

# Upper South Creek Advanced Water Recycling Centre – Concept and Stage 1 Conditions of Approval

# 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 and Schedule 3.

The Hon. Anthony Roberts MP  
Minister for Planning

Sydney

28 November 2022

### SCHEDULE 1

Application no.:	SSI 8609189
Proponent:	Sydney Water Corporation
Approval Authority:	Minister for Planning
Land:	Land in the suburbs of Badgerys Creek, Bonnyrigg, Bonnyrigg Heights, Cabramatta, Cabramatta West, Canley Heights, Canley Vale, Cecil Hills, Cecil Park, Elizabeth Hills, Fairfield, Green Valley, Kemps Creek, Lansdowne, Lansvale, Luddenham, Mount Pritchard, Mulgoa, Wallacia, <b>Warragamba</b> and West Hoxton.
Description of Concept of the CSSI:	Concept proposal for the staged development of the <b>Upper South Creek Advanced Water Recycling Centre (AWRC)</b> project, sized to treat an average dry weather flow of up to 100 megalitres per day (ML/day) at ultimate capacity.
Description of Stage 1 of the CSSI:	Stage 1 development of the Upper South Creek AWRC project, comprising construction and operation of: <ul style="list-style-type: none"><li>• a sewage treatment plant at Kemps Creek sized to treat an average dry weather flow of up to 50 ML/day during Stage 1</li><li>• approximately <b>24 17</b> kilometres (km) of pipeline for the transmission of treated water from the AWRC to the Nepean River at Wallacia (treated water pipeline) <b>and the Warragamba River at Warragamba (environmental flows pipeline)</b></li><li>• approximately 24 km of pipeline for the transmission of brine from the AWRC to the sewage reticulation system at Lansdowne</li><li>• new infrastructure from the AWRC to South Creek, to release excess treated water during significant wet weather events and stormwater</li></ul>

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- new green space area around the AWRC, adjacent to South Creek and Kemps Creek
- energy generation and resource recovery activities, including renewable energy generation from solar panels and/or co-generation, and production of biosolids for beneficial re-use
- ancillary development.

### Staged CSSI:

The proposal is for a staged CSSI by virtue of section 5.20 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### Declaration as CSSI:

The proposal is CSSI by virtue of Schedule 5, clause 28 of *State Environmental Planning Policy (Planning Systems) 2021*.

***The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the approval has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all approvals relating to the original determination instrument, but it does not relieve an approval holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSI-8609189-Mod-1	26 May 2023	Team Leader	Removal of Environmental Flows Pipeline.
SSI-8609189-Mod-2	9 October 2023	Executive Director	Realignment of the treated water and brine pipelines in various locations, relocation of the flow splitter structure / valve station, and use of underbore return lines at the Nepean River, Jerrys Creek and Badgerys Creek during construction.
SSI-8609189-Mod-3	20 June 2025	Team Leader	Vary the concentration limits of treated effluent releases to the Nepean River to: <ul style="list-style-type: none"> <li>• account for potential impurities introduced by lime dosing of advanced treated effluent</li> <li>• account for the risk of faecal coliform recontamination in storage tanks, pipework or during sampling</li> <li>• include separate concentration limits for advanced and tertiary treated effluent.</li> </ul>

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## TERMS AND DEFINITIONS

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

**Table 1: Terms and Definitions**

Term	Definition
AA	The Acoustics Advisor for Stage 1 of the CSSI approved by the Planning Secretary.
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW).
ADWF	Average dry weather flow
AEP	Annual Exceedance Probability
Ancillary facility	A temporary facility for construction of Stage 1 of the CSSI including, but not limited to, an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, a fixed material stockpile area and car parking facilities.
ANZG (2018)	<i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (2018). Australian and New Zealand Governments and Australian state and territory governments, Canberra ACT, Australia.
At-property acoustic treatment	Includes courtyard walls and building treatments. Building treatments may include but are not limited to ventilation, acoustic blinds / curtains, glazing, window and door seals, sealing of vents or underfloor areas, shutters and secondary glazing.  <b>Note:</b> <i>The At Receiver Noise Treatment Guideline (Roads and Maritime Services, 2017) provides more examples of building treatments.</i>
AWRC	Advanced Water Recycling Centre
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
CEMP	Construction Environmental Management Plan
Certified area /certified land	An area marked as a certified area on the Order to confer biodiversity certification in the <i>State Environmental Planning Policy (Sydney Regional Growth Centres) 2006</i> , made on 11 December 2007.
Completion of construction	The date upon which construction is completed and all construction-related requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all construction-related requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction
Construction	Includes all activities required to construct Stage 1 of the CSSI as defined in the Project Description described in the documents listed in <b>Condition A1</b> of Schedule 3, including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding <b>Low Impact Work</b> which is carried out or completed prior to approval of the <b>CEMP</b> and works approved under a <b>Site Establishment Management Plan</b> .
Construction Boundary	The area physically affected by Work as described in the documents listed in <b>Condition A1</b> of Schedule 3.
CSSI	The critical State significant infrastructure, as described in Schedule 1, the carrying out of which is approved under the terms of this approval.

Term	Definition
DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) (former Commonwealth Department of Agriculture, Water and the Environment)
Department	NSW Department of Planning and Environment
DECC	Former NSW Department of Environment and Climate Change
DGV	Default Guideline Value
DPI Fisheries	NSW Department of Primary Industries, Fisheries
DPE Water	Water Group of the Department of Planning and Environment
Effluent	Partially treated wastewater that is passing through the different stages of treatment at the AWRC.
EHG	Environment and Heritage Group (former Environment, Energy and Science Group) of the Department of Planning and Environment
EIS	The Environmental Impact Statement referred to in <b>Condition A1</b> of Schedule 3, submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project.
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the CSSI approved by the Planning Secretary
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	<i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018)
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW)
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
Heritage NSW	Heritage NSW of Environment and Heritage Group of the Department of Planning and Environment
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Highly noise intensive work	Work which are defined as annoying under the <i>Interim Construction Noise Guideline</i> (DECC, 2009), including:



Term	Definition
	<ul style="list-style-type: none"> <li>(a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work;</li> <li>(b) grinding metal, concrete or masonry;</li> <li>(c) rock drilling;</li> <li>(d) line drilling;</li> <li>(e) vibratory rolling;</li> <li>(f) bitumen milling or profiling;</li> <li>(g) jackhammering, rock hammering or rock breaking; and</li> <li>(h) impact piling.</li> </ul>
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
Incident	<p>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.</p> <p><b>Note:</b> “material harm” is defined in this approval</p>
KFH	Key Fish Habitat
LAeq(15 minute)	The value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 Acoustics: description and measurement of environmental noise).
LAFmax	The maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 Electroacoustics - Sound level meters - Part 1: Specifications set to ‘A’ frequency weighting and fast time weighting.
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i> .
LOTE	Language Other than English
Low Impact Work	<p>Includes:</p> <ul style="list-style-type: none"> <li>(a) surveys including carrying out general alignment surveys, 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;</li> <li>(b) investigations including investigative drilling, contamination investigations and excavation;</li> <li>(c) site establishment work approved under a <b>Site Establishment Management Plan</b>;</li> <li>(d) use of minor ancillary facilities if the <b>ER</b> has determined the operational activities will have a minor impact on the environment and the community;</li> <li>(e) minor clearing and relocation of native vegetation, as identified in the documents listed in <b>Condition A1</b> of Schedule 3;</li> <li>(f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments;</li> <li>(g) property acquisition adjustment work including installation of property fencing;</li> </ul>



Term	Definition
	<p>(h) relocation and connection of utilities where the relocation or connection has been determined by the <b>ER</b> to have a minor impact to the environment and the community;</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) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI;</p> <p>(k) archaeological test excavation and salvage (for Aboriginal cultural heritage and historical heritage) undertaken in accordance with the documents listed in <b>Condition A1</b>;</p> <p>(l) other activities determined by the <b>ER</b> to have minor impact on the environment and the community, which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access.</p> <p>Notwithstanding the following works are <b>not</b> Low Impact Work:</p> <p>(m) where heritage items (excluding those impacted by activities (h), (i), (j) and (k) above), or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any Low Impact Work, that work is construction, unless otherwise determined by the Planning Secretary, following consultation by the Proponent with Heritage NSW, EHG or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation). Works identified as construction are unable to be completed as Low Impact Work; and</p> <p>(n) any night time hours (as defined by the ICNG) work that exceeds noise management and vibration levels as identified in <b>Condition E43(b)</b>.</p> <p>The Low Impact Work described in this definition becomes construction when the Construction Environmental Management Plan is approved. This also applies to Low Impact Work that has already commenced.</p> <p>The Proponent must prepare an unexpected finds protocol for flora and fauna to manage incidental finds of threatened species or ecological communities during Low Impact Work.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. <i>Early stages of Work are not necessarily Low Impact Work</i></li> <li>2. <i>Low Impact Work is not construction as defined by this approval.</i></li> </ol>
Material harm	<p>is harm that:</p> <p>(a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</p> <p>(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).</p>

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Term	Definition
Minister	NSW Minister for Planning
Minor Construction Ancillary Facility	Worker amenities and materials laydown and the like that are not part of a construction ancillary facility site.
ML/day	Megalitres per day
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).
NPWS	NSW National Parks and Wildlife Services
Noise Policy for Industry	The document entitled “ <i>Noise Policy for Industry</i> ” published by the NSW EPA (October 2017).
Non-certified area /non-certified land	An area marked as a non-certified area in the Order to confer biodiversity certification in the <i>State Environmental Planning Policy (Sydney Regional Growth Centres) 2006</i> , made on 11 December 2007.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
NSW Heritage Council	Heritage Council of NSW
OEMP	Operational Environmental Management Plan
Operation	<p>The carrying out of Stage 1 of the CSSI (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary.</p> <p><b>Note:</b> <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></p>
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 council(s)	Any or all as relevant, Penrith City, Fairfield City, Liverpool City, Canterbury-Bankstown City or Wollondilly Shire.
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW).
Response to Submissions	The Proponent’s response to issues raised in submissions received in relation to the application for approval for the CSSI under the EP&A Act.
RFI	Request for Information
Sensitive land use(s)	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios,

Term	Definition
	research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces) and industrial premises as identified by the Planning Secretary.  <i><b>Note</b> For the purpose of determining appropriate mitigation, a multistorey residential flat building must not be counted as one sensitive receiver</i>
SES	NSW State Emergency Services
SHR	State Heritage Register
Tree	Long lived woody perennial plant greater than (or usually greater than) 3 metres in height with one or relatively few main stems or trunks (AS4373-2007 Pruning of amenity trees)
Unexpected heritage find	An object or place that is discovered during the carrying out of the CSSI and which may be a heritage item but was not identified in the documents listed in <b>Condition A1</b> of Schedule 3 or suspected to be present. An unexpected heritage find does not include human remains.
Work	Any physical activity for the purpose of the CSSI including Construction and Low Impact Work.

## 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 Schedule 3 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 A43** and **A45** of Schedule 3).

Where there is an inconsistency with the requirements of the below table and any condition of approval, the condition of approval prevails.

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

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
<b>Part C-B – Key Issues (Concept)</b>			
C-B1	Evidence that all reasonable and feasible measures have been implemented to minimise stormwater infiltration into the AWRC sewer catchment	Prior to the discharge of any primary treated wet weather discharges from the AWRC	Information
C-B2	Water Quality Impact Assessment (WQIA)	Within three months of the WQIA triggers occurring	Approval
C-B7	Updated projection for when any potential future Stage 2 upgrade of the AWRC will be required	Five years after the commencement of operation of Stage 1 of the CSSI	Information
<b>Part A – Administrative (Stage 1)</b>			

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

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Condition	Report / Notification	Timing <sup>1</sup>	Purpose
A10 & A14	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A17	Site Establishment Management Plan	One month before the establishment of any construction ancillary facilities	Approval
A24	Environmental Representative	Must be approved before the commencement of Work	Approval
A28(k)	Environmental Representative reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A30	Acoustics Advisor	Must be approved before the commencement of Work	Approval
A34(h)	Monthly Noise and Vibration Report	Within seven days following the end of each month for the duration of the AA's engagement	Information
A35 & A36	Notification of commencement	One month before the commencement of Works, construction and operation	Information
A38	Independent Auditors	Prior to the commencement of an <b>Independent Audit</b>	Approval
A41	Independent Audit Reports	Within two months of undertaking the independent audit site inspection	Information
A43	Written notification of incident	As soon as possible and no later than 12 hours after the Proponent becomes aware of an incident	Information
A45	Non-Compliance Notification	Within seven days after the Proponent becomes aware of any non-compliance	Information
<b>Part B - Communication Information and Reporting (Stage 1)</b>			
B3	Community Communication Strategy	Before the commencement of any Work	Approval
B7	Complaints management system	Before the commencement of any Work	Information
B11	Complaints Register	Upon request from the Planning Secretary	Information
<b>Part C - Construction Environmental Management (Stage 1)</b>			
C3	CEMP	One month before the commencement of construction	Approval
C4	CEMP Sub-plans	One month before the commencement of construction	Approval
C15	Construction Monitoring Programs	One month before the commencement of construction	Approval
C18	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
<b>Part D - Operation Environmental Management (Stage 1)</b>			

