

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.



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Sydney *2nd November* 2020

SCHEDULE 1

Application no.:	SSI-7666
Proponent:	Transport for NSW
Approval Authority:	Minister for Planning and Public Spaces
Land:	Land generally located between Boambee north of Sawtell Road Interchange to the southern end of the Sapphire to Woolgoolga upgrade project.
Description of Critical State Significant Infrastructure:	<p>The construction and operation of a new multi lane road from north of the Sawtell Road Interchange to Sapphire, and includes:</p> <ul style="list-style-type: none">• A new four-lane divided highway with three grade-separated interchanges at Englands Road (southern), Coramba Road (central) and Korora Hill (northern);• Three tunnels through ridges, at Roberts Hill (approximately 190 m long), Shephards Lane (approximately 360 m long) and Gatelys Road approximately 450 m long);• Structures to pass over local roads and creeks, and a bridge over the North Coast Railway;• Tie-ins and modifications to the existing road network, to enable local road connections;• Pedestrian and cycling facilities, a shared path tying into the existing shared path on Solitary Islands Way, and a new pedestrian bridge to replace the existing Luke Bowen footbridge;• A new Kororo Public School bus interchange and a formalised bus stop at Coramba Road; and• Noise attenuation measures, fauna connectivity structures, and ancillary work.
Declaration as Critical State Significant Infrastructure	The proposal is Critical State Significant Infrastructure by virtue of Schedule 5, clause 1 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> .

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DEFINITIONS

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

Table 1: Definitions relevant to all CSSI projects

Term	Definition
AA	The Acoustics Advisor for the CSSI approved by the Planning Secretary
Areas of Aboriginal Sensitivity	Potential archaeological deposit or campsite confirmed by an archaeologist
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW)
AEP	Annual Exceedance Probability. The probability that a given rainfall/flood event will occur in any year.
Amendment Report	The Amendment Report submitted to the Planning Secretary under clause 192(2) of the <i>Environmental Planning and Assessment Regulation 2000</i> that describes amendments to the EIS
Ancillary facility	A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area <i>Note: where an approved CEMP contains a stockpile management protocol, a material stockpile area located within the construction boundary is not considered to be an ancillary facility</i>
AS	Australian Standard
At-property treatment	Acoustic treatments including those described in Section 7.3 of the Noise Mitigation Guideline (RMS 2015) and other treatments including, but not limited to noise curtains, shutters and retrofitted double glazing.
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Construction	Includes all work required to build the CSSI as described in the documents listed in Condition A1 , including commissioning trials of equipment and temporary use of any part of the CSSI and site demobilisation, but excluding the following low impact work which is completed prior to approval of the CEMP: <ul style="list-style-type: none"> (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment work approved under an Ancillary Site Establishment Management Plan; (d) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community;

Term	Definition
	<p>(e) minor clearing and relocation of native vegetation (including translocation of threatened species in accordance with a plan required by the conditions of this approval), as identified in the documents listed in Condition A1;</p> <p>(f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments;</p> <p>(g) property acquisition adjustment work including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity;</p> <p>(h) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER;</p> <p>(i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with [(a)]-[(h)] above to ensure that there is no impact on heritage items;</p> <p>(j) archaeological and cultural salvage undertaken in accordance with a strategy or salvage operation required by the conditions of this approval;</p> <p>(k) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI; and</p> <p>(l) other activities determined by the ER to have minimal environmental impact which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access.</p> <p>However, where heritage items (excluding those impacted by activities (i) and (j) above), or threatened species (excluding translocation of threatened species in accordance with a translocation plan developed in consultation with EESG) or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, EESG (and DPI Fisheries in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p> <p>Note: <i>The low impact work described in this definition becomes Construction with the approval of a Construction Environmental Management Plan. Where low impact work has already commenced, this is considered to remain as low impact work and is managed in accordance with the framework under which it commenced.</i></p>
Construction Boundary	The area physically affected by work as described in the documents listed in Condition A1
Council	Coffs Harbour City Council
CSSI	The Critical State Significant Infrastructure, as described in Schedule 1, the carrying out of which is approved under the terms of this approval.
DAWE	Commonwealth Department of Agriculture, Water and Environment (former Department of the Environment and Energy)
Department / DPIE	NSW Department of Planning, Industry and Environment
DECC	Former NSW Department of Environment and Climate Change (now EPA)

Term	Definition
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as amended by the Amendment Report, and including any additional information provided by the Proponent in support of the application for approval of the project
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the CSSI
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 of Planning and Environment (now DPIE) dated October 2018.
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law (NSW)</i>
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an "Aboriginal object" or "Aboriginal place" as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Highly noise affected	As defined in the Interim Construction Noise Guideline (DECC, 2009)
Highly noise intensive works	Works which are defined as annoying under the <i>Interim Construction Noise Guideline</i> (DECC, 2009) including: <ul style="list-style-type: none"> (a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (b) grinding metal, concrete or masonry; (c) rock drilling; (d) line drilling; (e) vibratory rolling; (f) bitumen milling or profiling; (g) jackhammering, rock hammering or rock breaking; and (h) impact piling
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. Note: "material harm" is defined in this approval.

Term	Definition
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i> .
Material harm	is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning and Public Spaces
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
NSW Heritage Council	Heritage Council of NSW
Non-compliance	An occurrence set of circumstances or development that is a breach of this approval.
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the CSSI (whether in full or in part) upon the completion of construction. Note: <i>There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the CSSI are within the definition of construction.</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the CSSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
RAPs	Registered Aboriginal Parties
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW).
Residual Land	Land that is surplus to the operation of the CSSI and will not be retained by the Proponent
Response to Submissions	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

Term	Definition
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 and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), and industrial premises as identified by the Planning Secretary
SES	NSW State Emergency Services
TEC	Threatened ecological communities
Unexpected heritage find	An object or place that is discovered during the carrying out of the CSSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains.
Water Group	Water Group of the Department of Planning, Industry and Environment, and the National Resources Access Regulator (NRAR)
Work	Any physical activities to construct or facilitate the construction of the CSSI, including environmental management measures and utility works. However, does not include activities that inform or enables the detailed design of the CSSI and-generates noise that is no more than 5 dB(A) above the rating background level (RBL) at any sensitive land use.

SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 2**. Note that under **Condition A8** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the immediate written notification of an incident required under **Condition A39**).

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

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A9	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A15	Ancillary Site Establishment Management Plan	One month before the installation of any ancillary facilities	Approval
A22	Environmental Representative	Must be sought one month before the commencement of work	Approval
A25(j)	Environmental Representative reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A28	Acoustic Advisor	Must be sought one month before the commencement of work	Approval
A30(g)(iv)	Monthly Noise and Vibration Report	Within seven days following the end of each month for the duration of the AA's engagement	Information
A34	Independent Audit Report	In accordance with the timeframes set out in the <i>Independent Audit Post Approval Requirements</i> (DPIE, 2020)	Information
A39	Written notification of incident	Immediately upon becoming aware of the incident. Subsequent written notification and an incident report are required seven days after the Proponent became aware of the incident and 30 days after the date on which the incident occurred, respectively	Information
Part B - Communication Information and Reporting			
B3	Community Communication Strategy	One month before the commencement of any work	Approval
B6	Complaints management system	Before the commencement of any work	Information
B10	Complaints Register	Upon request from the Planning Secretary	Information
Part C - Construction Environmental Management			
C3	CEMP	One month before the commencement of construction	Approval
C6	CEMP Sub-plans	One month before the commencement of construction	Approval
C16	Construction Monitoring Programs	One month before the commencement of construction	Approval

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

Condition	Report / Notification	Timing ¹	Purpose
C19	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D4	OEMP or EMS	One month before the commencement of operation	Information
D4	OEMP Sub-plans	One month before the commencement of operation	Information
D6	Operational Monitoring Report	One month before the commencement of operation	Information
Part E – Key Issues			
Biodiversity			
E4	Amendments to the ecosystem and species credit requirements	Within six (6) months of determining the final construction footprint	Approval
E7	Credit Retirement Report	Within one month of receiving the report	Information
E10	Koala habitat report	Within six (6) months of determining the final construction footprint	Information
E13	Restoration of koala habitat	Prior to the commencement of construction	Approval
E14	Rusty Plum Salvage and Re-establishment Plan	Prior to work which impact Rusty Plum individuals	Information
E15	Threatened Species Management Plan	Prior to work that impacts the species' habitat	Information
Heritage			
E22	Unexpected Heritage Finds and Humans Remains Procedure	One month before commencement of construction as required by the CEMP	Information
E25	Aboriginal Heritage Salvage Report	No later than 12 months after the completion of the salvage work	Information
E31	Non-Aboriginal Heritage Report	Within 12 months of completing all archaeological investigations, archival recording and works to heritage items	Information
Noise and Vibration			
E40	Out-of-Hours Work Protocol	Before the commencement of work	Approval
E47	Operational Noise Review	Before the implementation of the at source operational noise mitigation measures	Approval
E50	Report on non-implementation of operational noise mitigation measures	Before the commencement of work that would impact identified sensitive receivers	Information
E53	Operational Noise Compliance Report	Within 60 days of completing the operational monitoring.	Information

