

# Infrastructure approval

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

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



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

Sydney

23<sup>rd</sup> December, 2020

### SCHEDULE 1

<b>Application no.:</b>	SSI 10048
<b>Proponent:</b>	Sydney Metro
<b>Approval Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	Lot 1 DP 1077822; Lots A, B & C DP 408966; and Lot 2 DP 1062965
<b>Description of State Significant Infrastructure:</b>	<p>Construction and operation of the Sydney International Speedway including:</p> <ul style="list-style-type: none"><li>• A speedway racetrack for cars and bikes</li><li>• Pit area and new access from Ferrers Road</li><li>• A grandstand and open terraced seating</li><li>• Ticketing infrastructure for both the Speedway and adjoining motorsport facilities</li><li>• New carparking locations for use by Sydney International Speedway and adjoining motorsport facility patrons, and</li><li>• Operational support infrastructure, including a stormwater management system and mesh dust management screens.</li></ul>
<b>Declaration as State Significant Infrastructure</b>	<p>The proposal is State Significant Infrastructure by virtue of Schedule 4, clause 6 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>.</p>

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## DEFINITIONS

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

**Table 1: Definitions relevant to all SSI projects**

Term	Definition
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW).
Ancillary facility	A temporary facility for construction of the SSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area
ANZECC	Australian and New Zealand Environment and Conservation Council
AR	Amendment Report submitted to the Planning Secretary under clause 192 of the <i>Environmental Planning and Assessment Regulation 2000</i>
At-property treatment	Includes building treatments and courtyard walls. Building treatments may include but are not limited to ventilation, glazing, window and door seals, sealing of vents and underfloor areas, shutters and secondary glazing
CALD	Culturally and Linguistically Diverse
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction is completed and all construction related requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all construction related requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction
Construction	Includes all work required to construct the SSI as described in the documents listed in <b>Condition A1</b> , including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following <b>Low Impact Work</b> which has commenced prior to approval of the CEMP. <ul style="list-style-type: none"> <li>(a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys;</li> <li>(b) investigations including investigative drilling, contamination investigations and excavation;</li> <li>(c) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community;</li> <li>(d) minor clearing and relocation of native vegetation, as identified in the documents listed in <b>Condition A1</b>;</li> <li>(e) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments;</li> <li>(f) property acquisition adjustment work including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity;</li> </ul>

Term	Definition
	<p>(g) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER;</p> <p>(h) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with [(a)]-[(h)] above to ensure that there is no impact on heritage items;</p> <p>(i) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and</p> <p>(j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI.</p> <p>However, where heritage items on the State heritage register, areas of known or expected archaeological potential, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>) are affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EESG, Heritage NSW or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p> <p>Where low impact works have already commenced, these are considered to remain as low impact works and are managed in accordance with the framework under which they commenced.</p>
Construction Boundary	The area physically affected by work as described in the documents listed in <b>Condition A1</b>
Council	Blacktown City Council
DAWE	Commonwealth Department of Agriculture, Water and Environment (former Department of the Environment and Energy)
Department	NSW Department of Planning, Industry and Environment
DECC	Former NSW Department of Environment and Climate Change
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as 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 project
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the SSI
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

Term	Definition
Environmental Representative Protocol	The document of the same title published by the Department of Planning and Environment dated October 2018
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law (NSW)</i>
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977 (NSW)</i> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977 (NSW)</i> , a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> , and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974 (NSW)</i>
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Highly noise affected	As defined in the Interim Construction Noise Guideline (DECC, 2009)
Highly noise intensive works	Works which are defined as annoying under the Interim Construction Noise Guideline (DECC, 2009) including: <ul style="list-style-type: none"> <li>(a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work;</li> <li>(b) grinding metal, concrete or masonry;</li> <li>(c) rock drilling;</li> <li>(d) line drilling;</li> <li>(e) vibratory rolling;</li> <li>(f) bitumen milling or profiling;</li> <li>(g) jackhammering, rock hammering or rock breaking; and</li> <li>(h) impact piling</li> </ul>
ICNG	Interim Construction Noise Guideline (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 with the terms of this approval.  <b>Note:</b> “material harm” is defined in this approval.
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
LOTE	Language Other than English
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i>

