Infrastructure approval

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

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

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

Sydney 23rd April 2021

SCHEDULE 1

Application no.:	SSI 9364
Proponent:	Transport for NSW
Approval Authority:	Minister for Planning and Public Spaces
Land:	Land in the suburbs of Abbotsbury, Cecil Park, Cecil Hills, Horsley Park, Mount Vernon, Kemps Creek, Badgerys Creek and Luddenham.
Description of Critical State Significant Infrastructure:	Development for the purposes of the M12 Motorway, being: (a) a multi-lane road link from the M7 Motorway at Cecil Hills extending for approximately 16 kilometres to The Northern Road at Luddenham, including intersections with existing roads (including The Northern Road) and the following interchanges - (i) an interchange with the M7 Motorway extending approximately four kilometres within the existing M7 Motorway Corridor (the *M7 interchange*), and (ii) an interchange with the proposed Western Sydney International Airport; (b) electronic tolling facilities at the M7 interchange; (c) the construction of new bridges across – (i) creeks (being Ropes Creek, Kemps Creek, South Creek, Badgerys Creek and Cosgrove Creek), (ii) roads (being Clifton Avenue, Elizabeth Drive, Range Road, Luddenham Road, Wallgrove Road, Villiers Road and the M7 and M12 motorways), and (iii) part of the Western Sydney Parklands; (d) pedestrian and cycling facilities including an off-road shared user path alongside the M12 Motorway from The Northern Road to Range Road; and (e) ancillary development, including (but not limited to) access roads, construction compounds, gantries, motorway control centre facilities, pedestrian bridges, road modification works, signage, systems for the control and management of roads, treatment plants and utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure).
Declaration as Critical State Significant Infrastructure	The proposal is Critical State Significant Infrastructure by virtue of Schedule 5, clause 1 of *State Environmental Planning Policy (State and Regional Development) 2011.*

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DEFINITIONS AND TERMS

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

Table: Terms and Definitions

Term	Definition
Aboriginal object	The same meaning as in the *National Parks and Wildlife Act 1974* (NSW).
Amendment Report	The Amendment Report submitted to the Planning Secretary under clause 192(2) of the *Environmental Planning and Assessment Regulation 2000* that describes amendments to the CSSI.
At-property treatment	Includes building treatments and courtyard walls. Building treatments may include but are not limited to ventilation, glazing, window and door seals, sealing of vents and underfloor areas as described in Appendix B of *At Receiver Noise Treatment Guideline* (Roads and Maritime Services, 2017) and other treatments including, but not limited to, noise curtains, shutters and secondary glazing.
CEMP	Construction Environmental Management Plan
Certified area /certified land	An area marked as a certified area on the Order to confer biodiversity certification in the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006*, made on 11 December 2007.
Completion of construction	The date upon which construction is completed and all construction related requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all construction-related requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Construction	Includes all activities required to construct the CSSI as described in the documents listed in **Condition A1,** including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding **Low Impact Work** which is carried out or completed prior to approval of the CEMP, works approved under a **Site Establishment Management Plan,** demolition of acquired residential houses, structures and sheds, and works specified in **Appendix B** and approved under an environmental management plan(s) in accordance with **Condition A24**.
Construction ancillary facility	A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, concrete and asphalt batching plant, materials storage compound, maintenance workshop, testing laboratory, material stockpile area, access and car parking facilities and utility connections to the facility. *Note: Where an approved CEMP contains a stockpile management protocol, a material stockpile area located within the construction boundary is not considered to be an ancillary facility.*
Construction boundary	The area physically affected by works as described in the documents listed in **Condition A1**.
CSSI	The Critical State Significant Infrastructure, as described in Schedule 1, the carrying out of which is approved under the terms of this approval.
DAWE	Commonwealth Department of Agriculture, Water and the Environment (former Department of the Environment and Energy)
Department / DPIE	NSW Department of Planning, Industry and Environment
DECC	Former NSW Department of Environment and Climate Change

Term	Definition
DPI Fisheries	NSW Department of Primary Industries, Fisheries
DPIE Water	Water Group of the Department of Planning, Industry and Environment
EES	Environment, Energy and Science Group of DPIE (former NSW Office of Environment and Heritage)
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 CSSI.
EMS	Environmental Management System
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act.
ER	The Environmental Representative(s) for the CSSI.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Representative Protocol	The document of the same title published by the Department of Planning and Environment (now DPIE) dated October 2018.
Habitable Room	A living, storage or working area, including (but not limited to) a lounge room, dining room, rumpus room, kitchen, bedroom, workroom, office, laundry, garage or any area used to store valuable possessions, plant or equipment susceptible to flood damage in the event of a flood. All rooms in buildings are assumed to be habitable unless an internal inspection identifies otherwise.
Heavy Vehicle	Has the same meaning as in the *Heavy Vehicle National Law 2013* (NSW).
Heritage item	A place, building, work, Relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed or may be eligible to be listed under one or more of the following registers: the State Heritage Register under the *Heritage Act 1977* (NSW), a state agency heritage and conservation register under section 170 of the *Heritage Act 1977* (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the *National Parks and Wildlife Act 1974* (NSW).
Heritage Council of NSW	The Heritage Council of NSW or its delegate.
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Highly noise affected	As defined in the *Interim Construction Noise Guideline* (DECC, 2009).

Term	Definition
Highly noise intensive works	Works which are defined as annoying under the *Interim Construction Noise Guideline* (DECC, 2009) including: (a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (b) grinding metal, concrete or masonry; (c) rock drilling; (d) line drilling; (e) vibratory rolling; (f) bitumen milling or profiling; (g) jackhammering, rock hammering or rock breaking; and (h) impact piling.
ICNG	*Interim Construction Noise Guideline* (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. *Note: "material harm" is defined in this approval.*
KFH	Key Fish Habitat
LALC	Local Aboriginal Land Council
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 *Local Government Act 1993* (NSW) and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the *Roads Act 1993* (NSW).

Term	Definition
Low Impact Work	Includes: (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation*;* (c) operation of construction ancillary facilities if the **ER** has determined the operational activities will have minimal impact on the environment and community; (d) minor clearing and relocation of native vegetation, as identified in the documents listed in **Condition A1**; (e) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments; (f) property acquisition adjustment work including installation of property fencing, and relocation and adjustments of utilities to property including water supply, gas and electricity; (g) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the **ER**; (h) archaeological and cultural salvage undertaken in accordance with a strategy or salvage operation required by the conditions of this approval; (i) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI; (j) other activities determined by the **ER** to have minimal environmental impact which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and (k) archaeological testing under the *Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)* or archaeological monitoring undertaken in association with (a) – (j) above to ensure that there is no impact on heritage items. Notwithstanding the following works are **not** Low Impact Work: (a) where heritage items (excluding those impacted by activities (h) and (k) above), or threatened species or threatened ecological communities (within the meaning of the *Biodiversity Conservation Act 2016 or Environment Protection and Biodiversity Conservation Act 1999* but excluding certified areas) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, EES or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation) as relevant; and (b) any night time period work that exceeds noise or vibration levels identified in **Condition E36(b).** Where a request to the Planning Secretary is made in accordance with (a) above, the Proponent's request must include details of the proposed management and mitigation measures for each of the affected species listed in **Table 3** and *Pimelea spicata* (Spiked Rice-flower) if recorded in the surveys carried out under **Condition E8**. The low impact work described in this definition becomes construction with the approval of a Construction Environmental Management Plan.

Term	Definition
Material harm	This is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning and Public Spaces
Minor construction ancillary facility	Lunch sheds, office sheds, portable toilet facilities, and the like that meet the requirements of **Condition A20.**
Night time period	The hours of 10:00 pm and 7:00 am weekday nights, 10:00 pm and 8:00 am Saturday nights and 6:00 pm to 7:00 am Sunday nights and public holiday nights.
NML	Noise Management Level as defined in the *Interim Construction Noise Guideline* (DECC, 2009).
NPWS	NSW National Parks and Wildlife Service
Non-certified area / non-certified land	An area marked as a non-certified area in the Order to confer biodiversity certification in the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006*, made on 11 December 2007.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval but is not an incident.
OEMP	Operational Environmental Management Plan
Offensive odour	Has the same meaning as the definition as the POEO Act.
ONCR	Operational Noise Compliance Report
ONR	Operational Noise Review
Operation	The CSSI (whether in full or in part) is open to motorists for travel. *Note: There may be overlap between the carrying out of construction and operation if the CSSI is staged. Commissioning trials of equipment and temporary use of any part of the CSSI are within the definition of construction.*
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted).
Planning Secretary's approval or agreement	A written approval from the Planning Secretary (or nominee).
POEO Act	*Protection of the Environment Operations Act 1997* (NSW)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the CSSI from time to time.
Publicly available	To be made available on the website required under **Condition B10** of this approval.
Relic	Has the same meaning as the definition of the term in section 4 of the *Heritage Act 1977* (NSW).
RAPs	Registered Aboriginal Parties
Relevant council(s)	Fairfield City Council, Liverpool City Council, Penrith Council
Relevant roads authority	The same meaning as the roads authority defined in the *Roads Act 1993* (NSW).

Term	Definition
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the CSSI under the EP&A Act.
RIAR	Regions, Industry, Agriculture and Resource Group, DPIE
Sensitive receivers	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), and industrial premises as identified by the Planning Secretary.
Tree	Long lived woody perennial plant greater than (or usually greater than) three (3) metres in height with one or relatively few main stems or trunks (AS4373-2007 Pruning of amenity trees).
Unexpected heritage find	An object or place that is discovered during the carrying out of the CSSI and which may be a heritage item but was not identified in the documents listed in **Condition A1** or suspected to be present. An unexpected heritage find does not include human remains.
Work	Any physical work to build or facilitate the building of the CSSI, including low impact work, environmental management measures and utility works. However, it does not include activities that inform or enable detailed design of the CSSI and generate noise that is no more than 5 dB(A) above the rating background level at any sensitive receiver.

SUMMARY OF REPORTING, NOTIFICATION AND APPROVAL REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in the table below**.** Any appointments of persons requiring the Planning Secretary's approval are also listed. Note that under **Condition A8** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the written notification of an incident required under **Conditions A44** and **A45**). In addition, under **Condition A14** of this approval, any strategies, plans or programs required by this approval may be submitted on a progressive basis.

Where there is an inconsistency with the requirements of the below table and any condition of approval, the condition of approval prevails.