Condition	Report / Notification	Timing ¹	Purpose
		Operational noise monitoring is to occur within 12 months and 10 years of the commencement of operation of the CSSI.	
E58	Landowner agreement for higher blasting limits	Prior to commencing blasting at the higher limits	Information
E62	Blast Management Strategy	One month before the commencement of blasting	Information
Place and Design			
E63	Place Design and Landscape Plan	One month before the commencement of work to which it applies	Information
Agricultural impacts			
E75	Panama Disease Management Plan	Before the commencement of construction.	Information
Soils and Contamination			
E78	Site Contamination Report	Prior to the commencement of construction that would result in the disturbance of potential or contaminated land and/or soil	Information
E80	Remediation Action Plan	Prior to undertaking remediation	Information
E82	Site Audit Statement	One month before the commencement of operation	Information
E82	Site Audit Report	One month before the commencement of operation	Information
E83	Unexpected Contaminated Land and Asbestos Finds Procedure	Before the commencement of work	Information
Sustainability			
E86	Sustainability Strategy	One month before the commencement of work	Information
Traffic and Transport			
E88	Use of local roads for heavy vehicles	Before the use of local roads	Approval
E95	Road Safety Audits	Upon request of the Planning Secretary	Information
Water Quality			
E104	Construction Water Quality Impact Assessment	One month before the commencement of construction	Information

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

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out the CSSI in accordance with the conditions of approval and generally in accordance with the:
- (a) Coffs Harbour Bypass Environmental Impact Statement Volume 1A – 10, (TfNSW, September 2019);
 - (b) Coffs Harbour Bypass Submissions Report Volume 1 – 3 (TfNSW, June 2020); and
 - (c) Coffs Harbour Bypass Amendment Report Volumes 1 – 6 (TfNSW, June 2020).
- A2 The CSSI may only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed in **Condition A1 (a) to (c)** inclusive, the conditions of this approval will prevail to the extent of the inconsistency; and
 - (b) any document listed in **Condition A1 (a) to (c)** inclusive, the most recent document will prevail to the extent of the inconsistency.
- Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 The Proponent must comply with the written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the CSSI;
 - (b) any document or correspondence in relation to the CSSI (including the provision of such documentation or correspondence);
 - (c) any independent appointment or withdrawal of an appointment made in relation to the CSSI;
 - (d) any notification given to the Planning Secretary under the terms of this approval;
 - (e) any audit of the construction or operation of the CSSI;
 - (f) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (g) the carrying out of any additional monitoring or mitigation measures; and
 - (h) 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 or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and

- (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.
- A6 This approval lapses five (5) years after the date on which it is granted, unless work has physically commenced on or before that date.
- A7 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval.
- A8 Any document that must be submitted or action undertaken within a timeframe specified in or under the conditions of this approval may be submitted or undertaken within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under **Condition A39**.

STAGING

- A9 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 may be) must be prepared and submitted to the Planning Secretary for information. The **Staging Report** must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10 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 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 with 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.
- A11 The CSSI must be staged in accordance with the **Staging Report**, as submitted to the Planning Secretary.
- A12 Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.
- A13 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared and submitted to the Planning Secretary for information no later than one (1) month prior to the proposed change in the staging.

ANCILLARY FACILITIES

Ancillary facilities

- A14 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:
- (a) they are located within or immediately adjacent to the construction boundary; and
 - (b) they are not located next to a sensitive receiver (including where an access road is between the facility and the receiver), unless the sensitive receiver landowner and occupier have

- given written acceptance to the carrying out of the relevant facility in the proposed location; and
- (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and
 - (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

SITE ESTABLISHMENT WORK

Ancillary Site Establishment Management Plan

A15 Before establishment of any construction ancillary facility (excluding minor construction ancillary facilities determined by the ER to have minimal environmental impact and those established under **Condition A17**), the Proponent must prepare an **Ancillary Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facilities. The **Ancillary Site Establishment Management Plan** must be prepared in consultation with Council and government agencies.

The Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The Plan must be endorsed by the ER before it is submitted to the Planning Secretary. The **Ancillary Site Establishment Management Plan** must detail the management of the construction ancillary facilities and include:

- (a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of work to be undertaken at the site);
- (b) figures illustrating the proposed operational site layout;
- (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment work;
- (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1**; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
- (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of **Condition C13**.

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

Use of Construction Ancillary Facilities

A16 The use of a construction ancillary facility for Construction 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 Planning Secretary.

This condition does not apply to the use of construction ancillary facilities as an office facility or where the ER has determined that the activities will have minimal impact on the environment and community.

Minor Construction Ancillary Facilities

A17 Lunch sheds, office sheds, portable toilet facilities, and the like, can be established and used where they have been assessed in the documents listed in **Condition A1** or where they satisfy the following criteria:

- (a) located within or adjacent to the construction boundary; and

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

Boundary screening

A18 Boundary screening must be erected around construction ancillary facilities that are adjacent to sensitive receivers for the duration of construction of the CSSI unless otherwise agreed with affected residents, business operators or landowners.

INDEPENDENT APPOINTMENTS

A19 All **Independent Appointments** required by this approval, must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

A20 The Planning Secretary may at any time commission an audit of how an independent appointment has exercised their functions. The Proponent must:

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

The Planning Secretary may dismiss an independent appointment should they consider the **Independent Appointment** has not exercised their functions in accordance with this approval.

ENVIRONMENTAL REPRESENTATIVE

A21 Work must not commence until an **Environmental Representative (ER)** has been approved by the Planning Secretary and engaged by the Proponent.

A22 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of work.

A23 The proposed **ER** must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in **Conditions A1**, and is independent from the design and construction personnel for the CSSI and those involved in the delivery of it.

A24 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 Planning Secretary for the purposes of the CSSI. The **ER** must meet the requirements set out in the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018). The appointment of the **ER** must have regard to the Department's guideline *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).

A25 For the duration of the work or as agreed with the Planning Secretary, the approved **ER** must:

- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the CSSI;
- (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
- (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;

- (d) review documents identified in **Conditions A9, A15, C1, C4 and C13** and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);
- (e) regularly monitor the implementation of the documents listed in **Conditions A9, A15, 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 Planning 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 A34** of this approval;
- (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
- (h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A17** of this approval; and
- (i) consider any minor amendments to be made to the CEMP, CEMP Sub-plans and monitoring programs that comprise updating or are of an administrative nature and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval;
- (j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The **Environmental Representative Monthly Report** must be submitted within seven days following the end of each month for the duration of the ER's engagement for the CSSI.

A26 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 A25** (including preparation of the **ER** monthly report), as well as:

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

A27 The Planning Secretary may at any time commission an audit of an **ER's** exercise of its functions under **Condition A25**. The Proponent must:

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

ACOUSTICS ADVISOR

A28 An **Acoustics Advisor (AA)** who is independent of the CSSI's design and construction personnel, must be nominated by the Proponent and engaged for the duration of work (as required by **Condition A29**) and for no less than six (6) months following completion of construction of the CSSI.

The **AA** must be suitably qualified and experienced in noise modelling and noise and vibration management.

The details of the nominated **AA** must be submitted to the Planning Secretary for approval no later than one (1) month before commencement of work.

The Proponent must cooperate with the **AA** by:

- (a) providing access to noise and vibration monitoring activities as they take place;
- (b) providing for review of noise and vibration plans, assessments, monitoring reports, data and analyses undertaken; and
- (c) considering any recommendations to improve practices and demonstrating, to the satisfaction of the **AA**, why any recommendation is not adopted.

A29 Any activities generating noise in excess of 5 dB(A) above the 'Noise affected' Noise Management Levels derived from the *Interim Construction Noise Guideline* must not commence until an **AA**, nominated under **Condition A28** of this approval, has been approved by the Planning Secretary.

