NSW GOVERNMENT | Planning & Environment

Critical State Significant Infrastructure

Inland Rail – Parkes to Narromine

Conditions of Approval

June 2018

NSW GOVERNMENT | Planning & Environment

Infrastructure approval

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

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

Minister for Planning

Sydney 7/6 2018

SCHEDULE 1

Application no.:	SSI 7475
Proponent:	Australian Rail Track Corporation
Approval Authority:	Minister for Planning
Land:	Land within the existing rail corridor between the towns of Parkes and Narromine via Peak Hill, and land to the west of Parkes.
Description of Critical State Significant Infrastructure:	Development for the purposes of the Inland Rail - Parkes to Narromine proposal being the upgrade and replacement of the existing rail line between Parkes and Narromine, and the development of a new rail line connecting the North-South Rail Line to the Broken Hill Line west of Parkes, comprising: • upgrade of the track, track formation and culverts within the existing rail corridor for a distance of 106 kilometres between Parkes and Narromine; • realignment of the track within the existing rail corridor to minimise tight curves; • three new crossing loops within the existing rail corridor, at Goonumbla, Peak Hill, and Timjelly; and • a new 5.3 kilometre long rail connection to the Broken Hill Line to the west of Parkes.
Declaration as Critical State Significant Infrastructure:	The proposal is Critical State Significant Infrastructure by virtue of Schedule 5, clause 7 of *State Environmental Planning Policy (State and Regional Development) 2011.*

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TERMS AND DEFINITIONS

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

Table 1: Terms and Definitions

Term	Definition
Aboriginal object	The same meaning as in the *National Parks and Wildlife Act 1974* (NSW).
Annoying activities	As defined by the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) to include: (a) use of 'beeper' style reversing or movement alarms, particularly at night-time; (b) use of power saws, such as used for cutting timber, masonry; road pavement or steel work; (c) grinding metal, concrete or masonry; (d) rock drilling; (e) line drilling; (f) bitumen milling or profiling; (g) vibratory rolling; (h) jackhammering, rock hammering or rock breaking; and (i) impact piling.
ARI	Average Recurrence Interval - The average, or expected, value of the periods between exceedances of a given rainfall total accumulated over a given duration. In the case of flood events, the long-term average number of years between the occurrence of a selected flood event. For example, a 10 year ARI flood event will occur on average once every 10 years.
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which all construction is completed and all requirements of the Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Secretary (if any) have been met, in respect of all stages of construction.
Conditions of approval	The Minister's conditions of approval for the CSSI.
Consistency assessment	An assessment of whether a proposed activity for the purpose of the CSSI is consistent with the terms of this approval.
Construction	Includes all physical work required to construct the CSSI, other than the following low impact work: (a) survey works including carrying out general alignment surveys, installing survey controls (including installation of global positioning system (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building, and road dilapidation surveys; (b) investigations including investigative drilling and excavation; (c) the erection or removal of demountable buildings at approved construction ancillary facilities;

Term	Definition
	(d) treatment of contaminated sites subject to the recommendations of a Remediation Report prepared in accordance with **Condition E73**; (e) minor clearing and relocation of native vegetation, as identified in the EIS and Submissions Report; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property acoustic treatments; (g) property acquisition adjustment works including installation of property fencing; (h) low impact, minor relocations and adjustments of utilities for the purposes of establishing construction ancillary facilities; (i) establishing minor construction support ancillary facilities in accordance with **Condition C21;** (j) archaeological testing under the *Code of practice for archaeological investigation of Aboriginal objects in NSW* (Department of Environment Climate Change and Water, 2010) or archaeological monitoring undertaken in association with (a) to (i) above to ensure that there is no impact on heritage items; (k) salvage of Aboriginal artefacts in accordance with **Condition C9(b);** (l) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian paths and the provision of property access; and (m) maintenance works to existing buildings and structures as required to facilitate the carrying out of the CSSI. However, where heritage items, or threatened species or their habitat, or threatened ecological communities (within the meaning of the *Biodiversity Conservation Act 2016*), are adversely affected or potentially adversely affected by any low impact work as defined in (a) to (k) above, 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 aquatic vegetation). Construction does not include site establishment works where such works are included as part of a **Site Establishment Management Plan** approved under **Condition C22**.
Construction ancillary facility	A temporary facility for construction of the CSSI including office and amenities compounds, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, car parking compound, a site used for assembly of infrastructure, and material stockpile area.
CSSI	The critical State significant infrastructure, as generally described in Schedule 1, the carrying out of which is approved under the terms of this approval.
Department	NSW Department of Planning and Environment
DEC	Former Department of Environment and Conservation
DECC	Former NSW Department of Environment and Climate Change
DECCW	Former NSW Department of Environment, Climate Change and Water

Term	Definition
DIPNR	Former NSW Department of Infrastructure, Planning and Natural Resources
DoEE	Commonwealth Department of the Environment and Energy
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 proposal described in it and as revised if required by the Secretary under the EP&A Act, and including any additional information provided by the Proponent updating the information presented in the EIS (e.g. updated biodiversity calculations).
EMS	Environmental Management System
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Representative Protocol	The document of the same title published by the Department.
EP&A Act	*Environmental Planning and Assessment Act 1979*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the *Protection of the Environment Operations Act 1997*
ER	The Environmental Representative for the CSSI.
Heritage Division	The Heritage Division of OEH.
Heritage item	A place, building, structure, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the *Heritage Act 1977*, a state agency heritage and conservation register under section 170 of the *Heritage Act 1977*, a Local or Regional Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth), and an Aboriginal object or Aboriginal place as defined in section 5 of the *National Parks and Wildlife Act 1974* .
ICNG	*Interim Construction Noise Guideline* (DECC, 2009)
Impact	The result of an action that has, will have, or is likely to have an adverse effect to the environment relevant to the condition controlling the action.
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm. *Note: "material harm" is defined in this approval*
Land	Has the same meaning as in the EP&A Act.
Landowner	Has the same meaning as "owner" in the *Local Government Act 1993* and in relation to a building means the owner of the building.

Term	Definition
Material harm	This is harm that: (a) involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning
Noise Management Level	As derived from the *ICNG* (DECC, 2009).
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval but is not an incident.
NSW Heritage Council	Heritage Council of NSW
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The operation of the CSSI (whether in full or in part) for its intended purpose excluding the following activities carried out during construction: (a) commissioning trials; (b) temporary use of any part of the CSSI; and (c) maintenance works. *Note: There may be overlap between the carrying out of construction and operation if the phases are staged.*
ONCR	Operational Noise Compliance Report
ONVR	Operational Noise and Vibration Review
POEO Act	*Protection of the Environment Operations Act 1997*
Pre-construction	All work prior to, and in respect of the CSSI that is excluded from the definition of construction.
Proponent	The person identified as the proponent in Schedule 1 of this approval.
Publicly available	Available for inspection by a member of the general public (for example available on an internet site).
Relevant council(s)	Parkes Shire Council and/or Narromine Shire Council
Relevant Road Authority	The same meaning as the road authorities defined in the *Roads Act 1993*.
Relic	The same meaning as the *Heritage Act 1977* (NSW).
Replacement culvert	A replacement culvert is a culvert proposed in the same location as an existing culvert and having a flow capacity no greater than 10 per cent higher than the existing culvert capacity.
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.