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

Condition	Report / Notification / Approval Request	Timing[1]	Purpose
Part A – Administrative			
A9	Staging Report	One (1) month before commencement of construction (or operation if only staged operation is proposed) or the first of the proposed stages	Information
A13	Revised Staging Report	One (1) month before the proposed change to staging	Information
A16	Site Establishment Management Plan	One (1) month before the establishment of any construction ancillary facilities	Approval
A17	Revised Site Establishment Management Plan for construction ancillary facilities used for early works and then for construction	Before the commencement of additional activities or change to site layout	Approval
A25	Early Works – Environmental Management Plan	One (1) month before the commencement of works identified in Appendix B	Approval
A31	Environmental Representative	One (1) week before the commencement of Work	Approval
A34(j)	Environmental Representative Monthly Report	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A36	Notification of commencement	At least one (1) month before the commencement of early works, construction and operation	Notification
A37	Notification of commencement of each stage	At least one (1) month before the commencement of each stage of staged construction or operation	Notification
A38	Appointment of Independent Auditor	No later than two (2) weeks following the commencement of construction	Information
A43	Independent Audit Reports and Proponent's response to audit findings	Within two (2) months of undertaking an independent audit site inspection	Information
A44	Initial written notification of incident	As soon as possible and no later than 12 hours after becoming aware of an incident	Notification

[1] Where the CSSI is staged, all required approvals must be obtained before the commencement of the relevant stage.

Condition	Report / Notification / Approval Request	Timing[1]	Purpose
A45 (and Appendix A)	Subsequent written notification of an incident	Subsequent written notification and an incident report are required seven (7) days after the Proponent becomes aware of an incident and 30 days after the date on which the incident occurred, respectively.	Information
A46	Notification of non-compliance	Within seven (7) days after becoming aware of a non-compliance	Notification
A49	Project identification markings on heavy vehicles	Prior to heavy vehicles being used for construction spoil haulage	Approval
Part B - Community Information and Reporting			
B3	Communication Strategy	One (1) month before the commencement of any Work	Approval
B9	Complaints Register	Upon request from the Planning Secretary within the timeframe stated in the request	Information
Part C - Construction Environmental Management			
C3	CEMP	One (1) month before the commencement of construction	Approval
C9	CEMP Sub-plans	One (1) month before the commencement of construction	Approval
C15	Construction Monitoring Programs	One (1) month before the commencement of construction	Approval
C18	Construction Monitoring Reports	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D3	OEMP or EMS	One (1) month before the commencement of operation	Information
D7	Operational Monitoring Programs	One (1) month before commencement of operation.	Information
Part E – Key Issues			
Biodiversity			
E4	Amendments to ecosystem and species credits	Within six (6) months of determining the final construction footprint and where the CSSI is staged, within six (6) month of each stage	Approval
E7	Credit Retirement Report	Within one (1) month of receiving the report	Information
E7	Receipt confirming payment to Biodiversity Conservation Fund	Within one (1) month of making the payment	Information
E7	Any correspondence from NPWS regarding credit retirements / payments	Within one (1) month of receiving correspondence from NPWS	Information
E8	Pimelea spicata Survey Report	Within one (1) month of completion of surveys	Information
E9	Details of the required *Pimelea spicata* biodiversity offset credits	Prior to works that impact the threatened species	Information

Condition	Report / Notification / Approval Request	Timing[1]	Purpose
E10	Evidence that measures have been implemented to compensate the acquisition of land from the Western Sydney Parklands Biobank Site	One (1) month before the commencement of operation or where the operation is staged, one (1) month before the commencement of operation of the relevant stage	Information
E13	Receipt confirming payment to the DPI Fish Conservation Trust Fund	Within one (1) month of making the payment	Information
Heritage			
E27	Heritage Interpretation Plan	Prior to finalising the Place, Design and Landscape Plan required by Condition E69	Information
E30	Heritage Report	Within 12 months of completing all work described in the documents listed in Condition A1 in relation to heritage items	Information
E31	Unexpected Heritage Finds and Humans Remains Procedure	One (1) month before commencement of construction as part of the Heritage CEMP Sub-plan	Approval
Noise and Vibration			
E37	Out-of-Hours Work Protocol	Before commencement of Out-of-Hours-Work	Approval
E40	Noise and Vibration Impact Statements	Upon request	Information
E47	Out-of-Hours Works – Community Consultation on Respite	Prior to Work scheduled for the subject period being undertaken	Information
E50	Independent and experienced noise specialist	One (1) month before undertaking operational noise modelling	Approval
E50	Operational Noise Modelling / Operational Noise Review / Operational Noise Compliance Report	Verification submitted within 30 days of the verification of each	Information
E52	Operational Noise Review	Prior to implementing at-property noise mitigation	Information
E55	Report justifying why operational noise mitigation measures would not be implemented within six (6) months of the commencement of construction	Before commencement of construction that would impact identified residences	Information
E60	Operational Noise Compliance Report	Within 60 days of completing operational noise monitoring	Information
Place, Design and Landscaping			
E64	Advice on urban design opportunities	To be submitted with the Place, Design and Landscape Plan	Information
E68	Nomination of independent and qualified practitioners	One (1) month prior to commencement of construction	Approval

Condition	Report / Notification / Approval Request	Timing[1]	Purpose
E68	Advice and recommendations of independent and qualified practitioners	To be submitted with the Place, Design and Landscape Plan	Information
E71	Tree Survey	To be submitted with the Place, Design and Landscape Plan	Information
E72	Place, Design and Landscape Plan	Prior to the construction of permanent surface built works or landscaping that are the subject of the Plan	Information
Soils			
E87	Remediation Action Plan and an Interim Audit Advice or a Section B Site Audit Statement	Prior to commencing remediation	Information
E88	Section A1 or Section A2 Site Audit Statement and Site Audit Report	After remediation and no later than one (1) month before the commencement of operation	Information
Sustainability			
E92	Sustainability Strategy	Before the commencement of construction	Information
Traffic and Transport			
E93	Use of local roads for spoil and fill haulage and concrete deliveries	Before the use of the local roads	Approval
E98	Road Safety Audit	Upon request from the Planning Secretary within the timeframe stated in the request	Information
Waste			
E104	Waste Tracking Register	Upon request from the Planning Secretary within the timeframe stated in the request	Information

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

A1 The Proponent must carry out the CSSI in accordance with the terms of approval and generally in accordance with:

(a) M12 Motorway Environmental Impact Statement (dated October 2019);
(b) M12 Motorway Submissions Report (dated October 2020);
(c) M12 Motorway Amendment Report (dated October 2020);
(d) M12 Motorway Amendment Report - Submissions Report (dated December 2020); and
(e) M12 Motorway Amendment Report - Submissions Report - Amendment (dated 8 March 2021).

A2 The CSSI must only be carried out in accordance with all procedures, commitments, preventative actions, performance outcomes and mitigation measures set out in the documents listed in **Condition A1** unless otherwise specified in, or required under, this approval.

A3 In the event of an inconsistency between:
(a) the terms of this approval and any document listed in **Condition A1**, the terms of this approval will prevail to the extent of the inconsistency; and
(b) any document listed in **Condition A1**, the most recent document will prevail 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 CSSI;
(b) any document or correspondence in relation to the CSSI (including the provision of such documentation or correspondence);
(c) any notification given to the Planning Secretary under the terms of this approval;
(d) any independent appointment or withdrawal of an appointment made in relation to the CSSI;
(e) any audit of the construction or operation of the CSSI;
(f) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
(g) the carrying out of any additional monitoring or mitigation measures; and
(h) in respect of ongoing monitoring and management obligations, and following consultation with the Proponent, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.

A5 Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken and submitted to the Planning Secretary, and the terms of this approval require the document, monitoring program or review to be prepared/undertaken in consultation with identified parties, evidence of the consultation must be submitted to the Planning Secretary with the relevant document, monitoring program or review. The evidence must include:

(a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
(b) a log of the dates of engagement or attempted engagement with the identified party;
(c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
(d) outline of the issues raised by the identified party and how they have been addressed; and

(e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

A6 This approval lapses five (5) years after the date on which it is granted, unless Work has 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 or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident under **Condition A44** and **Condition A45**.

STAGING

A9 The CSSI may be constructed and operated in stages. Where staged construction or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning Secretary no later than one (1) month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one (1) month before the commencement of operation of the first of the proposed stages of operation).

A10 The **Staging Report** must:

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

A11 The CSSI must be staged in accordance with the **Staging Report.**

A12 Where staging is proposed, the terms of this approval that apply or are relevant to the work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

A13 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared and submitted to the Planning Secretary for information no later than one (1) month before the proposed change in the staging. The revised **Staging Report** must be endorsed by the **ER** before submitting it to the Planning Secretary.

STAGED SUBMISSIONS OF STRATEGIES, PLANS OR PROGRAMS

A14 With the approval of the Secretary, the Proponent may submit any strategies plans or programs required by this approval on a progressive basis.

Notes:
1. *While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the Work being undertaken on site is covered by suitable strategies, plans or programs at all times; and*
2. *If the submission of any strategy, plan or program is to be submitted on a progressive basis, then the relevant strategy, plan or program must clearly describe the specific Work or stage to which the*

strategy, plan or program applies, the relationship of the Work or stage to any future Work or stages, and the trigger for updating the strategy, plan or program if and as relevant.

CONSTRUCTION ANCILLARY FACILITIES

Additional construction ancillary facilities

A15 Construction ancillary facilities (excluding minor construction ancillary facilities established under **Condition A20**) that are not identified by description and location in the documents listed in **Condition A1** may only be established and used in each case if:

(a) they are located within or immediately adjacent to the construction boundary; and
(b) they are not located next to a sensitive receiver(s) (including where an access road is between the facility and the receiver(s)), unless the sensitive receiver(s) (both the landowner(s) and occupier(s)[2]) 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 Management Plan

A16 Before establishment of a construction ancillary facility(ies) (excluding minor construction ancillary facilities established under **Condition A20**), the Proponent must prepare a **Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facility(ies). The **Site Establishment Management Plan** must be prepared in consultation with the relevant council(s) and relevant State government agencies. The Plan must be endorsed by the **ER** and then submitted to the Planning Secretary for approval one (1) month before the establishment of the construction ancillary facility(ies). The **Site Establishment Management Plan** must detail the management of the construction ancillary facility(ies) and include:

(a) a description of activities to be undertaken during establishment of the construction ancillary facility(ies) (including scheduling and duration of work to be undertaken at the site);
(b) figures illustrating the proposed site layout and the location of the closest sensitive receiver(s);
(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 before the commencement of site establishment work;
(d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
    (i) meet the performance outcomes stated in the documents listed in **Condition A1**, and
    (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
(e) a program for monitoring the performance outcomes, including a program for noise monitoring consistent with the requirements of **Condition C14**.

The **Site Establishment Management Plan** must be approved before the establishment of a construction ancillary facility(ies) (excluding minor construction ancillary facilities established under **Condition A20**).

