with the airport operator;
 - (e) mitigation measures for the management of those impacts and hazards to aircraft and airport operations from works; and
 - (f) monitoring of the effectiveness of mitigation measures to ensure impacts and hazards to aircraft and airport operations is managed at all times throughout the works.

The Plan must be made publicly available prior to the commencement of any works that impact the operation of the Illawarra Regional Airport or within two weeks of any update to the Plan.

- E4 Should any works have the potential to interfere with aircraft operations, CASA, ASA, the Airport Operator and aircraft operators must be advised at least two weeks in advance of such works. All appropriate notices as may be required of these stakeholders including **Notices to Airmen (NOTAM)**, must be prepared and received 3 days prior to the carrying out of the works.
- E5 Works must not impede the running of the Wings Over Illawarra Air Show (nominally the first weekend of May (12:00 am Thursday to 11:59 pm Sunday)). This includes the full operation of Runway 16/34 for the duration of the Air Show. Consultation must be undertaken with Shellharbour City Council to address this matter at least two weeks prior to the Air Show.

- E6 All lighting associated with works (including outside standard construction hours) and operation of the SSI, including lighting associated with the Croom Regional Sporting Complex, must comply with Section 9.21 of the *Manual of Standards Part 139 – Aerodromes* (as updated from time to time) and the *National Airports Safeguarding Framework Guideline E 'Managing the Risk of Distraction to Pilots from Lighting in the Vicinity of Airports.'*
- E7 Where an intrusion into the Code 2 (Runway 08/26) and Code 3 (Runway 16/34) OLS is unavoidable during operation of the SSI, an **OLS Intrusion Aeronautical Study** for each intrusion must be prepared by an appropriately qualified expert in aviation safety. Each Study must identify all intrusions height and location information, assess risks to ongoing aviation safety and demonstrate how these risks will be satisfactorily managed.
- The Study must be prepared in consultation with and provided to Shellharbour City Council, CASA, ASA and the Airport Operator.
- E8 Vegetation and landscaping other than groundcover within the road reserve must not intrude into the Code 2 (Runway 08/26) and Code 3 (Runway 16/34) OLS.
- E9 Mitigation measures described in section 4 of the *Albion Park Rail Bypass PIR, Appendix B Addendum Aviation Assessment, September 2017, Hyder Cardno Joint Venture*, must be implemented, except as required by this approval.
- E10 During detailed design, any amendments to structures identified in the *Albion Park Rail Bypass PIR, Appendix B Addendum Aviation Assessment, September 2017, Hyder Cardno Joint Venture*, will require further windshear and turbulence assessment in accordance with the NASF Guideline B 'managing the Risk of Building Generated Windshear and Turbulence at Airports'. This additional assessment must be undertaken in consultation with CASA, Shellharbour City Council and the Airport Operator.

BIODIVERSITY

- E11 The Proponent must offset impacts to the Plant Community Types and Endangered Population specified in the *Albion Park Rail, Biodiversity Addendum, ngh environmental, December 2017*, in accordance with the requirements of the *NSW Biodiversity Offsets Policy for Major Projects* (OEH, 2014), *the Framework for Biodiversity Assessment 2014*, or as otherwise agreed by the Secretary in consultation with OEH.
- E12 The Proponent must submit a progress report to the Secretary which identifies offsets required and evidence that they are achievable, or alternatively provide details on how the offset requirements will be met using the Biodiversity Conservation Fund. This report must be provided to the Secretary for information prior to any impacts on vegetation communities and the Eastern Flame Pea endangered population, except those within the Croom Regional Sporting Complex.
- E13 Within 24 months of the submission of the progress report (as required under **Condition E12**), or as otherwise agreed by the Secretary, the Proponent must finalise and submit to the Secretary for approval, a **Biodiversity Offset Package**. The Package must be prepared in consultation with OEH and confirm how the impacts of the SSI will be offset. The Package must be consistent with the biodiversity offset strategy requirements of the *NSW Biodiversity Offsets Policy for Major Projects* (OEH, 2014), unless otherwise agreed by OEH. The Package must include, but not necessarily be limited to:
- (a) details on the biodiversity credits (including number and type) identified to offset the impacts of the SSI and evidence that they be attained and secured in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* (OEH, 2014); and

- (b) for offsets not secured through the retirement of biodiversity credits, details on how offset requirements will be met.