Term	Definition
Secretary's approval or agreement or submissions to the Secretary	A written approval from the Secretary (or nominee). *Note: Where the Secretary's approval or agreement is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval or agreement request. The Secretary may ask for additional information if the approval or agreement request is considered incomplete. When further information is requested, the time taken for the Proponent to respond in writing will be added to the one month period. The Secretary may ask for additional information where a document is required to be submitted to the Secretary and the document is considered incomplete or not fully addressing the requirements of a condition.*
Sensitive receiver	Residence, educational institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and child care centres.
Sensitive land uses	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 other uses as set out in Section 2.1 of the *ICNG* (DECC, 2009).
SES	NSW State Emergency Services
Site establishment works	Activities undertaken to establish a construction ancillary facility so that it is able to be used to support the construction of the CSSI, including demolition of existing structures on the site, erection of site fencing / hoarding, provision of utility services to the site, site levelling, provision of site access, erection of demountable buildings, provision of hardstand areas, and erosion and sedimentation controls.
Submissions Report	The Proponent's response to issues raised in submissions received in relation to the application for approval for the CSSI under the EP&A Act and detailed in the document *Inland Rail – Parkes to Narromine Submissions Report* (ARTC, February 2018).
Tree	As defined in Australian Standard AS 4970-2009.
Unexpected heritage find	A potential heritage item discovered (usually during construction) but not identified in the EIS or Submissions Report, where assessment is required to determine if the item has heritage significance, or is an Aboriginal object. An unexpected heritage find does not include human remains.
Works	All physical activities to construct or facilitate the construction of the CSSI, including environmental management measures and utility works.

SUMMARY OF REPORTING AND APPROVAL REQUIREMENTS

Reports and notifications that must be provided to the Secretary under the terms of this approval are listed in **Table 2.** Any appointments of persons requiring the Secretary's approval are also listed.

Table 2: Reports, Notifications and Approval of Appointment Requests that must be Submitted to the Secretary[1]

Condition[2]	Report / Notification	Timing[3]	Purpose
Part A - Administrative			
A10	Staging Report	One month prior to commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A14	Revised Staging Report	One month prior to proposed change in staging	Information
A15/A16	Approval of Environmental Representative	One month prior to commencement of works	Approval
A19(i)	Environmental Representative monthly reports	Within seven days following the end of each month for the duration of pre-construction work and construction	Information
A22/A23	Compliance Tracking Program	One month prior to commencement of works	Information
A25	Pre-Construction Compliance Report	One month prior to commencement of construction	Information
A28	Construction Compliance Reports	Six-monthly from the date of the commencement of construction	Information
A29	Notification of Non-compliances	Within seven days of becoming aware of a non-compliance	Information
A30	Pre-Operation Compliance Report	One month prior to commencement of operation	Information
A32	Environmental Audit Program	One month prior to commencement of construction	Information
A34/A35	Environmental Audit Report	Within six weeks of completing the environmental audit	Information
A36	Notification of incidents	As soon as aware of incident and within 24 hours of the incident	Information
A39	Notification of Incident notified to the EPA under the POEO Act	Within 24 hours of notifying the EPA	Information
Part B - Communication Information and Reporting			
B1/B3	Communication Strategy	No later than one month before the commencement of any work	Approval
B8	Complaints Register	On request	Information

[1] Where there is a discrepancy in this table and the conditions of the approval, the conditions of the approval prevail.

[2] Where two condition references are listed, one of the conditions sets out what is required in the document and the other the timing of requirements of the condition.

[3] Where a proposal is staged, all required approvals must be obtained prior to the commencement of the relevant stage.

Condition[2]	Report / Notification	Timing[3]	Purpose
Part C - Construction Environmental Management			
C1/C3	CEMP	One month prior to commencement of construction	Approval
C4/C6	CEMP Sub-plans	One month prior to commencement of construction	Approval
C13/C15	Construction Monitoring Programs	One month prior to commencement of construction	Approval
C18	Construction Monitoring Reports	As specified in Construction Monitoring Programs	Information
C22	Site Establishment Management Plan	One month prior to establishment of the construction ancillary facilities	Approval
Part D - Operation Environmental Management			
D1/D4	OEMP or EMS	One month prior to commencement of operation	Information
Part E – Key Issues			
Noise and Vibration			
E6	Notification of emergency works	On becoming aware of the need for emergency works	information
E11	Operational Noise and Vibration Review	Within three months of commencing construction	Approval
E13	Operational Noise Compliance Report	Within 60 days of completing the operational noise monitoring	Information
Biodiversity			
E16	Biodiversity Offset Strategy	Within 12 months of the commencement of construction	Approval
E18	Amendments to ecosystem and species credits	Prior to retiring biodiversity credits	Approval
Flooding			
E21	Flood Design Report	At least one month prior to the commencement of construction of permanent works that may impact on flooding	Information
E21	Approval of independent hydrologist	Prior to submission of flood report to the Secretary	Approval
E23	Flood Review Reports	Within three months of finalising the report(s)	Information
E24	Methodology for defining flood impacted areas	Prior to preparing the Flood Review Report	Approval
Traffic, Transport and Access			
E44/E46	Public Level Crossing Treatment Report	At least one month prior to the closure of upgrade of a public level crossing	Information

Condition[2]	Report / Notification	Timing[3]	Purpose
E45/E46	Private Level Crossing Treatment Report	At least one month prior to the closure of upgrade of a private level crossing	Information
E47	Level Crossing Performance Report	Within 60 days of completion	Information
Contamination			
E74/E75	Site Audit Statement and Site Audit Report	One month before the commencement of operation	Information

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

A1 The CSSI must be carried out in accordance with the terms of this approval and generally in accordance with the description of the CSSI in the *Inland Rail – Parkes to Narromine Environmental Impact Statement, Volumes 1-6* (prepared by GHD and dated June 2017), the *Inland Rail – Parkes to Narromine Submissions Report* (ARTC, dated February 2018) and *Addendum to the Inland Rail – Parkes to Narromine Biodiversity Assessment Report comprising vegetation mapping amendments and inclusion of temporary impacts* Umwelt, dated April 2018).

A2 The CSSI must be carried out generally in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in in the EIS as amended by the Submissions Report unless otherwise specified in, or required under, this approval.

A3 In the event of an inconsistency between the EIS as amended by the Submissions Report 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.

Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.

A4 The Proponent must comply with all requirements of the Secretary in relation to:

(a) the environmental performance of the CSSI;
(b) any document or correspondence under the terms of this approval in relation to the CSSI;
(c) any notification given to the Secretary under the terms of this approval;
(d) any audit of the construction or operation of the CSSI;
(e) compliance with the terms of this approval (including anything required to be done under this approval);
(f) the carrying out of any additional monitoring or mitigation measures; and
(g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.

A5 Where the terms of this approval require a document to be prepared or a review to be undertaken in consultation with identified parties, consultation must be carried out in accordance with the Communications Strategy required by **Condition B1**. Evidence of the consultation undertaken must be submitted to the Secretary with the document. The evidence must include:

(a) documentation of the engagement with the party(ies) identified in the condition of approval that has occurred prior to submitting the document for approval;
(b) log of the points of engagement or attempted engagement with the identified party(ies) and a summary of the issues raised by them;
(c) documentation of the follow-up with the identified party(ies) where feedback has not been provided to confirm that they have none or have failed to provide feedback after repeated requests;

(d) outline of the issues raised by the identified party(ies) and how they have been addressed; and
(e) a description of the outstanding issues raised by the identified party(ies) and the reasons why they have not been addressed.

A6 Where the terms of approval provide for Secretarial discretion (for example in relation to the timing of an action), the Proponent must provide supporting evidence so that the Secretary can consider the need, environmental impacts and consistency of any request.

Note: Inaction and/or expedience will not be supported as justifications for need unless it can be demonstrated that there is beneficial environmental impacts associated with the request.

A7 Any document that must be submitted, or approval that must be obtained, within a timeframe specified in or under the conditions of this approval may be submitted within a later timeframe agreed with the Secretary. The Proponent must seek the Secretary's agreement at least 14 days before the date on which the document is required to be submitted, or approval must be obtained. This condition does not apply to the immediate written notification required in respect of an incident under **Condition A36**.

A8 This approval lapses five (5) years after the date on which it is granted, unless works for the purpose of the CSSI are physically commenced on or before that date.

A9 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.

STAGING

A10 The CSSI may be constructed and operated in stages. Where staged construction or operation is proposed, a **Staging Report** (for either or both construction 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 (1) month prior to the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one (1) month prior to the commencement of operation of the first of the proposed stages of operation).