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

*Note: **Condition A16** does not apply to minor construction ancillary facilities established under **Condition A20**.*

[2] For the purposes of this condition, the term "occupier(s)" refers to residents that occupy a premises or a tenant in a building.

A17 Where a construction ancillary facility(ies) has been established for any early works listed in **Appendix B** and is to be used for construction, a new or revised **Site Establishment Management Plan** must be prepared where additional activities are required to establish the site for the purposes of construction or there is a change to the site layout. The new or revised Site Establishment Management Plan must be prepared in accordance with **Condition A16** and approved by the Planning Secretary before commencement of the additional activities or change to site layout.

Use of Construction Ancillary Facilities

A18 The use of a construction ancillary facility for construction (excluding minor construction ancillary facilities established under **Condition A20** and construction ancillary facilities established for the purposes of early works in accordance with **Condition A24**) 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 C11** have been approved by the Planning Secretary.

This condition does not apply to the use of construction ancillary facilities where the ER has determined that the use of the facility will have a minimal impact on the environment and community.

A19 Construction ancillary facilities established for the purposes of early works in accordance with **Condition A24** cannot be used for construction until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C4** and relevant **Construction Monitoring Programs** required by **Condition C11** have been approved by the Planning Secretary.

This condition does not apply to the use of construction ancillary facilities where the ER has determined that the use of the facility will have a minimal impact on the environment and community.

Minor Construction Ancillary Facilities

A20 Lunch sheds, office sheds, portable toilet facilities, and the like, can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

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

Boundary screening

A21 Boundary screening must be erected around all construction ancillary facilities that are adjacent to sensitive receivers for the duration of construction of the CSSI unless otherwise agreed with affected residents, business operators and landowners.

A22 Boundary screening required under **Condition A21** of this approval must minimise, as far as practicable, visual impacts on adjacent sensitive receivers.

Project identification

A23 The CSSI name; application number; telephone number, postal address and email address required under **Condition B7** of this approval must be made available on site boundary fencing / hoarding at the entrance of each ancillary facility before the commencement of construction.

ENVIRONMENTAL MANAGEMENT – EARLY WORKS

A24 Before undertaking early works specified in **Appendix B**, the Proponent must prepare an **Early Works Environmental Management Plan.** The Plan must include:

(a) a description of the activities to be undertaken and the scheduling and duration for each activity;

(b) a site establishment management plan for any proposed construction ancillary facilities (excluding minor construction ancillary facilities established under **Condition A20**) consistent with the requirements of **Condition A16**;

(c) figures illustrating the proposed location(s) of the early works and the closest sensitive receiver(s);

(d) a flora and fauna management sub-plan (prepared in consultation with the EES) which includes -

(i) details of the measures to avoid and minimise disturbance to native vegetation, and other habitat of native flora and fauna species,

(ii) details of the proposed management and mitigation measures for the affected species listed in **Table 3,**

(iii) procedures for undertaking pre-clearing surveys for native fauna, including surveys by a suitably qualified and experienced ecologist to determine the presence of native fauna in the area impacted by the early works, and procedures and measures to manage their relocation, and

(iv) unexpected finds protocol for flora and fauna;

(e) details of measures to avoid and minimise noise and vibration, soil, water and air quality impacts; and

(f) unexpected finds procedures for heritage and contamination.

A25 The **Early Works Environmental Management Plan** required under **Condition A24** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of the early works specified in **Appendix B**. The early works specified in **Appendix B** must not commence until the environmental management plan is approved. The environmental management plan must be implemented for the duration of the early works which are the subject of the plan.

Nothing in this condition prevents the Proponent from preparing individual environmental management plans for one or more of the early works specified in **Appendix B**.

INDEPENDENT APPOINTMENTS

A26 All requests for **Independent Appointments** must have regard to the Department's guideline *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).

A27 All **Independent Appointments** required by this approval must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

A28 The Planning Secretary may at any time commission an audit of how an independent appointment has exercised their functions. The Proponent must:

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

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

A29 The Planning Secretary may withdraw its approval of an independent appointment should they consider the Independent Appointment has not exercised their functions in accordance with this approval.

ENVIRONMENTAL REPRESENTATIVE

A30 Work must not commence until an **Environmental Representative (ER)** has been approved by the Planning Secretary and engaged by the Proponent.

A31 The Planning Secretary's approval of an **ER** must be sought no later than one (1) week before the commencement of Work.

A32 The proposed **ER** must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in **Condition A1**, and is independent from the design and construction of the CSSI. The **ER** must meet the requirements set out in the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018).

A33 The Proponent may engage more than one **ER** for the CSSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the CSSI.

A34 For the duration of Work until 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 CSSI;
(b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
(c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
(d) review the documents identified in **Conditions A9, A13, A16, A24, C1, C4** and **C11** and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
    (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
    (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary / Department);
(e) regularly monitor the implementation of the documents listed in **Conditions A9, A13, A16, A24, C1, C4** and **C11** to ensure implementation is being carried out in accordance with the documents and the terms of this approval;
(f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the CSSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Conditions A38** and **A41** of this approval;
(g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
(h) assess the impacts of minor construction ancillary facilities, as required by **Condition A20** of this approval;
(i) consider any minor amendments to be made to the **CEMP**, **CEMP Sub-plans**, **Construction Monitoring Programs**, **Site Establishment Management Plans** and **Early Works Environmental Management Plan** that involve updating or are of an administrative nature and do not increase impacts to nearby sensitive receivers, and ensure they are consistent with the terms of this approval and the documents 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 relevant regulatory agencies (where requested by those agencies), for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." **The Environmental Representative Monthly Report** must be submitted within seven (7) days following the end of each month for the duration of the ER's engagement for the CSSI.

A35 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 A34** (including preparation of the **ER** monthly report), as well as:

(a) the complaints register for any complaints received (on the day they are received); and

(b) a copy of any assessment carried out by the Proponent of whether proposed Work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject Work).

NOTIFICATION OF COMMENCEMENT

A36 The Department must be notified in writing of the dates of commencement of early works, construction and operation at least one (1) month before those dates.

A37 If the construction or operation of the CSSI is to be staged, the Department must be notified in writing at least one (1) month before the commencement of each stage, of the date of the commencement of that stage.

AUDITING

A38 The Proponent must engage an independent auditor and conduct auditing and audit reporting of the CSSI in accordance with the document *Independent Audit Post Approval Requirements* (DPIE, 2020).

Note: The independent auditor must be approved by the Planning Secretary no later than two weeks following the commencement of construction as required by Independent Audit Post Approval Requirements (DPIE, 2020).

A39 Operational compliance auditing is only required at 26 weeks following the commencement of operation unless an alternative timeframe is agreed to by the Planning Secretary.

A40 The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to that set out in *Independent Audit, Post Approval Requirements* (DPIE, 2020), upon giving at least one (1) month's notice to the Proponent of the date upon which the audit must be commenced.

A41 The Planning Secretary may direct the Proponent to undertake Independent Audits in addition to those provided for in **Condition A38** when considered necessary to address a particular issue.

A42 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements*, the Proponent must:

(a) review and respond to each Independent Audit Report prepared under **Condition A38** or **Condition A41**;
(b) submit the response to the Planning Secretary; and
(c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary.

A43 Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary for information within two (2) months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020).

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A44 The Planning Secretary must be notified in writing via the Major Projects Website as soon as possible and no later than 12 hours after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI) and the date, time, location and nature of the incident.

A45 Subsequent notification must be given, and reports submitted to the Planning Secretary in accordance with the requirements set out in **Appendix A**.

NON-COMPLIANCE NOTIFICATION

A46 The Planning Secretary must be notified in writing via the Major Projects website within seven (7) days after the Proponent becomes aware of any non-compliance.

A47 A non-compliance notification must identify the CSSI and the application number for it, set out the condition of approval that the CSSI is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A48 A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

IDENTIFICATION OF SPOIL HAULAGE VEHICLES

A49 All heavy vehicles used for construction spoil haulage must be clearly marked on the sides and rear with the CSSI name (or where the CSSI is staged, the name of that stage) to enable immediate identification by a person viewing the heavy vehicle. Details of the CSSI identification markings must be submitted to the Planning Secretary for approval and approved prior to the heavy vehicles being used for construction spoil haulage. There must only be one CSSI form of signage on a heavy vehicle at any one time.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Communication Strategy

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

(a) the community (including adjoining affected landowners and businesses, and others directly impacted by the CSSI); and
(b) the relevant councils and relevant government agencies.

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

B2 The **Communication Strategy** must:

(a) identify people, organisations, councils and agencies to be consulted during the design and Work phases;
(b) identify details of the community demographics;
(c) set out procedures and mechanisms for the regular distribution of accessible information, including to Language Other than English and Culturally and Linguistically Diverse and vulnerable communities, about or relevant to the CSSI;
(d) detail the measures for advising the community in advance of upcoming Work, including utility works and upcoming out-of-hours work as required by **Condition E47**;
(e) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies); and
(f) set out procedures and mechanisms -
    (i) through which the community can discuss or provide feedback to the Proponent 24 hours a day, seven days per week;
    (ii) through which the Proponent will respond to enquiries or feedback from the community; and
    (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the CSSI, including disputes regarding rectification or compensation.

B3 The **Communication Strategy** must be submitted to the Planning Secretary for approval no later than one (1) month before the commencement of any Work.

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

B5 The **Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of Work and for 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

B6 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the CSSI. The Complaints Management System must require complainants to be advised that:
(a) the Complaints Register may be forwarded to Government agencies, including the Department, to allow them to undertake their regulatory duties;
(b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies;

(c) the supply of personal information by the complainant is voluntary; and
(d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (Collection Statement).

The Collection Statement must be included on the Proponent's or project website to make prospective complainants aware of their rights under the *Privacy and Personal Information Protection Act 1998.* For any complaints made in person, the complainant must be made aware of the Collection Statement.

B7 The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of Work and for 12 months following the completion of construction:

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

This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level and must be provided on the website required under **Condition B10**.

B8 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:

(a) number of complaints received;
(b) the date and time of the complaint;
(c) the method by which the complaint was made;
(d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect
(e) nature of the complaint;
(f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
(g) if no action was taken, the reason(s) why no action was taken.

B9 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

PROVISION OF ELECTRONIC INFORMATION

B10 A website or webpage providing information in relation to the CSSI must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant Work commencing and maintained on the website or dedicated pages including:

(a) information on the current implementation status of the CSSI;
(b) a copy of the documents listed in **Condition A1** of this approval, and any documentation relating to any modifications made to the CSSI or the terms of this approval;
(c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval (ordered in a logical sequence and easy to navigate);
(d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI;
(e) a current copy of the final version of each document required under the terms of this approval; and

(f) a copy of the audit reports required under **Conditions A38** and **A41** of this approval.

