

State Significant Infrastructure Standard Conditions of Approval (Linear Infrastructure)

September 2018

PREAMBLE

Note: The purpose of this preamble is to describe the approach to conditioning State significant linear infrastructure (SSI) projects and to provide context for the standard conditions. This preamble is not intended for inclusion in project approval documentation. These conditions may be adopted with or without modifications to approvals for other State significant infrastructure projects as appropriate.

This document provides standard conditions for State significant linear infrastructure (SSI) projects.

The Department of Planning and Environment's (the Department) objectives when conditioning SSI projects are to improve environmental performance of the SSI, protect the environment (including the community) and otherwise add value to the management of impacts from the SSI. The Department's preferred approach to conditioning SSI projects is through the provision of performance or outcome-focused conditions where appropriate.

In 2015, the Department revised the standard Planning Secretary's Environmental Assessment Requirements (SEARs) to guide the preparation of Environmental Impact Statements (EISs) that are targeted, comprehensive, and support the new performance or outcome-focused approach to conditioning. The SEARs require the EIS to identify impacts, propose measures to mitigate impacts, nominate and commit to performance outcomes and identify detail of proposed management plans and monitoring programs. The quality and content of the EIS will have consequences for how the project is conditioned, with more rigorous and well-defined EISs attracting fewer conditions. For example:

- If an EIS demonstrates that an impact will be avoided, and the Department is satisfied it will be, rather than imposing a condition specifically requiring the impact to be avoided, an obligation to avoid the impact will be imposed under a condition requiring the project to be designed, constructed and operated in accordance with the description of the project in the EIS.
- Similarly, if an EIS identifies an impact and specifies a mitigation measure or makes a commitment to achieve a specific performance outcome that the Department considers adequate, an obligation to carry out the mitigation measure or meet the performance outcome will be imposed under a condition requiring the project to be designed, constructed and operated in accordance with the commitments, performance criteria and mitigation measures provided in the EIS.

It is the Department's intention to reduce the reliance on management plans except where a particular issue requires detailed management actions during construction or operation.

It is anticipated that each of the standard conditions will be applied to all SSI projects where they are relevant. Where a standard condition is not relevant to a project, or the requirement is already set out in the EIS, it may not need to be included in the approval.

Standard conditions have not been provided for all key issues identified in the SEARs. This is because the need for many conditions will be driven by the content of the EIS and will be project specific. Project-specific conditions will be identified when the EIS is assessed, using the principles outlined above. Management plan and monitoring program requirements will also be included on a project-specific basis, as determined by the project needs and impacts identified in the EIS.

The standard conditions largely relate to construction, as construction impacts are generally able to be managed using standard methodologies.

Part D of the standard conditions relates to operational environmental management systems and plans and has been designed to provide flexibility on a project by project basis since there are a number of options available to manage operational impacts including approved environmental management systems, operating licences and operational environmental management plans. These options, in combination with the ability to supplement standard conditions with project-specific conditions, are considered sufficient to mitigate and manage the operational impacts of SSI projects.

These standard conditions will be subject to regular review through the Senior Officers Infrastructure Assessment Committee.

Infrastructure approval

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

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

Minister for Planning / Independent Planning Commission
(under delegation)

Sydney

2018

SCHEDULE 1

Application no.:

[insert]

Proponent:

[insert]

Approval Authority:

Minister for Planning / Independent Planning
Commission under delegation

Land:

[insert the suburbs where the project is physically
located]

Description of State Significant Infrastructure:

[insert short description of proposal as determined
by the Minister/IPC on the basis of the
Department's assessment.]

Declaration as State Significant Infrastructure

The proposal is State Significant Infrastructure by
virtue of [Insert reason here. For example
Schedule 3, clause 1 of *State Environmental
Planning Policy (State and Regional Development
2011)*].

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DEFINITIONS

[Note: The definitions provided in **Table 1** are relevant to all SSI projects and must be included in all SSI approvals. Definitions of terms used in project-specific conditions may be added to **Table 1**, if necessary to clarify the meaning of such terms.]

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

Table 1: Definitions relevant to all SSI projects

Term	Definition
AA	The Acoustics Advisor for the SSI approved by the Planning Secretary
Ancillary facility	A temporary facility for construction of the SSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Construction	Includes all works required to construct the SSI as described in the [EIS/Response to Submissions/Preferred Infrastructure Report] , including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following low impact work which is completed prior to approval of the CEMP: <ul style="list-style-type: none"> (a) survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment works approved under a Site Establishment Management Plan; (d) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; (e) minor clearing and relocation of native vegetation, as identified in the [EIS/Response to Submissions/Preferred Infrastructure Report]; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments; (g) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; (h) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER; (i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in

Term	Definition
	<p>association with [(a)]-[(i)] above to ensure that there is no impact on heritage items;</p> <p>(j) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and</p> <p>(k) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI.</p> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Construction Boundary	The area physically affected by works as described in the [EIS/Response to Submissions/Preferred Infrastructure Report]
Department	NSW Department of Planning and Environment
DECC	Former NSW Department of Environment and Climate Change
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the SSI
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	The document of the same title published by the Department
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW)
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)

Term	Definition
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. <i>Note: "material harm" is defined in this approval.</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Landowner	Has the same meaning as "owner" in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building
Material harm	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
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
NSW Heritage Council	Heritage Council of NSW
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the SSI (whether in full or in part) upon the completion of construction. <i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.</i>
PIR	The Preferred Infrastructure Report submitted to the Planning Secretary under section 5.17 of the EP&A Act
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)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the SSI under the EP&A Act
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval

