Infrastructure approval

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

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

Minister for Planning

Sydney 30/5/2018

SCHEDULE 1

Application no.:	SSI 7127
Proponent:	Roads and Maritime Services
Approval Authority:	Minister for Planning
Land:	Land in the suburbs of Bringelly, Luddenham, Mulgoa and Glenmore Park
Description of Critical State Significant Infrastructure:	Construction and operation of approximately 16 kilometres of The Northern Road between Mersey Road, Bringelly and Glenmore Parkway, Glenmore Park
Declaration as Critical State Significant Infrastructure	The proposal is Critical State Significant Infrastructure by virtue of clause 6 of Schedule 5 of the State Environmental Planning Policy (State and Regional Development) 2011 (NSW) and section 5.13 of the *Environmental Planning and Assessment Act 1979* (NSW)

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DEFINITIONS

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

Table 1: Definitions relevant to all CSSI projects

Term	Definition
Aboriginal object	The same meaning as in the *National Parks and Wildlife Act 1974* (NSW)
Ancillary facility	A temporary facility for Construction of the project including an office and amenities compound, Construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area Note: where an approved Construction Environmental Management Plan contains a stockpile management protocol, a material stockpile area located within the Construction footprint is not considered to be an ancillary facility
CEMP	Construction Environmental Management Plan
Completion of Construction	The date upon which all construction works and activities described in the documents listed in Condition A1 are completed and all requirements of the Secretary under this approval which relate to Construction (if any) have been met
Consistency assessment	An assessment of whether a proposed activity for the purpose of the CSSI is consistent with the terms of this approval
Construction	Includes all physical work required to construct the CSSI, other than the following low impact work: (a) survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning system (GPS), installing repeater stations) and building and road dilapidation surveys; (b) investigations including investigative drilling and excavation including unexploded ordinance clearance and associated work; (c) establishment of ancillary facilities in accordance with **conditions A15**, **A16** and **A17** of this approval, including constructing ancillary facility access roads and providing utilities to the facility, and any ancillary facility boundary fencing required under the conditions of this approval; (d) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; (e) Minor clearing and relocation of native vegetation as identified in the documents listed in Condition A1 (f) installation of mitigation measures including erosion and sediment controls and fencing; (g) property acquisition adjustment works including installation of property fencing, access tracks and relocation and adjustments of utilities to property including water supply and electricity; (h) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER;

Term	Definition
Construction (cont)	(i) work associated with the Sydney Water pipeline cut-ins (that doesn't meet (h) above) where a Construction Environmental Management Plan/Environmental Work Method Statement has been approved by the Environmental Representative. The pipeline cut-in works include preparation works, excavation, piling and cut-ins; (j) archaeological testing under the *Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)* or archaeological monitoring undertaken in association with [a]-[i] above to ensure that there is no impact on heritage items; (k) archaeological investigations including testing and salvage of archaeological objects in accordance with a salvage strategy prepared in accordance with the conditions of this approval; (l) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and (m) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI. However, where heritage items (excluding for work outlined (j) or (k) above), or threatened species, populations or ecological communities (within the meaning of the EP&A Act) are affected or potentially affected by any low impact work, that work is Construction, unless (i) otherwise determined by the Secretary in consultation with OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); or; (ii) the work is in accordance with an Ancillary Facilities Management Plan, approved by the Secretary, under condition A16. The low impact work described in this definition becomes Construction with the approval of a Construction Environmental Management Plan
CSSI	The Critical State Significant Infrastructure, as generally described in Schedule 1 the carrying out of which is approved under the terms of this approval
Department	NSW Department of Planning and Environment
DPI	NSW Department of Primary Industries including DPI Agriculture, DPI Biosecurity and Food Safety, DPI Land and Natural Resources, DPI Water and DPI Fisheries
DoI	Department of Industry - Water
EIS	The Environmental Impact Statement submitted to the Secretary seeking approval to carry out the project described in it and as revised if required by the Secretary under the EP&A Act
EMS	Environmental Management System
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the CSSI
GSNSW	Department of Industry – Division of Resources & Geoscience, Geological Survey of New South Wales
Heritage Division	The Heritage Division of OEH

Term	Definition
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed or may be eligible to be listed under one or more of the following registers: the State Heritage Register under the *Heritage Act 1977* (NSW), a state agency heritage and conservation register under section 170 of the *Heritage Act 1977* (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth), or an Aboriginal object or Aboriginal place as defined in section 5 of the *National Parks and Wildlife Act 1974* (NSW)
Highly noise intensive works	Works which are defined as annoying under the ICNG including: • use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work • grinding metal, concrete or masonry • rock drilling • line drilling • vibratory rolling • rail tamping and regulating • bitumen milling or profiling • jackhammering, rock hammering or rock breaking; and • impact piling.
ICNG	*Interim Construction Noise Guideline,* July 2009 (or as amended)
Incident	• An occurrence or set of circumstances that causes, or threatens to cause, material harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial; or • results in non-compliance with this approval. *Note: This meaning of "material harm" applies for the purpose of this approval only*
Land	Has the same meaning as in the EP&A Act
Landowner	Has the same meaning as "owner" in the *Local Government Act 1993* and in relation to a building means the owner of the building
Minister	NSW Minister for Planning
Noise Management Level	As derived from the *Interim Construction Noise Guideline*
NSW Heritage Council	Heritage Council of NSW
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The operation of the CSSI (whether in full or in part) for its intended purpose, excluding the following activities carried out during Construction: • commissioning trials of equipment; • temporary use of any part of the CSSI; and • maintenance works *Note: Construction and Operation are not mutually exclusive*
POEO Act	*Protection of the Environment Operations Act 1997* (NSW)
Proponent	The person identified as the proponent in Schedule 1 of this approval

Term	Definition
RAPs	Registered Aboriginal Parties
Relevant Council(s)	Any or all as relevant, Penrith City Council, Liverpool City Council
Relevant Road Authority	The same meaning as the Road authorities defined in the *Roads Act 1993*
Relic	The same meaning as the *Heritage Act 1977* (NSW)
RMS	NSW Roads and Maritime Services
Secretary	Secretary of the NSW Department of Planning and Environment or nominee, whether nominated before or after the date on which this approval was granted
Sensitive Receiver	Residence, educational institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
SES	NSW State Emergency Services
SPIR	The Submissions and Preferred Infrastructure Report submitted to the Secretary under the EP&A Act
TMC	Transport Management Centre for NSW
Unexpected heritage find	A potential heritage item discovered (usually during Construction) but not identified in the documents listed in Condition A1, where assessment is required to determine if the item has heritage significance, or is an Aboriginal object or human remains. Unexpected heritage finds does not include confirmed human remains.
Works	All physical activities to construct or facilitate the construction of the CSSI, including environmental management measures and utility works.