E14 Should supplementary measures be proposed, the Package must also provide details on:

- (a) the management and monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure that outcomes of the package are achieved, including:
 - i. the monitoring of condition of species and ecological communities at offset (including translocation) locations,
 - ii. the methodology for the monitoring programs(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites,
 - iii. provisions for the annual reporting of the monitoring results to the Department, OEH and the public for a set period of time, as determined in consultation with OEH, and
 - iv. timing and responsibilities for the implementation of the supplementary measures; and
- (b) processes and/or measures that would be implemented to ensure that any land offsets are protected and managed in perpetuity.

The supplementary measures must be implemented by the Proponent according to the timeframes set out in the Biodiversity Offset Package.

- E15 All required offsets must be secured in consultation with the OEH, within 12 months of the approval of the Biodiversity Offset Package or within another timeframe agreed with the Secretary. The Proponent must submit to the Secretary a copy of the credit retirement report issued by the OEH once the offsets are retired, within one month of receiving the report.
- E16 During vegetation clearing, timber and root balls must be retained for reuse in habitat enhancement and rehabilitation work. The retained timber and root balls may be used on or off the SSI site. The Proponent must consult with community and landcare groups and government agencies to determine if retained timber and root balls can be used for environmental rehabilitation projects, before pursuing other disposal options.

FLOODING AND HYDROLOGY

- E17 The design of the motorway must achieve a 100 year ARI flood immunity (minimum) for the extent of the SSI, except for the low point south of the existing Duck Creek bridge which must achieve a 50 year ARI flood immunity.
- E18 Where the flood model(s) of the Duck Creek or Macquarie Rivulet or Horsley Creek floodplains have been updated and made available to the Proponent by the Relevant Council(s) and prior to the commencement of each stage of construction, the Proponent must undertake further flood modelling of the SSI. The flood models must be operated by experienced flood modellers and be consistent with the policies and practices of the Relevant Council(s).
- E19 The design of the detention basins adjacent to the new East-West Link Road must maintain (or increase) the flood immunity of the existing East West Link Road and ensure that the flood consequence category (risk to downstream residents) of the new basin (including hazards associated with dam-break) is not increased.
- E20 The Proponent must consult the Shellharbour City Council and the Dam Safety Committee in the design of the new Green Meadows Basin and if required, the basin bounded by Croom Road, the motorway and the East West Link Road.

- E21 The Proponent must ensure the detailed design of the SSI is undertaken in consultation with the Shellharbour City Council and not impact any of the recommendations of the Horsley Creek Floodplain Risk Management Study and Plan (FRMS&P) 2017, except as described in the EIS as amended by the SPIR.
- E22 Prior to construction commencing (except works related to Croom Regional Sporting Complex), the Proponent must undertake an assessment of the flood access into and out of Albion Park, including areas of frequent inundation in the vicinity of Taylors Road and the Illawarra Highway, Tongarra Road and East West Link. The assessment must be prepared in consultation with Shellharbour City Council and must demonstrate that the SSI does not reduce flood access to Albion Park more than as described in the EIS as amended by the SPIR.
- E23 Measures identified in the EIS, as amended by the SPIR, to maintain or improve flood characteristics must be incorporated into the detailed design of the SSI. The incorporation of these measures into the detailed design must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, OEH, SES and Relevant Council(s). For any construction stages where detailed design starts later than 12 months from the date of this approval or otherwise agreed by the Secretary, the flood modelling must incorporate updated flood modelling undertaken under **Condition E18**.
- The review must be documented and provided to the Secretary, OEH, SES and Relevant Council(s) prior to construction commencing in areas affected by increased flooding impacts.
- E24 For Properties 1, 2 and 3 (identified in Technical Paper 3 of the EIS, as amended by Volume 3 of the SPIR) the measures identified in environmental management measure HF06 must be completed prior to construction commencing in areas affected by increased flooding impacts, unless otherwise agreed by the Secretary.
- E25 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 that have been constructed for the SSI within the flood prone land, must be provided to the OEH, SES and Relevant Council(s). The OEH, SES and Relevant Council(s) must be notified in writing that the information is available no later than three (3) months following the completion of construction. Information requested by the OEH, SES or Relevant Council(s) must be provided no later than six months following the completion of construction and be provided with that information or within another timeframe agreed with the OEH, SES or Relevant Council(s).