A30 The approved **AA** must:

- (a) receive and respond to communication from the Planning Secretary in relation to the performance of the CSSI in relation to noise and vibration;
- (b) consider and inform the Planning Secretary on matters specified in the terms of this approval relating to noise and vibration;
- (c) consider and recommend, to the Proponent, improvements that may be made to avoid or minimise adverse noise and vibration impacts;
- (d) review all noise and vibration documents required to be prepared under the terms of this approval and, should they be consistent with the terms of this approval, endorse them before submission to the Planning Secretary (if required to be submitted to the Planning Secretary) or before implementation (if not required to be submitted to the Planning Secretary);
- (e) regularly monitor the implementation of all noise and vibration documents required to be prepared under the terms of this approval to ensure implementation is in accordance with what is stated in the document and the terms of this approval;
- (f) notify the Planning Secretary of noise and vibration incidents in accordance with **Condition A39** of this approval;
- (g) in conjunction with the **ER**, the **AA** must:
 - (i) as may be requested by the Planning Secretary, help plan, attend or undertake audits of noise and vibration management of the CSSI including briefings, and site visits,
 - (ii) in the event that conflict arises between the Proponent and the community in relation to the noise and vibration performance of the CSSI, follow the procedure in the **Community Communication Strategy** approved under **Condition B2** to attempt to resolve the conflict, and if it cannot be resolved, notify the Planning Secretary,
 - (iii) consider relevant minor amendments made to the CEMP, relevant sub-plans and noise and vibration monitoring programs that require updating or are of an administrative nature, and are consistent with the terms of this approval and the management plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, endorse the amendment, (this does not include any modifications to the terms of this approval), and
 - (iv) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, a **Monthly Noise and Vibration Report** detailing the **AA's** actions and decisions on matters for which the **AA** was responsible in the preceding month. The **Monthly Noise and Vibration Report** must be submitted within seven (7) days following the end of each month for the duration of the **AA's** engagement for the CSSI.

NOTIFICATION OF COMMENCEMENT

A31 The Department must be notified in writing of the dates of commencement of construction and operation at least one (1) month before those dates.

A32 If the construction or operation of the CSSI is to be staged, the Department must be notified in writing at least one (1) month before the commencement of each stage, of the date of commencement of that stage.

AUDITING

A33 Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit. This condition does not apply to the engagement of auditors required under **Condition E95**.

A34 Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (DPIE, 2020)*.

A35 The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.

A36 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements*, the Proponent must:

- (a) review and respond to each Independent Audit Report prepared under **Condition A34 or Condition A35**;
- (b) submit the response to the Planning Secretary; and
- (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary.

A37 Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements*.

A38 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements*, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

INCIDENT NOTIFICATION AND REPORTING

A39 The Department must be notified in writing via the Major Projects Website immediately after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one) and set out the location and nature of the incident.

A40 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix A**.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication between the Proponent, the **ER**, the **AA**, Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the CSSI), during the design and construction of the CSSI and for a minimum of 12 months following the completion of construction of the CSSI.
- B2 The **Community Communication Strategy** must:
- (a) identify people and organisations to be consulted during the design and work phases;
 - (b) identify community demographics and approaches to address the needs of vulnerable communities;
 - (c) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the CSSI including use of construction hoardings to provide information regarding construction. The information to be distributed must include information regarding current site construction activities, schedules and milestones at each construction site;
 - (d) identify opportunities and make provision for key stakeholder or community groups 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 communities; and
 - (f) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction of the CSSI, including disputes regarding rectification or compensation.
- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary for approval no later than one month before commencement of any work.
- B4 Work for the purposes of the CSSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary.
- B5 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of the work and for 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B6 A **Complaints Management System** must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the CSSI.
- B7 The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the CSSI;
 - (b) a postal address to which written complaints and enquiries may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and
 - (d) a mediation system for complaints unable to be resolved.

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

- B8 The telephone number, postal address and email address required under **Condition B7** of this approval must be made available on site boundary fencing / hoarding at each construction site before the commencement of construction. This information must also be provided on the website required under **Condition B11** of this approval.
- B9 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:
- (a) number of complaints received;
 - (b) the date and time of the complaint;
 - (c) the method by which the complaint was made;
 - (d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a **note** to that effect
 - (e) nature of the complaint;
 - (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
 - (g) if no action was taken, the reason(s) why no action was taken.
- B10 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

Note: Complainants must be advised that the Complaints Register may be forwarded to Government agencies to allow them to undertake their regulatory duties.

PROVISION OF ELECTRONIC INFORMATION

- B11 A website or webpage providing information in relation to the CSSI must be established before commencement of Work and maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. Up-to-date information (excluding confidential commercial information) must be published before the relevant work commencing and maintained on the website or dedicated pages including:
- (a) information on the current implementation status of the CSSI;
 - (b) a copy of the documents listed in **Condition A1** and **Condition A2** 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;
 - (d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI;
 - (e) a current copy of the final version of each document required under the terms of this approval; and
 - (f) a copy of the audit reports required under this approval.

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

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared in accordance with the [Environmental Management Plan Guideline for Infrastructure Projects \(DPIE, 2020\)](#). The CEMP must detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during construction.
- C2 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
 - (b) details of environmental policies, guidelines and principles to be followed in the construction of the CSSI;
 - (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the CSSI;
 - (d) details of how the activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the in the documents listed in **Condition A1**; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (d) of this condition;
 - (e) an inspection program detailing the activities to be inspected and frequency of inspections;
 - (f) a protocol for managing and reporting any:
 - (i) incidents; and
 - (ii) non-compliances with this approval or statutory requirements;
 - (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
 - (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C4**. Where staged construction of the CSSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
 - (i) a description of the roles and environmental responsibilities for relevant employees and their professional / organisational relationship with the **ER**;
 - (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval;
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs; and
 - (l) the outcomes of consultation with government agencies in accordance with **Condition A5**.
- C3 The **CEMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- C4 The **CEMP Sub-plans** in **Table 3** must be prepared in consultation with the government agencies identified for each **CEMP Sub-plan**. The outcomes of consultation with government agencies in accordance with **Condition A5** must be provided with the relevant **CEMP Sub-Plan**.

Table 3: CEMP Sub-plans

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Air quality	EPA, DPI Agriculture, Council
(b)	Biodiversity	EESG, DAWE, DPI Fisheries, Council
(c)	Flooding	EESG, Council

(d)	Heritage	Heritage NSW, RAPs, Coffs Harbour and District Local Aboriginal Land Council, Council
(e)	Noise and vibration	EPA, Council
(f)	Soil and water	DPI Fisheries, DPIE Water Group, DPI Agriculture, Council
(g)	Traffic and transport	Council

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

- (a) the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
- (b) the mitigation measures identified in the documents listed in **Condition A1** will be implemented;
- (c) the relevant terms of this approval will be complied with; and
- (d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed.

C6 Any of the **CEMP Sub-plans** may be submitted along with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before construction.

C7 The **Biodiversity Management Sub-plan** must include:

- (a) procedures for pre-clearing surveys for threatened species to be undertaken by a suitably qualified and experienced ecologist, including survey and relocation methodologies and management/offset measures;
- (b) measures to prevent the spread of the pathogens myrtle rust, *Phytophthora cinnamomi* and chytrid fungus, and non-indigenous regenerative plant material and seeds, by the movement of all tools, vehicles, machinery, soil and earth, vegetative waste and personnel;
- (c) a weed management plan, including appropriate protocols to demonstrate compliance with the requirements of the *Biosecurity Act 2015* and *Biosecurity Regulation 2017*; and
- (d) protocols for incidental finds of threatened species within the construction boundary, including guidance for updating biodiversity credit calculations and/or the use of supplementary measures where impacts cannot be avoided or minimised.

C8 The **Flood Management Sub-Plan** must include:

- (a) measures to minimise the loss of material during storm/flood events where the stockpiling of material within the floodplain cannot be avoided;
- (b) protocols to relocate site materials and machinery when a storm/flood event warning forecast has been issued by the Bureau of Meteorology (BOM);
- (c) procedures for safe site evacuation of staff, construction personnel and visitors; and
- (d) the induction of all staff, construction personnel and visitors on the project's storm/flood event emergency response procedures.

C9 The **Heritage Management Sub-Plan** must include an unexpected Heritage Finds and Human Remains Procedure consistent with the procedures in the Updated Aboriginal cultural heritage assessment report, May 2020 (Appendix G, Amendment Report).