Term	Definition
Sensitive receiver	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres, passive recreation areas (including outdoor grounds used for teaching), commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), and others as identified by the Secretary
SES	NSW State Emergency Services
TMC	Transport Management Centre for NSW
Unexpected heritage find	An object or place that is discovered during the carrying out of the SSI and which may be a heritage item but was not identified in the EIS or PIR or suspected to be present. An unexpected heritage find does not include human remains.
Ventilation outlet	The location and structure from which air within a tunnel is expelled
Work	Any physical work for the purpose of the SSI including construction and low impact work

*Note: The further definitions provided in **Table 2** are not relevant to all SSI projects. These definitions are to be included if relevant to a project.*

Table 2: Further definitions

Term	Definition
CO	Carbon monoxide
NATA	National Association of Testing Authorities, Australia
NO	Nitric oxide
NO ₂	Nitrogen dioxide
NO _x	Oxides of nitrogen
PAH	Polycyclic aromatic hydrocarbons
PM ₁₀	Particulate matter (10 micrometres or less in diameter)
PM _{2.5}	Particulate matter (2.5 micrometres or less in diameter)
VOC	Volatile organic compounds

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 3**. Note that under **condition A8** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the immediate written notification of an incident required under **condition A8**).

Table 3: Reports and Notifications that must be submitted to the Secretary

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A9	Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages	Information
A15	Site Establishment Management Plan	One month before the installation of any ancillary facilities	Approval
A21	Environmental Representative	Must be sought one month before the commencement of works	Approval
A24(j)	Environmental Representative reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A27	Acoustic Advisor	Must be sought one month before the commencement of works	Approval
A30A30	Compliance Monitoring and Reporting Program	One month before the commencement of construction	Information
A35	Independent Audit Program	No later than 4 weeks before the date notified for the commencement of construction	Information
A38	Written notification of incident	Immediately upon becoming aware of the incident. Subsequent written notification and an incident report are required seven days after the Proponent became aware of the incident and 30 days after the date on which the incident occurred, respectively	Information
Part B - Communication Information and Reporting			
B3	Community Communication Strategy	One month before the commencement of any work	Approval
B7	Complaints management system	Before the commencement of any works	Information
B11	Complaints Register	upon request from the Secretary	Information
B12	Community Complaints Mediator	One month of the date of this approval	Approval
Part C - Construction Environmental Management			
C3	CEMP	One month before the commencement of construction	Approval
C7	CEMP Sub-plans	One month before the commencement of construction	Approval

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

Condition	Report / Notification	Timing ¹	Purpose
C12	Construction Monitoring Programs	One month before the commencement of construction	Approval
C15	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D7	OEMP or EMS	One month before the commencement of operation	Information
D6/D7	OEMP Sub-plans	One month before the commencement of operation	Information
Part E – Key Issues			
Heritage			
E6	Heritage Report	12 months after the completion of the work	Information
E9	Unexpected Heritage Finds and Humans Remains Procedure	One month before commencement of construction	Information
Noise and Vibration			
E19	Out-of-Hours Work Protocol	Before the commencement of out-of-hours works	Approval
E28	Operational Noise and Vibration Review	Before the implementation of operational noise mitigation measures	Approval
E30	Report on non-implementation of operational noise mitigation measures	Before commencement of works that would impact identified sensitive receivers	Information
E31	Operational Noise Compliance Report	Within 60 days of completing the operational monitoring	Information
E35	Blast Management Strategy	One month before the commencement of blasting	Information
Socio-economic, Land Use and Property			
E42	Social Infrastructure Plan	Six months after the commencement of construction	Approval
Soils			
E46	Site Audit Statement	One month before the commencement of operation	Information
E46	Site Audit Report	One month before the commencement of operation	Information
Sustainability			
E50	Sustainability Strategy	Six months of the date of the approval	Information

Traffic and Transport			
E52	Use of local roads for spoil haulage	Before the use of the local roads	Approval
E57	Road Safety Audits	Upon request of the Planning Secretary	Information
E59	Road Network Performance Plan	Before the operation of the full CSSI	Information
E60	Operational Road Network Performance Review	Within 60 days of completion of the Review	Information
Urban Design			
E63 & E67	Nomination of Design Review Panel representatives	Before development of the detailed design	Approval
E68	Design Review Panel Terms of Reference	Before development of the detailed design	Information
E73	Urban Design and Landscape Plan	One month before the commencement of permanent built works	Approval

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The SSI may only be carried out in accordance with the description of the SSI in [chapter/section] of the [EIS/Response to Submissions/PIR] and represented in Figures [insert number] of the [EIS/Response to Submissions/PIR], and the terms of this approval.
- A2 The SSI may only be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in [chapter/section] of the [EIS/Response to Submissions/PIR] unless otherwise specified in, or required under, this approval.
- A3 In the event of an inconsistency between the [EIS/Response to Submissions/PIR], or any other document required under this approval, and a term of this approval, the term of this approval prevails to the extent of the inconsistency.
- Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSI;
 - (b) any document or correspondence in relation to the SSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the SSI;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (f) the carrying out of any additional monitoring or mitigation measures; and
 - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A5 Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.
- A6 This approval lapses five (5) years after the date on which it is granted, unless works are physically commenced on or before that date.

- A7 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.
- A8 Any document that must be submitted within a timeframe specified in or under the conditions of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under **Condition A38**.

STAGING

- A9 The SSI may be constructed and operated in stages. Where staged construction or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The **Staging Report** must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10 The **Staging Report** must:
- (a) if staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11 The SSI must be staged in accordance with the **Staging Report**, as submitted to the Planning Secretary.
- A12 Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

ANCILLARY FACILITIES

Ancillary facilities

- A13 Ancillary facilities that are not identified by description and location in the **[EIS/Submissions Report/PIR]**; can only be established and used in each case if:
- (a) they are located within or immediately adjacent to the construction boundary; and
 - (b) they are not located next to a sensitive receiver (including where an access road is between the facility and the receiver), unless the sensitive receiver landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and
 - (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and
 - (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

SITE ESTABLISHMENT WORKS

Site Establishment Management Plan

A14 Before establishment of any construction ancillary facility (excluding minor construction ancillary facilities 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 facilities. The **Site Establishment Management Plan** must be prepared in consultation with the relevant council and government authorities. The Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The **Site Establishment Management Plan** must detail the management of the construction ancillary facilities and include:

- (a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site);
- (b) figures illustrating the proposed operational 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 EIS and PIR, 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 C9**.

