



# 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.

Minister for Planning

Sydney

2019

### SCHEDULE 1

<b>Application no.:</b>	SSI 6888
<b>Proponent:</b>	Transport for NSW
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Land in the suburbs of Cardiff Heights, Elmore Vale, Jesmond, Kotara, Lambton, New Lambton, New Lambton Heights, North Lambton, Rankin Park, and Wallsend.
<b>Description of State Significant Infrastructure</b>	<p>A section of the Newcastle Inner City Bypass about 3.4 kilometres in length between Rankin Park and Jesmond, and including:</p> <ul style="list-style-type: none"><li>• A northern interchange providing access to Newcastle Road and the existing Jesmond to Shortland section of the Newcastle Inner City Bypass;</li><li>• A full interchange providing access between the John Hunter Hospital precinct and the Newcastle Inner City Bypass;</li><li>• A southern interchange providing access to Lookout Road and the existing Kotara to Rankin Park section of the Newcastle Inner City Bypass;</li><li>• Tie in and upgrades to connecting roads, including Lookout Road, McCaffrey Drive and Newcastle Road;</li><li>• Structures along the road to allow for drainage, animal and pedestrian access;</li><li>• Pedestrian and cycling facilities, including a shared path bridge over Newcastle Road and grade separation of the existing east-west Jesmond Park shared path at the northern interchange;</li><li>• Operational noise mitigation measures; and</li><li>• Permanent operational water quality treatment measures.</li></ul>
<b>Declaration as State Significant Infrastructure</b>	<p>The proposal is State Significant Infrastructure by virtue of Schedule 3, clause 1 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>.</p>

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## DEFINITIONS

The definitions in **Table 1** 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
Ancillary facility	<p>A temporary facility for construction of the SSI including an office and amenities compound, construction compound, material crushing and screening plant, batch plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area</p> <p><i>Note: where an approved CEMP contains a stockpile management protocol, a material stockpile area located within the construction boundary is not considered to be an ancillary facility</i></p>
BCD	<p>Biodiversity and Conservation Division Former NSW Office of Environment and Heritage (OEH)</p>
Bridge 7	Shared path bridge over Newcastle Road as identified in the EIS and modified by the SPIR
Bridge 8	Jesmond Park shared path bridge as identified in the SPIR
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction
Construction	<p>Includes all works required to construct the SSI, including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following <b>low impact</b> work which is completed prior to approval of the <b>CEMP</b>:</p> <ul style="list-style-type: none"> <li>(a) survey works 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 <b>ER</b> 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, exclusion fencing, hoardings and temporary or at property acoustic treatments;</li> <li>(f) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity;</li> <li>(g) relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the <b>ER</b>;</li> </ul>

Term	Definition
	<p>(h) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW</i> (DECCW, 2010) or archaeological monitoring undertaken in association with (a)-(g) and (i) to ensure that there is no impact on Aboriginal artefacts or objects, and archaeological salvage works in accordance with <b>A1</b>, <b>E17</b> and <b>E18</b>;</p> <p>(i) other activities determined by the <b>ER</b> 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 or threatened species or threatened ecological communities (within the meaning of the <i>NSW Threatened Species Conservation Act 1995</i> or <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with the relevant heritage authority, <b>BCD</b> or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Construction Boundary	The area physically affected by works described in documents listed in <b>Condition A1</b>
DAWE	Commonwealth Department of Agriculture, Water and the Environment
Department / DPE	NSW Department of Planning and Environment
DPE Water	Water Group of the Department and the National Resources Access Regulator
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
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Heavy Vehicle	Has the same meaning as the <i>Heavy Vehicle National Law</i> (NSW)
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local

Term	Definition
	Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Highly noise intensive works	Works which are defined as annoying under the <i>Interim Construction Noise Guideline</i> (DECC, 2009) including: (a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (b) grinding metal, concrete or masonry; (c) rock drilling; (d) line drilling; (e) vibratory rolling; (f) bitumen milling or profiling; (g) jackhammering, rock hammering or rock breaking; and (h) impact piling
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance  <i>Note: “material harm” is defined in this approval</i>
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> (NSW) and in relation to a building means the owner of the building
Material harm	Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
NSW Heritage Council	Heritage Council of NSW
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
OEH	<b>Former</b> NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the SSI (whether in full or in part) upon the completion of construction, except the operation of Bridge 7  <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</i>

Term	Definition
	<i>equipment and temporary use of any part of the SSI are within the definition of construction</i>
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 (NSW)</i>
Proponent	The person identified as such in Schedule 1 of this approval
RAPs	Registered Aboriginal parties
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977 (NSW)</i>
Relevant Council(s)	Lake Macquarie City Council and City of Newcastle, as relevant
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993 (NSW)</i>
SPIR	The Submissions and Preferred Infrastructure Report submitted to the Planning Secretary under section 5.17 of 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 receiver	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres, passive recreation areas (including outdoor grounds used for teaching), 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 others as identified by the Planning Secretary
SES	NSW State Emergency Services
TfNSW	Transport for NSW
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 under Condition A1 or suspected to be present. An unexpected heritage find does not include human remains
Work(s)	All physical activities to construct or facilitate the construction of the SSI, including environmental management measures and utility works. however, does not include work that informs or enables the detailed design of the SSI and generates noise that is no more than 5 dB(A) above the rating background level (RBL) at any residence

## SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 2**. Note that under **Condition A8** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the immediate written notification of an incident required under **Condition A37**).

Where there is an inconsistency between Table 2 and a condition, the requirements of the condition prevail.

**Table 2: Reports and Notifications that must be submitted to the Planning 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
A15	Ancillary Facility Establishment Management Plan	One month before the installation of any ancillary facilities	Approval
A23	Environmental Representative	Must be sought one month before the commencement of work	Approval
A26(k)	Environmental Representative reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A29	Compliance Monitoring and Reporting Program	No later than 4 weeks before the commencement of any work	Information
A34	Independent Audit Program	No later than 4 weeks before the date notified for the commencement of construction	Information
A37	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>			
B3	Community Communication Strategy	One month before the commencement of any work	Approval
B7	Complaints management system	Prior to any work commencing	Information
B10	Complaints Register	Upon request from the Planning Secretary	Information

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



Condition	Report / Notification	Timing <sup>1</sup>	Purpose
<b>Part C - Construction Environmental Management</b>			
C3	CEMP	One month before the commencement of construction	Approval
C7	CEMP Sub-plans	One month before the commencement of construction	Approval
C12	Construction Monitoring Programs	One month before the commencement of construction	Approval
C15	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
<b>Part D - Operation Environmental Management</b>			
D3	OEMP or EMS	One month before the commencement of operation	Information
<b>Part E – Key Issues</b>			
<b>Biodiversity</b>			
E5	Credit Retirement Report	One month of receiving the report from <b>BCD</b>	Information
<b>Heritage</b>			
E15	Unexpected Heritage Finds and Humans Remains Procedure	One month before the commencement of any work	Information
E20	Cultural Heritage Salvage Report	12 months after the completion of the work refer to in Condition E17	Information
E23	Archaeological Excavation Report	12 months after completing all archaeological investigations	Information
E24	Heritage Interpretation Plan	Before the commencement of operation	Information
<b>Noise and Vibration</b>			
E31	Out-of-Hours Work Protocol or Out of Hours Work Management Process	Before the commencement of out-of-hours work that is not subject to an EPL	Approval
E38	Operational Noise Mitigation Review	Before the implementation of operational noise mitigation measures	Approval
E40	Report on non-implementation of operational noise mitigation measures	Within 6 months of the commencement of construction	Information

