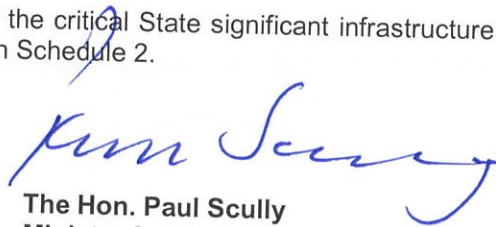


Infrastructure approval

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

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



The Hon. Paul Scully
Minister for Planning and Public Spaces

Sydney

date

4/9/24

SCHEDULE 1

Application no.:

SSI-9406

Proponent:

Australian Rail Track Corporation

Approval Authority:

Minister for Planning

Land:

Land between Illabo and Stockinbingal

Description of Critical State Significant Infrastructure:

Development for the purposes of the Inland Rail – Illabo to Stockinbingal proposal being the construction and operation of approximately 39 kilometres of new single-track standard gauge railway to accommodate trains with a maximum length of 1,800m. Key features of the proposal include:

- Connection to other rail lines, including Stockinbingal to Parkes line, Lake Cargelligo line, and Main Southern Railway;
- One crossing loop and maintenance siding;
- Level crossings and stock crossings;
- Bridges over rivers and other watercourses, floodplains and roads;
- Upgrade of around 3.5km of existing track for the tie-in works to the existing Main South Line at Illabo;
- New track to maintain Lake Cargelligo line connection either side of the proposal;
- Realignment and road-over rail bridge for a section of the Burley Griffin Way at Stockinbingal;
- Realignment of Ironbong Road to allow for safe sight lines at the new active level crossing;
- Ancillary infrastructure to support the proposal, inclusive of signalling and communications; drainage, drainage control areas, signage and fencing, and services and utilities; and
- Construction infrastructure, including ancillary facilities, and a temporary workforce accommodation facility.

Declaration as Critical State Significant Infrastructure:

The proposal is critical State significant infrastructure by virtue of Schedule 5, clause 7(2A) of *State Environmental Planning Policy (Planning Systems) 2021*.

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TERMS AND DEFINITIONS

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

Table 1: Terms and Definitions

Term	Definition
Acquisition of land / acquire land	The same meaning as defined in the <i>Land Acquisition (Just Terms) Compensation Act 1991</i> (NSW)
Aboriginal object or Aboriginal place	The same meaning as defined in the <i>National Parks and Wildlife Act 1974</i> (NSW).
Accommodation facility	The facility being established as part of the CSSI to house construction personnel. Also referred to as a construction camp in various documents.
Affected parties	Affected parties include land and property owners, infrastructure owners, the relevant council(s), and state and Commonwealth agencies, etc
Ancillary facility	A temporary facility for construction of the CSSI including office and amenities compound, construction compound, material crushing and screening plant, batching plant, materials storage compound, maintenance workshop, testing laboratory, car parking facilities, a site used for assembly of infrastructure and a fixed material stockpile area. <i>Note: Where a CEMP has been approved by the Planning Secretary and it includes a stockpile management protocol, a temporary material stockpile located within the construction boundary is not considered to be an ancillary facility.</i>
AEP	Annual Exceedance Probability – The probability that a given rainfall total accumulated over a given duration will be exceeded in any one year
AHD	Australian Height Datum
ANZECC	Australian and New Zealand Environment and Conservation Council
At-property 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. <i>Note: The At Receiver Noise Treatment Guidelines (Roads and Maritime Services, 2023) provides more examples of building treatments</i>
BCS	Biodiversity, Conservation and Science Division of the Environment and Heritage Group of the NSW Department of Climate Change, Energy, the Environment and Water
CALD	Culturally and Linguistically Diverse
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan as defined in Conditions C12 and C13 .
CMP	Construction Monitoring Program
Completion of construction	The date upon which all construction is completed and all requirements of the Planning Secretary (if any) have been met. If

Term	Definition
	construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Conditions of approval	The Minister's conditions of approval for the CSSI (this document).
Construction	Includes work required to construct the CSSI as defined in the documents listed in Condition A1 , including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding low impact work which is carried out or completed prior to approval of the CEMP.
Construction Boundary	The area physically affected by work as described in the documents listed in Condition A1
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders during development of post approval documents. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project. This definition must be used to inform the Communication Strategy required under Condition B1 .
CSSI	The critical State significant infrastructure, as generally described in Schedule 1 , the carrying out of which is approved under the terms of this approval.
CWMS	Construction Work Method Statement
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
DCCEEW (Cth)	Australian Department of Climate Change, Energy, the Environment and Water.
Department	NSW Department of Planning, Housing and Infrastructure
EIS	The Environmental Impact Statement referred to in Condition A1 submitted to the Planning Secretary seeking approval to carry out the CSSI described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the CSSI
EMS	Environmental Management System
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Representative Protocol	The document of the same title published by the Department dated October 2018.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997 (NSW)</i>

Term	Definition
ER	The Environmental Representative(s) for the CSSI approved by the Planning Secretary.
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW)
Heritage item	A place, building, structure, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , an environmental planning instrument under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth), and an Aboriginal object or Aboriginal place as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> .
Heritage NSW	Heritage NSW, Department of Climate Change, Energy, the Environment and Water
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Highly noise intensive work	Work which is defined as annoying under the <i>Interim Construction Noise Guideline</i> including: (a) use of 'beeper' style reversing or movement alarms, particularly at night-time; (b) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (c) grinding metal, concrete or masonry; (d) rock drilling; (e) line drilling; (f) vibratory rolling; (g) bitumen milling or profiling; (h) jackhammering, rock hammering or rock breaking; (i) impact piling; and (j) rail track tamping.
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance. Note: "material harm" is defined in this approval
LALC	Local Aboriginal Land Council
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> (NSW)
LOTE	Language Other Than English
Low Impact work	Work defined as low impact includes: (a) survey works including carrying out general alignment surveys, installing survey controls (including installation of global positioning system (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys;

Term	Definition
	<p>(b) investigations including investigative drilling, contamination investigations and excavation;</p> <p>(c) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments;</p> <p>(d) property acquisition adjustment work including installation of property fencing;</p> <p>(e) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW</i> (Department of Environment Climate Change and Water, 2010) or archaeological monitoring undertaken in association with Low Impact work to ensure that there is no impact on heritage items;</p> <p>(f) archaeological and cultural salvage undertaken in accordance with a strategy or salvage operation required by the conditions of this approval;</p> <p>(g) maintenance work to existing buildings and structures as required to facilitate the carrying out of the CSSI; and</p> <p>(h) other activities determined by the ER to have minimal environmental impact which may include relocation and connection of utilities, establishment of minor ancillary facilities in accordance with Condition C9 construction of minor access roads (other than access roads' connection to the road network), temporary relocation of pedestrian paths and the provision of property access.</p> <p>(i) Site establishment work approved under a Site Establishment Management Plan in accordance with Condition C5.</p> <p>Despite the above, the following works are not Low Impact Work:</p> <p>(i) where heritage items, or threatened species or their habitat, or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>), are adversely affected or potentially adversely affected by any low impact work as defined in (a) to (i) above, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, BCS or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and</p> <p>(ii) any Work undertaken outside the hours specified in Condition E1 that exceeds noise management and vibration levels as identified in Condition E3(b).</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. <i>Early stages of Work are not necessarily low impact work.</i> 2. <i>Low Impact work is not Construction as defined by this approval.</i> 3. <i>The low impact work described in this definition becomes Construction with the approval of a CEMP. Where low impact work has already commenced, this is considered to remain as low impact work and is managed in accordance with the framework under which it commenced.</i>
Material harm	<p>This 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</p>

Term	Definition
	and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the CSSI (whether in full or in part) upon the completion of construction. Note: There may be overlap between the carrying out of construction and operation if the phases of the CSSI are staged through a Staging Report. Commissioning trials of equipment and temporary use of any part of the CSSI are within the definition of construction.
ONCR	Operational Noise Compliance Report
ONVR	Operational Noise and Vibration Review
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted).
PCT	Plant Community Type as related to the BioNet Vegetation Classification system.
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Proponent	The person identified as the proponent in Schedule 1 of this approval and any other person carrying out any part of the CSSI from time to time.
Publicly available	To be made available on a website in accordance with Condition B18 of this approval.
Rail Corridor	Land that is: (a) owned, leased, managed or controlled by a public authority for the purpose of a railway or rail infrastructure facilities, or zoned under an environmental planning instrument predominantly, or (b) solely for development for the purpose of a railway or rail infrastructure facilities.
RAPs	Registered Aboriginal Parties
Relevant council(s)	Cootamundra Gundagai Regional Council; Junee Council
Relevant roads authority	The same meaning as the road authorities defined in the <i>Roads Act 1993</i> (NSW).
Relevant state agency	Includes state government agencies and authorities.
Relic	The same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW).
Response to Submissions (RtS)	The Proponent's response to issues raised in submissions received during the public exhibition of the CSSI application.
Sensitive land uses	Includes: residence, educational institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital),

Term	Definition
	religious facility (e.g. church), child care centres, passive recreation areas (including outdoor grounds used for teaching), commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), industrial premises and others as identified by the Planning Secretary.
SES	NSW State Emergency Services
SIMP	Social Impact Management Plan
SMART	Specific, Measurable, Achievable, Realistic and Timely
TfNSW	Transport for NSW
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 Condition A1 or suspected to be present. An unexpected heritage find does not include human remains.
Vulnerable or marginalised groups	Vulnerable or marginalised groups are those people: on very low incomes, living with disabilities or poor health, from culturally and linguistically diverse (CALD) communities, experiencing homelessness or insecure housing, and those who for whatever reason are unable or unwilling to express or represent themselves and their needs.
Water Group	Water Group of the Department of Planning, Housing and Infrastructure and the National Resources Access Regulator
Work	Any physical work for the purpose of the CSSI including construction and low impact work but not including operational maintenance work.

SUMMARY OF REPORTING AND APPROVAL 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 A9** 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 A34**).

Reporting for publication must be in accordance with **Condition B18**.

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

Condition	Report / Notification	Timing ¹	Purpose
Part A - Administrative			
A11	Staging Report	One (1) month prior to commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Approval
A13	Revised Staging Report	One (1) month prior to the proposed change in the staging	Approval
A18	Temporary Workforce Accommodation Facility Management Plan	One (1) month before occupation of the temporary workforce accommodation facility by construction personnel	Approval
A22	Environmental Representative	One (1) month prior to the commencement of works	Approval
A26(d)	Documents requiring ER endorsement only	As soon as practicable after endorsement by the ER	Information
A28	Independent Auditors	Must be approved before the commencement of an Independent Audit	Approval
A32	Independent Audit Reports and Proponent's response	Within two (2) months of undertaking the independent audit site inspection	Information
A34	Notification of incidents	Immediately upon becoming aware of the incident	Information
A36	Written notification of non-compliance	Non-compliance notification required in writing seven (7) days after the Proponent becomes aware of the non-compliance	Information
Part B - Communication Information and Reporting			
B1	Communication Strategy	One (1) month before the commencement of any work	Approval
B8	Complaints Register	Upon request of the Planning Secretary	Information
B12	Community Complaints Mediator	One (1) month prior to the commencement of work	Approval
Part C - Construction Environmental Management			
C1	Construction Environmental Management Framework	One (1) month before the lodgement of any CEMP, CEMP sub plan or CMP	Approval

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

Condition	Report / Notification	Timing ¹	Purpose
C5	Site Establishment Management Plan	One (1) month before the establishment of any ancillary facilities or temporary workforce accommodation facility	Approval
C15	CEMPs (except for any CEMPs expressly nominated by the Planning Secretary to be endorsed by the ER only)	One (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage	Approval
C15	CEMP Sub-plans (except for any sub-plans expressly nominated by the Planning Secretary to be endorsed by the ER only)	One (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage	Approval
C32	Construction Monitoring Programs (except for any programs expressly nominated by the Planning Secretary to be endorsed by the ER only)	One (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage	Approval
Part E – Key Issues			
Noise and Vibration			
E3	Variation to Work Hours	On becoming aware of the need for emergency works	Information
E5	Out-of-Hours Work Protocol	Before the commencement of out-of-hours work	Approval
E10	Blast Management Strategy	One (1) month before the commencement of blasting	Approval
E15	Operational Noise and Vibration Review - Rail	Before the implementation of any operational noise mitigation measures	Approval
E16	Operational Noise Compliance Report - Rail	Within 90 days of completing the operational noise monitoring	Information
E17	Operational Noise and Vibration Review - Road	Before the implementation of any operational noise mitigation measures	Approval
E18	Operational Noise Compliance Report - Road	Within 90 days of completing the operational noise monitoring	Information
Biodiversity			
0	Confirmation of Biodiversity Impacts of Unsurveyed Land Report	Prior to Work impacting biodiversity values	Approval
E35	Box Gum Woodland Restoration Plan	Prior to commencement of construction	Approval
Flooding			
E61	Erosion Threshold Velocities Report	Prior to finalisation of any Interim Flood Design Verification Report, or the Flood Design	Approval

Condition	Report / Notification	Timing ¹	Purpose
		Verification Report (FDVR and Interim FDVR), whichever occurs earlier	
E64	Flood Design Verification Report	Prior to the commencement of construction of permanent works that may impact on flooding	Approval
E71	Flood Review Report	within three months after the first defined flood event for each of the following flood magnitude ranges that occur within or adjacent to the rail corridor – greater than 1% AEP, 1-5% AEP, 5-10% AEP and 10-20% AEP events	Information
Water Quality and Drainage			
E85	Surface Water Monitoring Program	For construction before construction commences. For operation prior to the completion of construction	Approval
Traffic, Transport and Access			
E88	Public Level Crossing Treatment Report	One (1) month before the closure or upgrade of a public level crossing	Approval
E89	Private Level Crossing Treatment Report	One (1) month before the closure or upgrade of a private level crossing	Approval
E106	Road Safety Audit	On request	Information
Social Impacts			
E109	Social Impact Management Plan	Two (2) months prior to the commencement of construction	Approval
Heritage			
E133	Aboriginal Cultural Values Plan	One (1) month before the commencement of construction	Approval
E135	Additional Aboriginal Archaeological Survey Methodology	One (1) month before the survey commences	Information
E135	Aboriginal Archaeological Test Excavation Methodology	One (1) month before the test excavation commences	Information
E138	Aboriginal Archaeological Salvage Excavation Methodology	One (1) month before the salvage excavation	Information
E139	Aboriginal Cultural Heritage Excavation Report(s)	Within 24 months of the completion of Aboriginal archaeological excavations (both test and salvage)	Information
E143	Unexpected Heritage Finds and Human Remains Procedure	Before the commencement of Work	Information
Contamination			
E154	Sampling and Analysis Quality Plan	Before Detailed Site Investigations	Information
E155	Detailed Site Investigations	Before commencement of work that would result in any disturbance of land identified as moderate to high risk areas of potential contamination	Information

Condition	Report / Notification	Timing ¹	Purpose
E156	Remediation Action Plan	<i>Before commencement of remediation work</i>	Information
E161	Unexpected Finds Procedure for Contamination	Before the commencement of Work	Information

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

Reports and notifications that must be published and/or made publicly available under the terms of this approval are listed in Table 3. Publication must be in accordance with **Condition B18**.

Table 3: Reports, Notifications and Documents for publication

Condition	Report / Notification	Timing ²
Part A - Administrative		
A17	Unexpected and Incidental Finds Protocol	Prior to low impact work commencing
A26(j)	Environmental Representative Monthly Reports	Within seven (7) days following the end of each month for the duration of the ER's engagement for the CSSI
A31	Independent Audit Report, and response to it	Within 60 days of submission to the Planning Secretary
Part C - Construction Environmental Management		
C36	Construction Monitoring Report	As specified in Construction Monitoring Programs
Part D – Operation Environment Management		
D3	OEMP or EMS	One (1) month before the commencement of operation
Part E – Key Issues		
Noise and vibration		
E15	Operational Noise and Vibration Review - Rail	Before the implementation of any operational noise mitigation measures
E16	Operational Noise Compliance Report - Rail	Within 90 days of completion of monitoring
E17	Operational Noise and Vibration Review - Road	Before the implementation of any operational noise mitigation measures
E18	Operational Noise Compliance Report - Road	Within 90 days of completion of monitoring
Flooding		
E59	Flood Design Consultation Protocol	Prior to construction
Traffic, Transport and Access		
E91	Level Crossing Performance Report	Within 60 days of its completion
Social Impacts		
E110	Social Impact Management Plan Quarterly Report	On completion of quarterly report

² Where a proposal is staged, all required approvals must be obtained before the commencement of the relevant stage.

Condition	Report / Notification	Timing ²
E117	Workforce Code of Conduct	Within one (1) month of Code of Conduct being approved
Visual Amenity and Landscape Impacts		
E126	Visual and Landscape Impact Mitigation Plan	Six (6) months after the commencement of construction
Sustainability		
E148	Evidence of sustainability ratings	(a) within 12 months of commencing Construction for the 'Design' rating; and (b) within 12 months of commencing of Operation for the 'As built' rating.
E149	Water reuse strategy	On completion of strategy
Contamination		
E151	Site Auditor report, or interim audit advice or a relevant Site Audit Statement	On completion of report(s)
E155	Detailed Site Investigation Reports	On completion of report(s)

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

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out the CSSI in accordance with the terms of approval and generally in accordance with the:
- (a) Inland Rail – Illabo to Stockinbingal Environmental Impact Statement (ARTC 2022);
 - (b) Illabo to Stockinbingal Project Response to Submissions (ARTC 2023);
 - (c) Response to Submissions – Appendix E - Biodiversity Development Assessment Report version 12 (IRDJV, June 2024);
 - (d) I2S – Mitigation Measures (Inland Rail, April 2024);
 - (e) Illabo to Stockinbingal (SSI-9604) Additional and Appropriate Measures for Box Gum Woodland Impacts (Inland Rail, June 2024); and
 - (f) Technical and Approvals Consultancy Services: Illabo to Stockinbingal – Box Gum Woodland Gum Flat Rehabilitation Opportunity (IRDJV, June 2024)
- A2 The CSSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in accordance with the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed in **Condition A1(a) to (f)** inclusive, the conditions of this approval will prevail to the extent of the inconsistency; and
 - (b) any document listed in **Condition A1(a) to (f)** inclusive, the most recent document will prevail to the extent of the inconsistency.
- Note:** For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.
- A4 The Proponent must comply with the written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the CSSI;
 - (b) any document or correspondence in relation to the CSSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation 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 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.
- A6 This approval lapses five (5) years after the date on which it is granted, unless work for the purpose of the CSSI are physically commenced on or before that date.

NOTIFICATION OF COMMENCEMENT

- A7 The Department must be notified in writing of the dates of commencement of Work (in relation to low impact works), construction and operation at least one (1) month before those dates.
- A8 If the construction or operation of the CSSI is to be staged, the Department must be notified in writing of the date of the commencement of each stage, at least one (1) month before the commencement of that stage.

TIMING AND APPROVALS

- A9 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 with the Planning Secretary. This condition does not apply to the notification required in respect of an incident under **Condition A34**.
- A10 Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted with the corresponding documentation to the Planning Secretary and the Environmental Representative (as relevant) in accordance with the *Post Approval Guidance: Defining Engagement Terms* (DPIE, 2020). The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) an outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

STAGING

- A11 The CSSI may be constructed and operated in stages (including but not limited to temporal, location or activity based staging). Where staged construction or operation is proposed, a **Staging Report** (for either or both construction and operation as the case requires) must be prepared and submitted to the Planning Secretary for approval. The **Staging Report** must be submitted to the Planning Secretary no later than one (1) month prior to the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one (1) month prior to the commencement of operation of the first of the proposed stages of operation).
- A12 The Staging Report must:
- (a) if staged construction is proposed, set out how the construction of the whole of the CSSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the CSSI will be staged, including general details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance conditions will be achieved across and between each of the stages of the CSSI; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

- A13 Where staging is proposed, the CSSI must be staged in accordance with the **Staging Report**, as approved by the Planning Secretary.
- A14 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.
- A15 Where changes are proposed to the staging of construction or operation, a revised Staging Report must be prepared and submitted to the Planning Secretary for approval no later than one (1) month prior to the proposed change in the staging.
- A16 Should a **Construction Environmental Management Framework (CEMF)** be submitted for approval under **Condition C1**, the Staging Report must be submitted with the **CEMF**, i.e. no later than one month before the lodgement of any **CEMP, CEMP sub plan or CMP** to the Planning Secretary for approval.