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

Operation of Construction Ancillary Facilities

A15 The operation of a construction ancillary facility for construction must not commence until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C4** and relevant **Construction Monitoring Programs** required by **Condition C9** have been approved by the Planning Secretary.

Minor Construction Ancillary Facilities

A16 Lunch sheds, office sheds, portable toilet facilities, and the like, can be established where they satisfy the following criteria:

- (a) are located within the construction boundary; 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

A17 Boundary screening must be erected around all ancillary facilities that are adjacent to sensitive receivers for the duration of construction of the SSI unless otherwise agreed with relevant Council, and affected residents, business operators or landowners.

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

ENVIRONMENT REPRESENTATIVE

- A19 Works must not commence until an **ER** has been approved by the Planning Secretary and engaged by the Proponent.
- A20 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of works.
- A21 The proposed **ER** must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or Response to Submissions, and is independent from the design and construction personnel for the SSI and those involved in the delivery of it.
- A22 The Proponent may engage more than one **ER** for the SSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the SSI.
- A23 For the duration of the works until the commencement of operation / x months/years after the commencement of operation, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) review documents identified in **Conditions C1, C4 and C9** and any other documents that are identified by the 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 Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
 - (e) regularly monitor the implementation of the documents listed in **Conditions C1, C4 and C9** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A36** of this approval;
 - (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
 - (h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A17** of this approval; and
 - (i) consider any minor amendments to be made to the CEMP, CEMP Sub-plans and monitoring programs that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval;
 - (j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI.
- A24 The Proponent must provide the **ER** with all documentation requested by the **ER** in order for the **ER** to perform their functions specified in **Condition A24** (including preparation of the **ER** monthly report), as well as:

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

A25 The Planning Secretary may at any time commission an audit of an **ER's** exercise of its functions under **Condition A24**. The Proponent must:

- (a) facilitate and assist the 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.

ACOUSTICS ADVISOR

A26 A suitably qualified and experienced **Acoustics Advisor (AA)**, who is independent of the design and construction personnel, must be nominated by the Proponent and engaged for the duration of works and for no less than six (6) months following completion of construction of the SSI.

The details of the nominated **AA** must be submitted to the Planning Secretary for approval no later than one (1) month before commencement of works.

The Proponent must cooperate with the **AA** by:

- (a) providing access to noise and vibration monitoring activities as they take place;
- (b) providing for review of noise and vibration plans, assessments, monitoring reports, data and analyses undertaken; and
- (c) considering any recommendations to improve practices and demonstrating, to the satisfaction of the **AA**, why any recommendation is not adopted.

A27 Any activities generating noise in excess of the 'Noise affected' Noise Management Levels derived from the *Interim Construction Noise Guideline* must not commence until an **AA**, nominated under **Condition A27** of this approval, has been approved by the Planning Secretary.

A28 The approved **AA** must:

- (a) receive and respond to communication from the Planning Secretary in relation to the performance of the SSI in relation to noise and vibration;
- (b) consider and inform the Planning Secretary on matters specified in the terms of this approval relating to noise and vibration;
- (c) consider and recommend, to the Proponent, improvements that may be made to avoid or minimise adverse noise and vibration impacts;
- (d) review all noise and vibration documents required to be prepared under the terms of this approval and, should they be consistent with the terms of this approval, endorse them before submission to the Planning Secretary (if required to be submitted to the Planning Secretary) or before implementation (if not required to be submitted to the Planning Secretary);
- (e) regularly monitor the implementation of all noise and vibration documents required to be prepared under the terms of this approval to ensure implementation is in accordance with what is stated in the document and the terms of this approval;
- (f) notify the Planning Secretary of noise and vibration incidents in accordance with **Condition A38** of this approval;
- (g) in conjunction with the **ER**, the **AA** must:
 - (i) as may be requested by the Planning Secretary or **Community Complaints Mediator** (required by **Condition B13**), help plan, attend or undertake audits of noise and vibration management of the SSI including briefings, and site visits,
 - (ii) in the event that conflict arises between the Proponent and the community in relation to the noise and vibration performance of the SSI, follow the procedure in the **Communication Strategy** approved under **Condition B2** to attempt to resolve the conflict, and if it cannot be resolved, notify the Planning Secretary,

- (iii) consider relevant minor amendments made to the CEMP, relevant sub-plans and noise and vibration monitoring programs that require updating or are of an administrative nature, and are consistent with the terms of this approval and the management plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, endorse the amendment, (this does not include any modifications to the terms of this approval),
- (iv) review the noise impacts of minor construction ancillary facilities, and
- (v) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, a **Monthly Noise and Vibration Report** detailing the **AA**'s actions and decisions on matters for which the **AA** was responsible in the preceding month. The **Monthly Noise and Vibration Report** must be submitted within seven (7) days following the end of each month for the duration of the **AA**'s engagement for the SSI, or as otherwise agreed by the Planning Secretary.

COMPLIANCE MONITORING AND REPORTING PROGRAM

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

AUDITING

- A34 No later than 4 weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Independent Audit Program prepared in accordance with the *Independent Audit Requirements* (Department 2018) must be submitted to the Department.
- A35 Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department under **Condition A35** of this approval; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the *Independent Audit Requirements* (Department 2018).
- A36 In accordance with the specific requirements in the *Independent Audit Requirements* (Department 2018), the Proponent must:
- (a) review and respond to each Independent Audit Report prepared under **Condition A36** of this approval;

- (b) submit the response to the Department; and
- (c) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done.