HERITAGE

- E26 Impacts to heritage, unless approved, must be avoided and minimised. Where impacts are unavoidable, works must be undertaken in accordance with the Construction Heritage Management Sub Plan required by **Condition C4(e)**, except those within the Croom Regional Sporting Complex.
- E27 This approval does not allow the Proponent to harm, modify, or otherwise impact human remains uncovered during the construction and operation of the SSI.
- E28 The Proponent must implement the mitigation measures described in:
- (a) Tables 11 and 12 of the *Albion Park Rail Bypass SPIR, Appendix G Addendum Statement of Heritage Impact, September 2017*; and
 - (b) Table 6 and section 7.0 of the *Albion Park Rail Bypass Project PACHCI Stage 3, Aboriginal Cultural Heritage Assessment Report, Report to HCJV, October 2015*.

except as required by this approval.

- E29 The Aboriginal culturally sensitive area associated with the Macquarie Rivulet area directly adjoining the construction footprint must be protected for the duration of works.
- E30 Salvage of sites YTOF AS 4 and YTOF AS 5 must be undertaken in accordance with the salvage methodology described in Section 6 of *Albion Park Rail Bypass Project PACHCI Stage 3, Aboriginal Cultural Heritage Assessment Report, Report to HCJV, October 2015*.
- E31 Following completion of all salvage works required under **Condition E30**, the Proponent must prepare a **Heritage Report** in accordance with any guidelines and standards required by the Heritage Council of NSW, OEH or Registered Aboriginal Parties (as relevant). The Report must provide details of any archival recording, further historical research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds) carried out for the SSI.
- E32 The **Heritage Report** must be submitted to the Secretary, and for Aboriginal heritage to the OEH or Registered Aboriginal Parties (as relevant), and for non-Aboriginal heritage to the OEH the Relevant Council and local Historical Society, for information no later than 12 months after the completion of the work referred to in **Conditions E26 to E31** or within another timeframe agreed by the Secretary.
- E33 Prior to conducting acoustic treatment at any heritage item, 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.
- E34 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or OEH. The Procedure must undertake consultation with the RAPs in the event that previously unidentified Aboriginal heritage is discovered.
- The Procedure must be prepared by a suitably qualified and experienced heritage specialist in consultation with OEH and or the Heritage Council of NSW and submitted to the Secretary for information no later than one month prior to the commencement of works or within another timeframe agreed with the Secretary.
- E35 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Secretary, must be implemented for the duration of works.

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

NOISE AND VIBRATION

Standard Construction Hours

- E36 Works must only be undertaken during the following construction hours:
- (a) 7:00am to 7:00pm Mondays to Fridays, inclusive;
 - (b) 8:00am to 5:00pm Saturdays; and
 - (c) at no time on Sundays or public holidays.
- E37 Except as permitted by an EPL, activities resulting in impulsive or tonal noise emissions 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) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

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

E38 Notwithstanding **Condition E36**, works associated with the SSI may be undertaken outside the specified hours in the following circumstances:

- (a) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
- (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
- (c) where it causes $L_{Aeq}(15 \text{ minute})$ noise levels:
 - i. no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and
 - ii. no more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses, and
 - iii. continuous or impulsive vibration values at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
 - iv. intermittent vibration values at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006), or
- (d) no more than 15dBA above the night time rating background level at any residence during the night time period, when measured using the $L_{Aeq}(1 \text{ minute})$ noise descriptor; or
- (e) where different hours are permitted or required under an EPL in force in respect of the works, in which case those hours must be complied with.

E39 The Proponent must ensure that all works for the delivery of the SSI are coordinated with utility works, including those works undertaken by third parties, to minimise cumulative impacts of noise and vibration and provides maximise respite for affected sensitive receivers.

E40 On becoming aware of the need for emergency works in accordance with **Condition E38E36** the Proponent must notify the ER and the EPA (if an EPL applies) of the need for those works. The Proponent must also use its best endeavours to notify all affected sensitive receivers of the likely impact and duration of those works.

Construction Vibration

E41 The SSI must be delivered with the aim of achieving the following vibration goals:

- (a) for structural damage to heritage structures, the vibration limits set out in the German Standard *DIN 4150-3: Structural Vibration – Part 3 Effects of vibration on structures*;
- (b) for damage to other buildings and/or structures, the vibration limits set out in the British Standard *BS 7385-1:1990 – Evaluation and measurement of vibration in buildings—Guide for measurement of vibration and evaluation of their effects on buildings* (and referenced in Australian Standard 2187.2 – 2006 *Explosives – Storage and use – Use of explosives*); and
- (c) for human exposure, the acceptable vibration values set out in *Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).

