

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 and Public Spaces

Sydney *27th August,* 2020

SCHEDULE 1

Application no.:	SSI-9737
Proponent:	Transport for NSW
Approval Authority:	Minister for Planning and Public Spaces
Land:	Land between St Peters Interchange and Sydney Airport within the suburbs of Tempe, St Peters and Mascot.
Description of Critical State Significant Infrastructure:	<p>A direct high capacity road connection linking the Sydney motorway network at the St Peters Interchange with Sydney Kingsford Smith Airport including:</p> <ul style="list-style-type: none">- a new elevated section of road from the St Peters Interchange to the Botany Rail line;- a new section of road connecting Terminal 1 with the St Peters Interchange;- widening and upgrade of Qantas Drive to connect Terminals 2/3 with the St Peters Interchange;- two new sections of road connecting Terminal 1 and Terminals 2/3;- provision of access connecting Sydney Airport's northern lands on either side of the Botany Rail line and a signalised intersection connecting Sydney Airport's existing and proposed freight facilities on either side of Alexandra Canal;- intersection upgrades or modifications; and- the provision of an active transport link along the western side of Alexandra Canal.
Declaration as Critical State Significant Infrastructure	<p>The proposal is critical State significant infrastructure by virtue of Schedule 5, clause 19 of <i>State Environmental Planning Policy (State and Regional Development)</i> 2011.</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 and Terms

Term	Definition
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> .
Active transport	Shared path infrastructure specifically for walking and cycling
AEP	Annual Exceedance Probability. The probability that a given rainfall/flood event will occur in any year.
Airport Operator	Has the same meaning as the definition under the <i>Commonwealth Airports Act 1996</i> .
Construction ancillary facility	<p>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, but excluding concrete batching.</p> <p><i>Note: Where a CEMP has been approved by the Planning Secretary and it includes a stockpile management protocol, a temporary material stockpile located within the construction boundary is not an ancillary facility.</i></p>
CALD	Culturally and Linguistically Diverse
CASA	Civil Aviation Safety Authority
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction is completed and all construction related requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all 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	<p>Includes all Work required to build the CSSI as described in the documents listed in Condition A1, including commissioning trials of equipment, temporary use of any part of the CSSI and site demobilisation, but excluding the following low impact work which has commenced before approval of the CEMP:</p> <ul style="list-style-type: none"> (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment work approved under a Site Establishment Management Plan in accordance with Condition A15;

Term	Definition
	<ul style="list-style-type: none"> (d) minor construction ancillary facilities in accordance with Condition A17; (e) erection or removal of demountable buildings at ancillary facilities if the ER has determined the erection or removal will have minimal impact on the environment and community in the approved locations set out in the documents listed in Condition A1; (f) treatment of contaminated sites subject to the recommendations of a Contaminated Sites Investigation Report prepared in accordance with Condition E44; (g) minor clearing of and relocation of native vegetation, as identified in the documents listed in Condition A1; (h) installation of mitigation measures including noise, erosion and sediment controls, temporary exclusion fencing for sensitive areas, any upgrades to the leachate treatment plant to ensure it continues to comply with the Voluntary Remediation Proposal (Ref. 26050) and establishment of the temporary dog park; (i) property adjustment Work including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; (j) low impact utility works as defined in this approval; (k) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological salvage, undertaken in association with (a) – (j) above to ensure that there is no impact on heritage items; (l) other Work 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 including access and egress to construction ancillary facilities; and (m) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are adversely affected or potentially adversely affected by any low impact work, that work, as defined in (a) to (m) above is construction, unless otherwise determined by the Planning Secretary.</p> <p>Any low impact work described in this definition that has not commenced prior to the approval of the 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 Boundary	The area required for project construction as described in the documents listed in Condition A1 .
CSSI	The critical State significant infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval.
Department	NSW Department of Planning, Industry and Environment
DECC	Former NSW Department of Environment and Climate Change

Term	Definition
DITRDC	Commonwealth Department of Infrastructure, Transport, Regional Development and Communications
DPC	Department of Premier and Cabinet
EES Group	Environment, Energy and Science Group of the Department
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, 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 (NSW)</i>
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act.
ER	The Environmental Representative for the CSSI.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Representative Protocol	The document of the same title published by the Department dated October 2018.
Heavy vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law (NSW) 2013</i> .
Heritage item	A place, building, work, structure, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977 (NSW)</i> ; a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977 (NSW)</i> ; a Local Environmental Plan under the EP&A Act; the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i> ; and an "Aboriginal object" or "Aboriginal place" as defined in section 5 of the <i>National Parks and Wildlife Act 1974 (NSW)</i> .
Heritage NSW, DPC	Heritage NSW, Department of Premier and Cabinet
Highly noise intensive works	Dynamic compaction and Work defined as annoying under the ICNG being: <ul style="list-style-type: none"> (a) use of 'beeper' style reversing or movement alarms, particularly at night-time; (b) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (c) grinding metal, concrete or masonry; (d) rock drilling; (e) line drilling; (f) vibratory rolling; (g) rail tamping and regulating; (h) bitumen milling or profiling; (i) jackhammering, rock hammering or rock breaking; and (j) impact piling.
ICNG	<i>Interim Construction Noise Guideline (DECC, 2009)</i>
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>

Term	Definition
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 Works	Being the adjustment of utilities to property that disrupt services or access to less than 10 premises, access or service outage of less than 2 hours and meets the requirements of Condition E16(h) .
Major Construction Ancillary Facility	A construction ancillary facility not being a minor construction ancillary facility.
Material harm	This is harm that: <ul style="list-style-type: none"> (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
Minor Construction Ancillary Facility	Lunch sheds, office sheds, portable toilet facilities, and the like that meet the requirements of Condition A17 .
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 but is not in itself an incident.
OEMP	Operational Environmental Management Plan
Offensive odour	Has the same meaning as the definition as the POEO Act.
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 the Department (or nominee, whether nominated before or after the date on which this approval was granted).
Planning Secretary's approval or agreement	A written approval 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 B12 of this approval.

Term	Definition
Relevant council	Any or all as relevant - Bayside, Inner West or City of Sydney.
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> .
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977 (NSW)</i> .
Response to Submissions	The Proponent's response to issues raised in submissions received during the public exhibition of the CSSI application.
Sensitive receivers	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres, passive recreation areas (including outdoor grounds used for teaching), commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), and others as identified by the Planning Secretary.
SES	NSW State Emergency Services
Seven day rolling period	Refers to the period of time that includes the previous six days and the current day.
Site Establishment Works	Low impact work undertaken to establish a construction ancillary facility. However, site establishment work does not include piling (except for piling required for the erection of noise barriers around construction ancillary facilities).
TMC	Transport Management Centre for NSW
Tree	Long-lived woody perennial plant greater than (or usually greater than) 3 metres in height with one or relatively few main stems or trunks (<i>AS4373-2007 Pruning of amenity trees</i>).
Unexpected heritage find	An object or place that is discovered during the carrying out of the CSSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains.
Unexpected contamination find	Any contamination that is discovered during the carrying out of the CSSI but was not identified in the EIS or Submissions Report or was not suspected to be present.
Useable Open Space	Open space that is accessible by active transport and greater than 30 metres in width and length at any location.
Water Group	Water Group of the Department and the National Resources Access Regulator.
Work	Any physical work for the purpose of the CSSI including but not limited to construction, low impact work, low impact utility works and site establishment but not including operational maintenance works.

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 the Planning Secretary's approval are also listed. Note that under **Condition A8** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the immediate notification of an incident required under **Condition A34**). Where there is an inconsistency with the requirements of **Table 2** and any condition of approval, the condition of approval prevails.