Condition	Report / Notification	Timing <sup>1</sup>	Purpose
E42	Operational Noise Compliance Report	Within 60 days of completing the operational noise monitoring	Information
E49	Landowner and occupier written agreement	Before commencing blasting at the higher limits	Information
E53	Blast Management Strategy	One month before the commencement of blasting	Information
<b>Sustainability</b>			
E61	Sustainability Strategy	Before the commencement of construction	Information
<b>Traffic and Transport</b>			
E62 / E63	Use of local roads by heavy vehicles (Construction Traffic and Transport Management Plan)	Before the use of the local roads	Approval
<b>Urban Design and Visual Amenity</b>			
E77	Bridge Elements	Before the commencement of work on Bridges 7 and 8	Information

## SCHEDULE 2

### PART A

#### ADMINISTRATIVE CONDITIONS

##### GENERAL

- A1 The SSI must be carried out in accordance with the terms of this approval and generally in accordance with the description of the SSI in the:
- (a) *Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS, 2016) (the EIS);*
  - (b) *Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018) (the SPIR);*
  - (c) *Newcastle Inner City Bypass – Rankin Park to Jesmond Modification Report: additional construction compounds (TfNSW, May 2021); and*
  - (d) *Newcastle Inner City Bypass – Rankin Park to Jesmond Modification Report: additional construction compounds Submissions Report (TfNSW, September 2021).*
- A2 The SSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures as identified in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between the documents listed in **Condition A1**, or any other document required under this approval, and a term of this approval, the term of this approval prevails to the extent of the inconsistency.
- Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 The Proponent must comply with all 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.
- A5 Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
  - (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;

- (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
  - (d) outline of the issues raised by the identified party and how they have been addressed; and
  - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.
- A6 This approval lapses five (5) years after the date on which it is granted unless works are physically commenced on or before that date.
- A7 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this approval.
- A8 Any document that must be submitted within a timeframe specified in or under the conditions 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 A37**.

#### BRIDGE 7 - SHARED PATH BRIDGE OVER NEWCASTLE ROAD (BRIDGE 7)

- A9 Construction of Bridge 7 and its associated components is not subject to Part C and Part D of this approval, however it is subject to:
- (a) preparation of a **Construction Environmental Management Process (Plan)** and an **Environmental Work Method Statement (EWMS)**, in consultation with relevant public authorities and **City of Newcastle** and approved by the **ER** under **Condition A26(d)**. The Plan must detail how the performance outcomes, commitments, mitigation and monitoring measures specified in the documents listed in **Condition A1** will be implemented and achieved during construction; and
  - (b) implementation of the approved **Construction Environmental Management Process (Plan)** and **Environmental Work Method Statement (EWMS)**.

#### 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 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 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 construction and/or operation of the SSI must be carried out 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 to be carried out in a specific stage, must be complied with at the relevant time for that stage.

## ANCILLARY FACILITIES

### Ancillary facilities

- A14 Ancillary facilities that are not identified 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 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), and 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.

## ANCILLARY FACILITY ESTABLISHMENT WORKS

### Ancillary Facility Establishment Management Plan

- A15 Before the establishment of any construction ancillary facilities (excluding minor construction ancillary facilities determined by the ER to have minimal environmental impact and those established under **Condition A19**), the Proponent must prepare an **Ancillary Facility Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of construction ancillary facilities. The **Ancillary Facility Establishment Management Plan** must be prepared in consultation with the **relevant councils** and relevant public authorities. The **Ancillary Facility Establishment Management Plan** must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The **Ancillary Facility Establishment Management Plan** must detail the management of construction ancillary facilities and include:
- (a) a description of activities to be undertaken during **the** establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site) **and its decommissioning and rehabilitation**;
  - (b) figures illustrating the proposed operational site layout, including access roads **and parking**;
  - (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works;
  - (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
    - (i) meet the performance outcomes stated in the documents listed in **Condition A1**, and
    - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
  - (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of **Condition C10**.

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

- A16 The requirements of **Condition A15** in relation to Bridge 7 may be addressed by the documents required under **Condition A9**.

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

- A17 The use of a construction ancillary facility must not commence until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C4** and relevant **Construction Monitoring Programs** required by **Condition C9** have been approved by the Planning Secretary.

This condition does not apply to a construction ancillary facility determined by the ER to have minimal environmental impact and those established under **Condition A19**.

- A18 The requirements of **Condition A17** in relation to Bridge 7 may be addressed by the documents required under **Condition A9**.

**A18A The Peatties Road ancillary facility must not be used to store/stockpile earthworks material, including dirt, topsoil, rock, rubble, quarry materials, waste concrete or asphalt, bricks, and excavated material.**

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

- A19 Lunch sheds, office sheds, portable toilet facilities, material storage, parking and the like, that are not identified as a construction ancillary facility in the documents listed in **Condition A1**, can be established 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 impact 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**

- A20 Boundary screening must be erected around ancillary facilities that are adjacent to sensitive receivers, for the duration of works associated with the SSI, unless otherwise agreed with affected residents, business operators or landowners (including the **relevant councils** where **they are** the landowner).

- A21 Boundary screening required under **Condition A20** of this approval must reduce visual, noise and air quality impacts on adjacent sensitive receivers.

**A21A The Peatties Road ancillary facility must be located within the boundary line marked in blue in Figure 1 of Appendix A of this approval.**

#### **ENVIRONMENT REPRESENTATIVE**

- A22 Works must not commence until an **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 month before the commencement of works.



- 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 independent of the design and construction personnel for the SSI and those involved in the delivery of it.

*Note: Skills and qualifications may include higher education qualifications (generally provided by universities and by other higher education institutions such as Technical and Further Education institutes and Registered Training Organisations) in either science, environmental engineering, environmental management or an equivalent field and including knowledge and experience in noise and vibration assessment and management.*

- A25 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.

- A26 For the duration of works and 12 months after 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 impacts to the environment and to the community;
- (d) review documents identified in **Conditions C1, C4 and C9** and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
  - (i) Make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
  - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary / Department);
- (e) regularly monitor the implementation of the documents listed in **Conditions C1, C4 and C9** 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 SSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A35** of this approval;
- (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
- (h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A19** of this approval;
- (i) undertake the functions as required under the terms of this approval;
- (j) consider any minor amendments to be made to the **CEMP, CEMP Sub-plans** and monitoring programs that comprise updating or are of an administrative nature and are consistent with the terms of this approval and the **CEMP, CEMP Sub-plans** and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
- (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The **Environmental Representative Monthly Report** must be submitted within seven days following the end of each month for the duration of the **ER's** engagement for the SSI.