SUMMARY OF REPORTING REQUIREMENTS

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

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

Condition	Report / Notification	Timing[1]	Purpose
Part A - Administrative			
A11	Staging Report	One month prior to commencement of Construction (or Operation if only staged Operation is proposed) of the first of the proposed stage or within another timeframe agreed with the Secretary	Information
A16	Ancillary Facilities Management Plan	One month prior the installation of any ancillary facilities	Approval
A21	Approval of Environmental Representative	One month prior to commencement of works or within another timeframe agreed with the Secretary	Approval
A24	Environmental Representative reports	Within seven days following the end of each month for the duration of pre-Construction work and Construction or as otherwise agreed with the Secretary	Information
A27	Compliance Tracking Program	One month prior to commencement of Construction or within another timeframe agreed with the Secretary	Information
A30	Pre-Construction Compliance Report	One month prior to commencement of Construction or within another timeframe agreed with the Secretary	Information
A32	Construction Compliance Reports	6-monthly from the date of the commencement of Construction or within another timeframe agreed with the Secretary	Information
A33	Pre-Operation Compliance Report	One month prior to commencement of Operation or within another timeframe agreed with the Secretary	Information
A35	Environmental Audit Program	One month prior to commencement of Construction or within another timeframe agreed with the Secretary	Information
A37	Environment Audit Report	Within 6 weeks of completing the audit or within another timeframe agreed with the Secretary	Information
A40	Notification of incident	As early as possible and within 24 hours of the incident	Information
A43	Notification of Incident notified to the EPA under the POEO Act	Within 24 hours of notifying the Environment Protection Authority (EPA)	Information
Part B - Communication Information and Reporting			
B1	Community Communication Strategy	One month prior to commencement of any pre-Construction work or within three months of the date of this approval, whichever is earlier	Approval

[1] Where a project is staged, all required approvals must be obtained prior to the commencement of the relevant stage.

Condition	Report / Notification	Timing[1]	Purpose
B6	Construction complaints management system	On request during Construction	Information
B7	Complaints Register	On request during Construction and Operation or within another timeframe agreed with the Secretary	Information
Part C - Construction Environmental Management			
C1	CEMP	One month prior to commencement of Construction	Approval
C4	CEMP Sub-plans	One month prior to commencement of Construction	Approval
C9	Construction Monitoring Programs	One month prior to commencement of Construction or within another timeframe agreed with the Secretary	Approval
C15	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D1	OEMP or EMS	One month prior to commencement of Operation or within another timeframe agreed with the Secretary	Information
D4	OEMP Sub-plans	One month prior to commencement of Operation or within another timeframe agreed with the Secretary	Information
Part E – Key Issues			
Biodiversity			
E2	Biodiversity Offset Strategy	Within 12 months of the commencement of Construction or within another timeframe agreed with the Secretary	Approval
E3	Biodiversity Offset Package	Within 12 months of the approval of the Biodiversity Offset Strategy or within another timeframe agreed with the Secretary	Approval
E4	Credit Retirement Report	Within 12 months of the approval of the Biodiversity Offset Package or within another timeframe agreed with the Secretary	Information
Heritage			
E12	Historical Archaeological Salvage Strategy	One month prior to the commencement of excavation and salvage works	Information
E13	Historical Archaeological Excavation Report	12 months after the completion of the work	Information
E16	Unexpected Heritage Finds Procedure	One month prior to commencement of Construction	Information
E18	Aboriginal Cultural Salvage Strategy	One month prior to the commencement of excavation and salvage works	Information
E19	Aboriginal Cultural Heritage Report	12 months after the completion of the work	Information

Condition	Report / Notification	Timing[1]	Purpose
E21	Unexpected Human Remains Procedure	One month prior to commencement of Construction	Information
Noise and Vibration			
E36	Operational Noise Mitigation Report	Prior to commencing Construction which would affect the identified receivers, or within another timeframe agreed with the Secretary	Approval
E37	Implementation of noise mitigation measures report	Within six months of the commencement of Construction which would affect the identified receivers	Approval
Soils			
E46	Site Contamination Report	One month prior to the commencement of Operation	Information
E48	Site Audit Statement and Site Audit Report	One month prior to the commencement of Operation	Information
Sustainability			
E51	Sustainability Strategy	Prior to the commencement of Construction, or within another timeframe agreed with the Secretary	Information
Urban Design			
E62	Urban Design and Landscape Plan	One month prior to the commencement of permanent built works	Information

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

A1 The CSSI must be carried out in accordance with the terms of this approval and generally in accordance with the description of the CSSI in the EIS as amended by the SPIR.

A2 The CSSI must be carried out generally in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the EIS as amended by the SPIR unless otherwise specified in, or required under, this approval.

A3 In the event of an inconsistency between the documents listed in **Condition A1** and any other document required under this approval, the terms of this approval prevail to the extent of the inconsistency.

Note: For the purpose of this condition, an inconsistency includes circumstances where compliance with one document would result in non-compliance with the other document

A4 The Proponent must comply with all requirements of the Secretary in relation to:

(a) the environmental performance of the CSSI;
(b) any document under this approval or correspondence to the Secretary;
(c) any notification given to the Secretary under the terms of this approval;
(d) any audit of the Construction or Operation of the CSSI;
(e) compliance with the terms of this approval (including anything required to be done under this approval); and
(f) the carrying out of any additional monitoring or mitigation measures.

A5 In the event that there are differing interpretations of the terms of this approval, including in relation to a condition of this approval, the Secretary's interpretation is final.

A6 Where the terms of this approval require a document to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Secretary with the document. The evidence must include:

(a) documentation of the engagement with the party(ies) identified in the condition of approval that has occurred prior to submitting the document for approval;
(b) log of the points of engagement or attempted engagement with the identified party(ies) and a summary of the issues raised by them;
(c) documentation of the follow-up with the identified party(ies) where feedback has not been provided to confirm that they have none or have failed to provide feedback after repeated requests;
(d) outline of the issues raised by the identified party(ies) and how they have been addressed; and
(e) a description of the outstanding issues raised by the identified party(ies) and the reasons why they have not been addressed.

A7 Without limitation, all strategies, plans, programs, reviews, audits, report recommendations, protocols and the like required by the conditions of this approval must be implemented by the Proponent in accordance with all requirements issued by the Secretary from time to time in respect of them.

A8 Where the conditions of this approval require consultation with identified parties, details of the consultation undertaken, matters raised by the parties, and how the matters were considered

must accompany the strategies, plans, programs, reviews, audits, protocols and the like submitted to the Secretary.

A9 This approval lapses five (5) years after the date on which it is granted, unless works for the purpose of the CSSI are physically commenced on or before that date.

A10 The Proponent is responsible for any breaches of the conditions of this approval resulting from the actions of all persons that it invites onto any site, including contractors, sub-contractors and visitors.

STAGING

A11 The CSSI may be delivered and operated in stages. Where staged delivery or Operation is proposed, a **Staging Report** (for either or both delivery and Operation as the case requires) must be prepared and submitted to the Secretary for information. The **Staging Report** must be submitted to the Secretary no later than one month prior to the commencement of Construction of the first of the proposed stages of Construction (or if only staged Operation is proposed, one month prior to the commencement of Operation of the first of the proposed stages of Operation), or within another timeframe agreed with the Secretary.