Table 2: Reporting, notifications and approval requests that must be submitted to the Planning Secretary

Condition	Reports/ Notifications/ Independent Appointments	Timing	Purpose
Part A – Administrative			
A9	Staging Report	One (1) month before commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A13	Revised Staging Report	No later than one (1) month prior to the proposed change in the staging	Information
A15	Site Establishment Management Plan	One (1) month before the installation of any major construction ancillary facilities	Approval
A22	Environmental Representative	Must be sought one (1) month before the commencement of Work	Approval
A24	Environmental Representative reports	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A27	Notice of commencement	At least one (1) month prior to the commencement of construction and operation	Information
A28	Notice of commencement of each stage	At least one (1) month prior to the commencement of each stage of staged construction or operation	Information
0	Agreement to independent auditors	No later than two (2) weeks following the commencement of construction and prior to auditing	Agreement
A34	Notification of incident	As soon as possible and no later than 24 hours after the Proponent becomes aware of an incident	Information
A35	Written notification of incident	Subsequent written notification and an incident report are required seven (7) days after the Proponent became aware of the incident and 30 days after the date on which the incident occurred, respectively	Information
A37	Reporting of commencement progress	Within six (6) months of the date of this approval	Information
Part B - Communication Information and Reporting			
B3	Communication Strategy	One (1) month before the commencement of any Work	Approval
B11	Complaints Register	Upon request from the Secretary	Information

Condition	Reports/ Notifications/ Independent Appointments	Timing	Purpose
Part C - Construction Environmental Management			
C3	CEMP	One month before the commencement of construction	Approval
C13	CEMP Sub-plans	One month before the commencement of construction	Approval
C21	Construction Monitoring Programs	One month before the commencement of construction	Approval
C24	Construction Monitoring Reports	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D3	OEMP or EMS	One month before the commencement of operation	Information
D5	Ground Water monitoring program	At least one month prior to commencement of operation	Approval
D6	Change to monitoring period review	Within two (2) weeks of the review	Information
Part E – Key Issues			
Heritage			
E9	Heritage Report	No later than nine (9) months after the completion of the work described in Condition E7	Information
E11	Unexpected Heritage Finds and Humans Remains Procedure	One month before commencement of construction	Information
Noise and Vibration			
E17	Notification of emergency work	On becoming aware of the need for emergency work	Information
E18	Out-of-Hours Work Protocol for works not subject to an EPL	Before the commencement of out-of-hours works	Approval
E18(g)(iii)	Medium and high risk out-of-hours Work not subject to an EPL	Before commencement of medium and high-risk Work	Approval
E18(h)	Notification of low risk out-of-hours Work not subject to an EPL	In accordance with the Out-of-Hours Work Protocol	Information
E19	Outcomes of community consultation	Within two (2) weeks of undertaking the community consultation	Information
E25	Evidence that dynamic compaction must occur out of hours and that preferred values would not be exceeded	At least one (1) week prior to the activity being undertaken	Information
E31	Operational Noise and Vibration Review	Before the implementation of operational noise mitigation measures	Approval

Condition	Reports/ Notifications/ Independent Appointments	Timing	Purpose
E33	Report justifying why operational noise mitigation measures would not be implemented within six months of commencement of construction.	Before commencement of Work that would impact identified sensitive receivers	Information
E36	Operational Noise Compliance Report	Within 60 days of completing operational monitoring	Information
Socio-Economic, Land Use and Property			
E37	Statement demonstrating that ramps at Canal Road and a rail turn-out are not precluded by the design	Prior to construction commencing in the vicinity	Information
Soils			
E46	Remediation Action Plan and Interim Audit Advice or a Section B Site Audit Statement	Prior to commencing remediation	Information
E47	Site Audit Statement and Section A Site Audit Report	No later than One (1) month before the commencement of operation	Information
Sustainability			
E51	Sustainability Strategy	One month before the commencement of construction	Information
Traffic and Transport			
E52	Use of local roads for spoil haulage and concrete deliveries	Before the use of the local roads	Approval
E57	Construction Parking and Access Strategy	Prior to the commencement of any Work that impacts on-street parking	Approval
E57(k)	Construction Parking and Access Strategy – results of monitoring of effectiveness of mitigation measures	Three monthly intervals	Information
E63	Operational Road Network Performance Review	Within 60 days of completion of each Review	Information
Place and Design			
E67	Nomination of independent and qualified practitioners	One month prior to construction	Approval
E67	Practitioners advice and recommendations	When submitting the PDLP for Approval	Information

Condition	Reports/ Notifications/ Independent Appointments	Timing	Purpose
E78	Place, Design and Landscape Plan	No later than one (1) month before construction of permanent works that are subject of the PDLP	Approval
Tree Removal, Replacement Plantings and Rehabilitation			
E84	Landscape Strategy Report	No later than nine months following the commencement of operation	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 *Sydney Gateway Road Project Environmental Impact Statement/Preliminary Draft Major Development Plan* (dated November 2019) (the EIS/pdMDP) and the *Sydney Gateway Road Project Response to Submissions Report* (dated May 2020).
- A2 The CSSI must be carried out in accordance with all procedures, commitments, preventative actions, performance outcomes and mitigation measures set out in the documents identified in **Condition A1** unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between the EIS, as amended by the description in the Response to Submissions, 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 the written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the CSSI;
 - (b) any document or correspondence in relation to the CSSI (including the provision of such documentation or correspondence);
 - (c) any independent appointment or withdrawal of an appointment 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;
 - (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, and following consultation with the Proponent, 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;
 - (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 Work is physically commenced on or before that date.

- A7 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.
- A8 Any document that must be submitted within a timeframe specified in or under the conditions of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate notification required in respect of an incident under **Condition A34**.

Note: Inaction and/or expedience will not be supported as justifications for need unless it can be demonstrated that there are beneficial environmental impacts associated with the 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). The report must be endorsed by the Environmental Representative (ER) before it is submitted to the Planning Secretary.
- 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 Work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.
- A13 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared and submitted to the Planning Secretary for information no later than one (1) month prior to the proposed change in the staging.

ANCILLARY FACILITIES

Ancillary facilities

- A14 Ancillary facilities that are not identified by description and location in the documents referred to in condition A1 can only be established and used in each case if:
- (a) they are located within or immediately adjacent to the construction boundary; and
 - (b) they are not located next to a sensitive receiver(s) (including where an access road is between the facility and the receiver), unless the sensitive receiver(s) (both the landowner(s) and occupier(s)) 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.

SITE ESTABLISHMENT WORKS

Site Establishment Management Plan

A15 Before establishment of a major construction ancillary facility (i.e. excluding minor construction ancillary facility(s) established under **Condition A17**), the Proponent must prepare a **Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facility(s). The **Site Establishment Management Plan** must be prepared in consultation with the relevant councils and EESG, Heritage Council, DPIE Water, Sydney Water and Pipeline Operators as applicable.

The Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any major construction ancillary facility(s). The Plan must be endorsed by the ER before it is submitted to the Planning Secretary. The **Site Establishment Management Plan** must detail the management of the establishment of the major construction ancillary facility(s) and include:

- (a) a description of activities to be undertaken during establishment of the facility (including scheduling and duration of works to be undertaken at the site);
- (b) figures illustrating the proposed site layout;
- (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works;
- (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in the documents listed in **Condition A1**, and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
- (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of **Condition C15**.

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

Use of Major Construction Ancillary Facilities

A16 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 C5** and relevant **Construction Monitoring Programs** required by **Condition C15** have been approved by the Planning Secretary.

Minor Construction Ancillary Facilities

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

- (a) are located within the construction boundary; and
- (b) have been assessed by the ER to have -
 - (i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *Interim Construction Noise Guideline* (DECC, 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) minimal environmental impact with respect to waste management and flooding, and

- (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.

Boundary screening

- A18 Boundary screening must be erected around all construction ancillary facilities that are adjacent to sensitive receivers for the duration of construction of the CSSI unless otherwise agreed with the relevant Council, and with affected residents, business operators and landowners.
- A19 Boundary screening, that is also a controlled action under the *Airports Act 1996*, is not required to be erected where the Airport Operator (or CASA or Airservices Australia) has advised the Proponent in writing that approval is required under the *Airports Act 1996* and that the approval will not be granted.
- A20 Boundary screening required under **Condition A18** of this approval must minimise visual, noise and air quality impacts on adjacent sensitive receivers.

ENVIRONMENTAL REPRESENTATIVE

- A21 Work must not commence until an **ER** has been approved by the Planning Secretary and engaged by the Proponent.
- A22 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of Work.

The proposed **ER** must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in **Condition A1**, and is independent from the design and construction of 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 Planning Secretary for the purposes of the CSSI. The **ER** must meet the requirements set out in the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018). The appointment of the **ER** must have regard to the Department's guideline *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).
- A24 For the duration of the 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) review documents identified in **Conditions A9, A15, C1, C5 and C15** and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
 - (e) regularly monitor the implementation of the documents listed in **Conditions A9, A15, C1, C5 and C15** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the CSSI commissioned by the Department including scoping audits, programming audits,

- briefings and site visits, but not independent environmental audits required under **Condition A29** of this approval;
- (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
 - (h) assess the impacts of minor construction ancillary facilities as required by **Condition A17** of this approval;
 - (i) consider any minor amendments to be made to the **CEMP, CEMP Sub-plans, Construction Monitoring Programs** and **Site Establishment Plans** that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and Construction Monitoring Programs approved by the Planning Secretary and, if satisfied such amendments are necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
 - (j) prepare and submit to the Planning Secretary and EESG, EPA, Heritage Council, DPIE Water, where requested by those 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.
- 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 for any complaints received (on any day they are 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).
- A26 The Planning Secretary may at any time commission an audit of how the **ER** has exercised their functions. The Proponent must:
- (a) facilitate and assist the Planning Secretary in any such audit; and
 - (b) make it a term of their engagement of an **ER** that the **ER** facilitate and assist the Planning Secretary in any such audit.
- The Planning Secretary may withdraw its approval of the **ER** should they consider the **ER** has not exercised their functions in accordance with this approval.