- 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 daily basis); and
  - (b) a copy of any assessment carried out by the Proponent to determine whether proposed work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject work).
- A28 The Planning Secretary may at any time commission an audit of an **ER's** exercise of its functions under **Condition A26**. 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 MONITORING AND REPORTING PROGRAM

- A29 No later than four (4) weeks before the commencement of any work, a **Compliance Monitoring and Reporting Program** prepared in accordance with the *Compliance Reporting – Post Approval Requirements* (DPE, 2018) must be endorsed by the **ER** and submitted to the Planning Secretary for information.
- A30 **Compliance Reports** of the SSI must be prepared and carried out in accordance with the *Compliance Reporting – Post Approval Requirements* (DPE 2018). The Department must be notified of the commencement dates of construction and operation of the SSI in the pre-construction and pre-operational compliance reports.
- A31 The compliance report must provide details of any review of, and minor amendments made to, the **CEMP** (which must be approved by the **ER**), resulting from construction carried out during the reporting period.
- A32 The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.
- A33 The **Compliance Monitoring and Reporting Program** in the form required under **Condition A29** of this approval must be implemented for the duration of works and for a minimum of one (1) year following commencement of operation, or for a longer period as determined by the Planning Secretary based on the outcomes of independent audits, **Environmental Representative Reports** and regular compliance reviews submitted through **Compliance Reports**. If staged operation is proposed, or operation is commenced of part of the SSI, the **Compliance Monitoring and Reporting Program** must be implemented for the relevant period of each stage or part of the SSI.

## AUDITING

- A34 No later than four (4) weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Independent Audit Program prepared in accordance with the *Independent Audit – Post Approval Requirements* (DPE 2018) must be submitted to the Planning Secretary.
- A35 Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department under **Condition A34** of this approval; and



- (b) the requirements for an Independent Audit Methodology and Independent Audit Report in *Independent Audit – Post Approval Requirements* (DPE 2018).

A36 In accordance with the specific requirements in *Independent Audit – Post Approval Requirements* (DPE 2018), the Proponent must:

- (a) review and respond to each Independent Audit Report prepared under **Condition A35** of this approval;
- (b) submit the response to the Department; and
- (c) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done.

#### **INCIDENT NOTIFICATION AND REPORTING**

A37 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 SSI (including the application number and the name of the SSI if it has one), and set out the date, location and nature of the incident.

A38 Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix B** of this approval.

## PART B

### COMMUNITY INFORMATION AND REPORTING

#### COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

##### Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication between the Proponent, the **ER**, relevant public authorities and the community (including adjoining affected landowners and occupiers, and others directly impacted by the SSI), during the design and works associated with the SSI and for a minimum period of 12 months following the completion of construction of the SSI.
- B2 The **Community Communication Strategy** must:
- (a) identify people and organisations to be consulted during the design and work phases;
  - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI including use of construction hoardings to provide information regarding construction. The information to be distributed must include information regarding current site construction activities, schedules and milestones at each construction site;
  - (c) identify opportunities and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements);
  - (d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and
  - (e) set out procedures and mechanisms:
    - (i) through which the community can discuss or provide feedback to the Proponent;
    - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
    - (iii) to resolve any issues or disputes that may arise in relation to construction of the SSI, including disputes regarding rectification or compensation.
- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.
- B4 Work for the purposes of the SSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary.
- B5 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of works and for a period of 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 of 12 months following completion of the SSI.
- B7 The following must be available, to facilitate community enquiries and manage complaints, one (1) month before the commencement of work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the 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 mediation system for complaints unable to be resolved (including access to an independent mediation process and mediator).

This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level. The **Complaints Management System** must be provided to the Planning Secretary prior to any work commencing.

- B8 The telephone number, postal address and email address required under **Condition B7** of this approval must be published in a newspaper circulating in the relevant local area and advertised on site hoardings at each construction site, before the commencement of any work and published in the same way before the commencement of operation. This information must also be provided on the website required under **Condition B13** of this approval.
- B9 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 period of 12 months following the completion of construction. The **Complaints Register** must record the:
  - (a) number of complaints received;
  - (b) number of people affected in relation to a complaint; and
  - (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.
- B10 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request, and made available to the **ER** on a daily basis.
- B11 The independent mediation process required under **Condition B7(d)** must detail how members of the public, who are not satisfied by the Proponent's response to a complaint, has the ability to have the Proponent's response reviewed.

Any application made under the independent mediation process for a review of a complaint must be responded to within 28 days of the request being made or within other specified timeframe agreed with the member of the public.

- B12 The independent mediation process required under **Condition B7(d)** must:
  - (a) Review any unresolved disputes if the procedures and mechanisms under **Condition B2(e)(iii)** do not satisfactorily address complaints; and
  - (b) Make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes.

## PROVISION OF ELECTRONIC INFORMATION

- B13 A website providing information in relation to the SSI must be established before commencement of work and maintained for the duration of works and for a minimum of 24 months following the completion of construction of the SSI. Up-to-date information (excluding confidential, private, commercial information, or other documents as agreed to by the Planning Secretary) must be published before the relevant works 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;

- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI;
- (e) a current copy of each document required under the terms of this approval, which 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 reports required under **Condition A30** and independent audit reports under **Condition A36** of this approval.

## PART C

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared 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 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 SSI;
  - (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of construction of the SSI;
  - (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 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 reporting and auditing, incident management or at any time during construction;
  - (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C4**. Where staged construction of the SSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
  - (i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the **ER**;
  - (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and
  - (k) for periodic review and update of the **CEMP** and all associated plans and programs.
- C3 The **CEMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- C4 The following **CEMP Sub-plans** must be prepared in consultation with the relevant public authorities identified for each **CEMP Sub-plan**:

**Table 3: CEMP Sub-plan and relevant public authorities**

	Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan
(a)	Traffic and transport	Relevant council and Health Administration Corporation
(b)	Noise and vibration	Relevant council and Health Administration Corporation
(c)	Flora and Fauna	DPI Fisheries and Relevant council
(d)	Air quality	Relevant council and Health Administration Corporation
(e)	Soil and water	Relevant council, DPI Fisheries and DPE Water,

(f)	Aboriginal cultural heritage	Heritage NSW and Registered Aboriginal Parties
(g)	Flood management	Relevant council

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

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

C6 The **CEMP Sub-plans** must be developed in consultation with the relevant public authorities specified in **Table 3**. Details of all information requested by an authority to be included in a **CEMP Sub-plan** as a result of consultation, including copies of all correspondence from those authorities, must be provided with the relevant **CEMP Sub-Plan**.

C7 Any of the **CEMP Sub-plans** may be submitted along with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before construction for approval by the Planning Secretary.

C8 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Planning Secretary, or as otherwise agreed by the Planning Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Planning Secretary, including any minor amendments approved by the **ER** must be implemented for the duration of construction. Where construction of the SSI is staged, construction of a stage must not commence until the **CEMP** and **sub-plans** for that stage have been approved by the Planning Secretary.

## CONSTRUCTION MONITORING PROGRAMS

C9 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant public authorities identified for each to compare actual performance of construction of the SSI against the performance predicted in the in the documents listed in **Condition A1** or in the **CEMP**:

**Table 4: Construction Monitoring and relevant public authorities**

	Required Construction Monitoring Programs	Relevant public authorities to be consulted for each Construction Monitoring Program
(a)	Surface and Ground Water Quality	DPI Fisheries, DPE Water and Relevant council
(b)	Air Quality	Relevant council and Health Administration Corporation
(c)	Noise and vibration	Relevant council and Health Administration Corporation
(e)	Flora and fauna	DPI Fisheries and Relevant council

C10 Each **Construction Monitoring Program** must provide:

- (a) details of baseline data available;
- (b) details of baseline data to be obtained and when;
- (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 results;

- (g) procedures to identify and implement additional or alternative mitigation measures where results of monitoring are unsatisfactory; and
- (h) any consultation to be undertaken in relation to the monitoring programs.