Term	Definition
Material harm	<p>is harm that:</p> <ul style="list-style-type: none"> <li>(a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>(b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li> </ul>
Minister	NSW Minister for Planning and Public Spaces
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
NSW Heritage Council	Heritage Council of NSW (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
OEMP	Operational Environmental Management Plan
Operation	<p>The carrying out of the SSI (whether in full or in part) upon the completion of construction.</p> <p><i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.</i></p>
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
RAPs	Registered Aboriginal Parties
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW).
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the SSI under the EP&A Act
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval
Sensitive land uses	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), childcare centres and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), and industrial premises as identified by the Planning Secretary

Term	Definition
SES	NSW State Emergency Services
TMC	Transport Management Centre 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 SSI and which may be a heritage item but was not identified in the documents listed in <b>Condition A1</b> or suspected to be present. An unexpected heritage find does not include human remains.
Work	Any physical work for the purpose of the SSI including construction and low impact work



## SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 2**. Note that under **condition 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 A9**).

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

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
<b>Part A – Administrative</b>			
A10	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A19	Environmental Representative	Must be sought one month before the commencement of works	Approval
<u>A22(i)</u>	Environmental Representative reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A32	Independent Audit Reports	In accordance with the timeframes set out in the Independent Audit Post Approval Requirements (2020)	Information
A34	Written notification of incident	Immediately upon becoming aware of the incident. Subsequent written notification and an incident report are required seven days after the Proponent became aware of the incident and 30 days after the date on which the incident occurred, respectively	Information
<b>Part B - Communication Information and Reporting</b>			
B2	Complaints management system	Before the commencement of any work	Information
B5	Complaints Register	upon request from the Planning Secretary	Information
<b>Part D - Operation Environmental Management</b>			
D6/D7	OEMP and sub plans or EMS	One month before the commencement of operation	Information
<b>Part E – Key Issues</b>			
<b>Traffic and Transport</b>			
E6	Road Safety Audits	Upon request of the Planning Secretary	Information
<b>Heritage</b>			
E19	Unexpected Heritage Finds and Humans Remains Procedure	Two weeks before commencement of construction	Information
E21	Details of unexpected heritage finds	No later than 12 months after the completion of work if unexpected heritage finds are found	Information

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

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
<b>Noise and Vibration</b>			
E31	Report on non-implementation of operational noise mitigation measures	Before commencement of work that would impact identified sensitive receivers	Information
E32	Operational Noise Compliance Report	Within 60 days of completing the operational monitoring	Information
<b>Soils</b>			
E39	Site Audit Statement	One month before the commencement of operation	Information

*Note: This Table 3 is not a term of this approval. If there is an inconsistency between a requirement in Table 3 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 SSI in accordance with the terms of this approval and generally in accordance with the:
- (a) *Sydney International Speedway – Environmental Impact Statement Volume 1 & 2* (the EIS) (dated August 2020);
  - (b) *Sydney International Speedway – Submissions Report* (the Submissions Report, dated November 2020); and
  - (c) *Sydney International Speedway – Amendment Report* (the AR, dated November 2020).
- A2 The SSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in 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 terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
  - (b) any document listed in **Condition A1** inclusive, the most recent document will prevail to the extent of the inconsistency.
- Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 In the event that there are differing interpretations of the terms of this approval, including in relation to a condition of this approval, the Planning Secretary's interpretation is final.
- A5 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSI;
  - (b) any document or correspondence in relation to the SSI;
  - (c) any notification given to the Planning Secretary under the terms of this approval;
  - (d) any audit of the construction or operation of the SSI;
  - (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.
- A6 Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
  - (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
  - (c) documentation of the follow-up with the identified party(s) where feedback has not been provided to confirm that they have none or have failed to provide feedback after repeated requests;
  - (d) outline of the issues raised by the identified party 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.
- A7 This approval lapses five (5) years after the date on which it is granted, unless work has physically commenced on or before that date.
- A8 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.
- A9 Any document that must be submitted within a timeframe specified in or under the terms of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under **Condition A34**.

## STAGING

- A10 The SSI may be constructed and operated in stages. Where staged construction or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The **Staging Report** must be submitted to the Planning Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A11 The **Staging Report** must:
  - (a) if staged construction is proposed, set out how the construction of the whole of the SSI 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 SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify the relevant conditions that apply to each stage and how compliance with conditions will be achieved across and between each of the stages of the SSI; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12 The SSI must be staged in accordance with the **Staging Report**, as submitted to the Planning Secretary.
- A13 Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.
- A14 Where changes are proposed to the staging of construction or operation, a revised Staging Report must be prepared and submitted to the Planning Secretary for information.