C10 The **Noise and Vibration Management Sub-plan** must include details of all sensitive land uses (including noise and or vibration sensitive working areas such as operating theatres and precision laboratories) that are potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise.

C11 The **Soil and Water Management Sub-plan** must include:

- (a) details of enhanced erosion sediment controls in catchments that flow directly to the Solitary Islands Marine Park;
- (b) a construction water reuse strategy; and

(c) a groundwater management plan.

- C12 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Planning Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Planning Secretary, including any minor amendments approved by the **ER** must be implemented for the duration of construction. Where construction of the CSSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been approved by the Planning Secretary.

CONSTRUCTION MONITORING PROGRAMS

- C13 The **Construction Monitoring Programs** in **Table 4** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of the CSSI against the performance predicted in documents listed in **Condition A1** or in the **CEMP**.

Table 4: Construction Monitoring Program

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	Air quality	EPA, DPI Agriculture, Council
(b)	Noise and vibration	EPA, Council
(c)	Surface & Ground Water Quality	EPA, DPI Agriculture, DPI Fisheries, DPIE Water Group, Council

- 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 project to be undertaken;
 - (d) the parameters of the project to be monitored;
 - (e) the frequency of monitoring to be undertaken;
 - (f) the location of monitoring;
 - (g) the reporting of monitoring results;
 - (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and
 - (i) any consultation to be undertaken in relation to the monitoring programs.
- C15 The **Construction Monitoring Programs** must be developed in consultation with relevant government agencies as identified in **Condition C13** of this approval and must include information requested by an agency to be included in a **Construction Monitoring Programs** during such consultation. Details of all information requested by an agency including copies of all correspondence from those agencies, must be provided with the relevant **Construction Monitoring Program**.
- C16 The **Construction Monitoring Programs** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one month before the commencement of construction.
- C17 Construction must not commence until the Planning Secretary has approved all of the required **Construction Monitoring Programs**, and all relevant baseline data for the specific construction activity has been collected.
- C18 The **Construction Monitoring Programs**, as approved by the Planning 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 Planning Secretary, whichever is the greater.

C19 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.

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

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared in accordance with the *Environmental Management Plan Guideline for Infrastructure Projects (DPIE, 2020)*. The **OEMP** must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. 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 Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and specified relevant terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed; and
 - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 Where an OEMP is required, the Proponent must include the OEMP Sub-plans in **Table 5** in the OEMP.

Table 5: OEMP Sub-plans

	Required OEMP Sub-plan	Relevant government agencies to be consulted for each OEMP Sub-plan
(a)	Emergency Response Plan	Emergency Services, EPA, SafeWork NSW

Each of the **OEMP Sub-plans** must include the information set out in **Condition D2** of this approval.

The **OEMP Sub-plans** must be developed in consultation with relevant government agencies as identified in **Condition D3** and must include information requested by an agency to be included in an **OEMP Sub-plan** during such consultation. Details of all information requested by an agency to be included in an **OEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **OEMP Sub-Plan**.

The **OEMP Sub-plans** must be submitted to the Planning Secretary as part of the **OEMP**.

- D4 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of operation.
- D5 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.

OPERATIONAL MONITORING PROGRAM

D6 The **Operational Monitoring Programs** in **Table 6** must be prepared in consultation with the relevant authorities identified for each Operational Monitoring Program to compare actual operational performance against predicted performance. These programs must be submitted to the Planning Secretary for information. The monitoring program must be implemented.

Table 6: Operational monitoring program

	Required Operational Monitoring Programs	Relevant authority(s) and council(s) to be consulted for each Operational Monitoring Program
(a)	Surface & Ground Water Quality	EPA, DPI Fisheries, DPIE Water Group, Council
(b)	Biodiversity	EESG, DAWE, Council

D7 Each operational monitoring program must include:

- (a) details of baseline data;
- (b) details of all monitoring of the project to be undertaken;
- (c) the parameters of the project to be monitored;
- (d) the frequency and lifespan of monitoring to be undertaken;
- (e) the location of monitoring;
- (f) the reporting of monitoring and analysis results against relevant criteria;
- (g) details of the methods that will be employed to analyse the monitoring data;
- (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.

PART E

KEY ISSUE CONDITIONS

AIR QUALITY

- E1 In addition to the performance outcomes, commitments and mitigation measures specified in in the documents listed in **Condition A1**, all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during the construction and operation of the CSSI.

BIODIVERSITY

- E2 The clearing of native vegetation must be minimised with the objective of reducing impacts to threatened ecological communities and threatened species habitat.
- E3 The Proponent must meet the biodiversity offset obligations for ecosystem and species credits as set out in **Table 7** and **Table 8** within 12 months of the commencement of construction. 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*; and/or
 - (b) properties secured with the NSW National Parks and Wildlife Service (NPWS), on the basis of a draft credit report to show what the property would provide and written confirmation from NPWS that the financial contributions for acquisition and management have been received; and/or
 - (c) making a payment into the Biodiversity Conservation Fund; and/or
 - (d) a Biodiversity Offset Strategy prepared in consultation with EESG and DAWE that provides 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: The determination of biodiversity credits under the *BC Act* that are reasonably equivalent to biodiversity credits created under the *TSC Act* remaining to be retired must be carried out in accordance with clause 22 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

Table 7 Ecosystem Credits to be Retired

Ecosystem Credits		
<i>Plant Community Type (PCT) ID and name</i>	<i>Management zone area (ha)</i>	<i>Number of Credits</i>
NR120 Blackbutt - Tallowwood moist ferny open forest of the coastal ranges of the NSW North Coast Bioregion	17.33	1023
NR122 Blackbutt - Turpentine - Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion	10.41	615
NR138 Brush Box - Tallowwood - Sydney Blue Gum tall moist forest of the ranges of the central NSW North Coast Bioregion	6.99	432
NR149 Coastal floodplain sedgelands, rushlands, and forblands of the North Coast	0.33	8

NR217 Paperbark swamp forest of the coastal lowlands of the NSW North Coast Bioregion and Sydney Basin Bioregion	4.41	300
NR258 Sydney Blue Gum open forest on coastal foothills and escarpment of the North Coast	1.18	80
NR263 Tallowood - Small-fruited Grey Gum dry grassy open forest of the foothills of the NSW North Coast	1.6	99
NR274 Turpentine moist open forest of the coastal hills and ranges of the NSW North Coast Bioregion	3.5	212
NR280 White Booyong - Fig subtropical rainforest of the NSW North Coast Bioregion	2.42	142
TOTAL ECOSYSTEM CREDITS	48.17	2911

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

Table 8 Species Credits to be Retired

<i>Species</i>	<i>Loss of habitat or individuals</i>	<i>Number of Credits</i>
Rusty Plum, Plum Boxwood (<i>Niemeyera whitei</i>)	74 individuals	1110
Coastal Petaltail (<i>Petalura litorea</i>)	3.05 ha	235
Common Planigale (<i>Planigale maculata</i>)	7.94 ha	206
Giant Barred Frog (<i>Mixophyes iteratus</i>)	3.56 ha	274
Koala (<i>Phascolarctos cinereus</i>)	39.71 ha	1032
Pale-vented Bush-hen (<i>Amauornis moluccana</i>)	4.86 ha	63
Southern Myotis (<i>Myotis macropus</i>)	15.19 ha	334
TOTAL SPECIES CREDITS		3254

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

- E4 The Proponent may review and update the ecosystem and species credit requirements in **Table 7** and **Table 8** or the supplementary measures outlined in **Table 9** to reflect the final construction footprint and resulting extent and type of plant community types to be cleared and the extent of threatened species habitat impacted by the construction of the CSSI. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with EESG and DAWE and submitted to the Planning Secretary for approval within six (6) months of determining the final construction footprint.
- E5 The review and update of credit requirements must be undertaken by:
- using the vegetation mapping in the *Coffs Harbour Bypass Amendment Report Volume 3 Appendix C Biodiversity Assessment Report (May 2020)*; and/or
 - completing verification surveys to confirm the extent, type and condition of native vegetation to be impacted.
- E6 Where verification surveys are required, they must be undertaken in consultation with EESG. Any additional surveys must be undertaken at the time of year when groundcover is most likely to be predominantly native. If evaluation is not possible at a time when groundcover is most likely to be native, the assumed presence of any relevant species and ecosystems may be applied to conservatively evaluate impacts and associated credit requirements.
- E7 The Proponent must submit to the Planning Secretary for information:
- a copy of the **Credit Retirement Report**; and/or
 - a receipt confirming payment to the Biodiversity Conservation Fund; and/or

- (c) a receipt confirming payment to the EESG North East Branch for the Scrub Turpentine supplementary measures; and/or
- (d) correspondence from NPWS.

for the retirement of the ecosystem and species credits required by **Condition E3** within one month of receiving the report and/or making the payments and/or receiving correspondence from NPWS.

