

Infrastructure approval

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

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



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

Sydney

28th July

2020

SCHEDULE 1

Application no.:	SSI 9816
Proponent:	Australian Rail Track Corporation (ARTC)
Approval Authority:	Minister for Planning and Public Spaces
Land:	Land in the suburbs of Cabramatta, Warwick Farm, Carramar and Liverpool in the local government areas of the City of Fairfield and the City of Liverpool
Description of Critical State Significant Infrastructure:	<p>The Cabramatta Loop would comprise:</p> <ul style="list-style-type: none">• construction of approximately 1.65 kilometres of railway track adjacent to existing track between Cabramatta Road and the Hume Highway, with connections to the existing track at the northern and southern ends;• realignment of approximately 550 metres of existing track between Cabramatta Road and the Hume Highway;• construction of new rail bridges and associated structures adjacent to existing rail bridges over Sussex Street, Cabramatta and Cabramatta Creek, Warwick Farm;• relocation of an existing retaining wall and noise wall between Cabramatta Road East and Sussex Street;• road work to reconfigure Broomfield Street, Cabramatta between Sussex Street and Bridge Street to accommodate new track on the eastern boundary of the rail corridor; and• ancillary development including communications, signalling and power upgrades, adjustments to, and relocation of, existing utilities infrastructure, works to existing retaining and noise walls, drainage works and the installation of new signals.
Declaration as critical State Significant Infrastructure	<p>The proposal is critical State Significant Infrastructure by virtue of Schedule 5, Clause 18 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i></p>

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DEFINITIONS

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

Table 1: Definitions

Term	Definition
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974 (NSW)</i>
AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
AEP	Annual Exceedance Probability. The probability that a given rainfall/flood event will occur in any year
CALD	Culturally and Linguistically Diverse
CEMP	Construction Environmental Management Plan
Completion of Construction	The date upon which Construction is completed and all relevant 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
Conditions of approval	The Minister's conditions of approval for the CSSI
Construction	Includes all work required to construct the CSSI as described in the documents listed in Condition A1 , including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding the following low impact work which has commenced before approval of the CEMP: <ul style="list-style-type: none"> (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; (b) investigations including investigative drilling, contamination investigations and excavation; (c) establishment and use of minor construction ancillary facility(ies) if the ER has determined the establishment and use of the facility(ies) will have minimal impact on the environment and community in accordance with Condition A22; (d) minor clearing and removal of native vegetation, as identified in the documents listed in Condition A1; (e) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas, temporary and permanent replacement parking and acoustic treatments; (f) property acquisition adjustments including installation of property fencing; (g) low impact utility works; (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) above to ensure that there is no impact on heritage items;

Term	Definition
	<p>(i) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and</p> <p>(j) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI.</p> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> (NSW) or <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)) are adversely affected or potentially adversely affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary.</p> <p>The low impact work described in this definition that has not commenced before the approval of a CEMP becomes Construction with the approval of a CEMP. Where low impact work has already commenced, this is considered to remain as low impact work and is managed in accordance with the framework under which it commenced.</p>
Construction ancillary facility	A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area
Construction Boundary	The area required for project construction as described in the documents listed in Condition A1
CSSI	The Critical State Significant Infrastructure, as described in Schedule 1, the carrying out of which is approved under the terms of this approval
DECC	Former NSW Department of Environment and Climate Change
DPIE	NSW Department of Planning, Industry and Environment
DPIE EES Group	Environment, Energy and Science Group of DPIE
DPIE Water Group	Water Group of DPIE 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	Environmental Representative for the CSSI
Emergency work	<p>Work that is:</p> <p>(a) an emergency (being an unforeseen occurrence; a sudden and urgent occasion for action); and</p> <p>(b) required to avoid injury, loss of life, damage or loss of property or prevent environmental harm</p>
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.

Term	Definition
Environmental Representative Protocol	The document of the same title published by DPIE dated October 2018
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law (Adoption of National Law) Act 2013</i>
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
Highly noise intensive work	Work which is defined as annoying in the ICNG including but not limited to: (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) rail tamping and regulating; (g) bitumen milling or profiling; (h) jackhammering, rock hammering or rock breaking; and (i) impact piling
ICNG	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: “material harm” is defined in this approval</i>
Independent Audit PAR	<i>Independent Audit Post Approval Requirements</i> (DPIE, May 2020)
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i>
LOTE	Language other than English
Low Impact Utility Work	Being the adjustment of utilities to property that disrupt services or access to less than 10 premises, access or service outage of less than two hours and does not result in noise exceeding 10 dB above background noise levels as measured at the property boundary that is most exposed to the utility work at a height of 1.5 metres above ground level
Major Construction Ancillary Facility	A construction ancillary facility not being a minor construction ancillary facility

Term	Definition
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 and Public Spaces
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
Operation	The carrying out of the CSSI (whether in full or in part) upon the completion of construction. <i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the CSSI are within the definition of construction</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Planning Secretary	Planning Secretary of DPIE (or nominee, whether nominated before or after the date on which this approval was granted)
Planning Secretary's approval or agreement	A written approval or agreement from the Planning Secretary (or nominee)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the CSSI from time to time
Publicly Available	To be made available on the website required under Condition B10 of this approval.
Rail Possession	A period of time during which a rail line is blocked to trains to permit work to be carried out on or near the line.
Relevant council(s)	Any or all as relevant, Fairfield City Council or Liverpool City Council.
Relevant road authority	The same meaning as the road authority defined in the <i>Roads Act 1993</i> (NSW).
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW).
Residential accommodation	Has the same meaning as the definition of the term in the <i>Standard Instrument – Principal Local Environmental Plan</i> but does not include any ancillary development as defined in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>
Sensitive land uses	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). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), and any other use as identified by the Planning Secretary