INCIDENT NOTIFICATION AND REPORTING

A37 The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI if it has one), and set out the location and nature of the incident.

A38 Subsequent notification must be given and reports submitted in accordance with the requirements set out in [Appendix \[x\]](#).

INDICATIVE

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication between the Proponent, the **ER**, the **AA**, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the SSI), during the design and construction of the SSI and for a minimum of 12 months following the completion of construction of the SSI.
- B2 The **Community Communication Strategy** must:
- (a) identify people and organisations to be consulted during the design and work phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI including use of construction hoardings to provide information regarding construction. The information to be distributed must include information regarding current site construction activities, schedules and milestones at each construction site;
 - (c) identify opportunities and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements);
 - (d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and
 - (e) detail the roles and responsibilities of the Public Liaison Officer(s) engaged under **Condition B6**.
 - (f) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction of the SSI, including disputes regarding rectification or compensation.
- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary for approval no later than one month before commencement of any work.
- B4 Work for the purposes of the SSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary.
- B5 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of the works and for 12 months following the completion of construction.

Public Liaison Officer

- B6 A **Public Liaison Officer** must be appointed for construction ancillary facilities and for utility works to assist the public with questions and complaints they may have at any time during construction. The **Public Liaison Officer** must be available at all times that works are occurring.

COMPLAINTS MANAGEMENT SYSTEM

- B7 A **Complaints Management System** must be prepared and implemented before the commencement of any works and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the SSI.
- B8 The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of works and for 12 months following the completion of construction:

- (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

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 published in a newspaper circulating in the relevant local area and on site hoarding at each construction site before the commencement of construction and published in the same way again before the commencement of operation. This information must also be provided on the website required under **Condition B16** of this approval.
- B10 A **Complaints Register** must be maintained recording information on all complaints received about the SSI during the carrying out of any works and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:
- (a) number of complaints received;
 - (b) number of people affected in relation to a complaint; and
 - (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.
- B11 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.
- B12 A **Community Complaints Mediator** that is independent of the design and construction personnel must be nominated by the Proponent, approved by the Planning Secretary and engaged during works associated with the SSI. The nomination of the **Community Complaints Mediator** must be submitted to the Planning Secretary for approval within one (1) month before the commencement of works.
- B13 The role of the **Community Complaints Mediator** is to address any complaint where a member of the public is not satisfied by the Proponent's response. Any member of the public that has lodged a complaint which is registered in the **Complaints Management System** identified in **Condition B7** may ask the **Community Complaints Mediator** to review the Proponent's response. The application must be submitted in writing and the **Community Complaints Mediator** must respond within 28 days of the request being made or other specified timeframe agreed between the **Community Complaints Mediator** and the member of the public.
- B14 The **Community Complaints Mediator** will:
- (a) review any unresolved disputes if the procedures and mechanisms under **Condition B2(f)(iii)** do not satisfactorily address complaints; and
 - (b) make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes.
- B15 The **Community Complaints Mediator** will not act before the Proponent has provided an initial response to a complaint and will not consider issues or matters which are not relevant to the carrying out of the SSI.

PROVISION OF ELECTRONIC INFORMATION

- B16 A website providing information in relation to the SSI must be established before commencement of works and maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. Up-to-date information (excluding confidential commercial information) must be published **before the relevant works commencing** and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of the SSI;
- (b) a copy of the documents listed in **Condition A1** and **Condition A2** of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI;
- (e) a current copy of each document required under the terms of this approval, which must be published before the commencement of any works to which they relate or before their implementation, as the case may be; and
- (f) a copy of the compliance reports required under **Condition A30**, and **Condition A34** of this approval.

INDICATIVE

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 [section/chapter] of the [EIS/Response to Submissions/PIR] will be implemented and achieved during construction.
- C2 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
 - (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;
 - (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the SSI;
 - (d) details of how the activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the [EIS/Response to Submissions/PIR]; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (d) of this condition;
 - (e) an inspection program detailing the activities to be inspected and frequency of inspections;
 - (f) a protocol for managing and reporting any:
 - (i) incidents; and
 - (ii) non-compliances with this approval or statutory requirements;
 - (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
 - (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C4**. Where staged construction of the SSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
 - (i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the **ER**;
 - (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval;
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs.
- C3 The **CEMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction.
- C4 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**:

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Traffic and transport	[insert list of relevant government agencies to be consulted for each CEMP Sub-plan]
(b)	Noise and vibration	[insert list of relevant government agencies to be consulted for each CEMP Sub-plan]
(c)	Biodiversity	[insert list of relevant government agencies to be consulted for each CEMP Sub-plan]
(d)	Air quality	[insert list of relevant government agencies to be consulted for each CEMP Sub-plan]
(e)	Soil and water	[insert list of relevant government agencies to be consulted for each CEMP Sub-plan]

(x)	[insert additional required project specific CEMP Sub-plans]	[insert list of relevant government agencies to be consulted for each CEMP Sub-plan]
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C5 The **CEMP Sub-plans** must state how:

- (a) the environmental performance outcomes identified in the [EIS/Response to Submissions/PIR] will be achieved;
- (b) the mitigation measures identified in the [EIS/Response to Submissions/PIR] will be implemented;
- (c) the relevant terms of this approval will be complied with; and
- (d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed.

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

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

C8 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 SSI is staged, construction of a stage must not commence until the **CEMP** and sub-plans for that stage have been approved by the Planning Secretary.