LOW IMPACT WORK

- A17 Prior to the commencement of low impact work, an **Unexpected and Incidental Finds Protocol** must be developed for:
- (a) threatened species and threatened ecological communities;
 - (b) contamination, hazards and contaminated land;
 - (c) Aboriginal Cultural Heritage; and
 - (d) non-Aboriginal Heritage.

The **Unexpected and Incidental Finds Protocol** must include procedures for:

- (i) all Work in the associated location to stop to prevent further impact; and
- (ii) notifying the Planning Secretary and relevant state agencies in writing.

Work must not recommence until the relevant state agencies have been consulted and any required approvals have been obtained. The **Unexpected and Incidental Finds Protocol** must be made publicly available prior to low impact work commencing and must be implemented during low impact work.

TEMPORARY WORKFORCE ACCOMMODATION FACILITIES

- A18 The Proponent must prepare a **Temporary Accommodation Facility Management Plan** in consultation with the relevant council, and emergency services. The **Plan** must be endorsed by the **Environmental Representative** and submitted to the Planning Secretary for approval one (1) month prior to establishment of the accommodation facility by construction personnel commences. The **Plan** must include:
- (a) site layout including building locations and outdoor recreation areas, vehicle access, movement and parking, site servicing and utilities infrastructure including the requirements of **Conditions E111 and E112**;
 - (b) management and emergency provisions including staff roles and responsibilities, provision of security and paramedic staff required by **Condition E112**, communication procedures with emergency services, and community consultation and complaints processes consistent with the **Communication Strategy** required by **Condition B1** and the **Complaints Management System** required by **Condition B6**;
 - (c) measures to minimise noise and lighting amenity impacts on adjacent residents including limitations on use of outdoor recreation areas required by **Condition E114**;
 - (d) the code of conduct as required by **Condition E117** for all users of the accommodation facility; and
 - (e) arrangements for servicing the accommodation facility (including in terms of food, water, wastewater, waste collection and cleaning and maintenance). The **Plan** must:

- (i) outline the provisions for and anticipated frequency and timing of servicing (including food and water deliveries and waste and wastewater collection);
- (ii) detail the location and facilities to store water, waste and wastewater;
- (iii) include cleaning and maintenance provisions, including the frequency and range of duties; and
- (iv) detail the measures that the Proponent would implement to support local suppliers and services in the operation of the accommodation facility.

The approved **Temporary Workforce Accommodation Management Plan(s)** must be implemented.

Note: *The Temporary Workforce Accommodation Facility Management Plan is not part of the CEMP required by **Condition C12**.*

INDEPENDENT APPOINTMENTS

- A19 All **Independent Appointments** required by this approval must be in accordance with *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.
- A20 The Planning Secretary may at any time commission an audit of how an **Independent Appointment** has exercised their functions. The Proponent must:
- (a) facilitate and assist the Planning Secretary in any such audit; and
 - (b) make it a term of their engagement of an **Independent Appointment** that the **Independent Appointment** facilitate and assist the Planning Secretary in any such audit.
- A21 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.

ENVIRONMENT REPRESENTATIVE

- A22 Work must not commence until an **Environmental Representative (ER)** has been approved by the Planning Secretary and engaged by the Proponent.
- A23 The Planning Secretary's approval of an **ER** must be sought no later than one (1) month before the commencement of Work.
- A24 The proposed **ER** must be a suitably qualified and experienced person 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. The ER must meet the requirements of the *Environmental Representative Protocol* (DPE, October 2018). The appointment of the **ER** must have regard to *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).
- A25 The Proponent may engage more than one **ER** for the CSSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the CSSI.
- A26 For the duration of Work and for no less than twelve (12) months after the completion of construction of the CSSI, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the CSSI;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;

- (d) review documents identified in **Conditions A11, A18, B1, C5, C12, C17, C27, and E109**, 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 or are not required to be submitted to the Planning Secretary / Department);
 - (iii) provide a written statement / submission via the Major Projects portal to the Planning Secretary advising the documents have been endorsed by the ER;
 - (e) regularly monitor the implementation of the documents listed in **Conditions A11, A18, B1, C5, C12, C17, C27, and E109** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the CSSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A28** of this approval;
 - (g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;
 - (h) assess the impacts of minor ancillary facilities as required by **Condition C9** of this approval;
 - (i) consider any minor amendments to be made to the **CEMP, CEMP Sub-plans** and **Construction Monitoring Programs** that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the **CEMP, CEMP Sub-plans** and **Construction 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
 - (j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information and make publicly available, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The **Environmental Representative Monthly Report** must be submitted within seven (7) calendar days following the end of each month for the duration of the ER's engagement for the CSSI.
- A27 The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in **Condition A26** (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 recorded, 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).

AUDITING

- A28 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 E106**.
- A29 Independent Audits of the CSSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).

- A30 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 (4) weeks' notice (or timing) to the Proponent of the date upon which the audit must be commenced.
- A31 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 A30**;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each **Independent Audit Report**, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A32 Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within two (2) months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approvals Requirements* (DPIE, 2020) unless otherwise agreed by the Planning Secretary.
- A33 Notwithstanding the requirements of the *Independent Audit Post Approvals 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 NOTIFICATION AND REPORTING

- A34 The Planning Secretary must be notified via the Major Projects Website immediately after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one) and set out the location and nature of the incident.
- A35 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **APPENDIX A**.
- The requirement to notify the Department under this condition excludes incidents which are solely required to be notified to the Office of the National Rail Safety Regulator.

NON-COMPLIANCE NOTIFICATION

- A36 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 project number and the name of the CSSI if it has one), set out the condition/s that is non-compliant, the nature of the breach; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A37 A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

PART B COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

B1 A **Community Communication Strategy** must be prepared to facilitate communication about construction and operation of the CSSI with:

- (a) the community (including, adjoining affected landowners and businesses, Registered Aboriginal Parties (RAPs), relevant LALCs, traditional owners and others directly impacted by the CSSI); and
- (b) the relevant state agencies and councils.

Note: *Nothing in this condition prevents the Proponent from submitting an amended Community Communication Strategy if it meets the requirements of these conditions of approval.*

B2 The **Community Communication Strategy** must:

- (a) identify people, organisations, relevant council(s) and state agencies to be consulted, during the design and work phases of the CSSI;
- (b) identify details of the community and its demographics;
- (c) set out the procedures and mechanisms for the regular distribution of accessible information, including to CALD and vulnerable communities, about or relevant to the CSSI. The information to be distributed must include details regarding current site construction activities, schedules and milestones at each construction site;
- (d) identify opportunities for education within the community and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements);
- (e) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by **Condition E5** and blasting activities;
- (f) identify the mechanisms for engaging with the community to determine periods of respite, as required by **Condition E2**;
- (g) 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);
- (h) set out the procedures and mechanisms for consulting with relevant councils and state agencies required by **Condition A10**;
- (i) describe the method for broadcasting the 24-hour toll-free telephone complaints number and postal and email addresses for enquiries, as required by **Condition B7**;
- (j) set out the procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community;
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the CSSI, including disputes regarding rectification or compensation;
 - (iv) address who will engage with the relevant stakeholders.
 - (v) to resolve any issues and mediate any disputes that may arise in relation to property and infrastructure impacts, including but not limited to **Individual Property Management Plans** required by **Condition E95**.

The Proponent must continue the operation of the existing Community Consultative Committee as part of its Community Communication Strategy. The Community Consultative Committee must continue to be operated in accordance with the Department's *Community Consultative Committee Guideline*. Continuing the Community Consultative Committee must not be the only form of community consultation in the Community Communication Strategy.

- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary for approval no later than one (1) month before the commencement of any Work.
- B4 Work for the purposes of the CSSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary. The Planning Secretary's approval of the Community Communication Strategy must be sought no later than one month before the commencement of Work.
- B5 The **Community Communication Strategy**, as approved by the Secretary, must be implemented for the duration of the work and for twelve (12) months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

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

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

- B8 A **Complaints Register** must be maintained recording information on all complaints received about 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) the nature and location of the complaint, including issues raised;
 - (e) number of people affected in relation to a complaint;
 - (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
 - (g) if no action was taken, the reason(s) why no action was taken.
- B9 Personal details of any complainant are not to be provided to the ER unless otherwise agreed to or requested by the complainant.
- 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 state agencies, including the Department, to allow them to undertake their regulatory duties;
 - (b) by providing personal information, the complainant authorises the Proponent to provide that information to state agencies;
 - (c) the supply of personal information by the complainant is voluntary; and
 - (d) the complainant has the right to contact state 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's or project website to make prospective complainants aware of their rights under the *Privacy and Personal Information Protection Act 1998* (NSW).

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

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

COMMUNITY COMPLAINTS MEDIATOR

- B12 A **Community Complaints Mediator** that is:

- (a) independent of the design and construction personnel; and
- (b) accredited under the National Mediator Accreditation System, administered by the Mediator Standards Board

must be nominated by the Proponent, approved by the Planning Secretary and engaged while the **Complaints Management System** required by **Condition B6** is in operation. The nomination of the **Community Complaints Mediator** must be submitted to the Planning Secretary for approval within one month before the commencement of Work.

- B13 The Proponent may nominate additional suitably qualified and experienced persons, for the Planning Secretary's approval, to assist the **Community Complaints Mediator**. If additional persons are nominated, the Proponent must describe how the **Community Complaints Mediator's** activities will achieve consistent outcomes.
- B14 The role of the Community Complaints Mediator is to address any complaint where a member of the public has lodged a complaint and is not satisfied by the Proponent's response. Any member of the public that has lodged a complaint which is registered in the Complaints Management System identified in **Condition B6**, and that complaint is unresolved, may ask the Community Complaints Mediator to review the Proponent's response. The application must be submitted in writing and the Community Complaints Mediator must respond within 28 days of the request being made or other specified timeframe agreed between the Community Complaints Mediator and the member of the public.
- B15 The Community Complaints Mediator will:
- (a) review any unresolved disputes if the procedures and mechanisms under **Condition B2(j)** do not satisfactorily address complaints;
 - (b) make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes; and
 - (c) provide a copy of the recommendations, and the Proponent's response to the recommendations, to the Planning Secretary within one month of the recommendations being made.
- B16 The Proponent must implement the recommendations made by the **Community Complaints Mediator** in accordance with **Condition B15** within a timeframe agreed with the **Community Complaints Mediator**, unless otherwise agreed with the Planning Secretary.
- B17 The Community Complaints Mediator will not act before the Complaints Management System required by **Condition B6** has been executed for a complaint and will not consider issues such as property acquisition, where other dispute processes are provided for in this approval or clear government policy and resolution processes are available, or matters which are not within the scope of this CSSI.

PROVISION OF ELECTRONIC INFORMATION

- B18 A website or webpage providing information in relation to the CSSI must be established before commencement of Work and maintained for the duration of construction, and for a minimum of 24 months following the completion of construction, or unless otherwise agreed with the

Planning Secretary. Up-to-date information (excluding confidential commercial information) must be published before the relevant work commencing and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of the CSSI;
- (b) a copy of the documents listed in **Condition A1** of this approval, and any documentation relating to any modifications made to the CSSI or the terms of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI;
- (e) a current copy of each document required under the terms of this approval must be published before the commencement of any work to which they relate or before their implementation, as the case may be; and
- (f) a copy of the compliance and audit reports required under this approval.

A copy of each document required to be made publicly available under this approval must be published within 14 days of the finalisation or approval of the relevant document unless an alternate timeframe is prescribed by another condition of 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 they / it relates or before its implementation.

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

Notes:

1. *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.*
2. *The Planning Secretary may instruct the Proponent to finalise and upload any report or documents to the Project's website in accordance with **Condition A4**.*
3. *The publishing of documents should occur a minimum of a week before the relevant Work / activity is going to commence.*
4. *In determining what information should be published under this condition, the proponent should have regard to the principles in Division 2 of Part 2 of the Government Information (Public Access) Act, 2009.*
5. *Documents should be named to be consistent with the conditions of approval where possible. The name should also give an overall impression of what the document is about. The names should be simple and concise (no more than 50 characters) without any unnecessary punctuation or under scoring in the title.*

B19 Where the agreement of the Planning Secretary is sought to cease providing information via a website or webpage in accordance with **Condition B18**, the Proponent must demonstrate:

- (a) operational compliance through independent audits completed in accordance with **Condition A29**;
- (b) how any ongoing monitoring programs required by this approval will be made publicly available; and
- (c) how the public can request access to information that will no longer be available through a website or webpage.

PART C CONSTRUCTION ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Framework

- C1 A Construction Environmental Management Framework (**CEMF**) may be prepared to facilitate the preparation and approval of construction environmental management and monitoring plans required under **Part C** of this approval. The **CEMF** must:
- (a) identify the **CEMPs**, **CEMP** sub plans and/or **CMPs** required for each stage of construction consistent with the Staging Report prepared under **Condition A11**;
 - (b) document the proposed structure of the **CEMPs**, **CEMP Sub-plans** and **CMPs** for the relevant stage of construction;
 - (c) provide, by way of a Risk Matrix, an assessment of the predicted level of environmental and social risk, including the potential level of community concerns posed by component aspects of each construction stage. This must use a process consistent with *AS/NZS ISO 31000: 2018; Risk Management – Guidelines*; and
 - (d) nominate the consultation and endorsement level for each **CEMP**, **CEMP Sub-plan** and **CMP** required for each construction stage. The endorsement level being one of the following:
 - (i) Low Risk Stage – self endorsed and consultation with state agency and council stakeholders is not mandatory;
 - (ii) Medium Risk Stage – endorsed by the ER and consultation with state agency and council stakeholders required; and
 - (iii) High Risk Stage– endorsed by the Planning Secretary and consultation with state agency and council stakeholders required.
 - (e) For a Low Risk Stage(s) the requirements of **Part C** of this approval do not apply. In these circumstances, a **CEMP**, **CEMP sub-plan** and **CMP**, may be substituted with an alternate process such as a Construction Work Method Statement (CWMS) or equivalent.
 - (f) The **CEMF** must be endorsed by the **ER** and then submitted no later than one month before the lodgement of any **CEMP**, **CEMP sub plan** or **CMP** to the Planning Secretary for approval.

Notes:

1. *The Planning Secretary may vary the **CEMF** in relation to the endorsement authority for the **CEMPs**, **CEMP Sub-plans** and **CMPs**.*
2. *The intent is for staging and not activities within a stage.*

- C2 The approved **CEMF** must be implemented for the duration of construction.
- C3 Where changes are proposed to the staging of construction and these affect an approved **CEMF**, a revised **CEMF** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for approval no later than one month prior to the proposed change in the staging.

SITE ESTABLISHMENT WORK

Ancillary Facilities

- C4 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:
- (a) they are located within or adjacent to the construction boundary; and
 - (b) they are not located next to a sensitive land use(s) (including where an access road is between the facility and the receiver), 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 performance outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

Site Establishment Management Plan

- C5 Before the establishment of any ancillary facility (excluding minor ancillary facilities established under **Condition C9**) or temporary workforce accommodation facility, 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 ancillary facilities or temporary workforce accommodation facility. The **Site Establishment Management Plan** must be prepared in consultation with the relevant council and state agencies and endorsed by the **Environmental Representative**. The Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any ancillary facilities or temporary workforce accommodation facility. The **Site Establishment Management Plan** must detail the management of the ancillary facilities or temporary workforce accommodation facility, and include:
- (a) a description of activities to be undertaken during establishment of the ancillary facility or temporary workforce accommodation facility (including indicative scheduling and duration of work to be undertaken at the site);
 - (b) figures illustrating the proposed operational site layout/s;
 - (c) details of planned communication with the community consistent with the requirements of **Condition B2**;
 - (d) 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;
 - (e) details of how the site establishment activities described in subsection (b) 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 (d) of this condition; and
 - (f) a program for monitoring the performance outcomes consistent with the requirements of **Conditions C17** and **C27**.

Nothing in this condition prevents the Proponent from preparing individual **Site Establishment Management Plans** for each ancillary facility, or one Site Establishment Management Plan for all ancillary facilities and the temporary workforce accommodation facility. The approved Site Establishment Management Plan(s) must be implemented.

Upon commencement of construction, the **Site Establishment Management Plan** will cease to have effect and the **CEMP** required by **Condition C12** will apply to the operation of ancillary facilities and the **Temporary Workforce Accommodation Facility Management Plan** required by **Condition A18** will apply to the operation of accommodation facilities.

Operation of Ancillary Facilities

- C6 The use of an ancillary facility for construction must not commence until the CEMP required by **Condition C12**, relevant CEMP Sub-plans required by **Condition C17** and relevant Construction Monitoring Programs required by **Condition C27** have been approved by the Planning Secretary.

This condition does not apply to the use of minor Ancillary Facilities established under **Condition C9**.

Note: *The operation of an ancillary facility can commence if the ER has determined the operational activities are Low Impact work as defined in Table 1 of this approval.*

Access to Ancillary Facilities

- C7 Where possible, ancillary facilities must be accessed via existing public roads and/or the existing rail corridor. Where access via existing roads or the rail corridor is not possible, the Proponent may utilise existing private access tracks on private property but only with the written permission of the landowner. The Proponent must consult with each landowner whose property is required for access and agree on the terms and conditions relating to access arrangements. Nothing in this condition prevents the landowner from refusing the Proponent access to and via their land. New construction access tracks on private property must comply with the requirements of **Condition C4**.
- C8 The Proponent must ensure that all roads / tracks that will be used to access ancillary facilities are to the standard necessary to provide access as agreed with landowners, asset owner(s) and/or the relevant roads authority (as applicable), including a trafficable surface suitable to accommodate the type of vehicle movements that are anticipated to be associated with the construction of the CSSI.

Minor Ancillary Facilities

- C9 Minor ancillary facilities including lunch sheds, office sheds, portable toilet facilities, material lay down sites, stockpile areas, areas used to assemble infrastructure and the like can be established and used where they satisfy the following criteria:
- (a) are located within the construction boundary; and
 - (b) have been assessed by the **ER** to have -
 - (i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *Interim Construction Noise Guideline* (DECC, 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) minimal environmental impact with respect to waste management and flooding, and
 - (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.

Boundary Screening

- C10 Boundary screening must be erected between ancillary facilities (excluding minor ancillary facilities) and temporary workforce accommodation facility, adjacent to and visible from sensitive land use(s) (including occupied residences on agricultural properties) for the duration of the time that the ancillary facility or accommodation 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) and not create a fire hazard.

Decommissioning of Ancillary Facilities

- C11 Any agreements for the temporary use of land for construction purposes must provide for the rehabilitation of that land and any structures on it to its pre-construction state, unless otherwise agreed with the landowner.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C12 Except as provided by **Condition C1**, A **Construction Environmental Management Plan (CEMP)** must be prepared in accordance with the *Environmental Management Plan Guideline for Infrastructure Projects* (DPIE, 2020) to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during all stages of construction.
- C13 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction);

- (b) details of environmental policies, guidelines and principles to be followed in the construction of the CSSI;
 - (c) a program for ongoing analysis of the key environmental 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 the CSSI. The initial risk assessment may be undertaken as part of the **CEMF** pursuant to **Condition C1**;
 - (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
 - (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, including to the relevant roads authority where relevant to traffic, transport and access management, 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 C17**. Where staged construction of the CSSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
 - (i) a description of the roles and environmental responsibilities for relevant employees and any relevant independent appointment;
 - (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval;
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs; and
 - (l) relevant details from the Site Establishment Management Plan(s).
- C14 **CEMP(s)** (and relevant **CEMP sub-plans**) must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a CEMF approved by the Planning Secretary under **Condition C1**.
- C15 Where a **CEMP** (and relevant **CEMP sub-plans**) requires the Planning Secretary's approval, 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 (1) month before the commencement of construction, or where construction is staged, no later than one (1) month before the commencement of each stage.
- C16 **CEMP(s)** (and relevant **CEMP sub-plans**) not requiring the Planning Secretary's approval, but requiring **ER** endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CEMPs** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.