A11 The Staging Report must:

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

A12 The CSSI must be staged in accordance with the Staging Report, as submitted to the Secretary.

A13 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.

A14 Where changes are proposed to the staging of construction or operation, a revised Staging Report must be prepared and submitted to the Secretary for information no later than one (1) month prior to the proposed change in the staging.

ENVIRONMENT REPRESENTATIVE

A15 Works must not commence until an **Environment Representative (ER)** has been approved by the Secretary and engaged by the Proponent.

A16 The Secretary's approval of an ER must be sought no later than one (1) month before the commencement of works.

A17 The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or Submissions Report, and is independent from the design and construction personnel for the CSSI.

A18 The Proponent may engage more than one ER for the CSSI, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Secretary for the purposes of the CSSI.

A19 For the duration of the works until the completion of construction, the approved ER must:

(a) receive and respond to communication from the Secretary in relation to the environmental performance of the CSSI;
(b) consider and inform the Secretary on matters specified in the terms of this approval;
(c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
(d) review documents identified in **Conditions C1, C4** and **C13,** and any other documents that are identified by the Secretary, to ensure they are consistent with requirements in or under this approval and if so:
    i) make a written statement to this effect before submission of such documents to the Secretary (if those documents are required to be approved by the Secretary); or
    ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Secretary / Department for information or are not required to be submitted to the Secretary/Department);
(e) regularly monitor the implementation of the documents listed in **Conditions C1, C4** and **C13,** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
(f) as may be requested by the Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A32** of this approval;
(g) as may be requested by the Secretary, assist the Department in the resolution of community complaints;
(h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds, material lay down sites, areas used to assemble culverts and turnouts, and portable toilet facilities as required by **Condition C21** of this approval;
(i) prepare and submit to the Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the *Environmental Representative Protocol* under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven (7) calendar days following the end of each month for the duration of the ER's engagement for the CSSI; and

(j) 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.

A20 The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in **Condition A19** (including preparation of the Environmental Representative Monthly Report), as well as:

(a) the complaints register (to be provided on a weekly basis); and
(b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).

A21 The Secretary may at any time commission an audit of an ER's exercise of its functions under **Condition A19**. The Proponent must:

(a) facilitate and assist the Secretary in any such audit; and
(b) make it a term of their engagement of an ER that the ER facilitate and assist the Secretary in any such audit.

COMPLIANCE TRACKING PROGRAM

A22 A **Compliance Tracking Program** to monitor compliance with the terms of this approval must be prepared, taking into consideration any staging of the CSSI that is proposed in a Staging Report submitted in accordance with **Condition A10** and **Condition A11** of this approval.

A23 The Compliance Tracking Program must be endorsed by the ER and then submitted to the Secretary for information at least one (1) month prior to the commencement of works.

A24 The Compliance Tracking Program in the form required under **Condition A22** of this approval must be implemented for the duration of construction 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 Monthly Reports and regular compliance reviews submitted through Compliance Reports. If staged operation is proposed, or operation is commenced of part of the CSSI, the Compliance Tracking Program must be implemented for the relevant period for each stage or part of the CSSI.

CONSTRUCTION COMPLIANCE REPORTING

A25 A **Pre-Construction Compliance Report** must be prepared and submitted to the Secretary for information no later than one (1) month before the commencement of construction (or each stage of construction identified in the Staging Report).

A26 The **Pre-Construction Compliance Report** must include:

(a) details of how the terms of this approval that must be addressed before the commencement of construction have been complied with: and
(b) the proposed commencement date for construction.

A27 Construction must not commence until the Pre-Construction Compliance Report has been submitted to the Secretary.

A28 **Construction Compliance Reports** must be prepared and submitted to the Secretary for information every six (6) months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must include:

(a) a summary of the CSSI activities that occurred during the reporting period;
(b) a results summary and analysis of environmental monitoring;
(c) 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;
(d) details of any review of, and minor amendments made to, the CEMP required by **Condition C1** as a result of construction carried out during the reporting period;
(e) a register of any consistency assessments undertaken and their status;
(f) results of any independent environmental audits carried out in accordance with **Conditions A32** to **A35** and details of any actions taken in response to the recommendations of an audit;
(g) a summary of all incidents notified in accordance with **Condition A36** and **Condition A39** of this approval; and
(h) a compliance status summary for the reporting period including details of any non-compliances with the terms of this approval.

A29 The Department must be notified in writing to compliance@planning.nsw.gov.au within seven (7) days after the Proponent becomes aware of any non-compliance. The notification must identify the CSSI and the application number for it, set out the condition of approval that the CSSI is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

PRE-OPERATION COMPLIANCE REPORT

A30 A **Pre-Operation Compliance Report** must be prepared and submitted to the Secretary for information no later than one (1) month before the commencement of operation. 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.

A31 Operation must not commence until the Pre-Operation Compliance Report has been submitted for information to the Secretary.

AUDITING

A32 An **Environmental Audit Program** for annual 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 (1) month before the commencement of construction.

A33 The Environmental Audit Program, as submitted to the Secretary, must be implemented and complied with for the duration of construction and for the first two years of operation.

A34 All independent environmental audits of the CSSI 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 CSSI, and its effects on the surrounding environment;

(b) assesses whether the CSSI is complying with the terms of this approval; and
(c) recommends measures or actions to improve the environmental performance of the CSSI.

A35 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.

INCIDENT NOTIFICATION AND REPORTING

A36 The Department must be advised in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident and in any event within 24 hours of the Proponent becoming aware of any incident. The notification must identify the CSSI, including the application number and the name of the CSSI.

A37 Notification of an incident under **Condition A36** of this approval, must include the time and date of the incident and details of the incident.

A38 All written requirements of the Secretary which may be given at any point in time, to address the cause or impact of an incident reported under with **Condition A36** must be complied with within any timeframe specified by the Secretary.

A39 If statutory notification is given to the EPA as required under the POEO Act, such notification must also be provided to 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 **Communication Strategy** must be prepared to facilitate communication between the Proponent, and the community and government authorities (including relevant councils, government agencies, adjoining affected landowners and businesses, and others directly impacted by the CSSI).

B2 The Communication Strategy must:

(a) identify people, organisations and government authorities to be consulted during works;
(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the CSSI;
(c) identify opportunities to provide accessible information regarding regularly updated site construction activities, schedules and milestones at each construction ancillary facility and at construction sites located adjacent to town centres;
(d) consider opportunities for the community to visit construction sites (taking into consideration workplace, health and safety requirements);
(e) 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 CSSI;
(f) set out the procedures and mechanisms for consulting with relevant councils and government authorities required by **Condition A5,** including procedures for repeated requests and nil responses**;**
(g) describe the method for broadcasting the 24-hour toll-free telephone complaints number and postal and email addresses for enquiries, as required by **Condition B10**;
(h) 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 environmental management and delivery of the CSSI.

B3 The Communication Strategy must be submitted to the Secretary for approval no later than one (1) month before the commencement of any work.

B4 Work for the purposes of the CSSI must not commence until the Communication Strategy has been approved by the Secretary.

B5 The Communication Strategy, as approved by the Secretary, must be implemented for the duration of the works and for six (6) months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

B6 A **Complaints Management System** must be prepared prior to the commencement of any works in respect of the CSSI and be implemented and maintained for the duration of construction and for a minimum for six (6) months following completion of construction of the CSSI.

B7 The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the CSSI during the carrying out of any works associated with the CSSI and for a minimum of six (6) months following the completion of construction of the CSSI. The Complaints Register must record the:

(a) number of complaints received;
(b) number of people affected in relation to a complaint; and
(c) the nature of each complaint and means by which the complaint was addressed and whether and how resolution was reached.

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 available within one (1) month prior to the commencement of works and for six (6) months following the completion of construction of the CSSI and appropriately broadcast to collect and manage community enquiries and complaints:

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

Note: The telephone number must be manned and not automatically divert to a message bank.