Supplementary Measures for Scrub Turpentine

E8 Prior to the commencement of work that impacts Scrub Turpentine (*Rhodamnia rubescens*), the quantum of funds specified in **Table 9** (based on the requirements of the NSW Biodiversity Offsets Policy for Major Projects) must be transferred to the Department's EESG North East Branch for the purposes of EESG undertaking one or a combination of the supplementary measures in **Table 9** to offset the CSSI's impacts to Scrub Turpentine.

Table 9: Supplementary measures for Scrub Turpentine

Scrub Turpentine Credit Obligation	Measures to be funded	Funding amount
42	<ul style="list-style-type: none"> (a) Undertake genetically representative germplasma collections. Genetic material is to be collected from a minimum of eight individuals from every germplasma collection site and analysed to determine population structure and genetic representativeness of collections. (b) Where possible, collect swamp turpentine seeds for depositing in the seed collection of the Australian Botanic Gardens – Mt Annan. (c) Collect cuttings from appropriate field locations and propagate these cuttings in a controlled disease free environment. (d) Create an "orcharding" and seed production program to grow and manage plants obtained from cuttings by botanic gardens/nurseries located in low humidity / myrtle rust free areas. (e) Develop a long term management plan for the eventual management/re-establishment of wild populations of the species. (f) Any other relevant conservation action identified in the EESG "Saving Our Species <i>Rhodamnia rubescens</i> Conservation Strategy" (https://www.environment.nsw.gov.au/savingourspeciesapp/project.aspx?profileid=20341) 	\$274,000

Koala habitat

- E9 The Proponent must reduce the 39.71 hectares of known koala habitat that is impacted by the CSSI, unless otherwise agreed by the Planning Secretary.
- E10 A report on the final construction footprint demonstrating how impacts to koala habitat have been reduced must be provided to the Planning Secretary, EESG and DAWE for information, within six (6) months of determining the final construction footprint.
- E11 A minimum of 1032 species credits must be provided to offset impacts to the koala.
- E12 The species offset credits required by **Condition E11** must be sourced where practicable, from:
 - (a) the same IBRA subregion as the impacted site, or
 - (b) the adjoining IBRA subregions within the same IBRA region as identified in (a).
- E13 Any lands within the road alignment above the Roberts Hill and Gatelys Road tunnels as well as any directly adjacent residual lands owned by TfNSW that are within the regionally and locally significant koala corridors at Roberts Hill and Gatelys Road must be restored with koala habitat. Any land that is subsequently disposed of by TfNSW at these locations must have the Koala habitat protected in-perpetuity. The mechanism to protect the restored koala habitat must be developed in consultation with EESG and approved by the Planning Secretary prior to the commencement of construction. The mechanism is to ensure in-perpetuity funding for management and the protection of the koala corridors at these two locations. The restoration of koala habitat must be undertaken within 12 months of the completion of construction.

Translocation of Rusty Plum

E14 A **Rusty Plum Salvage and Re-establishment Plan** must be prepared and implemented. The Plan must be submitted to the Planning Secretary for information prior to work which impacts Rusty Plum individuals. The Plan must be prepared by a suitably qualified and experienced ecologist in consultation with EESG, and include:

- (a) objectives for the translocation of the Rusty Plum;
- (b) detailed procedures for the preparation of the re-establishment and receiving sites;
- (c) methodology for the movement of Rusty Plum individuals;
- (d) pre- and post-movement care of target individuals, including maintenance and performance criteria;
- (e) monitoring and reporting procedures; and
- (f) contingency measures.

Threatened Species Management Plan

E15 A **Threatened Species Management Plan** must be prepared to address impacts and identify management measures for the species identified in Appendix C Updated Biodiversity Assessment Report, May 2020 (Coffs Harbour Bypass Amendment Report Vol.3, June 2020) as being significantly impacted by the CSSI. The plan must be prepared by a suitably qualified and experienced ecologist in consultation with EESG, DPI Fisheries, DAWE and Council and implemented prior to work that impacts the species' habitat.

The Plan must include:

- (a) details of potential impacts from the construction and operation of the CSSI on each species;
- (b) details of proposed management and mitigation measures for each species, including exclusion fencing, connectivity structures, nest boxes and habitat revegetation;
- (c) goals and performance indicators to measure the success of the mitigation measures;
- (d) ongoing monitoring during construction and operation; and
- (e) contingency measures to address impacts attributable to the construction and operation of the CSSI.

E16 The **Threatened Species Management Plan** must be submitted to the Planning Secretary for information prior to work that impacts the species' habitat.

Re-use of Timber

E17 Prior to vegetation clearing, the Proponent must consult with Council, community and landcare groups and government agencies to determine:

- (a) the use of root balls; and/or
- (b) the collection of plant material and seeds from lowland rainforest vegetation impacted by the CSSI,

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

Note: *The reuse of rootballs and other vegetative material offsite may be possible where it has not been infected by *Phytophthora cinnamomi*, Myrtle Rust or Chytrid Fungus pathogens.*

FLOODING

E18 The CSSI must be designed so that the floodplain management objectives in Table 6 of Appendix H - Updated flooding and hydrology assessment of the Amendment Report are not exceeded, unless otherwise agreed by the Planning Secretary, for events up to the 1% AEP.

E19 For areas outside the project boundary, the following flood afflux objectives must not be exceeded, unless otherwise agreed by the Planning Secretary, for events up to the 1% AEP:

- (a) Less than 10 mm for residential, commercial and industrial areas, and buildings affected by existing Finished Floor Level inundation;
- (b) Less than 50 mm for agricultural land; and
- (c) Less than 250 mm pastoral, forest and recreational areas.

- E20 Flood information prepared for the project, including flood reports, models and geographic information system outputs, and work as executed information certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the Council, EESG and SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the CSSI. The Council, EESG and SES must be notified in writing that the information is available no later than one month following the completion of construction. Information requested by the Council, EESG or SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the Council, EESG and SES.
- E21 Where the CSSI changes the design or function of Spagnolos Basin and Bennetts Road Basin, an updated Dam Safety Management Plan(s) must be prepared and provided to Council prior to construction commencing.

HERITAGE

- E22 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction.

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

Aboriginal Heritage - Archaeological Salvage

- E23 Archaeological salvage of sites CHB AFT 1, CHB AFT 5, CHB AFT 8, CHB AFT 11, CHB AFT 13, CHB AFT 16 and CHB PAD 27 must be undertaken in accordance with the methodology described in Appendix E of the Updated Aboriginal cultural heritage assessment report, May 2020 (Appendix G, Amendment Report).
- E24 Following completion of salvage of Aboriginal objects (**Condition E23**), the Proponent must prepare a **Aboriginal Heritage Salvage Report** which includes details of any archival recording, further archaeological research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by Heritage NSW.
- E25 The **Aboriginal Heritage Salvage Report** must be submitted to the Planning Secretary, Heritage NSW and the RAPs for information no later than 12 months after the completion of the salvage work referred to in **Condition E23**.

Aboriginal Heritage - Cultural Salvage

- E26 At least one (1) month prior to the commencement of archaeological salvage required under **Condition E23**, the Proponent must give the opportunity to RAPs to identify potential sites within the construction boundary for cultural salvage required under **Condition E27**.
- E27 Within one week after the completion of the archaeological salvage under **Condition E23**, the RAPs may undertake cultural salvage at each site they have determined under **Condition E26** has cultural significance. The cultural salvage of these sites must be completed within 15 days of starting.
- E28 The cultural salvage must be undertaken in accordance with the methodology identified in Appendix F of the Updated Aboriginal cultural heritage assessment report, May 2020 (Appendix G, Amendment Report), unless otherwise agreed with the RAPs and Heritage NSW.
- E29 Any cultural material collected under **Condition E27** remains in the custody of the RAPs.

Non-Aboriginal Heritage

- E30 A **Non-Aboriginal Heritage Report** documenting all archival recording and details of further historical research either undertaken or to be carried out. The **Non-Aboriginal Heritage Report** must be prepared by a suitably qualified heritage specialist in accordance with guidelines and standards issued by the NSW Heritage Council and Heritage NSW.