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Condition	Report / Notification	Timing <sup>1</sup>	Purpose
D3	OEMP or EMS	One month before the commencement of operation	Information
<b>Part E – Key Issues (Stage 1)</b>			
<b>Air Quality</b>			
E5	Odour Management Plan (OMP)	Prior to the commencement of operation	Information
E11	Air emissions verification report	No later than two months after completion of post commissioning sampling and monitoring	Information
<b>Biodiversity</b>			
E16	Evidence of the retirement of credits	Prior to impacts on biodiversity values	Information
E17	Growth Centres Biodiversity Certification Offset Strategy	Prior to the commencement of construction	Approval
E19	Rehabilitation Management Plan	One month before the commencement of construction in the RBM 12 red-hatched lands	Approval
<b>Flooding</b>			
E27	Flood Impact and Risk Assessment (FIRA)	Prior to the commencement of construction within the green space area	Approval
<b>Heritage</b>			
E31	Aboriginal Cultural Heritage Excavation Report	Within 24 months of excavations	Information
E35	Heritage Report	No later than 12 months after the completion of archaeological excavation programs	Information
E37	Unexpected Heritage Finds and Human Remains Procedure	Before the commencement of Work	Information
<b>Noise and Vibration</b>			
E42(a)	Safety and Emergencies	On becoming aware of the need for emergency work	Information
E43	Out-of-Hours Work Protocol	Before the commencement of Out-of-Hours Work	Approval
E48	Construction Noise and Vibration Impact Statements (CNVIS)	Upon request	Information
E55	Community Consultation on Respite	Prior to undertaking the Work scheduled for the subject period	Information
E56	Operational Noise Review	Within 12 months of the commencement of construction	Information
<b>Place, Design and Visual Amenity</b>			
E63	Urban Design and Landscape Plan	No later than one month before the construction of permanent built surface works and/or	Approval

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Condition	Report / Notification	Timing <sup>1</sup>	Purpose
		landscaping in the area to which the UDLP applies	
E66	Ongoing maintenance requirements	The date of transfer of the asset(s) to the relevant authority	Information
<b>Soils and Contamination</b>			
E75	Evidence of the NSW EPA accredited Site Auditor review and interim audit advice or final audit statement	When the relevant plan or report is submitted to the Planning Secretary	Information
E79	Detailed Site Investigation Report	Upon request	Information
E85	Section A1 or A2 Site Audit Statement and accompanying Site Audit Report	After remediation and no later than before the commencement of operation of Stage 1 of the CSSI	Information
E88	Unexpected Finds Procedure for Contamination	At least one month prior to the commencement of Work	Approval
<b>Sustainability</b>			
E90	Evidence that the 'Design' rating has been achieved	Within one month of receiving the rating	Information
E90	Evidence that the 'As built' rating has been achieved	Within one month of receiving the rating	Information
E92	Water Reuse Strategy	Before construction and operation commencing	Information
<b>Traffic and Transport</b>			
E95	Use of local roads by heavy vehicles	Before the use of the local roads	Approval
E102	Construction Parking and Access Strategy	At least one month before the commencement of any construction that reduces the availability of existing parking	Information
E105	Road Safety Audits	Upon request of the Planning Secretary	Information
E106	Road Network Performance Plan	Six months prior to the operation of Stage 1 of the CSSI	Information
<b>Utilities management</b>			
E107	Utilities Management Strategy	At least one month before the commencement of utility Work	Information
<b>Water</b>			
E119 & E120	Water Quality Monitoring Program (WQMP)	At least one year prior to the commencement of operation of Stage 1 of the CSSI	Information
E121 & E122	Monitoring program to assess wet weather infiltration into the sewer network	At least one year prior to the commencement of operation of Stage 1 of the CSSI	Information
E128	Report that provides an update on the status of	Prior to the commencement of operation of Stage 1 of the CSSI	Information

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Condition	Report / Notification	Timing <sup>1</sup>	Purpose
	implementing any proposed stormwater harvesting system(s)		
<b>Aviation Safeguarding</b>			
E130	Wildlife Management Plan	Prior to the commencement of operation of Stage 1 of the CSSI	Information
<b>Environmental Flows Pipeline and Warragamba River Release Outlet</b>			
E131	Report outlining the Proponent's current position about construction of the environmental flows pipeline and Warragamba River release outlet	Prior to the commencement of operation of Stage 1 of the CSSI	Information
<b>World and National Heritage</b>			
E132	World Heritage Monitoring Program (WHMP)	Prior to the commencement of operation of Stage 1 of the CSSI	Information
<b>Hazards and Risk</b>			
E135	Pre-construction studies	At least one month prior to the commencement of construction of the AWRC development	Information

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



**SCHEDULE 2**

**CONDITIONS OF APPROVAL FOR CONCEPT PROPOSAL**

**PART C-A**

**ADMINISTRATIVE CONDITIONS (CONCEPT)**

**GENERAL**

- C-A1 Approval is granted to the 'Concept' as described in Schedule 1 and in the *Upper South Creek Advanced Water Recycling Centre Environmental Impact Statement*, dated September 2021, as amended by the following:
- (a) *Upper South Creek Advanced Water Recycling Centre Submissions Report*, dated March 2022;
  - (b) *Upper South Creek Advanced Water Recycling Centre Amendment Report*, dated March 2022;
  - (c) *Upper South Creek Advanced Water Recycling Centre Submissions Report – Project Amendments*, dated April 2022;
  - (d) Response to DPE RFI 1, regarding responses to advice received on the Response to Submissions Report (dated, 1 June 2022, 1 July 2022, and 11 July 2022); **and**
  - (e) Response to DPE RFI 2, regarding additional information on Flood Impact Assessment (dated, 11 July 2022); **and**
  - (f) in accordance with modification application SSI-8609189-Mod-1 and supporting documentation; and
  - (g) in accordance with modification application SSI-8609189-Mod-2 and supporting documentation; and
  - (h) in accordance with modification application SSI-8609189-Mod-3 and supporting documentation.
- C-A2 The Proponent must carry out the CSSI Concept in accordance with the terms of this approval and the documents listed in **Condition C-A1** of this schedule unless otherwise specified in, or required under, this approval.
- C-A3 In the event of an inconsistency between:
- (a) the terms of this approval and any documents listed in **Condition C-A1** of this schedule inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
  - (b) any document listed in **Condition C-A1** of this schedule, 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.

**FUTURE APPLICATIONS**

- C-A4 In accordance with section 5.20 of the EP&A Act, each subsequent stage of the CSSI Concept (excluding Stage 1) must be subject to future infrastructure application(s).
- C-A5 The determination of future infrastructure application(s) is to be not inconsistent with the terms of this approval (SSI-8609189), as described in Schedule 1 and subject to the conditions in Schedule 2.

**LIMITS OF CONSENT**

- C-A6 This approval lapses five years after the date on which it is granted, unless Stage 1 Work identified in Schedule 1 has physically commenced on or before that date.

## CONSOLIDATED APPROVAL

- C-A7 The maximum capacity of the AWRC must not exceed an average dry weather flow (ADWF) of 100 megalitres per day (ML/day) under the CSSI Concept.

PART C-B

KEY ISSUE CONDITIONS (CONCEPT)

WATER QUALITY

- C-B1 Prior to the discharge of any primary treated wet weather discharges from the AWRC, the Proponent must provide evidence to the Planning Secretary and the EPA that all reasonable and feasible measures have been implemented to minimise stormwater infiltration into the AWRC sewer catchment. This evidence must include confirmation of sewer planning, design and construction and quality assurance measures to ensure low infiltration into the AWRC sewer catchment.
- C-B2 The Proponent must prepare a **Water Quality Impact Assessment (WQIA)** of the AWRC's current and projected future operations, in the event that any of the following circumstances occur (the WQIA triggers):
- (a) the AWRC has been operational for five years; or prior to this if
  - (b) the volume of effluent receiving only primary treatment discharged from the AWRC during operation exceeds 40 ML over a 12 month period; or
  - (c) monitoring undertaken under **Condition E119** of Schedule 3 of this approval indicates that the AWRC releases during operation have resulted in exceedance of the ANZG (2018) toxicant DGVs for ammonia, ammonium, nitrate, total chlorine, aluminium, copper, zinc and manganese at a monitoring point located as near to 50 metres downstream of the South Creek discharge point as is feasible in more than two separate discharge events in a 12 month period; or
  - (d) monitoring undertaken under **Condition E119** of Schedule 3 of this approval indicates that the AWRC releases during operation have resulted in exceedance of the ANZG (2018) toxicant DGVs for ammonia, ammonium, nitrate, total chlorine, aluminium, copper, zinc and manganese at a monitoring point located as near to 50 metres downstream of the Nepean River discharge point as is feasible in more than six separate discharge events in a 12 month period.

**Notes:**

1. As part of **Condition E119** of Schedule 3 of this approval, the Proponent must investigate the feasibility of undertaking water quality monitoring at locations 50 metres downstream of the South Creek and Nepean River discharge points.
2. **Conditions C-B2(c) and C-B2(d)** are also intended to apply in scenarios where these toxicant DGVs are exceeded in background water quality and it can be demonstrated that AWRC releases have significantly increased the exceedance.

- C-B3 The **WQIA** required under **Condition C-B2** must be submitted to the EPA for information and Planning Secretary for approval within three months of the **WQIA** triggers occurring.

- C-B4 The **WQIA** required under **Condition C-B2** must include the following:

- (a) details of the volume, frequency and quality of effluent discharges from the AWRC from the commencement of operation up to the time the **WQIA** requirement was triggered;
- (b) analysis of water quality conditions in waterways likely to be impacted by the AWRC discharges from the commencement of operation up to the time the **WQIA** requirement was triggered;
- (c) relevant objectives, trigger values and/or criteria for water quality at the time the **WQIA** requirement was triggered;

- (d) comparison of the monitored water quality in waterways impacted by the AWRC from the commencement of operation up to the time the **WQIA** requirement was triggered, compared with trends predicted in the EIS; and
- (e) an assessment of the impacts of AWRC effluent discharges on water quality, including:
  - (i) the nature and degree of impact on receiving waters from the commencement of operation up to the time the **WQIA** requirement was triggered; and
  - (ii) whether the discharges are protective of or contribute toward the achievement of the objectives, trigger values and/or criteria for water quality outlined in **Condition C-B4(c)**.

C-B5 Prior to submission of the **WQIA**, the Proponent must consult with the EPA on relevant objectives, trigger values and/or criteria for water quality to be incorporated in the **WQIA** as required under **Condition C-B4(c)**.

**Notes:**

1. *The EPA may utilise the information contained in the WQIA to include additional conditions in any EPL, including:*
  - (a) *Justification from Sydney Water as to the proposed discharges from the AWRC; and/or*
  - (b) *Performance upgrades to the AWRC.*
2. *Part E of Schedule 3 of this approval provides additional water quality assessment and monitoring conditions that are required to be met.*
3. *The intent is for the WQIA to be submitted to the Planning Secretary for approval once, and not each time one of the WQIA triggers is met. Any amendments to the approved WQIA must be provided to the Planning Secretary and the EPA for information.*

C-B6 The projections outlined under **Condition C-B4** must be informed by comparing the water quality models in the EIS with observed results and incorporating any subsequent improvements in modelling.

C-B7 Five years after the commencement of operation of Stage 1 of the CSSI, the Proponent must submit to the Planning Secretary and the EPA for information, an updated projection for when any potential future Stage 2 upgrade of the AWRC will be required to manage more than 50 ML/day ADWF, including:

- (a) the nature and degree of future impacts on receiving waters from the AWRC until any potential future Stage 2 upgrade occurs; and
- (b) whether the discharges from the future scenario in **Condition C-B7(a)** are protective of or contribute toward the achievement of the objectives, trigger values and/or criteria for water quality outlined in **Condition C-B4(c)**.

SCHEDULE 3

CONDITIONS OF APPROVAL FOR STAGE 1

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out Stage 1 of the CSSI in accordance with the terms of this approval and generally in accordance with the:
- (a) *Upper South Creek Advanced Water Recycling Centre Environmental Impact Statement*, dated September 2021;
  - (b) *Upper South Creek Advanced Water Recycling Centre Submissions Report*, dated March 2022;
  - (c) *Upper South Creek Advanced Water Recycling Centre Amendment Report*, dated March 2022;
  - (d) *Upper South Creek Advanced Water Recycling Centre Submissions Report – Project Amendments*, dated April 2022;
  - (e) Response to DPE RFI 1, regarding responses to advice received on the Response to Submissions Report (dated, 1 June 2022, 1 July 2022, and 11 July 2022); ~~and~~
  - (f) Response to DPE RFI 2, regarding additional information on Flood Impact Assessment (dated, 11 July 2022); ~~and~~
  - (g) in accordance with modification application SSI-8609189-Mod-1 and supporting documentation; ~~and~~
  - (h) in accordance with modification application SSI-8609189-Mod-2 and supporting documentation; ~~and~~
  - (i) in accordance with modification application SSI-8609189-Mod-3 and supporting documentation.
- A2 Stage 1 of the CSSI must 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 terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
  - (b) any document listed in **Condition A1** inclusive, the most recent document will prevail to the extent of the inconsistency.
- Note:** For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of Stage 1 of the CSSI;
  - (b) any document or correspondence in relation to Stage 1 of the CSSI;
  - (c) any notification given to the Planning Secretary under the terms of this approval;
  - (d) any audit of the construction or operation of Stage 1 of the CSSI;
  - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
  - (f) the carrying out of any additional monitoring or mitigation measures; and
  - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.

- A5 This approval lapses five years after the date on which it is granted, unless Work has physically commenced on or before that date.
- A6 The maximum capacity of the AWRC must not exceed an average dry weather flow (ADWF) of 50 megalitres per day (ML/day) under Stage 1.
- 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, unless otherwise approved by the Planning Secretary.

### TIMING and APPROVALS

- A8 Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.
- A9 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and **ER** (as relevant) with the corresponding documentation. The evidence must include:
- (a) documentation of the 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.

### STAGING

#### Staging the delivery of Stage 1 of the CSSI

- A10 Stage 1 of the CSSI may be constructed and operated in stages (including but not limited to temporal, location or activity based staging). Where staged construction and/or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

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

- A11 The **Staging Report** must:

- (a) if staged construction is proposed, set out how the construction of the whole of Stage 1 of the CSSI will be staged, including details of Work and activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
- (b) if staged operation is proposed, set out how the operation of the whole of Stage 1 of the CSSI will be staged, including details of activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
- (c) specify how compliance with conditions will be achieved across and between each of the stages of Stage 1 of the CSSI; and
- (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

**Note:** A **Staging Report** may reflect the staged construction and operation of Stage 1 of the project through geographical activities, temporal activities or activity-based contracting and staging.