Term	Definition
SES	NSW State Emergency Services
Street Tree	Tree located on public street verges and medians
Submissions Report	The Proponent's response to issues raised in submissions received in relation to the application for approval for the CSSI under the EP&A Act
TfNSW	Transport for NSW
Tree	As defined in Australian Standard <i>AS 4372-2007 Pruning of Amenity Trees</i>
UDLP	Urban Design and Landscape Plan
Unexpected heritage find	An object or place that is discovered during the carrying out of the CSSI and which may be a heritage item but was not identified in the EIS or Submissions Report or suspected to be present. An unexpected heritage find does not include human remains.
Unexpected contamination find	Any contamination that is discovered during the carrying out of the CSSI but was not identified in the documents listed in Condition A1 or suspected to be present
Work	Any physical work for the purpose of the CSSI including construction and low impact work

SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 2**. Any appointments of persons requiring approval are also listed. Where there is an inconsistency with the requirements of **Table 2** and any condition of approval, the condition of approval prevails.

Table 2: Reporting, Notification and Approval Requests that must be submitted to the Planning Secretary

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A9	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A14	Environmental Representative	Must be sought one month before the commencement of works	Approval
A17(d)	Verification statements	After approving the relevant plan, sub-plan or program	Information
A17(i)	Environmental Representative Monthly Reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A28	Independent Audit Program	No later than four weeks before the date notified for the commencement of construction	Information
A31	Written notification of incident	Immediately upon becoming aware of the incident	Information
Part B - Communication Information and Reporting			
B3	Communication Strategy	No later than one month before commencement of any work	Information
B9	Complaints Register	Upon request from the Secretary	Information
Part E – Key Issues			
Noise and Vibration			
E16	Out-of-Hours Work Protocol	Before the commencement of out-of-hours works	Approval
E22	Operational Noise and Vibration Review	Before the implementation of operational noise mitigation measures	Approval
E24	Report on non-implementation of operational noise mitigation measures	Within six months of the commencement of construction	Approval
E25	Operational Noise Compliance Report	Within 60 days of completing the operational monitoring	Information
Socio-economic, Land Use and Property			
E31	Jacque Osmond Reserve	Before commencement of work at Jacque Osmond Reserve that would restrict the use of the existing softball facilities	Approval

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

Condition	Report / Notification	Timing ¹	Purpose
Urban Design and Visual Amenity			
E55	Urban Design and Landscape Plan	Before commencement of construction of permanent built works or landscaping that are the subject of the UDLP	Approval

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 *Cabramatta Loop Project Environmental Impact Statement – Volumes 1 to 5* dated 15 August 2019 as amended by the *Cabramatta Loop Project Submissions Report* dated 20 February 2020.
- A2 The CSSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents described 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, in a timely manner, including in relation to:
- (a) the environmental performance of the CSSI;
 - (b) any document or correspondence in relation to the CSSI (including the provision of such documentation or correspondence);
 - (c) any independent appointment or dismissal made in relation to the CSSI;
 - (d) any notification given to the Planning Secretary under the terms of this approval;
 - (e) any audit of the construction or operation of the CSSI;
 - (f) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (g) the carrying out of any additional monitoring or mitigation measures; and
 - (h) 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 terms of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under **Condition A31**. The Proponent must provide supporting evidence so that the Secretary can consider the need, environmental impacts and consistency of any request.

STAGING

- A9 The CSSI 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).
- A10 The **Staging Report** must:
- (a) if staged construction is proposed, set out how the construction of the whole of the CSSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the CSSI will be staged, including 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 CSSI; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11 The CSSI must be staged in accordance with the **Staging Report**, as submitted to the Planning Secretary.
- A12 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.

ENVIRONMENTAL REPRESENTATIVE

- A13 Work must not commence until an **ER** has been approved by the Planning Secretary and engaged by the Proponent.
- A14 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of works.
- A15 The proposed **ER** must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or Submissions Report and is independent from the Proponent and organisations involved in the design and construction of the CSSI. Skills, qualifications, experience, availability and capacity of the **ER** must meet the requirements of the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018). The appointment of the **ER** must be consistent / have regard with the DPIE's guideline *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).
- A16 The Proponent may engage more than one **ER** for the CSSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the CSSI.

- A17 For the duration of work, 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 CSSI;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) approve documents identified in **Conditions A23, C1, C4 and C8** after verifying all relevant matters set out in this approval pertaining to those documents have been met and make a written statement to the Planning Secretary to this effect;
 - (e) regularly monitor the implementation of the documents listed in **Conditions A23, C1, C4 and C8** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by DPIE including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A29** of this approval;
 - (g) as may be requested by the Planning Secretary, assist DPIE in the resolution of community complaints;
 - (h) consider the impacts of minor construction ancillary facilities as required by **Condition A22** of this approval; and
 - (i) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading “Environmental Representative Monthly Reports”. **The Environmental Representative Monthly Report** must be submitted within seven (7) days following the end of each month for the duration of the ER’s engagement for the CSSI.
- A18 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 A17**, as well as:
- (a) the complaints register – to be provided on a weekly basis for any complaints received; 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).
- A19 The Planning Secretary may at any time commission an audit of an **ER’s** exercise of its functions under **Condition A17**. 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.