NOTIFICATION OF COMMENCEMENT

- A27 The Department must be notified in writing of the dates of commencement of construction and operation at least one (1) month before those dates.
- A28 If the construction or operation of the CSSI is to be staged, the Department must be notified in writing at least one (1) month before the commencement of each stage, of the date of commencement of that stage.

AUDITING

- A29 The Proponent must undertake auditing and audit reporting in accordance with the document *Independent Audit, Post Approval Requirements* (DPIE, 2020).
- A30 Operational compliance auditing is only required at 26 weeks following the commencement of operation.

- A31 The Proponent must seek the written agreement of the Planning Secretary to the independent auditor(s) no later than 2 weeks following commencement of construction and prior to the commencement of an Independent Audit. The auditor(s) must meet the competence and independence requirements set out in Section 3 of *Independent Audit, Post Approval Requirements* (DPIE, 2020).
- A32 The Planning Secretary may require initial and subsequent Independent Audits to be undertaken at different times to those specified in *Independent Audit, Post Approval Requirements* (DPIE, 2020), upon giving at least one (1) month notice to the Proponent of the date upon which the audit must be commenced.
- A33 The Planning Secretary may direct the Proponent to undertake Independent Audits in addition to those provided for in **Condition A29** when considered necessary to address a particular issue.

INCIDENT NOTIFICATION AND REPORTING

- A34 The Department must be notified as soon as possible and no later than 24 hours after the Proponent becomes aware of an incident. This initial advice can be via telephone and must identify the CSSI (including the name and application number), time, date, location and nature of the incident.
- A35 Subsequent written notification must be given and reports submitted to the Planning Secretary in accordance with the requirements set out in **Appendix A**, unless otherwise approved by the Planning Secretary.

IDENTIFICATION OF CONSTRUCTION ANCILLARY FACILITIES

- A36 Signage on fencing or hoardings surrounding construction ancillary facilities must include the CSSI name and application number.

REPORTING OF COMMENCEMENT PROGRESS

- A37 The Proponent must report back to the Planning Secretary within six (6) months of the date of this approval being granted on how the project has commenced in line with its inclusion in the Planning System Acceleration Program.

PART B

COMMUNICATIONS, COMMUNITY INFORMATION

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Communication Strategy

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

- (a) the community (including adjoining affected landowners and businesses, and others directly impacted by the CSSI), and
- (b) the relevant councils and EPA, EESG, NSW Health, Heritage Council, DPIE Water, Sydney Water, ARTC and Pipeline Operators, as applicable.

The Communication Strategy must address who (the Proponent, Independent Appointments and/or construction contractor) will engage with the community, relevant councils and agencies, how they will engage and the timing of engagements.

B2 The **Communication Strategy** must:

- (a) identify people, organisations councils and agencies to be consulted during the design and work phases;
- (b) include details of the community demographics;
- (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) detail the measures for advising the community in advance of upcoming utility Work including the schedule for out-of-hours Work as required in **Condition E19**;
- (f) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the CSSI; and
- (g) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent 24 hours a day, seven days a week;
 - (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 the environmental management and delivery of the CSSI, including disputes regarding rectification or compensation.

B3 The **Communication Strategy** must be submitted to the Planning Secretary for approval no later than one month before commencement of any Work.

B4 Work for the purposes of the CSSI must not commence until the **Communication Strategy** has been approved by the Planning Secretary.

B5 For the purposes of **Conditions B3 and B4**, Work does not include survey, geotechnical and contaminations investigations. The Proponent must provide at least 5 days notification of survey, geotechnical and contamination investigations to residents and business within 500 metres of the subject activity.

B6 The **Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of Work and for 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B7 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the CSSI.
- B8 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; and
 - (d) a mediation system for complaints unable to be resolved.
- This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.
- B9 The telephone number, postal address and email address required under **Condition B8** of this approval must be made available on site boundary fencing / hoarding at each construction site and ancillary facility before the commencement of construction. This information must also be provided on the website required under **Condition B12** of this approval.
- B10 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any Work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:
- (a) number of complaints received;
 - (b) the date and time of the complaint;
 - (c) the method by which the complaint was made;
 - (d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect
 - (e) nature of the complaint;
 - (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
 - (g) if no action was taken, the reason(s) why no action was taken
- B11 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

PROVISION OF ELECTRONIC INFORMATION

- B12 A website or webpage providing information in relation to the CSSI must be established before commencement of Work and maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published and maintained on the website or dedicated pages including:
- (a) information on the current implementation status of the CSSI;
 - (b) a copy of the documents listed in **Condition A1** of this approval, and any documentation relating to any modifications made to the CSSI or the terms of this approval;
 - (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
 - (d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI;
 - (e) a current copy of the final version of each document required under the terms of this approval; and
 - (f) a copy of the audit reports required under **Condition A29** of this approval.

Where the information / document relates to a particular Work or is required to be implemented, it must be published before the commencement of the relevant Work to which it relates or before its implementation.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during construction.
- C2 The CEMP must be prepared having regard to the [*Environmental Management Plan Guideline – Guideline for Infrastructure Projects*](#) (Department of Planning, Industry and Environment, April 2020).
- C3 The **CEMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction. The approved CEMP and Subplans must be submitted to DITRDC for information no later than two (2) weeks after its approval.
- C4 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction) including site layout figures;
 - (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 and cumulative impacts arising from other projects, 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 C5**. 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; and
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs.
- C5 The following **CEMP Sub-plans** must be prepared in consultation with the relevant agencies identified for each **CEMP Sub-plan**. Details of all information requested by an agency during consultation must be included in the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies.

	Required CEMP Sub-plan	Relevant agencies to be consulted for each CEMP Sub-plan
(a)	Traffic and Transport	Relevant councils
(b)	Noise and Vibration	Pipeline Operators and Sydney Water (where vibration generating activities will impact on their assets) and relevant councils
(c)	Soil and Water	DPIE Water, Sydney Water (if it is proposed to discharge to or impact on its assets) and relevant councils
(d)	Contaminated aquatic sediments in Alexandra Canal	Sydney Water
(e)	Heritage	Heritage Council, Sydney Water and relevant councils
(f)	Landfill Leachate, Gas and Odour	Relevant councils
(g)	Groundwater (including contaminated groundwater, all impacts to groundwater resources, groundwater take and any secondary impacts)	DPIE Water, Sydney Water (if it is proposed to discharge to or impact on its assets)
(h)	Flora and fauna	EESG

C6 The **CEMP Sub-plans** must state how:

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

C7 The **Landfill Leachate, Gas and Odour CEMP Sub-plan** must include:

- (a) measures to manage landfill gas emissions and limit odours generated during construction so as not to cause offensive odour beyond the boundary of the construction footprint, including site specific action criteria and notification procedures for receivers potentially affected by odour generation;
- (b) measures to monitor and manage landfill gases accumulating in buildings, basins and subsurface trenches and pits associated with the CSSI;
- (c) details of the closure and stabilisation of the impacted area of landfill so it is suitable for its intended uses;
- (d) methods for the management of leachate including treatment and disposal as well as measures for preventing leachate resulting from Work migrating from the landfill off site;
- (e) reporting triggers and contingency actions in the event that unacceptable levels of odours, and landfill gases are reached or reported above safe thresholds at the boundary of the construction footprint;
- (f) reporting triggers and contingency actions should leachate migrate offsite from the landfill or if there is any environmental or health problems caused by leachate;
- (g) community engagement processes to be undertaken if nuisance odours move beyond the construction boundary;
- (h) evidence that an EPA accredited Site Auditor has reviewed the Landfill Leachate, Gas and Odour CEMP Sub-plan and has issued an interim audit advice or a Section B Site Audit Statement regarding the appropriateness of the Sub-plan; and

- (i) evidence that the Landfill Leachate, Gas and Odour CEMP Sub-plan and the interim audit advice or a Section B Site Audit Statement regarding the appropriateness of the Sub-plan issued by the accredited Site Auditor has been submitted to the relevant council and the EPA and they have no further concern.