- E31 Within 12 months of completing all archaeological investigations and archival recording of heritage items, the Proponent must submit the **Non-Aboriginal Heritage Report** to the Planning Secretary, Council and relevant local libraries and local historical societies in the Coffs Harbour local government area.

NOISE AND VIBRATION

Construction Hours

- E32 Work (except for works undertaken in accordance with **Conditions E33** and **E40**) must only be undertaken during the following standard construction hours:

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

24-hour Tunnelling

- E33 The following work may be undertaken 24 hours per day, seven days per week at the Roberts Hill, Shephards Lane and Gatelys Road tunnel sites once portal acoustic sheds and/or acoustic curtains have been installed:

- (a) tunnelling (does not include cut and cover tunnelling);
- (b) work within an acoustic shed/curtain; and
- (c) tunnel fit out work.

- E34 Surface work associated with tunnelling that is undertaken outside the acoustic shed/curtains at the tunnel portals must only be undertaken in accordance with the requirements of **Conditions E32** and **E36**.

- E35 Delivery of material and spoil haulage associated with tunnelling is not permitted between the hours of 10.00pm and 7.00am, unless in accordance with **Condition E36**.

Variation to Work Hours

- E36 Notwithstanding **Conditions E32** and **E38**, work may be undertaken outside the hours specified, 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 or required under an EPL in force in respect of the CSSI; or
- (d) work not subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition E40**; or
- (e) construction that causes $L_{Aeq(15\text{ minute})}$ noise levels:
 - (i) no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), or
 - (ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses, or
- (f) continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), or
- (g) intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006); or
- (h) negotiated agreements with directly affected residents and sensitive land uses.

Note: Section 5.24(1)(e) of the EP&A Act requires that an EPL be substantially consistent with this approval.

- E37 On becoming aware of the need for emergency work in accordance with **Condition E36(b)**, the Proponent must notify the **AA**, the **ER**, the Planning Secretary and the EPA of the reasons for

such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those work.

Highly Noise Intensive Work

E38 Except as permitted by an EPL, highly noise intensive work that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

For the purposes of this condition, 'continuously' includes any period during which there is less than one (1) hour between ceasing and recommencing any of the work.

Out-of-Hours Works – Community Consultation on Respite

E39 In order to undertake work outside hours specified in **Condition E32**, the Proponent must identify appropriate respite periods for the out-of-hours work in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:

- (a) a schedule of likely out-of-hours work for a period of no less than three (3) months;
- (b) a description of the potential work, location and duration of the out-of-hours work;
- (c) the noise characteristics and likely noise levels of the work; and
- (d) likely mitigation and management measures to be implemented.

The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour work must be provided to the **ER, AA, EPA, Council** and the Planning Secretary.

This condition does not apply where works are no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009).

Out-of-Hours Work Protocol – Work not subject to an EPL

E40 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in **Conditions E32**, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the work. The Protocol must be prepared in consultation with the **ER, AA** and EPA. The Protocol must provide:

- (a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) the **ER** and **AA** review all proposed out-of-hours activities and confirm their risk levels,
 - (ii) low risk activities can be approved by the **ER** in consultation with the **AA**, and
 - (iii) high risk activities that are approved by the Planning Secretary;
- (b) a process for the consideration of out-of-hours work against the relevant noise management level (NML) and vibration criteria;
- (c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of **Condition E39**. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive receivers would be exposed to, including the number of noise awakening events;
- (d) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (e) notification arrangements for affected receivers and the EPA for all approved out-of-hours works and notification to the Planning Secretary of approved low risk out-of-hours works.

This condition does not apply if the requirements of **Condition E36(e)** are met.

Noise and Vibration Mitigation

E41 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); and

Any work identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the **Noise and Vibration CEMP Sub-plan**.

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 (NML).*

E42 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

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

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol**, required by **Condition E40**.

E43 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before work that generate vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan** required by **Condition C4** and the **Communication Strategy** required by **Condition B1**.

E44 The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.

Noise Mitigation - Operational Noise Modelling

E45 The noise model of the detailed design of the CSSI must address the following parameters:

- (a) application of source emission corrections to take into account the proportions of heavy vehicles in line with the method detailed in the documents list in **Condition A1**;
- (b) modelling heavy vehicles using three distinct sources in line with Appendix B4 of the *NSW Road Noise Policy* (DECCW, 2011);
- (c) road surface corrections to address the assessment timeframes outlined in the *NSW Road Noise Policy* (DECCW, 2011) corresponding to the year of opening, and ten years after opening; and
- (d) meteorological conditions in accordance with the NSW Road Noise Policy.

The operational noise modelling must be verified as being accurate and consistent with the requirements of this approval by an acoustic expert or the **AA**, who is independent of the design and construction of the CSSI.

E46 Noise monitoring must be undertaken at appropriately identified locations surrounding the CSSI that have been determined in consultation with the AA.

Noise Mitigation - Operational Noise Mitigation Measures

E47 The Proponent must prepare an **Operational Noise Review (ONR)** on the final design of the CSSI to confirm noise mitigation measures required for the operation of the CSSI. The **ONR** must be prepared in consultation with the **ER, AA, EPA** and must:

- (a) confirm the appropriate operational noise objectives and levels for surrounding sensitive receivers based on modelling undertaken under **Condition E45**;
- (b) confirm the operational noise daytime $L_{Aeq,15\text{ hour}}$ and night-time $L_{Ae, 9\text{ hour}}$ traffic noise contours for receivers;
- (c) review the suitability of the operational noise mitigation measures identified in the Amendment Report with the objective of achieving the noise criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011) and *NSW Noise Policy for Industry* (EPA, 2017),
- (d) include a consultation strategy to seek feedback from directly affected landowners on the noise mitigation measures; and
- (e) include procedures for the management of operational noise complaints.

The **ONR** must be verified by an independent acoustic expert or the **AA** and submitted to the Planning Secretary for approval before the implementation of the at source operational noise mitigation measures.

The Proponent must implement the operational noise mitigation measures and make the **ONR** publicly available following its approval.

E48 Operational noise mitigation measures as identified in **Condition E47** that will not be physically affected by work, must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted receiver to minimise construction noise impacts. The operational noise measures must be detailed in the **Noise and Vibration CEMP Sub-plan** for the CSSI.

E49 In the absence of an **ONR** required under **Condition E47**, the at-property operational noise mitigation measures required under **Condition E48** must be consistent with the measures and the properties identified in Appendix B of the Amendment Report.

E50 Where operational noise mitigation measures are not proposed to be implemented in accordance with **Condition E48**, the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in **Condition E47** are implemented. The report must be endorsed by the **ER** and **AA** and submitted to the Planning Secretary prior to the commencement of construction which would affect the identified sensitive receivers.

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

Operational Noise Validation

E51 Within 12 months and 10 years of the commencement of operation of the CSSI, or as required by the Planning Secretary, the Proponent must undertake monitoring of operational noise to compare the actual noise performance of the CSSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E47**.

E52 Classified traffic counts must be undertaken simultaneously with noise measurements to confirm traffic volumes and traffic mix assumptions.

Operational Noise Compliance Report

E53 an **Operational Noise Compliance Report (ONCR)** must be prepared to document the findings of the operational noise monitoring carried out under **Condition E51**. The **ONCR** must be

prepared in accordance with the *Model Validation Guideline* (RMS, 16 May 2018 Version 1.1) and must address the following:

- (a) compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under **Condition E47**;
- (b) compliance with the operational noise levels in terms of criteria and noise goals established in the *NSW Road Noise Policy 2011* and *NSW Noise Policy for Industry* (EPA, 2017);
- (c) methodology, location and frequency of noise monitoring undertaken, including grouping monitoring sites at which CSSI noise levels are ascertained with specific reference to locations indicative of impacts on receivers. Monitoring location must be grouped by:
 - (i) pavement type; and
 - (ii) topography;
- (d) visibility of sensitive receivers, i.e. line of sight and shielded by mounds and/or noise walls;
- (e) model light and heavy vehicles separately;
- (f) pavement corrections for light and heavy vehicles and an assessment of the acoustic performance of different pavement types over their design life;
- (g) effects of meteorological conditions on traffic noise consistent with the requirements of the *NSW Road Noise Policy 2011*;
- (h) 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;
- (i) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;
- (j) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
- (k) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E47**, that are to be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy* (EPA, 2011) and *NSW Noise Policy for Industry* (EPA, 2017), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

The **ONCR** must be submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise monitoring (as required by **Condition E51**) and made publicly available.