B10 The method for broadcasting the information required by **Condition B9** must be detailed in the Communication Strategy required by **Condition B1**. 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 CSSI must be established before commencement of works and maintained for the duration of works, and for a minimum of 12 months following the completion of construction of the CSSI or other timeframe as agreed with the Secretary. The following up-to-date information (excluding confidential, private and commercial information) must be published prior to the works commencing, and maintained on the website or dedicated pages:

(a) information on the current implementation status of the CSSI and monthly updates on proposed works to be undertaken in the upcoming month;
(b) a copy of the documents listed in **Condition A1** of this approval, and any documentation relating to any modifications made to the CSSI 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; and
(d) a copy of the EPL, EPBC approval, any licences and approvals under the *Water Management Act 2000*, and any approvals to close level crossings.

Where a condition(s) of this approval requires a document(s) to be prepared prior to a work or construction or operational activity being undertaken, a current copy of the relevant document(s) must also be published on the website before the work / activity is undertaken.

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* (DIPNR, 2004) to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in the EIS and Submissions Report will be implemented and achieved during all stages of construction.

C2 The CEMP must provide:

(a) a description of activities to be undertaken during construction (including the indicative scheduling of construction, and details on the layout and activities to be undertaken at each major construction ancillary facility);
(b) details of environmental policies, guidelines and principles to be followed in the construction of the CSSI;
(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 CSSI;
(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 and Submissions Report; 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 CSSI 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) an outline of the 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) the process 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 where construction is staged, no later than one (1) month before the commencement of that stage.

C4 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies and relevant councils identified for each CEMP Sub-plan and be consistent with the CEMP referred to in the EIS.

	Required CEMP Sub-plan	Relevant government authorities to be consulted for each CEMP Sub-plan
(a)	Traffic, transport and access	RMS and relevant councils (as appropriate)
(b)	Noise and Vibration	EPA and relevant councils
(c)	Flora and Fauna	OEH and relevant councils
(d)	Air quality	Relevant councils
(e)	Soil and Water	Relevant councils and Crown Lands & Water
(f)	Heritage	OEH
(g)	Flood Emergency Management Plan	SES
(h)	Hazardous and Contaminated Materials	EPA (as appropriate)

C5 The CEMP Sub-plans must state how:

(a) the environmental performance outcomes identified in the EIS and Submissions Report, as modified by these conditions, will be achieved;
(b) the mitigation measures identified in the EIS and Submissions Report, as modified by these conditions will be implemented;
(c) the relevant terms of this approval will be complied with; and
(d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed.

C6 The CEMP Sub-plans must be endorsed by the ER and then submitted to the Secretary for approval no later than one (1) month before the commencement of the construction activities to which they apply.

C7 Any of the CEMP Sub-plans may be submitted to the Secretary along with, or subsequent to, the submission of the CEMP.

C8 The **Flora and Fauna Management Sub-plan** must include:

(a) a weed management plan;
(b) a hygiene protocol which includes best-practice management measures for the prevention of contamination by pathogens, non-indigenous regenerative plant material and seed. The protocol must apply to the movement of all tools, vehicles, machinery and personnel; and
(c) measures to protect EPBC Act listed threatened species and ecological communities.

C9 The **Construction Heritage Management Sub-plan** must include:

(a) identification of the Aboriginal objects that must be avoided and the protective measures to be put in place;
(b) procedures for salvaging and safe keeping the Aboriginal objects identified in Chapter 17 of the EIS and their long-term management;
(c) measures to prevent vibration and direct impacts to Wyanga Cottage; and
(d) an Unexpected Heritage Finds and Human Remains Procedure prepared by a suitably qualified and experienced heritage specialist.

The Proponent must consult with the Registered Aboriginal Parties in the development of the Sub-plan with respect to Aboriginal objects.

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.

C10 The **Construction Hazardous and Contaminated Materials Management Sub-plan** must include an unexpected finds protocol which outlines the activities that would be undertaken should previously undetected soil contamination be identified.

C11 The **Flood Emergency Management Sub-plan** must include measures for managing flood risks during construction and address flood recovery.

C12 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 CSSI is being staged, construction of that stage is not to commence until the relevant CEMP and sub-plans have been endorsed by the ER and approved by the Secretary.

CONSTRUCTION MONITORING PROGRAMS

C13 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies and relevant councils identified for the Construction Monitoring Programs to compare actual performance of construction of the CSSI against performance predicted performance.

	Required Construction Monitoring Programs	Relevant government authorities to be consulted for each Construction Monitoring Program
(a)	Noise and vibration	EPA and relevant councils
(b)	Water usage	DPI water and relevant councils
(c)	Air Quality	Relevant councils

C14 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 CSSI to be undertaken;
(d) the parameters of the CSSI to be monitored;
(e) the frequency of monitoring to be undertaken;
(f) the location of monitoring;
(g) the reporting of monitoring and analysis results against relevant criteria;
(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.

C15 The Construction Monitoring Programs must be endorsed by the ER and then submitted to the Secretary for approval at least one (1) month before commencement of construction.

C16 A construction activity must not commence until the Secretary has approved all of the required Construction Monitoring Programs relevant to that activity, and all the necessary baseline data for the monitoring program has been collected.

C17 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 set out in the monitoring program or specified by the Secretary, whichever is the greater.

C18 The results of the Construction Monitoring Programs must be submitted to the Secretary, and relevant government agencies and councils, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant Construction Monitoring Program.

C19 Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan.

CONSTRUCTION ANCILLARY FACILITIES

Major Construction Ancillary Facilities

C20 Construction ancillary facilities 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 CSSI, 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 affect water quality in the waterway in accordance with *Managing Urban Stormwater* series;

(ii) on lands as identified as "indicative compound locations" in Figures 8.2a to 8.2f of the EIS;

(iii) so as to prevent heavy vehicles travelling on local streets or through residential areas in order to access the facility, except as identified in the EIS and amended by the Submissions Report;

(iv) 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;

(v) so as to not to directly impact on threatened species or their habitat or threatened ecological communities beyond the impacts identified, assessed and approved under other terms of this approval;

(vi) 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;

(vii) so as not to unreasonably interfere with lawful uses of adjacent properties that are being carried out at the date upon which construction or establishment of the facility is to commence;

(viii) 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

(ix) so as to have sufficient area for the storage of raw materials to minimise, to the greatest extent practicable, the number of deliveries outside of standard work hours through areas which are within 500 metres of a residential receiver.

Nothing in this condition prevents the landowner from refusing to allow the Proponent to use their land.

Minor Construction Ancillary Facilities

C21 Minor construction ancillary facilities comprising lunch sheds, office sheds, material lay down sites, areas used to assemble culverts and turnouts, or portable toilet facilities, that are not identified in the EIS and Submissions must satisfy the following criteria:

(a) be located within the rail corridor; and;
(b) have been assessed by the ER to -
  (i) have minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts,
  (ii) comply with the "noise affected" management levels for residences and noise management levels for other sensitive land uses in the *Interim Construction Noise Guideline* (DECC, 2009),
  (iii) have minimal environmental impact with respect to waste management; and
  (iv) result in no impacts on biodiversity, soil and water, flooding and heritage items beyond those already approved under other terms of this approval.