## ANCILLARY FACILITIES

### Ancillary facilities

- A15 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:
  - (a) they are located within or immediately adjacent to the construction boundary; and
  - (b) they are not located next to a sensitive receiver (including where an access road is between the facility and the receiver), unless the sensitive receiver landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and

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

**Note:** This condition does not apply to any facilities or work that are exempt or complying development, established prior to the commencement of construction under this approval or minor construction ancillary facilities established under **Condition A17**.

#### **Use of Construction Ancillary Facilities**

A16 The use of a construction ancillary facility for construction must not commence until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C3** and relevant **Construction Monitoring Programs** required by **Condition C8** have been approved by the **ER**. This condition does not apply to **Condition A17** or where the use of a construction ancillary facility is Low Impact Work.

#### **Minor Construction Ancillary Facilities**

A17 Lunch sheds, office sheds, portable toilet facilities, and the like, can be established where they satisfy the following criteria:

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

#### **Boundary screening**

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

### **ENVIRONMENT REPRESENTATIVE**

A19 Work must not commence until an **Environmental Representative (ER)** has been approved by the Planning Secretary and engaged by the Proponent.

A20 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 SSI and those involved in the delivery of it.

A21 The Proponent may engage more than one **ER** for the SSI, 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 SSI. The **ER** must meet the requirements of the Environmental Representative Protocol (Department of Planning and Environment, October 2018). The appointment of the **ER** must have regard to the Department's guideline Seeking approval from the Department for the appointment of independent experts (DPIE, 2020).

A22 For the duration of the work until the commencement of operation, or as agreed with the Planning Secretary, the approved **ER** must:

- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;

- (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) approve documents and any updates to documents identified in **Conditions A10, C1, C3** and **C8** and any other documents that are identified by the Planning Secretary, after verifying all relevant matters set out in this approval pertaining to those documents have been met, and make a written statement to the Planning Secretary to this effect;
- (e) regularly monitor the implementation of the documents listed in **Conditions A10, C1, C3** and **C8** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
- (f) as may be requested by the Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A29** of this approval;
- (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints received directly by the Department;
- (h) consider the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A17** of this approval; and
- (i) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The **Environmental Representative Monthly Report** must be submitted within seven (7) days following the end of each month for the duration of the ER's engagement for the SSI, or as otherwise agreed by the Planning Secretary.

A23 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 A22** (including preparation of the **ER** monthly report), as well as:

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

A24 The Planning Secretary may at any time commission an audit of an **ER's** exercise of its functions under **Condition A22**. The Proponent must:

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

## COMPLIANCE REPORTING REQUIREMENTS

A25 Compliance Reports of the project must be carried out in accordance with the *Compliance Reporting Post Approval Requirements* (2020).

A26 Notwithstanding the requirements of the *Compliance Reporting Post Approval Requirements* (2020), the Planning Secretary may approve a request for ongoing independent operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## NOTIFICATION OF COMMENCEMENT

A27 The Department must be notified in writing of the dates of commencement of construction and operation at least two (2) weeks before those dates.

- A28 If the construction or operation of the SSI is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of the commencement of that stage.

## AUDITING

- A29 Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)*.
- A30 Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- A31 The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the *Compliance Reporting Post Approval Requirements (2020)*, upon giving at least four weeks' notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A32 Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements (2020)*, unless otherwise agreed by the Planning Secretary.
- A33 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements (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, REPORTING AND RESPONSE

- A34 The Planning Secretary must be notified in writing via the Major Projects Website immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix A.

## NON-COMPLIANCE NOTIFICATION

- A35 The Planning Secretary must be notified in writing via the Major Projects Website within seven days after the Proponent becomes aware of any non-compliance.
- A36 A non-compliance notification must identify the SSI and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be undertaken to address the non-compliance.

**Note:** A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## IDENTIFICATION OF WORKFORCE AND COMPOUNDS

- A37 The SSI name, application number, telephone number, postal address and email address required under **Condition B3** of this approval must be available on site boundary fencing / hoarding at each ancillary facility subject to **Conditions A15, A16 and A18** before the commencement of construction. This information must also be provided on the website required under **Condition B6**.