- C11 The **Construction Monitoring Programs** must be developed in consultation with the relevant public authorities specified in **Table 4**. Where an authority's request(s) has not been included in the Monitoring Program, the Proponent must provide justification to the Planning Secretary as to why it was not included. Details of all information requested by an authority including copies of all correspondence from those authorities, must be provided with the relevant **Construction Monitoring Program**.
- C12 The **Construction Monitoring Programs** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of construction.
- C13 Construction must not commence until the Planning Secretary has approved, or as otherwise agreed by the Planning Secretary, all the required **Construction Monitoring Programs**, and all relevant baseline data for the specific construction activity has been collected.
- C14 The **Construction Monitoring Programs**, as approved by the Planning Secretary including any minor amendments approved by the **ER** must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.
- C15 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, and relevant public authorities for information, in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.

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 to detail how the performance outcomes, commitments and mitigation measures made in the documents listed in **Condition A1** and the terms of this approval 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 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 prior to the commencement of operation.
- D4 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** must be made publicly available before the commencement of operation.



## PART E

### KEY ISSUE CONDITIONS

#### AIR QUALITY

- E1 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1**, all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants from works associated with the SSI.

#### BIODIVERSITY

- E2 Any work associated with the SSI must limit the clearing of native vegetation to the greatest extent practicable.
- E3 Impacts to plant community types must not exceed those identified in the documents listed in **Condition A1**.
- E4 The **Biodiversity Offset Strategy (BOS)** detailed in the documents listed under **Condition A1** must be implemented. The credits specified in the **BOS** and detailed in **Table 5** must be secured within 12 months of the commencement of construction, or as otherwise agreed by the Planning Secretary. The credits must be retired within 12 months of securing the credits, or in a timeframe agreed to by the Planning Secretary.

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

Credit Type	EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species	Number of Credits
<i>Ecosystem Credits</i>		
HU833 (PCT 1619) – Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands	Grey-headed Flying-fox (foraging habitat)	1,182
HU782 (PCT 1569) – Blackbutt – Turpentine – Sydney Blue Gum mesic tall open forest on ranges of the Central Coast	Grey-headed Flying-fox (foraging habitat)	337
HU806 (PCT 1592) – Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest on the Lower Hunter	Grey-headed Flying-fox (foraging habitat)	399
HU804 (PCT 1590) – Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest*	Grey-headed Flying-fox (foraging habitat)	1,098
HU841 (PCT 1627) – Smooth-barked Apple – Turpentine – Sydney Peppermint heathy woodland on sandstone ranges of the Central Coast	Grey-headed Flying-fox (foraging habitat)	228
Total ecosystem credits required for offsetting		3,244
<i>Species Credits</i>		
Black-eyed Susan ( <i>Tetratheca juneca</i> )		12,690

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

- E5 The Proponent must submit to the Planning Secretary a copy of the **Credit Retirement Report** issued by the **BCD** (once the offsets are secured) within one month of receiving the report.
- E6 Plant community types that provide habitat for impacted EPBC Act threatened species must be retired in a manner that achieves “like-for-like” habitat for the species.
- E7 The offsetting of biodiversity impacts must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects (OEH, 2014)* and can be achieved by:
- (a) acquiring and retiring “biodiversity credits” within the meaning of the *Biodiversity Conservation Act 2016*; and/or
  - (b) making payments to an offset fund developed by the NSW Government; and/or
  - (c) providing supplementary measures.

*Notes:*

1. *Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, “biodiversity credits” created under that Act are taken to be “biodiversity credits” under the Biodiversity Conservation Act 2016 by virtue of clause 19 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.*
2. *Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the **DAWE**.*

- E8 Prior to work that impacts native vegetation, the Proponent must consult with local community, landcare groups and relevant public authorities to determine if there is an interest for the reuse of suitable timber and root balls in habitat enhancement and rehabilitation work. Timber and root balls must be retained from the project where there is a demonstrated demand for their reuse.
- E9 The construction of the SSI must demonstrate how:
- (a) EPBC Act listed threatened species and ecological communities are protected;
  - (b) noxious weeds are managed; and
  - (c) contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel.

*Note: These additional requirements must be addressed in the **Flora and Fauna Management Sub-plan** required under **Condition C4 Table 3 (c)**.*

**Pre-clearing Surveys**

- E10 Before the removal or clearing of any vegetation, or the demolition of structure identified as potential roosting sites for microbats, commences, pre-clearing/demolition inspections for the threatened species must be undertaken. The inspections, and any subsequent relocation of fauna and associated management/offset measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist. Survey and relocation methodologies and management/offset measures must be included in the **Construction Flora and Fauna Management Sub-plan** required under **Condition C4**, and the documents required under **Condition A9** in relation to Bridge 7.
- E11 The SSI must be designed to retain as many trees as possible in Jesmond Park. Where trees are to be removed, and those trees are not required to be offset under **Condition E4**, the Proponent must provide a net increase in the number of replacement trees. Replacement trees must be planted within and on public land within 500 metres of the SSI boundary. Replacement tree plantings may be undertaken beyond 500 metres on public land within the **relevant council** area if planting within 500 metres of the SSI boundary is not practicable. The location of the replacement tree plantings must be determined in consultation with the **relevant council** and undertaken prior to the commencement of operation.

E11A The SSI must not impact street trees in the Peatties Road reservation between Charlestown Road and 5 metres past the Peatties Road ancillary facility entry/exit point, unless the work is required for:

- (a) the construction of the footpath required under Condition E71A;
- (b) vehicular access to the Peatties Road ancillary facility;
- (c) bushfire requirements; and
- (d) traffic safety requirements.

Where trees are to be removed and those trees are not required to be offset under **Condition E4**, the Proponent must provide a net increase in the number of replacement trees. The replacement trees must be planted along or adjoining Peatties Road in consultation with City of Newcastle.

## FLOODING

E12 Measures to manage pre-existing flood characteristics must be incorporated into the detailed design of the SSI, following consultation with directly affected landowners, NSW State Emergency Service (SES) and **City of Newcastle**.

E13 Flood information including flood reports, models and geographic information system outputs, and works as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to **City of Newcastle**, **BCD** 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 **City of Newcastle**, **BCD** and the SES must be notified in writing no later than one month following the completion of construction that the information is available. Information requested by the **City of Newcastle**, **BCD** or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the **City of Newcastle**, **BCD** and the SES.

## HERITAGE

E14 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected Aboriginal and non-Aboriginal heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW and **Heritage NSW**.

E15 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared by a suitably qualified and experienced heritage specialist in consultation with **Heritage NSW** and the Heritage Council of NSW (or its delegate) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of any work.