E42 Blasting associated with the SSI must only be undertaken during the following hours:

- (a) 9:00am to 5:00pm, Monday to Friday, inclusive;

- (b) 9:00am to 1:00pm on Saturday; and
- (c) at no time on Sunday or public holidays.

This condition does not apply in the event of a direction from the NSW Police Force or other relevant authority for safety or emergency reasons to avoid loss of life, property loss and/or to prevent environmental harm.

Blasting may be undertaken outside the above hours where:

- (a) no sensitive receivers would be impacted by blasting; or
- (b) an agreement has been made with potentially affected receivers.

- E43 Airblast overpressure generated by blasting associated with the SSI must not exceed the criteria specified in **Table 6** when measured at the most affected residence or other sensitive receiver.

Table 6: Airblast overpressure limits for human comfort

Receiver	Type of blasting operations	Airblast Overpressure Limit
Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts	115 dBL for 95% of blasts per year
		120 dBL maximum limit
Sensitive site	Blasting operations lasting less than 12 months or less than 20 blasts in total	120 dBL for 95% of blasts per year
		125 dBL maximum limit
Occupied non-sensitive sites, such as factories and commercial premises	All blasting	125 dBL maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation

Source – Table J5.4(A) – AS 2187.2 – 2006

Note: a sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people

- E44 Ground vibration generated by blasting associated with the SSI must not exceed the criteria specified in **Table 7** and **Table 8** when measured at the most affected residence or other sensitive receiver.

Table 7: Ground vibration limits for human comfort

Receiver	Type of blasting operations	Peak component particle velocity (mm/s)
Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts	5 mm/s for 95% of blasts per year
		10 mm/s maximum limit
Sensitive site	Blasting operations lasting less than 12 months or less than 20 blasts in total	10 mm/s maximum limit

Receiver	Type of blasting operations	Peak component particle velocity (mm/s)
Occupied non-sensitive sites, such as factories and commercial premises	All blasting	25 mm/s maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation

Source – Table J4.5(A) – AS 2187.2 – 2006

Note: a sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people

Table 8: Ground vibration limits for control of damage to structures

Receiver	Type of blasting operations	Peak component particle velocity (mm/s)	
Other structures or architectural elements that include masonry, plaster and plasterboard in their construction ¹		15 mm/s 4 Hz to 15 Hz, except for heritage structures where a frequency dependent vibration criteria would be determined in accordance with AS 2187.2 – 2006.	20 mm/s 15 Hz and above
Reinforced or framed structures. Industrial and heavy commercial buildings ²	All blasting	50 mm/s at 4 Hz and above	
Unreinforced or light framed structure. Residential or light commercial type building ²	All blasting	15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz	20 mm/s at 15 Hz increasing to 50 mm/s at 40 Hz and above
Unoccupied structures of reinforced concrete or steel construction	All blasting	100 mm/s maximum, where agreed with the structure owner.	
Infrastructure service structures, such as pipelines, powerlines, cables and reservoirs.	All blasting	Limits to be determined by structural design methodology in consultation with the infrastructure service provider.	

Source: Table J4.5(B) – AS 2187.2 – 2006 and Table J4.4.2.1 – AS 2187.2 – 2006 (BS 7385-2)

E45 The blasting criteria specified in the tables in **Conditions E43** and **E44** may be exceeded where the Proponent has obtained the written agreement of the landowner to increase the relevant criteria. In obtaining the agreement, the Proponent must make available to the landowner:

- (a) details of the proposed blasting program and justification for the proposed increase in blasting criteria including alternatives considered (where relevant);
- (b) an assessment of the environmental impacts of the increased blasting criteria on the surrounding environment and most affected residences or other sensitive receivers including, but not limited to noise, vibration and air quality and any risk to surrounding utilities, services or other structures; and
- (c) details of the blast management, mitigation and monitoring procedures to be implemented.

The Proponent must provide a copy of the landowner written agreement to the Secretary and the EPA, including details of the consultation undertaken (with clear identification of proposed blast limits and potential property impacts, prior to commencing blasting at the higher limits.