A copy of any advice or recommendations required by this condition must be submitted to the Planning Secretary for information with the Sub-plan.

The Sub-plan must be developed in accordance with the objectives of the existing Voluntary Remediation Proposal (Ref. 26050) approved by the EPA.

C8 The Contaminated Aquatic Sediments in Alexandra Canal CEMP Sub-plan must:

- (a) detail how work in Alexandra Canal will be managed;
- (b) be in accordance with the Remediation Order (Ref. 23004) that applies to the Canal; and
- (c) include evidence that an accredited EPA Site Auditor has reviewed the Sub-plan and has issued an interim audit advice or a Section B Site Audit Statement regarding the appropriateness of the Sub-plan.

C9 Any variations to the Landfill Leachate, Gas and Odour CEMP Sub-plan and Contaminated Aquatic Sediments in Alexandra Canal CEMP Sub-plan must be approved in writing by the EPA accredited Site Auditor and evidence of the approval submitted to the Planning Secretary for information with the amended Sub-plan.

C10 The Flora and Fauna Management Plan must include, but not be limited to:

- (a) details of the measures to minimise disturbance to native vegetation to the minimum extent necessary; and
- (b) measures to avoid and minimise impacts on microbats, including pre-construction surveys of potential roost sites in accordance with "Standard survey methods - Roost Search (microbats)" on page 9 of '*Species credit' threatened bats and their habitats NSW survey guide for the Biodiversity Assessment Method*,' in built structures to be impacted, to confirm the presence or absence of roosting habitat.

C11 The Noise and Vibration CEMP Sub-plan must be prepared in consultation with businesses that contain noise and vibration sensitive critical working areas that are operational and will be impacted by construction noise and vibration. The Sub-plan must detail how construction would be managed in accordance with Condition E22 to avoid or minimise impacts during sensitive periods.

C12 Notwithstanding Condition C11, the Proponent may implement an existing agreed acoustic framework with a business. The relevant conditions of this approval still apply to any agreed framework.

C13 Any of the CEMP Sub-plans may be submitted along with, or subsequent to, the submission of the CEMP but in any event, no later than one (1) month before construction.

C14 Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary, including any minor amendments approved by the ER, must be implemented for the duration of construction. Where construction of the CSSI is staged, construction of a stage must not commence until the CEMP and Sub-plans for that stage have been approved by the Planning Secretary.

CONSTRUCTION MONITORING PROGRAMS

C15 The following Construction Monitoring Programs must be prepared in consultation with the relevant agencies identified for each program to compare actual performance of construction of the CSSI against the predicted performance and to inform management measures.

	Required Construction Monitoring Programs	Relevant agencies to be consulted for each Construction Monitoring Program
(a)	Noise and vibration	Pipeline Operators (where vibration generating activities will impact on their assets) and relevant councils
(b)	Leachate, landfill gas and odour	Relevant councils
(c)	Groundwater	DPIE Water

C16 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 timeframes and format for reporting of monitoring results and the agencies that will be provided with copies of the monitoring reports;
- (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.

C17 The **Landfill Leachate, Gas and Odour Monitoring Program** must include, but not be limited to:

- (a) methods for monitoring landfill gas and odour emissions within construction areas, at the construction boundary and in areas outside of the construction boundary where there is a potential for landfill gas and offensive odours, including odour sampling of Tempe landfill material;
- (b) a monitoring bore network to monitor any leachate movement offsite;
- (c) reporting triggers and contingency actions in the event that unacceptable levels of gas or odour are reached or reported above safe thresholds; and
- (d) detail how the results of the monitoring program will inform the management measures in the CEMP Sub-plan for **Landfill Leachate, Gas and Odour**.

C18 The **Noise and Vibration Monitoring Program** must include, but not be limited to:

- (a) noise and vibration monitoring at agreed representative locations adjacent to the construction to confirm construction noise and vibration levels;
- (b) for the purposes of (a), noise monitoring must be undertaken during the day, evening and night-time periods and within the first month of Work as well as throughout the construction period and cover the range of activities being undertaken at the sites; and
- (c) provision of any real time noise and vibration monitoring data. The data must be readily available to the construction team, Proponent and ER. The Department and EPA must be provided with access to the real-time monitoring data, on request.

C19 The **Groundwater Monitoring Program** must include, but not be limited to:

- (a) monitoring and recording of actual volumes of groundwater pumped from all excavations;
- (b) monitoring and recording of groundwater levels and groundwater quality adjacent to areas where there is physical compaction in areas with shallow groundwater tables or adjacent to the former Tempe Landfill;
- (c) regular analysis of accumulated data against the groundwater impacts predicted in the documents listed in **Condition A1**; and
- (d) a method for providing the groundwater monitoring data to DPIE Water every three (3) months during the monitoring period within one month of the last monitoring period, including the format of the data.

- C20 The **Construction Monitoring Programs** must be developed in consultation with relevant agencies as identified in **Condition C15** of this approval and must identify information, including monitoring parameters, requested by a relevant agency to be included in a **Construction Monitoring Program**.
- C21 The **Construction Monitoring Programs** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one month before the commencement of construction.
- C22 Construction must not commence until the Planning Secretary has approved all of the required **Construction Monitoring Programs**, and all relevant baseline data for the specific construction activity has been collected.
- C23 The **Construction Monitoring Programs**, as approved by the Planning Secretary, including any minor amendments approved by the **ER**, must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.
- C24 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.

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

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared by having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department Planning, Industry and Environment, 2020). The plan must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. This condition (**Condition D1**) does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the CSSI if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1** and specified relevant terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed; and
 - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary and DITRDC for information no later than one (1) month before the commencement of operation.
- D4 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.
- D5 The Proponent must prepare an operational groundwater monitoring plan to monitor the effects of physical compaction on groundwater resources. The monitoring program must:
- (a) monitor and record groundwater levels and groundwater quality adjacent to substantial road ramp construction activities loading onto shallow groundwater tables or adjacent to the former Tempe Landfill and use the groundwater bores installed for construction monitoring under **Condition C19**; and
 - (b) include a method for providing the groundwater monitoring data to DPIE Water every three (3) months during the monitoring period within one month of the last monitoring period, including the format of the data.
- The monitoring program must be developed in consultation with DPIE Water and submitted to the Planning Secretary for approval at least one month prior to the commencement of operation. The monitoring program must be implemented.
- D6 Groundwater monitoring must be undertaken for a period of 18 months once the CSSI is operational, unless the Proponent undertakes a review of future monitoring requirements in consultation with DPIE Water and that review concludes that additional monitoring is no longer required. Within two (2) weeks of the completion of the review, the Proponent must provide a copy of the review to the Planning Secretary for information.

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.
- E2 The CSSI must not cause or permit the emission of offensive odour beyond the boundary of the construction footprint.

FLOODING

- E3 The CSSI must be designed and constructed to meet the following levels:
- (a) a maximum increase in inundation time of one hour in a 1% AEP flood event;
 - (b) a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded in a 1% AEP flood event;
 - (c) a maximum increase of 50 mm in inundation at properties where floor levels would not be exceeded in a 1% AEP flood event; and
 - (d) no inundation of floor levels which are currently not inundated in a 1% AEP flood event.

Measures identified in the documents listed in **Condition A1**, to not worsen flood characteristics or other measures that achieve the same outcomes, must be incorporated into the detailed design of the CSSI. The incorporation of these measures must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, EESG, NSW State Emergency Service (SES) and relevant councils.

- E4 Flood information developed during detailed design, such as flood reports, flood management strategies, 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), EESG and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the CSSI. The council, EESG and the SES must be notified in writing that the information is available no later than one (1) month following the completion of construction. Information requested by the relevant council, EESG or the SES must be provided no later than two (2) months following the completion of construction or within another timeframe agreed with the relevant council, EESG and the SES.

HAZARDS AND RISKS

Aviation

- E5 The CSSI must be designed so that:
- (a) all temporary and permanent project lighting complies and is installed in accordance with the relevant requirements in the applicable legislation made under the *Civil Aviation Act 1988* and the *Airports Act 1996* and *NASF Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports* to minimise the risk of distraction of pilots; and
 - (b) the potential glare from vehicular headlights distracting pilots is mitigated in accordance with the applicable legislation made under the *Civil Aviation Act 1988* and the *Airports Act 1996*

- and the *NASF Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*; and
 - (c) the influence of the project on turbulence along the approach to Runway 16R is minimised in accordance with the as low as reasonably practicable (ALARP) principles in consultation with the DITRDC and relevant regulatory aviation stakeholders; and
 - (d) all structures and their use, including but not limited to bridges, lighting, signage and noise walls, do not intrude into the prescribed airspace for Sydney Airport.
- E6 The final design of the CSSI must be provided to the DITRDC as it is developed for review against the requirements of the NASF Guidelines. The construction of individual design elements of the CSSI must not commence until any related advice received from the DITRDC has been considered and addressed. Relevant requirements of the NASF guidelines must be addressed.