E16 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 works are under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.*

## Aboriginal Cultural Heritage

E17 The surface salvage of sites RP2J AFT3, RP2J AFT 4, RP2J IF 1 and RP2J IF 2, and the subsurface salvage of RP2J AFT3, must be undertaken in accordance with the salvage methodology described in the *SPIR, Appendix H - Technical Paper 10 – Aboriginal Cultural Heritage Assessment Report, April 2018*.

E18 The management of any salvaged of Aboriginal objects must be undertaken in accordance with the documents identified in Condition A1 and in consultation with the Registered Aboriginal Parties.

- E19 Following completion of salvage of Aboriginal objects (**Conditions E17**), the Proponent must prepare a **Cultural Heritage Salvage Report** which includes details of any archival recording, further archaeological research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by **Heritage NSW**.
- E20 The **Cultural Heritage Salvage Report** must be submitted to the Planning Secretary, **Heritage NSW**, **relevant councils** and RAPs, where relevant, for information no later than 12 months after the completion of the salvage work referred to in **Condition E17**.

#### Non-Aboriginal Heritage

- E21 Before any direct impact on the Hollywood shanty town site and the Wallsend Plattsburg tramway, the Proponent must engage a suitably qualified archaeologist whose experience complies with the Heritage Council of NSW's *Criteria for Assessment of Excavation Directors* (July, 2011) (referred to as the Excavation Director) to oversee and advise on matters associated with historic archaeology and to prepare an **Historical Archaeological Research Design and Excavation Methodology** generally consistent with the documents listed in **Condition A1**.
- E22 The investigation and salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items must be undertaken in accordance with the **Historical Archaeological Research Design and Excavation Methodology**. The Proponent must submit the **Historical Archaeological Research Design and Excavation Methodology** to the **relevant council** for review and comment prior to finalisation. The **Historical Archaeological Research Design and Excavation Methodology** must:
- (a) be consistent with the documents listed in **Condition A1** and *NSW Heritage Council's Archaeological Assessments Guideline (1996)* or as updated;
  - (b) provide for the detailed analysis of any heritage items discovered during the investigations;
  - (c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display);
  - (d) for unexpected finds that are determined to be relics, set out the assessment process that will determine an appropriate archaeological response to managing their significance;
  - (e) include procedures for notifying the Planning Secretary and City of Newcastle of any relic findings; and
  - (f) if the findings of the investigations are significant, provide for the preparation and implementation of a **Heritage Interpretation Plan**, as required under **Condition E24**.
- E23 The Proponent must prepare an **Archaeological Excavation Report** containing the findings of any excavations, including artefact analysis and the identification of a final repository of any finds. The report must be submitted to the Planning Secretary within 12 months of completing all archaeological investigations. The **Archaeological Excavation Report** must also be submitted to the relevant council, the local library and the local Historical Society.
- E24 The Proponent must prepare a **Heritage Interpretation Plan** which identifies and interprets the key heritage values and stories of heritage items and heritage conservation areas impacted by the SSI. The Heritage Interpretation Plan must include, but not be limited to:
- (a) a discussion of the key interpretive themes, stories and messages proposed to interpret the history and significance of the affected heritage items and sections of heritage conservation areas including, but not limited to, Hollywood shanty town site and the Wallsend Plattsburg tramway in Jesmond Park; and
  - (b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the SSI.

The **Heritage Interpretation Plan** must be prepared in consultation with the **relevant council**. A copy of the Plan must be provided to the Planning Secretary, relevant council, the local library and the local Historical Society, before operation of the SSI commences.

## NOISE AND VIBRATION

### Land Use Survey

E25 A detailed land use survey must be undertaken to confirm sensitive receivers and landuses (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of works which generate audible construction or operational noise, or do not meet safe working buffer distances for vibration or ground-borne noise in that area. With the exception of works associated with Bridge 7, the results of the survey must be included in the **Noise and Vibration CEMP Sub-plan**.

### Construction Hours

E26 Work must only be undertaken during the following construction hours:

- (a) 7:00am to 6:00pm Mondays to Fridays, inclusive;
- (b) 8:00am to 5:00pm Saturdays; and
- (c) at no time on Sundays or public holidays,

### Variation to Works Hours

E27 Notwithstanding **Conditions E26** and **E30**, work may be undertaken outside the hours specified, in the following circumstances:

- (a) for the delivery of materials where required by the NSW Police Force or other authority for safety reasons; or
- (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
- (c) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or
- (d) work approved under an **Out-of-Hours Work Protocol** or an Out of Hours Work Management Process or equivalent (for work not subject to an EPL), under **Condition E31**; or
- (e) work that causes:
  - (i) no more than 5 db(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and
  - (ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses, and
  - (iii) continuous or impulsive vibration values, measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
  - (iv) intermittent vibration values measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

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

E28 On becoming aware of the need for emergency work in accordance with **Condition E27(b)**, the Proponent must notify the **ER** 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 works.

E29 In order to undertake out-of-hours work, the Proponent must identify appropriate respite periods for the out-of-hours works in consultation with the community at each affected location on a



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

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

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

### Highly Noise Intensive Work

E30 Except as permitted by an EPL, highly noise intensive works exceeding 75dB(A)  $L_{Aeq}(15 \text{ minute})$  noise descriptor at a sensitive receiver must only be undertaken:

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

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

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

E31 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in **Condition E26**, and that are **not** subject to an EPL. The Protocol must be approved by the Planning Secretary before the commencement of the work. The Protocol must be prepared in consultation with the **ER**. 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 of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of **Condition E29**;
- (c) identify procedures to facilitate the coordination of out-of-hours work permitted by an EPL to ensure appropriate respite is provided;
- (d) undertake a risk analysis that considers the risk of activities, proposed mitigation, management, and coordination, including where:
  - (i) low risk activities can be approved by the **ER**, and
  - (ii) any other activity approved by the Planning Secretary; and
- (e) identify Department, EPA and community notification arrangements for approved out of hours work, which may be detailed in the Communication Strategy.

The **Out-of-Hours Work Protocol** is not required if the Proponent has an existing **Out of Hours Work Management Process** or equivalent that addresses **Condition E31 (a) to (e)** and has been approved by the Planning Secretary prior to the commencement of work.

### Utility Coordination and Respite

E32 All work undertaken for the delivery of the SSI, including that undertaken by third parties (such as utility relocation), must be coordinated to ensure respite periods are provided. The Proponent must:

- (a) schedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with **Condition E29**; or
- (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and
- (c) provide documentary evidence to the **ER** in support of any decision made by the Proponent in relation to respite or mitigation.

#### Noise and Vibration Mitigation

E33 Noise generating work in the vicinity of sensitive receivers and landuses (including community, religious, educational institutions and noise and vibration-sensitive businesses, medical facilities, and the John Hunter Hospital) resulting in noise levels above the NMLs at critical working areas (such as operating theatres and precision laboratories) must not be timetabled within sensitive periods, unless other reasonable arrangements with the affected receivers are made at no cost to the affected receivers.

E34 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:

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

Any work identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol** or **Out of Hours Work Management Process** or equivalent, required by **Condition E31**, and in relation to Bridge 7 the documents required by **Condition A9**.

*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.*

E35 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

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

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol** or **Out of Hours Work Management Process** or equivalent, required by **Condition E31**, and in relation to Bridge 7 the documents required by **Condition A9**.