Site Establishment Management Plan for Major Construction Ancillary Facilities

C22 Before establishment of any construction ancillary facility that satisfies the criteria in **Condition C20**, the Proponent must prepare a **Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facility(ies).The Site Establishment Management Plan must be prepared in consultation with the relevant council(s) and submitted to the Secretary for approval one (1) month prior to installation of ancillary facilities. The Site Establishment Management Plan must detail the establishment of the construction ancillary facilities and include:

(a) a description of activities to be undertaken during establishment of the construction ancillary facility (including indicative scheduling and duration of works to be undertaken at the site);
(b) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works; and
(c) details of how the site establishment activities described in subsection (a) of this condition will be carried out to -
  (i) meet the performance outcomes stated in the EIS and Submissions Report, and
  (ii) manage the risks identified in the risk analysis undertaken in subsection (b) of this condition; and
(d) a program for monitoring the performance outcomes, including a program for noise monitoring during site establishment consistent with the requirements of **Conditions C13** and **C14.**

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

This condition does not apply to minor construction ancillary facilities as defined in **Condition C21.**

Operation of Construction Ancillary Facilities

C23 The operation of a construction ancillary facility must not commence until the CEMP required by **Condition C1**, relevant CEMP Sub-plans required by **Condition C4** and relevant Construction Monitoring Programs required by **Condition C13** have been approved by the Secretary.

Access to Construction Ancillary Facilities

C24 Where possible, construction ancillary facilities must be accessed via existing public roads. Where this is not possible, the Proponent may utilise existing private access tracks on private property but only with the permission of the landowner. The Proponent must consult with each landowner whose property is required for access and agree on the terms and conditions relating to access arrangements. Nothing in this condition prevents the landowner from refusing the Proponent access to and via their land. New construction access tracks on private property must comply with the requirements of **Condition C20(b)(i), (iv), (v), (vi)** and **(vii)**.

C25 The Proponent must ensure that all roads / tracks that will be utilised to access construction ancillary facilities are to the standard necessary to provide all-weather access, including a trafficable surface suitable to accommodate the type of vehicle movements that are anticipated to be associated with the construction of the CSSI.

Boundary Fencing and Screening

C26 Boundary fencing that incorporates screening must be erected around all construction ancillary facilities that are within 500 metres of sensitive land uses for the duration of the use of the construction ancillary facility, unless otherwise agreed with the affected landowners and/or tenants and adjacent landowners.

C27 Boundary fencing around construction ancillary facilities and required under **Condition C26** of this approval must aim to minimise visual and noise impacts on adjacent landowners, and emission of nuisance dust beyond the facility boundary.

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

D1 An **Operational Management Plan (OEMP)** must be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) to detail how the performance outcomes, commitments and mitigation measures made and identified in the EIS and Submissions Report 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 CSSI 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, that through the EMS:

(a) the performance outcomes, commitments and mitigation measures, made and identified in the EIS and Submissions Report, and terms of this 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 performance measures and mitigation measures detailed in the OEMP must address the maintenance of culverts with respect to blockages, siltation and scouring.

D4 The OEMP or EMS (or equivalent) as agreed with the Secretary must be submitted to the Secretary for information at least one (1) month prior to the commencement of operation of the CSSI.

PART E

KEY ISSUE CONDITIONS

NOISE AND VIBRATION

Standard Work Hours

E1 Works must be undertaken during the following hours:

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

E2 Notwithstanding **Condition E1**, works affecting any one receiver may be undertaken during the hours of 6.00 am to 6.00 pm each day over a three (3) month period provided that there is no work between the hours of 1:00 pm on a Saturday and 7:00 am on a Monday every alternate week.

E3 Notwithstanding **Conditions E1** and **E2**, works associated with the CSSI may be undertaken outside the hours specified under those conditions 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 different construction hours are permitted under an EPL in force in respect of the CSSI; or
(d) where a negotiated agreement is in force, in accordance with **Condition E4** and **E5**; or
(e) construction that causes $L_{Aeq(15\ minute)}$ noise levels:
    i) no more than 5 dB(A) above the rating background level at the façade of any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) or if between the hours of 10:00 pm and 7:00 am no more than 52 dB(A) or more than 15 dB(A)$_{LA(Max)}$ above the rating background level whichever is the higher, 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, measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
    iv) intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

E4 The Proponent may reach negotiated agreements with sensitive receivers (owners and occupiers) to carry out works in accordance with the hours and noise limits specified in the negotiated agreements.

E5 All negotiated agreements must be in writing and finalised before the commencement of works.

E6 On becoming aware of the need for emergency works in accordance with **Condition E3(b)**, the Proponent must notify the Department in writing to compliance@planning.nsw.gov.au, the ER and the EPA of the need for that work. The Proponent must use best endeavours to notify all affected sensitive receivers of the likely impact and duration of those works.

E7 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 purpose of this condition, 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any works that are the subject of this condition.

Construction Noise and Vibration - General

E8 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:

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

Any works identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the Construction Noise and Vibration Management Sub-plan required by **Condition C4.**

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

E9 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before construction that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owner and occupiers must be provided with a schedule of potential exceedances for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the Construction Noise and Vibration Management Sub-plan required by **Condition C4.**

E10 This approval does not permit blasting.

Operational Noise Management

E11 The Proponent must prepare an **Operational Noise and Vibration Review (ONVR)** to confirm noise and vibration control measures that would be implemented for the operation of the CSSI. The ONVR must be prepared in consultation with the EPA and impacted sensitive receivers. Where barrier options (e.g. noise walls or mounds) are proposed to be implemented, consultation must also be undertaken with the relevant councils. The ONVR must:

(a) confirm the appropriate operational noise and vibration objectives and levels for adjoining development, including existing sensitive receivers;
(b) confirm the operational noise and vibration predictions based on the final design. Confirmation must be based on an appropriately calibrated noise model (which has

incorporated additional noise monitoring, and concurrent traffic counting, where necessary for calibration purposes).

(c) identify sensitive receivers at which the criteria set out in the *Rail Infrastructure Noise Guideline* (EPA, 2013) are predicted to be exceeded once the CSSI is operational and in 2040;

(d) review the suitability of the operational noise mitigation measures identified in the EIS and Submissions Report and, where necessary, investigate and identify additional feasible and reasonable noise and vibration mitigation measures required to achieve the noise criteria outlined in the *Rail Infrastructure Noise Guideline*;

(e) describe the final suite of noise and vibration mitigation measures that will be implemented, including the timing of implementation in accordance with **Condition E12**;

(f) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; and

(g) procedures for the management of operational noise and vibration complaints.

The ONVR is to be verified by a suitably qualified and experienced noise and vibration expert. The ONVR is to be undertaken at the Proponent's expense and submitted to the Secretary for approval within three (3) months of construction commencing.

E12 Operational noise mitigation measures identified in **Condition E11** (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, or at other times during construction to minimise construction noise impacts, unless an alternative timeframe is agreed by the Secretary.

E13 Within 12 months of, and at 10 years after, the commencement of operation of the CSSI, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the CSSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E11**. The Proponent must prepare an **Operational Noise Compliance Report (ONCR)** 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 E11**;

(b) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which CSSI noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;

(c) details of any complaints and enquiries received in relation to operational noise generated by the CSSI between the date of commencement of operation and the date the report was prepared;

(d) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual train movements;

(e) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and

(f) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E11**, that would be implemented with the objective of meeting the criteria outlined in the *Rail Infrastructure Noise Guideline*, when these measures would be implemented and how their effectiveness would be measured and reported to the Secretary and the EPA.

The ONCR is to be verified by a suitably qualified and experienced noise and vibration expert. The ONCR must be submitted to the Secretary and the EPA for information within 60 days of completing the operational noise monitoring.

BIODIVERSITY

E14 Any works associated with the CSSI must limit the clearing of native vegetation to the greatest extent practicable.

E15 Impacts to plant community types must not exceed those identified in the EIS and as amended by the *Addendum to the Inland Rail – Parkes to Narromine Biodiversity Assessment Report comprising vegetation mapping amendments and inclusion of temporary impacts* (Umwelt, dated 12 April 2018).

E16 The Proponent must prepare and submit to the Secretary a **Biodiversity Offset Strategy** in accordance with the *Framework for Biodiversity Assessment – NSW Biodiversity Offsets Policy for Major Projects*, for the retirement of ecosystem and species credits as set out in **Table E1**. The Strategy must be prepared in consultation with OEH and DoEE, and submitted to the Secretary for approval within 12 months of the commencement of construction.