- A12 Where staging is proposed, Stage 1 of the CSSI must be staged in accordance with the **Staging Report**.
- A13 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.
- A14 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for information no later than one month prior to the proposed change in the staging.

### Staging, Combining and Updating Strategies, Plans or Programs

- A15 Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.

With the agreement of the Planning Secretary, the Proponent may prepare the updated strategy, plan or program without undertaking all the consultation required under the applicable condition in this approval.

Nothing in this condition prevents the preparation of either separate or combined strategies, plans or programs required under this approval.

#### Notes:

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

## ANCILLARY FACILITIES

### Additional ancillary facilities

- A16 Construction ancillary facilities (excluding minor construction ancillary facilities established under **Condition A19**) 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 sensitive land use(s) (including where an access road is between the facility and the land use), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and
  - (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and
  - (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

## SITE ESTABLISHMENT WORK

### Construction Ancillary Facility - Site Establishment Management Plan

- A17 Before the establishment of a construction ancillary facility that is required prior to the approval of a **CEMP** (excluding minor construction ancillary facilities determined by the **ER** to have minimal environmental impact and those established under **Condition A19**), the Proponent must prepare a **Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facility(ies). The **Site Establishment Management Plan** must be prepared in consultation with



the relevant council and government agencies. The Plan must be endorsed by the **ER** and then submitted to the Planning Secretary for approval one month before the establishment of any construction ancillary facility(ies). The **Site Establishment Management Plan** must detail the management of the construction ancillary facility(ies) and include:

- (a) a description of activities to be undertaken during establishment of the construction ancillary facility(ies) (including scheduling and duration of Work to be undertaken at the site);
- (b) figures illustrating the proposed operational site layout and the location of the closest sensitive land use(s);
- (c) 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 during site establishment works.

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

**Note:** *This plan is only needed before a **CEMP** is approved. Once a **CEMP** is approved a **Site Establishment Management Plan(s)** is not required and any ancillary facilities not approved under a **Site Establishment Management Plan** must be included in the **CEMP**.*

### Use of a Construction Ancillary Facility

A18 The use of a construction ancillary facility must not commence until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C4** and relevant **Construction Monitoring Programs** required by **Condition C13** have been approved by the Planning Secretary.

### Minor Construction Ancillary Facilities

A19 Minor construction ancillary facilities can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

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

### Boundary screening

A20 Boundary screening must be erected between construction ancillary facilities (excluding minor construction ancillary facilities) and adjacent to sensitive land use(s) for the duration of the time that the construction ancillary facility is in use, unless otherwise agreed with the owner and occupier of the adjacent sensitive land use(s).

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

## INDEPENDENT APPOINTMENTS

A21 All **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).

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

- A22 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.
- A23 The Planning Secretary may withdraw its approval of an **Independent Appointment** should they consider the Independent Appointment has not exercised their functions in accordance with this approval.

**Note:** *Conditions A22 and A23 apply to all Independent Appointments including the ER and AA.*

### ENVIRONMENT REPRESENTATIVE

- A24 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.
- A25 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of Work.
- A26 The proposed **ER** must meet the requirements of the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018) and must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in **Condition A1**, and is independent from the design and construction personnel for the CSSI and those involved in the delivery of it.
- A27 More than one **ER** may be engaged for Stage 1 of 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 Stage 1 of the CSSI.
- A28 For the duration of the Work until the completion of construction, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of Stage 1 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 A10, A17, 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);
- Note:** *The written statement must be made via the Major Projects Portal.*
- (e) regularly monitor the implementation of the documents listed in **Conditions A10, A17, 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 or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A37** of this approval;

- (g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;
  - (h) review the appropriateness of any activities reliant on the definition of **Low Impact Work**;
  - (i) consider or assess the impacts of minor construction ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A19** of this approval;
  - (j) consider any minor amendments to be made to the **Site Establishment Management Plan, Community Communications Strategy, CEMP, CEMP Sub-plans** and **monitoring programs** without increasing impacts to nearby sensitive land uses or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the **Site Establishment Management Plan, Community Communications Strategy, CEMP, CEMP Sub-plans** and **monitoring programs** approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
  - (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies (where requested by those agencies), for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." **The Environmental Representative Monthly Report** must be submitted within seven days following the end of each month for the duration of the ER's engagement for Stage 1 of the CSSI, or as otherwise agreed by the Planning Secretary.
- A29 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A28** (including preparation of the **ER** monthly report), as well as:
- (a) the complaints register (to be provided on a weekly basis where complaints have been received or as requested); and
  - (b) a copy of any assessment carried out by the Proponent of whether proposed Work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject Work).

**Note:** *Personal details of the complainant are not to be provided to the **ER** unless otherwise agreed to or requested by the complainant.*

## **ACOUSTICS ADVISOR**

- A30 A suitably qualified and experienced **Acoustics Advisor(s) (AA)** in noise and vibration management, who is independent of the design and construction personnel, must be nominated by the Proponent and engaged for the duration of Work and for no less than six months following completion of construction of Stage 1 of the CSSI.
- A31 Work must not commence until an **AA** has been approved by the Planning Secretary.
- A32 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.
- A33 The Proponent may nominate additional suitably qualified and experienced persons to assist the lead **AA** for the Planning Secretary's approval.
- A34 The approved **AA** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the performance of Stage 1 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 proposed night-time Works to determine if sleep disturbance would occur and recommend measures to avoid sleep disturbance or appropriate additional alternative mitigation measures;
- (e) review noise and vibration documents required to be prepared under the terms of this approval, and should they be consistent with the terms of this approval, endorse them before submission to the Planning Secretary (if required to be submitted to the Planning Secretary) or before implementation (if not required to be submitted to the Planning Secretary);
- (f) regularly monitor the implementation of all noise and vibration documents required to be prepared under the terms of this approval to ensure implementation is in accordance with what is stated in the document(s) and the terms of this approval;
- (g) notify the Planning Secretary of noise and vibration incidents in accordance with **Conditions A43 and A45** of this approval;
- (h) in conjunction with the **ER**, the **AA** must:
  - (i) as may be requested by the Planning Secretary, help plan, attend or undertake audits of noise and vibration management of Stage 1 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 Stage 1 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 **Site Establishment Management Plan, CEMP**, relevant sub-plans and noise and vibration monitoring programs that require updating or are of an administrative nature, and are consistent with the terms of this approval and the management plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, endorse the amendment, (this does not include any modifications to the terms of this approval),
  - (iv) review the noise impacts of minor construction ancillary facilities, and
  - (v) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, a **Monthly Noise and Vibration Report** detailing the **AA's** actions and decisions on matters for which the **AA** was responsible in the preceding month. The frequency of this report can be changed if agreed by the Planning Secretary. The **Monthly Noise and Vibration Report** must be submitted within seven days following the end of each month for the duration of the **AA's** engagement for Stage 1 of the CSSI, or as otherwise agreed by the Planning Secretary.

### NOTIFICATION OF COMMENCEMENT

- A35 The Department must be notified in writing of the dates of commencement of Works, construction and operation at least one month before those dates.
- A36 If the construction or operation of Stage 1 of the CSSI is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of the commencement of that stage.

### AUDITING

- A37 **Independent Audits** of Stage 1 of the CSSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A38 Proposed independent auditors must be agreed to in writing by the Planning Secretary before the commencement of an **Independent Audit**. This condition does not apply to the engagement of auditors required under **Condition E105**.

## CONSOLIDATED APPROVAL

- A39 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified in the *Independent Audit Post Approval Requirements* (DPIE, 2020), upon giving at least four weeks' notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A40 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under **Condition A37** or **Condition A39**;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each **Independent Audit Report** and response to it publicly available two months after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.
- A41 **Independent Audit Reports** and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A42 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

### INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

#### Incident Notification, Reporting and Response

- A43 The Planning Secretary must be notified via the Major Projects Website as soon as possible and no later than 12 hours after the Proponent becomes aware of an incident. The notification must identify 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.
- A44 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix A** of this approval.

#### Non-Compliance Notification

- A45 The Planning Secretary must be notified via the Major Projects Website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one), identify the condition/s against which the CSSI is non-compliant, the nature of the non-compliance; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A46 A non-compliance which has been notified as an incident under **Condition A43** does not need to be notified as a non-compliance.

### IDENTIFICATION OF WORKFORCE AND COMPOUNDS

- A47 Heavy vehicles used for spoil haulage must be clearly marked on the sides and rear with the project name and CSSI application number to enable immediate identification by a person viewing the heavy vehicle. No more than one set of project markings can be displayed on a heavy vehicle at any point of time.
- A48 The CSSI name; application number; telephone number, postal address and email address required under **Condition B8** of this approval must be made available on site boundary fencing / hoarding at each ancillary facility before the commencement of construction. This information must also be provided on the website required under **Condition B12** of this approval.



PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

**Community Communication Strategy**

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of Stage 1 of the CSSI with:
- (a) the community (including adjoining affected landowners and businesses, and others directly impacted by Stage 1 of the CSSI);
  - (b) Aboriginal people, Registered Aboriginal Parties (RAPs) and LALCs; and
  - (c) the relevant councils and relevant government agencies.
- B2 The **Community Communication Strategy** must:
- (a) identify people, organisations, councils and agencies to be consulted during the design and Work phases of Stage 1 of the CSSI;
  - (b) identify details of the community and its demographics;
  - (c) identify timing of consultation;
  - (d) set out procedures and mechanisms for the regular distribution of accessible information including to RAPs, LOTE, Culturally and Linguistically Diverse, and vulnerable communities about or relevant to Stage 1 of the CSSI;
  - (e) identify opportunities for education within the community about construction sites;
  - (f) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by **Condition E43**;
  - (g) detail measures for consulting with Fairfield City Council about disruption to Cabravale Leisure Centre car park and potential investigation of an alternate brine pipeline alignment at this location;
  - (h) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for Stage 1 of the CSSI;
  - (i) detail the role and responsibilities of the **Public Liaison Officer(s)** engaged under **Condition B6**;
  - (j) set out procedures and mechanisms:
    - (i) through which the community can discuss or provide feedback to the Proponent;
    - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
    - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of Stage 1 of the CSSI, including disputes regarding rectification or compensation;
  - (k) address who will engage with the community, relevant councils and agencies.
- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary and be approved prior to the commencement of any Work.
- B4 Work for the purposes of Stage 1 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, including any minor amendments approved by the **ER**, must be implemented for the duration of the Work and for 12 months following the completion of construction.

**Public Liaison Officer**

- B6 A **Public Liaison Officer** must be appointed to assist the public with questions and complaints they may have at any time during Work. The **Public Liaison Officer** must be available at all times that Work is occurring.

**COMPLAINTS MANAGEMENT SYSTEM**

- B7 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 Stage 1 of the CSSI. The Complaints Management System must be consistent with Sydney Water's Complaint Policy (Document number: 735107, version 4, dated 27 October 2021).

***Note:** In the situation where there are different entities constructing and operating Stage 1 of the CSSI, continuity of access to the Complaints Management System must be maintained.*

- B8 The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of Work and for 12 months following the completion of construction:

- (a) a 24- hour toll free telephone number for the registration of complaints and enquiries about Stage 1 of the CSSI;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved, consistent with Sydney Water's Complaint Policy (Document number: 735107, version 4, dated 27 October 2021 or its subsequent versions), and inclusive of escalation of a complaint to an independent dispute resolution body.

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

- B9 A **Complaints Register** must be maintained recording information on all complaints received about Stage 1 of 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 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:

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



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

- B11 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

### PROVISION OF ELECTRONIC INFORMATION

- B12 A website or webpage providing information in relation to Stage 1 of the CSSI must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction of Stage 1 of the CSSI. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant Work commences and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of Stage 1 of the CSSI;
- (b) a copy of the documents listed in **Condition A1**, 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 Stage 1 of the CSSI;
- (e) a copy of the current version of each document required under the terms of this approval; and
- (f) a copy of the audit reports required under this approval.

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

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

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

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

C1 A **Construction Environmental Management Plan (CEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The CEMP must detail how the performance outcomes, commitments and mitigation measures specified in the documents list 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 and social policies, guidelines and principles to be followed in the construction of Stage 1 of the CSSI;
- (c) a program for ongoing analysis of the key environmental and social impact risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of Stage 1 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 documents listed in **Condition A1** and as required by this approval; and
  - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;
- (e) an inspection program detailing the activities to be inspected and frequency of inspections;
- (f) a protocol for managing and reporting any:
  - (i) incidents; and
  - (ii) non-compliances with this approval or statutory requirements;
- (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
- (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C4**. Where staged construction of Stage 1 of the CSSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
- (i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;
- (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental, social and compliance obligations under the terms of this approval;
- (k) for periodic review and update of the **CEMP** and all associated plans and programs; and
- (l) measures to manage bushfire hazard and risk during construction.

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

C3 The **CEMP** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.

C4 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A9**.

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Surface water and groundwater	EPA, EHG, DPE Water, DPI Fisheries, WaterNSW and relevant council(s)
(b)	Flood emergency response	EHG, SES, relevant council(s)
(c)	Soils and contamination	EPA and relevant council(s)
(d)	Biodiversity	EHG, DPI Fisheries and relevant council(s)
(e)	Noise and vibration	EPA, WaterNSW and relevant council(s)
(f)	Traffic and transport	TfNSW and relevant council(s)
(g)	Heritage (Aboriginal, non-Aboriginal, World and National heritage)	Heritage NSW, EHG, WaterNSW and relevant council(s)
(h)	Air quality	EPA and relevant council(s)

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

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

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

C6 The **Surface Water and Groundwater CEMP Sub-Plan** must be prepared by a suitably qualified expert and include, but not limited to:

- (a) measures to achieve compliance with the NSW Government Wianamatta South Creek waterway health objectives and construction phase stormwater management targets, in accordance with the Wianamatta MUSIC modelling toolkit and *Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets* (DPE, 2022);
- (b) detail erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
- (c) detail all off-site flows from the AWRC site;
- (d) the Dewatering Procedure and Drilling Fluid Management Procedure as committed to in the documents listed in **Condition A1**.