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

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

C1 A **Construction Environmental Management Plan** (**CEMP**) must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department Planning, Industry and Environment, 2020). The CEMP must detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during construction.

C2 The **CEMP** must provide:

(a) a description of activities to be undertaken during construction (including the scheduling of construction);
(b) details of environmental policies, guidelines and principles to be followed in the construction of the CSSI;
(c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the CSSI;
(d) details of how the activities described in subsection (a) of this condition will be carried out to:
  (i) meet the performance outcomes stated in the documents listed in **Condition A1**; and
  (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;
(e) an inspection program detailing the activities to be inspected and frequency of inspections;
(f) a protocol for managing and reporting any:
  (i) incidents; and
  (ii) non-compliances with this approval or statutory requirements;
(g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
(h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C4**. Where staged construction of the CSSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
(i) a description of the roles and environmental responsibilities for relevant 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; and
(l) the outcomes of consultation with government agencies in accordance with **Condition A5.**

C3 The **CEMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one (1) month before the commencement of construction, or where construction is staged no later than one (1) month before the commencement of that stage.

C4 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government and other agencies identified for each **CEMP Sub-plan**. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A5**.

	Required CEMP Sub-plan	Relevant government and other agencies to be consulted for each CEMP Sub-plan
(a)	Traffic and transport	Relevant council(s)
(b)	Noise and vibration	WaterNSW, Sydney Water and pipeline operators (where vibration generating activities will impact on their assets) and relevant council(s)
(c)	Flora and fauna	DPI Fisheries, EES, DAWE and relevant council(s)
(d)	Soils and contamination	DPIE Water, WaterNSW and relevant council(s)
(e)	Surface water and groundwater	DPIE Water, WaterNSW and Sydney Water (if there are discharges to its assets) and relevant council(s)
(f)	Heritage (including Aboriginal and non-Aboriginal heritage)	Heritage Council of NSW, Heritage NSW, WaterNSW and relevant council(s)
(g)	Air quality	Relevant council(s)

Note: Nothing in this condition prevents the Proponent from combining any of the above CEMP Sub-plans.

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

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

C6 The **Noise and Vibration CEMP Sub-Plan** must include, but not be limited to:
(a) details of all sensitive land uses (including noise and/or vibration sensitive working areas) that are potentially exposed to construction noise and vibration;
(b) construction noise and vibration performance criteria for the CSSI;
(c) details of mitigation and management measures and procedures that will be implemented to manage construction noise and vibration impacts;
(d) construction timetabling, in particular construction activities outside of standard hours; and
(e) measures to minimise cumulative construction impacts and the likelihood for construction fatigue from both concurrent activities and other projects in the area.

C7 The **Surface Water and Groundwater CEMP Sub-Plan** must be based on a detailed site investigation of contamination risk and include, but not be limited to:
(a) details of water pollution mitigation measures including measures to avoid and minimise discharges;
(b) identification of the relevant ambient water quality objectives for receiving waterways and water quality management criteria for achieving the objectives; and
(c) a Trigger Action Response Protocol for potential discharge waters, identifying alternative disposal options for water with contaminant concentrations exceeding water quality management criteria.

C8 The **Flora and Fauna CEMP Sub-plan** must be endorsed by a suitably qualified and experienced ecologist and include, but not be limited to:
(a) details of the measures to avoid and minimise disturbance to native vegetation, and other habitat of native flora and fauna species;
(b) procedures for undertaking pre-clearing surveys for native fauna, including surveys by a suitably qualified and experienced ecologist to determine the presence of native fauna in the area impacted by the CSSI, and procedures and measures to manage their relocation;
(c) pre-clearing measures for Cumberland Plain Land Snail known and potential habitat and measures to protect the White-bellied Sea Eagle nest;

(d) a Habitat Compensation Plan and Snag Management Plan as committed to in the document listed in **Condition A1(d)**;
(e) details of proposed management and mitigation measures for each threatened species listed in **Table 3** and *Pimelea spicata* (Spiked Rice-flower) if recorded in the surveys carried out under **Condition E8**;
(f) a weed, pest and pathogen management plan, including measures to minimise the spread of *Phytophthora cinnamomic*;
(g) procedures for the dewatering of farm dams, including the relocation of aquatic fauna; and
(h) protocols for incidental finds of threatened species and ecological communities within the construction boundary.

C9 Any of the **CEMP Sub-plans** may be submitted to the Planning Secretary for approval along with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before the commencement of construction.

C10 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved, unless otherwise agreed by the Planning Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Planning Secretary, including any minor amendments approved by the **ER** must be implemented for the duration of construction. Where construction of the CSSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been endorsed by the **ER** and approved by the Planning Secretary.

CONSTRUCTION MONITORING PROGRAMS

C11 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 CSSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	Noise and vibration	Relevant council(s)
(b)	Surface water quality	DPIE Water, Sydney Water (if there are any discharges to their assets) and relevant council(s)
(c)	Groundwater	DPIE Water

C12 Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **Construction Monitoring Programs**, including copies of all correspondence from those agencies as required by **Condition A5**.

C13 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 CSSI to be undertaken;
(d) the parameters of the CSSI to be monitored;
(e) the frequency of monitoring to be undertaken;
(f) the location of monitoring;
(g) the reporting of monitoring results and analysis of results against the relevant criteria;
(h) details of methods that will be used to analyse monitoring data;
(i) procedures to identify and implement additional mitigation measures where results of monitoring indicate unsatisfactory CSSI impacts;
(j) a consideration of SMART principles;
(k) any consultation to be undertaken in relation to the monitoring programs; and
(l) any specific requirements as required by **Condition C14**.

C14 The **Construction Noise and Vibration Monitoring Program** must include, but not be limited to:

(a) noise and vibration monitoring at representative residential and other locations (including at the worst- affected residences), subject to property owner approval, to confirm construction noise and vibration levels;

(b) noise monitoring during the day, evening and night time periods throughout the construction period, covering the range of activities (including worst-case construction noise levels) being undertaken;

(c) method and frequency for reporting monitoring results; and

(d) procedures to identify and implement additional mitigation measures where monitoring indicates noise and/or vibration levels in excess in excess of noise and vibration criteria.

C15 The **Construction Monitoring Programs** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of construction.

C16 Unless otherwise agreed with the Planning Secretary, construction must not commence until all of the relevant **Construction Monitoring Programs** have been approved by the Planning Secretary, and all relevant baseline data for the specific construction activity has been collected.

C17 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.

C18 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, and relevant government 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 having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department Planning, Industry and Environment 2020). The OEMP must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. **Condition D1** does not apply if **Condition D2** of this approval applies.

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

(a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and specified relevant terms of this approval can be achieved;
(b) issues identified through ongoing risk analysis can be managed; and
(c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.

D3 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of operation.

D4 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation. The **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.

OPERATIONAL MONITORING PROGRAM

D5 The following **Operational Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each **Operational Monitoring Program** to compare actual operational performance against predicted performance. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **Operational Monitoring Program**, including copies of all correspondence from those agencies as required by **Condition A5**.

	Required Operational Monitoring Programs	Relevant government agencies to be consulted for each Operational Monitoring Program
(a)	Surface water quality	DPIE Water and relevant council(s)
(b)	Groundwater	DPIE Water

D6 Each operational monitoring program must include:
(a) details of baseline data;
(b) details of all monitoring to be undertaken;
(c) the parameters to be monitored;
(d) the frequency and duration 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.

D7 The **Operational Monitoring Program(s)** must be submitted to the Planning Secretary for information at least one (1) month before the commencement of operation.

D8 Operation must not commence until all relevant baseline data has been collected.

D9 The **Operational Monitoring Programs** must be implemented for the duration specified in the relevant **Operational Monitoring Program**.

D10 The results of the **Operational Monitoring Programs** must be submitted to the relevant government agencies for information in the form of an **Operational Monitoring Report** at the frequency identified in the relevant **Operational Monitoring Program**.

D11 Where a relevant **OEMP Sub-plan** exists, the relevant **Operational Monitoring Program** may be incorporated into that **OEMP Sub-plan**.

PART E

KEY ISSUE CONDITIONS

AIR QUALITY

E1 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1**, all practicable measures must be implemented to minimise and manage the emission of dust and other air pollutants during the construction of the CSSI.

BIODIVERSITY

E2 The clearing of native vegetation must be minimised with the objective of reducing impacts to threatened ecological communities and threatened species habitat.

E3 The Proponent must meet the biodiversity offset obligations for ecosystem and species credits as set out in **Table 1, Table 2** and **Table 3** in accordance with the *M12 Motorway Amendment Report - Submissions Report* (December 2020) and M12 Motorway Amendment Report - Submissions Report - Amendment (dated 8 March 2021) within 12 months of the commencement of construction. The offset obligations must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* and can be achieved by:

(a) acquiring and retiring "biodiversity credits" within the meaning of the *Biodiversity Conservation Act 2016*; and/or
(b) properties secured with the NPWS, on the basis of a draft credit report to show what the property would provide and written confirmation from NPWS that the financial contributions for acquisition and management have been received; and/or
(c) making a payment into the Biodiversity Conservation Fund; or
(d) a Biodiversity Offset Strategy prepared in consultation with EES and DAWE that provides supplementary measures or where the Proponent intends to utilise the biodiversity credit variation rules.

Notes
1: Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, "biodiversity credits" created under that Act are taken to be "biodiversity credits" under the Biodiversity Conservation Act 2016 by virtue of clause 19 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.
2: The determination of biodiversity credits under the Biodiversity Conservation Act 2016 that are reasonably equivalent to biodiversity credits created under the Threatened Species Conservation Act 1995 remaining to be retired must be carried out in accordance with clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

Table 1: Ecosystem Credits for Direct Impacts to be Retired

Ecosystem Credits		
Plant Community Type (PCT) ID and name	*Refined* construction *footprint (hectares)*	*Number of Credits*
724: Broad-leaved Ironbark – Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	6.91	372
830: Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	0.44	15
835: Forest Red Gum – Roughbarked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	3.18	105

849: Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	6.34	210
850: Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	60.52	1908
1800: Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter Valley	2.82	75
TOTAL ECOSYSTEM CREDITS	**80.21**	**2685**

Notes:
1: Credits have been calculated using the Framework for Biodiversity Assessment.
2: Includes credits required under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.
3: Excludes certified areas.