E36 Landowner(s) and occupier(s) of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before works that generate vibration commences near those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, landowner(s) and occupier(s) must be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the landowner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol** or **Out of Hours Work Management Process** or equivalent, required by **Condition E31**, and in relation to Bridge 7 the documents required by **Condition A9**.

*Note: **Condition E54** requires **Pre-construction Building and Structure Condition Surveys** of buildings and structures of risk of damage to be undertaken prior to the commencement of work in the vicinity of the buildings or structures.*

- E37 The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.

#### Noise Mitigation - Operational Noise Mitigation Measures

- E38 The Proponent must prepare an **Operational Noise Mitigation Review (ONMR)** to confirm noise mitigation measures that would be implemented for the operation of the SSI. The **ONMR** must be prepared in consultation with the **ER**, EPA and the **relevant council** and must:

- (a) confirm the operational noise predictions based on the final design of the SSI. The operational noise assessment must be based on an appropriately calibrated noise model (which has incorporated additional noise monitoring, and concurrent traffic counting, where necessary for calibration purposes);
- (b) review the suitability of the operational noise mitigation measures identified in the documents listed in **Condition A1**. The review must take into consideration the detailed design of the SSI, with the objective of achieving the noise criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011);
- (c) where necessary, investigate and identify additional noise mitigation measures to achieve the noise criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011)
- (d) measures to address heavy vehicle compression (engine) braking noise; and
- (e) procedures for the management of operational noise complaints.

The **ONMR** is to be verified by a suitably qualified and experienced noise and vibration expert and undertaken at the Proponent's expense. The **ONMR** must be submitted to the Planning Secretary for approval before the implementation of operational noise mitigation measures.

The Proponent must implement the identified noise mitigation measures, and following its approval, make the **ONMR** publicly available and provide a copy to the EPA and **relevant Council**.

- E39 Operational noise mitigation measures identified in **Condition E38** that will not be physically affected by work must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted receiver(s), to minimise construction noise impacts. These measures must be detailed in the **Noise and Vibration CEMP Sub-plan**.
- E40 Where operational noise mitigation measures are not proposed to be implemented in accordance with **Condition E39**, 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 E38** are implemented. The report must be endorsed by the **ER** and submitted to the Planning Secretary within six months of construction commencing.
- E41 Within 12 months of the commencement of operation of the SSI, the Proponent must undertake monitoring of operational noise to compare the actual noise performance of the SSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E38**.

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 review of operational noise mitigation measures required under **Condition E38**;



- (b) a review of the operational noise levels in terms of criteria and noise goals established in the *NSW Road Noise Policy (DECCW, 2011)*;
- (c) 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;
- (d) 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;
- (e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;
- (f) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
- (g) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E38**, that are to be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy (DECCW, 2011)*, when these measures is to be implemented and how their effectiveness would be measured and reported to the Planning Secretary and the EPA.

E42 The **Operational Noise Compliance Report** must be verified by a suitably qualified and experienced independent noise and vibration expert, made publicly available and submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise monitoring.

E43 The construction and operation of Bridge 7 and its associated components do not trigger the requirements of **Conditions E38, E39, E40 and E41**.

#### **Construction Vibration**

E44 The SSI must be delivered with the aim of achieving the following vibration goals:

- (a) for structural damage to heritage structures, the vibration limits set out in the German Standard *DIN 4150-3: Structural Vibration – Part 3 Effects of vibration on structures*;
- (b) for damage to other buildings and/or structures, the vibration limits set out in the British Standard *BS 7385-1:1990 – Evaluation and measurement of vibration in buildings—Guide for measurement of vibration and evaluation of their effects on buildings* (and referenced in Australian Standard 2187.2 – 2006 *Explosives – Storage and use – Use of explosives*); and
- (c) for human exposure, the acceptable vibration values set out in *Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).

E45 Blasting associated with the SSI must only be undertaken during the following hours:

- (a) 9:00am to 5:00pm, Monday to Friday, inclusive;
- (b) 9:00am to 1:00pm on Saturday; and
- (c) at no time on Sunday or public holidays.

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

Blasting may be undertaken outside the above hours where:

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

E46 Airblast overpressure generated by blasting associated with the SSI must not exceed the criteria specified in **Table 6** when measured at the most affected residence or other sensitive receiver.

**Table 6: Airblast overpressure limits for human comfort**

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

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

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

- E47 Ground vibration generated by blasting associated with the SSI must not exceed the criteria specified in **Table 7** and **Table 8** when measured at the most affected residence or other sensitive receiver.

**Table 7: Ground vibration limits for human comfort**

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

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

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

**Table 8: Ground vibration limits for control of damage to structures**

Receiver	Type of blasting operations	Peak component particle velocity (mm/s)	
Other structures or architectural elements that include masonry, plaster and plasterboard in their construction <sup>1</sup>		15 mm/s 4 Hz to 15 Hz, except for heritage structures where a frequency dependent vibration criteria would be determined in accordance with AS 2187.2 – 2006.	20 mm/s 15 Hz and above
Reinforced or framed structures. Industrial and heavy commercial buildings <sup>2</sup>	All blasting	50 mm/s at 4 Hz and above	
Unreinforced or light framed structure. Residential or light commercial type building <sup>2</sup>	All blasting	15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz	20 mm/s at 15 Hz increasing to 50 mm/s at 40 Hz and above
Unoccupied structures of reinforced concrete or steel construction	All blasting	100 mm/s maximum, where agreed with the structure owner.	
Infrastructure service structures, such as pipelines, powerlines, cables and reservoirs.	All blasting	Limits to be determined by structural design methodology in consultation with the infrastructure service provider.	

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

- E48 The blasting criteria specified in the tables in **Conditions E46** and **E47** may be exceeded where the Proponent has obtained the written agreement of the landowner and occupier to increase the relevant criteria. In obtaining the agreement, the Proponent must make available to the landowner and occupier:
- (a) details of the proposed blasting program and justification for the proposed increase in blasting criteria including alternatives considered (where relevant);
  - (b) an assessment of the environmental impacts of the increased blasting criteria on the surrounding environment and most affected residences or other sensitive receivers including, but not limited to noise, vibration and air quality and any risk to surrounding utilities, services or other structures; and
  - (c) details of the blast management, mitigation and monitoring procedures to be implemented.
- E49 The Proponent must provide a copy of the landowner and occupier written agreement to the Planning Secretary and the EPA, including details of the consultation undertaken (with clear identification of proposed blast limits and potential property impacts), before commencing blasting at the higher limits.

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

- (a) the landowner and occupier may terminate at any time an agreement made with the Proponent to increase the blasting criteria, should concerns made by the landowner and occupier about the blasting criteria be unresolved. Where an agreement is terminated, the Proponent must not exceed the criteria specified in the tables in **Conditions E46** and **E47** for future blasting that affects the property; and

- (b) the blasting limit agreed to under any agreement must not exceed a maximum Peak Particle Velocity vibration level of 25 mm/s or maximum Airblast Overpressure level of 125 dBL.

### **Blasting Management Strategy**

E50 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) periods of relief; and
- (e) blasting program.

E51 The **Blast Management Strategy** must be endorsed by a suitably qualified and experienced independent person.