*Note: The Planning Secretary may dismiss the **ER** should they consider the **ER** has not exercised their functions in accordance with this approval.*

CONSTRUCTION ANCILLARY FACILITIES

Construction Ancillary Facilities

- A20 Construction ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:
- (a) they are located within or immediately adjacent to the Construction Boundary; and
 - (b) they are not located next to a sensitive land use (including where an access road is between the facility and the land use), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and

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

Use of Construction Ancillary Facilities

A21 The use of a major construction ancillary facility for construction 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 C8** have been approved by the **ER**.

Minor Construction Ancillary Facilities

A22 Lunch sheds, office sheds, portable toilet facilities, material storage, parking and the like, can be established and used where they satisfy the following criteria:

- (a) are located within the Construction Boundary; and
- (b) have been assessed by the **ER** to have -
 - (i) minor amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *Interim Construction Noise Guideline* (DECC, 2009) (ICNG), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) minor 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.

COMPLIANCE MONITORING AND REPORTING PROGRAM

A23 No later than four (4) weeks before the commencement of construction, a **Compliance Monitoring and Reporting Program** prepared in accordance with the *Compliance Reporting Post Approval Requirements* (DPIE, May 2020) and must be endorsed by the **ER** and submitted to DPIE for information.

A24 Compliance reporting must be carried out in accordance with the *Compliance Reporting Post Approval Requirements* (DPIE, May 2020) and the relevant approved **Compliance Monitoring and Reporting Program**. DPIE must be notified of the commencement dates of construction and operation of the CSSI in pre-construction and pre-operational compliance reports.

A25 The **Construction Compliance Report** must provide details of any review of, and amendments made to, the **CEMP** (which must be approved by the **ER**), resulting from construction carried out during the reporting period.

A26 The **Compliance Monitoring and Reporting Program** and **Compliance Reports** must be made publicly available.

A27 The **Compliance Monitoring and Reporting Program** in the form required under **Condition A23** of this approval must be implemented for the duration of construction and one (1) year following commencement of operation.

AUDITING

A28 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* (DPIE, May 2020) (the Independent Audit PAR) must be submitted to the Planning Secretary for information.

A29 **Independent Audits** of the CSSI must be carried out in accordance with:

- (a) the **Independent Audit Program** submitted to DPIE under **Condition A28** of this approval; and
- (b) the requirements for an **Independent Audit Methodology** and **Independent Audit Report** in the Independent Audit PAR.

A30 In accordance with the specific requirements in the Independent Audit PAR, the Proponent must:

- (a) review and respond to each **Independent Audit Report** prepared under **Condition A29** of this approval; and
- (b) make each **Independent Audit Report** and response to it publicly available and notify DPIE in writing when this has been done.

Note: Consistent with the requirements of the Independent Audit PAR, the Planning Secretary may approve a request for ongoing operational audits to be ceased where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

INCIDENT NOTIFICATION AND REPORTING

A31 During construction, DPIE must be notified in writing immediately after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one), and set out the time, date, location and nature of the incident. A description of whether the incident was a result of any actual or potential non-compliance with this approval should be provided within one week of the notification.

The requirement to notify DPIE under this condition excludes incidents which are required to be notified to the Office of the National Rail Safety Regulator.

A32 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix A**.

PART B

INFORMATION AND REPORTING

INFORMATION, CONSULTATION AND INVOLVEMENT

Communication Strategy

- B1 A **Communication Strategy** must be prepared and implemented which provides mechanisms to facilitate communication about construction and operation (within the first 12 months of operation) with:
- (a) the community (including affected landowners and businesses, and others directly impacted by the CSSI), and
 - (b) the relevant councils and government agencies.
- B2 The **Communication Strategy** must:
- (a) identify people, organisations, councils and agencies to be consulted during the design and the carrying out of work;
 - (b) identify community demographics and approaches to address the needs of LOTE and CALD and vulnerable communities;
 - (c) set out procedures and mechanisms for the regular distribution of accessible information, including to LOTE and CALD and vulnerable communities about or relevant to the CSSI;
 - (d) identify opportunities for education within the community about construction sites;
 - (e) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities;
 - (f) identify mechanism to communicate community enquiries and complaints contact details during operation;
 - (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 Construction of the CSSI, including disputes regarding rectification or compensation.
- B3 The **Communication Strategy** must be submitted to the Planning Secretary for information no later than one (1) month before commencement of construction.
- B4 The **Communication Strategy** must be made publicly available and implemented for the duration of work and for a minimum of 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B5 A **Complaints Management System** must be developed and implemented before the commencement of any work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the CSSI.
- B6 The following information 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 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;
 - (d) a mechanism for CALD community members to make enquiries in LOTE commonly used in the community; and
 - (e) a mediation system for complaints unable to be resolved.

This information must be made publicly available.