Table 2: Ecosystem Credits for Indirect Impacts to be Retired

Ecosystem Credits		
Plant Community Type (PCT) ID and name	*Refined construction footprint (hectares)*	*Number of Credits*
724: Broad-leaved Ironbark – Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion	0.45	6
830: Forest Red Gum - Grey Box shrubby woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	0.61	6
849: Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	0.57	6
850: Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	11.67	133
TOTAL ECOSYSTEM CREDITS	**13.30**	**151**

Notes:
1: Credits have been calculated using the Framework for Biodiversity Assessment.
2: Includes credits required under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.
3: Excludes certified areas.

Table 3: Species Credits to be Retired

Species	**Loss of habitat or individuals**	**Number of Credits**
Dillwynia tenuifolia	244 individuals	4392
Pultenaea parviflora Sydney Bush-pea	Up to 100 individuals	1500
Meridolum corneovirens Cumberland Plain Land Snail	5.10 ha	66
Myotis macropus Southern Myotis	1.05 ha	23
TOTAL SPECIES CREDITS		**5981**

Notes:
1: Credits have been calculated using the Framework for Biodiversity Assessment.
2: Includes credits required under the Environment Protection and Biodiversity Conservation Act 1999.
3: Excludes certified areas.

E4 The Proponent may review and update the ecosystem and species credit requirements in **Table 1**, **Table 2** and **Table 3** to reflect the final construction footprint and resulting extent and type of plant community types to be cleared and the extent of threatened species habitat impacted by the construction of the CSSI (excluding certified areas). Where the construction of the CSSI is staged, the Proponent may review and update the ecosystem and species credit requirements in **Table 1**, **Table 2** and **Table 3** for each stage of the CSSI. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with EES and DAWE and submitted to the Planning Secretary for approval within six (6) months of determining the final construction footprint and, where the CSSI is staged, within six (6) months of determining the final construction footprint for each stage.

E5 The review and update of credit requirements must be undertaken by:

(a) using the vegetation mapping in the EIS, *M12 Motorway Amendment Report - Appendix A Biodiversity supplementary technical report* (October 2020), and *M12 Motorway Amendment Report – Submissions Report* (December 2020); and/or
(b) completing verification surveys to confirm the extent, type and condition of threatened species and ecological communities to be impacted.

E6 Where verification surveys are required, they must be undertaken in consultation with EES. Any additional surveys must be undertaken at the time of year when groundcover is most likely to be predominantly native. If verification surveys are not possible at a time when groundcover is most likely to be native, the assumed presence of any relevant species and ecosystems may be applied to conservatively evaluate impacts and associated credit requirements.

E7 The Proponent must submit to the Planning Secretary and DAWE for information:

(a) a copy of the **Credit Retirement Report**; and/or
(b) a receipt confirming payment to the Biodiversity Conservation Fund; and/or
(c) correspondence from NPWS,

for the retirement of the ecosystem and species credits required by **Condition E3** within one (1) month of receiving the report and/or making the payments and/or receiving correspondence from NPWS.

Additional Surveys of *Pimelea spicata*

E8 The Proponent must undertake additional surveys of *Pimelea spicata* (Spiked Rice-flower) in potential habitat for this species within the refined construction footprint to the north of Elizabeth Drive and west of the existing Wallgrove Road as identified in Figure 6-5 of the *M12 Motorway Amendment Report – Submissions Report* (December, 2020). The surveys must be undertaken during optimal conditions as defined by the *NSW Bionet Threatened Biodiversity Profile Data Collection* (DPIE) or as agreed by the Planning Secretary. The surveys must be undertaken in consultation with EES and DAWE and the results of the surveys provided to the Planning Secretary, EES and DAWE for information within one (1) month of completion of the surveys.

E9 If *Pimelea spicata* is recorded in the surveys carried out under **Condition E8**, any impacts to the species must be offset in accordance with the options available under **Condition E3** and in consultation with EES. The Proponent must provide details of the required biodiversity credits to the Planning Secretary, EES and DAWE for information prior to works that impact the threatened species.

Biobanking Site

E10 Within one (1) month before the commencement of operation of the CSSI, or where the operation of the CSSI is staged one (1) month before the commencement of operation of the relevant stage, the Proponent must provide evidence to the Planning Secretary, for information, that it has implemented measures agreed with the Western Sydney Parklands Trust to compensate the acquisition of land from the Western Sydney Parklands Biobank Site (Biobanking Agreement Site ID 199) for the CSSI.

Key Fish Habitat

E11 The Proponent must minimise impacts to Key Fish Habitat (KFH) as defined in *Policy and Guidelines for Fish Habitat Conservation and Management* (DPI, 2013 update). Residual impacts to KFH must be offset at a ratio of 2:1 habitat offset requirement in accordance with the *Policy and Guidelines for Fish Habitat Conservation and Management* (DPI, 2013 update) and in consultation with DPI Fisheries.

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E12 Payment of the habitat offset requirement must be made to the DPI Fish Conservation Trust Fund prior to the commencement of Work that impacts KFH in Badgerys Creek, Cosgroves Creek, Kemps Creek and South Creek.

E13 The Proponent must submit to the Planning Secretary a receipt confirming payment to the DPI Fish Conservation Trust Fund within one (1) month of making the payment.

Fauna Connectivity Design Principles

E14 A minimum width of three (3) metres and a minimum height of 1.5 metres must be provided to maintain fauna passage below the Badgerys Creek, Cosgroves Creek, South Creek and Kemps Creek bridges. The three-metre wide passage must consist of a natural substrate or other surface type that will not hinder fauna movement.

Re-use of Timber

E15 Prior to vegetation clearing, the Proponent must identify where it is practicable for the CSSI to reuse native trees and vegetation that are to be removed. If it is not possible for the CSSI to reuse all removed native trees and vegetation, the Proponent must consult with the relevant council(s), Western Sydney Parklands Trust and Landcare groups and relevant government agencies to determine if:

(a) hollows, tree trunks, mulch, bush rock and root balls salvaged from native vegetation impacted by the CSSI; and
(b) collected plant material, seeds and/or propagated plants from native vegetation impacted by the CSSI,

could be used by others in habitat enhancement, beneficial re-use and rehabilitation work, before pursuing other disposal options.

FLOODING

E16 Measures identified in the documents listed in **Condition A1** that are aimed at minimising the impact of the CSSI on flood behaviour must be incorporated into the detailed design of the CSSI. 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, EES, Infrastructure NSW (INSW) and relevant councils.

E17 Unless otherwise agreed by the Planning Secretary, the CSSI must be designed and constructed to limit impacts on flooding characteristics in areas outside the project boundary during any flood event up to and including the 1% AEP flood event, to the following:
(a) a maximum increase in inundation time of one hour;
(b) a maximum increase of 10 mm in above-floor inundation to habitable rooms where floor levels are currently exceeded;
(c) no above-floor inundation of habitable rooms which are currently not inundated;
(d) a maximum increase of 50 mm in inundation of land zoned as residential, industrial or commercial;
(e) a maximum increase of 100 mm in inundation of land zoned as rural, primary production, environment zone or public recreation;
(f) no significant increase in the flood hazard or risk to life; and
(g) maximum relative increase in velocity of 10%, where the resulting velocity is greater than 1.0 m/s, unless adequate scour protection measures are implemented and/or the velocity increases do not exacerbate erosion as demonstrated through site-specific risk of scour or geomorphological assessments.

Where the Proponent cannot meet the requirements set out in clauses (d), (e) and (g) alternative flood levels or mitigation measures may be agreed to with the affected landowner.

In the event that the Proponent and the affected landowner cannot agree on the measures to mitigate the impact as described in clauses (d), (e) and (g), the Proponent must engage a suitably qualified and experienced independent person to advise and assist in determining the impact and relevant mitigation measures.

E18 All updated hydrologic and hydraulic assessments undertaken during detailed design must be consistent with the *Australian Rainfall and Runoff – A Guide to Flood Estimation* (GeoScience Australia, 2019).

E19 Updated flood modelling must be undertaken for the full range of flood events, including 5% AEP, 1% AEP, PMF and 0.5% AEP or 0.2% AEP and must have regard to the *Wianamatta (South) Creek Catchment Flood Study - Existing Conditions (Revision H)* (Advisian Worley Group, November 2020) when validating existing flood behaviour and constraints. The modelling must identify changes in post-development flood behaviour including cumulative flood impacts associated with Western Sydney International Airport and Sydney Metro Western Sydney Airport, where this information is available, prior to detailed design being finalised.

E20 Flood information including flood summary reports, models and geographic information system outputs, and work as executed information on finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to the relevant council, EES and INSW in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the CSSI. The relevant council(s), EES and INSW must be notified in writing that the information is available no later than one month following the operation of the CSSI. Information requested by the relevant council(s), EES or INSW must be provided no later than six (6) months following the completion of construction or within another timeframe agreed with the relevant council(s), EES and INSW.

E21 The flood models, data and summary reports must be uploaded to the NSW Flood Data Portal and access provided to the relevant councils, EES and INSW.

E22 The designs of all bridge, culvert and other cross drainage structures must include for potential blockages consistent with the procedures in the *Australian Rainfall and Runoff – A Guide to Flood Estimation* (GeoScience Australia, 2019).

E23 The CSSI must not preclude the future raising of Elizabeth Drive to achieve a minimum of 1% AEP level of flood immunity, unless otherwise agreed by the Planning Secretary.

E24 For property/ies zoned primary production and where hydrologic modelling predicts that the CSSI will potentially reduce and adversely affect the available stormwater runoff yield to a farm dam, the Proponent must, in consultation with the affected landowner:

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

The agreed measures must be implemented prior to undertaking any works that would directly affect the flow of water into a landowner's farm dam.

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

HERITAGE

E25 Construction and operation of the CSSI should aim to not diminish the potential of the following heritage items for nomination to the State Heritage Register beyond the impacts to significance already identified in the documents listed in **Condition A1**: McGarvie Smith Farm, McMaster Field Station and Fleurs Radio Telescope Site.

E26 An experienced and qualified heritage specialist(s) must prepare and/or endorse the:
(a) **Heritage Interpretation Plan** required by **Condition E27**;
(b) archival photographic digital recording required by **Condition E28**; and
(c) **Heritage Report** required by **Condition E29**.

E27 A **Heritage Interpretation Plan** must be prepared that identifies and interprets the key heritage values and stories of the heritage items impacted by the CSSI. The Heritage Interpretation Plan must include, but not be limited to:

(a) integration of heritage themes and values in the design of the CSSI;
(b) design elements (form and fabric) and themes for the CSSI;
(c) consideration of the design concepts for Western Sydney International Airport and Sydney Metro Western Sydney Airport; and
(d) opportunities for design responses for Aboriginal and non-Aboriginal heritage.

The **Heritage Interpretation Plan** must be provided to Western Sydney International Airport and Sydney Metro Western Sydney Airport to assist in guiding opportunities for integration of heritage themes and values into their design.