## PART B

### COMMUNITY INFORMATION AND REPORTING

#### COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

##### Communication Strategy

- B1 The **Overarching Community Communications Strategy** as provided in the documents listed **Condition A1** must be implemented until the project is handed over to the Western Sydney Parklands Trust.

#### COMPLAINTS MANAGEMENT SYSTEM

- B2 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 SSI.
- B3 The following information must be available to facilitate community enquiries and manage complaints before the commencement of work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;
  - (b) a postal address to which written complaints and enquires may be sent;
  - (c) an email address to which electronic complaints and enquiries may be transmitted; and
  - (d) a process for complaints unable to be resolved.

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

- B4 A Complaints Register must be maintained recording information on all complaints received about the SSI 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) number of people in the household affected in relation to a complaint;
  - (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; and
  - (d) means by which the complaint was addressed and whether resolution was reached, with or without mediation.

- B5 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request. Personal details of complainants must be provided where this is consistent with the Proponent's privacy statement, notice or policy.

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

#### PROVISION OF ELECTRONIC INFORMATION

- B6 A website or webpage providing information in relation to the SSI must be established before commencement of work and maintained for the duration of construction, and for a minimum of 12 months following the completion of all stages of construction. Up-to-date information (excluding confidential, private and/or commercial information or other documents as agreed to by the Planning Secretary) 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 SSI;



- (b) a copy of the documents listed in **Condition A1** and **Condition A2** of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval, or links to the referenced documents where available;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI, or where the issuing agency maintains a website of approvals, licences or permits, a link to that website;
- (e) a current copy of each document required under the terms of this approval, which must be published within one week of its approval or 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 **Condition A25**, and **Conditions A29 and A31** of this approval.

## PART C

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared in accordance with the Construction Environmental Management Framework (CEMF) included in the documents listed in **Condition A1** to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during construction.
- C2 The **CEMP** must be prepared and submitted to the **ER** for approval no later than one (1) month before the commencement of construction, unless otherwise agreed by the ER. Where construction is staged, submission must be no later than one (1) month before the commencement of that stage, unless otherwise agreed by the ER.
- C3 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**:

Table 3 CEMP Sub-plans

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Traffic and Transport	Relevant Road Authorities, Western Sydney Parklands Trust
(c)	Flora and Fauna	EESG, Western Sydney Parklands Trust and Council
(d)	Air Quality (inc. dust)	Western Sydney Parklands Trust, WaterNSW and Council
(e)	Soil and Surface Water	EESG, Western Sydney Parklands Trust, Sydney Water, WaterNSW and Council

- C4 The **CEMP Sub-plans** must be prepared in accordance with the **CEMF**.
- C5 Details of all issues raised by an agency relevant to development of a **CEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **CEMP Sub-Plan**.
- C6 Any of the **CEMP Sub-plans** may be submitted to the **ER** along with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before construction, unless as otherwise agreed by the ER.
- C7 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the ER. The **CEMP** and **CEMP Sub-plans**, as approved by the **ER**, including any amendments approved by the **ER** must be implemented for the duration of construction. Where construction of the SSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been approved by the **ER**.

#### CONSTRUCTION MONITORING PROGRAMS

- C8 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of the SSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

**Table 4 – Construction Monitoring Programs**

	<b>Required Construction Monitoring Programs</b>	<b>Relevant government agencies to be consulted for each Construction Monitoring Program</b>
(a)	Dust	Western Sydney Parklands Trust, WaterNSW, and Council
(b)	Soil and Water	Western Sydney Parklands Trust, Sydney Water, Council

C9 Each **Construction Monitoring Program** must provide:

- (a) details of baseline data available;
- (b) details of baseline data to be obtained and when;
- (c) details of all monitoring of the project to be undertaken;
- (d) the parameters of the project to be monitored;
- (e) the frequency of monitoring to be undertaken;
- (f) the location of monitoring;
- (g) the reporting of monitoring results;
- (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory;
- (i) any consultation to be undertaken in relation to the monitoring programs; and
- (j) details of all information requested by an agency including copies of all correspondence from those agencies.

C10 The **Construction Monitoring Programs** must be submitted to the **ER** for approval at least one (1) month before the commencement of construction, unless otherwise agreed by the **ER**.