- B7 The telephone number, postal address and email address required under **Condition B6** of this approval must be made available on site hoarding at each construction site before the commencement of construction. This information must also be provided on the website required under **Condition B10** of this approval.
- B8 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:
- (a) number of complaints received;
 - (b) number of people potentially affected by the activities or impacts referenced by a complainant; and
 - (c) nature, location and time of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.
- B9 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

PROVISION OF ELECTRONIC INFORMATION

- B10 A website providing information in relation to the CSSI must be established before commencement of works and maintained for the duration of construction, and for a minimum of 12 months following the completion of construction. The following up-to-date information (excluding confidential commercial information) must be published before the relevant work commences and be maintained on the website or dedicated pages:
- (a) the current implementation status of the CSSI;
 - (b) a copy of the documents listed in **Condition A1** of this approval, and any documentation relating to any modifications made to the CSSI or the terms of this approval;
 - (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
 - (d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI;
 - (e) where a condition(s) of this approval requires a document(s) to be prepared before work, construction or operational activity commences, a current copy of the relevant document(s) must be published on the website before the work, construction or operational activity is undertaken; and
 - (f) a copy of each document required to be made publicly available under this approval must be published within 7 days of the finalisation or approval of the relevant document, unless an alternate timeframe is prescribed by another condition of this approval.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared by having regard to the *Environmental Management Plan Guideline – Guideline for Infrastructure Projects* (DPIE, April 2020). The plan must 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 CSSI;
 - (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 before the commencement of construction;
 - (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 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 CSSI is proposed, the **CEMP** must also identify which **CEMP Sub-Plan** applies to each of the proposed stages of construction;
 - (i) a description of the roles and environmental responsibilities for relevant roles 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;
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs; and
 - (l) the **Unexpected Heritage Finds and Human Remains Procedure** required under **Condition E5**.
- C3 The **CEMP** must be prepared and submitted to the **ER** for approval no later than one (1) month before the commencement of construction, or where construction is staged, no later than one (1) month before the commencement of that stage.

- C4 **CEMP Sub-Plans** must be prepared in consultation with the relevant government agency(ies) and council(s) identified for each **CEMP Sub-Plan** in **Table 3**.

Table 3: CEMP Sub-Plan and relevant public authorities

	Required CEMP Sub-Plan	Relevant government agency(ies) and council(s) to be consulted for each CEMP Sub-Plan
(a)	Traffic and Transport	TfNSW and relevant council(s)
(b)	Noise and Vibration	Relevant council(s)
(c)	Soil and Water	DPIE Water Group, Sydney Water and relevant council(s)

Note: This condition does not preclude the preparation of subplans the proponent has committed to preparing in documents referenced in Condition A1

- C5 The **CEMP Sub-Plans** must state how:
- the environmental performance outcomes identified in the documents listed in **Condition A1** as modified by these conditions will be achieved;
 - the mitigation measures identified in the documents listed in **Condition A1** as modified by these conditions will be implemented;
 - the relevant terms of this approval will be complied with; and
 - issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed.
- C6 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 Construction must not commence until the **CEMP** and all **CEMP Sub-Plans** have been approved by the **ER** and must be implemented for the duration of construction. Where construction of the CSSI is staged, construction of a stage must not commence until the **CEMP** and sub-plans for that stage have been approved by the **ER**.

CONSTRUCTION MONITORING PROGRAMS

- C8 The **Construction Monitoring Programs** set out in **Table 4** must be prepared and implemented to enable comparison of the actual construction performance against the predicted performance. The **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies as identified for each **Construction Monitoring Program**.

Table 4: Construction Monitoring and relevant public authorities

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	Noise and Vibration	EPA
(b)	Water Quality	DPIE Water Group

- C9 Each **Construction Monitoring Program** must provide:
- details of baseline data available;
 - details of baseline data to be obtained and when;
 - details of all monitoring of the project to be undertaken;
 - the parameters of the project to be monitored;
 - the frequency of monitoring to be undertaken;
 - the location of monitoring;
 - procedure for the timing and frequency reporting of monitoring and analysis against relevant criteria, including details of the timing and frequency for reporting results to the **ER**, the Planning Secretary and relevant government agencies;

- (h) details of the methods that will be used to analyse the monitoring data;
 - (i) procedures to identify and implement additional mitigation measures where results of monitoring identify unexpected impact; and
 - (j) any consultation to be undertaken in relation to the monitoring programs.
- C10 The **Construction Monitoring Programs** must be submitted to the **ER** for approval at least one (1) month before the commencement of construction.
- C11 Construction, which is required to be monitored under the **Construction Monitoring Programs**, must not commence until the **Construction Monitoring Programs** have been approved by the **ER**, and all relevant baseline data for the specific construction activity has been collected.
- C12 The **Construction Monitoring Programs**, as approved by the **ER** must be implemented for the duration of construction and for any longer period set out in the monitoring program or specific by the Planning Secretary, whichever is the greater.
- C13 The results of the **Construction Monitoring Programs** must be made publicly available in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.

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

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 Measures to manage the operation and maintenance of the CSSI must be addressed in the Proponent's Environmental Management System.

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, odours and other air pollutants during the construction and operation of the CSSI.

FLOODING

- E2 Construction compounds, construction ancillary facilities and work sites must be located and operated so as to not worsen the existing flooding characteristics in the catchment.
- E3 The CSSI must be designed and constructed to not worsen flood characteristics within the vicinity of the CSSI.