- C17 Except as provided by **Condition C1**, the following **CEMP Sub-plans** must be prepared in consultation with the relevant state agencies, relevant councils and RAPs identified for each **CEMP Sub-plan**. Evidence of consultation must be provided consistent with **Condition A10**.

	Required CEMP Sub-plan	Relevant authorities to be consulted for each CEMP Sub-plan
(a)	Traffic, transport and access	TfNSW and relevant councils
(b)	Noise and Vibration	Relevant councils
(c)	Biodiversity	BCS
(d)	Soil and Water	Relevant Councils and BCS
(e)	Heritage	Heritage NSW, RAPs, and relevant councils
(f)	Flood Emergency Management	SES, BCS and relevant councils
(g)	Biosecurity	BCS, DPI Agriculture, Local Land Services

Notes:

1. *CEMP Sub-plan(s) may reflect the staged construction of the project through geographical activities, temporal activities or activity-based contracting and staging.*
2. *Nothing in this condition prevents the Proponent from combining any of the above CEMP Sub-plans.*
3. *The Biodiversity CEMP Sub-Plan must be consistent with goals and objectives, mitigation measures and monitoring requirements of the Commonwealth approved conservation advice and any Recovery Plans for all Matters of National Environmental Significance.*

- C18 The CEMP Sub-plans listed in **Condition C17** must state how:

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

- C19 The **Construction Noise and Vibration Sub-plan** must include, but not be limited to:

- (a) an approach to assess and manage construction fatigue from noise impacts on an ongoing basis;
- (b) mitigation for construction traffic noise impacts from additional construction traffic and road diversions.
- (c) vibration levels at a range of distances from vibration intensive equipment such as excavators and vibratory rollers before undertaking works with the specific type and size of equipment.

- C20 The **Biodiversity Management Sub-plan** must be endorsed by a suitably qualified and experienced ecologist and include, but not be limited to:

- (a) details of the measures to avoid and minimise disturbance to native vegetation, and other habitat of threatened flora and fauna species, and consistency with the goals and objectives, mitigation measures and monitoring requirements of the Commonwealth approved conservation advices and any Recovery Plans and Threat Abatement Plans for all Matters of National Environmental Significance;
- (b) procedures for undertaking pre-clearing surveys for native fauna, including surveys by a suitably qualified and experienced ecologist to determine the presence of native fauna in the area impacted by the CSSI, and procedures and measures to manage their relocation;

- (c) a weed, pest and pathogen management plan consistent with the Biosecurity Act 2015 and Riverina Regional Strategic Weed Management Plan 2023-2027;
 - (d) procedures for the dewatering of farm dams and coffer dams, including the relocation of aquatic fauna;
 - (e) procedures for working within and adjacent to waterways including relocation of fauna and measures to maintain fish passage when the waterway is in flow;
 - (f) protocols for unexpected and incidental finds of threatened species and threatened ecological communities within the construction boundary including in accordance with **Condition E27**.
- C21 The **Construction Traffic, Transport and Access Management Sub-plan (CTTAMP)** must be consistent with any agreements with the relevant roads authority about the use and management of local roads and include measures to:
- (a) minimise impacts on seasonal and school related traffic, including harvest-related vehicles, public transport (including school buses, bus stops) and freight operators;
 - (b) minimise noise and amenity impacts of heavy vehicles entering and exiting construction compounds, and ancillary sites, and driving through populated areas, including school zones at speed limited times;
 - (c) minimise impacts to vulnerable road users and sensitive receivers;
 - (d) schedule heavy vehicle movements to avoid movements on public roads outside the construction hours detailed in **Condition E1**;
 - (e) provide any necessary road intersection treatments to accommodate construction traffic;
 - (f) ensure road repair is undertaken periodically before and during construction, and as identified in **Conditions E101** and **E102**;
 - (g) inform road users and freight operators of changes to traffic conditions;
 - (h) maintain pedestrian and vehicular access to affected properties, including mechanisms to consult with affected landowners and implement measures prior to any access disruption;
 - (i) Consult utility providers and managers to ensure appropriate access to utilities and assets is maintained;
 - (j) identify construction vehicle routes not identified in the documents listed in **Condition A1**.
 - (k) prepare a Country Rail Network / Inland Rail Interface Management Plan to address potential impacts to Country Rail Network / Inland Rail interfaces.
- C22 The **Soil and Water Management Sub-plan** must include:
- (a) measures to avoid and minimise erosion and sedimentation impacts including to riparian, agricultural and forested land, and areas of high salinity and high erosion potential;
 - (b) a draft water balance for the project;
 - (c) information demonstrating that the required construction water resources are legally and physically available;
 - (d) procedures and protocols for the appropriate supply, transport and storage of water across the CSSI;
 - (e) mitigation measures to address construction water resource shortages that arise;
 - (f) a protocol for avoiding, minimising and mitigating impacts in the event of interaction with groundwater;
 - (g) a surface water monitoring framework as per **Condition C29**;
 - (h) a dam dewatering protocol; and
 - (i) a spill response procedure.
- C23 The **Heritage Management Sub-plan** must include:

- (a) identification of the Aboriginal objects and Aboriginal places that must be avoided and the protective measures to be put in place;
- (b) procedures for additional surveys as required by **Condition E135**;
- (c) procedures for salvaging and safe keeping of the Aboriginal objects identified in the documents listed in **Condition A1**, and their long-term management;
- (d) measures to avoid or minimise disturbance to Aboriginal heritage where, (as considered by legislation, guidelines and community) areas, objects or places are found to be present. Where impacts cannot be avoided, records of stakeholder involvement and engagement; and details on the methodology for archaeological excavation and/or salvage work;
- (e) a process for inspecting trees for evidence of cultural scarring in areas that were not subject to the archaeological survey, and measures to avoid impact. If impact is unavoidable, and upon consultation with the Registered Aboriginal Parties, work shall be undertaken under the guidance of an appropriately qualified heritage specialist; and
- (f) an Unexpected Heritage Finds and Human Remains Procedure in accordance with **Condition E143**, with the requirement that Heritage NSW are contacted and consulted upon the discovery of human remains, prepared by a suitably qualified and experienced heritage specialist.

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

C24 The **Flood Emergency Management Sub-plan** must include:

- (a) measures for managing flood risks during construction and address flood recovery;
- (b) consideration of flood risks associated with construction works;
- (c) details of the management and maintenance of flood mitigation measures; and
- (d) measures for the management and mitigation of flood impacts affected by temporary or permanent fencing and culverts, including installation of flood mitigation measures as soon as practical after construction of the relevant drainage structure.

C25 The **Biosecurity Management Sub-plan** must include:

- (a) measures to minimise biosecurity risks to agricultural land;
- (b) protocols for animal diseases including emergency situations;
- (c) measures to manage pest and weed impacts; and
- (d) measures for the management and mitigation of biosecurity impacts affected by temporary or permanent works.

C26 Construction must not commence until the **CEMP** and all **CEMP** Sub-plans have been approved by the Planning Secretary or endorsed by the **ER** (as applicable and as identified in the **CEMF** approved under **Condition C1**). The **CEMP** and **CEMP** Sub-plans, as approved by the Planning Secretary, including any minor amendments approved by the **ER**, must be implemented for the duration of construction. Where the CSSI is being staged, construction of that stage is not to commence until the relevant **CEMP** and sub-plans have been endorsed by the **ER** and approved by the Planning Secretary or **ER**.

CONSTRUCTION MONITORING PROGRAMS

C27 Except as provided by **Condition C1** the following **Construction Monitoring Programs** must be prepared in consultation with the relevant state agencies and relevant councils identified for the Construction Monitoring Programs to compare actual performance of construction of the CSSI against performance predicted in the documents specified in **Condition A1**.

	Required Construction Monitoring Programs	Relevant government authorities to be consulted for each Construction Monitoring Program
(a)	Noise and vibration	Nil

(b)	Surface water	DCCEEW Water, Crown Lands and relevant Councils
(c)	Traffic, transport and access management	TfNSW and relevant Councils

- C28 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 CSSI to be undertaken;
 - (d) the parameters of the CSSI to be monitored;
 - (e) the frequency of monitoring to be undertaken;
 - (f) the location of monitoring and reasons for choosing the location;
 - (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;
 - (j) any consultation to be undertaken in relation to the monitoring programs; and
 - (k) any specific requirements as required by **Condition C29**.
- C29 The **Surface Water Monitoring Program** must be prepared in accordance with the requirements of **Condition E84 to E85**.
- C30 The **Noise Monitoring Program** must be prepared and implemented in accordance with the requirements of *Approved Methods for the Measurement and Analysis of Environmental Noise* (EPA).
- C31 CMPs must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition C1**.
- C32 Where a **CMP** requires Planning Secretary's approval, the **CMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one (1) month before the commencement of construction, or where construction is staged, no later than one (1) month before the commencement of each stage.
- C33 **CMP(s)** not requiring the Planning Secretary's approval, but requiring **ER** endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CMP(s)** must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.
- C34 Construction must not commence until the relevant **CMP(s)** have been approved by the Planning Secretary or endorsed by the **ER**, (as applicable and as identified in the **CEMF** approved under **Condition C1**), and all relevant baseline data for the specific construction activity has been collected.
- C35 The **CMP(s)**, as approved or endorsed (as relevant), 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.
- C36 The results of the **CMP(s)** must be made publicly available 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 in accordance with the *Environmental Management Plan Guideline for Infrastructure Projects* (DPIE, 2020). The **OEMP** must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. This condition (**Condition D1**) does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the CSSI if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and can demonstrate, to the written satisfaction of the Planning Secretary, that through the **EMS** or equivalent that:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed;
 - (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; and
 - (d) procedures and mechanisms:
 - (i) for the community to discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the CSSI, including disputes regarding rectification or compensation.

At a minimum, the EMS must address fencing provision, failure compensation mechanisms and repair, maintenance of fences and culverts, with strict observance of biosecurity protocols, consistent with the *Biosecurity Act 2015*

- D3 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be made publicly available prior to the commencement of operation, or where operation is staged, prior to the commencement of operation of that stage.
- D4 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, and as amended from time to time, must be implemented for the duration of operation.

OPERATIONAL MONITORING PROGRAMS

- D5 The following **Operational Monitoring Programs** must be prepared in consultation with the relevant authorities identified for each **Operational Monitoring Program** to compare actual operational performance against predicted performance. 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 **Operational Monitoring Program**, including copies of all correspondence from those agencies as required by **Condition A10**.

	Operational Monitoring Programs	Relevant authority(s) and council(s) to be consulted for each Operational Monitoring Program
(a)	Fauna Connectivity Monitoring, Predator Prevention and Adaptive Mitigation Program	BCS and relevant council(s)
(b)	Surface Water Monitoring Program	DECCW Water

- D6 Each operational monitoring program must include:

- (a) details of baseline data;
- (b) details of all monitoring of the CSSI to be undertaken;
- (c) the parameters of the CSSI to be monitored;
- (d) the frequency and lifespan of monitoring to be undertaken;
- (e) the location of monitoring;
- (f) the reporting of monitoring and analysis of results against relevant criteria;
- (g) details of the methods that will be employed to analyse the monitoring data;
- (h) procedures and/or trigger points to identify and implement additional mitigation measures where results of monitoring are unsatisfactory;
- (i) consideration of SMART principles; and
- (j) any consultation to be undertaken in relation to the monitoring programs.

D7 An **Operational Fauna Connectivity Monitoring, Predator Prevention and Adaptive Mitigation Program** must be implemented for a period of ten (10) years, or as otherwise agreed with the Planning Secretary, to evaluate the effectiveness of fauna connectivity measures and any adaptive management measures. The Program must be prepared by a suitably qualified and experienced ecologist(s) with experience in fauna connectivity and crossings and experimental design and include regular seasonal ongoing monitoring and not be limited to:

- (a) target species, including:
 - (i) Brown Treecreeper;
 - (ii) Diamond Firetail;
 - (iii) Flame Robin;
 - (iv) Grey-Crowned Babbler;
 - (v) Rainbow Bee-eater;
 - (vi) Scarlet Robin;
 - (vii) Speckled Warbler;
 - (viii) Superb Parrot;
 - (ix) Varied Sittella;
 - (x) White-fronted Chat; and
 - (xi) Squirrel Glider;
- (b) baseline monitoring data as required by **Condition E40**;
- (c) performance indicators, type, duration and frequency of monitoring, inspections and condition assessments;
- (d) the effectiveness of new and existing fauna connectivity measures, including fauna exclusion fencing, fauna furniture and predation prevention measures;
- (e) visual inspections of fauna connectivity structures including rope crossing and fauna exclusion fencing, following a severe weather event and/or record of fauna mortality;
- (f) condition assessments of fauna connectivity measures including habitat refuges and predation prevention measures;
- (g) an adaptive monitoring program to assess the effectiveness of the mitigation measures identified in **Conditions E44 to E45** and whether changes are required to the monitoring program;
- (h) a process to ensure adaptive management measures, including changes to fauna furniture, predator prevention or mitigation in response to the results of monitoring completed in accordance with **Condition D7(a)** to **(g)** above, and a timeframe for their implementation; and
- (i) timeframes for the rectification of defects identified during inspections.

The results of the monitoring must be provided in an annual report and submitted to the Planning Secretary upon request, to BCS, the relevant Council and made publicly available in accordance with **Condition B18**.

- D8 At the end of 10 years, the Proponent must consult with BCS to determine whether ongoing monitoring, predator prevention and mitigation measures are required to continue. Any ongoing monitoring, prevention and mitigation measures recommended by BCS must be undertaken, unless otherwise agreed to by the Planning Secretary. The **Operational Monitoring Program(s)** must be submitted to the Planning Secretary for approval at least three (3) months prior to the commencement of operation.
- D9 Operation must not commence until the Planning Secretary has approved all of the required Operational Monitoring Programs, and all relevant baseline data has been collected.
- D10 The **Operational Monitoring Programs**, as approved by the Planning Secretary, must be implemented for the duration identified in the terms of this approval. Where no duration is specified in this approval, they must be implemented for the duration specified in the relevant **Operational Monitoring Program** or as specified by the Planning Secretary.
- D11 The results of the **Operational Monitoring Programs** must be submitted to the Planning Secretary, and relevant regulatory authorities, for information in the form of an **Operational Monitoring Report** at the frequency identified in the in the terms of this approval. Where no frequency is identified in this approval, the results must be submitted at the frequency identified in the relevant **Operational Monitoring Program**.
- D12 Where a relevant **OEMP Sub-plan** exists, the relevant **Operational Monitoring Program** may be incorporated into that **OEMP Sub-plan**.

PART E KEY ISSUE CONDITIONS

NOISE AND VIBRATION

Work Hours

- E1 Work must be undertaken during the following hours:
- (a) 7:00 am to 6:00 pm Mondays to Fridays;
 - (b) 7:00 am to 6:00 pm Saturdays; and
 - (c) at no time on Sundays or public holidays.
- E2 Despite **Condition E1**, work (excluding establishment of the temporary workforce accommodation facilities) may be undertaken during the hours of 6:00 am to 6:00 pm each day provided:
- (a) no work affects any given receiver between the hours of 6:00 pm on a Saturday and 7:00 am on a Monday every second week;
 - (b) only low impact noise activities (defined in **Condition E3(b)**) are permitted between 6.00 am and 7.00 am; and
 - (c) consultation with affected receivers occurs at least every three months, or more frequently following complaints recorded in the Complaints Register required by **Condition B8**, to determine respite or additional mitigation measures. In consulting with the affected receivers, the following must be provided:
 - (i) a progressive schedule of anticipated hours of works beyond those permitted by **Condition E1** for periods of no less than three months;
 - (ii) a description of the anticipated construction activities, location and duration of the work;
 - (iii) the noise characteristics and likely noise levels of the work;
 - (iv) the practical measures implemented to minimise noisy work and heavy vehicle movements before 7:00am and any time on a Sunday; and
 - (v) mitigation and management measures which aim to achieve the relevant noise management levels identified in the documents listed under **Condition A1** (including the circumstances in which respite or other offers will be available and details about how the affected receivers can access these).

Evidence of consultation and the outcomes, including any changes to construction practices or staging, must be reviewed by the **ER** and provided to the Planning Secretary on request.

Notes:

1. *This condition does not affect any other offers of respite or noise mitigation required under this approval.*
2. *This condition does not prevent a working schedule of ten consecutive days of work followed by four consecutive days of no work provided one day of no work is a Sunday and that consultation with affected receivers about respite and mitigation occurs every three months;*

Variation to Work Hours

- E3 Despite **Conditions E1** and **E2** work may be undertaken outside the hours specified in the following circumstances:
- (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; or
 - (b) Low impact noise activities, including:
 - (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 uses; and
- (ii) construction that causes L_{AFmax} noise levels no more than 15 dB(A) above the rating background level at any residence during the night period as defined in the *Noise Policy for Industry* (EPA, 2017); and
- (iii) 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); or
- (c) By approval or agreement, 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 E5**; or
 - (iii) negotiated agreements with directly affected residents and sensitive land uses.

On becoming aware of the need for emergency work in accordance with **Condition E3(a)(ii)** above, the **ER**, the Planning Secretary and the EPA must be notified of the reasons for such work. The Proponent must use best endeavours to notify as soon as practicable all noise and/or vibration affected sensitive land uses of the likely impact and duration of those work.

All negotiated agreements with owners and occupiers of sensitive land uses to carry out work in accordance with **Condition E3(c)(iii)** must be in writing, and include the hours, duration and likely noise levels compared to the NML defined in the ICNG. The negotiated agreement must be agreed and finalised before the commencement of work affecting the sensitive land uses.

Highly Noise Intensive Work

- E4 Except as permitted by an EPL or approved through an Out of Hours Work Protocol (for work not subject to an EPL), **highly noise intensive work** (defined in Table 1) that results 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 (excluding public holidays);
 - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
 - (c) in continuous blocks not exceeding three hours each with a minimum respite of at least one hour between each block of highly noise intensive work.

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

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

- E5 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 E1** and **E2**, and that is not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of any out-of-hours work. The Protocol must be prepared in consultation with the EPA. The Protocol must:
- (a) provide a process for the consideration of out-of-hours work against the relevant noise and vibration criteria, including the determination of low and high-risk activities;

- (b) provide a process for the identification and implementation of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location;
- (c) identify procedures to facilitate the coordination of out-of-hours work approved by an EPL to ensure appropriate respite is provided;
- (d) identify an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) the **ER** review all proposed out of hours activities and confirm their risk levels;
 - (ii) low risk activities can be approved by the **ER**, and
 - (iii) high risk activities that are approved by the Planning Secretary; and
- (e) identify Department, EPA and community notification arrangements for approved out-of-hours work, which maybe detailed in the **Communication Strategy**.

E6 Work that results in noise levels above NMLs at community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) must not be timetabled within sensitive periods or during important events, unless other reasonable arrangements with the affected institutions or businesses are made at no cost to the affected institution or business or as otherwise approved by the Planning Secretary.

Noise and Vibration Mitigation

- E7 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:
- (a) construction 'noise affected' NMLs established using the ICNG;
 - (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;
 - (e) the vibration limits set out in the German standard DIN 4150-3: Structural vibration-effects of vibration on structures (for structural damage); and
 - (f) Project noise trigger levels and maximum noise level event trigger levels established using the *Noise Policy for Industry* (EPA, 2017) for noise generated by mechanical plant and on-site vehicles at temporary workforce accommodation facilities.

Any work identified as exceeding the NMLs and/or vibration criteria must be managed in accordance with the **Construction Noise and Vibration Management Sub-plan** required by **Condition C17**.