The Heritage Interpretation Plan must be prepared in accordance with the *Interpreting Heritage Places and Items Guidelines* (NSW Heritage Office, 2005), and in consultation with Heritage NSW, Aboriginal Cultural Heritage Advisory Committee, LALC and relevant council(s).

The Plan must be implemented and inform the **Place, Design and Landscape Plan** required by **Condition E69.**

The Heritage Interpretation Plan must be submitted to the Planning Secretary and Heritage NSW for information prior to finalising the **Place, Design and Landscape Plan** required by **Condition E69**.

Note: Nothing in this condition prevents the Proponent from preparing separate Heritage Interpretation Plans for Aboriginal and Non-Aboriginal Heritage.

E28 Archival photographic digital recording must be undertaken as outlined in the documents listed in **Condition A1** for all listed heritage items and for all sites assessed to have heritage significance which will be affected by the CSSI. The recordings must be undertaken prior to the commencement of Work which may impact the items. The recordings must include buildings, structures and landscape features and detailed maps showing the location of features. The archival recording must be prepared in accordance with *How to Prepare Archival Records of Heritage Items* (NSW Heritage Office, 1998) and *Photographic Recording of Heritage Items Using Film or Digital Capture* (NSW Heritage Office, 2006).

E29 Following completion of all Work described in the documents listed in **Condition A1** in relation to heritage items, a **Heritage Report** including the details of archival recordings, further historical research either undertaken or to be carried out and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by the Heritage Council of NSW and Heritage NSW.

Note: Nothing in this condition prevents the Proponent from preparing separate Heritage Reports for Aboriginal and Non-Aboriginal Heritage.

E30 The **Heritage Report** must be submitted to the Planning Secretary and Heritage NSW for information within 12 months of completing all Work described in the documents listed in **Condition A1** in relation to heritage items**.** Copies of the Heritage Report must also be provided to relevant local libraries and relevant local historical societies.

E31 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 and Heritage NSW. The Procedure must be prepared in consultation with Heritage NSW and form part of the **Heritage CEMP Sub Plan** required by **Condition C4.**

E32 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of Work.

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

E33 Where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the **Unexpected Heritage Finds and Human Remains Procedure** required by **Condition E31** and include registration in the Aboriginal Heritage Information Management System (AHIMS).

NOISE AND VIBRATION

Work Hours

E34 Work must only be undertaken during the following hours:

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

Highly Noise Intensive Work

E35 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable noise management level (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 hours, with a minimum cessation of work of not less than one hour.

For the purposes of this condition, 'continuously' includes any period during which there is less than one hour between ceasing and recommencing any of the Work.

Variation to Work Hours

E36 Notwithstanding **Condition E34** and **E35,** Work may be undertaken outside the hours specified in any of the following circumstances:

(a) **Safety and Emergencies**, including:
  (i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
  (ii) 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.

On becoming aware of the need for emergency work in accordance with **Condition E36(a)**, the Proponent must notify the **ER**, the Planning Secretary and the EPA of the reasons for such emergency work. The Proponent must use best endeavors to notify all noise and/or vibration affected sensitive land user(s) of the likely impact and duration of the emergency work.

(b) **Work that causes**:
   (i) $L_{Aeq(15\ minute)}$ noise levels:
      - no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and
      - no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land user(s); and
   (ii) $L_{AFmax(15\ minute)}$ noise levels no more than 15 dB(A) above the rating background level at any residence during the night time period; and
   (iii) continuous or impulsive vibration values, measured at the most affected residence, that are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006); and
   (iv) intermittent vibration values measured at the most affected residence that are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

(c) **By Approval**, including:
   (i) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or
   (ii) works which are <u>not</u> subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condition E37**; or
   (iii) negotiated agreements with directly affected residents and sensitive land user(s).

Out-Of-Hours Work Protocol – Works Not Subject to an EPL

E37 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of Work which is outside the hours defined in **Condition E34**, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the out-of-hours Work. The Protocol must be prepared in consultation with the **ER**. The Protocol must provide:

(a) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
   (i) the **ER** reviews all proposed out-of-hours activities and confirm their risk levels,
   (ii) low risk activities can be approved by the **ER**, and
   (iii) high risk activities that are approved by the Planning Secretary;
(b) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
(c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of **Condition E47**. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land user(s) would be exposed to, including the number of noise awakening events;
(d) procedures to facilitate the coordination of out-of-hours Work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
(e) notification arrangements for affected receivers for all approved out-of-hours Work and notification to the Planning Secretary of approved low risk out-of-hours Work.

This condition does not apply to Work where the requirements of **Condition E36(a)** or **(b)** are met.

Noise Management Levels and Vibration Criteria for Work

E38 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration objectives:

(a) construction 'Noise affected' NML established using the *Interim Construction Noise Guideline* (DECC, 2009);
(b) vibration criteria established using the *Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);
(c) BS 7385 Part 2-1993 "*Evaluation and measurement for vibration in buildings Part 2*" as they are "applicable to Australian conditions"; and

(d) the vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures* (for structural damage).

Any construction or early works identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the respective **Noise and Vibration CEMP Sub-plan** or **Early Works Environmental Management Plan**.

Note: The ICNG identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction NML.

E39 Noise generating work in the vicinity of potentially-affected community, religious, educational institutions, 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 offers of other reasonable arrangements have been made to the affected institutions and are implemented at no cost to the affected institution.

E40 **Noise and Vibration Impact Statements (NVIS)** must be prepared for any Work that may exceed the noise management levels and vibration criteria specified in **Condition E38** at any residence outside the construction hours identified in **Condition E34**, or where receivers will be highly noise affected. The **NVIS** must include specific mitigation measures identified through consultation with affected sensitive land user(s) and the mitigation measures must be implemented for the duration of the Work. A copy of the **NVIS** must be provided to the **ER** prior to the commencement of the associated Work. The Planning Secretary may request a copy/ies of the **NVIS**.

E41 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before Work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers must be provided with 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** required by **Condition C4** and the **Communication Strategy** required by **Condition B1**.

Construction Vibration Mitigation - Heritage

E42 The Proponent must conduct vibration testing during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In addition, vibration monitoring must be undertaken during construction for relevant remaining Fleurs Radio Telescope structures, the Upper Canal (in consultation with WaterNSW) and McMaster Farm and McGarvie-Smith Farm group of remaining buildings. In the event that the vibration testing and attended 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.

E43 Advice from a heritage specialist must be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.

E44 Before conducting at-property treatment at any heritage item identified in the documents listed in **Condition A1**, the advice of a suitably qualified and experienced built heritage specialist must be obtained and implemented to ensure such work does not have an adverse impact on the heritage significance of the item.

Utility Coordination and Respite

E45 All Work undertaken for the delivery of the CSSI, including that undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided**.** The Proponent must:

(a) reschedule any work to provide respite to impacted noise sensitive land user(s) so that the respite is achieved in accordance with **Condition E47**; or

(b) where respite outlined in **Condition E47** cannot be achieved, consider the provision of alternative respite or mitigation to impacted noise sensitive land user(s); and
(c) provide documentary evidence to the **ER** in support of any decision made by the Proponent in relation to respite or mitigation.

The consideration of respite must also include all other CSSI, SSI and SSD projects which may cause cumulative and/or consecutive impacts at receivers affected by the delivery of the CSSI.

Out-of-Hours Works – Mitigation

E46 Mitigation measures such as temporary alternative accommodation or other agreed mitigation measures, must be offered/ made available to residents affected by out-of-hours Work (including where utility works are being undertaken for the CSSI or under a road occupancy licence) where the construction noise levels between:

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

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

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

Out-of-Hours Works – Community Consultation on Respite

E47 In order to undertake out-of-hours Work outside the hours specified under **Condition E34**, the Proponent must identify appropriate respite periods for the out-of-hours work in consultation with the community at each affected location on a regular basis.

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

(a) a progressive schedule for periods no less than three (3) months, of likely out-of-hours Work;
(b) a description of the potential Work, location and duration of the out-of-hours Work;
(c) the noise characteristics and likely noise levels of the Work; and
(d) likely mitigation and management measures which aim to achieve the relevant noise management levels and vibration criteria under **Condition E38(a)** and **(b)** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers).

The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour Work must be provided to the **ER**, EPA and the Planning Secretary for information prior to Work scheduled for the subject period being undertaken.

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

Crushing and Grinding Works

E48 Crushing and grinding works must only be undertaken during the hours specified in **Condition E34** unless otherwise approved by the Planning Secretary or through an EPL or it meets the requirements of **Condition E36(a).**

Blasting

E49 Blasting is not permitted as part of this CSSI approval.

Operational Noise

E50 An independent and experienced noise specialist must be approved by the Planning Secretary to verify the validity (including being accurate and consistent with the requirements of this approval) of the:

(a) operational noise modelling required under **Conditions E51**;
(b) **Operational Noise Review** required under **Condition E52**; and
(c) **Operational Noise Compliance Report** required under **Condition E60.**

The Planning Secretary's approval of the noise specialist must be sought no later than one (1) month before undertaking operational noise modelling.

Each verification must be submitted to the Planning Secretary for information within 30 days of the verification and be attached to submitted documentation as relevant.

Noise Mitigation - Operational Noise Modelling

E51 Noise modelling of the detailed design must be undertaken and address the following parameters:

(a) application of source emission corrections to take into account the proportions of heavy vehicles;
(b) modelling heavy vehicles using three distinct sources in line with Appendix B4 of the NSW *Road Noise Policy* (DECCW, 2011);
(c) road surface corrections to address the assessment timeframes outlined in the *NSW Road Noise Policy* (DECCW, 2011) corresponding to the year of opening, and ten (10) years after opening; and
(d) meteorological conditions in accordance with the *NSW Road Noise Policy*.

Operational Noise Mitigation Measures

E52 An **Operational Noise Review (ONR**) must be prepared (based on the detailed design of the CSSI) to confirm noise mitigation measures that would be implemented for the operation of the CSSI. The **ONR** must be prepared in consultation with the Planning Secretary and relevant council(s) and must:

(a) confirm the appropriate operational noise objectives and levels for existing sensitive receivers;
(b) confirm the operational noise impacts based on the final design of the CSSI and modelling undertaken under **Condition E51**, including operational daytime $L_{Aeq,15\ hour}$ and night-time $L_{Aeq,\ 9\text{-}hour}$ traffic noise contours;
(c) review the suitability of the operational noise mitigation measures identified in the documents listed in **Condition A1** and, where necessary, investigate and identify additional noise and vibration mitigation measures required to achieve the noise criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011), including the timing of implementation;
(d) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; and
(e) procedures for the management of operational noise and vibration complaints.