HERITAGE

- E7 An **Archival Recording** must be undertaken of those parts of Alexandra Canal that will be affected by Works. The archival recording must be prepared in accordance with NSW Heritage Office's *How to Prepare Archival Recordings of Heritage Items* (1998) and *Photographic Recording of Heritage Items Using Film or Digital Capture* (2006). The recordings must capture those parts of the Canal impacted by Works, and the immediate surrounds, before, during and after the Works.
- E8 Following completion of all Work described in relation to:
- (a) Alexandra Canal;
 - (b) archaeological deposits discovered within areas identified as having a potential to contain archaeological remains; and
 - (c) any unexpected heritage finds discovered during construction;
- a **Heritage Report** including the details of archival recordings, further historical research either undertaken or to be carried out and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by the Heritage Council of NSW and Heritage NSW, DPC.
- E9 The **Heritage Report** must be submitted to the Planning Secretary, the Heritage Council of NSW and Heritage DPC for information no later than nine (9) months after the completion of the work referred to in **Condition E7**.
- E10 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage DPC.
- E11 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared and submitted to the Planning Secretary for information no later than one month before the commencement of construction.
- E12 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction.

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

NOISE AND VIBRATION

Land Use Survey

- E13 A detailed land use survey must be undertaken to confirm sensitive receivers (including critical working areas such as flight simulators, operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational

noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of Work which generates construction or operational noise, vibration or ground-borne noise in that area. The results of the survey must be included in the **Noise and Vibration CEMP Sub-plan**.

Work Hours

E14 Work must only be undertaken during the following hours:

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

Highly Noise Intensive Works

E15 Except as permitted by an EPL or Out-of-Hours Work Protocol (where an EPL does not apply), highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

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

Variation to Work Hours

E16 Notwithstanding **Conditions E14** 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 the relevant road authority has advised the Proponent in writing that carrying out Work during the hours specified in **Condition E14** would result in a high risk to road network operational performance and a road occupancy licence will not be issued during the hours specified in **Condition E14**; or
- (d) where an approval is required for a controlled activity in accordance with the *Airports Act 1996* and the approved time is outside the hours specified in **Condition E14**; or
- (e) where the rail authority has advised the Proponent in writing that a Rail Possession is required and approval has been given to complete Work during the rail possession; or
- (f) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or
- (g) where an EPL is not required or in force, Work approved through an **Out-of-Hours Work Protocol** developed in accordance with **Condition E18**; or
- (h) construction that causes:
 - (i) $L_{Aeq(15\text{ minute})}$ noise levels no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and
 - (ii) $L_{Aeq(15\text{ minute})}$ noise levels 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 preferred 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 preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006); or
- (i) where negotiated agreements with directly affected residents and sensitive land uses have been reached.

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

- E17 On becoming aware of the need for emergency Work in accordance with **Condition E16(b)**, the Proponent must notify the **ER**, the Planning Secretary and the **EPA** of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those Works.

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

- E18 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of Work outside the hours defined in **Condition E14** and that is not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the Work. The Protocol must identify Work activities in terms of their risk of adverse impacts on sensitive receivers and include:

- (d) a process for the consideration of out-of-hours Work against the relevant noise management level (NML) and vibration criteria, including the determination of low, medium and high-risk activities;
- (e) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of **Condition E19** and **Condition E20**. The measures must take into account the predicted noise and vibration levels and the likely frequency and duration that sensitive receivers would be exposed to residual impacts, including the number of noise-awakening events;
- (f) procedures to facilitate the coordination of out-of-hours Work, including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided;
- (g) an approval process that considers the risks, proposed mitigation, management and coordination of Work, including where -
 - (i) the **ER** reviews all proposed out-of-hours Works and confirms their risk levels,
 - (ii) low risk activities can be approved by the **ER**, and
 - (iii) medium and high-risk activities are approved by the Planning Secretary; and
- (h) notification arrangements for affected receivers and the **EPA** for all approved out-of-hours Work and notification to the Planning Secretary of approved low risk out-of-hours Work.

Out-of-Hours Works – Community Consultation on Respite

- E19 In order to undertake Work outside hours specified in **Condition E14**, the Proponent must identify appropriate respite periods for out-of-hours Work in consultation with the community likely to exceed the NML and vibration criteria in **Condition E23(a)** and **(b)** at each affected location on at least a three (3) monthly basis. This consultation must include (but not be limited to) providing the community with:

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

The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour Work must be provided to the EPA, **ER** and Planning Secretary for information within two (2) week of undertaking the community consultation.

Note: Respite periods can be any combination of days or hours where out-of-hours Work would not be more than 5 dB(A) above the rating background level at any residence.

Out-of-Hours Works –mitigation

E20 Additional mitigation measures such as temporary alternative accommodation or other agreed mitigation measures, must be offered/ made available to residents affected by out-of-hours Work (including where utility works are being undertaken for the CSSI) where the construction noise levels, between:

- (a) 10:00 pm and 7:00 am, Monday to Friday;
- (b) 10:00 pm Saturday to 8:00 am Sunday; and
- (c) 6:00 pm Sunday and public holidays to 7:00 am the following day unless that day is Saturday then to 8:00 am,

are predicted to exceed the NML by 25 dB(A) or are greater than 75 dB(A) ($L_{Aeq(15 \text{ min})}$), whichever is the lesser and the impact is planned to occur for more than two (2) nights over a seven (7) day rolling period.

The NML must be reduced by 5 dB where the noise contains annoying characteristics and increased by 10 dB if the property has received at-property noise treatment. The noise levels and duration requirements identified in this condition may be changed through an EPL applying to the CSSI.

Out-of-Hours Work - Utility Coordination and Respite

E21 All Work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must:

- (a) reschedule any Work to provide respite to impacted residential receivers so that the respite is achieved in accordance with **Conditions E19 and E20**; or
- (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and
- (c) provide documentary evidence to the **ER** in support of any decision made by the Proponent in relation to respite or mitigation.

Noise and Vibration Mitigation

E22 Noise and vibration generating Work in the vicinity of potentially-affected community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as flight simulators, theatres, laboratories and operating theatres) resulting in noise levels above the NMLs or vibration levels above the relevant criteria must not be timetabled within sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

E23 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:

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

Any Work identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the **Noise and Vibration CEMP Sub-plan**.

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.

E24 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

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

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan** required by **Condition C5**, including in any **Out-of-Hours Work Protocol** required by **Condition E18**.

E25 Prior to undertaking dynamic compaction, the Proponent must:

- (a) complete a trial of different weights and heights at a location that is the furthest from any sensitive structure and residents to refine the minimum working distances for human comfort - preferred values for human exposure to vibration specified in Tables 2.2 and 2.4 of *Assessing Vibration: a technical guideline* and cosmetic damage in accordance with BS 7385 and DIN 4150;
- (b) schedule dynamic compaction to occur during the hours specified in **Condition E14** unless:
 - (i) the compaction work requires approval as a controlled activity in accordance with the *Airports Act 1996* and the approved time is outside the hours specified in **Condition E14**, or
 - (ii) it can be demonstrated that the preferred values would not be exceeded; and
 - (iii) evidence of this is provided to the Planning Secretary at least one (1) week prior to the activity being undertaken; and
- (c) provide alternative accommodation for residents within the minimum working distances where exceedance of the preferred values for human comfort are likely and:
 - (i) the impact is planned to occur for more than two (2) nights over a seven (7) day rolling period; and
 - (ii) the works must be completed at night (10:00 pm to 7:00 am).

E26 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before Work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan**.

E27 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 and structural 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, amend the methodology and/or implement additional mitigation measures to prevent damage.

E28 The Proponent must seek and implement the advice of a heritage specialist on impacts to heritage listed structures from installing equipment used for vibration, movement and noise monitoring before its installation.

Construction Noise— Coordination and Respite

E29 The Proponent must consult with proponents or applicants of other State significant development and infrastructure projects within 200 metres of the CSSI and take reasonable steps to coordinate Work, including utility Work, to minimise cumulative noise and vibration impacts and maximise respite for affected sensitive receivers.