Not worsen existing flooding characteristics in the vicinity of the CSSI means the following:

- (a) a maximum increase in the duration of inundation of one hour for all flood events up to and including a one per cent AEP event; and
 - (b) an increase in flood levels of no more than 30 mm within a property boundary where floor levels of residential accommodation are not currently exceeded in a one per cent AEP event, unless agreed by the Planning Secretary. In seeking the Planning Secretary's agreement, the Proponent must demonstrate that project design changes to meet the 30 mm criteria are not practical. Notwithstanding, an increase in flood levels of more than 50 mm within a property boundary is not permitted; and
 - (c) no flooding of residential accommodation floor levels in a one per cent AEP event, unless agreed by the Planning Secretary; and
 - (d) no change to flood hazard rating as defined in Appendix L of the NSW Government's *Floodplain Development Manual* (2005).
- E4 Flood information developed during detailed design such as flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels, the dimensions and finished levels of all structures constructed as part of the CSSI within the flood prone land, must be provided to the relevant council(s). The relevant council(s) must be notified in writing what information is available no later than one (1) month following the completion of construction. Information requested by the relevant council(s) must be provided no later than six (6) months following the completion of construction or within another timeframe agreed with the relevant council(s).

HERITAGE (ABORIGINAL AND BUILT)

- E5 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds and human remains in accordance with guidelines and standards published by the Heritage Council of NSW or DPIE EES Group.

This Procedure must be included in the **CEMP** required by **Condition C2**.

The **Unexpected Heritage Finds and Human Remains Procedure** be implemented for the duration of construction.

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

- E6 The Proponent must not harm, modify or otherwise impact Aboriginal objects associated with the CSSI except as authorised by this approval.

- E7 Before the commencement of work within areas of moderate or high archaeological potential as identified in the documents in **Condition A1**, the Proponent shall:

- (a) undertake archaeological investigation of this site using a methodology prepared in consultation with the Aboriginal stakeholders; and
- (b) report on the results of the archaeological investigation, including recommendations (such as for further archaeological work), and must include, but not necessarily be limited to:
 - (i) consideration of measures to avoid or minimise disturbance to Aboriginal objects where objects of moderate to high significance are found to be present;
 - (ii) where impacts cannot be avoided, recommendations for any further investigations or salvage under Condition E8 below; and
 - (iii) management and mitigation measures to minimise additional impacts due to pre-construction and construction activities.

- E8 Before the commencement of work where Aboriginal objects of moderate to high significance are found to be present and cannot be avoided (refer to **Condition E7(ii)** above), the Proponent must:

- (a) develop a detailed salvage strategy, prepared in consultation with the Aboriginal stakeholders; and
- (b) undertake any further archaeological excavation works recommended by the results of the Aboriginal archaeological salvage strategy.

Within twelve (12) months of completing the above work, unless otherwise agreed by the Planning Secretary, the Proponent must submit a report containing the findings of the excavations, including artefact analysis and Aboriginal Site Impacts Recording Forms (ASIR), and the identification of final storage location for all Aboriginal objects recovered (testing and salvage), prepared in consultation with the Aboriginal stakeholders and the DPIE EES Group (Aboriginal heritage). A copy of this report shall be provided to the relevant Local Aboriginal Land Council and council.

- E9 Where previously unidentified Aboriginal objects are discovered during construction of the CSSI, all work must stop in the affected area and a qualified and experienced Aboriginal heritage expert contacted to provide specialist heritage advice before work recommences. The measures to consider and manage this process must be specified in the **Unexpected Heritage Finds and Human Remains Procedure** required by **Condition E5** and, where relevant, include registration in the AHIMS.

NOISE AND VIBRATION

Work Hours

E10 Work must only be undertaken during the following hours:

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

Variation to Works Hours

E11 Notwithstanding **Conditions E10 and E15**, work may be undertaken outside the hours specified in the following circumstances:

- (a) for the delivery of materials required by the NSW Police Force or other appropriate 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 CSSI; or
- (d) work approved under an **Out-of-Hours Work Protocol** for work not subject to an EPL as required by **Condition E16**; or
- (e) construction that causes $L_{Aeq(15 \text{ minute})}$ 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 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); or
- (f) negotiated agreements with directly affected residents

E12 On becoming aware of the need for emergency work in accordance with **Condition E11(b)**, the Proponent must notify the **ER** of the need for that work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive land uses of the likely impact and duration of those works.

Out-of-Hours Work Scheduling and Respite

E13 Except as permitted by an EPL, out-of-hours work that is regulated through the **Out-of-Hours Work Protocol** as per **Condition E16** includes (but is not limited to):

- (a) work which could result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2009 "*Risk Management – Principles and Guidelines*"; or
- (b) where the relevant utility service operator has advised the Proponent in writing that carrying out the work and activities could result in a high risk to the operation and integrity of the utility network; or
- (c) work undertaken in a Rail Possession for operational or safety reasons; and
- (d) where the relevant road authority has advised the Proponent in writing that carrying out the works and activities could result in a risk to road network operational performance or safety.

*Note: Other out-of-hours works can be undertaken with the approval of an EPL, or through the project's **Out-of-Hours Work Protocol** for works not subject to an EPL.*

- E14 In order to undertake out-of-hours work, the Proponent must identify appropriate respite for out-of-hours work in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:
- (a) a schedule of likely out-of-hours work for a period no less than three (3) months;
 - (b) the potential works, location and duration;
 - (c) the noise characteristics and likely noise levels of the works; and
 - (d) likely mitigation and management measures.

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

Highly Noise Intensive Works

- E15 Except as permitted by an EPL, highly noise intensive work 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 (3) hours, with a minimum respite from that work of not less than one (1) hour between each block where the works are likely to impact the same noise sensitive receivers.