Blasting

E54 Blasting associated with the CSSI must only be undertaken during the following hours:

- (a) 9:00am to 5:00pm, Monday to Friday, inclusive;
- (b) 9:00am to 1:00pm on Saturday;
- (c) at no time on Sunday or public holidays; and
- (d) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive, for work required for the Roberts Hill, Shephards Lane and Gatelys Road tunnels.

Blasting may be undertaken outside the above hours where:

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

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

E55 Airblast overpressure generated by blasting associated with the CSSI must not exceed the criteria specified in **Table 10** when measured at the most affected residence or other sensitive receiver.

Table 10: Airblast overpressure limits for human comfort

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

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

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

- E56 Ground vibration generated by blasting associated with the CSSI must not exceed the criteria specified in **Table 11** and **Table 12** when measured at the most affected residence or other sensitive receiver.

Table 11: Ground vibration limits for human comfort

Receiver	Type of blasting operations	Peak component particle velocity (mm/s)
Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts	5 mm/s for 95% of blasts per year
		10 mm/s maximum limit
Sensitive site	Blasting operations lasting less than 12 months or less than 20 blasts in total	10 mm/s maximum limit
Occupied non-sensitive sites, such as factories and commercial premises	All blasting	25 mm/s maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation

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

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

Table 12: Ground vibration limits for control of damage to structures

Receiver	Type of blasting operations	Peak component particle velocity (mm/s)	
Other structures or architectural elements that include masonry, plaster and plasterboard in their construction ¹		15 mm/s 4 Hz to 15 Hz, except for heritage structures where a frequency dependent vibration criteria would be determined in accordance with AS 2187.2 – 2006.	20 mm/s 15 Hz and above

Receiver	Type of blasting operations	Peak component particle velocity (mm/s)	
Reinforced or framed structures. Industrial and heavy commercial buildings ²	All blasting	50 mm/s at 4 Hz and above	
Unreinforced or light framed structure. Residential or light commercial type building ²	All blasting	15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz	20 mm/s at 15 Hz increasing to 50 mm/s at 40 Hz and above
Unoccupied structures of reinforced concrete or steel construction	All blasting	100 mm/s maximum, where agreed with the structure owner.	
Infrastructure service structures, such as pipelines, powerlines, cables and reservoirs.	All blasting	Limits to be determined by structural design methodology in consultation with the infrastructure service provider.	

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

- E57 The blasting criteria specified in the Tables in **Conditions E55** and **E56** may be exceeded where the Proponent has obtained the written agreement of the landowner and occupier to increase the relevant criteria. In obtaining the agreement, the Proponent must make available to the landowner and occupier:
- details of the proposed blasting program and justification for the proposed increase in blasting criteria including alternatives considered (where relevant);
 - an assessment of the environmental impacts of the increased blasting criteria on the surrounding environment and most affected residences or other sensitive receivers including, but not limited to noise, vibration and air quality and any risk to surrounding utilities, services or other structures; and
 - details of the blast management, mitigation and monitoring procedures to be implemented.
- E58 The Proponent must provide a copy of the landowner and occupier written agreement to the Planning Secretary and the EPA, including details of the consultation undertaken (with clear identification of proposed blast limits and potential property impacts), before commencing blasting at the higher limits.

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

- the landowner and occupier may terminate at any time an agreement made with the Proponent to increase the blasting criteria, should concerns made by the landowner and occupier about the blasting criteria be unresolved. Where an agreement is terminated, the Proponent must not exceed the criteria specified in the tables in **Conditions E55** and **E56** for future blasting that affects the property; and
- the blasting limit agreed to under any agreement must not exceed a maximum Peak Particle Velocity vibration level of 25 mm/s or maximum Airblast Overpressure level of 125 dBL.

Blasting Management Strategy

E59 A **Blasting Management Strategy** must be prepared and must include:

- sequencing and review of trial blasting to inform blasting;
- regularity of blasting;
- intensity of blasting;
- periods of relief; and
- blasting program.

E60 The **Blasting Management Strategy** must be endorsed by a suitably qualified and experienced person.

- E61 The **Blast Management Strategy** must be prepared in accordance with relevant guidelines and in consultation with the EPA, in order to ensure that all blasting and associated activities are carried out so as not to generate unacceptable noise and vibration impacts or pose a significant risk to sensitive receivers.
- E62 The **Blast Management Strategy** must be submitted to the Planning Secretary for information no later than one month before the commencement of blasting. The Strategy as submitted to the Planning Secretary, must be implemented for all blasting activities.

PLACE DESIGN AND LANDSCAPING

- E63 A **Place Design and Landscape Plan** must be prepared to inform the final design of the CSSI and to give effect to the commitments made in in the documents listed in **Condition A1** on the place design and landscaping of the CSSI.

The **Plan** must be submitted to the Planning Secretary for information one month before commencement of work to which it applies.

- E64 The **Place Design and Landscape Plan** must be prepared by a suitably qualified and experienced person in consultation with the Council, the community, affected landowners and businesses, and the Kororo Public School in relation to the Korora bus interchange. The **Place Design and Landscape Plan** must include:

- (a) the design of the CSSI elements including their form, materials and detail;
- (b) the design of the project landform and earthworks;
- (c) measures to limit the visual appearance of shotcrete;
- (d) the location of existing vegetation, areas of vegetation to be retained and proposed planting and seeding details, including the use of local indigenous species for revegetation activities and vegetative screening;
- (e) interpretive signage and public art, incorporated into noise walls;
- (f) Crime Prevention Through Environmental Design principles for the Kororo Public School bus interchange and the Coramba Road (at Spagnolos Road) bus stop;
- (g) details of measures to rehabilitate, regenerate or revegetate disturbed areas and the koala corridors on top of the tunnels at Roberts Hill and Gatelys Road, and their ongoing maintenance; and
- (h) additional vegetative screening between Coachmans Close and the service road.

- E65 The **Place Design and Landscape Plan** must be integrated into the CSSI design and implemented during construction and operation and incorporate monitoring and maintenance procedures for the built elements, rehabilitated vegetation and landscaping (including visual screening and weed control) and performance indicators, responsibilities, timing and duration and contingencies where rehabilitation of vegetation and landscaping measures fail.

Lighting and Security

- E66 The Proponent must construct and operate the CSSI with the objective of minimising light spillage to surrounding properties.
- E67 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* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*. Additionally, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.

Operational Maintenance

- E68 Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **Place Design and Landscape Plan**, required by **Condition E63**.

SOCIO-ECONOMIC, LAND USE AND PROPERTY

- E69 The Proponent must identify the utilities and services (hereafter “services”) potentially affected by the CSSI to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service provider. The Proponent in consultation with service providers must ensure that disruption to services resulting from the CSSI are avoided where possible and advised to customers.
- E70 The existing Rural Fire Services shed, its functionality and its access to Old Coast Road, Korora must be retained until the replacement facility is operational.

Condition Survey

- E71 Before the commencement of any work that may cause damage to buildings, structures, utilities and the like that are identified in the documents listed in **Condition A1** as being at risk of damage, a condition survey of those buildings, structures, utilities must be undertaken by an appropriately qualified independent professional. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the owners of the items surveyed prior to the work commencing.
- E72 After completion of construction, condition surveys of all items for which condition surveys were undertaken in accordance with **Condition E71** of this approval must be undertaken by an appropriately qualified independent professional. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the owners of the items surveyed, and no later than three (3) months following the completion of construction.
- E73 The Proponent must rectify any property damage, where it has been determined that it was caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation of the CSSI, at no cost to the owner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the property owner.

Agricultural impacts

- E74 The Proponent must, at the request of landowners of agricultural properties directly impacted by the CSSI, employ a suitably qualified and experienced independent agricultural specialist, to assist landowners in:
- (a) negotiating mitigation or compensation measures prior to the commencement of construction; and/or
 - (b) identifying alternative farming opportunities for the land to enable existing agricultural activities to continue.
- E75 A **Panama Disease Management Plan** must be prepared, in consultation with DPI Agriculture and Council, in accordance with the:
- (a) *Panama disease tropical race 4: Biosecurity standards and guidelines* (QLD Department of Agriculture and Fisheries 2015); and
 - (b) *Panama disease tropical race 4: Decontamination guide* (QLD Department of Agriculture and Fisheries 2016).

The **Panama Disease Management Plan** must be submitted for information to the Planning Secretary before the commencement of construction and implemented throughout construction.