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

- E8 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before construction that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owner and occupiers must be provided with a schedule of potential exceedances for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the Construction Noise and Vibration Management Sub-plan required by **Condition C17**.

Construction Noise - Coordination and Respite

- E9 The Proponent must coordinate work with other Inland Rail projects, including any work to relocate or connect utilities conducted under any approval pathway, to minimise cumulative and consecutive noise and vibration impacts and maximise respite for affected sensitive receivers. Coordination and mitigation measures must be detailed in the **Noise and Vibration Management Sub-plan** required by **Condition C17**.

Blasting Management Strategy

- E10 If blasting is proposed during construction, a **Blast Management Strategy** must be prepared and must include:
- (a) sequencing and review of trial blasting to inform blasting;
 - (b) regularity of blasting;
 - (c) intensity of blasting;
 - (d) monitoring blast overpressure and ground vibration;
 - (e) consultation with utility asset owners and managers;
 - (f) measures to minimise blasting impacts;
 - (g) periods of relief; and
 - (h) blasting program.
- E11 The **Blast Management Strategy** must be endorsed by a suitably qualified and experienced person.
- E12 The **Blast Management Strategy** must be prepared in accordance with relevant guidelines to ensure that all blasting and associated activities are carried out so as not to generate unacceptable noise and vibration impacts or pose a significant risk to sensitive receivers.
- E13 The **Blast Management Strategy** must be submitted to the Planning Secretary for approval no later than one month prior to the commencement of blasting. The Strategy as submitted to the Planning Secretary, must be implemented for all blasting activities.
- E14 Blasting associated with the CSSI must only be undertaken during the following hours:
- (a) 9:00 am to 5:00 pm, Monday to Friday, inclusive;
 - (b) 9:00 am to 1:00 pm, Saturday; and
 - (c) at no time on Sunday or on a public holiday;
- or as authorised through an EPL if blasting is proposed outside of these hours.
- This condition does not apply in the event of a direction from police or other relevant authority or utilities for safety or emergency reasons to avoid loss of life, property loss and/or to prevent environmental harm.

Noise Mitigation – Operational Noise Mitigation Measures – Rail

- E15 The Proponent must prepare an **Operational Noise and Vibration Review - Rail (ONVR - Rail)** to confirm noise and vibration control measures that would be implemented for operational rail elements of the CSSI. The **ONVR - Rail** and identification and selection of any noise mitigation measures must be prepared in consultation with the EPA and impacted sensitive receivers. Where barrier options (e.g. noise walls or mounds) are proposed to be implemented, consultation must also be undertaken with the relevant councils and if noise walls/mounds are to be constructed along a road, the relevant roads authority. The **ONVR - Rail** must:
- (a) confirm the appropriate operational noise and vibration objectives and levels for each section at adjoining developments, including existing sensitive land uses;
 - (b) confirm the operational noise and vibration predictions based on the final design. Confirmation must be based on an appropriately validated noise model (which has incorporated additional noise monitoring, and concurrent traffic counting, where necessary for model validation and/or calibration purposes). The noise and vibration modelling must consider as a minimum (but not limited to):
 - (i) the number and type of locomotives and wagons required for each train type,
 - (ii) track features and associated noise sources including trackform, track condition, turnouts, points, curves, crossing loops, and sidings,
 - (iii) re-radiated noise from viaducts, bridges, culverts, and other structures,

- (iv) train operating characteristics and associated noise sources including travelling at ruling train speed, notch settings, dynamic braking, changes in speed, and gradients,
 - (v) safety devices such as warning horns and bells at level crossings.
 - (vi) Identify and confirm sensitive receivers at which *Rail Infrastructure Noise Guideline* (EPA, 2013) trigger levels are predicted to be exceeded once the CSSI is operational and in 2040 as identified in documents listed in **Condition A1**;
- (c) review the suitability of the operational noise and vibration mitigation measures identified in the documents listed in **Condition A1** and, where necessary, investigate and identify additional noise and vibration mitigation measures, required to achieve the noise and vibration objectives outlined in the *Rail Infrastructure Noise Guideline* once the CSSI is operational and in 2040 as identified in documents in listed in **Condition A1** after commencement of operation as notified in accordance with **Condition A7**. This review must consider:
- (i) local climate and impacts on existing cooling devices;
 - (ii) alternative at-property mitigation measures where the physical condition of a receiver building would render acoustic glazing and seals ineffective; and
 - (iii) all feasible barrier options.
- (d) Review the location of crossing loops, sidings, and level crossings, and investigate and implement practical measures to minimise adverse traffic, access and noise impacts;
- (e) describe the final suite of noise and vibration mitigation measures that will be implemented to achieve the objectives outlined in the *Rail Infrastructure Noise Guideline* once the CSSI is operational and in 2040 as identified in documents in listed in **Condition A1**, including the timing of implementation in accordance with **Condition E20**;
- (f) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; and
- (g) procedures for the management of operational noise and vibration complaints.

The **ONVR - Rail** must be verified by an independent and suitably qualified acoustic expert and submitted to and approved by the Planning Secretary prior to whichever occurs first: either the implementation of any operational noise mitigation measures, or commencement of operation.

The Proponent must make the **ONVR - Rail** publicly available.

- E16 Within one year of, and after ten years after commencement of operations, or as otherwise agreed with the Planning Secretary, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the rail operations of the CSSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E15**. The Proponent must prepare an **Operational Noise Compliance Report – Rail (ONCR - Rail)** to document this monitoring. The Report must include, but not necessarily be limited to:
- (a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under **Condition E15**;
 - (b) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which CSSI noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers identified as exceeding noise trigger levels and vibration trigger levels in the *Rail Infrastructure Noise Guideline* defined in the documents listed under **Condition A1**.
 - (c) details of any complaints and enquiries received in relation to operational noise and vibration generated by the CSSI between the date of commencement of operation and the date the report was prepared;
 - (d) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual train movements;
 - (e) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and

- (f) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E15**, that would be implemented with the objective of meeting the criteria outlined in the *Rail Infrastructure Noise Guideline*, when these measures would be implemented and how their effectiveness would be measured and reported to the Planning Secretary and the EPA.

The **ONCR - Rail** is to be verified by a suitably qualified and experienced noise and vibration expert. The **ONCR - Rail** must be submitted to the Planning Secretary and the EPA for approval within 90 days of completing the operational noise monitoring. The Proponent must make the **ONCR - Rail** publicly available.

Noise Mitigation – Operational Noise Mitigation Measures – Road Traffic

E17 The Proponent must prepare an **Operational Noise and Vibration Review – Road (ONVR - Road)** to confirm noise and vibration control measures that would be implemented for the operation of the road traffic related parts of the CSSI. The **ONVR - Road** and identification and selection of any noise mitigation measures must be prepared in consultation with the EPA and impacted sensitive receivers. Where barrier options (e.g. noise walls or mounds) are proposed to be implemented, consultation must also be undertaken with the relevant councils and if noise walls/mounds are to be constructed along a classified road, TfNSW. The **ONVR- Road** must:

- (a) confirm the appropriate operational noise and vibration objectives and levels including existing sensitive land uses;
- (b) confirm the operational noise and vibration predictions based on the final design. Confirmation must be based on an appropriately validated noise model (which has incorporated additional noise monitoring, and concurrent traffic counting, where necessary for model validation and/or calibration purposes).
- (c) Identify / confirm sensitive receivers at which the criteria set out in the *Road Noise Policy* (EPA, 2011) are predicted to be exceeded once the CSSI is operational and ten years after operation commences.
- (d) review the suitability of the operational noise and vibration mitigation measures identified in the documents listed in **Condition A1** and, where necessary, investigate and identify additional noise and vibration mitigation measures, required to achieve the noise and vibration criteria outlined in the *Road Noise Policy* once the CSSI is operational and ten years after as identified in documents in listed in **Condition A1** after commencement of operation as notified in accordance with **Condition A7**.
- (e) describe the final suite of noise and vibration mitigation measures that will be implemented to achieve the objectives outlined in the *Road Noise Policy* once the CSSI is operational and ten years after as identified in documents in listed in **Condition A1**, including the timing of implementation in accordance with **Condition E20**;
- (f) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; and
- (g) procedures for the management of operational noise and vibration complaints.

The **ONVR - Road** must be verified by an independent and suitably qualified acoustic expert and submitted to the Planning Secretary for approval before whichever occurs first: either the implementation of any operational noise mitigation measures, or commencement of operation.

The Proponent must make the **ONVR - Road** publicly available.

E18 Within one year of, and after ten years after commencement of operations, or as otherwise agreed with the Planning Secretary, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the road traffic related parts of the CSSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E17**. The Proponent must prepare an **Operational Noise Compliance Report – Road (ONCR - Road)** to document this monitoring. The Report must include, but not necessarily be limited to:

- (a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under **Condition E17**;

- (b) methodology, location and frequency of noise monitoring undertaken;
- (c) details of any complaints and enquiries received in relation to operational noise and vibration generated by the CSSI between the date of commencement of operation and the date the report was prepared;
- (d) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic movements;
- (e) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
- (f) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E17**, that would be implemented with the objective of meeting the criteria outlined in the Road Noise Policy, when these measures would be implemented and how their effectiveness would be measured and reported to the Planning Secretary and the EPA.

The **ONCR - Road** is to be verified by a suitably qualified and experienced noise and vibration expert. The **ONCR - Road** must be submitted to the Planning Secretary and the EPA for information within 90 days of completing the operational noise monitoring. The Proponent must make the **ONCR - Road** publicly available.

- E19 Noise and vibration control measures identified in the **ONVRs** must be implemented.
- E20 Operational noise mitigation measures identified in **Condition E15** and **Condition E17** (such as at-property architectural treatments) that will not be affected by construction work, must be implemented:
- (a) within twelve (12) months of the commencement of construction affecting the impacted receiver/s;
 - (b) in the case of at-property treatments, as agreed with the landowner; or
 - (c) as agreed by the Planning Secretary.
- E21 Where implementation of operational noise mitigation measures are not proposed in accordance with **Condition E20**, the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in **Condition E15** and **Condition E17** are implemented. The report must be endorsed by the **ER** and submitted to the Planning Secretary prior to the commencement of construction which would affect the identified sensitive receivers.

Maintenance of Track Friction Modification Systems

- E22 Track friction modification systems and track condition maintenance regimes must be maintained to ensure that they maintain the performance of the SSI as stated in the **ONVR – Rail (Condition E15)** throughout the life of the project.

BIODIVERSITY

- E23 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.
- E24 Prior to the commencement of work that would impact biodiversity values of (a)-(g), the Proponent must demonstrate to the satisfaction of the Planning Secretary that impacts to the following potential serious and irreversible impact entities have been avoided to the greatest extent possible:
- (a) White Box-Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland comprising Plant Community Types (PCT) PCT 266, PCT 276, PCT 277, PCT 347
 - (b) *Caladenia arenaria* / Sand-hill Spider Orchid

- (c) *Caladenia concolor* / Crimson Spider Orchid
- (d) *Euphrasia arguta* / Euphrasia arguta
- (e) *Grevillea wilkinsonii* / Tumut Grevillea
- (f) *Indigofera efoliata* / Leafless Indigo
- (g) *Prasophyllum sp. Wybong* / Prasophyllum sp. Wybong

Avoidance, reduction in impacts and additional conservation measures must be documented in consultation with BCS and the Planning Secretary.

E25 Impacts to plant community types and species credit species must not exceed those identified in the documents listed in **Tables** in **SCHEDULE 1** and **SCHEDULE 2** of **APPENDIX C** and the corresponding number and class of ecosystem and species credits as set out in the BAM Biodiversity Credit Report which forms part of **Condition A1(c)**.

E26 Prior to impacts on the biodiversity values of the CSSI, the number and classes of ecosystem credits and species credits (like-for-like) as set out in the BAM Biodiversity Credit Report which forms part of the **Condition A1(c)**, must be retired. The number and classes of ecosystem credits and species credits that must be retired (prior to impacting the biodiversity values) are detailed in **SCHEDULE 1** and **SCHEDULE 2** of **APPENDIX C**.

The Proponent may review and reduce the ecosystem and species credit requirements in Tables in **SCHEDULE 1** and **SCHEDULE 2** of **APPENDIX C** to reflect the final construction footprint; the further surveys required by **Condition E31**; and the resulting extent and type of plant community types to be cleared. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with BCS and DECCEW(Cth) and documented in a report prepared in accordance the Biodiversity Assessment Method and accompanied by an updated Credit Report. The report and the updated Credit Report must be submitted to the Planning Secretary for approval prior to the retirement of credits.

E27 On the discovery of potential or actual impacts to any threatened communities or species not listed in **SCHEDULE 1** or **SCHEDULE 2** of **APPENDIX C**, all work which may impact the identified species or community must stop to prevent further impact and the Planning Secretary and BCS (and DCCEEW(Cth) where relevant) notified in writing. Work must not recommence until the relevant agencies have been consulted and any required management plans or approvals have been obtained.

This condition does not permit additional impacts to Threatened Species and Threatened Ecological Communities that were not assessed as part of the CSSI.

E28 The retirement of the credits must be carried out in accordance with the *Biodiversity Conservation Act 2016* (BC Act), 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 Conservation Fund (BCF) Charge System; 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.

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 referred to in **Condition A1**. The subject land is the disturbance footprint subject to assessment under the Biodiversity Assessment Method.

E29 Evidence of the retirement of credits in satisfaction of **Condition E28** must be provided to the Planning Secretary prior to impacts to the biodiversity values occurring.

E30 Where evidence of compliance with the *Ancillary rules: Reasonable steps to seek like-for-like biodiversity credits for the purpose of applying the variation rules* has been provided to, and approved by the Planning Secretary, the variation rules may be applied to retire the relevant ecosystem credits and species credits as set out in the BAM Biodiversity Credit 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*.

Unsurveyed Areas

- E31 Biodiversity surveys of unsurveyed land identified in **SCHEDULE 3** of **APPENDIX C** must be completed to confirm the CSSI will not result in a greater impact than **Condition E32**. The surveys must be completed by an accredited assessor in accordance with the Biodiversity Assessment Method prior to retiring credits in accordance with **Condition E27** for the unsurveyed areas.
- E32 The CSSI must not result in an impact on Threatened Ecological Communities and/or threatened flora species within the unsurveyed lands identified in **SCHEDULE 3** of **APPENDIX C** that is greater than that indicated in **Table 4**.

Table 4: Threatened Ecological Communities and threatened species assumed present within unsurveyed lands

PCT/species name	BC Act status	EPBCA	SAIL	Area/ No. Individuals ¹
Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions PCT 76, PCT 80	Endangered	Endangered	No	10.35
White Box Yellow Box Blakely's Red Gum Woodland PCT 266, PCT 276, PCT 277, PCT 347	Critically Endangered	Critically Endangered	SAIL	8.37
<i>Acacia ausfeldii</i> / Ausfeld's Wattle	Vulnerable	-	No	4.3
<i>Ammobium craspedioides</i> / Yass Daisy	Vulnerable	Vulnerable	No	15,477*
<i>Austrostipa wakoolica</i> / A spear-grass	Endangered	Endangered	No	4.88
<i>Caladenia arenaria</i> / Sand-hill Spider Orchid	Endangered	Endangered	SAIL	4.41
<i>Caladenia concolor</i> / Crimson Spider Orchid	Endangered	Vulnerable	SAIL	0.14
<i>Cullen parvum</i> / Small Scurf-pea	Endangered	Not Listed	No	8.56
<i>Diuris tricolor</i> / Pine Donkey Orchid	Vulnerable	Not Listed	No	5.02
<i>Eleocharis obicis</i> / Spike-Rush	Vulnerable	Vulnerable	No	4.41
<i>Euphrasia arguta</i> / Euphrasia arguta	Critically Endangered	Critically Endangered	SAIL	2.3
<i>Grevillea wilkinsonii</i> / Tumut Grevillea	Critically Endangered	Endangered	SAIL	2.3
<i>Indigofera efoliata</i> / Leafless Indigo	Endangered	Endangered	SAIL	4.41
<i>Lepidium aschersonii</i> / Spiny Peppercross	Vulnerable	Vulnerable	No	4.41
<i>Leucochrysum albicans subsp. tricolor</i> / Hoary Sunray	Endangered	Endangered	No	14,532*
<i>Prasophyllum petilum</i> / Tarengo Leek Orchid	Endangered	Endangered	No	2.96

<i>Prasophyllum sp. Wybong</i> / <i>Prasophyllum sp. Wybong</i>	Not Listed	Critically Endangered	SAII	2.3
<i>Pultenaea humilis</i> / Dwarf Bush-pea	Vulnerable	Not Listed	No	0.14
<i>Senecio garlandii</i> / Woolly Ragwort	Vulnerable	Not Listed	No	0.14
<i>Swainsona murrayana</i> / Slender Darling Pea	Vulnerable	Vulnerable	No	4.88
<i>Swainsona recta</i> / Small Purple-pea	Endangered	Endangered	No	9.05
<i>Swainsona sericea</i> / Silky Swainson-pea	Vulnerable	Not Listed	No	4.41
<i>Tylophora linearis</i> / <i>Tylophora linearis</i>	Vulnerable	Endangered	No	0.14

¹ number of individuals identified with *

E33 A report confirming the biodiversity impacts within unsurveyed land identified in **SCHEDULE 3 of APPENDIX C** must be prepared in consultation with BCS and submitted to the Planning Secretary for approval prior to Work that would impact biodiversity values occurring in the unsurveyed areas identified in **SCHEDULE 3 of APPENDIX C**. The **Confirmation of Biodiversity Impacts of Unsurveyed Land Report** must include:

- (a) details of the surveys completed in accordance with **Condition E31**;
- (b) the location of biodiversity to be impacted;
- (c) confirmation that impacts to the threatened ecological communities and threatened species impacted are the same or less than that permitted by **Condition E32**;
- (d) demonstration of how detailed design and refinement of areas of impact has resulted in minimising impacts to threatened ecological communities and threatened species including maps identifying changes to areas of impact; and
- (e) any reduction in the type and/or credit requirements as a result of this report.

Note: *This condition does not preclude combining the requirements of **Condition E24** and the confirmation of biodiversity impacts of unsurveyed land into one report, where the requirements of both conditions are met.*

Additional Box Gum Woodland Measures

E34 Within 12 months of the date of this approval, the Proponent must apply for, and, if approved, enter into a Biodiversity Stewardship Agreement (BSA) to ensure ongoing management and active restoration of 45.7ha hectares of Box Gum Woodland within a 123.15 hectare restoration site of a portion of Lot 3 DP 591854 as outlined in documents listed in **Condition A1(e)** and **A1(f)**. The management and restoration actions are additional to credit obligations required by **Condition E26**.

E35 A **Box Gum Woodland Restoration Plan** must be prepared by an ecologist with appropriate qualifications and experience in Box Gum Woodland restoration determined in consultation with BCS for the management of the restoration site identified in **Condition A1(e)** and **A1(f)** to ensure:

- (a) in perpetuity management of existing Box Gum Woodland
- (b) increase in the extent of Box Gum Woodland and
- (c) improve connectivity within and across the site identified in **Condition E34**.

The **Box Gum Woodland Restoration Plan** must be submitted to and approved by the Planning Secretary prior to the commencement of construction. The **Box Gum Woodland Restoration Plan** must be implemented and made publicly accessible.

E36 The Box Gum Woodland Restoration Plan must include:

- (a) site map identifying the site boundary, existing vegetation to be maintained, areas to be actively restored and connectivity or movement corridors to be established or maintained;
- (b) active restoration and maintenance activities, including seed collection, fire management, threatened species habitat management, feral pest and weed management;
- (c) proposed restoration and connectivity targets;
- (d) timeframes and responsibilities for meeting targets, including all actions to be completed prior to entering into a Biodiversity Stewardship Agreement;
- (e) monitoring plan;
- (f) adaptive management program to assess the effectiveness of the restoration and maintenance activities in meeting the targets identified in (c), and
- (g) a process to ensure adaptive management measures, if targets are not met.