The **ONR** must be undertaken at the Proponent's expense and be submitted to the Planning Secretary for information prior to implementing at-property noise mitigation, unless otherwise agreed by the Planning Secretary.

The Proponent must implement the identified noise mitigation measures and make the **ONR** publicly available following its submission to the Planning Secretary for information.

*Note: The design of noise barriers and the like must be undertaken in consultation with the community as part of the Place, Design and Landscape Plan required under **Condition E69**.*

E53 Operational noise mitigation measures as identified in **Condition E52** that will not be physically affected by construction and where the noise management level in **Condition E38(a)** is likely to be exceeded, must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted residence(s) to minimise construction noise impacts, unless

otherwise agreed by the Planning Secretary in accordance with **Condition E55**. The operational noise mitigation measures must be detailed in the **Noise and Vibration CEMP Sub-plan** required by **Condition C4**.

E54 If the **ONR** required by **Condition E52** is not prepared within six (6) months of the commencement of construction, the at-property operational noise mitigation measures required by **Condition E53** must be consistent with the measures and the properties identified in Appendix G of the *M12 Motorway Amendment Report* (October, 2020).

E55 All requests to the Planning Secretary under **Condition E53** must be accompanied by a report justifying why operational noise mitigation measures will not be implemented within six (6) months, along with details of the temporary measures that the Proponent would implement to reduce construction noise impacts, until such time that the operational noise mitigation measures are implemented. The report must be submitted to the Planning Secretary before the commencement of construction which would affect identified residences. All temporary measures must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted residences.

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

E56 The implementation of at-property treatment does not preclude the application of other noise and vibration mitigation and management measures including temporary accommodation to address construction noise.

E57 All operational noise mitigation measures must be implemented prior to operation of the CSSI.

Operational Noise Validation

E58 Within 12 months of the commencement of operation of the CSSI, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the CSSI against the noise performance predicted in the review of operational noise mitigation measures required by **Condition E52.**

E59 Classified traffic counts must be undertaken simultaneously with noise measurements to confirm traffic volumes and traffic mix assumptions.

Operational Noise Compliance Report

E60 An **Operational Noise Compliance Report (ONCR)** must be prepared to document the findings of the operational noise monitoring carried out under **Condition E58**. The **ONCR** must be prepared in accordance with the *Model Validation Guideline* (RMS, 16 May 2018 Version 1.1) and must address the following:

(a) compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under **Condition E52**;
(b) compliance with the operational noise levels in terms of criteria and noise goals established in the *NSW Road Noise Policy* (DECCW, 2011);
(c) methodology, location and frequency of noise monitoring undertaken, including grouping monitoring sites at which CSSI noise levels are ascertained with specific reference to locations indicative of impacts on receivers. Monitoring locations must be grouped by -
  (i) pavement type,
  (ii) topography;
(d) visibility of sensitive receivers, i.e. line of sight and shielded by mounds and/or noise walls;
(e) model light and heavy vehicles separately;
(f) pavement corrections for light and heavy vehicles;
(g) details on the acoustic performance of the different pavement types used for the CSSI ;
(h) effects of meteorological conditions on traffic noise consistent with the requirements of the *NSW Road Noise Policy* (DECCW, 2011);
(i) details of any complaints and enquiries received in relation to operational noise generated by the CSSI between the date of commencement of operation and the date the report was prepared;

(j) any required recalibrations of the noise model taking into consideration factors such as noise monitoring, and actual traffic numbers and proportions;
(k) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
(l) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E52**, that are to be implemented with the objective of meeting the criteria outlined in the *NSW Road Noise Policy* (DECCW, 2011), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

The **ONCR** must be submitted to the Planning Secretary and the EPA for information within 60 days of completing the operational noise monitoring (required by **Condition E58**) and be made publicly available.

Any additional measures identified in **Condition E60(l)** must be implemented within 18 months of submitting the **ONCR** to the Planning Secretary, unless an alternative timeframe is agreed to by the Planning Secretary.

PLACE, DESIGN AND LANDSCAPING

Construction Ancillary Facilities

E61 The CSSI must be constructed in a manner that minimises visual impacts of construction ancillary facilities, including but not limited to, 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 CSSI must be constructed and operated with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation of the CSSI must be consistent with the requirements of *Australian Standard 4282-2019 Control of the obtrusive effects of outdoor lighting,* relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces,* and the *National Airports Safeguarding Framework (NASF) Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports.*

Additionally, mitigation measures must be provided to manage residual night lighting impacts to protect properties adjoining or adjacent to the CSSI, in consultation with affected landowners.

Active Transport

E63 Active transport facilities must be designed, constructed and/or rectified in accordance with the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads, 2017) and relevant Australian Standards (AS) such as *AS 1428.1-2009 Design for access and mobility*. The active transport links must also incorporate relevant Crime Prevention Through Environmental Design principles.

Place, Design and Landscape Outcomes

E64 The place, design and landscape outcomes of the CSSI must be informed by and be consistent with the Urban Design Concept and have consideration of the Urban Design Opportunities as detailed in *Appendix G Landscape character, visual impact assessment and urban design report* of the EIS.

Advice on how the Urban Design Opportunities have been considered and progressed must be provided to the Planning Secretary for information when submitting the **Place, Design and Landscape Plan** (as required by **Condition E69**) to the Planning Secretary. Where an Urban Design Opportunity has not progressed, advice as to why must also be provided to the Planning Secretary for information.

E65 Landscaping must improve parkland, open space and native vegetation and fauna connectivity, including between areas of existing parkland and open space adjacent to and intersecting the CSSI, and through the revegetation of areas with local provenance species, where practicable, between adjoining areas of remnant Cumberland Plain Woodland to re-link them. In implementing these requirements, the Proponent must have regard to wildlife strike risk in proximity to the Western Sydney International Airport.

E66 All active transport infrastructure and facilities (including the connection through the Western Sydney Parklands or its alternative) must be completed prior to operation, unless otherwise agreed by the Planning Secretary.

E67 The CSSI must minimise impacts on useable open space. Impacts to the Western Sydney Parklands must be mitigated and offset by an agreed direct payment for improved recreation and access infrastructure and a land compensation payment for the Western Sydney Parkland Trust to use in expanding the parklands. These payments will be in accordance with an agreement established with the Western Sydney Parkland Trust. All offsets must be delivered prior to operation, unless agreed by the Planning Secretary.

Design Independence and Review

E68 Place making, design and landscape outcomes must be informed by input and review by independent and qualified practitioners in the following fields (practitioners may cover more than one field if suitably qualified):

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

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

Advice and recommendations made by the practitioners must be provided to the Planning Secretary for information when submitting the **Place, Design and Landscape Plan** to the Planning Secretary.

Note: The considerations that the Department will take into account when deciding to approve a practitioner are set out in 'Seeking Approval from the Department for the appointment of independent experts, Post approval guidance for Infrastructure Projects" (DPIE, 2020).

E69 A **Place, Design and Landscape Plan** must be prepared to inform the final design of the CSSI and to give effect to the commitments made in the documents listed in **Condition A1**. The Plan does not apply to works, which for technical, engineering, or ecological requirements, or other requirements as agreed by the Planning Secretary, do not allow for alternate design outcomes.

E70 The **Place, Design and Landscape Plan** must be prepared by a suitably qualified and experienced person in consultation with relevant councils, Western Sydney Parklands Trust, Heritage NSW, the community and affected landowners and businesses. The **Place, Design and Landscape Plan** must include, but not be limited to:

(a) an analysis of the built, natural, heritage and community context and the urban design objectives, principles and standards for the CSSI;
(b) identification of opportunities for heritage interpretation during design and construction consistent with the **Heritage Interpretation Plan** required by **Condition E27**;
(c) the design of the CSSI elements including their form, materials and detail;
(d) the design of the CSSI landform and earthworks;

(e) 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.
(f) active transport infrastructure, including amenities to be provided along the shared user path;
(g) developed visualisations, cross sections and plans showing the proposed design outcome;
(h) demonstrated integration of Crime Prevention Through Environmental Design principles into the detailed design process; and
(i) details of strategies to rehabilitate, regenerate or revegetate disturbed areas including riparian corridors and successfully establish and maintain the resulting new landscape and associated elements.

E71 Revegetation and the provision of replacement trees must be informed by a **Tree Survey** undertaken during detailed design. The Tree Survey must identify the number, type and location of any trees to be removed. The Tree Survey must be submitted to the Planning Secretary for information with the **Place, Design and Landscape Plan**.

Where trees are to be removed, the Proponent must provide a net increase in the number of replacement trees at a ratio of 2:1, except trees that are offset under **Condition E3**. Replacement trees must have a minimum pot size consistent with the relevant authority's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant authority(ies).

Note: For the purposes of this condition, the relevant authority is that State or local government authority that owns or manages the land on which the replacement trees will be planted.

E72 Construction of permanent surface built works or landscaping that are the subject of the **Place, Design and Landscape Plan** must not be commenced (in the area to which the **Place, Design and Landscape Plan** applies) until the **Place, Design and Landscape Plan** has been submitted to the Planning Secretary for information, after considering advice received from the Design Review Panel committed to by the Proponent.

E73 The **Place, Design and Landscape Plan** must be implemented during construction and operation.

Operational Maintenance

E74 The ongoing maintenance and operation costs of place, open space, landscaping and recreational items and work 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 work to at least the maintenance requirements established in the **Place, Design and Landscape Plan**, required by **Condition E69**.

SOCIO-ECONOMIC, LAND USE AND PROPERTY

E75 The Proponent must identify the utilities and services (hereafter "services") potentially affected by Work to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the CSSI are avoided where possible and where unavoidable, customers are advised in accordance with the Communication Strategy required under **Condition B1.**

Condition Surveys

E76 The Proponent must offer pre-construction surveys to the owners of surface and sub-surface structures and other relevant assets identified at risk from vibration, including all listed heritage items and buildings/structures of heritage significance as identified in the documents listed in **Condition A1**. Where the offer is accepted, the survey must be undertaken by a suitably qualified and experienced engineer and/or building surveyor prior to the commencement of vibration-generating works that could impact on the structure/asset. The results of each survey must be documented in a **Pre-construction Condition Survey Report** and the report must be provided to the owner of the item(s) surveyed no later than one (1) month before the commencement of all other potentially impacting works.

E77 Where pre-construction surveys have been undertaken in accordance with **Condition E76**, subsequent post-construction surveys of the structure / asset must be undertaken by a suitably qualified and experienced engineer and/or building surveyor to assess damage that may have resulted from the vibration-generating works. The results of the post-construction surveys must be documented in a **Post-Construction Condition Survey Report** for each item surveyed. The **Post-construction Condition Survey Reports** must be provided to the owner of the structures/assets surveyed, and no later than four (4) months following the completion of construction activities that have the potential to impact on the structure / asset.