C7 The **Flood Emergency Response CEMP Sub-Plan** must include measures for managing flood risks during construction and address flood recovery.

C8 The **Soils and Contamination CEMP Sub-Plan** must be prepared by a Contaminated Land Consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The **Soils and Contamination CEMP Sub-Plan** must include measures to address any contamination found during construction. The **Soils and Contamination CEMP Sub-Plan** must include (but not limited to):

- (a) details of construction activities and their locations which have the potential to expose areas known to contain, or potentially contain, contaminated soils and/or other contaminated materials;
- (b) measures for the handling, treatment and management of hazardous and contaminated soils and materials, including measures to manage and/or minimise worker and public health and safety risks with regard to exposure to contamination;

- (c) a description of how the effectiveness of the actions and measures for managing contamination impacts would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken, the locations where monitoring would take place, and how the results of the monitoring would be recorded and reported;
- (d) measures to identify contamination during Works;
- (e) measures to manage acid sulfate soils;
- (f) measures to manage asbestos finds; and
- (g) measures to detail unexpected finds consistent with the **Unexpected Finds Procedure for Contamination** required under **Condition E88**. The procedure must include details of who will be responsible for implementing the **Unexpected Finds Procedure for Contamination** and the roles and responsibilities of all parties involved.

The **Soils and Contamination CEMP Sub-Plan** must be reviewed by the Site Auditor engaged under **Condition E74**. The Site Auditor must issue interim audit advice or a relevant site audit statement stating whether they consider the **Soils and Contamination CEMP Sub-Plan** to be adequate. Once reviewed by the Site Auditor and approved by the Planning Secretary, the **Soils and Contamination CEMP Sub-Plan** must be implemented throughout the duration of construction.

- C9 The **Biodiversity CEMP Sub-Plan** must be prepared by a suitably qualified and experienced ecologist and include, but not limited to:
- (a) details of the measures to avoid and minimise disturbance to native vegetation, and other habitat of native flora and fauna species;
  - (b) procedures for undertaking pre-clearance surveys for native fauna, including surveys by a suitably qualified and experienced ecologist to determine the presence of native fauna in the areas impacted by Stage 1 of the CSSI, and procedures and measures to manage their relocation;
  - (c) measures to prevent the spread of weeds, pathogens and to manage biosecurity;
  - (d) protocols for incidental finds of threatened species and ecological communities within the construction boundary;
  - (e) ~~proposed passive roost exclusion measures over the vertical shaft at the Warragamba environmental flows release structure, as committed to in the documents listed in Condition A1.~~
- C10 The **Noise and Vibration CEMP Sub-Plan** must include, but not limited to:
- (a) details of all sensitive land use(s) (including noise and vibration sensitive working areas) that are potentially exposed to construction noise and vibration;
  - (b) construction noise and vibration performance criteria for Stage 1 of the CSSI;
  - (c) details of mitigation and management measure and procedures that will be implemented to manage construction noise and vibration impacts;
  - (d) construction timetabling, in particular construction activities outside of standard hours; and
  - (e) measures to minimise cumulative construction impacts and the likelihood for construction fatigue from both concurrent activities and other projects in the area.
- C11 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Planning Secretary.
- C12 The **CEMP** and **CEMP Sub-plans** as approved, including any minor amendments approved by the **ER**, must be implemented for the duration of construction of Stage 1 of the CSSI.

## **CONSTRUCTION MONITORING PROGRAMS**

- C13 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of Stage 1 of the CSSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

	<b>Required Construction Monitoring Programs</b>	<b>Relevant government agencies to be consulted for each Construction Monitoring Program</b>
(a)	Surface water quality	EPA, EHG, DPE Water, DPI Fisheries, WaterNSW and relevant council(s)
(b)	Groundwater	EPA, DPE Water
(c)	Noise and vibration	EPA, WaterNSW and relevant council(s)

C14 Each **Construction Monitoring Program (CMP)** must have consideration of SMART principles and provide:

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

C15 The **CMP(s)** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.

C16 Construction must not commence until the relevant **CMP(s)** have been approved by the Planning Secretary and all relevant baseline data for the specific construction activity has been collected.

C17 The **CMP(s)**, as approved, including any minor amendments approved by the **ER**, must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.

C18 The results of the **CMP(s)** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **CMP**.

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

**PART D**

**OPERATIONAL ENVIRONMENTAL MANAGEMENT**

**OPERATIONAL ENVIRONMENTAL MANAGEMENT**

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The OEMP must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. **Condition D1** does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for Stage 1 of the CSSI if the Proponent has a certified **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the certified **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and specified relevant terms of this approval can be achieved;
  - (b) issues identified through ongoing risk analysis can be managed; and
  - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 The **OEMP** or evidence of **EMS** certification or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one month before the commencement of operation of Stage 1 of the CSSI.
- D4 The **OEMP** or certified **EMS** or equivalent, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation of Stage 1 of the CSSI, and the **OEMP** or **EMS** certification or equivalent must be made publicly available before the commencement of operation.



PART E

KEY ISSUE CONDITIONS

AIR QUALITY AND ODOUR MANAGEMENT

General air quality conditions

- E1 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1**, all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants, including odours during the construction and operation of Stage 1 of the CSSI.
- E2 The final design of the discharge stacks of each co-generation engine must include a sampling plane compliant with Australian Standard AS4323.1 *Stationary source emissions – Selection of sampling positions (2021)*.
- E3 The Waste Gas Burner must be designed to comply with relevant provisions of Division 4 of Part 5 of the *Protection of the Environment Operations (Clean Air) Regulation 2021*.
- E4 All plant and equipment installed and used for the project must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

Odour management

- E5 Prior to the commencement of operation, the Proponent must prepare, implement and maintain an **Odour Management Plan (OMP)** for the AWRC. The **OMP** must be prepared by a suitably qualified and experienced person(s) in consultation with the EPA and submitted to the Planning Secretary for information.
- E6 The **OMP** must describe measures to minimise odour impacts associated with operation and include, but not necessarily limited to:
- (a) objectives and targets;
  - (b) key performance indicators;
  - (c) identification of all sources of odour associated with the operation;
  - (d) a detailed description of odour mitigation methods and management practices;
  - (e) a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices;
  - (f) location, frequency and duration of monitoring;
  - (g) details of proposed contingency measures should odour impacts occur;
  - (h) a communications strategy for handling potential odour complaints that includes recording, investigation, reporting and actioning; and
  - (i) system and performance review for continuous improvements.

Post commissioning monitoring of co-generation plant

- E7 The Proponent must engage a suitably qualified and experienced person(s) to undertake post commissioning air emissions sampling to verify the emission performance of the co-generation engine.
- E8 The post commissioning sampling required under **Condition E7** must occur within 3 months of the commissioning of the co-generation plant and corresponding air pollution controls.
- E9 Sampling at the co-generation engine ventilation outlet must be performed for all pollutants specified in column 1 of **Table 3**, using the methods listed in column 3 of **Table 3**. All sampling and analysis must be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.



**Table 3: Co-generation engine ventilation outlet criteria**

Pollutant	Units of measure	Sampling method
Nitrogen dioxide	Milligrams per cubic metre	TM-11
Volatile organic compounds	Milligrams per cubic metre	TM-34
Carbon monoxide	Milligrams per cubic metre	TM-32
Temperature	degrees Celsius	TM-2
Velocity	metres per second	TM-2
Moisture	Percent	TM-22

**Note:** Where an alternative method is proposed to be used, this must be approved in writing by the EPA prior to its use.

- E10 A minimum of two rounds of sampling must be undertaken to provide a suitable characterisation of emissions. Sampling must be undertaken when plant/process conditions are representative of emissions during representative periods of normal operation.
- E11 An **air emissions verification report** must be prepared and submitted to the EPA and Planning Secretary for information no later than two months after completion of post commissioning sampling and monitoring. The **air emissions verification report** must contain, as a minimum, the following information:
- (a) a description of the process operating conditions at the time of sampling, including fuel usage rates and electricity generation (kWh);
  - (b) a detailed description of the sampling location, including engineering drawings, schematics or photographs to support the description;
  - (c) all information required to be reported under Section 4 of the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*;
  - (d) comparison of measured emissions against the concentrations listed in **Table 4**:

**Table 4: Emission concentration standards**

Pollutant	Units of measure	100 percentile concentration standard	Reference conditions	Oxygen correction	Averaging period
Nitrogen dioxide	Milligrams per cubic metre	450	Dry, 273K, 101.3 kPa	3.0%	1 hour
Volatile organic compounds (as n-propane)	Milligrams per cubic metre	40	Dry, 273K, 101.3 kPa	3.0%	1 hour

- (e) Where the comparison under **Condition E11(d)** identifies monitoring results greater than the 100<sup>th</sup> percentile concentration standard, the **air emissions verification report** must identify additional mitigation measures to achieve the concentration standards. A timeline for implementation of any additional mitigation measures identified must also be nominated within the report.

**Notes:**

1. Supporting evidence must be included which confirms that the plant/process was operating under normal, representative conditions at the time of sampling.
2. The EPA may utilise information contained in the report submitted to include additional conditions in any EPL issued for the project, including emissions limits and requirements for ongoing monitoring.

## BIODIVERSITY

### Biodiversity Credits

- E12 The clearing of native vegetation must be minimised to the greatest extent practicable with the objective of reducing impacts to threatened ecological communities, threatened species and their habitat.

- E13 Impacts to plant community types and species credit species must not exceed those identified in **Table 5** and **Table 6**.
- E14 Prior to impacts on the biodiversity values of Stage 1 of the CSSI, the number and classes of ecosystem credits and species credits (like-for-like) as set out in **Table 5** and **Table 6**, must be retired. The retirement of the credits must be carried out in accordance with the *Biodiversity Conservation Act 2016*, and can be achieved by:
- (a) acquiring and retiring “biodiversity credits” within the meaning of the BC Act; and / or
  - (b) making a payment into the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits, as calculated by the Biodiversity Offsets Payment Calculator; and/or
  - (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

**Table 5: Ecosystem Credits to be Retired**

Plant Community Type (PCT) ID and name	Construction footprint impact (hectares)	Number of credits
724: Broad-leaved Ironbark – Grey Box – Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	1.58	40
725: Broad-leaved Ironbark – Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion	0.01	1
835: Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	<del>3.82</del> <u>2.81</u>	<del>135</del> <u>98</u>
849: Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	4.48	110
<del>1083: Red Bloodwood – scribbly gum heathy woodland on sandstone plateau of the Sydney Basin Bioregion</del>	<del>1.38</del>	<del>49</del>
1105: River Oak open forest of major streams, Sydney Basin Bioregion and South East Corner Bioregion	<del>0.40</del> <u>0.26</u>	<del>3</del> <u>2</u>
<del>1181: Smooth-barked Apple – Red Bloodwood – Sydney Peppermint heathy open forest on slopes of dry sandstone gullies of western and southern Sydney, Sydney Basin Bioregion</del>	<del>0.07</del>	<del>4</del>
1800: Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter valley	0.92	15
<b>TOTAL ECOSYSTEM CREDITS</b>		<del>324</del> <u>266</u>

**Note:** Excludes certified areas.

**Table 6: Species Credits to be Retired**

Species	Construction footprint impact (hectares)	Number of credits
Downy Wattle ( <i>Acacia pubescens</i> )	0.16	4
<i>Marsdenia viridiflora</i> subsp. <i>viridiflora</i>	0.04	3
Spiked Rice-flower ( <i>Pimelea spicata</i> )	1.64	41

## CONSOLIDATED APPROVAL

Sydney Bush-pea ( <i>Pultenaea parviflora</i> )	0.01	1
Large-eared Pied Bat ( <i>Chalinolobus dwyeri</i> )	<del>3.48</del> <u>1.11</u>	<del>137</del> <u>49</u>
Cumberland Plain Land Snail ( <i>Meridolum corneovirens</i> )	<del>7.95</del> <u>7.03</u>	<del>226</del> <u>175</u>
<del>Large Bent-winged Bat (<i>Miniopterus orianae oceanensis</i>)</del>	<del>1.56</del>	<del>41</del>
Southern Myotis ( <i>Myotis macropus</i> )	<del>6.88</del> <u>6.04</u>	<del>179</del> <u>149</u>
<del>Dural Land Snail (<i>Pommerhelix duralensis</i>)</del>	<del>1.45</del>	<del>27</del>
<b>TOTAL SPECIES CREDITS</b>		<b><del>659</del> <u>422</u></b>

**Note:** Excludes certified areas.

- E15 Where evidence of compliance with the Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits (OEH, 2017) for the purpose of applying the variation rules has been provided to the Planning Secretary, variation rules may be applied to retire the relevant ecosystem credits and species credits as set out in the BAM Biodiversity Credit Biodiversity Report (Variation). The variation rule does not apply to biodiversity credits for threatened species or threatened ecological communities that are listed as critically endangered under the *Biodiversity Conservation Act 2016* or listed in any capacity under the *Environment Protection and Biodiversity Conservation Act 1999*.

**Note:** "Impacted site" in the application of the like-for-like offset rules is taken to be the subject land described in the Biodiversity Development Assessment Report and Project Amendments: Biodiversity Assessment referred to in **Condition A1**. The subject land is the disturbance footprint subject to assessment under the Biodiversity Assessment Method.

- E16 Evidence of the retirement of credits in satisfaction of **Condition E14** must be provided to the Planning Secretary prior to impacts on biodiversity values.