Note: *The Box Gum Woodland Restoration Plan is not intended to replace or duplicate the requirements for the management of the site in accordance with a Biodiversity Stewardship Agreement. This condition does not preclude utilising documents or data from the BSA from being included in the Box Gum Woodland Restoration Report.*

E37 A **Box Gum Woodland Restoration Report** must be prepared by an ecologist with appropriate qualifications and experience in Box Gum Woodland restoration determined in consultation with BCS, every 12 months unless otherwise agreed by the Planning Secretary and made publicly available. The **Box Gum Woodland Restoration Report** must include:

- (a) active restoration and maintenance activities completed in the previous 12 months;
- (b) monitoring results;
- (c) performance against restoration and connectivity targets; and
- (d) adaptive management measures implemented in the event that targets are not being met.

The **Box Gum Woodland Restoration Report** must be finalised within 2 months of each 12-month period. The Report must also be provided to the Planning Secretary and **BCS** on request.

Note: *This condition does not preclude utilising documents or data from the BSA from being included in the Box Gum Woodland Restoration Report.*

Riparian Vegetation

E38 Riparian land disturbed during construction must be rehabilitated and revegetated with native species of local provenance from the relevant plant community type on completion of Work impacting the riparian land in accordance with the *Guidelines for controlled activities on waterfront land – Riparian corridors* (NRAR, 2018).

Seed Collection, Revegetation and Rehabilitation

E39 Seed from native plants to be removed must be collected before clearing and used in revegetation, restoration and rehabilitation across the project area and the site identified in **Condition E34**. Plant propagation must ensure that native species of local provenance from the relevant native vegetation community are available for successful revegetation and landscaping.

Fauna Connectivity

Fauna Crossings - Baseline Monitoring

E40 Baseline monitoring of existing fauna movement corridors, pathways and connectivity within the Assessment Area as defined in the Biodiversity Assessment Development Report must be undertaken in accordance with a **Baseline Monitoring Program** prepared by a suitably qualified and experienced expert in consultation with BCS. The **Baseline Monitoring Program** must:

- (a) be adequate for determining existing fauna movement corridors, pathways and connectivity for:
 - (i) Brown Treecreeper;
 - (ii) Diamond Firetail;
 - (iii) Flame Robin;
 - (iv) Grey-Crowned Babbler;
 - (v) Rainbow Bee-eater;
 - (vi) Scarlet Robin;
 - (vii) Speckled Warbler;
 - (viii) Superb Parrot;
 - (ix) Varied Sittella;
 - (x) White-fronted Chat; and
 - (xi) Squirrel Glider; and
- (b) consider the broader landscape connectivity, pathways and movement corridors; and
- (c) consider relevant State and Commonwealth threatened species guidelines, species biology and the results of on-ground surveys in determining the length of time and time of year for baseline monitoring.

E41 The design of the fauna connectivity measures must have regard to:

- (a) baseline monitoring completed in accordance with **Condition E40**;
- (b) fauna habitat/fauna furniture and refuges within and near the CSSI to facilitate fauna movement for all native species (threatened and non-threatened) that will potentially use the connectivity structures;
- (c) relevant State and Commonwealth threatened species guidelines, species biology and the results of on-ground surveys;
- (d) Fauna Sensitive Road Design Manual Volume 2 (Queensland Government, 2010);
- (e) Fauna Sensitive Road Design Guidelines (VicRoads, 2012); and
- (f) industry best practice measures.

Watercourse Crossings

E42 Watercourse crossings must be designed in consultation with DPI Fisheries and in accordance with *Why do fish need to cross the road? Fish passage requirements for waterway crossings* (Fairfull & Witheridge, 2003).

E43 Fauna access pathways to connectivity measures must:

- (a) not be impeded by crossing loops, ancillary facilities, service roads and tracks, level crossings and roads; and
- (b) use local native flora species in approaches to connectivity structures.

Connectivity Strategy

E44 The *draft Connectivity Strategy* listed in **Condition A1** must be finalised by a suitably qualified and experienced ecologist(s) with experience in fauna connectivity, fauna crossings and experimental design. The final **Connectivity Strategy** must be prepared in consultation with BCS and DPI Fisheries and submitted to the Planning Secretary for approval prior to construction commencing. The **Connectivity Strategy** must include, but not limited to:

- (a) details of existing fauna movement corridors, pathways and connectivity informed by baseline monitoring completed in accordance with **Condition E40** and other on-ground surveys completed;
- (b) justification for the location and design, and spacing of the connectivity structures with reference to the requirements of **Condition E41**;
- (c) justification for not proceeding with a fauna connectivity measure outlined in Table L.3 of the *draft Connectivity Strategy* and the location and design of alternative fauna connectivity measures where the measure could not be implemented;

- (d) demonstration of the effectiveness of the proposed connectivity structures and measures in terms of location, design and number to mitigate impacts to the relevant threatened species, and that the design will:
 - (i) maintain or improve connectivity and movement pathways of species within regional, local and riparian corridors;
 - (ii) reduce the risk of mortality for threatened species;
 - (iii) be located at sufficient frequency along the alignment, based on the ecological requirements of the targeted species, including but not limited to home range size, movement patterns, and habitat use; and
 - (iv) consider the effects of connectivity structures on the maintenance or improvement of population viability and gene flow for targeted species;
- (e) details and design (including a map) of all connectivity structures including:
 - (i) flight diversion structures and
 - (ii) fauna exclusion fencing
- (f) a map showing the location and design of all fauna connectivity measures to be implemented
- (g) the maintenance activities for all connectivity structures and measures for the life of the impact of the CSSI, including timing and frequency of maintenance actions, including after flooding events;
- (h) an assessment of the flooding risk for proposed structures and measures to confirm and provide for flood immunity of those structures as a result of this assessment;
- (i) include Operational Fauna Connectivity Monitoring, Predator Prevention and Adaptive Mitigation Program required by **Condition D7**.

Fauna Funnel and Exclusion Fencing

E45 Fauna funnel fencing and exclusion fencing must be provided to prevent fauna from accessing the rail alignment. The fencing must be installed before the commencement of operation. The fencing must be designed in accordance with best practice measures in consultation with suitably qualified experts in both fauna fencing and the target fauna species (threatened and non-threatened species) and in consideration of baseline monitoring results required by **Condition E40**.

Note: It is envisaged that different types of fauna fencing will be required in different areas depending on the requirements to exclude or funnel the target species.

Re-use of Timber

E46 Cleared native vegetation and other landscape features must be reused as part of the CSSI, including for re-snagging of waterways, in consultation with DPI Fisheries. If reuse is not practicable, consultation with the relevant council(s), landcare groups and relevant state agencies must be undertaken to determine if:

- (a) hollows, tree trunks, mulch, bush rock and root balls; and
- (b) collected plant material, seeds and/or propagated plants;

can be used by others in habitat enhancement, beneficial re-use and rehabilitation work, before pursuing other disposal options.

FLOODING

E47 All practicable measures must be implemented to ensure the design, construction and operation of the CSSI will not adversely affect flood behaviour, or adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Flood Modelling

E48 The hydraulic and hydrological flood modelling undertaken during the design of the CSSI and the assessment of its flood impacts must be undertaken consistent with the Flood Modelling Specifications listed in **APPENDIX B SCHEDULE 2**. In addition the modelling must be to a standard equal to or better than that in the RtS referenced in **Condition A1**. In the event of any inconsistency between the flood modelling in the RtS and the Flooding Modelling Specifications listed in **APPENDIX B SCHEDULE 2**, the Flood Modelling Specifications prevail.

Independent Peer Review of Hydraulic and Hydrological Modelling

- E49 Hydraulic and hydrological flood modelling completed in accordance with **Condition E48** and **APPENDIX B SCHEDULE 2** must be independently peer reviewed.
- E50 The peer review required by **Condition E49** must be undertaken by a suitably qualified and experienced hydrologist who has extensive experience in flood modelling including with the hydrological and hydraulic software used for the model. This hydrologist must be independent of the Proponent and the organisation(s) that prepared the flood model for the documents listed in **Condition A1**, and be approved by the Planning Secretary, having regard to the Department's *Post Approval Guidance for Infrastructure Projects: Seeking Approval from the Department for the Appointment of Independent Experts* (DPIE, 2020).
- E51 The peer reviewer must verify whether the flood model and the modelled final CSSI design complies with **Condition E48** and **APPENDIX B SCHEDULE 2**. The peer review must include undertaking the following tasks:
- (a) comprehensively review the flood model files;
 - (b) assess the establishment, calibration, validation and operation of the flood model including the identification of any modelling results classified as model noise;
 - (c) identify and document existing and future purposes for which the model can and cannot be used, including adaptation of this model by others, and any limitations on this;
 - (d) document the review findings and provide written confirmation that the review report is consistent with the requirements of this condition and accurately determines the flood related aspects of the design and compliance by **Condition E55**;
 - (e) review the monitoring methodologies required by **Condition E72**.

Note: *The review of the monitoring methodologies required by (e) above can be completed separately.*

- E52 The peer reviewer must prepare a report that details the activities undertaken during the peer review and its findings. Where the review identifies deficiencies or non-compliances within the flood model or the CSSI design, these are to be rectified prior to finalisation of the model, the CSSI design and/or the **Flood Design Verification Report**.
- E53 The peer reviewer's report must be appended to the **Flood Design Verification Report** prior to seeking agency comment and the Planning Secretary's approval required in **Condition E66**.

Notes:

1. *The independent peer reviewer must have extensive experience with the software packages applied in the modelling for the PIR and the Flood Design Verification Report, although this may not necessarily include the specific software version(s) used in the PIR and Flood Design Verification Report, provided the software version updates are not relevant to the peer review.*
2. *An interim version/s of the peer review may be conducted consistent with the processes in **Condition E67**.*

Impacts on Flood Behaviour

- E54 The CSSI must be designed with the objective to meet or improve upon the flood performance identified in the RtS referenced in **Condition A1**. Variation consistent with the requirements of this approval at the rail corridor is permitted to effect minor changes to the RtS design with the intent of improving the flood performance of the CSSI.
- E55 The CSSI must be designed and constructed so changes in the flood behaviour will not exceed the Quantitative Design Limits (QDLs) listed in **APPENDIX B SCHEDULE 1**, as assessed in

accordance with the flood modelling specifications in **APPENDIX BSCHEDULE 2**, except as provided in **Condition E58** below.

- E56 The requirements of **Conditions E54** and **E55** apply in any and all of the following circumstances:
- (a) on land located:
 - (i) beyond the rail corridor; and
 - (ii) on any public road within the rail corridor;
 - (b) during any flood event up to and including the 1% AEP event as described in the RtS; and
 - (c) in any storm duration.
- E57 If the CSSI does not meet the requirements of **Condition E55** in relation to resultant velocity that exceeds the erosion threshold velocity (**ETV**), the Proponent must prepare and implement the **Operational Erosion Mitigation and Management Program** required by **Condition E68**.
- E58 If it is not practical to modify the design of the CSSI to meet the requirements of **Condition E55**, the Proponent must, in instances of non-compliance with **Condition E55**:
- (a) document the extent of the non-compliance and the impact to all landowners (public and private) and environment including biodiversity and soil stability; and
 - (b) justify why it is not practical to achieve compliance through CSSI design changes including provision of details of design options investigated to achieve compliance; and
 - (c) consult with and obtain the written agreement of the roads authority (where relevant); and
 - (d) consult with and provide full disclosure of likely impacts resulting from non-compliance with the QDL and obtain the written agreement of the affected landowner to the non-compliance. Such an agreement may involve works, measures, maintenance activities, acquisitions, or other commitments by the Proponent to the landowner.

All written agreements must be legally binding and meet any requirements of relevant legislation.

Notes:

1. *Nothing in this condition prevents the use of mediation in accordance with the **Communication Strategy** required by **Condition B2**.*
2. *Nothing in this approval prevents tasks or actions completed in compliance with the conditions of approval occurring concurrently, where this does not result in a non-compliance with the approval.*

- E59 The Proponent must prepare a **Flood Design Consultation Protocol**, to outline the steps that the Proponent will take where there are non-compliances with the QDLs, in accordance with **Condition E58**, to consult with landowners, road authorities, and TfNSW. The Flood Design Consultation Protocol must include:
- (a) when non-compliances will be notified to the landowner or roads authority;
 - (b) time provided to the landowner and roads authority to consider the non-compliance;
 - (c) process for seeking agreement to the non-compliance and any associated works, measures, maintenance activities, acquisitions, or other commitments by the Proponent to the landowner; and
 - (d) the process for mediation and resolution of disputes outlined in the Communications Strategy required by **Condition B2**.

The Flood Design Consultation Protocol must be prepared prior to construction and made publicly available in accordance with **Condition B18**.

Determination of Erosion Threshold Velocities (ETVs)

- E60 Should the Proponent seek to replace the default Erosion Threshold Velocity (ETV) of 0.5m/s (refer Velocity QDL in **APPENDIX BSCHEDULE 1**) with a site-specific ETV then an **Erosion Threshold Velocities Report** must be prepared by a suitably qualified geomorphologist or scour/erosion specialist with experience in calculating the erosion threshold velocities of erosive floodplain soils in Eastern Australia.
- E61 The Erosion Threshold Velocities Report must:
- (a) determine ETVs for every location for which site-specific ETVs are sought;
 - (b) be based on literature and guidelines relevant to the project's location;
 - (c) utilise determination methods that measure the ETVs directly within an hydraulic flume (**Direct Method**) to determine ETVs for a range of sites within the Project that are representative of all sites within the Project;
 - (d) if necessary, utilise soil classifications to infer ETVs (**Indirect Method**) from the ETVs determined using the Direct Method;
 - (e) assume worst case ground vegetation conditions, which for the majority of locations will be bare soil conditions;
 - (f) state an ETV for all sites and whether the default ETV, or a determined ETV (whether calculated or inferred from a calculated value) has been adopted;
 - (g) document the procedures used to determine the ETVs for all sites; and
 - (h) justify procedures used to determine the sites chosen for ETV determination using the Direct Method and the Indirect Method.
- E62 The methodology/ies used to determine the ETVs must be submitted to and approved by the Planning Secretary in advance of submitting the **Erosion Threshold Velocities Report** required by **Condition E60** for the Planning Secretary's approval.
- E63 The Erosion Threshold Velocities Report must be developed in consultation with the Department. The Report must be submitted to and approved by the Planning Secretary prior to finalisation of any Interim Flood Design Verification Report, or the Flood Design Verification Report prepared in accordance with **Conditions E64 to E67** (FDVR and Interim FDVR), whichever occurs earlier.

Flood Design Verification Report

- E64 A **Flood Design Verification Report (FDVR)** must be prepared to detail flood behaviour under existing conditions and how this would change with the final detailed design of the approved CSSI. The **FDVR** must demonstrate compliance (or otherwise) with **Conditions E54 to E58**.
- E65 The Flood Design Verification Report must include:
- (a) the CSSI design used in the preparation of the **Flood Design Verification Report**;
 - (b) details of the hydraulic and hydrological flood modelling including:
 - (i) the establishment, calibration, validation and operation of any computer models (including hydraulic and hydrology models);
 - (ii) a description of all flood behaviour used in the design of the CSSI;
 - (iii) details of the flood modelling assumptions and inputs including blockage calculations and assumptions for each cross-drainage structure;
 - (iv) demonstration that the modelling conforms with all the requirements of **APPENDIX B**;
 - (v) a copy of the flood modelling outputs required to demonstrate compliance with **Conditions E54 to E58**;
 - (c) floor level surveys of potentially affected buildings to accurately confirm compliance with afflux limits. Where a floor level has not been surveyed, the Report shall adopt the existing ground level as the floor level, with appropriate annotation;

- (d) an assessment of compliance of the final design of the CSSI with the requirements of **Conditions E54 to E56**, including a table of all non-compliances, and documentation of the process and outcomes required by **Conditions E57 and E58**. Written agreements, in accordance with **Conditions E58(c) and E58(d)** may be provided to the Planning Secretary separate to the **FDVR**;
- (e) an assessment of the impacts of the final design on the Stockinbingal village and adjacent rural land (i.e. land within Stockinbingal zoned RU5 and any land directly adjacent to land zoned RU5 or separated from it by a road or railway) in the 1% plus climate change AEP event and details of the final design's capacity to mitigate these impacts;
- (f) all design and/or mitigation measures to address adverse impacts to existing erosion for all instances in which the CSSI:
 - (i) exceeds the velocity QDL specified in **APPENDIX BSCHEDULE 1** and causes the resultant velocity to exceed the erosive threshold velocity; or
 - (ii) is within an area that is actively eroding;
- (g) an assessment of:
 - (i) risk to life caused by formation failure in flood events based on an evaluation of the probabilities and consequences of formation failure;
 - (ii) aquaplaning risks where the CSSI produces additional inundation of highways or sealed roads with a speed limit of 80km/h or greater; and
 - (iii) the impacts of the CSSI on erosion, scouring, bank stability, stream stability and geomorphology including with regard to *NRAR's Guidelines for Controlled Activities on Water Front Land* (DPE 2022); and
- (h) a detailed response outlining how recommendations of the independent peer review required by **Condition E49** have been incorporated into the flood modelling or justification for why recommendations have not been incorporated;
- (i) the Erosion Threshold Velocities Report required by **Conditions E60 to E62**; and
- (j) the Operational Erosion Monitoring and Mitigation Program required by **Conditions E68 to E70**.

E66 The **Flood Design Verification Report** must be submitted to the Planning Secretary for approval at least one month prior to the commencement of construction of permanent works that may impact on flooding. Works that may impact on flooding cannot commence until the **Flood Design Verification Report** is approved by the Planning Secretary.

The **Flood Design Verification Report** including the flood model and the model results must be submitted for review by BCS, DCCEEW Water, TfNSW and Councils and any comments received addressed prior to submitting the **Flood Design Verification Report** to the Planning Secretary.

Note: *Where the information included in the **FDVR** relates to that reviewed by an independent peer reviewer in accordance with **Condition E49**, the Planning Secretary will consider how any findings or recommendations made by the Independent Peer Reviewer were addressed and resolved.*

*For the purposes of **Condition E66**, "permanent works that may impact of flooding" includes but is not limited to: any flood storage, earthen embankment, viaduct, bridge, rail formation, culverts, and drainage including longitudinal drainage.*

Interim Flood Design Verification Report

E67 The Proponent may provide a program for review of an interim **FDVR** at defined point/s of project design development by the Planning Secretary, in consultation with BCS, DCCEEW Water, TfNSW and Councils. The program must be submitted to the Planning Secretary at least one month before the date an Interim **FDVR** would be submitted.

This program must:

- (a) define the points at which complete interim versions of the **FDVR** will be provided for review;

- (b) provide for review of a detailed methodology of the formation failure assessment required by **Condition E65(g)**;
- (c) allow each agency and the Planning Secretary at least one month for each review of the interim **FDVR**;
- (d) provide for every version of the interim **FDVR**:
 - (i) an interim Independent Peer Review of Hydraulic and Hydrological Modelling to meet the requirements of **Condition E49**; and
 - (ii) each of the requirements of the **FDVR** detailed in **Condition E65**; and
- (e) detail the process for revising the **FDVR** in response to comments provided on the interim **FDVR**.

The Final **FDVR** required by **Condition E65** must include a summary of comments received on the Interim **FDVR** and how these were addressed.

Operational Erosion Mitigation and Monitoring Program

E68 An **Operational Erosion Mitigation and Monitoring Program (OEMMP)** must be developed to respond to changes in erosion as a result of the CSSI and implement appropriate measures to mitigate erosion. The **OEMMP** must be implemented for all circumstances in which the CSSI:

- (a) exceeds the velocity QDL specified in **APPENDIX BSCHEDULE 1** and causes the resultant velocity to exceed the erosive threshold; or
- (b) is within an area that is actively eroding.

E69 The **OEMMP** must be prepared in consultation with BCS, DCCEE Water, relevant council(s) and landowner(s).