A12 The **Staging Report** must:

(a) if staged delivery is proposed, set out how the delivery of the whole of the CSSI will be staged, including general details of work and other activities to be carried out in each stage and the general timing of when Construction of each stage will commence;
(b) if staged operation is proposed, set out how the operation of the whole of the CSSI will be staged, including general details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence;
(c) specify the relevant conditions of approval that apply to each stage and how compliance with those conditions will be achieved across and between each of the stages of the CSSI; and
(d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

A13 The CSSI must be staged in accordance with the **Staging Report,** as submitted to the Secretary.

A14 Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

ANCILLARY FACILITIES

A15 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** must meet the following criteria, unless otherwise approved by the Secretary:

(a) the facility is development of a type that would, if it were not for the purpose of the CSSI, otherwise be exempt or complying development; or
(b) the facility is located as follows:
  i. at least 50 metres from any waterway unless an erosion and sediment control plan is prepared and implemented so as not to adversely affect water quality in the waterway in accordance with *Managing Urban Stormwater* series;
  ii. within or adjacent to land upon which the CSSI is being carried out;
  iii. with ready access to a road network;
  iv. to prevent heavy vehicles travelling on local streets or through residential areas in order to access the facility, except as identified in the documents listed in **Condition A1**;
  v. so as to be in accordance with the *Interim Construction Noise Guideline* (DECC 2009) or as otherwise agreed in writing with affected landowners and occupiers;
  vi. so as not to require vegetation clearing beyond the extent of clearing approved under other terms of this approval except as approved by the ER as minor clearing;

vii. so as not to have any impact on heritage items (including areas of archaeological sensitivity) beyond the impacts identified, assessed and approved under other terms of this approval;
viii. so as not to unreasonably interfere with lawful uses of adjacent properties that are being carried out at the date upon which construction or establishment of the facility is to commence;
ix. to enable operation of the ancillary facility during flood events and to avoid or minimise, to the greatest extent practicable, adverse flood impacts on the surrounding environment and other properties and infrastructure; and
x. so as to have sufficient area for the storage of raw materials to minimise, to the greatest extent practicable, the number of deliveries required outside standard construction hours.

A16 Before establishment of any ancillary facility (other than minor ancillary facilities described in **Condition A17**), the Proponent must prepare an **Ancillary Facilities Management Plan** which details the management of the ancillary facilities. The **Ancillary Facilities Management Plan** must be prepared in consultation with the EPA and the relevant council(s) and submitted to the Secretary for approval one month prior to installation of ancillary facilities. The **Ancillary Facilities Management Plan** must detail the management of the ancillary facilities and include:

(a) a description of activities to be undertaken during Construction (including scheduling of construction);
(b) 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 CSSI; and
(c) 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 (b) of this condition.

A17 Minor ancillary facilities comprising lunch sheds, office sheds, and portable toilet facilities, that are not identified in the documents listed in **Condition A1** and which do not satisfy the criteria set out in **Condition A15** of this approval must satisfy the following criteria:

(a) have no greater environmental and amenity impacts than those that can be managed through the implementation of environmental measures detailed in the **CEMP** required under **Condition C1** of this approval; and
(b) have been assessed by the ER to have:
i. minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the ICNG, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts;
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.

A18 Boundary fencing must be erected around all ancillary facilities that are adjacent to sensitive receivers for the duration of Construction unless otherwise agreed with the affected receivers(s).

A19 Boundary fencing required under **Condition A18** of this approval must minimise visual, noise and air quality impacts on adjacent sensitive receivers.

ENVIRONMENT REPRESENTATIVE

A20 Works must not commence until an ER has been approved by the Secretary and engaged by the Proponent.

A21 The Secretary's approval of an ER must be sought no later than one (1) month before the commencement of Works, or within another timeframe agreed with the Secretary.

A22 The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or SPIR, and is independent from the design and construction personnel for the CSSI.

A23 The Proponent may engage more than one ER for the CSSI, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Secretary for the purposes of the CSSI.

A24 For the duration of the Works until the completion of Construction, the approved ER must:

(a) receive and respond to communication from the Secretary in relation to the environmental performance of the CSSI;
(b) consider and inform the Secretary on matters specified in the terms of this approval;
(c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
(d) review documents identified in **Conditions C1, C4** and **C9** and any other documents that are identified by the 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 Secretary (if those documents are required to be approved by the 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 Secretary / Department for information or are not required to be submitted to the 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 Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A35** of this approval;
(g) as may be requested by the Secretary, assist the Department in the resolution of community complaints;
(h) review the assessment of the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A17** of this approval;
(i) consider any minor amendments to be made to the CEMP, CEMP sub-plans and monitoring programs that comprise updating or are of an administrative nature, and area consistent with the terms of this approval and the CEMP, CEMP sub-plans and monitoring programs approved by the Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
(j) prepare and submit to the Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the *Environmental Representative Protocol* under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven (7) calendar days following the end of each month for the duration of the ER's engagement for the CSSI, or as otherwise agreed with the Secretary.

A25 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 A24** (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 of whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).

A26 The Secretary may at any time commission an audit of an ER's exercise of its functions under **Condition A24**. The Proponent must:

(a) facilitate and assist the Secretary in any such audit; and

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

COMPLIANCE TRACKING PROGRAM

A27 A **Compliance Tracking Program** to monitor compliance with the terms of this approval must be prepared, taking into consideration any staging of the CSSI that is proposed in a **Staging Report** submitted in accordance with **Condition A11** and **Condition A12** of this approval.

A28 The **Compliance Tracking Program** must be endorsed by the ER and then submitted to the Secretary for information prior to the commencement of Construction or within another timeframe agreed with the Secretary.

A29 The **Compliance Tracking Program** in the form required under **Condition A27** of this approval must be implemented for the duration of Construction and for a minimum of one (1) year following commencement of Operation, or for a longer period as determined by the Secretary based on the outcomes of independent environmental 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 CSSI, the **Compliance Tracking Program** must be implemented for the relevant period for each stage or part of the CSSI.

CONSTRUCTION COMPLIANCE REPORTING

A30 A **Pre-Construction Compliance Report** must be prepared and submitted to the Secretary for information no later than one month before the commencement of Construction or within another timeframe agreed with the Secretary. The **Pre-Construction Compliance Report** must include:

(a) details of how the terms of this approval that must be addressed before the commencement of Construction have been complied with; and
(b) the proposed commencement date for Construction.

A31 Construction must not commence until the **Pre-Construction Compliance Report** has been submitted for information to the Secretary.