CONSTRUCTION MONITORING PROGRAMS

C9 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of the SSI against the performance predicted in the [EIS/Response to Submissions/PIR] or in the **CEMP**:

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	[insert list of required Construction Monitoring Programs]	[insert list of relevant government agencies to be consulted for each Construction Monitoring Programs]
(x)	[insert list of required Construction Monitoring Programs]	[insert list of relevant government agencies to be consulted for each Construction Monitoring Programs]

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

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

- C11 The **Construction Monitoring Programs** must be developed in consultation with relevant government agencies as identified in **Condition C9** of this approval and must include information requested by an agency to be included in a **Construction Monitoring Programs** during such consultation. Details of all information requested by an agency including copies of all correspondence from those agencies, must be provided with the relevant **Construction Monitoring Program**.
- C12 The **Construction Monitoring Programs** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one month before the commencement of construction.
- C13 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.
- C14 The **Construction Monitoring Programs**, as approved by the Planning Secretary including any minor amendments approved by the **ER** must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.
- C15 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, and relevant 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 to detail how the performance outcomes, commitments and mitigation measures made and identified in [section/chapter] of the [EIS/Response to Submissions/PIR] will be implemented and achieved during operation. This condition (**Condition D1**) does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the SSI if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in [insert chapter/section] of the [EIS/Response to Submissions/PIR], and specified relevant terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed; and
 - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 Where an **OEMP** is required, the Proponent must include the following **OEMP Sub-plans** in the **OEMP**:

	Required OEMP Sub-plan	Relevant government agencies to be consulted for each OEMP Sub-plan
(a)	[insert additional required project specific OEMP Sub-plans]	[insert additional required project specific OEMP Sub-plans]
(x)	[insert additional required project specific OEMP Sub-plans]	[insert list of relevant government agencies to be consulted for each OEMP Sub-plan]

- D4 Each of the **OEMP Sub-plans** must include the information set out in **Condition D2** of this approval.
- D5 The **OEMP Sub-plans** must be developed in consultation with relevant government agencies as identified in **Condition D3** and must include information requested by an agency to be included in an **OEMP Sub-plan** during such consultation. Details of all information requested by an agency to be included in an **OEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **OEMP Sub-Plan**.
- D6 The **OEMP Sub-plans** must be submitted to the Planning Secretary as part of the **OEMP**.
- D7 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of operation.
- D8 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.

OPERATIONAL MONITORING PROGRAM

D9 The following **Operational Monitoring Programs** must be prepared in consultation with the relevant authorities identified for each **Operational Monitoring Program** to compare actual operational performance against predicted performance.

	Required Operational Monitoring Programs	Relevant authority(s) and council(s) to be consulted for each Operational Monitoring Program
(a)	[insert additional required project specific program]	[insert additional required project specific program]
(b)	[insert additional required project specific program]	[insert additional required project specific program]

D10 Each operational monitoring program must include:

- (a) details of baseline data;
- (b) details of all monitoring of the project to be undertaken;
- (c) the parameters of the project to be monitored;
- (d) the frequency of monitoring to be undertaken;
- (e) the location of monitoring;
- (f) the reporting of monitoring and analysis results against relevant criteria;
- (g) details of the methods that will be employed to analyse the monitoring data;
- (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and
- (i) any consultation to be undertaken in relation to the monitoring programs.

Note: *Operational Monitoring Program requirements will be included in approvals on a project specific basis in consideration of the need for continuous improvement of environmental performance.*

PART E

KEY ISSUE CONDITIONS

AIR QUALITY

- E1 In addition to the performance outcomes, commitments and mitigation measures specified in [chapter/section xx] of the [EIS/Response to Submissions/PIR], all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during the construction and operation of the SSI.

AIR QUALITY ROAD TUNNELS

Note: refer to most recent road tunnel approval.

BIODIVERSITY

- E2 The **Biodiversity Offset Strategy (BOS)** detailed in the [EIS/Response to Submissions/PIR] must be implemented within 12 months of the commencement of construction.

FLOODING

- E3 Measures identified in [section/chapter xx] of the [EIS/Response to Submissions/PIR] to maintain or improve flood characteristics must be incorporated into the detailed design of the SSI. The incorporation of these measures into the detailed design must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPI Water, DPI Fisheries, OEH, NSW State Emergency Service (SES) and relevant Councils. For the purposes of this condition, “maintain” means:
- (a) a maximum increase in inundation levels upstream of the SSI of 50 mm in a 1% AEP rainfall event; and
 - (b) a maximum increase in inundation time of one hour in a 1% AEP rainfall event.
- E4 Flood information including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant Council, OEH and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the SSI. The Council, OEH and the SES must be notified in writing that the information is available no later than one month following the completion of construction. Information requested by the relevant Council, OEH or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the relevant Council, OEH and the SES.

HEALTH AND SAFETY

Note: No standard condition anticipated. Project specific condition to be applied if required.

HERITAGE

- E5 Following completion of all work described in [section/chapter] of the [EIS/Response to Submissions/PIR] in relation to heritage items, a **Heritage Report** including the details of any archival recording, further historical research either undertaken or to be carried out and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by the Heritage Council of NSW and OEH.
- E6 The **Heritage Report** must be submitted to the Planning Secretary, the Heritage Council of NSW and OEH for information no later than 12 months after the completion of the work referred to in **Condition E5**.
- E7 Before conducting acoustic treatment at any heritage item identified in [section/chapter] of the [EIS/Response to Submissions/PIR], the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item.
- E8 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 OEH.
- E9 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared by a suitably qualified and experienced heritage specialist in consultation with OEH and the Heritage Council of NSW and submitted to the Planning Secretary for information no later than one month before the commencement of construction.
- E10 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction and during operational maintenance works.

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

NOISE AND VIBRATION

Note: Project-specific conditions relating to out of hours works and high noise and vibration impact works may be required based on predictions and statements included in the [EIS/Response to Submissions/PIR].

Land Use Survey

- E11 A detailed land use survey must be undertaken to confirm sensitive receivers (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of works which generate 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**.