### Impacts to Non-certified Existing Native Vegetation

- E17 Where lands mapped as non-certified existing native vegetation (ENV) under the *Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006* (the Order) are proposed to be impacted, the Proponent must prepare a **Growth Centres Biodiversity Certification Offset Strategy**. The strategy must:

- be prepared in consultation with EHG and submitted to the Planning Secretary for approval prior to the commencement of construction;
- be prepared in accordance with the Order;
- detail how the Proponent proposes to meet the requirements specified under Relevant Biodiversity Measure (RBM) 8 of the Order; and
- include the location of the offsets and the proposed measures to ensure the long-term protection of the offsets.

**Note:** The **Growth Centres Biodiversity Certification Offset Strategy** under **Condition E17** is only required in the event impacts on non-certified existing native vegetation (ENV) are proposed.

- E18 The Proponent must avoid direct or indirect impacts to ENV within RBM 12 red-hatched lands at Kemps Creek and Cross Street during construction of Stage 1 of the CSSI.
- E19 The Proponent must prepare a **Rehabilitation Management Plan** to revegetate and restore impacted RBM 12 red-hatched lands at Kemps Creek, mapped within the amended impact assessment area at **Appendix B**. Rehabilitation must occur as soon as practical after construction of the brine pipeline mapped at **Appendix B**, or as otherwise agreed with relevant landowner(s) or EHG.

- E20 The **Rehabilitation Management Plan** required under **Condition E19** must be prepared in consultation with EHG and submitted to the Planning Secretary for approval one month before the commencement of construction in the RBM 12 red-hatched lands. The plan must include:
- (a) removal of all equipment, materials and environmental controls from site;
  - (b) where like-for-like re-vegetation is not possible (for example, to minimise risk to pipelines from tree roots), consider vegetation suited to the infrastructure requirements and environmental conditions;
  - (c) return disturbed areas to preconstruction ground level where practical;
  - (d) rehabilitate areas of native vegetation removal to the highest ecological condition possible;
  - (e) in areas of native vegetation removal, reuse felled vegetation (logs and tree-hollows) and other habitat features such as rocks and boulders to increase habitat values;
  - (f) in areas of native vegetation removal, use locally sourced (local provenance) tube stock only. All species installed are to be locally indigenous and suitable and characteristic of the Plant Community Type (PCT) that would have originally occurred at the site;
  - (g) where possible, reuse stockpiled vegetation as part of rehabilitation works;
  - (h) where open trenching of waterways is required, enhance aquatic habitat and restore creeks to an improved state; and
  - (i) preparation of six-monthly summary progress report(s) over the revegetation maintenance period, for submission to EHG for comment until EHG is satisfied that the vegetation is established.

**Key Fish Habitat**

- E21 The Proponent must minimise impacts to Key Fish Habitat (KFH) as defined in *Policy and Guidelines for Fish Habitat Conservation and Management* (DPI, 2013 update).
- E22 The Proponent must take all reasonable and practicable measures to avoid open trenching of waterways, particularly Kemps Creek and South Creek, between late April and early June, and late October to late December, to minimise disruption of downstream and upstream Australian Bass migration.

**Re-use of native vegetation and other habitat features**

- E23 Stage 1 of the CSSI must maximise the reuse of native vegetation and other habitat features that have been approved for removal. Where reuse by the CSSI is not possible, relevant council(s), NSW National Parks & Wildlife Service, Western Sydney Parklands Trust, Greater Sydney Local Land Services, local Landcare groups, DPI Fisheries and any additional relevant government agencies must be consulted prior to the removal of vegetation and other habitat to determine if:
- (a) hollows, tree trunks (greater than 25-30 centimetres in diameter and 2-3 metres in length), mulch, bush rock and root balls salvaged from native vegetation impacted by the CSSI; and
  - (b) collected plant material, seeds and/or propagated plants from native vegetation impacted by the CSSI,

could be used by others in habitat enhancement and rehabilitation activities, before pursuing other disposal options. If the native vegetation and other habitat features can be reused by others, the Proponent must advise them and facilitate access for salvage.

**FLOODING**

- E24 Measures identified in the documents listed in **Condition A1** to not worsen flood characteristics during operation or other measures that achieve the same outcomes, must be incorporated into the AWRC site detailed design of Stage 1 of the CSSI. The incorporation of these measures into the detailed design must be reviewed and endorsed by a suitably qualified flood consultant, who is independent of the project's design and construction, in consultation with directly affected landowners, EHG, and relevant council(s).
- E25 Unless otherwise agreed by the Planning Secretary, Stage 1 of the CSSI must be designed and constructed to limit impacts on flooding characteristics in areas outside the project boundary, to those impacts documented in the amended Flood Impact Assessment (FIA) (July 2022) listed in **Condition A1**.

Where the requirements set out in the amended FIA (July 2022) listed in **Condition A1** cannot be met alternative flood levels or mitigation measures may be agreed to with the affected landowner.

In the event that the Proponent and the affected landowner cannot agree on the measures to mitigate the impact as described in the amended FIA (July 2022) listed in **Condition A1**, the Proponent must engage a suitably qualified and experienced independent person to advise and assist in determining the impact and relevant mitigation measures.

- E26 Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant council(s), EHG and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of Stage 1 of the CSSI. The council(s), EHG and the SES must be notified in writing that the information is available no later than one month following the completion of construction. Information requested by the relevant council(s), EHG or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the relevant council(s), EHG and the SES.
- E27 Prior to the commencement of construction within the green space area as mapped in Figure 4-7 and Figure 4-8 of the Environmental Impact Statement listed in **Condition A1**, the Proponent must prepare a **Flood Impact and Risk Assessment (FIRA)** for the proposed concept design of the green space area. The **FIRA** must incorporate all proposed elements (including but not limited to vegetation, walking paths, fences, irrigation area and outdoor learning spaces). The **FIRA** must be prepared by a suitably qualified and experienced flood consultant in consultation with EHG, and provided to the Planning Secretary for approval.

***Note:** Condition E27 excludes construction of elements required for effective operation and management of operational components of the AWRC plant. This includes release infrastructure to South Creek, fences around the AWRC operational area and fire trail around the AWRC operational area.*

- E28 The **FIRA** required under **Condition E27** must address the performance outcome criteria specified in Table 9.1.2 of the *draft Western Sydney Aerotropolis Development Control Plan 2021* (draft Aerotropolis DCP Phase 2, October 2021).

## HERITAGE

### Aboriginal Cultural Heritage

- E29 All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects or places of cultural significance except as authorised by this approval.
- E30 The Registered Aboriginal Parties (RAPs) must be kept regularly informed about Stage 1 of the CSSI. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of Stage 1 of the CSSI.

The Proponent must allow the RAPs an opportunity to undertake cultural salvage at each Aboriginal archaeological site identified for salvage in the Aboriginal Cultural Heritage Assessment Report (ACHAR) (June 2021) listed in **Condition A1**.

***Note:** Details regarding ongoing engagement with RAP's must be provided in the Communication Strategy required under **Condition B1**.*

- E31 At the completion of Aboriginal cultural heritage test and salvage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)** must be prepared by a suitably qualified person. The **Aboriginal Cultural Heritage Excavation Report(s)**, must:
- (a) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, OEH 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, DECCW 2010; and
  - (b) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).



The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant council(s), LALC, the RAPs and local libraries within 24 months of the completion of the Aboriginal archaeological excavations (both test and salvage).

- E32 Where previously unidentified Aboriginal objects or places of cultural significance are discovered, all Work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects and places must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the **Unexpected Heritage Finds and Human Remains Procedure** required by **Condition E37** and include registration in the **Aboriginal Heritage Information Management System (AHIMS)**.

#### Non-Aboriginal Heritage Archival Recording

- E33 Archival photographic digital recording must be undertaken as proposed in the documents listed in **Condition A1** for all listed heritage items which will be affected by Stage 1 of the CSSI. The recording must be undertaken prior to the commencement of Work which may impact the items and sites. The Archival recording must be undertaken by a suitably qualified heritage specialist and prepared in accordance with *NSW Heritage Office's How to Prepare Archival Records of Heritage Items* (1998) and *Photographic Recording of Heritage Items Using Film or Digital Capture* (2006). A copy must be provided to Heritage NSW and the relevant council(s) and submitted as part of the **Heritage Report** required by **Condition E35**.

#### Excavation and Archaeology

- E34 Prior to commencement of archaeological excavation, the Proponent must nominate a suitably qualified Excavation Director who complies with *Heritage NSW's Criteria for Assessment of Excavation Directors* (September 2019) to oversee and advise on matters associated with historical archaeology. The Excavation Director must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations consistent with the **Archaeological Research Design and Excavation Methodology** included as part of the Environmental Impact Statement listed in **Condition A1**.

- E35 Following completion of archaeological excavation programs a **Heritage Report** must be prepared that includes:

- (a) the details of any archival recording,
- (b) further historical research undertaken
- (c) results of archaeological excavations (including artefact analysis and identification of a final repository for finds); and
- (d) details of any significant artefacts recovered, where they were located, and details of their ongoing conservation and protection in perpetuity.

The report must be prepared in accordance with guidelines and standards required by Heritage NSW.

- E36 The **Heritage Report** must be submitted to the Planning Secretary, Heritage NSW, the relevant council(s), relevant local libraries and relevant local historical societies no later than 12 months after the completion of archaeological excavation programs.

#### Unexpected Heritage Finds and Human Remains

- E37 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by Heritage NSW and the Heritage Council of NSW. The **Unexpected Heritage Finds and Remains Procedure** must be submitted to the Planning Secretary for information before the commencement of Work. The procedure must be included in the **Heritage CEMP Plan** required by **Condition C4**.

- E38 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of Work.

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

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

### NOISE AND VIBRATION

#### Land Use Survey

- E39 A detailed land use survey must be undertaken to confirm sensitive land use(s) (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of activities which generate construction or operational noise, vibration or ground-borne noise in that area. The results of the survey must be included in the **Noise and Vibration CEMP Sub-plan** required by **Condition C4**.

#### Work Hours

- E40 Work must be undertaken during the following hours:

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

#### Highly Noise Intensive Work

- E41 Except as permitted by an EPL, highly noise intensive Works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

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

#### Variation to Work Hours

- E42 Notwithstanding **Conditions E40** and **E41** Work may be undertaken outside the hours specified in the following circumstances (a, b, or c):

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

On becoming aware of the need for emergency work in accordance with **Condition E42(a)**, the **AA**, the **ER**, the Planning Secretary and the EPA must be notified of the reasons for such work. Best endeavors must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land use(s) of the likely impact and duration of those works; or

- (b) **Work that meets all of the following criteria:**
  - (i) construction that causes  $L_{Aeq}(15 \text{ minute})$  noise levels:



- no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and
- no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land use(s); or
- (ii) construction that causes:
  - continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), or
  - intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).
- (c) **By Approval**, including:
  - (i) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or
  - (ii) works which are not subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition E43**; or
  - (iii) negotiated agreements with directly affected residents and sensitive land use(s).

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

**E43** An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of Work which is outside the hours defined in **Conditions E40**, and that are not subject to an EPL. The Protocol must be submitted to and approved by the Planning Secretary before commencement of the out-of-hours work. The Protocol must be prepared in consultation with the **ER**, **AA** and EPA. The Protocol must include:

- (a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
  - (i) the **ER** and **AA** review all proposed out-of-hours activities and confirm their risk levels,
  - (ii) low risk activities can be approved by the **ER** in consultation with the **AA**, and
  - (iii) high risk activities that are approved by the Planning Secretary;
- (b) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
- (c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of **Condition E55**. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land use(s) would be exposed to, including the number of noise awakening events;
- (d) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (e) notification arrangements for affected receivers for approved out-of-hours work and notification to the Planning Secretary of approved low risk out-of-hours works.

This condition does not apply if the requirements of **Condition E42(a) or (b)** are met.

**Note:** *If the Work is subject to an EPL and the EPA does not endorse extended hours as part of the EPL, the extended hours can not be considered under this Protocol.*

## **Construction Noise Management Levels and Vibration Criteria**

**E44** Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration objectives:

- (a) construction 'Noise affected' NMLs established using the *Interim Construction Noise Guideline* (DECC, 2009);
- (b) vibration criteria established using the *Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);
- (c) Australian Standard AS 2187.2 - 2006 "*Explosives - Storage and Use - Use of Explosives*";
- (d) BS 7385 Part 2-1993 "*Evaluation and measurement for vibration in buildings Part 2*" as they are "applicable to Australian conditions"; and

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

Work that exceeds the noise management levels and/or vibration criteria must be managed in accordance with the **Noise and Vibration CEMP Sub-plan** required by **Condition C4**, as applicable.

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

- E45 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 E43**.

- E46 Noise generating Work in the vicinity of community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.
- E47 At no time can noise generated by construction exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8hr) equivalent continuous A-weighted sound pressure level of  $L_{Aeq,8h}$  of 85 dB(A) for any employee working at a location near the CSSI.
- E48 **Construction Noise and Vibration Impact Statements (CNVIS)** must be prepared for Work that may exceed the noise management levels, vibration criteria and/or ground-borne noise levels specified in **Condition E44** and **Condition E45** at any residence outside construction hours identified in **Condition E40**, or where receivers will be highly noise affected. The **CNVIS** must include specific mitigation measures identified through consultation with affected sensitive land use(s) and the mitigation measures must be implemented for the duration of the Works. A copy of the **CNVIS** must be provided to the **AA** and **ER** prior to the commencement of the associated Works. The Planning Secretary may request a copy/ies of **CNVIS**.
- E49 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before Work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan** required by **Condition C4** and the **Community Communication Strategy** required by **Condition B1**.

### Construction Noise and Vibration Mitigation and Management

- E50 Industry best practice construction methods must be implemented where reasonably practicable to ensure that noise levels are minimised. Practices must include, but are not limited to:
- (a) use of regularly serviced low sound power equipment;
  - (b) early occupation and later release of road carriageways and construction sites;
  - (c) scheduling of noisiest Works before 11.00 pm Sunday to Thursday and before 12 midnight Friday and Saturday;
  - (d) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rock hammering and concrete cutting; and
  - (e) use of alternative construction and demolition techniques.