C11 Construction must not commence until the **ER** has approved all of the required **Construction Monitoring Programs**, and all relevant baseline data for the specific construction activity has been collected, unless otherwise agreed by the Planning Secretary.

C12 The **Construction Monitoring Programs**, as 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.

C13 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.

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

## PART D

### OPERATIONAL ENVIRONMENTAL MANAGEMENT

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared in accordance with the *Environmental Management Plan Guideline for Infrastructure Projects (Department Planning, Industry and Environment 2020)*. The OEMP must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. This condition (**Condition D1**) does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the SSI if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and specified relevant terms of this approval can be achieved;
  - (b) issues identified through ongoing risk analysis can be managed; and
  - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 Where an **OEMP** is required, the Proponent must include the following **OEMP Sub-plans** in the **OEMP**:

Table 5 OEMP Sub-plans

	Required OEMP Sub-plan	Relevant government agencies to be consulted for each OEMP Sub-plan
(a)	Dust	Office of Sport and WaterNSW
(b)	Traffic and Transport	Relevant Road Authorities
(c)	Noise and Vibration	Council

*Note: the Traffic and Transport sub-plan does not apply to major concurrent events with other venues in the motorsport precinct where a Major Events Operation Plan (or other equivalent document) as required by **Condition E8** applies.*

- D4 Each of the **OEMP Sub-plans** must include the information set out in **Condition D1** of this approval.
- D5 The **OEMP Sub-plans** must be developed in consultation with relevant government agencies as identified in **Condition D3**. Details of all information requested by an agency to be included in an **OEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **OEMP Sub-Plan**.
- D6 The **OEMP Sub-plans** must be submitted to the Planning Secretary as part of the **OEMP**.
- D7 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of operation.
- D8 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.

## OPERATIONAL MONITORING PROGRAM

- D9 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.

**Table 6 Operational Monitoring Programs**

	<b>Required Operational Monitoring Programs</b>	<b>Relevant authority(s) and council(s) to be consulted for each Operational Monitoring Program</b>
(a)	Dust	Office of Sport and WaterNSW
(b)	Traffic and Transport	Council and the Transport Management Centre

- D10 Each operational monitoring program must include:
- (a) details of baseline data;
  - (b) details of all monitoring of the project to be undertaken;
  - (c) the parameters of the project to be monitored;
  - (d) the frequency of monitoring to be undertaken;
  - (e) the location of monitoring;
  - (f) the reporting of monitoring and analysis results against relevant criteria;
  - (g) details of the methods that will be employed to analyse the monitoring data;
  - (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and
  - (i) any consultation to be undertaken in relation to the monitoring programs.
- D11 The **Operational Monitoring Program(s)** must be submitted to the Planning Secretary at least one month before the commencement of operation.
- D12 Operation must not commence until the Planning Secretary has been provided with all of the required **Operational Monitoring Programs**, and all relevant baseline data has been collected.
- D13 The **Operational Monitoring Programs** 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, whichever is the greater.
- D14 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 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**.
- D15 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

#### TRAFFIC AND TRANSPORT

- E1 All requests to Council for approval to use local roads, which are not identified for use in the documents listed in **Condition A1**, must include a traffic and pedestrian impact assessment, and a swept path analysis if requested. The findings of the traffic and pedestrian impact assessment must inform the Traffic and Transport **CEMP Sub-plan (Condition C3)**, and:
- (a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts;
  - (b) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and
  - (c) describe the measures that will be implemented to avoid where practicable, the use of local roads past schools, aged care facilities and childcare facilities during peak times for operation.
- E2 Before use of Ferrers Road or any local road by a heavy vehicle for construction of the SSI, a **Road Dilapidation Report** must be prepared for the relevant road. A copy of the **Road Dilapidation Report** must be provided to the relevant Council within three weeks of completion of the survey and at least two weeks before the road is used by heavy vehicles associated with the construction of the SSI.
- E3 If damage to roads occurs as a result of the construction of the SSI, the Proponent must either (at the landowner's discretion):
- (a) compensate the landowner for the damage so caused. The amount of compensation may be agreed with the landowner, but compensation must be paid even if no agreement is reached; or
  - (b) rectify the damage to restore the road to at least the condition it was in pre-construction (as identified in the **Road Dilapidation Report**) within 3 months after the completion of construction, or as agreed by the Planning Secretary.
- E4 During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties within the Eastern Creek Motor Sports Precinct 5 as identified in the Western Sydney Parklands Plan of Management 2030. Disruptions must be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