A32 **Construction Compliance Reports** must be prepared and submitted to the Secretary for information every six (6) months from the date of the commencement of Construction or within another timeframe agreed with the Secretary, for the duration of Construction. The **Construction Compliance Reports** must include (as applicable):

(a) a results summary and analysis of environmental monitoring;
(b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
(c) details of any review of, and minor amendments made to, the **CEMP** as a result of construction carried out during the reporting period;
(d) a register of any consistency assessments undertaken and their status;
(e) results of any environmental audits and details of any actions taken in response to the recommendations of an audit;
(f) a summary of all incidents notified in accordance with **Condition A40** and **Condition A43** of this approval; and
(g) any other matter relating to compliance with the terms of this approval or as requested by the Secretary.

PRE-OPERATION COMPLIANCE REPORT

A33 A **Pre-Operation Compliance Report** must be prepared and submitted to the Secretary for information no later than one month before the commencement of operation or within another timeframe agreed with the Secretary. The **Pre-Operation Compliance Report** must include:

(a) details of how the terms of this approval that must be addressed before the commencement of Operation have been complied with; and
(b) the commencement date for Operation.

A34 Operation must not commence until the **Pre-Operation Compliance Report** has been submitted for information to the Secretary.

AUDITING

A35 An **Environmental Audit Program** for independent environmental auditing against the terms of this approval must be prepared in accordance with *AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems* and submitted to the Secretary for information no later than one month before the commencement of works or within another timeframe agreed with the Secretary.

A36 The **Environmental Audit Program**, as submitted to the Secretary**,** must be implemented for the duration of Construction

A37 All independent environmental audits of the CSSI must be conducted by a suitably qualified, experienced and independent team of experts in auditing and be documented in an **Environmental Audit Report** which:

(a) assesses the environmental performance of the CSSI, and its effects on the surrounding environment;
(b) assesses whether the project is complying with the terms of this approval;
(c) reviews the adequacy of any document required under this approval; and
(d) recommends measures or actions to improve the environmental performance of the CSSI, and improvements to any document required under this approval.

A38 The **Environmental Audit** must be carried out within 12 months of works commencing and annually thereafter during the delivery of the CSSI, and within 12 months of the commencement of Operations and then as required by the Secretary.

A39 The Proponent must submit a copy of the **Environmental Audit Report** to the Secretary with a response to any recommendations contained in the audit report within six (6) weeks of completing the audit, or within another timeframe agreed with the Secretary.

INCIDENT NOTIFICATION

A40 The Secretary must be notified as soon as possible and in any event within 24 hours of any Incident associated with the delivery of the CSSI.

A41 Notification of an incident under **Condition A40** of this approval must include the time and date of the Incident, details of the Incident and must identify any non-compliance with this approval.

A42 Any requirements of the Secretary or relevant government authority (as determined by the Secretary) to address the cause or impact of an Incident reported in accordance with **Condition A40** of this approval, must be met within the timeframe determined by the Secretary or relevant government authority.

A43 If statutory notification is given to the EPA as required under the POEO Act in relation to the CSSI, such notification must also be provided to the Secretary within 24 hours after the notification was given to the EPA.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

B1 A **Community Communication Strategy** must be prepared to facilitate communication between the Proponent, and the community (including relevant Council(s), adjoining affected landowners and businesses, and others directly impacted by the CSSI), during the design and Construction of the CSSI and for a minimum of 12 months following the completion of the CSSI.

B2 The **Community Communication Strategy** must:

(a) identify people or organisations to be consulted during the delivery of the project;
(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the CSSI;
(c) identify opportunities to provide accessible information regarding regularly updated site construction activities, schedules and milestones at each construction site
(d) identify opportunities for the community to visit construction sites (taking into consideration workplace, health and safety requirements);
(e) involve construction personnel from each construction site in engaging with the local community;
(f) provide for the formation of issue or location-based -based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the CSSI; and
(g) set out procedures and mechanisms:
    i. through which the community can discuss or provide feedback to the Proponent;
    ii. through which the Proponent will respond to enquiries or feedback from the community; and
    iii. to resolve any issues and mediate any disputes that may arise in relation to environmental management and delivery of the CSSI.

B3 The **Community Communication Strategy** must be submitted to the Secretary for approval no later than one (1) month before commencement of any works, or within another timeframe agreed with the Secretary.

B4 Work for the purposes of the CSSI must not commence until the **Community Communication Strategy** has been approved by the Secretary, or within another timeframe agreed with the Secretary.

B5 The **Community Communication Strategy**, as approved by the Secretary, must be implemented for the duration of the works and for 12 months following the completion of Construction.

COMPLAINTS MANAGEMENT SYSTEM

B6 A **Complaints Management System** must be prepared and submitted to the Secretary for information prior to the commencement of any works in respect of the CSSI and be implemented and must be maintained for the duration of works and for a minimum for 12 months following completion of Construction of the CSSI.

B7 The **Complaints Management System** must include a **Complaints Register** to be maintained recording information on all complaints received about the CSSI during the carrying out of any works associated with the CSSI and for a minimum of 12 months following the completion of Construction.

The **Complaints Register** must record the:

(a) number of complaints received;

(b) number of people affected in relation to a complaint; and
(c) nature of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.

B8 The **Complaints Register** must be provided to the Secretary upon request, within the timeframe stated in the request.

B9 The following must be available within one (1) month from the date of this approval, or within another timeframe agreed with the Secretary, and for 12 months following the completion of Construction:

(a) a 24 hour telephone number for the registration of complaints and enquiries about the CSSI;
(b) a postal address to which written complaints and 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.

B10 The telephone number, postal address and email address required under **Condition B9** of this approval must be published in a newspaper circulating in the local area and on site hoarding at each Construction site before commencement of Construction and published in the same way again prior to the commencement of operation. This information must also be provided on the website required under **Condition B11** of this approval.

PROVISION OF ELECTRONIC INFORMATION

B11 A website providing information in relation to the CSSI must be established before commencement of works and maintained during the delivery of the CSSI, and for a minimum of 12 months following the completion of Construction or within another timeframe as agreed with the Secretary. The following up-to-date information (excluding confidential, private and commercial information) must be published and maintained on the website or dedicated pages:

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

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

C1 A **Construction Environmental Management Plan** (**CEMP**) must be prepared in accordance with the *Department of Infrastructure, Planning and Natural Resources Guideline for the Preparation of Environmental Management Plans* (DIPNR; 2004) to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during all stages of Construction.

C2 The **CEMP** must provide:

(a) a description of activities to be undertaken during Construction (including the scheduling of construction);
(b) details of environmental policies, guidelines and principles to be followed in the Construction of the CSSI;
(c) a schedule for compliance auditing;
(d) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of Construction of the CSSI;
(e) 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 the documents listed in **Condition A1**; and
  ii. manage the risks identified in the risk analysis undertaken in subsection (d) of this condition;
(f) an inspection program detailing the activities to be inspected and frequency of inspections;
(g) a protocol for managing and reporting any:
  i. Incidents; and
  ii. non-compliances with this approval and with statutory requirements;
(h) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during Construction;
(i) a list of all the **CEMP Sub-plans** required in respect of Construction, as set out in **Condition C4**. Where staged Construction of the CSSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of Construction;
(j) a description of the roles and environmental responsibilities for relevant employees and their relationship with the ER;
(k) 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
(l) 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 Secretary for approval no later than one (1) month before the commencement of Construction or within another timeframe agreed with the Secretary.