### Construction Vibration Mitigation - Heritage

E51 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 attended monitoring shows that the preferred values for vibration are likely to be exceeded, the construction methodology must be reviewed and, if necessary, additional mitigation measures implemented.

E52 Advice from a heritage specialist must be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.

**Note:** *The installation of noise and vibration equipment must not impact on the heritage values of the Heritage items.*

E53 Before conducting at-property treatment at any heritage item identified in the documents listed in **Condition A1**, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such Work does not have an adverse impact on the heritage significance of the item.

### Utility Coordination and Respite

E54 All work undertaken for the construction of Stage 1 of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. This must include:

- (a) rescheduling Work to provide respite to impacted noise sensitive land use(s) so that the respite is achieved in accordance with **Condition E55**; or
- (b) the provision of alternative respite or mitigation to impacted noise sensitive land use(s); and
- (c) the provision of documentary evidence to the **AA** in support of any decision made in relation to respite or mitigation.

The consideration of respite must also include all other CSSI, SSI and SSD projects which may cause cumulative and/or consecutive impacts at receivers affected by the delivery of Stage 1 of the CSSI.

### Out-of-Hours Works – Community Consultation on Respite

E55 In order to undertake out-of-hours work outside the hours specified under **Condition E40**, the appropriate respite periods must be identified for the out-of-hours work in consultation with the community at each affected location on a regular basis.

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

- (a) a progressive schedule for periods of likely out-of-hours work;
- (b) a description of the potential work, location and duration of the out-of-hours work;
- (c) the noise characteristics and likely noise levels of the work; and
- (d) likely mitigation and management measures which aim to achieve the relevant noise management levels and vibration criteria under **Condition E44** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers).

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

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

### Operational Noise Mitigation Measures

E56 An **Operational Noise Review (ONR)** must be prepared to confirm noise control measures that would be implemented for the operation of Stage 1 of the CSSI. The **ONR** must be prepared in consultation with relevant council(s) and the EPA and must:

- (a) confirm the appropriate operational noise and vibration objectives and levels for surrounding development, including existing sensitive land use(s);
- (b) confirm the operational noise predictions based on the final design. Confirmation must be based on an appropriately calibrated model(s) (which has incorporated noise monitoring, and concurrent traffic counting, where necessary for calibration purposes). The assessment must specifically include verification of noise levels at all fixed facilities, based on noise monitoring undertaken at appropriately identified noise catchment areas surrounding the facilities;
- (c) identify all noise and vibration mitigation measures including location, type and timing of mitigation measures, with a focus on:
  - (i) source control and design; and
  - (ii) 'best practice' achievable noise and vibration outcome for each activity;
- (d) include a consultation strategy to seek feedback from directly affected landowners on the noise measures; and
- (e) procedures for the management of operational noise complaints, including investigation and monitoring (subject to complainant agreement).

The **ONR** must be verified by the **AA** or an independent acoustic expert. The **ONR** must be undertaken at the projects expense and submitted to the Planning Secretary for information at least 12 months prior to the commencement of operation, unless otherwise agreed by the Planning Secretary.

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

#### **Operational Noise Validation**

- E57 Within 12 months of the commencement of operation of Stage 1 of the CSSI, monitoring of operational noise must be undertaken to compare actual noise performance of Stage 1 of the CSSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E56**.

#### **PLACE, DESIGN AND VISUAL AMENITY**

##### **Construction Support Sites**

- E58 Stage 1 of the CSSI must be constructed in a manner that minimises visual impacts of construction sites. For example, decorative hoarding, landscaping and/or vegetative screening of ancillary facilities, minimising light spill, and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located, including recognition of Country.

##### **Lighting and Security**

- E59 Stage 1 of the CSSI must be constructed and operated with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation of Stage 1 of the CSSI must be consistent with the requirements of *AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting*, relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*, and *National Airports Safeguarding Framework (NASF) Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*.

Additionally, mitigation measures must be provided to manage any residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.

**Note:** *The outcomes of this condition must be demonstrated in the **Urban Design and Landscape Plan**.*

##### **Active Transport Facilities**

- E60 Temporary and permanent active transport facilities along the pipeline alignment must be designed, constructed and/or rectified in accordance with:

- (a) the process set out in the Movement and Place Framework (NSW Government) including:
  - (i) the *Walking Space Guide: Toward Pedestrian Comfort and Safety* (TfNSW, 2020); and



- (ii) the *Cycleway Design Toolbox: Designing for Cycling and Micromobility* (TfNSW, 2020).
- (b) the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads 2017) where not otherwise covered by (a);
- (c) relevant Australian Standards (AS) such as AS 1428.1-2009 *Design for access and mobility*; and
- (d) relevant Crime Prevention Through Environmental Design (CPTED) principles.

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

**Design Outcomes**

E61 The place making, design and landscape outcomes for the AWRC site of Stage 1 of the CSSI must be:

- (a) informed by and be consistent with the Upper South Creek Advanced Water Recycling Centre Urban Design Report, dated July 2021 (provided as Attachment A to RFI 1, dated 1 June 2022) and identified in the documents listed in **Condition A1**, including but not limited to the objectives and design principles, requirements, and opportunities; and
- (b) prepared in consultation with the community (including the affected landowners and businesses or a representative of the businesses), LALCs, RAPs and relevant council(s).

E62 Where Work results in the temporary removal of a recreational or community use, and no similar use with sufficient capacity for regular users is located within two (2) kilometres of the site, then a temporary facility of comparable scale must be provided for the duration of the use of that site.

**Urban Design and Landscape Plan**

E63 An **Urban Design and Landscape Plan (UDLP)** must be prepared for the AWRC site to document and illustrate the permanent built works and landscape design of Stage 1 of the CSSI and how these works are to be maintained. The **UDLP** must be:

- (a) prepared by a suitably qualified and experienced person(s) in place, urban and landscape design and bush regeneration;
- (b) prepared in consultation with relevant council(s) and the community, including affected landowners and businesses;
- (c) submitted to the Planning Secretary for approval no later than one month before the construction of permanent built surface works and/or landscaping in the area to which the **UDLP** applies; and
- (d) implemented during construction and operation of Stage 1 of the CSSI.

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

E64 The **UDLP** must document how the following matters have been considered in the design and landscaping of the project:

- (a) the requirements of **Conditions E61 to E62**;
- (b) the requirements of the **Wildlife Management Plan** under **Condition E130**;
- (c) demonstrated integration of Crime Prevention Through Environmental Design (CPTED) principles;
- (d) Designing with Country and the principles and objectives of the draft Connecting with Country Framework;
- (e) the finalised version of the draft guideline '*Recognise Country – Draft Guidelines for development in the Aerotropolis*';
- (f) constraints associated with bushfire, flooding and airport safeguarding;
- (g) vegetation management that considers the principles of *Guidelines for Vegetation Management Plans on Waterfront Land* (NSW Office of Water, DPI 2012), draft *Western Sydney Aerotropolis Riparian Revegetation Strategy*, and the tree planting provisions in the draft *Western Sydney Aerotropolis Development Control Plan – Phase 2* (October 2021);
- (h) architectural design to soften the industrial aesthetic;
- (i) integrating heritage character of the site with treatment and finishes of the new design; and

- (j) inputs from relevant experts in architecture, landscape architecture, bushfire management, heritage, revegetation, ecology, wildlife hazard management and flooding.

E65 The **UDLP** must include descriptions and visualisations (as appropriate) of:

- (a) the design of the permanent built elements for the AWRC site including their form, materials and detail;
- (b) place, design and landscape outcomes for the proposed green space area, consistent with the Upper South Creek Advanced Water Recycling Centre Urban Design Report, dated July 2021 (provided as Attachment A to RFI 1, dated 1 June 2022) and identified in the documents listed in **Condition A1**;
- (c) the design of the project landform and landscaping elements;
- (d) the type and design of public and open space;
- (e) details of strategies to rehabilitate, regenerate or revegetate disturbed areas with local native species; and
- (f) management and routine maintenance standards and regimes for design elements and landscaping Work (including adequate watering of plants following planting depending on forecast weather conditions and weed management) to ensure the success of the design and landscape outcomes.

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

**Operational Maintenance**

E66 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented for the AWRC site as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **UDLP**, required by **Condition E65**.

The Planning Secretary must be advised of the date of transfer of the asset(s) to the relevant authority.

E67 Plant maintenance (watering and weeding) must continue during construction and operation on land owned by Sydney Water. Sydney Water must continue plant maintenance on other land specified in the **Rehabilitation Management Plan** under **Condition E19** and **Condition E20** and committed to in the documents listed in **Condition A1** for the maintenance period specified, in consultation with EHG and relevant landowner(s), as required. Should any plant loss occur during the maintenance period, the plants should be replaced by the same plant species and growth form (i.e. a tree with a tree and local native provenance species where the original planting was of local native provenance) unless it is determined by a suitably qualified person that a different species is more suitable for that location.

**SOCIO-ECONOMIC, LAND USE AND PROPERTY**

E68 The Proponent must identify the utilities and services (hereafter "services") potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from Stage 1 of the CSSI are avoided where practical and advised to customers.

**Condition Survey**

E69 The Proponent must offer pre-construction surveys to the owners of surface and sub-surface structures and other relevant assets identified at risk from vibration, including all listed heritage items and buildings/structures of heritage significance as identified in the documents listed in **Condition A1**. Where the offer is accepted, the survey must be undertaken by a suitably qualified and experienced engineer and/or building surveyor prior to the commencement of vibration

generating Works that could impact on the structure/asset. The results of each survey must be documented in a **Pre-construction Condition Survey Report** and the report must be provided to the owner of the item(s) surveyed no later than one month before the commencement of all other potentially impacting Works.

- E70 Where pre-construction surveys have been undertaken in accordance with **Condition E69**, subsequent post-construction surveys of the structure / asset must be undertaken by a suitably qualified and experienced engineer and/or building surveyor to assess damage that may have resulted from the vibration-generating Works. The results of the post-construction surveys must be documented in a **Post-Construction Condition Survey Report** for each item surveyed. The Post-construction Condition Survey Reports must be provided to the owner of the structures/assets surveyed, and no later than four months following the completion of construction activities that have the potential to impact on the structure / asset.
- E71 Where damage has been determined to occur as a result of Stage 1 of the CSSI, the Proponent must carry out rectification at its expense and to the reasonable requirements of the owner of the structure/asset within nine months of the completion of construction activities that have the potential to create damage unless another timeframe is agreed with the owner. Alternatively, the Proponent may pay compensation for the damage as agreed with the owner.

## **SOILS AND CONTAMINATION**

- E72 Prior to the commencement of any Work, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'. In the South Creek catchment, controls must also be in accordance with the construction phase targets and sediment and erosion control design principles outlined in the *Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets* (DPE, 2022).
- E73 The Proponent must engage a Certified Professional in Erosion and Sediment Control (CPESC) with minimum five years' experience to oversee all construction and sediment controls required for the AWRC.

### **Contaminated sites**

- E74 A **NSW EPA accredited Site Auditor(s)** must be engaged before the commencement of contamination investigations until the completion of construction to ensure that any Work required in relation to contamination is appropriately managed. The Site Auditor is to be provided with all documentation relevant to the consideration of contamination risk and the management of contamination for the project, including previous site audits and site audit statements. The Site Auditor is to review all relevant documentation and provide a written opinion on the contamination risk and the appropriateness of the reports and any proposed management measures of the site, including (but not limited to):
- (a) the contamination aspects of management and monitoring plans in **Conditions C1 and C4** including any updates or amendments to those plans;
  - (b) the review of the Proponent's risk rating for Areas of Environmental Concern (AECs) in **Condition E76**;
  - (c) **Sampling and Analysis Quality Plan** in **Condition E77**;
  - (d) **Detailed Site Investigation Report(s)** in **Condition E79**;
  - (e) **Remedial Action Plans** in **Condition E83**;
  - (f) **Unexpected Finds Procedure for Contamination** in **Condition E88**; and
  - (g) **Post-remediation validation reports**.
- E75 Evidence that the NSW EPA accredited Site Auditor has reviewed each of the plans and reports listed in **Condition E74**, and has issued an interim audit advice or a relevant Site Audit Statement regarding the appropriateness of those plans or reports, must be provided when the plan or report is submitted to the Planning Secretary for information.



Where the NSW EPA accredited Site Auditor confirms that no further investigations are warranted, **Conditions E76 to E82** do not apply.

- E76 The NSW EPA accredited Site Auditor must be engaged to review the risk rating for AECs identified in Appendix N (Soils and Contamination Impact Assessment) of the Environmental Impact Statement listed in **Condition A1**. Following this review, the Site Auditor must issue an interim audit advice confirming whether the risk rating has been undertaken appropriately.
- E77 Prior to the commencement of construction, a **Sampling and Analysis Quality Plan (SAQP)** for medium and high risk AECs, as confirmed by the Site Auditor and identified in the documents referred to in **Condition E76**, must be prepared to ensure that field investigations and analyses will be undertaken in a way that enables the collection and reporting of reliable data to meet project objectives, including the relevant site characterisation requirements of the detailed site investigations. The SAQP must:
- (a) be prepared (or reviewed and approved) by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
  - (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (CLM Act).
- E78 For medium to high-risk AECs as confirmed by the NSW EPA accredited Site Auditor, **Detailed Site Investigations(s)** must be conducted to determine the full nature and extent of the contamination at project areas identified in the SAQP(s). The **Detailed Site Investigations(s)** must:
- (a) be prepared (or reviewed and approved) by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme
  - (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the CLM Act; and
  - (c) state if the land within the project footprint is suitable for the proposed use or if the land requires remediation to be made suitable for the proposed use.
- E79 A **Detailed Site Investigation Report** must be submitted to the Planning Secretary upon request following the completion of the **Detailed Site Investigation(s)** required by **Condition E78**.