E52 The **Blast Management Strategy** must be prepared in accordance with relevant guidelines in order to ensure that all blasting and associated activities are carried out so as not to generate unacceptable noise and vibration impacts or pose a significant risk to sensitive receivers.

E53 The **Blast Management Strategy** must be submitted to the Planning Secretary for information no later than one month before the commencement of blasting. The Strategy as submitted to the Planning Secretary, must be implemented for all blasting activities.

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

### **Building Condition Survey**

E54 **Pre-construction Building and Structure Condition Surveys** must be undertaken of all buildings, structures, and utilities and the like, identified in the documents listed in **Condition A1**, as being at risk of damage from works associated with the SSI.

The surveys must be undertaken by a suitably qualified structural engineer before the commencement of any work that could cause damage to buildings, structures and utilities. The results of the surveys must be documented in a **Pre-construction Building and Structure Condition Survey Report** for each building, structure and utility surveyed. Copies of the **Pre-construction Building and Structure Condition Survey Reports** must be provided to the owners of the buildings, structures and utilities surveyed no later than one (1) month before the commencement of work in the vicinity of the impacted buildings, structures and utilities.

E55 After completion of construction of the SSI, a follow-up condition survey of all items for which building and structure condition surveys were undertaken in accordance with **Condition E54**, must be undertaken by a suitably qualified structural engineer. The results of the surveys must be documented in a **Post-construction Building and Structure Condition Survey Report** for each building, structure and utility surveyed. Copies of the **Post-construction Building and Structure Condition Survey Reports** must be provided to the owners of the buildings, structures and utilities surveyed no later than three months following the completion of construction.

E56 The Proponent, where liable, must rectify any damage caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation of the SSI at no cost to the landowner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the landowner.

## SOILS

- E57 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to prevent water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

### Contaminated sites

- E58 Areas of soil contamination identified within the documents referred to in **Condition A1** must be management in accordance with Management Measure SW04 and SW05 as described in the SPIR.
- E59 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared before the commencement of work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during works.
- E60 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented for the duration of work.

## SUSTAINABILITY

- E61 A **Sustainability Strategy** must be prepared and submitted to the Planning Secretary for information before the commencement of construction (except Bridge 7 works). The **Sustainability Strategy** must include:
- (a) details of achieving an As Built rating under the Infrastructure Sustainability Council of Australia (ISCA) infrastructure rating tool or other justified rating mechanism;
  - (b) details of the sustainability initiatives which will be implemented; and
  - (c) a description of how the strategy will be implemented for the SSI.

## TRAFFIC AND TRANSPORT

- E62 All road roads within one (1) kilometre of the SSI (including construction ancillary facilities) proposed to be used by heavy vehicles for the SSI must be identified in the **Construction Traffic and Transport Management Sub-plan**.
- E63 Local roads proposed to be used by heavy vehicles for the SSI works that were not assessed in the documents listed in **Condition A1** must be approved by the Planning Secretary through the **Construction Traffic and Transport Management Sub-plan** (including any revisions to the sub-plan that identify additional local roads).

The request to the Planning Secretary must include a traffic and pedestrian impact assessment, and a swept path analysis, if required. The traffic and pedestrian impact assessment must:

- (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 minimise safety and amenity impacts to any schools, aged care facilities and child care facilities during their peak operation times.
- E64 The requirements of **Conditions E62** and **E63** in relation to Bridge 7 may be addressed by the documents required under **Condition A9**.

- E65 Heavy vehicles must only use Construction Access Road 2 (as shown in **Figure 2 in Appendix A**) in the John Hunter Hospital precinct for the early works establishment of Construction Compound A, unless otherwise agreed by the Health Administration Corporation.

*Note: Heavy vehicles movements associated with **Condition E65** must comply with the construction hours specified in **Conditions E26 and E27**.*

- E66 Heavy vehicle movements through the John Hunter Hospital precinct must be identified in the **Construction Traffic and Transport Management CEMP Sub-plan**.

The **Construction Traffic and Transport Management CEMP Sub-plan** must include the following:

- (a) number of heavy vehicle movements;
- (b) frequency of heavy vehicle movements;
- (c) deliveries outside the construction hours identified in **Condition E26**; and
- (d) governance arrangements to address acute traffic management issues.

*Note: These requirements are additional to the requirements of **Part C** of this approval.*

- E67 At no time must heavy vehicles associated with the construction of the SSI, travel through the John Hunter Hospital precinct, except as permitted by **Condition E65**.

- E68 Before any local road is used by a heavy vehicle for the **purposes of construction of the SSI (including the establishment of ancillary facilities)**, a **Road Dilapidation Report** must be prepared for the road, unless otherwise agreed by the Planning Secretary. The **Road Dilapidation Report** must be prepared by a suitably qualified person before the commencement of works that have the potential to damage local roads (and associated infrastructure). A copy of the **Road Dilapidation Report** must be provided to the landowner and **relevant roads authority** within three (3) weeks of completion of the surveys and no later than one (1) month before the use of local roads by heavy vehicles for the construction of the SSI.

- E69 If damage to roads or road related structures 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 or road related structure to at least the condition it was in pre-construction.

- E70 During the carrying out of work for the SSI, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with the affected businesses and properties and implemented before the disruption occurs. Signage and directions to businesses must be provided before, and for the duration of, any disruption.

- E70A To ensure pedestrian, cyclist and motorist safety on Peatties Road, the Proponent must ensure that traffic control is present to manage:**

- (a) vehicle movements at the entry/exit point to the Peatties Road ancillary facility during the following times:
  - (i) On school days between 7:00 am to 9:00 am and 2.30 to 4.00pm, if the pedestrian footpath required under **Condition E71A** crosses the entry/exit point to the Peatties Road ancillary facility; and



- (ii) at any time heavy vehicles are entering and leaving the Peatties Road ancillary facility; and
- (b) heavy vehicles associated with the construction of the SSI that are entering or exiting Peatties Road.

### **Pedestrian and Cyclist Access**

E71 Safe pedestrian and cyclist access must be maintained around work sites for the duration of construction. In circumstances where pedestrian and cyclist access are restricted or removed due to construction activities, an alternate route (temporary or permanent) which complies with the relevant standards must be provided and signposted.

E71A Before work commences at the Peatties Road ancillary facility, the Proponent must provide a temporary footpath between Charlestown Road and at least 5 metres past the Peatties Road ancillary facility entry/exit point. The Proponent must consult City of Newcastle on the design and location of the path and it must be constructed in accordance with the relevant standards.

This condition does not prevent the relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the ER.

E72 The SSI's shared paths must be designed to discourage pedestrian access onto the bypass.

*Note: The intention is to discourage pedestrians and/or cyclist from inadvertently accessing the bypass for safety reasons*

E73 The Jesmond Park parking area must be reviewed and optimised to include the replacement of disabled car parking removed by the SSI, in consultation with City of Newcastle. This parking must be provided before the removal of on street parking on Newcastle Road.

### **Fire trails**

E74 Alternate fire trails must be provided and implemented in consultation with the relevant fire authorities.

## **URBAN DESIGN AND VISUAL AMENITY**

### **Construction Ancillary Facilities**

E75 **Construction Ancillary Facilities** must minimise visual impacts to adjoining properties, including, providing temporary landscaping and vegetative screening of the construction sites and minimising light spill.