C4 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan** and be consistent with the **CEMP** referred to in **Condition C1**:

Table 3: CEMP Sub-Plan Consultation Requirements

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Traffic and transport	Relevant Councils
(b)	Noise and vibration	Relevant Councils

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(c)	Biodiversity	OEH and DPI Fisheries
(d)	Water, soil and contamination	DoI Water, DPI Fisheries and relevant Councils
(e)	Heritage	OEH, relevant Councils, RAPs

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

(a) the environmental performance outcomes identified in the documents listed in **Condition A1**, as modified by these conditions, will be achieved;
(b) the mitigation measures identified in the documents listed in **Condition A1** as modified by these conditions will be implemented;
(c) the relevant terms of this approval will be complied with;
(d) the identification of the relevant environmental specific training and induction processes for construction personnel; and
(e) 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 relevant government agencies identified in **Table 3** of **Condition C4** Where an agency(ies) request(s) is not included, the Proponent must provide the Secretary justification as to why. Details of all information requested by an agency to be included in a **CEMP Sub-plan** as a result of consultation**,** including copies of all correspondence from those agencies, must be provided with the relevant **CEMP Sub-Plan**.

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

C8 Subject to the provisions in this condition relating to staging Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Secretary, including any minor amendments approved by the ER must be implemented for the duration of Construction. Unless otherwise agreed by the Secretary where the CSSI is being staged, Construction of a stage is not to commence unless the CEMP and the CEMP Sub-plans referred to above cover those stages or the Secretary has approved a specific CEMP and sub-plans for that stage.

CONSTRUCTION MONITORING PROGRAMS

C9 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each **Construction Monitoring Program** to compare actual performance of construction of the CSSI against performance predicted performance.

Table 4: Construction Monitoring Program Consultation Requirements

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	Air quality	
(b)	Noise and vibration	
(c)	Water, soil and contamination	DPI, DoI and relevant Councils

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

(a) details of baseline data available;
(b) details of baseline data to be obtained and when;
(c) details of all monitoring of the project to be undertaken;
(d) the parameters of the project to be monitored;
(e) the frequency of monitoring to be undertaken;
(f) the location of monitoring;
(g) the reporting of monitoring results;
(h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and
(i) any consultation to be undertaken in relation to the monitoring programs.

C11 The **Construction Monitoring Programs** must be developed in consultation with relevant government agencies as identified in **Condition C9** of this approval and must include, to the written satisfaction of the Secretary, information requested by an agency to be included in a **Construction Monitoring Programs** during such consultation. Details of all information requested by an agency including copies of all correspondence from those agencies, must be provided with the relevant **Construction Monitoring Program**.

C12 The **Construction Monitoring Programs** must be endorsed by the ER and then submitted to the Secretary for approval at least one (1) month before commencement of Construction or within another timeframe agreed with the Secretary.

C13 Construction must not commence until the Secretary has approved all of 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 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 Secretary, whichever is the greater.

C15 The results of the **Construction Monitoring Programs** must be submitted to the Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.

C16 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 Management Plan (OEMP)** must be prepared in accordance with the Department's *Guideline for the Preparation of Environmental Management Plans* to detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during Operation. This condition (**Condition D1**) does not apply if **Condition D2** of this approval applies.

D2 An **OEMP** is not required for the CSSI if the Proponent has an **Environmental Management System** (**EMS**) or equivalent as agreed with the Secretary, and can demonstrate, to the written satisfaction of the Secretary, that through the **EMS**:

(a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and these conditions of 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 Secretary, must be submitted to the Secretary for information no later than one (1) month before the commencement of operation unless another timeframe is agreed with the Secretary.

D4 Where an **OEMP** is required, the Proponent must include the following **OEMP Sub-plans** in the **OEMP**:

Table 5: OEMP Sub-Plan Consultation Requirements

	Required OEMP Sub-plan	Relevant government agencies to be consulted for each OEMP Sub-plan
(a)	Flooding, water quality and drainage	Directly affected landowners, OEH, DoI Water, SES and relevant Councils

D5 Each of the **OEMP Sub-plans** must include the information set out in **Condition D2** of this approval.

D6 The **OEMP Sub-plans** must be developed in consultation with relevant government agencies as identified in **Condition D4.** Where an agency(ies) request(s) is not included in an **OEMP sub-plan**, the Proponent must provide to the Secretary justification as to why**.** Details of all information requested by an agency to be included in an **OEMP Sub-plan** as a result of consultation**,** including copies of all correspondence from those agencies, must be provided with the relevant **OEMP Sub-Plan**.

D7 The **OEMP** Sub-plans must be submitted to the Secretary as part of the **OEMP**.

D8 The **OEMP** or **EMS** or equivalent as agreed with the Secretary, as submitted to the 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 prior to the commencement of operation.

OPERATIONAL NOISE MONITORING PROGRAM

D9 Within 12 months of the commencement of Operation of the CSSI, or as otherwise agreed by the Secretary, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the CSSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E36**.

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 E36**
(b) a review of the operational noise levels in terms of criteria and noise goals established in the *NSW Road Noise Policy 2011*;
(c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which CSSI noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;
(d) details of any complaints and enquiries received in relation to operational noise generated by the CSSI between the date of commencement of operation and the date the report was prepared;
(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 feasible and reasonable mitigation measures; and
(g) identification of additional feasible and reasonable measures to those identified in the review of noise mitigation measures required by **Condition E36**, that would be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy 2011*, when these measures would be implemented and how their effectiveness would be measured and reported to the Secretary and the EPA.

The Operational Noise Report must be submitted to the Secretary and the EPA within 60 days of completing the operational noise monitoring or within another timeframe agreed by the Secretary, and made publicly available.

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 during the Construction and operation of the CSSI.

BIODIVERSITY

E2 The Proponent must develop a **Biodiversity Offset Strategy** (BOS) to outline how the ecological values impacted by the CSSI will be offset in perpetuity. The BOS must be developed from the draft BOS detailed in the documents listed in **Condition A1** and include the threatened ecological communities identified in *The Northern Road, Submissions and Preferred Infrastructure, Biodiversity Addendum technical memo (*Jacobs, 26 October 2017). The BOS must be submitted for the approval of the Secretary within 12 months of the commencement of Construction or within another timeframe agreed with the Secretary.