Table E1: Biodiversity Credits to be Retired

Credit Type	EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species	Number of Credits
Ecosystem Credits		
PCT26 Weeping Myall open woodland of the Riverina Bioregion and NSW South Western Slopes Bioregion	Myall Woodland, Superb Parrot	219
PCT36 River Red Gum tall to very tall open forest/ woodland wetland on rivers on floodplains mainly in the Darling Riverine Plains Bioregion	Superb Parrot	54
PCT55 Belah woodland on alluvial plains and low rises in the central NSW wheatbelt to Pilliga and Liverpool Plains regions	Superb Parrot	1409
PCT70 White Cypress Pine woodland on sandy loams in central NSW wheatbelt	Superb Parrot, *Tylophora linearis*	48
PCT76 Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions	Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-Eastern Australia EEC Superb Parrot, Regent Honeyeater, Swift Parrot	1793
PCT201 Fuzzy Box woodland on alluvial brown loam soils mainly in the NSW South Western Slopes Bioregion	Superb Parrot	88
PCT244 Poplar Box grassy woodland on alluvial clay-loam soils mainly in the temperate (hot summer) climate zone of central NSW (wheatbelt)	Superb Parrot	773
PCT267 White Box – White Cypress Pine – Western Grey Box shrub/grass/forb woodland in the NSW South Western Slopes Bioregion	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC Superb Parrot, Regent Honeyeater, Swift Parrot, *Tylophora linearis*	366

PCT276 Yellow Box grassy tall woodland on alluvium or parna loams and clays on flats in NSW South Western Slopes Bioregion	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC Superb Parrot, Regent Honeyeater, Swift Parrot, *Tylophora linearis*	1161
Species Credits		
Koala		711

Note: Credits have been calculated using the Framework for Biodiversity Assessment.

E17 Plant community types that provide habitat for impacted EPBC Act threatened species must be retired in a manner that achieves "like-for-like" habitat for the species.

E18 The Proponent may review and update the ecosystem and species credit requirements in **Table E1** to reflect the final impact zone and resulting extent and type of plant community types to be cleared. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with OEH, DoEE and approved by the Secretary.

E19 The review and update of credit requirements must be undertaken by:

(a) using the vegetation mapping identified in the *Addendum to the Inland Rail – Parkes to Narromine Biodiversity Assessment Report* (letter from Umwelt dated 12 April 2018); and/or
(b) completing verification surveys to confirm the extent, type and condition of native vegetation to be impacted.

Where verification surveys are undertaken, they must be in accordance with the *Framework for Biodiversity Assessment – NSW Biodiversity Offsets Policy for Major Projects*. Any additional surveys must be undertaken at the time of year when the groundcover is most likely to be predominantly native.

E20 Within 12 months of the approval of the Biodiversity Offset Strategy, or within another timeframe agreed to by the Secretary, the Proponent must retire the biodiversity credits. The retirement of the biodiversity credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* and can be achieved by:

(a) acquiring and retiring "biodiversity credits" within the meaning of the *Biodiversity Conservation Act 2016*;
(b) making payments an offset fund that has been developed by the NSW Government;
(c) providing supplementary measures.

Notes: 1. Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, "biodiversity credits" created under that Act are taken to be "biodiversity credits" under the Biodiversity Conservation Act 2016 by virtue of clause 19 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.
*2. Payments under the offset fund (**Condition E20(b)**) do not apply to EPBC Act list communities.*
3. Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the DoEE.

FLOODING

E21 Further flood modelling based on the detailed design of the CSSI must be undertaken for flood impacts (including downstream impacts of the CSSI). The results of the modelling must be detailed in a **Flood Design Report.** The Flood Design Report must be prepared in consultation with OEH and the relevant councils and include:

(a) the results of the downstream flood assessment for the 5 year ARI event, 20 year ARI event, 100 year ARI event;
(b) provide consideration of the consequences of extreme flood events greater than the 100 year ARI event;
(c) flood height changes to a resolution no coarser than one (1) centimetre;
(d) a comparison of the results with the requirements of **Condition E22**;
(e) the mitigation and management measures that will be undertaken in the event that the assessment indicates that the flooding characteristics exceed the design objectives specified in **Condition E22**;
(f) changes in the depths of inundation including locations where previously there would have been no inundation;
(g) flow changes in all watercourses and overland paths;
(h) an assessment of the impacts of the CSSI including impacts on sedimentation, erosion, scouring, and bank and stream stability;
(i) mitigation measures to minimise potential adverse impacts and respond to actual impacts in accordance with the DPI's Guidelines for Controlled Activities on Waterfront Land; and
(j) a description of the cross-sectional dimensions and location of all proposed spoil mounds associated with the CSSI.

The Flood Design Report must be reviewed and endorsed by a suitably qualified and experienced hydrologist who is independent of the person who prepared the Flood Design Report and whose appointment must be approved by the Secretary. The hydrologist's endorsement must include a statement verifying that new and replacement culverts have been designed in accordance with the requirements of **Conditions E29** and **E30.**

The Flood Design Report must be submitted to the Secretary and OEH for information at least one (1) month prior to the commencement of construction of permanent works that may impact on flooding.

E22 The CSSI must be designed with the objective of not exceeding, by reason of the SSI, the following flooding characteristics on adjacent lands / properties during any flood event up to the 100 year ARI:

(a) a maximum increase in inundation time of five per cent for houses, commercial premises and urban areas and 10 per cent for roads, agricultural (grazing and cropping) areas and public infrastructure (e.g. water and sewage pump stations and sewage treatment plants);
(b) a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded;
(c) a maximum increase in 50 mm in inundation at properties where floor levels are currently not exceeded;
(d) no inundation of floor levels which are currently not inundated;
(e) a maximum increase of 50 mm along the Newell Highway and 100 mm on all other roads; and
(f) a maximum increase of 200 mm on agricultural areas.

Where the flooding characteristics cannot be met, the Proponent must achieve compliance through modified design of the CSSI, or achieve an acceptable level of mitigation of impacts through at-property design measures (e.g. raised access tracks, flood refuge, house raising) in consultation with affected landowners / infrastructure owners. The mitigation measures must be detailed in the Flood Design Report required by **Condition E21** and implemented within the timeframes specified in the Flood Design Report.

Flood Review

E23 For the first 15 years of operation, the Proponent must prepare a **Flood Review Report(s)** after the first defined flood event for any of the following flood magnitudes that occur – the 5 to 10 year ARI event, 10 to 20 year ARI event, 20 to 100 year ARI event. The Flood Review Report(s) must be prepared by a suitably qualified and experienced hydrologist(s) and include:

(a) a comparison of the observed extent, level, and duration of the flooding event against the impacts predicted in (or inferred from) the EIS, the Flood Design Report required by **Condition E21** and the requirements specified in **Condition E22**; and
(b) identification of the properties and infrastructure affected by flooding during the reportable event;
(c) where the observed extent and level of flooding or other flooding or erosion impacts exceed the predicted impacts due to the CSSI with the consequent effect of adversely impacting on property(ies), structures and infrastructure, and/or exceed the requirements specified in **Condition E22,** identification of the measures that would be implemented to reduce future impacts of flooding related to the CSSI works, including the timing and responsibilities for implementation.

A copy of the Flood Review Report(s) must be submitted to the Secretary for information and OEH and relevant council(s) within three (3) months of finalising the report(s).

Additional flood mitigation measures must be developed in consultation with the affected property / structure / infrastructure owners, OEH and the relevant council(s), as relevant, and implemented within the timeframes specified in the Flood Review Report(s).

E24 The Proponent must develop a methodology for spatially defining how the length(s) of the rail corridor impacted by a flood event will be determined for the purposes of **Condition E23**. The methodology must be developed in consultation with OEH and submitted to the Secretary for approval prior to the commencement of operation of the CSSI.