### **Lighting and Security**

E76 All lighting associated with the construction and operation of the SSI must:

- (a) operate with the objective to minimising light spill to surrounding properties; and
- (b) be consistent with the requirements of *Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series AS/NZ 1158 – *Lighting for Roads and Public Spaces*.

Notwithstanding, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the SSI, in consultation with affected landowners.

### **Bridge Elements**

E77 Bridge 7 and Bridge 8 must be designed in accordance with the following guidelines, as relevant:

- (a) *Beyond the Pavement* (RMS 2014);
- (b) *Bridge Aesthetics* (RMS 2012);
- (c) *Landscape Design Guidelines* (RMS 2008); and
- (d) designed to incorporate elements which reflect the steel industry heritage of Newcastle.

The final design of the bridges must be provided to the Planning Secretary for information prior to construction of these structures.

*Note: The colour scheme is identified in SPIR, Appendix E - Urban Design and Landscape Character and Visual Impact Assessment.*

### **Structural Adequacy**

- E78 The Proponent must ensure that the construction of the SSI, including former mine working remediation activities, are carried out in accordance with the requirements of Subsidence Advisory NSW.

### **Operational Maintenance**

- E79 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and works implemented as part of this approval must remain the Proponent's responsibility, until satisfactory arrangements have been made for the transfer of the asset to the relevant authority. Prior to the transfer of assets, the Proponent must maintain the items and works.

### **Operational noise barriers design**

- E80 Operational noise barriers must be designed to minimise visual and amenity impacts and be designed in accordance with the *Noise wall design guideline – Design guideline to improve the appearance of noise walls in NSW* (RMS, March 2016).

## **WASTE**

- E81 Waste generated during works and operation of the SSI 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 is to be re-used, recycled, or recovered; and
  - (c) where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of.
- E82 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the EPL for the SSI, or a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- E83 Waste generated by all activities associated with works and operation of the SSI must only be:
- (a) exported to a EPA licensed facility for the storage, treatment, processing, reprocessing or disposal, or to any other place that can lawfully accept such waste, or
  - (b) reused in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.
- E84 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**

- E85 The SSI must be designed, constructed and operated to achieve the outcomes described in the documents listed in condition A1 and/or 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.
- E86 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be constructed in accordance with the relevant guidelines and designed by a suitably qualified and experienced person.

## **TICKHOLE CREEK**

- E87 The Peatties Road ancillary facility must be designed and operated to ensure that no direct flow from within the site flows into Tickhole Creek.
- E88 A minimum 3 metre buffer must be provided between the top bank of Tickhole Creek and the Peatties Road ancillary facility.
- E89 The design of the Peatties Road vehicular access must not impact the existing culvert to the west of the proposed access and the downstream drainage line protection area shown in light blue hatching in Figure 3 of Appendix A of this approval.

## APPENDIX A

Figure 1 - The Peatties Road ancillary facility site boundary (**Condition E70A**).





Figure 2 – Site Specific Construction Access Roads (**Condition E65**)

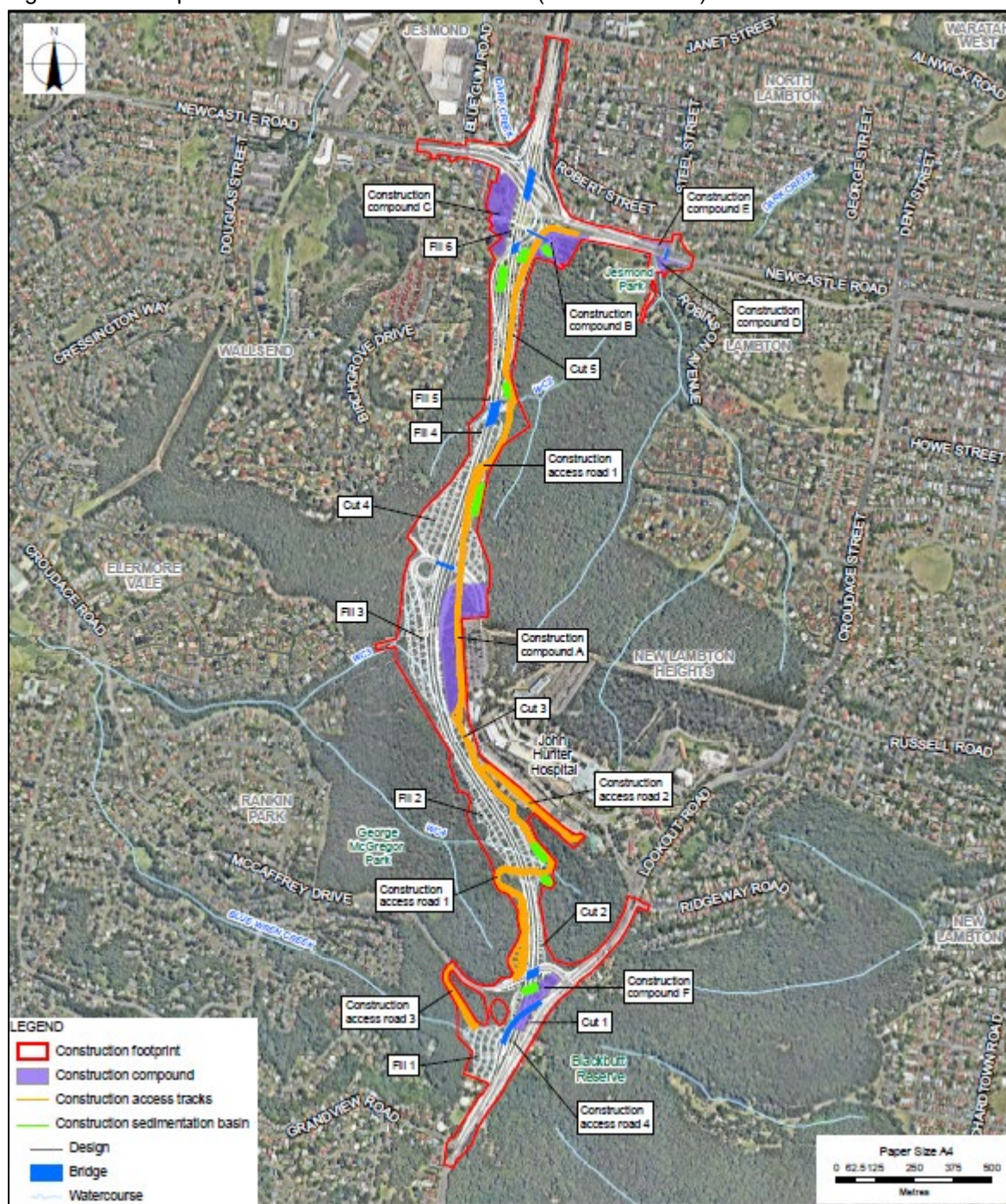




Figure 3 – Indicative drainage line protection area (in light blue) downstream of the Peatties Road culvert (**Condition E89**)



## APPENDIX B

### 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 (7) 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 A37** 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 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 conditions of approval;
  - (f) Describe what immediate steps were taken in relation to the incident;
  - (g) Identify further action that will be taken in relation to the incident; and
  - (h) Identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred 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.