E3 Within 12 months of the approval of the BOS or within another timeframe agreed with the Secretary, the Proponent must develop and submit to the Secretary for approval, a **Biodiversity Offset Package**, consistent with the BOS approved under condition E2. The Package must be prepared in consultation with OEH and confirm how the impacts of the CSSI will be offset. The Package must be consistent with the biodiversity offset strategy requirements of the *NSW Biodiversity Offsets Policy for Major Projects* (OEH, 2014), unless otherwise agreed by OEH. The Package must include, but not necessarily be limited to:

(a) identification of the number of biodiversity credits required to offset the impacts of the CSSI;
(b) details on the biodiversity credits identified to offset the impacts of the CSSI and evidence that they can be attained and secured in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*; and
(c) for offsets not secured through the retirement of biodiversity credits, details on the supplementary measures that would be implemented to offset the residual impacts, in accordance with Appendix B of the *NSW Biodiversity Offsets Policy for Major Projects* and the *Framework for Biodiversity Assessment* (OEH, 2014).
(d) should supplementary biodiversity offset measures be proposed, the Biodiversity Offset Package must also provide details on the management and monitoring requirements for compensatory habitat works and other biodiversity offset supplementary measures proposed to ensure that outcomes of the package are achieved.

E4 All required offsets must be secured, in consultation with the OEH, within 12 months of the approval of the **Biodiversity Offset Package** or within another timeframe agreed with the Secretary. The Proponent must submit to the Secretary a copy of the **Credit Retirement Report** issued by the OEH once the offsets are secured, within one month of receiving the report.

E5 During vegetation clearing, timber and root balls must be retained where practicable for reuse in habitat enhancement and rehabilitation work. The retained timber and root balls may be used on or off the CSSI site. Prior to the commencement of vegetation clearing, the Proponent must consult with community groups, the Mulgoa Valley Landcare Group and relevant government agencies to determine if retained timber and root balls could be used for environmental rehabilitation projects, before pursuing other disposal options.

FLOODING AND HYDROLOGY

E6 Measures identified in the documents listed in **Condition A1** to maintain or improve flood characteristics must be incorporated into the detailed design of the CSSI following consultation

with adversely affected landowners and businesses, DoI Water, DPI Fisheries, SES and relevant Councils. These measures must be reviewed and endorsed by a suitably qualified person.

E7 Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant Council and the SES. The relevant Council and the SES must be notified in writing that the information is available no later than one month following the completion of Construction. Information requested by the relevant Council or the SES must be provided no later than six months following the completion of Construction or within another timeframe agreed with the relevant Council and the SES.

E8 For property/ies where modelling in the documents listed in **Condition A1** predicts that the CSSI will potentially reduce the available stormwater runoff yield to a farm dam, the Proponent must, in consultation with the affected landowner:

(a) calculate the nature and extent of impacts on water supply;
(b) determine what measures may be implemented to prevent, mitigate or offset a loss in water supply; and
(c) implement the measures agreed with the potentially affected landowner at no cost to the landowner.

The agreed measures must be implemented before and during Construction of any works that may potentially affect the flow of water into the farm dams.

In the event that the Proponent and the relevant property owner cannot agree on the measures to mitigate the impact, the Proponent shall engage a suitably qualified and experienced independent person to advise and assist in determining the impact and relevant mitigation measures.

HERITAGE

E9 Impacts to heritage, unless approved, must be avoided and minimised. Where impacts are unavoidable, works must be undertaken in accordance with the Construction Heritage Management Sub-plan required by **Condition C4(e)**.

E10 This approval does not allow the Proponent to harm, modify, or otherwise impact human remains uncovered during Construction and operation of the CSSI.

E11 The Proponent must implement the mitigation measures described in:

(a) Table 6-1 of the SPIR;
(b) Appendix D of the SPIR – *Item 9, Miss Lawson's Guesthouse Archaeological Site, Research Design and Excavation Methods* dated 9 October 2017, prepared by EMM; and
(c) Appendix D of the SPIR – *Item 10, Lawson's Thistle Inn and Store Archaeological Site, Archaeological Assessment Research Design* dated 16 October 2017, prepared by EMM,

except as required by this approval.

Non-Indigenous Heritage

E12 A detailed **Historical Archaeological Salvage Strategy** must be prepared before any Historical archaeological salvage is undertaken within the CSSI boundary, if not already included within the EIS or SPIR. Any Salvage Strategy not included in the EIS or SPIR, must be prepared in consultation with the Heritage Council of NSW and submitted to the Secretary for information at least one month prior to the commencement of excavation and salvage works.

E13 Following completion of all salvage works associated with heritage items, a **Historical Archaeological Excavation Report** must be prepared in accordance with any guidelines and

standards required by the Heritage Council of NSW. The Report must provide details of any archival recording, further historical research undertaken, and archaeological excavations (which incorporates artefact analysis, includes archaeological site records and identification of a final repository for finds) carried out for the CSSI.

E14 The **Historical Archaeological Excavation Report** must be submitted to the Secretary, the Heritage Council of NSW, the relevant Council Local Studies Library, for information no later than 12 months after the completion of the work referred to in Conditions E9 to E13 or within another timeframe agreed by the Secretary.

E15 Prior to conducting acoustic treatment at any heritage item, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented, to ensure any such work does not have an adverse impact on the heritage significance of the item.

E16 An **Unexpected Heritage Finds Procedure** must be prepared to manage unexpected Non-Indigenous heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW. The Procedure must be prepared by a suitably qualified and experienced heritage specialist in consultation the Heritage Council of NSW and submitted to the Secretary for information no later than one month prior to the commencement of Construction or within another timeframe agreed by the Secretary.

E17 The **Unexpected Heritage Finds Procedure**, as submitted to the Secretary, must be implemented for the duration of works.

Aboriginal Cultural Heritage

E18 A detailed **Aboriginal Cultural Salvage Strategy** must be prepared before any Aboriginal cultural salvage is undertaken within the CSSI boundary, if not already included within the EIS. Any Salvage Strategy not included in the EIS or SPIR, must be prepared in consultation with OEH and RAPs (as relevant) and submitted to the Secretary for information at least one month prior to the commencement of excavation and salvage works.

E19 Following completion of all salvage works associated with Aboriginal heritage items, an **Aboriginal Cultural Heritage Report** must be prepared in accordance with any guidelines and standards required by the OEH or RAPs (as relevant). The Report must provide details of any cultural heritage investigations either undertaken or to be carried out including analysis of artefacts from excavations and identification of a final repository for finds carried out for the CSSI.

E20 The **Aboriginal Cultural Heritage Report** must be submitted to the RAPs for endorsement, and Secretary for information no later than 12 months after the completion of the work referred to in **Conditions E9 to E11 and E18** to **E19** or within another timeframe agreed by the Secretary.

E21 An **Unexpected Human Remains Procedure** must be prepared to manage unexpected human remains finds in accordance with NSW statutory requirements, any guidelines and standards prepared by the OEH. The Procedure must outline the process for consulting with the RAPs in the event that previously unidentified Aboriginal heritage is discovered.

The Procedure must be prepared by a suitably qualified and experienced heritage specialist in consultation with OEH and submitted to the Secretary for information no later than one month prior to the commencement of Construction or within another timeframe agreed by the Secretary.

E22 The **Unexpected Human Remains Procedure**, as submitted to the Secretary, must be implemented for the duration of works.