Workplace health and safety for nearby workers

E30 At no time can noise generated by Work exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8 hr) equivalent continuous A-weighted sound pressure level of $L_{Aeq,8h}$ of 85 dB(A) for any employee working at a location near the CSSI.

Noise Mitigation - Operational Noise Mitigation Measures

E31 The Proponent must prepare an **Operational Noise and Vibration Review (ONVR)** to confirm noise and vibration control measures that would be implemented for the operation of the CSSI. The **ONVR** must be prepared in consultation with the relevant council(s), other relevant stakeholders and the community and must:

- (a) confirm the appropriate operational noise and vibration objectives and levels for surrounding development, including existing sensitive receivers;
- (b) confirm the operational noise predictions based on the final design. Confirmation must be based on an appropriately calibrated noise model (which has incorporated noise monitoring, and concurrent traffic counting, where necessary for calibration purposes).
- (c) confirm the operational noise and vibration impacts at adjoining development based on the final design of the CSSI, including operational daytime $L_{Aeq,15\text{ hour}}$ and night-time $L_{Aeq,9\text{ hour}}$ traffic noise contours;
- (d) review the suitability of the operational noise mitigation measures identified in the documents listed in **Condition A1** and, where necessary, investigate and identify additional noise and vibration mitigation measures required to achieve the noise criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011) including the timing of implementation;
- (e) detail the measures to seek feedback on the noise and vibration mitigation measures and the process as to how changes requested from directly affected landowners would be responded to; and
- (f) procedures for the management of operational noise and vibration complaints.

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 Proponent must implement the identified noise and vibration control measures prior to commencement of operation unless otherwise approved by the Planning Secretary.

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

E32 Operational noise mitigation measures for residences identified:

- (a) as eligible for consideration of additional mitigation in the *Sydney Gateway Road Project Response to Submissions Report Appendix B - Memo Sydney Gateway Road Project Submissions Report Revised Operational Modelling Figure 6 Receivers Eligible for Consideration of Additional Mitigation*; and
- (b) as likely to exceed the noise management level in **Condition E23(a)**;

must be implemented within six (6) months of the commencement of construction at and in the vicinity of the impacted residences(s) to minimise construction noise impacts, and detailed in the **Noise and Vibration CEMP Sub-plan** for the CSSI, unless otherwise approved by the Planning Secretary in accordance with **Condition E33**. Additional mitigation must be prioritised so that those receivers with the largest likely exceedance of the noise management level receive the mitigation first.

E33 Where the implementation of operational noise mitigation measures required by **Condition E32** would not be implemented, the Proponent must submit to the Planning Secretary a report to justify this position. The report must detail the temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures are implemented. The report must be endorsed by the **ER** and submitted to the Planning Secretary prior to the commencement of Work which would affect the identified residences.

Note: Not having finalised detailed design is not sufficient justification for not implementing the proposed mitigation measures.

- E34 Landowners of residences that are eligible for consideration of at-property treatments must be provided with a copy of all guidelines and procedures that will be used to determine at-property treatment at their residence.
- E35 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 E31**.
- 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 E31**;
 - (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 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 E31**, that are to be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy* (EPA, 2011), 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 measures must be implemented within the stated timeframes.

The Operational Noise Report must be submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise monitoring.

SOCIO-ECONOMIC, LAND USE AND PROPERTY

- E37 The CSSI must not preclude both a future rail turn-out facility at Cooks River Intermodal Terminal and ramps between the CSSI and Canal Road. A statement, including relevant details and diagrams, must be provided to the Planning Secretary prior to construction commencing in the vicinity demonstrating that this infrastructure has not been precluded.

Note: Any Rail turn-out facility or ramp would require further assessment and approval under the relevant State or Commonwealth planning legislation.

- E38 The Proponent must identify the utilities and services (hereafter “services”) potentially affected by Work to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the Work are avoided where possible and where unavoidable customers are advised in accordance with the **Communication Strategy** required under **Condition B1**.

Condition Survey

- E39 The Proponent must offer pre-construction surveys to the owners of surface and sub-surface structures and other relevant assets identified at risk of damage from vibration. Where the offer is accepted, the survey must be undertaken by a suitably qualified and experienced engineer prior to the commencement of vibration-generating works that could impact on the structure. The results of each survey must be documented in a **Pre-construction Condition Survey Report**

and the report must be provided to the owner of the structure or other relevant asset for review one month prior to the commencement of potentially impacting works.

- E40 Where pre-construction surveys have been undertaken in accordance with **Condition E39**, subsequent post-construction surveys must be undertaken by a suitably qualified and experienced engineer to assess damage to the surface and subsurface structures that may have resulted from construction. The results of the post-construction surveys must be documented in **Post-construction Condition Survey Reports** for each surface and sub-surface structure surveyed. The **Post-construction Condition Survey Reports** must be provided to the owner of the structure(s) surveyed no later than four (4) months following the completion of construction activities that have the potential to impact on the subject surface / subsurface structure.
- E41 Where damage has been determined to occur as a result of the CSSI, the Proponent must carry out rectification at its expense and to the reasonable requirements of the surface and sub-surface structure owner(s) within nine (9) months of completion of construction unless another timeframe is agreed with the owner of the affected surface or sub-surface structure.

Temporary Community facilities

- E42 A temporary off-leash dog exercise facility with the same functionality as the existing dog park, must be maintained within Tempe Reserve in consultation with Inner West Council to offset the loss of the existing Tempe Lands dog park. The dog park must be provided prior to the closure of the existing dog park and remain functional until such time that a permanent dog park is provided within Tempe Lands. Access to the temporary park must be maintained throughout the construction period.

SOILS

- E43 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater: Soils and Construction* series must be considered.

Contaminated sites

- E44 Prior to the commencement of any works that would result in the disturbance of potential or contaminated soils, materials, groundwater or sediments, a **Contaminated Sites Investigation Report** must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The site investigations must be undertaken in accordance with guidelines made or approved under section 105 of the *Contaminated Land Management Act 1997*.

Note: Where Stage 1 and Stage 2 contamination assessments have already been undertaken for contaminated soils, materials, groundwater or sediments they do not need to be undertaken again for the purposes of this condition.

- E45 The **Contaminated Sites Investigation Report** must document the outcomes of the detailed site investigation and any site-specific risk assessments of land upon which the CSSI is to be carried out, that is suspected, or known, to be contaminated. The report must identify the nature and extent of the contamination and any existing remediation (such as impervious surface capping, liners or barriers). The Contamination Site Investigation Report must detail, where relevant, whether the land is suitable (for the intended final land use) or can be made suitable through remediation and outline the potential contamination risks from the CSSI to human health and the environment.

Nothing in this condition prevents the Proponent from preparing individual **Contaminated Sites Investigation Reports** for separate sites.

- E46 Should remediation be required to make land suitable for the final intended land use, or if the current leachate management system for Tempe Landfill is to be modified or breached, a **Remediation Action Plan** must be prepared. Prior to commencing with the remediation, the Proponent must submit to the Planning Secretary for information, the **Remediation Action Plan** and an **Interim Audit Advice** or a **Section B Site Audit Statement** from a NSW EPA accredited Site Auditor that certifies that the Remediation Action Plan is appropriate and that the site can be made suitable for the proposed use. The Remediation Action Plan must be developed in accordance with the objectives of the existing Voluntary Remediation Proposal (Ref. 26050) approved by the EPA.

The **Remediation Action Plan** must be implemented and any changes to the **Remediation Action Plan** must be approved in writing by the EPA-accredited Site Auditor.

Notes: The leachate management system (as defined by the Voluntary Remediation Proposal Ref. 26050) consists of a cut-off wall, leachate drain, rising main and pump wells.

It is strongly recommended that a site auditor is engaged as early in the assessment and remediation process as possible, as early communication between parties improves the efficiency of the audit.

- E47 A **Section A Site Audit Statement** and its accompanying **Section A Site Audit Report**, which state that the contaminated land disturbed by the works has been made suitable for the intended land use, must be submitted to the Planning Secretary and relevant council after remediation and no later than one (1) month before the commencement of operation. Contaminated land must not be used for the purpose approved under the terms of this approval until a Section A Site Audit Statement is obtained which states that the land is suitable for that purpose and any conditions on the Section A Site Audit Statement have been complied with.

Nothing in the conditions prevents the Proponent from obtaining Section A Site Audit Statements for individual parcels of remediated land.

- E48 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared before the commencement of Work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during construction.

- E49 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout the duration of Work.