Unless otherwise agreed by the Secretary, the following exclusions apply:

- (a) The landowner may terminate at any time an agreement made with the Proponent to increase the blasting criteria, should concerns made by the landowner about the blasting criteria be unresolved. Where an agreement is terminated, the Proponent must not exceed the criteria specified in the tables in **Conditions E43** and **E44** for future blasting that affects the property; and
- (b) the blasting limit agreed to under any agreement must not exceed a maximum Peak Particle Velocity vibration level of 25 mm/s or maximum Airblast Overpressure level of 125 dBL.

Operational Noise Mitigation Report

E46 The Proponent must undertake a review of the operational noise mitigation measures proposed to be implemented for the SSI. The review must be prepared in consultation with the EPA and submitted to the Secretary for approval prior to construction commencing, except for the Croom Regional Sporting Complex works, unless otherwise agreed by the Secretary. The review must:

- (a) confirm the operational noise predictions of the SSI based on detailed design. The operational noise assessment shall be based on an appropriately calibrated noise model (which has incorporated additional noise monitoring, where necessary for calibration purposes);
- (b) review the suitability of the operational noise mitigation measures identified in the EIS as amended by the SPIR. The review must take into account the detailed design of the SSI and where necessary, refine the proposed measures with the objective of meeting the criteria outlined in the *NSW Road Noise Policy* (DECCW 2011), based on the operational noise performance of the SSI predicted under (a) above;
- (c) where necessary, investigate additional noise mitigation measures to achieve the criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011); and
- (d) investigate noise mitigation measures to achieve the criteria outlined in the *Industrial Noise Policy* (DECCW 2011) for the Croom Regional Sporting Complex.

*Note: noise barriers that may penetrate the OLS must comply with the requirements of **Condition E7**.*

E47 Operational noise mitigation measures identified in **Condition E46** (such as at-property architectural treatments) that will not be affected by construction works, must be implemented within six (6) months of the commencement of construction, except for the Croom Regional Sporting Complex works, or at other times during construction to minimise construction noise impacts. These measures must be detailed in the **Construction Noise and Vibration Management Plan** for the SSI, unless otherwise agreed by the Secretary.

Where early implementation of noise mitigation measures are not proposed, the Proponent must submit to the Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in **Condition E46** are implemented. The report must be provided to the Secretary for approval prior to the commencement of construction which would affect the identified receivers.

PROPERTY AND LANDUSE

- E48 Where the viability of existing agricultural operations are identified to be impacted by the land requirements of the SSI, the Proponent must, at the request of the landowner, employ a suitably qualified and experienced independent agricultural expert, to assist in identifying alternative farming opportunities for the land.

Where the Proponent has commenced the requirements of this condition, prior to determination, the Proponent may rely on these activities to fulfil this requirement.

- E49 Unencumbered access to private property must be maintained during construction, unless otherwise agreed with the landowner in advance. A landowner's access that is physically affected by the SSI must be reinstated to at least an equivalent standard, in consultation with the landowner.
- E50 The SSI must be delivered in a manner that minimises intrusion and disruption to agricultural operations/activities in surrounding properties (e.g. stock access, access to farm dams, etc.), unless otherwise agreed by the landowner.

Building and Structure Condition Survey

- E51 **Building and Condition Structure Surveys** must be undertaken for all buildings and structures identified in the EIS, as amended by the SPIR, as being at risk of damage.

The surveys must be prepared before the commencement of works that could cause damage to buildings and structures in the vicinity of those works. The results of the surveys must be documented in a **Building and Structure Condition Report** for each building or structure surveyed.

The surveys must be undertaken by a suitably qualified person. Copies of **Building and Structure Condition Reports** must be provided to the landowners of the building and structures surveyed, and if agreed by the landowner, the Relevant Council(s), within three (3) weeks of completing the surveys and no later than three (3) months following completion of works.

- E52 After completion of the works, condition surveys of all building and structures for which pre-construction condition surveys were undertaken in accordance with **Condition** Error! Reference source not found. must be undertaken by a suitably qualified person. The results of the surveys must be documented in a **Building and Structure Condition Survey Report** for each building and structure surveyed. Copies of **Building and Structure Condition Survey Reports** must be provided to the landowners of the buildings and structures surveyed, and if agreed by the landowner, the Relevant Council(s), within three weeks of completing the surveys and no later than three (3) months following the completion of the works.
- E53 Any damage caused to property as a result of the SSI must be rectified or the landowner compensated, within a reasonable timeframe, with the costs borne by the Proponent. This condition does not limit any claims that the landowner may have against the Proponent.