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

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

- E16 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of work which is outside the hours defined in **Condition E10**, and that is not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the relevant out-of-hours work. The Protocol must be prepared in consultation with the EPA. The Protocol must:

- (a) provide a process for the consideration of out-of-hours work against the relevant noise and vibration criteria, including the determination of low and high-risk activities;
- (b) provide a process for the identification and implementation of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of **Condition E14**;
- (c) identify procedures to facilitate the coordination of out-of-hours work approved by an EPL to ensure appropriate respite is provided;
- (d) identify an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) low risk activities can be approved by the **ER**, and
 - (ii) high risk activities that are approved by the Planning Secretary; and
- (e) identify DPIE, EPA and community notification arrangements for approved out-of-hours works, which maybe detailed in the **Communication Strategy**.

- E17 Noise generating work in the vicinity of potentially-affected community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled within sensitive periods or during important events, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution or as otherwise approved by the Planning Secretary.

Noise and Vibration Mitigation

- E18 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) BS 7385 Part 2-1993 “*Evaluation and measurement for vibration in buildings Part 2*” as they are “applicable to Australian conditions”; and
- (d) 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**.

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.

- E19 To protect the heritage significant fabric of heritage items, the Proponent must seek the advice of a heritage specialist on methods and locations for installing equipment used for vibration and noise monitoring at heritage-listed structures before installation.
- E20 The Proponent must sequence construction along Broomfield Street to minimise the duration of time any section of the existing Broomfield Street noise barrier is partially or fully removed.

Noise Mitigation - Operational Noise Mitigation Measures

- E21 The Broomfield Street noise barrier must be a single continuous barrier.

Note: Continuous for the purposes of this condition allows for the inclusion of access points where there are overlapping sections of noise barrier. in accordance with the ARTC Noise Prediction and Mitigation Guideline.

- E22 The Proponent must prepare an **Operational Noise and Vibration Review (ONVR)** to confirm noise and vibration control measures that will be implemented for the operation of the CSSI. The **ONVR** must be prepared as an iterative design development and in consultation with relevant council(s) and other relevant stakeholders and must:
 - (a) confirm the appropriate operational noise and vibration objectives and levels for surrounding development, including existing sensitive land uses;
 - (b) confirm the operational noise predictions based on the final design. Confirmation must be based on an appropriately calibrated noise model (which has incorporated data obtained from noise monitoring);
 - (c) confirm the operational noise and vibration impacts at sensitive receivers based on the final design of the CSSI, including operational daytime $L_{Aeq,15\text{ hour}}$ and night-time $L_{Ae, 9\text{ hour}}$ noise contours;
 - (d) examine all noise and vibration mitigation measures, with a focus on source control and design;
 - (e) identify specific physical and other mitigation measures that will be installed for controlling noise and vibration impacts at the source and at the receiver (if relevant) including location, type and timing of mitigation measures;
 - (f) where noise and vibration objectives cannot be achieved, the **ONVR** must present an analysis of all noise and vibration mitigation measures, the ‘best practice’ achievable noise and vibration outcome and justification for the measure decided upon based upon the analysis;
 - (g) fully describe the design, assumptions, calculation process, mitigation strategy, and other relevant factors;
 - (h) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; and
 - (i) procedures for the management of operational noise and vibration complaints.

Notwithstanding the above, the Proponent is responsible for the cumulative operational noise impacts of the CSSI and the Southern Sydney Freight Line (SSFL) project. That is, the **ONVR**

must consider the pre-SSFL noise levels at sensitive receivers in meeting the objectives in **Condition E22(a)** for the cumulative operation of the CSSI and SSFL.

The **ONVR** is to be verified by a suitably qualified and experienced noise and vibration expert. The **ONVR** is to be undertaken at the Proponent's expense and submitted to the Planning Secretary for approval before the implementation of mitigation measures. The **ONVR** must be made publicly available consistent with the requirements of **Condition B10**.

The Proponent must implement the identified noise and vibration control measures no later than 6 months after the commencement of construction, unless otherwise agreed with the Planning Secretary.

Note: Nothing in this approval devolves the Proponent from meeting the requirements of approval MP05_0089 (as modified) in regard to operational noise outcomes.

- E23 Operational noise and vibration mitigation measures as identified in **Condition E22** that will not be physically affected by works, must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted receiver to minimise construction noise impacts, and detailed in the **Noise and Vibration CEMP Sub-Plan** for the CSSI.

Note: For the purpose of **Conditions E23** and **E25**, operational noise mitigation measures refer to at-property treatments, the detail of which would broadly be included in the **Noise and Vibration CEMP Sub-Plan**. When detail on the specific mitigation measures is known and before the implementation of the mitigation measures, the **CEMP Sub-Plan** must be updated.

- E24 Where implementation of operational noise mitigation measures cannot be implemented within six months of commencement of construction in accordance with **Condition E23**, the Proponent must submit to the Planning Secretary a report providing justification as to why. The report must include 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 E21** are implemented. The report must be submitted to the **ER** for approval within six (6) months of the commencement of construction which would affect the identified sensitive land uses.

- E25 Within 12 months of the commencement of operation of the CSSI, 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 E21**.