Information Sharing

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 within flood prone land, must be made available to the relevant council(s), OEH and the SES upon request. The relevant councils, OEH and the SES must be notified in writing that the information is available no later than one (1) month following the completion of construction. Information requested by a relevant council, OEH or the SES must be provided within three (3) months.

WATER QUALITY AND DRAINAGE

E26 The CSSI must be designed to ensure hydrological flows remain consistent with existing (pre CSSI determination) environment for all rainfall events up to and including the 100 year ARI event.

E27 The CSSI must be designed, constructed and operated so as to:

(a) maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval; and
(b) contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

E28 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and cess drains and depressions must be designed and constructed in accordance with relevant DPI guidelines.

E29 Replacement culverts must be designed with the objective that the exit flow velocity is no greater than the exit flow velocity through the existing culvert. Where this cannot be achieved due to engineering considerations, a higher exit flow velocity is permitted provided that it does not result in impacts on soil structure or condition, or cause scouring and erosion either outside the rail corridor, or beyond the area of scour protection works where an adjacent landowner has agreed to the installation of such works on their property in accordance with **Condition E32.**

Where areas outside of the rail corridor currently show scour or erosion and this is directly attributable to a culvert that is to be replaced, mitigation measures be implemented to ensure stable downstream conditions, and further scouring or erosion resulting from flows exiting the replacement culvert are mitigated.

E30 Where it is proposed to construct new culverts along the length of the CSSI, the new culverts must be designed with the objective that:

(a) flows through the new culvert must not increase the downstream lateral flood extent by more than five percent for each magnitude flood event; and
(b) flow velocities exiting the rail corridor must not exceed velocities that will result in impacts on soil structure or condition, or cause scouring and erosion outside the rail corridor, or beyond scour protection works where an adjacent landowner has agreed to the installation of such works on their property in accordance with **Condition E32**; and
(c) if existing flow velocities at the boundary of the rail corridor are less that one metre per second, then design flow velocities must not exceed one metre per second, and where they are greater than one metre per second, then they must not increase by more than 20 percent.

E31 Prior to the installation of a new culvert, the Proponent must consult with the landowner that is located immediately downstream of the new culvert to determine the potential for impacts on the agricultural productivity of the land due to the introduction of flows. Where potential adverse impacts are identified, the Proponent must consult with the affected landowner on the management measures that will be implemented to mitigate the impacts.

E32 All scour protection works associated with replacement culverts or the construction of new culverts must be restricted to the rail corridor, or as agreed to by the relevant land owner.

E33 The CSSI must not result in changes to the direction of watercourses or the direction of flood flows except within the rail corridor.

E34 The CSSI (including the cess drains adjacent to the new and upgraded rail track) must be designed and constructed to ensure that there is no permanent interception of, and/or connection with, groundwater.

E35 All discharges from the cess drains adjacent to the new and upgraded track must be released at a controlled rate to prevent scour.

E36 Works on waterfront land must be undertaken in accordance with the DPI guidelines for controlled activities on waterfront land.

E37 Any recycled wastewater (including recycled/treated water) proposed for use by the CSSI, must be fit for purpose and does not pose a risk to human health or the receiving environment.

TRAFFIC, TRANSPORT AND ACCESS

E38 Construction traffic must not use local roads or privately owned roads unless no alternative access is available. Use of private access roads must be in accordance with **Conditions C24** and **C25.** Local or privately owned roads used for access to construction ancillary facilities and construction sites must be identified in the Construction Traffic, Transport and Access Management Sub-plan required by **Condition C4**.

E39 A **Road Dilapidation Report** must be prepared for local roads and roads on private property proposed to be used by construction heavy vehicles for works associated with the CSSI before the commencement of use by such vehicles. Copies of the Road Dilapidation Report must be provided to the relevant road authority(ies) and/or landowner no later than one (1) month before the use of local roads by construction heavy vehicles.

E40 If damage to roads occurs as a result of the construction of CSSI, the Proponent must either (at the landowner's discretion):

(a) rectify the damage so as to restore the road to at least the condition it was in pre-construction; or
(b) compensate the relevant road authority(ies) and/or landowner for the damage so caused. The amount of compensation may be agreed with the relevant road authority(ies) and landowner, but compensation must be paid even if no agreement is reached.

E41 During construction, measures must be implemented to maintain pedestrian and vehicular access to affected properties. Alternative pedestrian and vehicular access must be developed in consultation with affected landowners. Such arrangements must be outlined in the Construction Traffic, Transport and Access Management Sub-plan required by **Condition C4** and implemented prior to the disruption

E42 Where bus stops (including school bus stops) are required to be temporarily closed or relocated during construction, such closure must not occur until relocated bus stops are functioning and are within walking distance of the original bus stop. The relocation of bus stops must be undertaken in consultation with the relevant council and bus operator, and details regarding the relocations provided to affected communities (and educational facilities in relation to school bus stops) at least 14 days prior to the relocation occurring.

E43 The Proponent must liaise with RMS prior to, and at regular intervals during, construction with the aim of developing and implementing measures aimed at reducing any potential cumulative impacts arising from the simultaneous construction of the CSSI and Newell Highway upgrade works.

Level Crossing Treatment Reports

E44 The Proponent must prepare a **Public Level Crossing Treatment Report** in consultation with Transport for NSW (including RMS) and relevant councils. The report must:

(a) illustrate the location of all public level crossings which traverse the CSSI;
(b) list, and identify on a figure, any public level crossings that will be closed or upgraded, including the type of treatment proposed where a level crossing is to be upgraded;
(c) where no works are proposed at a public crossing, provide reason for the decision; and
(d) provide justification for any proposed closures.

The assessment of level crossings must utilise the Australian Level Crossing Assessment Model (ALCAM). The process for determining the type of level crossing treatment must be consistent with the methodology outlined in Appendix H of the Submissions Report.

The report must also include an assessment of the road risks, consistent with the guideline *Railway Crossing Safety Series 2011, Plan: Establishing a Railway Crossing Safety Management Plan* (NSW Roads and Traffic Authority, 2011).

The design of any level crossing on a public road must be endorsed by the relevant road authority.

E45 The Proponent must prepare a **Private Level Crossing Treatment Report** in consultation with landowners whose access will be affected by the closure or upgrading of a private level crossing. The report must:

(a) illustrate the location of all private level crossings which traverse the CSSI;
(b) list, and identify on a figure, any private level crossings that will be closed or upgraded;
(c) describe the treatments that will be implemented at upgraded crossings;
(d) provide justification for any proposed closures and types of treatment, including decisions where no additional treatments are proposed; and
(e) provide details on the consultation undertaken with the landowners.

Closures, relocations or modifications of private level crossings, including the design of the crossing, must be agreed to by the relevant landowner prior to any work on a crossing.

The treatments at private level crossings must be in accordance with *AS/RISSB 7658:2012 Railway Infrastructure – Railway Level Crossing*.

E46 The Public Level Crossing Treatment Report and Private Level Crossing Treatment Report must be submitted to the Secretary for information at least one (1) month prior to the closure or upgrade of a public or private level crossing, as relevant. Individual reports may be submitted for each crossing or address a group of crossings or the entire CSSI.

Level Crossing Performance Report

E47 Within 12 months and 10 years of commencing operation of the CSSI, the Proponent must prepare a **Level Crossing Performance Report** to confirm the operational traffic impacts of the level crossings on the State and local road network. The review of the operation of the level crossings that interact with the State and local road network must be carried out in consultation with RMS and the relevant councils, and include:

(a) updated traffic analysis of movements on these roads;
(b) assessment of the level of service at these level crossings (queue length, queuing time delay);
(c) assessment of the performance of the level crossing treatment outlined in the Public Level Crossing Treatment Report required by **Condition E44**;
(d) all reported near misses and collisions at level crossings within the project area; and
(e) mitigation measures to manage any actual or predicted road network performance impacts.