E70 The **OEMMP** must include:

- (a) All design (including placement and alignment of drainage structures to mimic existing flow directions) and mitigation measures implemented within the project corridor as identified in **Condition E65** and any agreements for mitigation measures outside the rail corridor required by **Condition E58(d)** to the extent that those measures or agreements relate to erosion;
- (b) monitoring and adaptive management measures, including:
 - (i) identification of monitoring areas including the upstream and downstream ends of all drainage structures, that meet the criteria identified in **Condition E68** and **E58**, 50 metres upstream and 150 metres downstream from each structure or to the end of any continuous active erosion (whichever is the longer);
 - (ii) a baseline pre-construction survey of conditions within the monitoring areas;
 - (iii) monitoring annually and after rain events greater than a 20% AEP for a period of 15 years of operation or as otherwise approved by the Planning Secretary;
 - (iv) a process for adaptive management and mitigation measures if monitoring determines the project is adversely affecting erosion; and
 - (v) a process for addressing complaints received that relate to erosion.

The **OEMMP** must form part of the Flood Design Verification Report required by **Condition E64**.

A copy of the monitoring results with appropriate commentary must be submitted to the Planning Secretary for information, within three months of completing the monitoring.

Any rectification measures identified within the monitoring results must be developed in consultation with the affected parties and implemented as agreed with the affected parties, within twelve months of the monitoring results unless timing extension is agreed in writing with the landowner.

Note: *The requirements of **Conditions E68** to **E70** apply in addition to the requirements of **Condition E57**.*

Flood Review after Construction

- E71 Following substantial completion of a section or stage of the CSSI and for the first 15 years of operation, the Proponent must prepare **Flood Review Report(s)** within three months after the first defined flood event for each of the following flood magnitude ranges that occur within or adjacent to the rail corridor – greater than 1% AEP, 1-5% AEP, 5-10% AEP and 10-20% AEP events (using AEP event trigger levels as agreed by the Secretary). The Flood Review Report(s) must be prepared by a suitably qualified and experienced hydrologist(s) and include:
- (a) a comparison of the observed extent, level, and duration of the flooding event against those predicted in (or inferred from) the **Flood Design Verification Report** required by **Condition E64**;
 - (b) identification of the properties and infrastructure affected by flooding during the reportable event; and
 - (c) where the observed extent and level of flooding or other flooding or erosion impacts exceed those predicted due to the CSSI with the consequent effect of adversely impacting on property(ies), structures, infrastructure or the environment, and/or exceed the requirements specified in **Condition E55**:
 - (i) determine if the exceedance is attributable to the CSSI, and
 - (ii) where the cause is attributable to the CSSI, identify measures (including but not limited to physical alterations to the CSSI's design and/or revised operational maintenance measures or a combination of both) that would be implemented to reduce future adverse impacts of flooding from similar events related to the CSSI, including the timing and responsibilities for implementation.

A copy of the **Flood Review Report(s)** must be submitted to the Planning Secretary BCS, the relevant roads authority and relevant council(s) for information, within three (3) months of finalising the report.

Any rectification measures identified within the **Flood Review Report(s)** must be developed in consultation with the affected parties and implemented within the timeframes specified in the **Flood Review Report(s)** or as agreed with the affected parties.

- E72 To analyse the lengths of rail corridor impacted by rainfall and consequential flood events for the purposes of **Condition E71** the Proponent must develop spatially defined monitoring zones and associated monitoring methodologies for the flood catchments modelled in **Condition A1**. The monitoring methodologies must provide an approach to infer rainfall intensities utilising the available Bureau of Meteorology rainfall monitoring stations suitable for each catchment, as well as utilising the available streamflow data and water level records. The methodology must be developed in consultation with BCS and DCCEEW Water and submitted to the Planning Secretary for approval within six (6) months prior to the commencement of operation of the CSSI.

Flood Emergency Response Plan (FERP) for Flood Risks within the Rail Corridor

- E73 The Proponent must prepare and implement a **Flood Emergency Response Plan (FERP)** which documents how the risks to life and property within the rail corridor are to be safely managed during a flood. The **FERP** must detail activities before, during and after a flood, including for staff training and maintenance, and updating of the **FERP**. The **FERP** must:
- (a) be prepared by an experienced flood emergency response specialist who has extensive experience in preparation of these plans;
 - (b) must confirm that residual flood risks are acceptable and the procedures within the FERP are consistent with best practice and the requirements of the Flood Risk Management Manual (2023) and its 'Toolkit';
 - (c) be appended to the **Flood Design Verification Report**, and
 - (d) detail the development of a flood warning system in the upper reaches of Dudauman Creek. The flood warning system should have the capacity to be adapted for use during the operational stage as a formal flood warning system for Stockinbingal.

Once operational, equipment or plans developed for the **Flood Emergency Response Plan (FERP)** must be offered to the relevant agency for ongoing implementation and use.

Note: *Nothing in this condition prevents the adaptation of an existing flood management or emergency plan to satisfy this condition.*

Information to Facilitate Management of Flood Emergency Risks beyond the Rail Corridor

E74 Where the CSSI has the potential to adversely impact flood risks to life or property beyond the rail corridor, the Proponent must document the flood risk information in sufficient detail so that relevant emergency services personnel, infrastructure asset owners and managers, and other affected parties can prepare, respond and recover from future flood emergencies. This must include but not be limited to:

- (a) documentation of the changes to flood behaviour including levels, depths, velocities, time of first inundation, duration of inundation etc, that may result in adverse impacts to life and property beyond the rail corridor, in any future flood events including events up to the PMF;
- (b) consideration of changes to flood behaviour that may result from CSSI infrastructure failures or embankment collapses where these may occur during floods;
- (c) provision of sufficient detail and scope to enable the relevant personnel or agency (including the NSW SES, the relevant Council(s), affected property or infrastructure owners) to prepare for management of flood emergencies; and
- (d) respond to requests for information about the CSSI from those personnel or agencies in (c) to assist them in preparing their own flood emergency response plans.

This documentation shall be appended to the **Flood Design Verification Report** and be endorsed as consistent with the requirements of this condition by the same specialist preparing and certifying the **FERP** (required by **Condition E73**).

Note: *affected parties include but are not limited to:*

- a) *land and property owners;*
- b) *infrastructure owners;*
- c) *EES;*
- d) *SES; and*
- e) *the relevant council(s), state and local government agencies.*

Information Sharing

E75 Flood information resulting from the requirements of this approval, including flood reports, models and geographic information system outputs, and work as executed information and the dimensions and finished levels of all structures within flood prone land, must be made available to the relevant council(s), TfNSW, BCS and the SES upon request. The relevant councils, TfNSW, BCS and the SES must be notified in writing by the proponent that the information is available no later than one (1) month following the completion of construction. Information requested by a relevant council, TfNSW, BCS or the SES must be provided within three (3) months of the request.

WATER QUALITY AND DRAINAGE

E76 The CSSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

Note: *If it is proposed to discharge construction stormwater to waterways, a Water Pollution Impact Assessment will be required to inform licensing, consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the*

National Water Quality Guidelines, with the level of detail commensurate with the potential water pollution risk.

- E77 The CSSI must be designed, constructed and operated to:
- (a) ensure all drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) new or modified surface water drainage (including cess drains), depressions are designed and constructed and maintained in accordance with *Guidelines for controlled activities on waterfront land: riparian corridors* (Department of Industry, 2018) and *Policy and Guidelines for Fish Habitat Conservation and Management* (Department of Primary Industries, 2013);
 - (b) locate all scour protection work associated with replacement culverts or the construction of new culverts within the rail corridor, or as agreed to by the relevant landowner in accordance with **Condition E57**;
 - (c) ensure that there is no permanent interception of, and/or connection with, groundwater;
 - (d) ensure all discharges from new or modified surface drainage (including cess drains) adjacent to the new and upgraded track are released at a controlled rate to prevent scour; and
 - (e) ensure that any recycled wastewater (including recycled/treated water) proposed for use by the CSSI, considers risks to human health or the receiving environment and meets the relevant standards.

- E78 Unless an EPL is in force in respect to the CSSI and that licence specifies alternative criteria, discharges from construction water treatment plant(s), where required, to surface waters must not exceed:
- (a) the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018* (ANZG 2018) default guideline values for toxicants at the 95 per cent species protection level;
 - (b) for physical and chemical stressors, the guideline values set out in Tables 3.3.2 and 3.3.3 of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*; and
 - (c) for bioaccumulative and persistent toxicants, the ANZG 2018 values at a minimum of 99 per cent species protection level.

Where the ANZG 2018 does not provide a default guideline value for a particular pollutant, the approaches set out in the ANZG 2018 for deriving guideline values, using interim guideline values and/or using other lines of evidence such as international scientific literature or water quality guidelines from other countries, must be used.

- E79 Prior to construction impacting a landowner anywhere on the alignment, the Proponent must consult with the landowner and/or relevant roads authority that is located immediately adjacent to new or upgraded culverts to determine the potential for impacts on infrastructure, dwellings, property access, agricultural productivity, farm operations and farm dams (including changes in water supply yield, reliability of supply, flood flows and embankment stability) due to the introduction or alteration of flows. Where potential adverse impacts are identified, the Proponent must consult with the affected landowner or relevant roads authority on the management measures that will be implemented to mitigate the impacts.

The outcomes of the consultation with affected landowners or relevant roads authority must be documented.

- E80 In addition to the requirements of **Condition E79**, prior to construction, the Proponent must prepare a register (the Register) of all farm dams within 100m upstream and 500m downstream of the rail alignment. The Register must include:
- (a) property, location within property and owner;
 - (b) approximate surface area, depth and volume;
 - (c) alignment of dam inflow and outflow for 500m upstream and 100m downstream of the dam;

- (d) identification of all contour banks, drains or other water diverting structures that influence the water supply yield of existing farm dams;
- (e) catchment area feeding the dam;
- (f) identification of all surface water and groundwater sources supplying the dam; and
- (g) a map showing the items in (a) to (f) above.

The components of the Register must be compiled in consultation with the landowner. Copies of parts of the register and supporting documentation that relate to a landowners' property must be provided to the landowner prior to construction. A copy of the Register must be provided to the Planning Secretary at the same time as submission of the Flood Design Verification Report.

- E81 The design of the Project including the longitudinal drainage and the cross drainage, is to be prepared to ensure there are no significant impacts to the farm dams in the Register and the other items listed in **Condition E77**. The hydrological modelling, calculations or other assessments demonstrating no significant impacts are to be documented.
- E82 Where culverts, bridge abutments and other cross drainage structures are designed to pass flood and surface water flows through the rail formation, the orientation of these structures is to be aligned with the existing flow direction to minimise disturbance of existing flow patterns around the entries and exits to these structures, or as otherwise agreed by the Secretary.

Construction Requirements

- E83 The construction of the CSSI must protect the integrity of riparian corridors in accordance with the *Guidelines for controlled activities on waterfront land: Riparian Corridors* (Department of Industry 2018) when carrying out Work within 40 metres of a watercourse.

Surface Water Monitoring Program

- E84 A **Surface Water Monitoring Program** must be prepared in consultation with DCCEE Water for construction and for a minimum of two years from commencement of operation or as otherwise agreed with the Secretary. The **Surface Water Monitoring Program** must include, but not be limited to:
- (a) identify surface water monitoring locations, frequency and duration at discharge points and selected watercourses where works are being undertaken;
 - (b) identify surface water monitoring parameters;
 - (c) include water quality objectives, parameters and criteria from documents listed in **Condition A1**;
 - (d) monitoring of operational meters installed, recording and reporting to Natural Resources Regulator, in accordance with the relevant requirements of the *NSW Non-Urban Water Metering Policy* (DPIE, 2020) and clause 21(6) of the *Water Management (General) Regulation 2018*.
 - (e) monitoring to ensure water quality complies with relevant drinking water criteria from the *National Water Quality Management Strategy Australian Drinking Water Guidelines 6 2011* (National health and Medical Research Council 2017)
 - (f) monitoring geomorphological changes downstream of water treatment plant(s) (where required) and on watercourses' (at locations where the velocity QDL is exceeded or there is active erosion) physical structure on at least four cases of inundation to ensure mitigation measures are achieving desired outcomes;
 - (g) trigger points for responding to any monitored changes which adversely impact on baseflows of creeks in the vicinity of the CSSI, including the implementation of additional protection measures to address these changes and their associated timing (trigger points must be defined and designed as part of the **Program** in consultation with DCCEE Water);
 - (h) methods for providing the data collected to the relevant water authority where discharges are directed to their assets; and

- (i) a method for providing the surface water monitoring data to DCCEEW Water every six months during construction and for a minimum period of two years from commencement of operation or as otherwise agreed with the Secretary.

Note: With regards to monitoring data to be provided to DCCEEW Water, the format of the dataset must be both in a tabulated and electronic quality-controlled data (.csv, Excel) ready to use format.

- E85 The **Surface Water Monitoring Program** for construction must be submitted to and approved by the Planning Secretary before construction and the **Surface Water Monitoring Program** for operation must be submitted to and approved by the Planning Secretary prior to the completion of construction. The **Surface Water Monitoring Programs** for construction and operation must be implemented.

Note: Nothing in this condition prevents the Proponent from preparing separate or combined **Surface Water Monitoring Programs** for the construction and operational phases of the CSSI.

TRAFFIC, TRANSPORT AND ACCESS

- E86 Construction traffic must not use local roads or privately-owned roads unless no alternative access is available. Use of private access roads must be in accordance with **Conditions C7** and **C8**. Local or privately owned roads used for access to ancillary facilities, construction sites, and temporary accommodation must be identified in the Construction Traffic, Transport and Access Management Sub-plan required by **Condition C13**.
- E87 Where bus stops (including school bus stops) are required to be temporarily closed or relocated during construction, such closure must not occur until relocated bus stops are functioning and are within 400 metres of the original bus stop or as otherwise agreed with the relevant council and bus operator. The relocation of bus stops must be undertaken in consultation with the relevant council and bus operator, and details regarding the relocations provided to affected communities (and educational facilities in relation to school bus stops) at least 14 days prior to the relocation occurring.

Level Crossing Treatment Reports

- E88 In order to maintain safe and efficient operation of the road network, the Proponent must prepare a **Public Level Crossing Treatment Report** in consultation with Transport for NSW and the relevant road authority. The report must:
- illustrate the location of all public level crossings which traverse the CSSI.
 - list, and identify on a figure, any public level crossings that will be established, closed or upgraded;
 - describe the treatments that will be implemented at new and/or upgraded crossings;
 - include measures to avoid potential short-stacking at level crossings; and
 - provide justification for any proposed closures.

The assessment of level crossings must use the Australian Level Crossing Assessment Model (ALCAM). The process for determining the type of level crossing treatment must be consistent with the process outlined in the documents listed in **Condition A1**.

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

The design of any level crossing on a public road must be endorsed by Transport for NSW or the relevant road authority (where not Transport for NSW) prior to commencing construction of that crossing.

- E89 In order to maintain convenient property access, the Proponent must prepare a **Private Level Crossing Treatment Report** in consultation with landowners whose access will be affected by the establishment, closure or upgrading of a private level crossing. The report must:

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

The establishment, closure, relocation or modification of formal private level crossings must be included in the **Individual Property Management Plans** required by **Condition E95**, noting that any new, closure, relocation or modification must be in accordance with *AS/RISSB 7658:2012 Railway Infrastructure – Railway Level Crossing* and relevant rail safety legislation. The Proponent must consult with relevant landowners on the design of the crossing and where consistent with relevant safety standards and legislation, incorporate reasonable landowner requirements into the design.

Note: The presumption of this condition is that the proponent will adopt landowner requests unless they can demonstrate why they cannot.

- E90 The **Public Level Crossing Treatment Report** and **Private Level Crossing Treatment Report** must be submitted to and approved by the Planning Secretary at least one (1) month prior to the establishment, closure or upgrade of a public or private level crossing, as relevant. Individual reports may be submitted for each crossing or address a group of crossings or the entire CSSI.

Level Crossing Performance Report

- E91 Within one year of commencing operation, and ten years after commencement of operations, or as otherwise agreed by the Planning Secretary, the Proponent must prepare a **Level Crossing Performance Report** to confirm the operational traffic impacts of the level crossings on the classified road network. The review of the operation of the level crossings that interact with the classified road network must be carried out in consultation with TfNSW and the relevant councils and include:
- (a) updated traffic analysis of movements on these roads;
 - (b) assessment of the level of service at these level crossings (queue length, queuing time delay);
 - (c) identification of additional new work outside of the rail corridor delivered by third parties that may result in changes to traffic movements as initially considered in the Level Crossing Treatment Report;
 - (d) assessment of the performance of the level crossing treatment outlined in the Public Level Crossing Treatment Report required by **Condition E88**;
 - (e) all reported near misses and collisions at level crossings within the project area; and
 - (f) mitigation measures to manage any actual or predicted road network performance impacts.
- E92 Each **Level Crossing Performance Report** must also review the impact on level crossings interacting with local roads and include:
- (a) assessment of safety and/or operational impacts on nearby local and classified roads as a result of vehicle queuing; and
 - (b) all reported near misses and collisions at level crossings within the project area.
- E93 Mitigation measures to manage any actual or predicted road network performance impacts resulting from the construction and operation of the CSSI must be implemented within one year of the completion of each report. The Report must include an implementation plan of the identified mitigation measures. The **Level Crossing Performance Report** must be made publicly available and provided to relevant road authority within 60 days of its completion.

Property Access

- E94 The Proponent must consult with all landowners where the project will either temporarily or permanently impact farm operations, access to the property from public roads and/or to other parts of the property owned by the landowner to ensure that impacts to the use of properties are minimised and mitigated. This consultation must include, but not be limited to:
- (a) safe and convenient stock and machinery movement across the rail corridor, including provision and maintenance of livestock holding pens;
 - (b) the safe and efficient operation of agricultural aerial activities;
 - (c) provision and maintenance of fencing of a type suited to stock and livestock husbandry operations conducted on the property (including barrier fencing where appropriate); and
 - (d) relocation of farm infrastructure necessitated by the CSSI.

Details of consultation and agreed management measures must be included in the Individual Property Management Plans required by **Condition E95**.

Note: Acquisition or adjustment of property and access that includes Crown land/roads must consider the relevant provisions in the Land Acquisition (Just Terms Compensation) Act 1991, Crown Land Management Act 2016 and/or the Roads Act 1993.

- E95 **Individual Property Management Plans** must be prepared to document the results of consultation with landowners identified to be consulted by **Condition E94** with and agreed outcomes. The Proponent must implement all reasonable measures proposed by landowners. A copy of the **Individual Property Management Plan** must be provided to the landowner. A copy of each agreement must also be provided to the Planning Secretary upon request.

*Note: The Communications Strategy required by **Condition B2** includes a procedure and mechanism to resolve and mediate disputes in relation to construction and impacts to property and infrastructure.*

- E96 No part of any crossing loop may cross over any driveway, private road or public road unless determined in consultation with the relevant landowner and any other adjacent landowner whose access is impacted by the crossing loop, and with the relevant road authority for any road within 60m of the road and rail interfaces.

- E97 The Proponent must maintain existing access to properties during the entirety of work where practicable.

Where construction of the CSSI restricts a property's access to a public road, the Proponent must, until their primary access is reinstated, provide the property with temporary alternate access to an agreed standard determined through consultation with the landowner, at no cost to the property landowner, unless otherwise agreed with the landowner.

- E98 Where construction of the CSSI restricts the ability of a resident or landowner to access other parts of their property via a level crossing, the Proponent must, until the permanent level crossing is reinstated, supply the property with a temporary alternate level crossing access at a convenient location determined through consultation with the landowner, at no cost to the property landowner, unless otherwise agreed with the landowner. This can include other existing level crossings or a new alternative temporary level crossing access that is both safe and agreed to.

- E99 The Proponent must implement and maintain a system for the communication of train movements through level crossings to facilitate safe movement of livestock and agricultural machinery across the rail corridor. The system must be developed in consultation with landowners, stock operators and Local Land Services, and be accessible to them prior to the commencement of operation.