- E76 The **Panama Disease Management Plan** is not required for low impact and utility relocation works. Low impacts and utility relocation works must be undertaken in accordance with the Proponent’s *Working on Banana Plantations Panama Disease Procedure Rev 8*.

SOILS

E77 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

Contaminated lands

E78 Prior to the commencement of construction that would result in the disturbance of potential or contaminated land and/or soil, a **Site Contamination Report** must be prepared and submitted to the Planning Secretary for Information. The report must be consistent with *Contaminated Land Management Act 1997* (NSW) and prepared by a suitably qualified and experienced person.

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

Under this condition Panama Disease is not considered to be a contaminant.

E79 The **Site Contamination Report** must provide details on:

- (a) the outcomes of Stage 1 and Stage 2 contamination assessments;
- (b) nature and extent of any existing remediation (such as impervious surface cappings);
- (c) measures to identify handle and manage potential contaminated soils, materials and groundwater;
- (d) whether the land is suitable (for the intended final land use) or can be made suitable through remediation and/or
- (e) potential contamination risks from the CSSI to human health and receiving waterways.

E80 Should remediation be required to make land suitable for the final intended land use, a **Remediation Action Plan** must be prepared and implemented and submitted to the Planning Secretary for information prior to undertaking remediation. The plan must detail how the environmental and human health risks will be managed during the disturbance, remediation and/or removal of contaminated soil or groundwater.

E81 If remediation is required, a **Section A Site Audit Statement** and **Site Audit Report**, must be prepared by a Site Auditor accredited by the EPA under the *Contaminated Land Management Act 1997* (NSW).

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

E82 A **Section A Site Audit Statement** and its accompanying **Section A Site Audit Report**, which state that the contaminated land disturbed by the work has been made suitable for the intended land use, must be submitted to the Planning Secretary and Council after remediation and no later than prior to the commencement of operation of the CSSI. Contaminated land must not be used for the purpose approved under the terms of this approval until a Section A Site Audit Statement is obtained which states that the land is suitable for that purpose and any conditions on the Section A Site Audit Statement have been complied with.

E83 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared and submitted to the Planning Secretary before the commencement of work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered. The requirements of **Conditions E79 to E82** must be incorporated into this Procedure.

E84 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout work.

SUSTAINABILITY

- E85 A **Sustainability Strategy** must be prepared to achieve a minimum “Excellent” ‘Design’ and ‘As built’ rating under the Infrastructure Sustainability Council of Australia infrastructure rating tool.
- E86 The **Sustainability Strategy** must be submitted to the Planning Secretary and made publicly available prior to the commencement of work. The Strategy must be implemented throughout construction and operation.

TRAFFIC AND TRANSPORT

Construction traffic management

- E87 Local roads proposed to be used by heavy vehicles to directly access the construction boundary that are not shown in Figure 4.5-1 Response to Submissions Report must be approved by the Planning Secretary and included in the **Traffic and Transport Management Sub-plan**
- E88 All requests to the Planning Secretary under **Condition E87** must include the following:
- (a) a swept path analysis;
 - (b) demonstration that the use of local roads by heavy vehicles for the CSSI will not compromise the safety of pedestrians and cyclists;
 - (c) measures that will be implemented to avoid where practicable the use of roads past schools, aged care facilities and child care facilities during their peak operation times; and
 - (d) advice from an appropriately qualified traffic engineer on the suitability of the proposed heavy vehicle route which takes into consideration items (a), (b) and (c) of this condition.
- E89 Construction vehicles (including staff vehicles) associated with the CSSI must be managed to:
- (a) minimise construction vehicles (including staff vehicles) parking on public roads;
 - (b) minimise idling and queuing on public roads; and
 - (c) ensure spoil haulage vehicles must adhere to the nominated haulage routes identified in the **Traffic and Transport Management Sub-plan**.
- E90 During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

Road Condition Surveys

- E91 Before any local road is used by a heavy vehicle for the Construction of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to Council within three weeks of completion of the survey and at least two weeks before the road is used by heavy vehicles associated with the construction of the CSSI.
- E92 If damage to roads occurs as a result of the construction of the CSSI, the Proponent must either (at the owner’s discretion):
- (a) compensate the owner for the damage so caused; or
 - (b) rectify the damage to restore the road to at least the condition it was in pre-construction.

This action must be undertaken within three months of the subject road no longer being used in association with the construction of the CSSI, unless an alternative timeframe is agreed to by the relevant road authority.

- E93 The requirements of **Condition E91** and **Condition E92** apply to the use of Russ Hammond Drive as temporary access Korora School Road. A copy of the **Road Dilapidation Report** must be provided to Council within three weeks of completion of the survey and at least two weeks before the road is used to access Korora School Road.

Road Safety

- E94 The CSSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines, including the Austroads Guide to Traffic Management.
- E95 Independent Safety Audit(s) are to be undertaken of the CSSI to ensure that it meets the relevant design, engineering and safety guidelines, including Austroads Guide to Traffic Management. The audits must be undertaken prior to operation to assess the safety performance of new or modified roads (road safety audit) and parking, pedestrian and cycle infrastructure.
- The audit findings and recommendations must be actioned.
- E96 School buses using Russ Hammond Close to access the Kororo Public School must be directed to exit Russ Hammond Drive via a left turn movement to James Small Drive.

Pedestrian and Cyclist Access

- E97 Safe pedestrian and cyclist access must be maintained around work sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, an alternate route which complies with the relevant standards must be provided and signposted.
- E98 The existing Luke Bowen footbridge must not be removed until a replacement footbridge is open for use, or as agreed by the Planning Secretary.

WASTE

- E99 Waste generated during construction and operation must be dealt with in accordance with the following priorities:
- waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
 - where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
 - where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.
- E100 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the CSSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- E101 Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.
- E102 All waste must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

WATER

Surface water

- E103 The CSSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

E104 A **Construction Water Quality Impact Review**, consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG, 2018), must be prepared prior to commencement of construction. The water quality impact review must address the matters in **Appendix B**.

The **Construction Water Quality Impact Review** must be submitted to the EPA and Planning Secretary for information one month before the commencement of construction.

E105 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.

E106 The Proponent must consider the *Guidelines for controlled activities on waterfront land riparian corridors* (Department of Industry 2018) when carrying out work within 40 metres of a watercourse, including its bed.

E107 Where water abstraction from a waterway is proposed, a qualified aquatic ecologist must be engaged to assess if it is suitable for water abstraction and when pumping must cease.

E108 Any pumps sumps used in natural waterways must be screened with mesh no greater than 5mm in size.

E109 All new or modified drainage systems associated with the CSSI, must:

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

Groundwater

E110 Operational groundwater inflows into each tunnel must be no greater than one litre per second across any given kilometre (1L/s/km). Compliance with this condition cannot be determined by averaging groundwater inflows across the length of the tunnel(s).

E111 The Proponent must identify and commit to the implementation of 'make good' provisions for groundwater users in the event of a material decline in water supply levels, quality and quantity from existing registered bores associated with groundwater changes from either construction and/or ongoing operational dewatering caused by the CSSI.

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A39** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the CSSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.

Appendix B

CONSTRUCTION WATER QUALITY REVIEW

The Construction Water Quality review must address the following:

1. describe the existing surface water quality for any waterway likely to be affected by the construction activities
2. State the ambient Water Quality Objectives and environmental values for the receiving waters relevant to the project. These refer to the community's agreed environmental values and human uses endorsed by the NSW Government as goals for ambient waters (<http://www.environment.nsw.gov.au/ieo/index.htm>).
3. state the indicators and associated guideline values or criteria for the identified environmental values. This information should be sourced from the ANZG (2018) Australian and New Zealand Guidelines for Fresh and Marine Water Quality.
4. identify and estimate the quality and quantity of all pollutants that may be introduced into the water cycle by source and discharge point and describe the nature and degree of impact that any discharge(s) may have on the receiving environment;
5. demonstrate that all practical measures to avoid or minimise water pollution and protect human health and the environment from harm will be implemented;
6. identify sensitive receiving environments (including the Solitary Islands Marine Park) and develop a strategy to avoid or minimise impacts to these environments
7. assess the significance of any identified impacts including consideration of the relevant ambient water quality outcomes. Demonstrate how the proposal will be designed and operated to:
 - i. protect the NSW Water Quality Objectives for receiving waters where they are currently being achieved; and
 - ii. contribute towards achievement of the NSW Water Quality Objectives over time where they are not currently being achieved;
8. include details of a construction stage surface water quality monitoring program.