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.

NOISE AND VIBRATION

Hours of Work

E23 Works must only be undertaken during the following standard construction hours:

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

E24 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable noise management level at the same receiver must only be undertaken:

(a) between the hours of 8:00 am to 6:00 pm Monday to Friday;
(b) between the hours of 8:00 am to 1:00 pm Saturday; and
(c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

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

E25 The Proponent must identify and consult with receivers identified as being subject to levels that exceed the Highly Noise Affected criteria with the objective of determining appropriate hours of respite unless an agreement is reached with those receivers.

Variation to Hours of Work

E26 Notwithstanding **Condition E23** works associated with the CSSI may be undertaken outside the specified hours in the following circumstances:

(a) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
(b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
(c) where it causes $L_{Aeq(15\ minute)}$ noise levels:
  i. no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and
  ii. no more than the 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 those 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 those for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006); or
(d) no more than 15 dB(A) above the night time rating background level at any residence during the night time period, when measured using the $L_{Aeq\ (1\ minute)}$ noise descriptor; or
(e) where different hours are permitted or required under an EPL in force in respect of the works, in which case those hours must be complied with.

E27 On becoming aware of the need for emergency works in accordance with **Condition E26** the Proponent must notify the ER and the EPA (if an EPL applies) of the need for those works. The Proponent must also use its best endeavours to notify all affected sensitive receivers of the likely impact and duration of those works.

Queuing and Idling Construction Vehicles

E28 Construction vehicles arriving at the project site and construction compounds outside the standard construction hours described in **Condition E23** must not queue with idling engines.

Respite

E29 The Proponent must consult with potentially affected community, religious, educational institutions and noise and vibration-sensitive businesses to identify periods during which they would be adversely affected by noise generating works, and must not schedule those works during those periods unless the Proponent and the potentially affected institution or business have made other arrangements (at no cost to the affected receiver), or the Secretary has otherwise approved the works.

Cumulative Construction Noise Impacts

E30 The Proponent must ensure that all works for the delivery of the CSSI are coordinated with utility works, including those works undertaken by third parties, to minimise cumulative impacts of noise and vibration and to maximise respite for affected sensitive receivers.

Ancillary Facility Acoustic Barriers

E31 Temporary acoustic barriers (2.4 metres high) are to be installed as soon as site establishment works at the ancillary facility are completed and before undertaking any works which are required to be conducted at the facility. The schedule for installing and removing the acoustic barriers, and justification for not installing acoustic barriers in certain locations, must be described in the **Ancillary Facilities Management Plan** for the project prepared in accordance with **Condition A16**. Acoustic barriers must be inspected and maintained to remain effective throughout the use of the construction compound.

Construction Vibration

E32 The CSSI must be constructed with the aim of achieving the following construction 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).

E33 The Proponent must ensure that vibration from construction activities does not exceed the vibration limits set out in the British Standard BS 7385-2:1993 *Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration.*

E34 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.

E35 The Proponent must seek the advice of a heritage specialist on methods and locations for installing equipment used for vibration, movement and noise monitoring of heritage-listed structures.

Operational Noise Mitigation Report

E36 A review of the proposed operational noise mitigation measures for the CSSI must be undertaken by the Proponent. The review must be submitted to the Secretary for approval prior to commencing Construction which would affect the identified receivers, or within another timeframe agreed by the Secretary. The review must:

(a) confirm the operational noise predictions of the CSSI based on detailed design. The operational noise assessment shall be based on an appropriately calibrated noise model

(which has incorporated additional noise monitoring, 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 account the detailed design of the CSSI and where necessary, refine the proposed measures with the objective of meeting the criteria outlined in the *NSW Road Noise Policy* (DECCW 2011), based on the operational noise performance of the CSSI predicted under (a) above; and

(c) where necessary, investigate additional or alternative noise mitigation measures to achieve the criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011).

E37 Operational noise mitigation measures as identified in **Condition E36** (such as at-property architectural treatments), that will not be damaged or compromised by construction works, must be implemented within six (6) months of the commencement of Construction which would affect the identified receivers or within another timeframe agreed with the Secretary. These measures, and a schedule that outlines the timing for their delivery, must be detailed in the **Noise and Vibration CEMP Sub-plan** for the CSSI required by **Condition C4(b)**.

Where early implementation of noise mitigation measures is not proposed, the Proponent must submit to the 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 E36** are implemented. The report must be provided to the Secretary for approval prior to the commencement of Construction which would affect the identified receivers.

E38 All operational noise mitigation measures identified in **Condition E36** must be implemented prior to Operation.

PROPERTY AND LANDUSE

Agricultural and other Land

E39 The CSSI must be constructed in a manner that minimises intrusion and disruption to agricultural operations/activities in surrounding properties (e.g. stock access, access to farm dams, etc.), unless otherwise agreed by the landowner.

E40 Where the viability of existing agricultural operations are identified to be impacted by the land requirements of the CSSI, the Proponent must, at the request of the landowner(s), employ a suitably qualified and experienced independent agricultural expert, to assist in identifying management measures to address the identified impacts.

Where the Proponent has commenced the requirements of this condition prior to the date of this Approval, the Proponent may rely on these activities to fulfil the requirement.

E41 Unencumbered access to private property must be maintained during Construction unless otherwise agreed with the landowner in advance. A landowner's access that is physically affected by the CSSI must be reinstated to at least an equivalent standard, in consultation with the landowner.

Building Condition Survey

E42 Prior to commencement of any works, a suitably qualified person must undertake building and structure condition surveys of all buildings and structures identified in the documents listed in **Condition A1** as being at risk of damage. The results of the surveys must be documented in a **Building Condition Survey Report** for each building and structure surveyed. Copies of **Building Condition Survey Reports** must be provided to the landowners of the buildings and structures surveyed and, if agreed by the landowner, the relevant Council within three weeks of completing the surveys, and no later than one month prior to the commencement of works.

E43 After completion of the works, condition surveys of all buildings and structures for which pre-Construction condition surveys were undertaken in accordance with **Condition E42** of this

approval must be undertaken by a suitably qualified person. The results of the surveys must be documented in a **Building Condition Survey Report** for each building surveyed. Copies of **Building Condition Survey Reports** must be provided to the landowners of the buildings surveyed and, if agreed by the landowner, the relevant Council within three weeks of completing the surveys, and no later than three (3) months following the completion of works.

E44 Any damage caused to property as a result of the CSSI must be rectified or the landowner compensated, within a reasonable timeframe, with the costs borne by the Proponent.

Note: This condition is not intended to limit any claims that the landowner may have against the Proponent.

SOILS

E45 Erosion and sediment controls must be installed and appropriately maintained to minimise any water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

Contaminated sites

E46 A **Site Contamination Report**, documenting the outcomes of Stage 1 and Stage 2 contamination assessments of land upon which the CSSI is to be carried out, that is suspected, or known to be, contaminated must be prepared by a suitably qualified and experienced person in accordance with guidelines made or approved under the *Contaminated Land Management Act 1997* (NSW).