Croom Regional Sporting Complex

- E54 The replacement sporting infrastructure and buildings must be of a comparable scale to existing facilities, unless that infrastructure or building is approved under the EP&A Act.
- E55 The facilities and associated infrastructure and landscaping identified in the Croom Regional Sporting Complex Detailed Design dated 15 November 2017, must be delivered and be operational prior to any impact to the corresponding existing facilities, unless otherwise agreed by the Secretary following consultation with Shellharbour City Council and the relevant sporting group(s).

SOILS

- E56 Erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

Contaminated land

- E57 A **Site Contamination Report**, documenting the outcomes of Stage 1 and Stage 2 contamination assessments of land upon which the SSI is to be carried out, that is suspected, or known to be, contaminated must be prepared by a suitably qualified and experienced person in accordance with guidelines made or approved under the *Contaminated Land Management Act 1997* (NSW).
- E58 If a **Site Contamination Report** prepared under **Condition E57** finds such land contains contamination, a site audit is required to determine the suitability of a site for a specified use. If a site audit is required, a **Site Audit Statement** and **Site Audit Report** must be prepared by a NSW EPA Accredited Site Auditor. Contaminated land must not be used for the purpose approved under the terms of this approval until a **Site Audit Statement** is obtained that declares the land is suitable for that purpose and any conditions on the **Site Audit Statement** have been complied with.
- E59 A copy of the **Site Audit Statement** and **Site Audit Report** must be submitted to the Secretary and Relevant Council(s) for information no later than one (1) month before the commencement of operation.
- E60 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared and must be followed should unexpected contaminated land or asbestos be excavated or otherwise discovered during works.
- E61 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout the delivery of the project.

SUSTAINABILITY

- E62 A **Sustainability Strategy** for the delivery for the SSI, except for the Croom Regional Sporting Complex works, must be prepared in accordance with the Infrastructure Sustainability Council of Australia infrastructure rating tool or other justified rating mechanism.
- E63 The **Sustainability Strategy** must be submitted to the Secretary for information prior to the commencement of works, except for the Croom Regional Sporting Complex works, or within another timeframe agreed with the Secretary, and must be implemented throughout the delivery of the SSI. The Sustainability Strategy must include:
- (a) details of the sustainability objectives and targets for the design and delivery of the SSI;
 - (b) details of the sustainability initiatives which will be investigated and / or implemented; and

- (c) a description of how the strategy will be implemented for the SSI.

TRAFFIC AND TRANSPORT

- E64 The SSI must be designed, delivered and operated to meet relevant road design standards, and ensure that it does not adversely impact network connectivity, or the safety and efficiency of the road network in the vicinity of the SSI.
- E65 Vehicles used in the delivery of the project must not use local roads unless no suitable alternatives are available. Where local roads are used, these must be identified in a **Construction Traffic and Access Management Plan**.
- E66 During the delivery of the SSI, measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses.
- E67 Signage and directions to businesses must be provided before, and for the duration of, any disruption during the delivery of the SSI.
- E68 Operational signage must be provided along the project alignment to inform motorists of services and Council and community assets within the vicinity of the SSI including the Illawarra Regional Airport, community facilities and tourist areas, in accordance with the *Guide: Signposting* (RTA July 2007) and *Tourist Signposting Guide* (RMS and Destination NSW 2012).
- E69 The Proponent must implement the off-road shared path pedestrian and cyclist facilities connections indicated in Figure 3-8 and 3-9 of Appendix A of the SPIR, in consultation with the Relevant Council(s) and Bicycle NSW.
- E70 The Proponent must provide improved connectivity for cyclist and pedestrians between Croome Lane and Darcy Dunster Reserve.
- E71 The Proponent must investigate options to minimise the interaction between pedestrians, cyclist and cattle.
- E72 The Proponent must implement the facilities consistent with the reasonable requirements of the Relevant Council(s) and Bicycle NSW, prior to the operation of the SSI, unless otherwise agreed by the Secretary.
- E73 The SSI must be designed to not preclude delivery of the Tripoli Way and Yallah Road projects. Consultation with the Relevant Council(s) must be undertaken during detailed design of the SSI to facilitate future integration with these projects. Current traffic modelling and assessment, and the result of the **Road Network Performance Review Plan** required under **Condition D9** must be provided to the relevant road authority for their consideration in the development of the Tripoli Way and Yallah Road projects.
- E74 The Proponent must consult with Wollongong City Council and the Tallawarra Lands developer on the timing of the proposed closure of Cormack Avenue.
- E75 **Before any local road is used by a heavy vehicle for the purpose of constructing the SSI, a Road Dilapidation Report must be prepared for the road.**

The report must be prepared by a suitably qualified person before the commencement of works that have the potential to damage local roads (and associated infrastructure).