The **Detailed Site Investigation Report** must be prepared in accordance with:

- (a) the land use criteria applicable to the final land use at the opening of Stage 1 of the CSSI. Where the final land use is unknown the most stringent criteria for the land use assumed in the documents listed in **Condition A1** is to be applied; and
- (b) relevant guidelines made or approved by the EPA under section 105 of the CLM Act including *Consultants Reporting on Contaminated Land: Contaminated Land Guidelines* (NSW EPA 2020).

The report must be prepared by a Contaminated Land Consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

**Notes:**

1. *Nothing in this condition prevents the Proponent from preparing individual **Detailed Site Investigation Reports** for separate contaminated sites.*

2. Where **Detailed Site Investigation(s)** have already been undertaken for contaminated soils, materials, groundwater or sediments, and the Site Auditor agrees that these **Detailed Site Investigation(s)** are appropriate in determining the nature and extent of contamination, they do not need to be undertaken again for the purposes of this condition.

E80 The **Detailed Site Investigation Report** must provide details on:

- (a) primary sources of contamination, for example potentially contaminating activities, infrastructure (such as underground storage tanks, fuel line, sumps or sewer lines) or site practices;
- (b) contaminant dispersal in air, hazardous ground gases, surface water, groundwater, soil vapour, separate phase contaminants, sediments, infrastructure (e.g. concrete), biota, soil and dust;
- (c) contaminant characterisation and behaviour (volatility, leachability, speciation, degradation products and physical and chemical conditions on-site which may affect how contaminants behave);
- (d) potential effects of contaminants on human health, including the health of occupants of built structures (for example arising from risks to service lines from hydrocarbons in groundwater, or risks to concrete from acid sulphate soils) and the environment;
- (e) potential and actual contaminant migration routes including potential preferential pathways;
- (f) the adequacy and completeness of all information available for use in the assessment of risk and for making decisions on management requirements, including an assessment of uncertainty;
- (g) the review and update of the conceptual site model from the preliminary and detailed site investigations;
- (h) nature and extent of any existing remediation (such as impervious surface cappings); and
- (i) whether the land is suitable (for the intended final land use) or can be made suitable through remediation.

E81 **Detailed Site Investigation Reports** must be reviewed by the NSW EPA accredited Site Auditor in accordance with **Condition E74** and all recommendations made by the NSW EPA accredited Site Auditor implemented before Work commencing that could result in any disturbance of any land confirmed as a moderate to high risk area of potential contamination by the NSW EPA accredited Site Auditor.

**Notes:**

1. The intention of this condition is to require **Detailed Site Investigation(s)** of locations identified as an area of potential contamination to be completed before any form of excavation including the use of hand tools to expose soil to prevent unacceptable risk to human health or the environment on or off site.
2. This condition does not prevent disturbance required to complete the **Detailed Site Investigation(s)**.
3. This condition does not prevent other activities that do not disturb the land where the **ER** has reviewed the appropriateness of those activities in accordance with **Condition A28(j)**.

E82 Any recommendations made in the **Detailed Site Investigation Report** for changes to management measures in the **CEMP sub-plan(s)** must be incorporated into the relevant subplan required by **Condition C4**, unless otherwise approved by the Planning Secretary.

E83 Where remediation is required to make land suitable for the final intended land use, a **Remedial Action Plan** must be prepared and/or reviewed and approved by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

The **Remedial Action Plan** must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the CLM Act and must include measures to remediate the contamination at the site to ensure the site will be made suitable for the final intended land use.

**Note:** Nothing in this condition prevents the Proponent from preparing individual **Remedial Actions Plan(s)** for separate contaminated sites.

- E84 If remediation is required to make land suitable for the final intended land use, then prior to commencing with the remediation, the Proponent must submit the **Remedial Action Plan(s)** and an interim audit advice from a NSW EPA accredited Site Auditor to the Planning Secretary for information, which considers that the **Remedial Action Plan** is appropriate and that the site can be made suitable for the proposed land use. The **Remedial Action Plan** must be implemented and any changes to the **Remedial Action Plan** must be approved in writing by the NSW EPA accredited Site Auditor.
- E85 For any land confirmed as a moderate to high risk area of potential contamination by the NSW EPA accredited Site Auditor as per **Condition E76**, a **Section A1 or A2 Site Audit Statement** (accompanied by an Environmental Management Plan) and its accompanying **Site Audit Report**, which state that the contaminated land disturbed by the Work has been made suitable for the intended land use, must be submitted to the Planning Secretary and relevant council(s) after remediation and no later than one month before the commencement of operation of Stage 1 of the CSSI.

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

- E86 Contaminated land must not be used for the purpose approved under the terms of this approval until a **Section A1 or A2 Site Audit Statement** is obtained which states that the land is suitable for that purpose and any conditions on the **Section A Site Audit Statement** have been complied with.
- E87 Any recommendations to minimise risk to human health or the environment or for the management of contamination arising, the NSW EPA accredited Site Auditor review, advice or audits must be incorporated into the relevant **CEMP sub-plan** and implemented.
- E88 An **Unexpected Finds Procedure for Contamination** must be prepared before the commencement of Work and must be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The Procedure must be reviewed by the Site Auditor and interim audit advice or a **Section B Site Audit Statement** provided certifying that the **Unexpected Finds Procedure** is appropriate. The **Unexpected Finds Procedure** must be submitted to the Planning Secretary for approval at least one month prior to the commencement of Work and a copy of the interim audit advice or Section B Site Audit Statement attached. The **Unexpected Finds Procedure for Contamination** must be implemented throughout Work.

**Note:** Nothing in this condition prevents the **Unexpected Finds Procedure for Contamination** required under **Condition E88** to be submitted for approval as part of the **Soils and Contamination CEMP Sub-Plan** under **Condition C8**.

### SUSTAINABILITY

- E89 A **Sustainability Strategy** must be prepared and implemented to achieve a minimum "Gold" 'Design' and 'As built' rating under the Infrastructure Sustainability Council infrastructure v2.1 rating tool, or at least "Excellent" under v1.2.
- E90 Evidence that the minimum rating in **Condition E89** have been achieved must be provided to the Planning Secretary for information within one month of receiving the ratings.
- E91 The **Sustainability Strategy** must be implemented throughout design, construction and operation, and be submitted to the Planning Secretary for information.

E92 A **Water Reuse Strategy** must be prepared, which sets out options for the reuse of collected stormwater and groundwater during construction and operation. The **Water Reuse Strategy** must include, but not be limited to:

- (a) evaluation of reuse options;
- (b) details of the preferred reuse option(s), including indicative volumes of water to be reused, proposed reuse locations and/or activities, proposed treatment (if required), and any additional licences or approvals that may be required;
- (c) measures to avoid misuse of stormwater and groundwater as potable water;
- (d) consideration of the public health risks from reuse of stormwater or groundwater; and
- (e) a time frame for the implementation of the preferred reuse option(s).

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

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

A copy of the **Water Reuse Strategy** must be made publicly available prior to the commencement of construction. If reuse is only proposed during operation, then the Strategy must be made publicly available prior to the commencement of operation.

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

### TRAFFIC AND TRANSPORT

#### Construction traffic management

E93 Access to all utilities and properties must be maintained during construction, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.

E94 Any property access physically affected by Stage 1 of the CSSI must be reinstated to at least an equivalent standard, unless otherwise agreed by the landowner or occupier.

E95 Local roads that are proposed to be used by heavy vehicles (for the purposes of Stage 1 of the CSSI) that are immediately adjacent to the construction boundary and ancillary facilities, and that are not identified for use by heavy vehicles in the documents listed in **Condition A1**, must be approved by the Planning Secretary as part of the **Traffic and Transport Management CEMP Sub-plan**.

E96 All requests to the Planning Secretary under **Condition E95** must include the following:

- (a) a swept path analysis;
- (b) demonstration that the use of local roads by heavy vehicles for the Stage 1 of the CSSI will not compromise the safety of pedestrians and cyclists or the safety of two-way traffic flow on two-way roadways;
- (c) provide details as to the date of completion of the road dilapidation surveys for the subject local roads;
- (d) measures that will be implemented to avoid where practicable the use of roads past schools, aged care facilities and child care facilities during their peak operation times; and
- (e) written advice from an appropriately qualified professional on the suitability of the proposed heavy vehicle route which takes into consideration items (a), (b), (c), and (d) of this condition.

E97 The locations of all heavy vehicles used for spoil haulage must be monitored in real time and the records of monitoring be made available electronically to the Planning Secretary and the EPA upon request for a period of no less than one year following the completion of construction.

***Note:** Refer to **Condition A47** in relation to vehicle identification.*

#### Road Dilapidation



- E98 Before any local road is used by a heavy vehicle for the purposes of the Stage 1 of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the relevant council(s) within three weeks of completion of the survey and no later than one month prior to the road being used by heavy vehicles associated with Stage 1 of the CSSI.
- E99 If damage to roads occurs as a result of Stage 1 of the CSSI, the Proponent must either (at the relevant road authority's discretion):
- (a) compensate the relevant road authority for the damage so caused; or
  - (b) rectify the damage to restore the road to at least the condition it was in pre-works as identified in the **Road Dilapidation Report(s)**.

**Pedestrian and Cyclist Access**

- E100 Safe pedestrian and cyclist access must be maintained around Work sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, a proximate alternative route which complies with relevant standards, unless otherwise endorsed by an independent, appropriately qualified and experienced person, must be provided (including signposting) prior to the restriction or removal of the impacted access.

**Construction Parking Management**

- E101 Vehicles (including light and heavy vehicles) associated with Stage 1 of the CSSI must be managed to:
- (a) minimise parking on public roads;
  - (b) minimise idling and queueing on state and regional roads;
  - (c) not carry out marshalling of construction vehicles near sensitive land user(s);
  - (d) not block or disrupt access across pedestrian or shared user paths at any time; and
  - (e) ensure spoil haulage vehicles adhere to the nominated haulage routes identified in the **Traffic and Transport Management CEMP Sub-plan**.
- E102 A **Construction Parking and Access Strategy** must be prepared to identify and mitigate impacts resulting from on- and off-street parking changes during construction in highly urbanised settings. The Strategy must include, but not necessarily be limited to:
- (a) achieving the requirements of **Condition E101**;
  - (b) confirmation and timing of the removal of on- and off-street parking associated with construction of Stage 1 of the CSSI;
  - (c) parking surveys of all parking spaces to be removed or occupied by the CSSI workforce in the vicinity of the tunnelling compounds at Cabravale Leisure Centre and Bartley Street, Cabramatta to determine current demand during peak, off-peak, school drop off and pickup, weekend periods and during special events;
  - (d) consultation with affected stakeholders utilising existing on- and off-street parking stock which will be impacted as a result of construction;
  - (e) assessment of the impacts to on- and off-street parking stock taking into consideration, occupation by the CSSI workforce, outcomes of consultation with affected stakeholders and considering the impacts of special events;
  - (f) identification of mitigation measures to manage impacts to stakeholders as a result of on- and off-street parking changes including, but not necessarily limited to, staged removal and replacement of parking, and provision of alternative parking arrangements;
  - (g) mechanisms for monitoring, over appropriate intervals, to determine the effectiveness of implemented mitigation measures;
  - (h) details of shuttle bus service(s) to transport the CSSI workforce to construction sites from public transport hubs and off-site car parking facilities (where these are provided) and between construction sites;
  - (i) provision of contingency measures should the results of mitigation or monitoring indicate implemented measures are ineffective; and
  - (j) provision of reporting of monitoring results to the Planning Secretary and relevant council(s) at three monthly intervals.

The **Construction Parking and Access Strategy** must be submitted to the Planning Secretary for information at least one month before the commencement of any construction that reduces the availability of existing parking. The Strategy must be implemented before impacting on on-street parking and incorporated into the **Traffic and Transport Management CEMP Sub-plan**.

- E103 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 prior to the disruption. Adequate signage and directions to businesses must be provided prior to, and for the duration of, any disruption.

### Road Safety

- E104 Stage 1 of 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 *Austrroads Guide to Traffic Management*.

- E105 An independent **Road Safety Audit** must be undertaken to assess the safety performance of new or permanently modified local road, parking, pedestrian and cycle infrastructure provided as part of Stage 1 of the CSSI (including ancillary facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including *Austrroads Guide to Traffic Management*.

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

The audit findings and recommendations of the detailed design plans (audit of the plans) must be actioned prior to construction of the relevant infrastructure. The pre-opening audit findings and recommendations must be actioned prior to the relevant infrastructure being made available for use. All audit findings must be made available to the Planning Secretary on request, within the timeframe stated in the request.

### Road Network Performance

- E106 The Proponent must assess whether detailed design of the project would result in any increase to operational traffic movements identified in the documents listed in **Condition A1** for the AWRC site, and submit the assessment to the Planning Secretary for information. If any such changes to operational traffic movements are identified, the Proponent must prepare a **Road Network Performance Plan** in consultation with the relevant council(s) and TfNSW. The Plan must be prepared to address the following:

- (a) an updated analysis, including modelling of traffic impacts to the adjoining road network, as a consequence of Stage 1 of the CSSI;
- (b) an assessment of the performance of the road network, inclusive of the Clifton Avenue / Elizabeth Drive intersection; and
- (c) mitigation measures to manage any predicted traffic performance impacts.

If a **Road Network Performance Plan** is triggered under this condition, it must be submitted to the Planning Secretary, relevant council(s) and TfNSW for information six months prior to the operation of Stage 1 of the CSSI. The mitigation measures in the Plan must be implemented by the Proponent before the operation of Stage 1 of the CSSI.

## UTILITIES MANAGEMENT

### Utilities Management Strategy

- E107 A **Utilities Management Strategy** must be prepared and implemented for all utility Work undertaken as a result of Stage 1 of the CSSI. The Strategy must identify how utility Work will be defined and managed. The **Utilities Management Strategy** must include:



- (a) The functions of the **Utility Coordination Manager** as required by **Condition E109**;
- (b) A description of all utility Work to be undertaken; and
- (c) Management measures to be implemented to manage dust, noise, traffic, access, lighting and other relevant impacts associated with utility Work.