SUSTAINABILITY

- E50 A **Sustainability Strategy** must be prepared to achieve a minimum excellent 'Design' and 'As built' rating under the Infrastructure Sustainability Council of Australia infrastructure rating tool.
- E51 The **Sustainability Strategy** must be submitted to the Planning Secretary for information one (1) month before the commencement of construction and must be implemented throughout construction and operation.

TRAFFIC, ACCESS AND TRANSPORT

Use of Local Roads

- E52 Heavy vehicles used for spoil haulage and concrete deliveries associated with the CSSI are not permitted to use local roads within one (1) kilometre of works and construction ancillary facilities, unless approved by the Planning Secretary. This includes movements associated with waiting to access construction ancillary facilities and work areas. All local roads approved for use by the Planning Secretary must be identified in the **Traffic and Transport CEMP Sub-plan**.

E53 All requests to the Planning Secretary for the approval of spoil haulage and concrete delivery vehicles to use local roads must include:

- (a) a swept path analysis;
- (b) demonstrate that the use of local roads will not compromise the safety of pedestrians and cyclists and have minimal amenity impacts on residents residing along the local road(s);
- (c) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and
- (d) describe the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and childcare facilities during their peak times of operation.

Road Dilapidation

E54 Before any local road is used by a heavy vehicle for the purposes of construction of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the relevant council within three weeks of completion of the survey and at least two weeks before the road is used by heavy vehicles associated with the construction of the CSSI.

E55 If damage to roads occurs as a result of the construction of the CSSI, the Proponent must either (at the relevant road authority's discretion):

- (a) compensate the relevant road authority for the damage so caused; or
- (b) rectify the damage to restore the road to at least the condition it was in pre-construction,

within three months of the subject road no longer being used in association with the construction of the CSSI, unless an alternative timeframe is agreed to by the relevant road authority.

Parking

E56 Construction vehicles (including staff vehicles) associated with the CSSI must be managed to minimise parking, idling and queuing on public roads.

E57 A **Construction Parking and Access Strategy** must be prepared to identify and mitigate impacts resulting from on- and off-street parking changes during construction. The Strategy must include, but not necessarily be limited to:

- (a) confirmation and timing of the removal of on- and off-street parking associated with construction;
- (b) parking accumulation surveys (consistent with Austroads requirements) of parking spaces to be removed to determine current demand during peak, off-peak and weekend periods;
- (c) consultation with relevant councils, affected stakeholders, including property occupants with driveway access, utilising existing on- and off-street parking stock which will be impacted as a result of construction;
- (d) assessment of the impacts of changes to on- and off-street parking stock taking into consideration outcomes of consultation with affected stakeholders;
- (e) identification of mitigation measures to manage impacts to stakeholders as a result of on- and off-street parking changes including, but not necessarily limited to, staged removal and replacement of parking and provision of alternative parking arrangements;
- (f) strategies to address shortfalls in car parking spaces at individual construction ancillary facilities and disincentivising construction personnel from parking at Tempe Recreation Reserve and on the street near work sites, including managed staff parking arrangements and working with relevant council(s) to introduce parking restrictions;
- (g) measures to encourage workers to use alternate transport arrangements, such as public transport;
- (h) details of shuttle bus service(s) to transport workers to construction sites from public transport hubs and off-site car parking facilities (where these are provided) and between construction sites;
- (i) mechanisms for monitoring, over appropriate intervals, to determine the effectiveness of implemented mitigation measures;

- (j) provision of contingency measures should the results of mitigation monitoring indicate implemented measures are ineffective; and
- (k) provision of reporting of monitoring results to the Planning Secretary and relevant council(s) at three (3) monthly intervals.

The **Construction Parking and Access Strategy** must be approved by the Planning Secretary prior to the commencement of any Work that impacts on-street parking. The approved Strategy must be implemented before impacting on on-street parking.

- E58 During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

Road Safety

- E59 The CSSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines, including the *Austrroads Guide to Traffic Management*.
- E60 Independent Safety Audit(s) are to be undertaken by an appropriately qualified and experienced person during design development (audit of the plans) and prior to opening (pre-opening audit) to assess the safety performance of new or modified roads (road safety audit), parking, and pedestrian and cycle infrastructure provided as part of the CSSI (including operational ancillary facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including *Austrroads Guide to Traffic Management*.

The audit findings and recommendations of the detailed design plans (audit of the plans) must be actioned prior to construction of the relevant infrastructure. The pre-opening audit findings and recommendations must be actioned prior to the relevant infrastructure being made available for use.

Pedestrian and Cyclist Access - Construction

- E61 Safe pedestrian and cyclist access must be maintained around work sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, an alternate route which is consistent with the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austrroads, 2017) must be provided and signposted unless otherwise agreed by the Planning Secretary.
- E62 Prior to the closure of the Airport Drive active transport link (along Alexandra Canal) the Proponent must provide an alternate path within the construction footprint. This path is not required if the active transport link on the western side of Alexandra Canal is used.

Road Network Performance

- E63 The Proponent must prepare an **Operational Road Network Performance Review**, within 12 months and again within five (5) years after the commencement of operation of the CSSI. The Review must address road network performance and review the performance of the CSSI on the adjoining road network.

The Reviews must be undertaken in consultation with the relevant council(s) and be completed within six (6) months of each review timeframe. Each review must be provided to the Planning Secretary within 60 days of its completion.

Further mitigation measures, if required, must be detailed in the Reviews along with the timeframes in which they will be implemented. The measures must be implemented by the Proponent within the timeframes detailed in the Reviews.

Note: Identified mitigation measures may need to be further assessed under the EP&A Act. Work will need to meet relevant design standards and be subject to independent road safety audits.

PLACE AND DESIGN

Construction Ancillary Facilities

E64 The CSSI must be constructed in a manner that minimises visual impacts of construction sites.

Lighting and Security

E65 The CSSI must be constructed and operated with the objective of minimising light spillage to surrounding properties and potential distraction for pilots. All lighting associated with the construction and operation of the CSSI must be consistent with the requirements of AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting*, relevant Australian Standards in the series AS/NZS 1158 – *Lighting for Roads and Public Spaces* and NASF Guideline E: *Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*. Additionally, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.

Design Outcomes

E66 The place making, design and landscape outcomes of the CSSI must be informed by and be consistent with the Urban Design and Place Making Concept (Chapter 6 Sydney Gateway Road Project – Technical Working Paper 13 and as amended by Appendix A of the Response to Submissions Report), including but not limited to the objectives and design principles, approaches, recommendations and consultations.

Design Independence

E67 Place making, design and landscape outcomes must be informed by input and review by independent and qualified practitioners in the following fields (practitioners may cover more than one field if suitably qualified):

- (a) public art / cultural interpretation public art;
- (b) Aboriginal cultural heritage;
- (c) European cultural heritage;
- (d) open space design and landscape architecture; and
- (e) active transport.

These practitioners must be approved by the Planning Secretary at least one (1) month prior to construction and must hold current membership of a relevant professional body, unless otherwise approved by the Planning Secretary. These practitioners must be involved through participation in the Urban Design Review Panel committed to by the Proponent in the documents listed in **Condition A1** and the development and review of the **Place, Design and Landscape Plan (PDLP)** required by **Condition E75**.

Advice and recommendations made by the practitioners must be provided to the Planning Secretary when submitting the **PDLP** to the Planning Secretary for approval.

Note: The considerations that the Department will take into account when deciding to approve a practitioner are set out in 'Seeking Approval from the Department for the appointment of independent experts, Post approval guidance for Infrastructure Projects'.

E68 The Proponent's Urban Design Review Panel must be established during detailed design and before construction commencing. The process for the operation of the Panel, including the Panel's Terms of Reference and frequency of meetings, must be agreed to with the panel members representing the Government Architect and Sydney Airport Corporation. The Panel must at a minimum meet at the inception of the project and at critical hold points throughout the project.

Open Space

E69 The CSSI must result in an increase in publicly accessible and useable open space.

Active Transport

E70 Active transport facilities must be designed, constructed and/or rectified in accordance with the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads, 2017) and relevant Australian Standards (AS) such as AS 1428.1-2009 *Design for access and mobility*. The active transport links must also incorporate relevant Crime Prevention Through Environmental Design (CPTED) principles and comply with the relevant *National Airports Safeguarding Framework* (NASF) Guidelines (Department of Infrastructure, Transport, Regional Development and Communications, 2019).

E71 An audit must be undertaken of the existing Alexandra Canal and Coward Street active transport links (between the Alexandra Canal and O'Riordan Street) and proposed active transport facilities to determine compliance with the requirements of **Condition E70**.