Copies of the Road Dilapidation Report must be provided to the Relevant Council(s) within three (3) weeks of completing the surveys and no later than one (1) month before the use of local roads by heavy vehicles for construction of the SSI.

- E76 If damage to roads occurs as a result of works associated with the SSI, the Proponent must rectify the damage so as to restore the road to at least the condition it was in pre-works, unless otherwise agreed by the Relevant Council(s).

URBAN DESIGN AND VISUAL AMENITY

- E77 The SSI must be designed to retain as many trees as possible. Where trees are to be removed on areas that are zoned for residential, commercial or industrial, the Proponent must provide a net increase in the number of replacement trees. Replacement trees must be planted within the SSI boundary, unless otherwise agreed by the Secretary.
- E78 Replacement trees are to have a variable pot size consistent with the pot sizes specified in the Relevant Council(s) plans / programs/ strategies for vegetation management, street planting, or open space landscaping, unless otherwise agreed by the Secretary. This condition does not apply to landscaping associated with the Croom Regional Sporting Complex.
- E79 The **Urban Design and Landscape Character Strategy** must be finalised based on the detailed design, and in accordance with the commitments made in *Technical Paper 10 – Landscape character and visual amenity* of the EIS and the SPIR.

The **Urban Design and Landscape Character Strategy** must incorporate monitoring and maintenance procedures for the built elements, rehabilitated vegetation (including the requirements of **Condition E77**) and landscaping (including visual screening and weed control) and performance indicators, responsibilities, timing and duration and contingencies where rehabilitation of vegetation and landscaping measures fail.

The Strategy does not include the Croom Regional Sporting Complex works as subject to **Condition E55**.

- E80 The **Urban Design and Landscape Character Strategy** must be finalised in consultation with the Relevant Council(s) and the community.
- E81 The **Urban Design and Landscape Character Strategy** must be made publicly available and submitted to the Secretary for information prior to the commencement of works that require community consultation, unless otherwise agreed by the Secretary. The Strategy shall incorporate evidence of consultation on the proposed urban design and landscape measures and the monitoring and maintenance procedures.

Note: Works that are subject to community consultation include those design and landscaping details that are not required to meet the other requirements of this approval and/or specific technical criteria. For example, it does not include structures or landscaping works associated with riparian areas, fauna crossings and the like.

- E82 Operational noise barriers must be designed to minimise visual and amenity impacts and be designed in accordance with the *Noise wall design guideline – Design guideline to improve the appearance of noise walls in NSW, Roads and Maritime Services, March 2016*.

UTILITIES AND SERVICES

- E83 Utilities, services and other infrastructure potentially affected by the delivery of the SSI must be identified before works affecting them commence, to determine the requirements for access to, diversion protection, and/or support of such services. The relevant owner and/or provider of services must be consulted to make suitable arrangements for access to diversion, protection, and/or support of the affected infrastructure as required. The Proponent must ensure that disruption to any service is minimised and be responsible for advising local residents and businesses affected before any planned disruption of service occurs.

WASTE

- E84 Waste generated in the delivery of the SSI must be dealt with in accordance with the following priorities:
- (a) waste generation is to be avoided and where avoidance is not reasonably practicable, waste generation is to be reduced;
 - (b) where avoiding or reducing waste is not possible, waste is to be re-used, recycled, or recovered; and
 - (c) where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of at a waste management facility or premises lawfully permitted to accept the materials.
- E85 Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence or waste exemption under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- E86 All waste materials removed from the SSI site must only be directed to a waste management facility or premise lawfully permitted to accept the materials 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.
- E87 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

- E88 Strategies for the management of Acid Sulfate Soils during works must be implemented.
- E89 Where available and practicable, and of appropriate chemical and biological quality, stormwater, recycled water or other water sources shall be used in preference to potable water for the delivery of the SSI, including dust control.
- E90 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be undertaken in accordance with relevant guidelines and designed by a suitably qualified and experienced person in consultation with DPI Fisheries and the EPA.
- E91 The realignment of Frazers Creek must be undertaken in consultation with and meet the reasonable requirements of DPI Fisheries.