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 E21**;
- (b) a review of the operational noise levels in terms of criteria and noise goals established in the *NSW Rail Infrastructure Noise Guideline 2013*;
- (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 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 mitigation measures; and
- (g) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E18**, that are to be implemented with the objective of meeting the criteria outlined in the *NSW Rail Infrastructure Noise Guideline 2013* and

Industrial Noise Policy (EPA, 2000), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

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

SOCIO-ECONOMIC, LAND USE AND PROPERTY

E26 The Proponent must identify the utilities and services (hereafter “services”) potentially affected by construction to determine requirements for diversion, protection and/or support. The Proponent, in consultation with service providers, must ensure that disruption to services resulting from the Construction is avoided where possible. Where unavoidable, customers must be advised in accordance with the **Communication Strategy** required under **Condition B1**.

Condition Survey

E27 Before commencement of any construction, a structural engineer must undertake condition surveys of all buildings, structures, utilities and the like that are identified in the **Noise and Vibration CEMP Sub-Plan** as being at risk of damage due to construction vibration. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the owners of the items surveyed, and no later than one month before the commencement of construction, or as otherwise instructed or agreed to by the utility operator.

E28 After completion of construction, condition surveys must be undertaken by a structural engineer of all items for which condition surveys were undertaken in accordance with **Condition E27**. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the landowners of the items surveyed no later than three (3) months following the completion of construction.

E29 The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration) by the construction of the CSSI at no cost to the owner unless otherwise agreed with the owner.

Public Open Space

E30 The Proponent must ensure that existing level of programmed softball activity at Jacquie Osmond Reserve can be maintained at all times, during construction and operation. The design of altered softball facilities must be undertaken in consultation with the Southern District Softball Association and Liverpool City Council.

E31 The proposed design of the altered softball facilities at Jacquie Osmond Reserve must be submitted to the Planning Secretary at least one month before the commencement of work at Jacquie Osmond Reserve that would affect the existing softball facilities. Evidence demonstrating consultation with the Southern District Softball Association and Liverpool City Council must be provided.

*Note: Any work resulting from **Condition E31** that is not consistent with the work identified in the documents listed in **Condition A1** is subject to relevant environmental impact assessment under the *Environmental Planning and Assessment Act 1979*.*

SOILS

E32 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise erosion and water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

Contaminated Sites

- E33 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared before the commencement of construction and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during construction.
- E34 The **Unexpected Contaminated Land and Asbestos Finds Procedure** required under **Condition E33** must be implemented throughout construction. Where any unexpected contamination is found, the Proponent must conduct site investigations in accordance with **Appendix C**.

SUSTAINABILITY

- E35 The Proponent must endeavour to achieve the objective of a best practice level of performance for the CSSI being a minimum 'Design' and 'As built' rating score of 65 using the Infrastructure Sustainability Council of Australia infrastructure rating tool or an equivalent level of performance using a demonstrated equivalent rating tool.

TRAFFIC AND TRANSPORT

- E36 Access to all utilities and properties must be maintained during construction, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.
- E37 Safe pedestrian, cyclist and vehicular access must be maintained around construction compounds, construction ancillary facilities and work sites during construction. Where pedestrian, cyclist or vehicular access is restricted or removed due to construction, the relevant council(s) and the community must be informed one month before any disruption in accordance with the Communication Strategy under **Condition B2**.
- E38 Any property access physically affected by the CSSI during construction must be reinstated to at least an equivalent condition, unless otherwise agreed by the landowner or occupier.

Road Dilapidation

- E39 The Proponent must provide, before establishment of the Jacquie Osmond Reserve compound, a safe access road of appropriate standard for use by both construction vehicles and other public users to the parking area at Cabramatta Creek on the eastern side of the rail corridor and adjacent to Jacquie Osmond Reserve.
- E40 Before any local or private road is used by a Heavy Vehicle for the purposes of construction of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the relevant council(s) within three (3) weeks of completion of the survey and no later than one (1) month before the road is used by Heavy Vehicles associated with construction of the CSSI.
- E41 If damage to roads occurs as a result of the construction of the CSSI, the Proponent must either (at the landowner's discretion):
- (a) compensate the relevant road authority for the damage so caused. The amount of compensation may be agreed with the relevant road authority, but compensation must be paid even if no agreement is reached; or
 - (b) rectify the damage to restore the road to at least the condition it was in pre-works as identified in the **Road Dilapidation Report**.
- E42 Before the Jacquie Osmond Reserve compound is decommissioned, the Proponent must ensure that the access road between Station Street and Jacquie Osmond Reserve is rectified to a suitable standard for ongoing access by public users. The rectification works must include at a minimum, the grading and asphalt re-sheeting of the road. The design of the rectification works must be undertaken in consultation with Council.

Parking

- E43 Construction vehicles (including staff vehicles) associated with the CSSI must be managed to minimise parking, idling and queuing on public roads.
- E44 The Proponent must minimise the permanent loss of on-street car parking spaces. The selection of any location(s) to replace on-street parking must take into account the ability to provide landscaping to address visual amenity, limit increases in impervious surfaces and be undertaken in consultation with Council. The Proponent must consider any landscaping and urban design plans, endorsed by Council at or before the date of this approval, relevant to the selected location(s) in the design of the parking.

Road Safety

- E45 The ancillary road infrastructure associated with the CSSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines.
- E46 An independent **Road Safety Audit(s)** must be undertaken by an appropriately qualified and experienced person to assess the safety performance of new or modified local roads, heavy and over-height vehicle routes, parking, pedestrian and cycle infrastructure provided as part of the CSSI to ensure that relevant road safety standards are met.