#### Road Safety

- E5 The SSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines, including the Austroads Guide to Traffic Management.
- E6 An independent **Road Safety Audit** of detailed design plans of new or modified local road, parking, pedestrian and cycle infrastructure provided as part of the SSI must be undertaken by an appropriately qualified and experienced person before construction to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including Austroads Guide to Traffic Management. Audit findings and recommendations must be actioned before construction of the relevant infrastructure and must be made available to the Planning Secretary on request.

## EVENTS MANAGEMENT

- E7 Scheduling of events (both minor, major and concurrent) must be managed to reduce noise, traffic and dust impacts.
- E8 No concurrent events at the Sydney International Speedway and the Western Sydney International Dragway are permitted to occur until a Major Events Operations Plan (as identified in the documents listed in **Condition A1**) has been prepared to address traffic management, parking, noise and dust management. The plan must be implemented for all concurrent events.

## AIR QUALITY

- E9 In addition to the commitments to develop performance outcomes and mitigation measures for air quality specified in the documents listed in **Condition A1**, all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during the construction and operation of the SSI.
- E10 The commitments to develop performance outcomes and mitigation measures for air quality specified in the documents listed in **Condition A1** must be implemented during construction and operation of the SSI to ensure the operational safety of the Western Sydney International Dragway.
- E11 Operational air quality mitigation measures as identified in the documents listed in **Condition A1** that will not be physically affected by work, must be established as soon as practicable during construction.

## BIODIVERSITY

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

### Biodiversity Credits

- E13 Before any vegetation clearing or tree removal that must be offset, the Proponent must purchase and retire Biodiversity credits specified in Table 1 below. The retirement of credits must be carried out in accordance with the offset rules of the *Biodiversity Conservation Act 2016* (BC Act). This can be achieved by:
- (a) Biodiversity Stewardship Agreement under the BC Act; or
  - (b) making payments into an offset fund that has been established by the NSW Government; or
  - (c) providing suitable supplementary measures.

Table 7: Biodiversity Credits to be Retired

Credit Type	Number of credits
<b>Ecosystem Credits</b>	
Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (Plant Community Type 849) – Moderate	1
Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (Plant Community Type 850) – Poor	2

Credit Type	Number of credits
Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (Plant Community Type 850) – Revegetation	1
<i>Phragmites australis</i> and <i>Typha orientalis</i> coastal freshwater wetlands of the Sydney Basin Bioregion (1071) – Drainage line	1

- E14 The Proponent must submit evidence of the retirement of credits required by **Condition E13** to the Planning Secretary for information within one month of receiving the evidence of the retirement of credits and/or a certificate confirming payment under section 63 of the BC Act 2016 before any vegetation clearing or tree removal that must be offset.

## FLOODING

- E15 Measures identified in the documents listed in **Condition A1** to maintain or improve flood characteristics must be incorporated into the detailed design of the SSI. For the purposes of this condition, “maintain” means:
- (a) a maximum increase in inundation levels upstream of the SSI of 50 mm in a 1% AEP rainfall event;
  - (b) no increase in flood inundation levels in the Warragamba Pipelines corridor;
  - (c) a maximum increase in inundation time of one hour in a 1% AEP rainfall event;
  - (d) no impact on emergency management; and
  - (e) no impact on essential services and infrastructure.
- E16 **Condition E15(a)** does not apply in relation to detention of water between Carpark C and Carpark D as identified in the documents listed in **Condition A1** as a result of drainage changes to prevent overtopping of Ferrers Road in the 1% AEP event.
- E17 Flood information developed during detailed design, such as flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels, the dimensions and finished levels of all structures constructed as part of the SSI within flood prone land, must be provided to the council, EESG and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the SSI. The Council, EESG and the SES must be notified in writing that the information is available no later than one (1) month following the completion of construction. Information requested by the Council, EESG or the SES must be provided no later than six (6) months following the completion of construction or within another timeframe agreed with the council, EESG and the SES.

## HERITAGE

### Unexpected Heritage Finds

- E18 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW.
- E19 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared by a suitably qualified and experienced heritage specialist and submitted to the Planning Secretary for information no later than two weeks before the commencement of construction.
- E20 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction.