Construction Hours

E12 Works (except for tunnelling (excluding cut and cover tunnelling)) must only be undertaken during the following standard construction hours:

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

Variation to Works Hours

E13 Notwithstanding **Conditions E12, E16 and E18** works 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 authority for safety reasons; or
- (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
- (c) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or
- (d) works approved under an **Out-of-Hours Work Protocol** for works not subject to an EPL as required by **Condition E19**; or
- (e) construction that causes $L_{Aeq(15\text{ minute})}$ noise levels:
 - (i) no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and
 - (ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses, and
 - (iii) continuous or impulsive vibration values, measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
 - (iv) intermittent vibration values measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

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

E14 On becoming aware of the need for emergency works in accordance with **Condition E13(b)**, the Proponent must notify the **AA**, the **ER** and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those works.

E15 In order to undertake out-of-hours work, the Proponent must identify appropriate respite periods for the out-of-hours works in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:

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

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

24 hour tunnelling

- E16 Notwithstanding **Condition E12** of this approval, tunnelling (excluding cut and cover tunnelling) may be undertaken 24 hours per day, seven days per week but only if the resulting noise and vibration is within the limits for ground-borne noise and vibration (human comfort) provided in the [EIS/Response to Submissions/PIR] unless different hours, times or limits on the tunnelling are permitted or required under an EPL in force in respect of the tunnelling in which case those hours, times and limits must be complied with.
- E17 Notwithstanding **Condition E16**, surface works associated with tunnelling must only be undertaken in accordance with the requirements of **Conditions E12 and E13**.

Highly Noise Intensive Works

- E18 Except as permitted by an EPL, 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 work.

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

- E19 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of works which are outside the hours defined in **Conditions E12**, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the works. The Protocol must be prepared in consultation with the EPA and AA. The Protocol must:
- (a) provide a process for the consideration of out-of-hours works against the relevant noise and vibration criteria, including the determination of low and high-risk activities;
 - (b) provide a process for the identification of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of **Condition E15**;
 - (c) identify procedures to facilitate the coordination of out-of-hours works approved by an EPL to ensure appropriate respite is provided;
 - (d) identify an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) low risk activities can be approved by the **ER** in consultation with the **AA**, and
 - (ii) high risk activities that are approved by the Planning Secretary; and
 - (e) identify Department, EPA and community notification arrangements for approved out of hours works, which maybe detailed in the Communication Strategy.

Utility Coordination and Respite

- E20 All works undertaken for the delivery of the SSI, 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 works to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with **Condition E15**; or
 - (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and
 - (c) provide documentary evidence to the **AA** in support of any decision made by the Proponent in relation to respite or mitigation.
- E21 Noise generating works in the vicinity of potentially-affected community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not

be timetabled within sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

Noise and Vibration Mitigation

E22 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 works 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.

E23 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

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

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol**, required by **Condition E19**.

E24 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before works that generate 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**.

E25 The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.

E26 The Proponent must seek the advice of a heritage specialist on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.

Workplace health and safety for nearby workers

E27 At no time can noise generated by construction exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8hr) equivalent continuous A-weighted sound pressure level of $L_{Aeq,8h}$ of 85 dB(A) for any employee working at a location near the SSI.

Noise Mitigation - Operational Noise Mitigation Measures

E28 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 SSI. The **ONVR** must be prepared in consultation with the Department, 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). The assessment must specifically include verification of noise levels at all fixed facilities, based on noise monitoring undertaken at appropriately identified noise catchment areas surrounding the facilities;
- (c) confirm the operational noise and vibration impacts at adjoining development based on the final design of the SSI, including operational daytime $L_{Aeq,15\text{ hour}}$ and night-time $L_{Ae, 9\text{ hour}}$ traffic noise contours;
- (d) review the suitability of the operational noise mitigation measures identified in the EIS and PIR 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) and *NSW Industrial Noise Policy* (EPA, 2000), including the timing of implementation;
- (e) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; 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 and make the **ONVR** publicly available.

E29 Operational noise mitigation measures as identified in **Condition E28** that will not be physically affected by works, must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted receiver to minimise construction noise impacts, and detailed in the **Noise and Vibration CEMP Sub-plan** for the SSI.

E30 Where implementation of operational noise mitigation measures are not proposed in accordance with **Condition E29**, the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in **Condition E28** are implemented. The report must be endorsed by the **AA** and submitted to the Planning Secretary prior to the commencement of construction which would affect the identified sensitive receivers.

E31 Within 12 months of the commencement of operation of the SSI, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the SSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E28**.

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 E28**;

- (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 SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;
- (d) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared;
- (e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;
- (f) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
- (g) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E28**, that are to be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy* (EPA, 2011) and *Industrial Noise Policy* (EPA, 2000), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

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

Blasting Management Strategy

Note: Project specific conditions specifying blasting hours may be required. Performance standards for blasting will be applied where appropriate, on a project-specific basis.

E32 A Blast Management Strategy must be prepared and must include:

- (a) sequencing and review of trial blasting to inform blasting;
- (b) regularity of blasting;
- (c) intensity of blasting;
- (d) periods of relief; and
- (e) blasting program.

E33 The Blast Management Strategy must be endorsed by a suitably qualified and experienced person.

E34 The Blast Management Strategy must be prepared in accordance with relevant guidelines and in consultation with the EPA, in order to ensure that all blasting and associated activities are carried out so as not to generate unacceptable noise and vibration impacts or pose a significant risk to sensitive receivers.

E35 The Blast Management Strategy must be submitted to the Planning Secretary for information no later than one month before the commencement of blasting. The Strategy as submitted to the Planning Secretary, must be implemented for all blasting activities.

SOCIO-ECONOMIC, LAND USE AND PROPERTY

E36 The Proponent must identify the utilities and services (hereafter “services”) potentially affected by Construction 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 Activity are avoided and advised to customers.