E47 If a **Site Contamination Report** prepared under **Condition E46** concludes that specified land is contaminated such that it is and will remain unsuitable for the CSSI, even after completion of all physical works required to construct the CSSI, then:

(a) a Remediation Action Plan must be prepared in relation to the specified land, by a suitably qualified and experienced person and in accordance with all guidelines made or approved under the *Contaminated Land Management Act (NSW)*;

(b) the Remediation Action Plan must be approved in writing by a NSW EPA Accredited Site Auditor, and that approval must state that the specified land can be made suitable for the purpose approved by this approval, if the works described in the Remediation Action Plan are carried out; and

(c) the specified land must be remediated in accordance with the Remediation Action Plan, as approved by the Site Auditor.

Any land to which condition E47 applies must not be used for the CSSI until a Site Audit Statement is obtained that states that the land is suitable for that purpose.

There must be compliance with any and all conditions of the Site Audit Statement obtained in accordance with condition E48.

E48 A copy of the **Site Audit Statement** and the associated **Site Audit Report** must be submitted to the Secretary and the relevant Council for information no later than one (1) month before the commencement of Operation.

E49 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared and must be followed should unexpected contaminated land or asbestos be excavated or otherwise discovered during Construction.

E50 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout Construction.

SUSTAINABILITY

E51 A **Sustainability Strategy** for the Construction of the CSSI must be prepared in accordance with the Infrastructure Sustainability Council of Australia infrastructure rating tool or other justified sustainability rating mechanism to achieve an equivalent 'As Built' rating of Excellent.

E52 The **Sustainability Strategy** must be submitted to the Secretary for information prior to the commencement of Construction, or within another timeframe agreed with the Secretary, and must be implemented throughout the Construction of the CSSI. The Sustainability Strategy must include:

(a) details of the sustainability objectives and targets for the design and Construction of the CSSI;
(b) details of the sustainability initiatives which will be investigated and / or implemented; and
(c) a description of how the strategy will be implemented for the CSSI.

TRAFFIC AND TRANSPORT

E53 The CSSI must be designed and operated to meet relevant road design standards, and ensure it does not adversely impact network connectivity, or the safety and efficiency of the road network in the vicinity of the CSSI.

E54 Vehicles used in the delivery of the project must not use local roads unless no suitable alternatives are available. Where the use of local roads is proposed, these must be identified in a **Traffic and Transport CEMP Sub-plan**.

E55 A **Road Dilapidation Report** must be prepared by a suitably qualified person for local roads (and associated infrastructure) proposed to be used by construction vehicles for works associated with the CSSI before the commencement of use by such vehicles. Copies of the **Road Dilapidation Report** must be provided to the relevant Council within three (3) weeks of completing the surveys and no later than one (1) month before the use of local roads by project vehicles.

E56 If damage to roads occurs as a result of the Construction of CSSI, the Proponent must rectify the damage so as to restore the road to at least the condition it was in pre-works, unless otherwise agreed by the relevant Councils.

E57 During delivery of the CSSI, measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Alternative pedestrian access, vehicular access, and parking arrangements, and signage to direct customers to these businesses and affected properties, must be developed in consultation with affected businesses. Such arrangements must be outlined in the **Traffic and Transport CEMP Sub-plan** and implemented prior to the disruption occurring.

E58 Signage and directions to businesses must be provided before, and for the duration of, any disruption during the Construction of the CSSI.

E59 Operational signage must be provided along the project alignment to inform motorists of services and council and community assets within the vicinity of the CSSI including Luddenham village, community facilities and tourist areas in accordance with the *Guide: Signposting* (RTA July 2007) and *Tourist Signposting Guide* (RMS and Destination NSW 2012).

URBAN DESIGN AND VISUAL AMENITY

E60 The CSSI must be designed to retain as many trees as possible. The planting, retention and replacement of trees is to be carried out in accordance with the EIS. Trees removed during construction that are not within an endangered ecological community are to be replaced at a rate of two trees for every tree removed. Tree planting must occur within the CSSI boundary unless otherwise envisaged in the EIS, in consultation with the relevant Council, or otherwise agreed by the Secretary.

E61 Tree species selection is to be consistent with the plans and planting palette in the EIS. Pot sizes of selected tree species are to be consistent with part 3.2.1 (Rural road reserves) in the RMS Landscape Guideline (April 2008), subject to the long-term viability of the plant.

E62 An **Urban Design and Landscape Plan** must be prepared based on the detailed design, and in accordance with the commitments made in the documents listed in **Condition A1**.

E63 The **Urban Design and Landscape Plan** must incorporate monitoring and maintenance procedures for the built elements, rehabilitated and replacement vegetation and landscaping (including visual screening and weed control) and performance indicators, responsibilities, timing and duration and contingencies where rehabilitation of vegetation and landscaping measures fail.

E64 The **Urban Design and Landscape Plan** must be finalised following consultation with the relevant Councils and the community. The Urban Design and Landscape Plan shall incorporate evidence of consultation on the proposed urban design and landscape measures and the monitoring and maintenance procedures.

E65 The **Urban Design and Landscape Plan** must be made publicly available and submitted to the Secretary for information prior to the commencement of works for which the Urban Design and Landscape Plan requires community consultation under the Plan, or within another timeframe agreed by the Secretary.

Note: Works that are subject to community consultation include those design and landscaping details that are not required to meet the other requirements of this approval and/or specific technical criteria. For example, it does not include structures or landscaping works associated with riparian areas, fauna crossings and the like.

UTILITIES AND SERVICES

E66 Utilities, services and other infrastructure potentially adversely affected by the delivery of the CSSI must be identified before works affecting them commence, to determine the requirements for access to, diversion protection, and/or support of such services. The relevant owner and/or provider of services must be consulted to make suitable arrangements for access to diversion, protection, and/or support of the affected infrastructure as required. The Proponent must ensure that disruption to any service is minimised and be responsible for advising local residents and businesses affected before any planned disruption of service occurs.

WASTE

E67 Waste generated in the delivery of the CSSI must be dealt with in accordance with the following priorities:

(a) waste generation is to be avoided and where avoidance is not reasonably practicable, waste generation is to be reduced;
(b) where avoiding or reducing waste is not possible, waste is to be re-used, recycled, or recovered; and
(c) where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of at a waste management facility or premises lawfully permitted to accept the materials.

E68 Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence or waste exemption under the POEO Act, if such a licence is required in relation to that waste.

E69 All waste materials removed from the CSSI site must only be directed to a waste management facility or premise lawfully permitted to accept the materials or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.

E70 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

E71 Where available and practicable, and of appropriate chemical and biological quality, stormwater, recycled water or other water sources shall be used in preference to potable water for the delivery of the CSSI, including dust control.

E72 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be designed and constructed in accordance with relevant guidelines and designed by a suitably qualified and experienced person in consultation with DPI Fisheries.