- E21 If any unexpected heritage finds are identified during the work described in the documents listed in **Condition A1**, details of any archival recording, further historical research either undertaken, or to be carried out and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be documented in accordance with any guidelines and standards required by the Heritage Council of NSW and Heritage NSW. These details must be provided to the Planning Secretary and relevant Government agencies for information no later than 12 months after the completion of the 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.*

## NOISE AND VIBRATION

### Land Use Survey

- E22 A detailed land use survey must be undertaken to confirm sensitive land uses (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The results of the survey must be included in the **Noise and Vibration Impact Statement** required by **Condition E27**.

### Construction Hours

- E23 Work must only be undertaken during the following construction hours:

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

### Variation to Work Hours

- E24 Notwithstanding **Conditions E23** work may be undertaken outside the hours specified in the following circumstances:

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

On becoming aware of the need for emergency work in accordance with (a) the Proponent must notify the **ER**, the Planning Secretary and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those work.

- (b) **Low impact**, 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 *Interim Construction Noise Guideline* (DECC, 2009), or
    - no more than the 'Noise affected' noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or
  - (ii) construction that causes  $L_{AFmax(15\text{ minute})}$  noise levels no more than 15 dB(A) above the rating background level at any residence; or
  - (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);

- (c) **By Agreement**, including:
  - (i) negotiated agreements with directly affected residents and sensitive land uses.

E25 Where a negotiated agreement is proposed in order to undertake out-of-hours work, the Proponent must identify appropriate respite periods for the out-of-hours work in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:

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

The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour work must be provided to the Planning Secretary upon request.

### **Highly Noise Intensive Work**

E26 Highly noise intensive work that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

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

### **Construction Noise Management**

E27 A detailed **Noise and Vibration Impact Statement** must be prepared based on realistic construction scenarios, plant and equipment, and site layout and include:

- (a) rating background levels identified from background noise monitoring;
- (b) noise management levels for each sensitive receiver;
- (c) mitigation measures incorporated, including shielding effects of ancillary infrastructure or topography, and justification for selection where multiple options are available;
- (d) comparison of impacts against the NMLs identified in (c);
- (e) the extent of exceedances;
- (f) the likelihood of sleep disturbance or impact to ecological processes (such as foraging or other activities of nocturnal species known to be present in Prospect Nature Reserve);
- (g) the duration of work outside of standard construction hours;
- (h) noise mitigation to be adopted and implemented

The detailed **Noise and Vibration Impact Statement** must be prepared in consultation with the relevant council and submitted to the **ER** one month prior to the commencement of construction, unless otherwise agreed by **ER**.

### **Noise and Vibration Mitigation**

E28 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:

- (a) construction 'Noise affected' noise management levels established using the *Interim Construction Noise Guideline* (DECC, 2009);
- (b) vibration criteria established using the *Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure); and
- (c) BS 7385 Part 2-1993 "*Evaluation and measurement for vibration in buildings Part 2*" as they are "applicable to Australian conditions".

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

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

#### **Noise Mitigation - Operational Noise Mitigation Measures**

- E29 At-property treatment must be provided to the properties identified in Table 38 of the Noise and Vibration Technical Paper (dated July 2020), unless otherwise agreed by the Planning Secretary.
- E30 Operational noise mitigation measures as identified in the documents listed in **Condition A1** that will not be physically affected by work, must be implemented within three (3) months of the commencement of construction in the vicinity of the impacted receiver to minimise construction noise impacts, and detailed in the **Noise and Vibration Impact Statement** for the SSI.
- E31 Where implementation of operational noise mitigation measures is not proposed in accordance with **Condition E30**, the Proponent must submit to the Planning Secretary a report providing justification as to why they will not be implemented, 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 the documents listed in **Condition A1** are implemented. The report must be submitted to the Planning Secretary before the commencement of construction that would affect the identified sensitive receivers.
- E32 Within 12 months of the commencement of operation of the SSI, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the SSI against the noise performance predicted in the documents listed in **Condition A1**.