Condition Survey

E37 Before commencement of any works, a structural engineer must undertake condition surveys of all buildings, structures, utilities and the like identified in the [EIS/Response to Submissions/PIR] as being at risk of damage. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the owners of the items surveyed, and no later than one month before the commencement of construction.

E38 After completion of construction, condition surveys of all items for which condition surveys were undertaken in accordance with **Condition E37** of this approval must be undertaken by a structural engineer. The results of the surveys must be documented in a **Condition Survey Report** for each item surveyed. Copies of **Condition Survey Reports** must be provided to the landowners of the items surveyed, and no later than three (3) months following the completion of construction.

E39 The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation at no cost to the owner. Alternatively the Proponent may pay compensation for the property damage as agreed with the property owner.

Social Infrastructure Plan

E40 A **Social Infrastructure Plan** must be prepared to detail the delivery of measures identified in [section/chapter] of the [EIS/Response to Submissions/PIR] including:

- (a) community connectivity, including pedestrian and cycle access;
- (b) local centre and street revitalisation works;
- (c) provision of community and social facilities, for example open space;
- (d) future use of residual land with open space use, community uses and public housing as first priorities;
- (e) access to public open space, community facilities, local businesses; and
- (f) services to assist with property acquisitions and adjustments, and disruption to communities.

E41 The **Social Infrastructure Plan** must be prepared by a suitably qualified and experienced person in consultation with the community and relevant Councils.

E42 The **Social Infrastructure Plan** must be submitted to the Planning Secretary for approval within six (6) months after the commencement of Construction. The Plan as approved by the Planning Secretary, must be implemented for the duration of construction and operation.

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* series must be considered.

Contaminated sites

- E44 A **Site Contamination Report**, documenting the outcomes of Stage 1 and Stage 2 contamination assessments of land upon which the SSI is to be carried out, or land associated with the SSI, that is suspected, or known to be, contaminated must be prepared by a suitably qualified and experienced person in accordance with guidelines made or approved under the *Contaminated Land Management Act 1997* (NSW).
- E45 If a **Site Contamination Report** prepared under **Condition E44** finds such land is contaminated, a site audit is required to determine the suitability of a site for a specified use. If a site audit is required, a **Site Audit Statement** and **Site Audit Report** must be prepared by a NSW EPA Accredited Site Auditor. Contaminated land must not be used for the purpose approved under the terms of this approval until a **Site Audit Statement** determines the land is suitable for that purpose and any conditions on the **Site Audit Statement** have been complied with.
- E46 A copy of the **Site Audit Statement** and **Site Audit Report** must be submitted to the Planning Secretary and Council for information no later than one month before the commencement of operation.
- E47 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared before the commencement of construction and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during construction.
- E48 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout construction.

SUSTAINABILITY

- E49 A **Sustainability Strategy** must be prepared to achieve a minimum [insert details as nominated in EIS/Response to Submissions/PIR] 'Design' and 'As built' rating under the Infrastructure Sustainability Council of Australia infrastructure rating tool.
- E50 The **Sustainability Strategy** must be submitted to the Planning Secretary one (1) month before the commencement of construction, and must be implemented throughout construction and operation.

TRAFFIC AND TRANSPORT

- E51 The Planning Secretary's approval is required before any heavy vehicles for the purpose of the development are driven on local roads within one (1) kilometre of construction works and construction ancillary facilities. The local roads must be identified in the Traffic Management **CEMP Sub-plan**.
- E52 All requests to the Planning Secretary for approval to use local roads must include a traffic and pedestrian impact assessment, and a swept path analysis if required by the Department. The traffic and pedestrian impact assessment must be, incorporated in the **Site Establishment Management Plan** or Traffic Management **CEMP Sub-plan** as relevant, and:
- demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts;
 - provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and
 - describe the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and child care facilities during peak times for operation.
- E53 Before any local road is used by a heavy vehicle for the purposes of construction of the SSI, 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 SSI.

- E54 If damage to roads occurs as a result of the construction of the SSI, the Proponent must either (at the landowner's discretion):
- (a) compensate the landowner for the damage so caused. The amount of compensation may be agreed with the landowner, but compensation must be paid even if no agreement is reached; or
 - (b) rectify the damage to restore the road to at least the condition it was in pre-construction.
- E55 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

- E56 The SSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines, including the Austroads Guide to Traffic Management.
- E57 An independent **Road Safety Audit** is to be undertaken by an appropriately qualified and experienced person during detailed design to assess the safety performance of new or modified local road, parking, pedestrian and cycle infrastructure provided as part of the SSI (including ancillary facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including Austroads Guide to Traffic Management. Audit findings and recommendations must be actioned before construction of the relevant infrastructure and must be made available to the Planning Secretary on request.

Pedestrian and Cyclist Access

- E58 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 complies with the relevant standards must be provided and signposted.

Road Network Performance Plan

- E59 Before the commencement of operation of the SSI, the Proponent must prepare a **Road Network Performance Plan** in consultation with Transport for NSW and the relevant council. The Plan must include:
- (a) consideration of traffic movement and local initiatives, such as local area improvement strategies, potential land use changes;
 - (b) an updated analysis, including modelling of traffic impacts to the adjoining road network (including impacts on local roads from rat-running), because of the SSI;
 - (c) mitigation measures to manage predicted traffic performance impacts including local area traffic management and bus priority measures as relevant.

The **Road Network Performance Plan** must be submitted to the Planning Secretary and relevant council(s). The Plan must be implemented before the operation of the SSI. The Proponent is responsible for the implementation of the identified measures under **Condition E59(c)**.

Note: Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Works will need to meet relevant design standards and be subject to independent road safety audits.