E72 Should the audit required by **Condition E71** reveal that full compliance cannot be achieved with the guidelines and standards listed in **Condition E70**, the Proponent must document in a report why compliance cannot be achieved and how pedestrian, cyclist access and safety would be improved. The proposed improvements must be developed in consultation with relevant councils and Bicycle NSW. The Proponent must implement the improvement measures prior to the operation of the CSSI, unless otherwise agreed by the Planning Secretary. A final report on measures implemented must be provided to the relevant Council for information.

E73 An active Transport Link must be provided between International Terminal 1 and Domestic Terminals 2 and 3. The link must be constructed prior to operation of the CSSI, unless otherwise agreed by the Planning Secretary.

E74 All active transport links identified in **Conditions E71** and **E73** must be delivered in consultation with relevant councils, Bicycle NSW and Sydney Airport Corporation (where relevant).

Place, Design and Landscape Plan

E75 A **Place, Design and Landscape Plan (PDLP)** must be prepared to inform the final design of the CSSI and to give effect to the outcomes informed by **Condition E66** and design review.

E76 The **PDLP** must be prepared by a suitably qualified and experienced person in consultation with the Heritage Council of NSW, relevant council(s), EESG, La Perouse Local Aboriginal Land Council (LALC), the Metropolitan LALC, the Registered Aboriginal Parties, the community and affected landowners and businesses. The **PDLP** must include (but not be limited to):

- (a) the design of the CSSI elements including their form, materials and detail, with a focus on high quality bridge design, public space, and integrated art;
- (b) measures to minimise heritage impacts and to enhance heritage interpretation, in particular Alexandra Canal, taking into consideration the *Alexandra Canal Conservation Management Plan* (Government Architect's Office | NSW Department of Commerce, 2004);
- (c) measures to maximise canopy cover where possible and vegetation growth beneath bridge structures;
- (d) the design of useable open space, with a focus on land within Tempe;
- (e) the design of the project landform and earthworks;
- (f) a north south green link corridor, linking Cooks River, Tempe Wetlands, Tempe, St Peters and Sydney Park with consideration of the *NASF Guideline C: Managing the risk of wildlife strikes in the vicinity of airports* in consultation with the Airport Operator;
- (g) areas of vegetation to be retained and proposed planting and seeding details, including the use of local indigenous and endemic species for revegetation activities, with consideration of the management of urban weeds and the *NASF Guideline C: Managing the risk of wildlife strikes in the vicinity of airports* in consultation with the Airport Operator;
- (h) proposed revegetation of the riparian corridor along Alexandra Canal within the project footprint with local indigenous and endemic species;
- (i) visual screening requirements;

- (j) developed visuals, cross sections, illustrated details and plans showing the proposed design outcome; and
 - (k) details of strategies to rehabilitate, regenerate or revegetate disturbed areas with a diversity of appropriate local native species and successfully establish and maintain the resulting new landscape.
- E77 The **PDL** must incorporate the following elements in the final design:
- (a) site-specific public art and interpretation including consideration of the use of Aboriginal designs, patterns and motifs;
 - (b) a lighting system that complies with the requirements of *NASF Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*; and
 - (c) integration of headlight barriers into throw screens.
- E78 The **PDL** is to be submitted to the Planning Secretary for approval no later than one (1) month before the construction of permanent works that are the subject of the **PDL**.
- E79 Construction of permanent built works or landscaping that are the subject of the **PDL** must not be commenced until the **PDL** has been approved by the Planning Secretary, after considering advice received from the independent practitioners identified in **Condition E67**.
- E80 The **PDL**, as approved by the Planning Secretary, must be implemented during construction and operation.
- E81 Notwithstanding **Condition E79**, designs and delivery of open space and facilities associated with the Tempe lands and subject to Inner West Council master planning may be deferred, subject to the approval of the Planning Secretary.
- Tree Removal, Replacement Plantings and Rehabilitation**
- E82 The CSSI must be designed to retain as many existing trees as possible. Replacement trees and plantings must deliver a net increase in trees and tree canopy and aim to enhance the relevant council's position in respect of the Sydney Green Grid.
- E83 Replacement trees must:
- (a) be located on public land and prioritised within 500 metres of the Construction Boundary in consultation with the relevant council and the Airport Operator;
 - (b) comply with the *National Airports Safeguarding Framework Guideline C: Managing the Risk of Wildlife Strikes in the Vicinity of Airports*;
 - (c) meet the requirements for quality tree stock specified in the *AS2303:2018 Tree Stock for Landscape Use*;
 - (d) be provided no later than six (6) months following the commencement of operation; and
 - (e) have a minimum pot size of 100 litres or 150 litres for safe clear trunk views at road verges unless a different pot size is specified in the relevant council's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant council(s) and Airport Operator.
- E84 A **Landscape Strategy Report** must be submitted to the Planning Secretary which details the type, size, number and location of replacement trees. The report must demonstrate how any replacement plantings are consistent with the requirements of **Condition E83**. The report must be submitted to the Planning Secretary for information no later than nine months following the commencement of operation.
- E85 The Proponent must consult with local community restoration/rehabilitation groups, Landcare groups, EESG, Sydney Water, and relevant councils prior to removing any native trees not to be reused by the CSSI, to determine if there is an interest for the reuse of suitable timber and root balls in habitat enhancement and rehabilitation work. If there is an interest, native trees that are removed for the construction of the CSSI and that are greater than 25-30 centimetres in diameter

and three metres in length are to be salvaged and provided to the group(s) and/or relevant councils or agencies referred to in this condition as agreed.

Operational Maintenance of Place and Space

- E86 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and works implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and works to at least the design standards established in the **PDLP** required by **Condition E75**.

WASTE

- E87 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.
- E88 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of an EPL applying to the CSSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- E89 Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, or to any other place that can lawfully accept such waste.
- E90 All waste generated during construction and operation must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.
- E91 The Proponent must develop and implement a waste tracking register that details:
- (a) the quantity of each type of waste generated, its classification and source location (recorded using latitude and longitude coordinates);
 - (b) the destination location(s) for all wastes generated during construction;
 - (c) the quantities of any waste types imported onto the CSSI site, including their classification and emplacement location (recorded using latitude and longitude coordinates);
 - (d) the quantities and types of wastes that are subject to a Resource Recovery Order and/or Exemption; and
 - (e) disposal records demonstrating that receiving facilities have lawfully accepted the waste type.

WATER

- E92 Groundwater generated from the dewatering of excavations and leachate from Tempe Landfill cannot be directly discharged to surface waters unless an EPL is in force in regard to the discharge which permits the discharge.
- E93 Unless an EPL is in force in respect to the CSSI and that licence specifies alternative criteria, discharges from construction water treatment plants to surface waters must not exceed:
- (a) the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018* (AWQG) default guideline values for toxicants at the 90 per cent species protection level;

- (b) for physical and chemical stressors, the guideline values set out in Tables 3.3.2 and 3.3.3 of the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC/ARMCANZ, 2000); and
- (c) for bioaccumulative and persistent toxicants, the AQWG guidelines values at a minimum of 95 per cent species protection level.

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

- E94 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. Where these features are adjacent to or impact on Alexandra Canal, the works must be undertaken in consultation with the NSW Heritage Council and Sydney Water.
- E95 Work on waterfront land must be carried out in accordance with controlled activity guidelines.

Stormwater Drainage

- E96 The Proponent must undertake further hydrological and hydraulic modelling based on the detailed design of the CSSI to determine the ability of the receiving drainage systems to effectively convey pavement drainage from the CSSI. The modelling must be undertaken in consultation with the relevant council(s) and Sydney Water and the outcomes documented in a **Stormwater Drainage Report**.

The Stormwater Drainage Report must be prepared and provided to the relevant council(s) and Sydney Water at least one (1) month prior to the commencement of any new drainage works, modifications or connections to existing drainage works, or construction of hard surfaces that are associated with the operation of the CSSI and would result in runoff to existing stormwater drainage systems.

- E97 All new or modified drainage systems associated with the CSSI must be designed to:
 - (a) meet the capacity constraints of any council's drainage system to receive and convey the proposed flows from the CSSI, or otherwise upgrade council's drainage system at the Proponent's expense, in consultation with the relevant council(s);
 - (b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); and
 - (c) ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and the receiving environment.
- E98 New or modified drainage outlets to Alexandra Canal must be designed, in consultation with Sydney Water, to minimise the potential for scour and mobilisation of bed sediments in accordance with the requirements of Remediation Order (Ref 23004).

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department's Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given even if the Proponent fails to give the notification required under **Condition A34** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the CSSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action 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.