Pedestrian and Cyclist Transport

- E47 All pedestrian and cyclist infrastructure impacted by the CSSI must:
- (a) be replaced to a standard equal or better to that existing prior to impact;
 - (b) include appropriate signage and wayfinding measures; and
 - (c) be completed and ready for use before operation of the CSSI.

TREES

Tree Removal and Replacement Planting

- E48 The CSSI must deliver a net increase in trees. Replacement trees must target an increase in tree canopy and aim to enhance the relevant council's position in respect of the Sydney Green Grid. This condition does not apply to trees that are subject to a biodiversity offset.
- E49 Replacement trees must:
- (a) be located on public land and prioritised within 500 metres of the Construction Boundary in consultation with the relevant council;
 - (b) be provided no later than six (6) months following the commencement of operation;
 - (c) have a minimum pot size of 20 litres except where the plantings are consistent with the pot sizes specified in a relevant council's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant council(s). In areas not subject to council plans / programs / strategies, pot sizes must be informed through consultation with the relevant council(s).

URBAN DESIGN AND VISUAL AMENITY

Boundary Screening of Construction Ancillary Facilities

- E50 Boundary fencing or hoarding must be installed and secured around construction compounds, construction ancillary facilities and work sites to minimise amenity impacts on the surrounding community. This screening and hoarding must be installed prior to use of the construction compounds, construction ancillary facilities and work sites.

Lighting and Security

- E51 The Proponent must construct and operate the CSSI with the objective of minimising light spill and managing residual night lighting impacts to surrounding properties. All lighting associated with the construction and operation of the CSSI must 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*.

Urban Design

- E52 The CSSI must be designed to address the good design outcomes in *Better Placed* and principles of green infrastructure and outcomes in draft *Greener Places* by the NSW Government Architect.

Urban Design and Landscape Plan

- E53 A **UDLP** must be prepared to inform the final design of the CSSI, in accordance with the project objectives, the commitments made in the documents listed in **Condition A1**, and the requirements of this approval.

The **UDLP** does not apply to those elements, which for technical, engineering, or ecological requirements, or other requirements as agreed by the Planning Secretary, do not allow for alternate design outcomes.

- E54 The **UDLP** must be prepared in consultation with relevant council(s). The **UDLP** must include, but not necessarily be limited to:

- (a) an analysis of the good design outcomes in the context of the CSSI;
- (b) the urban design and landscape requirements of this approval, including but not limited to:
 - (i) plantings;
 - (ii) pedestrian and cyclist infrastructure required in accordance with **Condition E47**;
 - (iii) permanent works at Jacquie Osmond Reserve; and
 - (iv) sustainability initiatives;
- (c) the design of the CSSI elements including their form, materials and detail;
- (d) the location of existing vegetation, areas of vegetation to be retained and proposed planting and seeding details, including the use of local indigenous species for revegetation activities;
- (e) the location of heritage items;
- (f) developed visuals, cross sections and plans showing the proposed design outcome; and
- (g) details of strategies to rehabilitate, regenerate or revegetate disturbed areas and successfully establish and maintain the resulting new landscape.

- E55 The Proponent must submit the **UDLP** to the Planning Secretary for approval. Construction of permanent built works or landscaping that are the subject of the **UDLP** must not be commenced (in the area to which the **UDLP** applies) until the **UDLP** has been approved by the Planning Secretary. The **UDLP**, as approved by the Planning Secretary, must be implemented during construction and operation.

Operational Maintenance

- E56 The ongoing maintenance of landscaping and works implemented as part of this approval will remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority, unless agreed by the Planning Secretary. Before the transfer of assets, the Proponent must maintain items and works to at least the design standards established in the **UDLP**.

WASTE

- E57 Waste generated during construction and operation must be dealt with in accordance with the following priorities:

- (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;

- (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
- (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of at 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 (NSW)*, or to any other place that can lawfully accept such waste.

WATER

- E58 The CSSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.
- E59 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.
- E60 Works on waterfront land must be carried out in accordance with controlled activity guidelines.

Stormwater Drainage

- E61 The CSSI must be designed and constructed so not to worsen the overall efficiency of the existing stormwater drainage system affected by the works except where it is allowed for in compliance with **Condition E3**.

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the DPIE via the Major Projects Website (<https://www.planningportal.nsw.gov.au/major-projects>) within seven days after the Proponent becomes aware of an incident that has occurred during construction. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A31** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the CSSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.

Appendix B

UNEXPECTED CONTAMINATED LAND

If unexpected contamination is found, the Proponent must conduct site investigations to determine the full nature and extent of the contamination at the project area. The site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*.

If, in accordance with the **Unexpected Contaminated Land and Asbestos Finds Procedure** required under **Condition E33** and relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*, a Remediation Action Plan is required to address the contamination, and the following requirements apply:

- (a) Prior to the commencement of site remediation, the Proponent must engage a NSW EPA-accredited Site Auditor, for the duration of site remediation works.
- (b) Prior to commencement of site remediation, the Proponent must obtain Interim Audit Advice from the Site Auditor which certifies that the site can be made suitable for the proposed use subject to the implementation the Remediation Action Plan.
- (c) The Proponent must adhere to the management measures in the Remediation Action Plan approved by the site auditor.
- (d) Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor.
- (e) If work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- (f) The Proponent must obtain a Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan – from the Site Auditor and submit it to the **ER** prior to commencement of operation. The Site Audit Statement must certify the site is suitable for the proposed use.