Mitigation measures to manage any actual or predicted road network performance impacts resulting from the construction and operation of the CSSI must be implemented within one year of the completion of each report. The Report must include an implementation plan of the identified mitigation measures. The Level Crossing Performance Report must be submitted to the Secretary, RMS and relevant councils for information within 60 days of its completion.

Property Access

E48 No part of any crossing loop may cross over any driveway, private road or public road unless agreed with the relevant landowner and any other adjacent landowner whose access is impacted by the crossing loop.

E49 The Proponent must maintain access to properties during the entirety of works unless an alternative access is agreed with the landowner(s) whose access is impacted by the CSSI works.

E50 Where construction of the CSSI restricts a property's access to a public road, the Proponent must, until their primary access is reinstated, provide the property with temporary alternate access to the same road at the landowner's desired location, at no cost to the property landowner, unless otherwise agreed with the landowner.

E51 Where construction of the CSSI restricts the ability of a resident or landowner to access other parts of their property via a level crossing, the Proponent must, until the level crossing is reinstated, supply the property with a temporary alternate level crossing access at the landowner's desired location and at no cost to the property landowner, unless otherwise agreed with the landowner.

SPOIL MOUNDS

E52 Spoil Mounds are to be located:
(a) within the existing rail corridor;
(b) at least 50 metres from any watercourse or culvert or where the rail formation is predicted to be overtopped during a flood event;
(c) at least 500 metres from any residence;
(d) outside the line of sight of drivers approaching level crossings; and
(e) outside the drip lines of trees located on private property.

Note: For the purpose of Condition E52(e), the Proponent must not affect trees outside of the rail corridor for the purpose of preventing those trees' driplines overhanging spoil mounds.

E53 Spoil mounds are to comply with the following requirements:
(a) maximum height must not exceed the top height of the upgraded rail line;
(b) not result in the clearing or covering of native vegetation beyond that described in the EIS and Submissions Report;
(c) not result in heritage impacts beyond that described in the EIS and Submissions Report;
(d) not result in additional changes to the upstream flooding regime beyond those described in the EIS and Submissions Report;
(e) not affect the downstream flood regime;
(f) not impede the flow of water through culverts;
(g) not contain any contaminated soil classified as unsuitable for the proposed land use, acid sulphate soils or green waste;
(h) are to be stabilised during construction of the CSSI; and
(i) are to be stabilised prior to operation of the CSSI.

LANDSCAPING AND VISUAL AMENITY

E54 The construction and operation of the parts of the CSSI located within 200 kilometres of the Siding Spring Observatory, must comply with the 'Good Lighting Design Principles' as described in the Department's '*Dark Sky Planning Guideline*'.

E55 The Proponent must construct and operate the CSSI with the objective of minimising light spillage to residences. All lighting associated with the construction and operation of the CSSI must be consistent with the requirements of *Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting.* Notwithstanding, the Proponent must provide mitigation measures to manage any residual night-lighting impacts to protect residences adjoining or adjacent to the CSSI, in consultation with affected landowners.

E56 The Proponent must consult with all landowners whose visual amenity from their residence is identified highly impacted by the CSSI (as per Table 5 of Technical Report 10 in the EIS) to determine the mitigation measures that will be implemented to maintain visual amenity. The Proponent must come to an agreement with the landowner on the mitigation measures and implement the measures prior to the operation of the CSSI.

HERITAGE

E57 The Proponent must not destroy, modify or otherwise physically affect any heritage items, including human remains, outside of the CSSI construction boundary.

E58 The Proponent must not to harm, modify, or otherwise impact human remains uncovered during the construction of the CSSI.

E59 Identified impacts to heritage items must be minimised through both design and construction. The measures for ensuring this are to be detailed in the Construction Heritage Management Sub-Plan required by **Condition C4**.

Non-Aboriginal Heritage

E60 The Proponent must implement management measures to ensure that Wyanga Cottage is not directly or indirectly impacted by the construction of the CSSI.

E61 The Proponent must undertake **Heritage Photographic Archival Recordings** of potential heritage items associated with the existing rail line (including culverts/underbridges with timber components and former rail station sites) which have been identified for demolition in the EIS and Submissions Report. The photographic recording must be undertaken in accordance with ARTC's Archival Recording Standard.

Aboriginal Heritage

E62 The Proponent must not destroy, modify or otherwise physically affect AHIMS site 35-3-0207 (scarred tree).

E63 The Proponent must implement measures to attempt to avoid impacts to AHIMS sites 35-3-0206, 35-3-0208 and 43-3-0111. If impacts to the sites cannot be avoided, the Proponent must provide for an appropriately qualified archaeological heritage consultant and registered Aboriginal stakeholder to record and collect any artefacts at the sites which will be affected by the construction of the SSI, prior to the commencement of any works that will impact on the sites. The artefacts must be lodged in a safe keeping place as identified in the Construction Heritage Management Sub-plan required by **Condition C4**.

E64 In the event that the previously recorded AHIMS sites 35-6-0062, 35-6-0063 and 35-6-0065 are located within the CSSI boundary and will be directly impacted by the construction of the CSSI, the Proponent must provide for an appropriately qualified archaeological heritage consultant and registered Aboriginal stakeholder to record and collect any artefacts at the sites which will be affected by the construction of the SSI, prior to the commencement of any works that will impact on the sites. The artefacts must be lodged in a keeping place as identified in the Construction Heritage Management Sub-plan required by **Condition C4**.

LAND USE AND PROPERTY

Building Condition Survey

E65 The Proponent must undertake dilapidation surveys on the current condition of surface and sub-surface structures owned by third parties and identified at risk from vibration. The dilapidation surveys must be prepared by a suitably qualified and experienced person(s).

E66 The results of the dilapidation surveys must be provided to the relevant owners of surface and sub-surface structures for review prior to the commencement of potentially impacting works.

E67 Subsequent dilapidation surveys must be undertaken to assess damage to the surface and sub-surface structures that may have resulted from the construction of the CSSI within three months of the completion of construction, unless otherwise agreed by the Secretary.

E68 The results of the subsequent dilapidation surveys for each surface and sub-surface structure surveyed must be provided to the relevant owners of the structures within one (1) month of undertaking the surveys.

E69 The Proponent must carry out rectification at its expense and to the reasonable requirements of the surface and sub-surface structure owner(s) within three (3) months of completion of the post-dilapidation surveys unless otherwise agreed with the owner of the affected surface and sub-surface structure.

SUSTAINABILITY

E70 The CSSI must achieve a minimum 'excellent' rating for both 'Design' and 'As built', under the Infrastructure Sustainability Council of Australia infrastructure rating tool, or through the use of an equivalent process

SOILS

E71 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise any water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

Contaminated sites

E72 In the event that soils suspected to be contaminated are unexpectedly found, the Proponent must engage a suitably experienced and qualified contaminated land consultant to undertake further investigations to determine the type and extent of any contamination. The investigation must be undertaken in accordance with guidelines made or approved under the *Contaminated Land Management Act 1997* (NSW). The results of the investigation must be documented in a **Site Contamination Assessment Report**.

E73 Where the results of the site investigations indicate that the contamination poses unacceptable risks to human health or the environment under either the present or proposed land use, the Proponent must engage a suitably experienced and qualified contaminated land consultant to develop and implement any necessary remediation measures. The remediation measures must be documented in a **Remediation Report.**

E74 If remediation is required under **Condition E73**, 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.

E75 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.

E76 Nothing in **Conditions E72** to **E75** prevents the Proponent from preparing a single Site Contamination Report or Remediation Report or obtaining a single Site Audit Statement and Site Audit Report for the entire CSSI.

AIR QUALITY

E77 In addition to the performance outcomes, commitments and mitigation measures specified in the EIS and the Submissions Report, all practicable measures must be implemented to minimise the emission of dust and other air pollutants during the construction and operation of the CSSI.

WASTE

E78 Waste generated during construction and operation is to 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 in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and its regulations; 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 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.

E79 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.

E80 All waste generated during construction and operation must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.