A report detailing the implemented system and, the communication to stakeholders of the communication system must be submitted to and approved by the Planning Secretary at least one (1) month prior to commencement of operation.

Travelling Stock Routes

E100 The Proponent must notify Local Land Services at least 1 month prior to access and movement restrictions on the Old Cootamundra Road underbridge to enable alternative stock routes to be used.

Road Safety

E101 Before any local road is used by a heavy vehicle for the purposes of construction of the CSSI, a **Road Dilapidation Report** must be prepared for subject roads and bridges, and interfaces with regional roads. A copy of **the Road Dilapidation Report** must be provided to the relevant road authority(ies) within one (1) month of completion of the road dilapidation survey and at least two weeks before the road is used by heavy vehicles associated with the construction of the CSSI for endorsement by the roads authority.

E102 The **Road Dilapidation Report** shall provide measures to ensure:

- (a) roads deemed unsafe for the use of heavy vehicles are upgraded and repaired prior to use;
- (b) roads used can safely accommodate heavy vehicle haulage based on volume, types and duration of use; and
- (c) road repair is undertaken periodically before and during construction.

Where the road is not up to standard due to condition, width, pavement type, and road geometry, the Proponent must upgrade the road to a service level equal to (or better than) the level it was being maintained immediately prior to construction and before heavy haulage commences, at no cost to the owner.

E103 If damage to roads occurs as a result of the construction of the CSSI, the Proponent must, within six months of the completion of construction, either (at the relevant road authority's discretion):

- (a) rectify the damage to restore the road to at least the condition it was in at the time of the dilapidation survey in **Condition E101**; or
- (b) compensate the relevant road authority(ies) for the damage so caused. The amount of compensation may be agreed with the relevant road authority(ies), but compensation must be paid even if no agreement is reached; or
- (c) where other agreements are in place, leave, maintain or remunerate for damages to these roads in accordance with these agreements.

Damage to roads that affects road safety or trafficability as a result of the construction of the CSSI must be rectified by the Proponent as soon as practicable after the damage is identified, at no cost to the owner.

E104 The CSSI (including any new overbridges, new or modified roads, and new or modified level crossings) must be designed and constructed to meet relevant design, engineering and safety guidelines, including the *Austrroads Guide to Traffic Management*, and relevant Transport for NSW Austrroads Supplements, as agreed with the roads authority and TfNSW. Consideration must be given to the movement of livestock, farming machinery, and pedestrians.

E105 The design of any new grade separated rail and road infrastructure, or new or modified roads must be developed in consultation with TfNSW, and endorsed by the relevant roads authority prior to construction of the new road overbridges or new or modified roads.

E106 An independent **Road Safety Audit** is to be undertaken by an appropriately qualified and experienced person in accordance with the *Austrroads Guide to Road Safety Part 6: Road Safety Audits*, including but not limited to for all areas identified by the Safe Systems Assessment as requiring further assessment. Audit findings and recommendations must be actioned before construction of the relevant infrastructure and must be made available to the Planning Secretary on request.

Pedestrian and Cyclist Access

E107 Safe pedestrian and cyclist access, where such access exists, must be maintained around work sites during construction. In circumstances where pedestrian and cyclist access is

restricted or removed due to construction activities, an alternate route which complies with the relevant standards must be provided and signposted.

Country Rail Network Interface

E108 The design of any new or modified connection to the Country Rail Network (CRN) must be developed in consultation with the CRN Rail Infrastructure Manager (RIM) and TfNSW. Designs, management plans and programs of work must be endorsed by the CRN RIM and TfNSW prior to construction of any new or modified connection.

SOCIAL IMPACTS

Social Impact Management Plan

E109 A **Social Impact Management Plan (SIMP)** must be prepared for the CSSI to guide the management and monitoring of the social impacts of the CSSI including informing detailed design, and during construction and operation. The SIMP must:

- (a) be prepared in accordance with the *Social Impact Assessment Guideline* (DPE 2023) by suitably qualified and experienced person(s) in the social sciences in accordance with Appendix B of the *Social Impact Assessment Guideline* (DPE 2023);
- (b) be developed with involvement from directly affected communities and businesses, LALC/s, community organisations and representative groups, and councils;
- (c) inform where relevant the preparation of **CEMP Sub-plans** and monitoring plans;
- (d) define the period over which it will be implemented based on the duration of anticipated impacts it predicts;
- (e) include measures to support **the Community Complaints Mediator** required by **Condition B12**; and

The **SIMP** must be approved by the Planning Secretary at least one month before the receipt of **CEMPs, CEMP sub-plans** and monitoring programs required by **Conditions C12 and C17**. The **SIMP** must be implemented.

E110 The **SIMP** must include specific details of the commitments, programs and timing to secure and enhance positive social outcomes, and measures to minimise negative social and cumulative impacts associated with the CSSI, including:

- (a) revisions to or refinement of the assessment of social impacts and risks;
- (b) additional mitigation measures to address social impacts based on those committed to in the documents listed in **Condition A1** and **E109** above;
- (c) details on social-oriented commitments to be delivered such as those related to employment diversity and procurement; and
- (d) details of how measures will be targeted and adapted to meet the needs of affected communities, including legacy benefits to directly affected communities; and
- (e) a monitoring program, prepared in accordance with **S5.2** of the *Social Impact Assessment Guideline* (DPE 2023), to:
 - (i) monitor, review, and report on the effectiveness of the identified measures;
 - (ii) report on community engagement and complaints in relation to social issues; and
 - (iii) report on adaptive management measures implemented or proposed.

Reporting on the social impact performance of the CSSI, including monitoring results, must be reported quarterly with the results made publicly accessible in accordance with **Condition B18**.

Temporary Workforce Accommodation Facilities

E111 Temporary workforce accommodation facilities must be completed prior to commencement of construction. The accommodation facilities must be designed to ensure sufficient capacity to house the peak workforce and operate to ensure for the surrounding community and accommodation facility occupants:

- (a) environmental amenity, particularly in relation to noise, air quality and lighting; and

- (b) security, in particular for vulnerable community members and workers.
- E112 The accommodation facilities must be managed and appropriately staffed to minimise amenity and social impacts associated with the running of the accommodation facilities, both within and outside of the accommodation facility. Suitably qualified and experienced resident facility manager(s), security and paramedic staff must be employed and be available while the accommodation facilities is running.
- E113 Delivery servicing is limited to the work hours specified in **Conditions E1** and **E2**, unless any out of hours noise related to the delivery servicing complies with **Condition E3**.
- E114 Outdoor recreation areas of the accommodation facilities can only be used between 7.00am and 10.00pm daily.
- E115 On site utilities including water, wastewater and electricity must be designed and located in accordance with Council specifications and relevant standards, in consultation with Council.
- E116 Telecommunications upgrades undertaken for the Accommodation facilities must consider the ability to provide long-term improvements to mobile telephone and internet capacity in surrounding areas.

CODE OF CONDUCT

- E117 The Proponent must prepare and implement a Workforce Code of Conduct for employees and contractors involved in the construction of the CSSI. The Code of Conduct must be prepared by a suitably qualified and experienced person(s) in the human resources sector and made publicly available prior to work commencing. The Code of Conduct sets out the ethical standards that employees are expected to adhere to in the construction site and interaction with the local community.
- E118 The Employee Code of Conduct applies to all employees on the CSSI site (including the temporary workforce accommodation facilities) and those living in the community in the surrounding towns. The Employee Code of Conduct must:
 - (a) set out the ethical standards for the behaviour and conduct of employees on and off the site, including for driving on public roads;
 - (b) include disciplinary actions where employee behaviour and conduct do not meet the ethical behaviour standards; and
 - (c) include processes for responding to and addressing community complaints about the behaviour and conduct of employees.
- E119 The Employee Code of Conduct must be reviewed 12 months after approval and annually thereafter for the duration of construction. Updates to the Code of Conduct must be approved by the ER. The updated Code of Conduct must be made publicly available within one month of approval.

BUSHFIRE MANAGEMENT

- E120 The Proponent must minimise the fire risks of the development, including managing vegetation fuel loads within and adjacent to the corridor during construction of the CSSI, and ensure that the development:
 - (a)
 - (i) complies with the relevant asset protection requirements in the RFS's Planning for Bushfire Protection 2019 (or equivalent) and Standards for Asset Protection Zones;
 - (ii) incorporates the recommendations of a fire risk assessment as per TfNSW design standards; and
 - (iii) is suitably equipped to respond to any fires on site, including provision of a 20,000 litre water supply tank fitted with a 65 mm Storz fitting and a FRNSW compatible suction connection located at each at locations identified by the fire risk

- assessment (including all weather access to the water supply tanks for Category 1 tankers); and
- (b) develop procedures to manage fire hazard and potential fires on site, in consultation with the RFS and FRNSW;
- (c) assist the RFS, FRNSW and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- (d) notify the relevant local emergency management committee following completion of construction of the development, and prior to commencing operations.

Bushfire Emergency Plan

E121 Prior to commencing construction, the Proponent must develop and implement a comprehensive **Bushfire Emergency Plan** and detailed emergency procedures for the infrastructure, in consultation with RFS and FRNSW and provide a copy of the plan to the local Fire Control Centre. The plan must:

- (a) be consistent with:
 - (i) RFS's Planning for Bushfire Protection 2019 (or equivalent);
 - (ii) RFS's Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
 - (iii) the Fire and Rescue NSW Act 1989;
 - (iv) the Work Health and Safety (WHS) Act 2011;
- (b) identify the fire risks and hazards and detailed measures for the CSSI to prevent or mitigate fires igniting, including risks associated with the revegetation within the rail corridor;
- (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;
- (d) list works that should not be carried out during a total fire ban;
- (e) include availability of fire suppression equipment, access and water;
- (f) include procedures for the storage and maintenance of any flammable materials;
- (g) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
- (h) include a figure showing site infrastructure, any Asset Protection Zones and the on-site water supply tank(s);
- (i) include location of hazards (physical, chemical and electrical) that may impact on fire fighting activities and procedures to manage identified hazards during fire fighting activities;
- (j) include details of the location, management and maintenance of any Asset Protection Zone (including maintaining the Asset Protection Zones at a height of 100 mm or less at the construction compounds and temporary workforce accommodation facilities) and who is responsible for the maintenance and management of the Asset Protection Zone;
- (k) include bushfire emergency management planning;
- (l) include details of the how RFS and FRNSW would be notified, and procedures that would be implemented, in the event that:
 - (i) there is a fire on-site or in the vicinity of the site;
 - (ii) there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - (iii) there are any proposed activities to be carried out during a bushfire danger period that have the potential to ignite surrounding vegetation.

Operational Access to be maintained for Bethungra Ranges

E122 The CSSI must be designed and operated to maintain access for an RFS Category 1 fire appliance and any other heavy vehicle as agreed with RFS, to cross the rail corridor to access the Bethungra Ranges in the area south of Dirnaseer Road and east of Ironbong Road. The Proponent must consult with RFS about crossing arrangements to facilitate access and adopt RFS' reasonable recommendations.

SPOIL MOUNDS

E123 Permanent spoil mounds are to be located:

- (a) within the rail corridor;
- (b) at least 50 metres from any watercourse or culvert or where there is a risk of erosion or flood impacts during any flood event ;
- (c) at least 500 metres from any residence; and
- (d) outside the drip lines of trees located on private property.

Note: For the purpose of **Condition E123(d)**, the Proponent must not affect trees outside of the rail corridor for the purpose of preventing those trees' driplines overhanging spoil mounds.

E124 Permanent spoil mounds are to comply with the following requirements:

- (a) maximum height must not exceed the top height of the upgraded rail line directly parallel to the spoil mound or two metres (whichever is the lesser);
- (b) not result in the clearing or covering of native vegetation beyond that described in the documents listed in **Condition A1**;
- (c) not result in heritage impacts beyond that described in the documents listed in **Condition A1**;
- (d) not result in additional changes to the upstream flooding regime beyond those described in the documents listed in **Condition A1**;
- (e) not affect the downstream flood regime;
- (f) not impede the flow of water through culverts;
- (g) not contain any contaminated soil classified as unsuitable for the proposed land use, acid sulphate soils or green waste;
- (h) are to be stabilised during construction of the CSSI; and
- (i) are to be stabilised following completion of construction of the CSSI.

VISUAL AMENITY AND LANDSCAPE IMPACTS

E125 The CSSI must be constructed and operated so as to minimise light spillage on residences. All lighting associated with the construction and operation of the CSSI must be consistent with the requirements of Australian Standard 4282-2019 Control of the obtrusive effects of outdoor lighting. Mitigation measures to manage any residual night-lighting impacts to residences must be undertaken in consultation with affected landowners.

E126 The Proponent must prepare and implement a **Visual and Landscape Impact Mitigation Plan** to mitigate visual and landscape impacts of the CSSI. In preparing the plan, the Proponent must:

- (a) consult landowners and residents of land zoned RU1 within 500 metres of the CSSI and all landowners and residents of all other land within 100 metres of the CSSI;
- (b) prepare a landscaping plan for all locations identified in (a) above that specifies plants and trees to be used, with a preference for native vegetation and a program for implementation and ongoing maintenance;
- (c) document the responses in (a) above and detail how the Plan responds to them.

The Visual and Landscape Impact Mitigation Plan must be made publicly available no later than six (6) months after the commencement of construction of the CSSI.

HERITAGE

- E127 The Proponent must not destroy, modify or otherwise physically affect any heritage items, including Aboriginal objects or Aboriginal places, outside of the CSSI construction boundary.
- E128 The Proponent must not wilfully harm, modify, or otherwise impact human remains uncovered during the construction of the CSSI. Where identified, remains must be managed through the Unexpected Heritage Finds and Human Remains Procedure required by **Condition E143**.
- E129 Identified impacts to heritage items must be minimised through both design and construction. The measures for ensuring this are to be detailed in the Construction Heritage Management Sub-Plan required by **Condition C17**.

Aboriginal Cultural Values and Heritage

- E130 All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects, Aboriginal values or Aboriginal places except as authorised by this approval.
- E131 The Registered Aboriginal Parties (RAPs) must be kept involved in the CSSI in accordance with **Conditions B1** and **B2** and the **Aboriginal Community and Stakeholder Engagement Strategy** required by **Condition E132**. The RAPs must continue to be provided with regular opportunities to be consulted about the Aboriginal cultural heritage management requirements of the CSSI.
- E132 Prior to the commencement of construction, an **Aboriginal Community and Stakeholder Engagement Strategy** shall be finalised and implemented, in consultation with Heritage NSW, relevant RAPs, and LALCs. The Strategy will detail and include, but not be limited to, the consultation process with Aboriginal stakeholders for the integration of Aboriginal Cultural Values into the CSSI.

Aboriginal Cultural Values Plan

- E133 An **Aboriginal Cultural Values Plan** must be prepared to inform how Aboriginal Cultural Values will be integrated into the broader design of the SSI including design elements (form and fabric), landscaping (the collection, propagation and replanting of traditional plant resources), language; and cultural design principles. The Plan must identify how interpretive themes and cultural values will be implemented and provide a timeframe for their provision during construction.

The Plan must recognise the spiritual, intangible, linguistic and cultural values of the sites to Aboriginal people and address the full story of the place (s) (i.e. landscape through the eyes of Aboriginal people); Aboriginal design and story elements, patterns and motifs or other appropriate visual interpretations.

The Plan will be developed in conjunction with the **Aboriginal Community and Stakeholder Engagement Strategy**. The Strategy will detail the consultation process with Aboriginal stakeholders and identify the Aboriginal Cultural Values to be incorporated into the design of the CSSI.

The **Aboriginal Cultural Values Plan** shall be submitted for the approval of the Planning Secretary one (1) month prior to commencing construction. The **Aboriginal Cultural Values Plan** must be implemented.

- E134 Aboriginal cultural heritage artefacts and culturally modified trees that are to be retained within the rail corridor are to be protected during routine maintenance and repair activities during operation in accordance with ARTC's standard operational environmental management procedures.
- E135 Prior to the commencement of any ground disturbance work within areas identified as requiring archaeological investigation or salvage identified in documents listed in **Condition A1**, the Proponent must prepare and implement an **Additional Aboriginal Archaeological Survey**

Methodology and an **Aboriginal Archaeological Test Excavation Methodology**. The methodology must include procedures for additional archaeological survey of Zones 5, 6, 9 and 10, and management protocols including consultation with the Registered Aboriginal Parties, for any Aboriginal objects and sites identified during the survey.

- E136 Following analysis of the test excavation results, the Proponent must prepare and implement an **Aboriginal Archaeological Salvage Excavation Methodology**.
- E137 Following additional survey, test and salvage excavation, if sites are identified that exceed the expected level of significance identified in the Aboriginal Cultural Heritage Assessment Report, further consultation with Heritage NSW and the RAPs must be undertaken and consideration given, where feasible, for avoidance by the project.
- E138 The Additional Aboriginal Archaeological Survey Methodology, Aboriginal Archaeological Test Excavation Methodology and Aboriginal Archaeological Salvage Excavation Methodology must be prepared by a suitably qualified expert in consultation with Heritage NSW and RAPs, and provided to the Planning Secretary for information at least one month prior to test or salvage excavation.
- E139 At the completion of Aboriginal cultural heritage survey and test and salvage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)** must be prepared by a suitably qualified expert. 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 survey and 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 Councils, relevant LALCs and the RAPs within 24 months of the completion of the Aboriginal archaeological excavations (both test and salvage).

- E140 Ground disturbance works and construction work may not commence in those areas where archaeological excavation and surface collection of Aboriginal objects is required (including areas identified as requiring further assessment) until the archaeological works described in the Aboriginal Cultural Heritage Assessment reports listed in **Condition A1** have been completed.
- E141 At the completion of surface collection, test excavations, and salvage excavations, Aboriginal site impact recording forms (ASIRF) must be submitted to the Aboriginal Heritage Information Management System (AHIMS) and evidence provided of submission to the AHIMS Registrar.
- E142 Where previously unidentified Aboriginal objects or Aboriginal Places are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects or 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 E143** and include registration in the Aboriginal Heritage Information Management System (AHIMS).

Unexpected Heritage Finds

- E143 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 submitted to the Planning Secretary for information before the commencement of Work.
- E144 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of Work.

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.*

LAND USE AND PROPERTY

Condition Surveys and Rectification

- E145 Before commencement of any work, a structural engineer must undertake condition surveys of all buildings, structures, utilities and the like identified in the documents listed in **Condition A1** as being at risk of damage. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the owners of the items surveyed, and no later than one month before the commencement of construction.
- E146 After completion of construction, condition surveys of all items for which condition surveys were undertaken in accordance with **Condition E145** of this approval must be undertaken by a structural engineer. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the landowners of the items surveyed, and no later than three (3) months following the completion of construction.
- E147 The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation at no cost to the owner. Alternatively the Proponent may pay compensation for the property damage as agreed with the property owner.

SUSTAINABILITY

- E148 The CSSI must achieve a minimum 'excellent' rating for both 'Design' and 'As built' civil works, under the Infrastructure Sustainability Council of Australia infrastructure rating tool, or through the use of an equivalent process or an equivalent level of performance using a demonstrated equivalent rating tool. Evidence that these ratings have been achieved must be published on the proponent's website:
- within 12 months of commencing Construction for the 'Design' rating; and
 - within 12 months of commencing of Operation for the 'As built' rating.
- E149 A **Water Reuse Strategy** must be prepared, which sets out options for the reuse of collected stormwater and groundwater during construction. The **Water Reuse Strategy** must include, but not be limited to:
- evaluation of reuse options;
 - details of the preferred reuse option(s), including volumes of water to be reused, proposed reuse locations and/or activities, proposed treatment (if required), and any additional licences or approvals that may be required;
 - measures to avoid misuse of recycled water as potable water;
 - consideration of the public health risks from water recycling; and
 - 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.

The **Water Reuse Strategy** must be implemented and published on the project website.