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

E108 Nothing in this approval permits the carrying out of any utility Work not required for the purpose of the Stage 1 of the CSSI.

**Utility Coordination Manager**

E109 A **Utility Coordination Manager** must be appointed for the duration of Stage 1 of the CSSI Work. The role of the **Utility Coordination Manager** must include, but not be limited to:

- (a) the management and coordination of all utility Work associated with the delivery of Stage 1 of the CSSI, to ensure respite is provided to the community;
- (b) providing advice to the **Public Liaison Officer(s)** regarding upcoming utility Work, including the scope of the Work and the responsibility for the Work; and
- (c) investigating complaints received from the **Public Liaison Officer(s)** relating to utility Work and providing a response to the **Public Liaison Officer(s)**.

**WASTE**

E110 Waste generated during construction and operation must be dealt with in accordance with the following priorities:

- (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
- (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
- (c) where re-using, recycling or recovering waste is not reasonably practicable, waste must be treated or disposed of.

E111 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the EPL in force for Stage 1 of 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.

E112 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.

E113 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**

**Construction Requirements**

E114 Works on waterfront land and within watercourses must have regard to *Guidelines for controlled activities on waterfront land – Riparian Corridors* (NRAR, 2018), *Controlled activities on waterfront land – Guidelines for watercourse crossings on waterfront land* (NSW Office of Water, 2013) and *Policy and Guidelines for Fish Habitat Conservation and Management* (DPI Fisheries, 2013). This includes outlets and watercourse crossings.

E115 Suitably qualified expert(s) must agree to methods of construction of pipelines across waterways and through shallow aquifers, in consultation with relevant State and/or local authorities.

- E116 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out taking into consideration relevant guidelines and designed by a suitably qualified and experienced person.
- E117 Rehabilitation and revegetation of the riparian corridor and banks of watercourses impacted by Stage 1 of the CSSI must be commenced within three months of the completion of the watercourse Work and any other Work required in the riparian corridor.
- E118 The Proponent must ensure sufficient water entitlement is held in a Water Access License(s) (WAL) to account for the maximum predicted take for each water source prior to the take occurring.

#### Operational Water Quality Monitoring Requirements

- E119 The Proponent must develop and implement an ongoing **Water Quality Monitoring Program (WQMP)** to assess the impacts of the AWRC effluent discharges on water quality. The **WQMP** must include:
- (a) monitoring of treated effluent from the AWRC under different release streams;
  - (b) monitoring of waterways that may be impacted by AWRC discharges (including comparison with baseline and upstream conditions). **Monitoring must include upstream and downstream ambient water quality monitoring of receiving waters that may be impacted by the proposed Warragamba River release outlet, consistent with the documents listed in Condition A1;**
  - (c) details of the sampling frequency, analysis, and locations used in the program;
  - (d) reporting requirements for the program to the EPA, including consideration of any expanded Beachwatch monitoring program in the Hawkesbury Nepean catchment.
- E120 The **WQMP** required under **Condition E119** must be submitted to the EPA for review at least 18 months prior to the commencement of operation of Stage 1 of the CSSI, **and must be approved by the EPA** and submitted to the Planning Secretary for information at least one year prior to the commencement of operation of Stage 1 of the CSSI.
- E121 The Proponent must develop and implement a **monitoring program to assess wet weather infiltration into the sewer network** connected to the AWRC. The program must include:
- (a) monitoring of sewer infiltration rates throughout the AWRC sewer catchment from the commencement of operation onward;
  - (b) proposed investigative actions and potential remedial actions for wet weather infiltration in the sewer network in the event that high wet weather infiltration is identified; and
  - (c) reporting requirements for the program to the EPA.
- E122 The monitoring program required under **Condition E121** must be submitted to the EPA for review at least 18 months prior to the commencement of operation of Stage 1 of the CSSI, **and must be approved by the EPA** and submitted to the Planning Secretary for information at least one year prior to the commencement of operation of Stage 1 of the CSSI.

**Note:**

1. *Part C-B of Schedule 2 of this approval provides additional water quality assessment and monitoring requirements that must be met.*
2. *The **WQMP** and **monitoring program to assess wet weather infiltration into the sewer network** must be provided to the Planning Secretary and/or the EPA upon request.*
3. *The **WQMP** and **monitoring program to assess wet weather infiltration into the sewer network** are required to be updated on an ongoing basis throughout operation of Stage 1 of the CSSI.*

#### Stormwater Drainage

- E123 Surface water drainage on the AWRC site as part of Stage 1 of the CSSI must be designed, constructed and operated to achieve compliance with the NSW Government Wianamatta South Creek waterway health objectives and construction and operational phase stormwater management targets, in accordance with the Wianamatta MUSIC modelling toolkit and *Technical*

*Guidance for Achieving Wianamatta South Creek Stormwater Management Targets* (DPE, 2022).

- E124 If construction stage stormwater discharges are proposed, a **Water Pollution Impact Assessment** will be required to inform licensing consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with a level of detail commensurate with the potential water pollution risk.
- E125 The Proponent must undertake further hydrological and hydraulic modelling for the AWRC site based on the detailed design of Stage 1 of the CSSI to determine the ability of the receiving stormwater drainage systems to effectively convey pavement drainage from Stage 1 of the CSSI where it is proposed to discharge these flows to council or Sydney Water receiving stormwater drainage systems. The modelling must be undertaken in consultation with the relevant council(s) and the outcomes documented in the **Stormwater Drainage Report** required under **Condition E126**.
- E126 The **Stormwater Drainage Report** must be prepared at least one month prior to the commencement of any new permanent drainage Works, modifications or connections to existing drainage Works, construction of hard surfaces that are associated with the operation of the project and would result in runoff to existing council or Sydney Water stormwater drainage systems. The **Stormwater Drainage Report** must:
- (a) assess the potential impacts of pavement drainage discharges from Stage 1 of the CSSI drainage systems on the receiving environment and capacity of council(s) or Sydney Water's drainage infrastructure;
  - (b) identify all mitigation measures to be implemented where pavement drainage from Stage 1 of the CSSI drainage systems are predicted to adversely impact on the receiving environment or capacity of council or Sydney Water drainage infrastructure; and
  - (c) set out a clear time frame for the implementation of mitigation measures.
- Nothing in this condition prevents the Proponent from preparing separate **Stormwater Drainage Reports** for pavement discharges to the drainage system provided that each report is prepared at least one month prior to the subject Works/discharges commencing.
- E127 All new or modified drainage systems associated with Stage 1 of the CSSI must be designed to:
- (a) where they connect with council(s) or Sydney Water drainage system, meet the capacity constraints to receive and convey the proposed flows from Stage 1 of the CSSI, or otherwise upgrade council(s) or Sydney Water drainage system at the Proponent's expense, in consultation with the relevant council(s);
  - (b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); and
  - (c) ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and the receiving environment.
- E128 Prior to the commencement of operation of Stage 1 of the CSSI, the Proponent must submit a report to the Planning Secretary, the EPA and EHG for information, that provides an update on the status of implementing any proposed stormwater harvesting system(s) across the Western Sydney Parkland City that connect to the AWRC.

### AVIATION SAFEGUARDING

- E129 The Proponent must consider the provisions of the *Airports (Protection of Airspace) Regulation 1996* for any intrusions into prescribed airspace, including:
- (a) constructing permanent structures, such as buildings, into the protected airspace;

- (b) temporary structures such as cranes protruding into the protected airspace; or
- (c) activities causing non-structural intrusions into the protected airspace, such as air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.

If any of the above components result in an impact on protected airspace, then approval is required in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulation 1996*.

E130 Prior to the commencement of operation of Stage 1 of the CSSI, the Proponent must prepare a **Wildlife Management Plan** to identify the project's contribution to increased risk of wildlife strikes by aircraft. The **Wildlife Management Plan** must include:

- (a) wildlife monitoring surveys and regular wildlife hazard assessments;
- (b) wildlife awareness and management training for operational staff;
- (c) implementation of activities to reduce hazardous bird populations;
- (d) adoption of wildlife deterrent technologies to reduce hazardous bird populations;
- (e) performance indicators to evaluate implementation and compliance;
- (f) a review process to regularly assess implementation against performance indicators, identify gaps, and ensure currency; and
- (g) roles and responsibilities for plan implementation and review.

The **Wildlife Management Plan** must be submitted to the Planning Secretary, Western Sydney Airport and DPI Agriculture for information prior to the commencement of operation of Stage 1 of the CSSI, and be implemented throughout operation.

#### **ENVIRONMENTAL FLOWS PIPELINE AND WARRAGAMBA RIVER RELEASE OUTLET**

~~E131 Prior to the commencement of operation of Stage 1 of the CSSI, the Proponent must provide the Planning Secretary for information, a report outlining the Proponent's current position about construction of the environmental flows pipeline and Warragamba River release outlet identified in the documents listed in Condition A1. The report must consider:~~

- ~~(a) advice provided by relevant government agencies;~~
- ~~(b) population growth in the AWRC servicing area;~~
- ~~(c) implementation of any recycled water scheme(s);~~
- ~~(d) the Greater Sydney Water Strategy and relevant water sharing plan(s); and~~
- ~~(e) outcomes of consultation with the NSW Government's environmental flows working group on details of the optimal treated water release location and approach for environmental flows.~~

#### **WORLD AND NATIONAL HERITAGE**

E132 The Proponent must prepare a **World Heritage Monitoring Program (WHMP)** to verify whether potential impacts on the Greater Blue Mountains Area World Heritage property and National Heritage place during Stage 1 of the CSSI are in accordance with impacts assessed in the documents listed in **Condition A1**. The **WHMP** must be prepared in consultation with EHG and submitted to the Planning Secretary and EHG for information prior to the commencement of operation of Stage 1 of the CSSI. The **WHMP** must include, but not necessarily limited to:

- (a) baseline and post-commissioning monitoring of representative attributes that:
  - (i) contribute to the Outstanding Universal Value (OUV) of the Greater Blue Mountains Area; and
  - (ii) are identified in the documents listed in **Condition A1** as potentially impacted during Stage 1 of the CSSI;
- (b) relevant water quality monitoring data; and
- (c) photos at each monitoring point.

E133 Within twelve months after the commencement of operation of Stage 1 of the CSSI, and every year thereafter, unless otherwise agreed by the Planning Secretary, the Proponent must prepare an annual World Heritage monitoring report. The World Heritage monitoring report must include, but not necessarily limited to:

- (a) analysis of results from the **WHMP** under **Condition E132**, including verifying whether potential impacts are as predicted in the documents listed in **Condition A1**;
- (b) mitigation measures proposed, where the **WHMP** under **Condition E132** identifies an impact on the Blue Mountains World Heritage Property and National Heritage place, that is attributable to the project and exceeds the impacts described in the documents listed in **Condition A1**;
- (c) effectiveness of mitigation measures implemented, and any necessary additional mitigation measures; and
- (d) any corrective actions that may be required and/or have been employed.

The World Heritage monitoring report must be provided to EHG for information within one month of completion of each annual report.

E134 No Work within Blue Mountains National Park (part of the Greater Blue Mountains Area) is to occur as part of Stage 1 of the CSSI (such as for investigations, monitoring or temporary construction compounds), unless authorisation is granted by the NSW National Parks and Wildlife Service under the *National Parks and Wildlife Act 1974* (NPW Act) or the *National Parks and Wildlife Regulation 2019*.

## HAZARDS AND RISK

### Pre-construction

E135 At least one month prior to the commencement of construction of the AWRC development (except for construction of those works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Proponent must prepare and submit to the Planning Secretary the studies set out under subsections (a) to (b) below (the pre-construction studies). Construction, other than of works, must not commence until recommendations have been considered and, where appropriate, acted upon. With respect to the Fire Safety Study, the study must meet the requirements of Fire and Rescue NSW.

- (a) a **Final Hazard Analysis** of the AWRC development, prepared generally consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis' and Multi-Level Risk Assessment*. The Final Hazard Analysis must:
  - (i) include a final site layout including dangerous goods storage locations;
  - (ii) provide verification to Australian Standards for the storage and handling of the dangerous goods stored on the AWRC site including, but not limited to:
    - flammable dangerous goods (Class 3); and
    - corrosive liquids (Class 8).

The verification should be focused on key elements such as separation distances described in the relevant standard and critical controls.
- (b) A **Fire Safety Study** for the AWRC development. This study must cover the relevant aspects of the *Department's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* (NSW HMPCC, 1994). The study must meet the requirements of Fire and Rescue NSW.

### Pre-commissioning

E136 The Proponent must develop and implement the plans and systems set out under subsections (a) to (c) below, no later than two months prior to the commencement of the commissioning of the AWRC development, or within such further period as agreed with the Planning Secretary.



- (a) arrangements covering the transport of dangerous goods including details of routes to be used for the movement of vehicles carrying dangerous goods to the AWRC development. The routes must be selected in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 11, 'Route Selection'*. Suitable routes identified in the study must be used except where departures are necessary for local deliveries or emergencies;
- (b) a comprehensive Emergency Plan and detailed emergency procedures for the AWRC development. The Emergency Plan must include consideration of the safety of all people outside of the AWRC development who may be at risk from the AWRC development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*;
- (c) a document setting out a comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

This document is not required if the Proponent has a certified **Safety Management System (SMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that the certified **SMS** or equivalent addresses these requirements.

**Hazard audit**

E137 Within twelve months after the commencement of operation of Stage 1 of the CSSI, and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Proponent must carry out a comprehensive Hazard Audit in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5 'Hazard Audit Guidelines'* of the AWRC development. The Hazard Audit must be carried out at the Proponent's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development.



## 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 A44** 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 terms of the approval;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.

## Appendix B

Biodiversity impacts required to be rehabilitated at Kemps Creek, within amended impact assessment area in land subject to RBM 12