- E60 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 SSI. The Review must address road network performance and review the performance of the SSI on the adjoining road network. The Review must confirm whether the mitigation measures identified in the **Road Network Performance Plan** required under **Condition E59** are adequate.

The Review must be undertaken in consultation with Transport for NSW and relevant council and be completed within six (6) months of the review timeframes. The Review must be provided to the Planning Secretary within 60 days of its completion.

Further mitigation measures, if required, must be included in the Review. The Proponent is responsible for the implementation of the identified measures.

Note: Identified mitigation measures may need to be further assessed under the Environmental Planning and Assessment Act, 1979. Works will need to meet relevant design standards and to subject to independent road safety audits.

URBAN DESIGN AND VISUAL AMENITY

Construction Ancillary Facilities

- E61 The SSI must be constructed in a manner that minimises visual impacts of construction sites, including, providing temporary landscaping and vegetative screening of the construction sites, minimising light spill, and incorporating architectural treatment and finishes within key elements of temporary structures that reflect the context within which the construction sites are located.

Lighting and Security

- E62 The Proponent must construct and operate the SSI with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation of the SSI must be consistent with the requirements of *Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*. Additionally, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the SSI, in consultation with affected landowners.

Design Review Panel

- E63 The Proponent must establish a **Design Review Panel** during detailed design and before construction.
- E64 During design development of the SSI, the **Design Review Panel** must review the design to assess whether it is consistent with the commitments made and outcomes identified in the documents listed in **Condition A1** and **A2**.
- E65 The **Design Review Panel** must refine the design objectives for place making, public realm and urban and heritage interpretation applicable to the project and provide advice on the application of the objectives to key design elements in relation to place making, architecture, heritage, urban and landscape design and public art and aesthetic aspects of the CSSI. The Panel must also review all **Urban Design and Landscape Plans** before they are submitted to the Planning Secretary. Evidence of this review and the Proponent's consideration of the review is to be provided to the Planning Secretary with the relevant Plan.
- E66 The **Design Review Panel** must be comprised of, a suitably qualified, experienced and independent professional in each of the fields of:
- architecture;
 - urban design;
 - landscape design;
 - Aboriginal cultural heritage; and
 - non-Aboriginal heritage.

The NSW Government Architect (or representative) is to be the Chair of the Panel.

The Proponent and its contractors are invited onto the Panel as observers only and to provide technical advice. The Proponent must provide independent secretarial resources to the Panel.

- E67 The **Design Review Panel** members must be nominated by the Proponent and approved by the Planning Secretary in accordance with the timeframes in **Condition E63**.
- E68 Nomination and appointments of the Design Review Panel must comply with the Public Service Commission's *Appointment Standards: Boards and Committees in the NSW Public Sector* guideline.
- E69 Once the **Design Review Panel** is composed, and before the carrying out of detailed design of the SSI, a **Design Review Panel Terms of Reference** is to be developed and endorsed by all panel members. The Terms of Reference must be submitted to the Planning Secretary for information and:
- (a) establish governance and protocols for the operation of the **Design Review Panel**;
 - (b) include a Code of Conduct;
 - (c) outline the agreed frequency of **Design Review Panel** meetings, coordinated with Proponent program requirements, to ensure timely advice and design adjustment; and
 - (d) outline secretariat functions and administration including the recording and storing of meeting agendas, minutes and actions.
- E70 The **Design Review Panel** must be operated and managed in accordance with the approved **Design Review Panel Terms of Reference** and in accordance with the NSW Government *Boards and Committees Guidelines* (Department of Premier and Cabinet, September 2015).
- E71 An **Urban Design and Landscape Plan** must be prepared to inform the final design of the SSI and to give effect to the commitments made in [section/chapter] of the [EIS/Response to Submissions/PIR]. The Plan does not apply to those works, which for technical, engineering, or ecological requirements, or other requirements as agreed by the Planning Secretary, do not allow for alternate design outcomes.
- E72 The **Urban Design and Landscape Plan** must be prepared by a suitably qualified and experienced person in consultation with relevant Councils, the community and affected landowners and businesses. The **Urban Design and Landscape Plan** must include:
- (a) an analysis of the built, natural and community context and the urban design objectives, principles and standards for the SSI;
 - (b) the design of the SSI elements including their form, materials and detail;
 - (c) the design of the project landform and earthworks;
 - (d) the location of existing vegetation, areas of vegetation to be retained and proposed planting and seeding details, including the use of local indigenous species for revegetation activities;
 - (e) the location of existing heritage items;
 - (f) visual screening requirements;
 - (g) developed visuals, cross sections and plans showing the proposed design outcome; and
 - (h) details of strategies to rehabilitate, regenerate or revegetate disturbed areas and successfully establish and maintain the resulting new landscape.
- E73 The **Urban Design and Landscape Plan**, and its sub-plans, must be reviewed by the **Design Review Panel**. The Proponent must respond to the outcomes of the **Design Review Panel's** review and submit the **UDLP** to the Planning Secretary for approval no later than one (1) month before the construction of permanent works that are the subject of the **Urban Design and Landscape Plan(s)** (in the area to which the **UDLP** applies).
- E74 Construction of permanent built works or landscaping that are the subject of the **Urban Design and Landscape Plan** must not be commenced (in the area to which the **UDLP** applies) until the **Urban Design and Landscape Plan** has been approved by the Planning Secretary, after considering advice received from the Design Review Panel.

E75 The **Urban Design and Landscape Plan**, as approved by the Planning Secretary, must be implemented during construction and operation.

Operational Maintenance

E76 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 **Urban Design and Landscape Plan**, required by **Condition E72**.

WASTE

E77 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.

E78 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the SSI, 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.

E79 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.

E80 All waste must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

WATER

E81 The SSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

E82 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.

E83 Works on waterfront land must be carried out in accordance with controlled activity guidelines.

Appendix [x]

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

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