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

SOILS

E150 Erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

CONTAMINATION

Role of Site Auditor

E151 A **Site Auditor**(s) must be engaged before the commencement of contamination investigations until the completion of construction to ensure contamination is appropriately managed. The **Site Auditor** is to review all documentation relevant to contamination, including previous site audits, 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 management and monitoring plans in **Conditions C12** and **C17**, where relevant, including any updates or amendments to those plans;
- (b) Sampling and Analysis Quality Plan in **Condition E154**;
- (c) Detailed Site Investigation Report(s) in **Condition E155**;
- (d) Remedial Action Plans in **Condition E156**;
- (e) **Unexpected Finds Procedure for Contamination** in **Condition E161**; and
- (f) Post-remediation validation reports.

E152 All recommendations made by the **Site Auditor** must be implemented before commencing work (other than intrusive work conducted as part of detailed site investigations) that could result in any disturbance of any land identified as an area of potential contamination.

E153 Evidence that a **Site Auditor** has reviewed each of the required plans and reports listed in **Condition E151**, and has issued an interim audit advice or a relevant **Site Audit Statement** regarding the appropriateness of those plans or reports must be appended to those plans or reports.

Note: Any associated Site Auditor report, or **interim audit advice** or a relevant **Site Audit Statement** must be made publicly available in accordance with **Condition B18**.

Contamination Investigations

E154 A **Sampling and Analysis Quality Plan** (SAQP) must be completed prior to **Detailed Site Investigations** being undertaken. The SAQP must:

- (a) be prepared by a suitably qualified and experienced contaminated land consultant(s) in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (CLM Act);
- (b) be prepared where construction or land disturbing activity is to be undertaken, on sites identified as for medium to high risk sites as identified in the documents referred to in **Condition A1**, to ensure that field investigations and analyses will be undertaken in a way that enables the collection and reporting of reliable including (where applicable) the relevant site characterisation requirements of the detailed or targeted site investigations; and
- (c) inform the development of **Detailed Site Investigations**.

E155 Detailed Site Investigations (DSI) must:

- (a) be undertaken by a suitably qualified and experienced contaminated land consultant(s);
- (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the CLM Act;

- (c) be undertaken before the commencement of work that would result in any disturbance of land identified as moderate to high risk areas of potential contamination in the relevant documents in **Condition A1** or as updated by **Condition E152**;
- (d) determine the nature and extent of contamination in soil, groundwater, surface water, ground gases and sediments (where applicable);
- (e) consider whether contamination has the potential to pose an unacceptable risk to human health or the environment on or off-site;
- (f) include recommendations for further investigations, remediation and/or management of contamination;
- (g) be prepared in accordance with the land use criteria applicable to the final land use at the opening of the CSSI;
- (h) be reviewed by the accredited Site Auditor with the intent of issuing Interim Audit Advice commenting on the adequacy of the report; and
- (i) be provided to the Planning Secretary upon request, along any associated Site Auditor's Advice.

Notes:

1. *This condition does not prevent disturbance to land that is required to complete the Detailed Site Investigations.*
2. *The intention of this condition is to require Detailed Site Investigations of locations identified as an area of potential contamination to be completed before any form of excavation, including the use of hand tools, exposes soil. This will minimise risks to human health and/or the environment.*
3. *Detailed Site Investigation Reports must be made publicly available in accordance with Condition B18.*
4. *Nothing in this condition prevents the preparation of individual **Detailed Site Investigation Reports** for separate contaminated sites.*
5. *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 C17**, unless otherwise approved by the Planning Secretary.*

Remediation

E156 Where remediation is required to make land suitable for the final intended land use, a **Remedial Action Plan** must:

- (a) be undertaken by a suitably qualified and experienced contaminated land consultant(s);
- (b) be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the CLM Act;
- (c) outline remediation options to address the contamination and the final chosen remediation methodology to make the land suitable for the final intended land use;
- (d) be reviewed by the accredited Site Auditor with the intent of issuing interim audit advice commenting on the adequacy of the report; and
- (e) be provided to the Planning Secretary upon request, along with any associated Site Auditor's advice.

Note: *Nothing in this condition prevents the preparation of individual **Remedial Action Plans** for separate contaminated areas within the project footprint.*

Site Audit Statement(s)

E157 Before commencing remediation, a **Section B Site Audit Statement(s)** or an interim audit advice must be prepared by a **Site Auditor** that certifies that the **Remedial Action Plan** is appropriate and that the site can be made suitable for the proposed use. The **Remedial Action Plan** must be implemented and any changes to the **Remedial Action Plan** must be approved in writing by the **Site Auditor**.

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

E158 For any land identified as an area of moderate or high potential contamination risk, a **Section A1 Site Audit Statement** or **A2 Site Audit Statement** (accompanied by an Environmental

Management Plan) and a **Site Audit Report** must be prepared which states that the contaminated land disturbed by the work has been made suitable for the intended land use.

The **Site Audit Statement and Site Audit Report** must be provided to the relevant council after remediation and no later than before the commencement of operation of the CSSI.

Notes:

1. *Nothing in this condition prevents the Proponent from obtaining **Section A Site Audit Statements** for individual parcels of remediated land.*
2. *As required by **Condition E153, interim audit advice** may be provided prior to a final **Site Audit Statement and Site Audit Report**.*
3. *Any associated **Site Auditor Report**, or **interim audit advice** or a relevant **Site Audit Statement** must be made publicly available in accordance with **Condition B18**.*

E159 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.

E160 Where required, any recommendations to minimise risk to human health or the environment or for the management of contamination arising, the Site Auditor's review, advice or audits must be incorporated into the relevant **CEMP subplan** and implemented.

Unexpected Finds

E161 An Unexpected Finds Procedure for Contamination must:

- (a) be prepared prior to the commencement of Work and must be followed should unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered;
- (b) include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved;
- (c) 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;
- (d) be provided to the Planning Secretary and the EPA upon request with a copy of the **interim audit advice** or **Section B Site Audit Statement** attached; and
- (e) be implemented throughout work.

AIR QUALITY

E162 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1**, all practicable measures must be implemented to minimise the emission of dust, odour and other air pollutants during the construction and operation of the CSSI.

WASTE

E163 Waste generated during construction and operation is to be dealt with in accordance with the following priorities:

- (a) waste generation is to be avoided and where avoidance is not reasonably practicable, waste generation is to be reduced;
- (b) where avoiding or reducing waste is not possible, waste is to be re-used, recycled, or recovered in accordance with the requirements of the Protection of the Environment Operations Act 1997 and its regulations; and
- (c) where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of in accordance with **Condition E165**.

E164 The importation of waste and the storage, treatment, process, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the CSSI, or be done in

accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.

E165 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 site meeting applicable legislation and regulations, or to any other place that can lawfully accept such waste.

Note: *Notice must be given to the relevant site/s as soon as possible, and no more than 14 days before the proposed waste disposal.*

E166 All waste generated during construction and operation must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

APPENDIX A WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

- 1) A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary 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 A34** or, having given such notification, subsequently forms the view that an incident has not occurred.
- 2) Written notification of an incident must:
 - (a) identify the CSSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
- 3) Within 7 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 FLOODING

SCHEDULE 1 QUANTITATIVE DESIGN LIMITS

TABLE 1: QUANTITATIVE DESIGN LIMITS (QDLs)

(These QDLs are only applicable beyond the CSSI corridor, unless otherwise noted, and do not apply to model noise³)

Parameter	Location or Land Use	Limit
Afflux i.e. increase in flood level resulting from implementation of CSSI.	Habitable floors and sensitive infrastructure ⁴	10mm increase ⁵
	Non-habitable floors ⁴	20mm increase
	Surrounds of residential buildings, other urban, open space recreational land and infrastructure (excluding sensitive infrastructure)	100mm increase
	Agricultural	200mm increase
	Forest and unimproved grazing land	300mm increase
	Classified roads managed by TfNSW ⁷	No increase ⁶
	Highways and sealed roads >80km/hr ⁷	No afflux where aquaplaning risk exists and remains unmitigated. Otherwise 50mm increase ⁶
	Unsealed roads and sealed roads <80km/hr ⁷	100mm increase ⁶

³ Model noise is an artefact of the modelling process and does not provide any useful information and is not the same as model tolerance. Modelling noise is to be ignored when assessing compliance with the QDLs. All modelling noise exclusions are to be reviewed by the independent reviewer required under **Condition E49**.

⁴ Habitable floors/rooms are defined consistent with the use of this term in the Flood Risk Management Guideline AG01 which is part of the Toolkit accompanying the 2023 Flood Risk Management Manual. In a residential situation this comprises a living or working area such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom. In an industrial, commercial or other building, this comprises an area used for an office or to store valuable possessions, goods or equipment susceptible to flood damage in the event of a flood.

⁵ 10 mm has been set to provide a margin for modelling uncertainties/tolerances. The intent of this requirement is that existing flood levels above floor level do not increase and there is no new flooding of floors.

⁶ Any variation must be negotiated with the roads authority in accordance with **Condition E58**.

⁷ Including where located within CSSI corridor.

Parameter	Location or Land Use	Limit	
<p>Velocity i.e. Increase in flood velocity resulting from the implementation of the CSSI (Both Flow Distribution and the Scour/Erosion velocity QDLs apply)</p>			
	<u>Flow Distribution</u>	All areas	20% increase in velocity ⁸
	<u>Scour/Erosion Potential</u>	Ground surfaces that have been sealed or otherwise protected against erosion. This includes roads and most urban, commercial, industrial, recreational and forested land	Velocities are not to exceed the limiting velocities which would erode the sealing or remove the protection that has been applied to the surface
		Other areas including watercourses, agricultural land, unimproved grazing land and other unsealed or unprotected areas	<p>An erosion threshold velocity (ETV) is to be determined through a site specific assessment(s) conducted by an experienced geotechnical or scour/erosion specialist in accordance with Conditions E60 to E63.⁹ An ETV of 0.5m/s is to be adopted in the absence of a site specific assessment(s)</p> <p>Where existing velocity exceeds ETV, velocity is limited to a 0.025m/s increase¹⁰</p> <p>Where existing velocity is less than ETV, velocity is limited to the lesser of:</p> <ul style="list-style-type: none"> • ETV • 20% increase or 0.5m/s whichever is greater
<p>Flood Hazard i.e. increase in velocity~depth product (vd) resulting from implementation of CSSI. (Does not apply where $vd < 0.1 \text{m}^2/\text{s}$).</p>	Urban, commercial, industrial, highways ⁷ and sealed roadways ⁷	10% increase in vd	
	Classified roads managed by TfNSW ⁷	10% increase in vd where this does not result in an increase in hazard category. Otherwise, no increase ⁶	
	Elsewhere	20% increase in vd	

⁸ Local variations in velocity can exceed a 20% change provided that when assessed over a 30m wide flowpath, the velocity change within the flowpath does not exceed 20%.

⁹ An equivalent shear stress may be substituted for an ETV determined through this process.

¹⁰ Where velocity exceeds this QDL, the **Operational Erosion Mitigation and Monitoring Program** required by **Condition E68** must be prepared and implemented.

Parameter	Location or Land Use	Limit
<p>Flood Duration i.e. increase in duration of inundation resulting from implementation of CSSI.</p>	<p>Habitable floors⁴</p>	<p>Where existing above floor flooding is:</p> <ul style="list-style-type: none"> less than 1 hour in flood duration, the post-development flood duration shall not exceed 1 hour greater than 1 hour in duration, up to 5% increased inundation duration <p>Where existing below floor flooding is:</p> <ul style="list-style-type: none"> less than 1 hour in flood duration, the post-development flood duration shall not exceed 1 hour greater than 1 hour in duration, up to 10% increased inundation duration
	<p>Classified roads managed by TfNSW</p>	<p>No increase in duration of flood inundation to sections of road not already inundated⁶</p> <p>Otherwise 10% increase in inundation duration</p>
	<p>Highways and sealed roads >80km/hr⁷</p>	<p>10% increase in inundation duration.</p>
	<p>Elsewhere</p>	<p>Where existing inundation is less than 1 hour in flood duration, the post-development flood duration shall not exceed 1 hour.</p> <p>Where existing inundation is greater than 1 hour in flood duration, up to 10% increase in duration of inundation</p> <p>No duration limits apply to newly flooded land no greater than 1000m² in area</p>

SCHEDULE 2 FLOOD MODELLING SPECIFICATIONS

The minimum requirements for the flood modelling are:

- 1) 2D flood modelling consistent with current best practice and:
 - (i) the 2019 version (or later version) of *Australian Rainfall and Runoff: A guide to flood estimation (ARR)*;
 - (ii) *Floodplain Risk Management Guide – Incorporating 2016 Australian Rainfall and Runoff in studies* (OEH 2018) or any subsequent update to this document, or additional guidance provided by EES on the application of ARR within NSW;
 - (iii) *NSW Flood Risk Management Manual* (and its suite of supporting guidelines, collectively referred to as the 'Toolkit') which replaced the previous *Floodplain Development Manual* in June 2023.
- 2) Flood modelling in all subcatchments are to include simulation of:
 - (i) the 1% AEP flood event;
 - (ii) at least two other events more frequent than 1% AEP;
 - (iii) at least one other event less frequent than 1% AEP;
 - (iv) additional events required at any specific location in order to allow a full understanding of the variation in flood behaviour between flood events of 1% AEP and 0.5EY;
 - (v) additional events required at any specific location in order to allow full consideration of flood behaviour in events rarer than 1% AEP and up to the probable maximum flood (**PMF**) having regard to the potential risks to life and the requirements of the *NSW Flood Risk Management Manual* (and its Toolkit).
- 3) Inclusion of at least five durations including the critical duration for each flood event. These durations are to be selected to be representative of the range of durations that could occur and include all durations that will be relevant to the design of the CSSI and the assessment of flood impacts for all simulated flood events.
- 4) Spatial coverage of the model to include all parts of the CSSI corridor where inundation could occur and extending a sufficient distance upstream and downstream of the corridor in order to simulate:
 - (i) alternative flow distributions arriving at the rail corridor as a result of differing spatial distributions of rainfall over the upstream catchment; and
 - (ii) changes in flood behaviour upstream and downstream of the corridor where there is potential for any of the flood impacts identified in **Conditions E54 to E56E57** to occur.
- 5) Spatial resolution of the hydraulic model at a maximum of 2.5 metres to model velocity at the entry and exit of culverts and bridges up to a distance of 100 metres upstream and 300m downstream from these structures.
- 6) Simulation of not only watercourses but all overland flowpaths, including new overland flowpaths resulting from the construction of the CSSI.
- 7) Consideration of low tailwater levels on the downstream side of the rail corridor which may be produced by different spatial and temporal distributions of rainfall. Whilst these conditions may produce lower flood levels on the upstream side of the corridor, in some circumstances these conditions may result in larger flood impacts for some hydraulic metrics (e.g. velocity changes). Significant investigation and modelling is to be undertaken to ensure that the maximum flood impacts that could potentially occur have been simulated.
- 8) The model structure and its calibration and validation, are to be fit-for-purpose and are to provide sufficient accuracy and spatial resolution for both the design of the CSSI and the accurate identification of all the flood impacts identified in **Conditions E54 to E56**. This is to include prediction of flood height changes to a resolution no coarser than 10mm.
- 9) The design of all cross-drainage structures (including bridges, culverts and pipes) are to include for blockage calculated in accordance with the procedures in ARR. The sensitivity of the flood immunity of CSSI and its flood impacts to changes in ARR blockage used in the design is to be considered. This is to include at least zero blockage and double blockage scenarios. In addition, the design of cross-drainage structures affecting water flows within Stockinbingal, must consider

additional blockage scenarios comprising spatially varying blockage assumptions which direct additional floodwaters into the village area immediately south of the Dudauman Creek levee.

- 10) The sensitivity of the flood immunity of CSSI and its flood impacts to climate change is to be considered having regard to guidance provided within the documents in 1)(i) and 1)(ii) above, and the most recent advice from the NSW Government including its Floodplain Risk Management Guideline entitled Practical Consideration of Climate Change.
- 11) Where bridges are proposed for cross-drainage, appropriate freeboard is to be included having regard to the structural and hydraulic design of the bridge. The minimum freeboard to be used is 0.3m.

APPENDIX C BIODIVERSITY

SCHEDULE 1 Ecosystem Credits

Name of Plant Community Type/ID	Name of threatened ecological community	Area of impact	Total credits to be retired
76-Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions	Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions	24.0	622
80-Western Grey Box - White Cypress Pine tall woodland on loam soil on alluvial plains of NSW South Western Slopes Bioregion and Riverina Bioregion	Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions	6.3	140
266-White Box grassy woodland in the upper slopes sub- region of the NSW South Western Slopes Bioregion	White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands	14.2	268
276-Yellow Box grassy tall woodland on alluvium or parna loams and clays on flats in NSW South Western Slopes Bioregion	White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands	1.5	51

Name of Plant Community Type/ID	Name of threatened ecological community	Area of impact	Total credits to be retired
277-Blakely's Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion	White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands	23	677
309-Black Cypress Pine - Red Stringybark - red gum - box low open forest on siliceous rocky outcrops in the NSW South Western Slopes Bioregion	Not a TEC	1.4	28
347-White Box - Blakely's Red Gum shrub/grass woodland on metamorphic hillslopes in the mid-southern part of the upper slopes sub-region of the NSW South Western Slopes Bioregion	White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands	0.4	11
79-River Red Gum shrub/grass riparian tall woodland or open forest wetland mainly in the upper slopes sub-region of the NSW South Western Slopes Bioregion and western South Eastern Highlands Bioregion	Not a TEC	6.4	223

SCHEDULE 2 Species Credits

Species	Credit type	Area (ha)/ Count (no. individuals) ¹	Total Credits to be retired
Little Eagle (<i>Hieraaetus morphnoides</i>)	Species	1.0	22
Key's Matchstick Grasshopper (<i>Keyacris scurra</i>)	Species	5.2	169
Squirrel Glider (<i>Petaurus norfolcensis</i>)	Species	57.4	1,720
Superb Parrot (<i>Polytelis swainsonii</i>)	Species Ecosystem	41.9	1,311
<i>Acacia ausfeldii</i> / Ausfeld's Wattle	Species	4.4	151
<i>Ammobium craspedioides</i> / Yass Daisy	Species	15,477*	30,954
<i>Austrostipa wakoolica</i> / A spear-grass	Species	4.9	169
<i>Caladenia arenaria</i> / Sand-hill Spider Orchid	Species	4.4	230
<i>Caladenia concolor</i> / Crimson Spider Orchid	Species	0.1	6
<i>Cullen parvum</i> / Small Scurf-pea	Species	5.4	199
<i>Diuris tricolor</i> / Pine Donkey Orchid	Species	5.0	130
<i>Eleocharis obicis</i> / Spike-Rush	Species	4.4	154
<i>Euphrasia arguta</i> / Euphrasia arguta	Species	2.3	121
<i>Grevillea wilkinsonii</i> / Tumut Grevillea	Species	2.3	121
<i>Indigofera efoliata</i> / Leafless Indigo	Species	4.4	230
<i>Lepidium aschersonii</i> / Spiny Peppergrass	Species	4.4	154
<i>Leucochrysum albicans subsp. tricolor</i> / Hoary Sunray	Species	14,532*	29,064
<i>Prasophyllum petilum</i> / Tarengo Leek Orchid	Species	2.5	76
<i>Prasophyllum sp. Wybong</i> / Prasophyllum sp. Wybong	Species	2.3	121
<i>Pultenaea humilis</i> / Dwarf Bush-pea	Species	0.1	4
<i>Senecio garlandii</i> / Woolly Ragwort	Species	0.1	3
<i>Swainsona murrayana</i> / Slender Darling Pea	Species	4.9	169
<i>Swainsona recta</i> / Small Purple-pea	Species	9.1	306

<i>Swainsona sericea</i> / Silky Swainson-pea	Species	4.4	154
<i>Tylophora linearis</i> / Tylophora linearis	Species	0.1	4

¹ Count identified with *

SCHEDULE 3 Unsurveyed Land