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

- (a) noise monitoring to assess compliance with the operational noise levels predicted in the documents listed in **Condition A1**;
- (b) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;
- (c) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared;
- (d) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and types of race vehicles;
- (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 documents listed in **Condition A1**, that are to be implemented with the objective of meeting the criteria outlined in the *Noise Guide for Local Government* (EPA, 2013), when these measures would be implemented and how their effectiveness would be measured and reported to the Planning Secretary, Western Sydney Parklands Trust and Council.

The **Operational Noise Compliance Report** must be submitted to the Planning Secretary within 60 days of completing the operational noise monitoring and made publicly available.

**Note:** Any additional mitigation measures required must be implemented within 12 months of the commencement of operation.

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

- E33 The Proponent must identify the utilities and services (hereafter "services") potentially affected by Construction to determine requirements for adjustment, relocation, diversion, protection

and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the construction of the SSI are avoided and advised to customers.

## SOILS

- E34 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.
- E35 The permanent stockpile to be located on Lot 1 DP 1077822 must be designed and treated to ensure a stable landform and that existing drainage paths from the Warragamba pipeline corridor are not impeded.

### Contaminated sites

- E36 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared before the commencement of construction and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during construction.
- E37 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout construction.
- E38 The Proponent must engage a NSW EPA accredited Site Auditor to ensure that any work required in relation to soil, groundwater, or ground gas contamination is appropriately managed.
- E39 The Proponent must obtain a Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environment Management Plan – from the Site Auditor and submit it to the Environmental Representative and to the Planning Secretary before the commencement of operation. The Site Audit Statement must certify the site is suitable for the proposed use.

## UTILITIES MANAGEMENT

- E40 Nothing in this approval permits the carrying out of any utility work that is not described in the documents listed in **Condition A1**.

## URBAN DESIGN, VISUAL AMENITY AND SUSTAINABILITY

- E41 The SSI must be designed and built, in consultation with the Western Sydney Parklands Trust and Council, having regards to the:
- (a) Western Sydney Parklands SEPP;
  - (b) *Western Sydney Parklands Urban Design Manual* (2020), including sustainability considerations;
  - (c) good design outcomes in *Better Placed* (NSW Government Architect, 2017); and
  - (d) principles of green infrastructure and outcomes in draft *Greener Places* (NSW Government Architect, 2020).

### Lighting and Security

- E42 The Proponent must construct and operate the SSI with the objective of minimising light spill to surrounding properties and effects on foraging behaviour or flight paths of nocturnal bird and bats known to utilise Prospect Nature Reserve. All lighting associated with the construction and operation of the SSI must be consistent with the requirements of *AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting*, relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces* and give consideration to the *National Light Pollution Guidelines for Wildlife including Marine Turtles, Seabirds and Migratory Shorebirds* (Commonwealth of Australia 2020). Additionally, the Proponent must mitigate residual night

lighting impacts to protect existing or approved (as at the date of this approval) properties adjacent to the SSI and must consult with affected landowners.

### **Operational Maintenance**

E43 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards outlined in the Western Sydney Parklands SEPP and must notify the Planning Secretary of the transfer of assets two weeks before the proposed transfer.

### **Urban Heat Island Effects and Sustainability**

E44 The Proponent must ensure that the SSI design minimises impacts to visual amenity, the increase in impervious surfaces and maximises shade to avoid heat island effects.

## **WASTE**

E45 Waste generated during construction and operation must be dealt with in accordance with the following priorities:

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

E46 Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.

E47 All waste must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

## **WATER**

E48 The SSI 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 SSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

E49 All new or modified drainage systems associated with the construction and operation of the SSI (including but not limited to, watercourse crossings, stream diversions, drainage swales and depressions) must be designed and carried out in accordance with Sydney Water standards and any relevant guidelines, to meet capacity constraints of council and Sydney Water's drainage systems, minimise impacts on the receiving environment and be designed by a suitably qualified and experienced person.

E50 The stockpile on Lot 1 DP 1077822 must be designed and constructed to ensure that no additional surface run off enters the Warragamba pipeline corridor.

E51 If damage to the Warragamba pipeline corridor or associated bulk water supply infrastructure occurs as a result of the construction of the SSI, the Proponent must either (at the landowner's discretion):

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

## 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 Appendix 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, unless otherwise agreed by the Planning Secretary.
2. Written notification of an incident must:
  - (a) identify the SSI and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the Proponent became aware of the incident;
  - (e) identify any actual or potential non-compliance with terms of 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 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.