E78 Where damage has been determined to occur as a result of the CSSI, the Proponent must carry out rectification at its expense and to the reasonable requirements of the owner of the structure/asset within nine (9) months of the completion of construction activities that have the potential to create damage unless another timeframe is agreed with the owner. Alternatively, the Proponent may pay compensation for the damage as agreed with the owner.

Agricultural Operations

E79 The CSSI must be delivered in a manner that minimises intrusion, as far as reasonably practicable, and disruption to agricultural operations/activities in surrounding properties (e.g. stock access, access to farm dams, etc.), unless otherwise agreed by the landowner.

E80 Where the viability of existing agricultural operations will be impacted by the CSSI, the Proponent must, at the request of the landowner, employ a suitably qualified and experienced independent agricultural expert to assist in identifying management measures to address the identified impacts.

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

Upper Canal System

E81 The Proponent must have regard to the *Upper Canal Pheasants Nest to Prospect Reservoir Conservation Management Plan* (NSW Public Works Governments Architect's Office, 2016) and *Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines* (WaterNSW, 2020) when constructing the CSSI.

E82 Construction and operation of the CSSI must not destroy, modify or otherwise cause direct or indirect damage to the Upper Canal System, including the Cecil Hills Tunnel, and Tunnel Shafts 3 and 4.

Property Access

E83 Any property access that is physically affected by the CSSI must be reinstated to at least an equivalent standard, in consultation with the landowner or alternative access provided in consultation with the landowner.

SOILS

E84 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater, Soils and Construction Vol.1* (Landcom, 2004) and *Vol. 2D Main Road Construction* (DECC, 2008) must be considered.

Contaminated sites

E85 Prior to the commencement of any Work that would result in the disturbance of potential or contaminated soils, materials, groundwater or sediments, a **Detailed Site Investigation Report(s)** must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The

Detailed Site Investigation Report(s) must be prepared in accordance with guidelines made or approved under section 105 of the *Contaminated Land Management Act 1997*.

Note: Where Preliminary and Detailed Site Investigations have already been undertaken for contaminated soils, materials, groundwater or sediments they do not need to be undertaken again for the purposes of this condition.

E86 The **Detailed Site Investigation Report(s)** must provide details on:

(a) primary sources of contamination, for example potentially contaminating activities, infrastructure (such as underground storage tanks, fuel line, sumps or sewer lines) or site practices;
(b) contaminant dispersal in air, hazardous ground gases, surface water, groundwater, soil vapour, separate phase contaminants, sediments, infrastructure (e.g. concrete), biota, soil and dust;
(c) contaminant characterisation and behaviour (volatility, leachability, speciation, degradation products and physical and chemical conditions on-site which may affect how contaminants behave);
(d) potential effects of contaminants on human health, including the health of occupants of built structures (for example arising from risks to service lines from hydrocarbons in groundwater, or risks to concrete from acid sulphate soils) and the environment;
(e) potential and actual contaminant migration routes including potential preferential pathways;
(f) the adequacy and completeness of all information available for use in the assessment of risk and for making decisions on management requirements, including an assessment of uncertainty;
(g) the review and update of the conceptual site model from the preliminary and detailed site investigations;
(h) nature and extent of any existing remediation (such as impervious surface cappings); and/or
(i) whether the land is suitable (for the intended final land use) or can be made suitable through remediation.

E87 Should remediation be required to make land suitable for the final intended land use, a **Remediation Action Plan** must be prepared. Prior to commencing with the remediation, the Proponent must submit to the Planning Secretary for information, the **Remediation Action Plan** and an **Interim Audit Advice** or a **Section B Site Audit Statement** from a NSW EPA accredited Site Auditor that certifies that the Remediation Action Plan is appropriate and that the site can be made suitable for the proposed use.

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

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

E88 A **Section A1** or **Section A2 Site Audit Statement** (accompanied by an Environmental Management Plan) and the accompanying **Site Audit Report**, which states that the contaminated land disturbed by the works has been made suitable for the intended land use, must be submitted to the Planning Secretary and relevant council(s) for information after remediation and no later than one (1) month before the commencement of operation. Contaminated land must not be used for the purpose approved under the terms of this approval until a **Section A1** or **Section A2 Site Audit Statement** is obtained which states that the land is suitable for that purpose and any conditions on the **Section A1** or **Section A2 Site Audit Statement** have been complied with.

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

E89 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared before the commencement of Work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during Work. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.

E90 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout the duration of Work.

SUSTAINABILITY

E91 A **Sustainability Strategy** must be prepared to achieve a minimum excellent 'Design' and 'As built' rating under the Infrastructure Sustainability Council of Australia infrastructure rating tool.

E92 The **Sustainability Strategy** must be submitted to the Planning Secretary for information before the commencement of construction and must be implemented throughout construction and operation.

TRAFFIC AND TRANSPORT

E93 The Planning Secretary's approval is required before any heavy vehicles used for spoil and fill haulage or concrete deliveries (for the purpose of the CSSI) are driven on local roads within one (1) kilometre of early works, construction and construction ancillary facilities and that are not identified for use by heavy vehicles in the documents listed in **Condition A1**. The local roads must be identified in the **Early Works Environment Management Plan** and **Traffic Management CEMP Sub-plan**.

E94 All requests to the Planning Secretary for approval to use local roads in accordance with **Condition E93,** must include a traffic and pedestrian impact assessment and be prepared in consultation with the relevant local council(s). The assessment must be undertaken by an appropriately qualified and experienced person and must include a swept path analysis if required by the Department. The traffic and pedestrian impact assessment must:

(a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts;
(b) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and
(c) describe the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and childcare facilities during peak times for operation.

The outcomes and recommendations of the traffic and pedestrian impact assessment must be incorporated into the **Site Establishment Management Plan** or **Traffic Management CEMP Sub-plan** as relevant.

E95 Before any local road is used by a heavy vehicle for the purposes of the CSSI, a **Road Dilapidation Report** must be prepared for the road unless otherwise agreed by the relevant road authority. A copy of the **Road Dilapidation Report** must be provided to the relevant road authority within three (3) weeks of completion of the survey and at least two (2) weeks before the road is used by heavy vehicles associated with the construction of the CSSI.

If damage to roads occurs as a result of the construction of the CSSI, the Proponent must rectify the damage to restore the road to at least the condition it was in pre-construction in consultation with the relevant road authority. Rectification works must be undertaken within three (3) months of the subject road no longer being used for the construction of the CSSI unless an alternative timeframe is agreed to by the relevant road authority.

E96 During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, residences, 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 residents, businesses and affected property owners and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.

Road Safety

E97 The CSSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines, including the Austroads Guide to Traffic Management.

E98 An independent **Road Safety Audit** is to be undertaken by an appropriately qualified and experienced person during design development (audit of the plans) and prior to opening (pre-opening audit) to assess the safety performance of new or modified roads (road safety audit), parking, pedestrian and cycle infrastructure provided as part of the CSSI (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 of the detailed design plans (audit of the plans) must be actioned before construction of the relevant infrastructure. The pre-opening audit findings and recommendations must be actioned prior to the relevant infrastructure being made available for use. All audit findings must be made available to the Planning Secretary on request, within the timeframe stated in the request.

Pedestrian and Cyclist Access

E99 Safe pedestrian and cyclist access must be maintained around work sites during Work. In circumstances where pedestrian and cyclist access is restricted or removed due to Work, an alternate route which complies with the relevant standards must be provided and signposted.

WASTE

E100 Waste generated during Work 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.

E101 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of an EPL for the CSSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.

E102 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, except in accordance with **Condition E15**.

E103 All waste generated by Works must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

E104 The Proponent must develop and implement a waste tracking register prior to waste generated by Work that details:
(a) the quantity of each type of waste generated, its classification and source location (recorded using latitude and longitude coordinates);
(b) the destination location(s) for all wastes generated during Work;
(c) the quantities of any waste types imported onto the CSSI site, including their classification and emplacement location (recorded using latitude and longitude coordinates);

(d) the quantities and types of wastes that are subject to a Resource Recovery Order and/or Exemption; and
(e) disposal records demonstrating that receiving facilities have lawfully accepted the waste type.

The waste tracking register must be made available to the Planning Secretary and EPA on request, within the timeframe stated in the request.

WATER

E105 The CSSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

Note: If it is proposed to discharge construction stormwater to waterways, a Water Pollution Impact Assessment will be required to inform licensing, consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with the level of detail commensurate with the potential water pollution risk.

E106 Drainage feature crossings (permanent and temporary watercourse crossings and diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.

E107 Work on waterfront land must have regard to the *Guidelines for controlled activities on waterfront land – Riparian Corridors* (NRAR, 2018), *Controlled activities on waterfront land – Guidelines for watercourse crossings on waterfront land* (NSW Office of Water, 2012) and *Policy and Guidelines for Fish Habitat Conservation and Management* (DPI Fisheries, 2013).

E108 The Proponent must consult DPI Fisheries and EES during the detailed design of the watercourse crossings. The consultation must include:
(a) design of bridges;
(b) design of scour protection; and
(c) details of riparian revegetation.

E109 Rehabilitation and revegetation of the riparian corridor and banks of watercourses impacted by the CSSI must be commenced within three (3) months of the completion of the watercourse work, bridge works (sub-structure, super-structure and pavement) and any other construction work required in the riparian corridor.

Stormwater Drainage

E110 All new or modified drainage systems associated with the CSSI must be designed to:

(a) where stormwater drainage is discharged to a council's stormwater system, meet the capacity constraints of any council's drainage system to receive and convey the proposed flows from the CSSI, or otherwise upgrade council's drainage system at the Proponent's expense, in consultation with the relevant council(s);
(b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); and
(c) ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and the receiving environment.

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given even if the Proponent fails to give the notification required under **Condition A44** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
   (a) identify the CSSI and application number;
   (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
   (c) identify how the incident was detected;
   (d) identify when the Proponent became aware of the incident;
   (e) identify any actual or potential non-compliance with conditions of approval;
   (f) describe what immediate steps were taken in relation to the incident;
   (g) identify further action that will be taken in relation to the incident; and
   (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
   (a) a summary of the incident;
   (b) outcomes of an incident investigation, including identification of the cause of the incident;
   (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
   (d) details of any communication with other stakeholders regarding the incident.

Appendix B

EARLY WORKS

- Luddenham Road – relocation of existing overhead electrical infrastructure underground in the vicinity of the proposed bridge over Luddenham Road as shown in **Figure 1**.

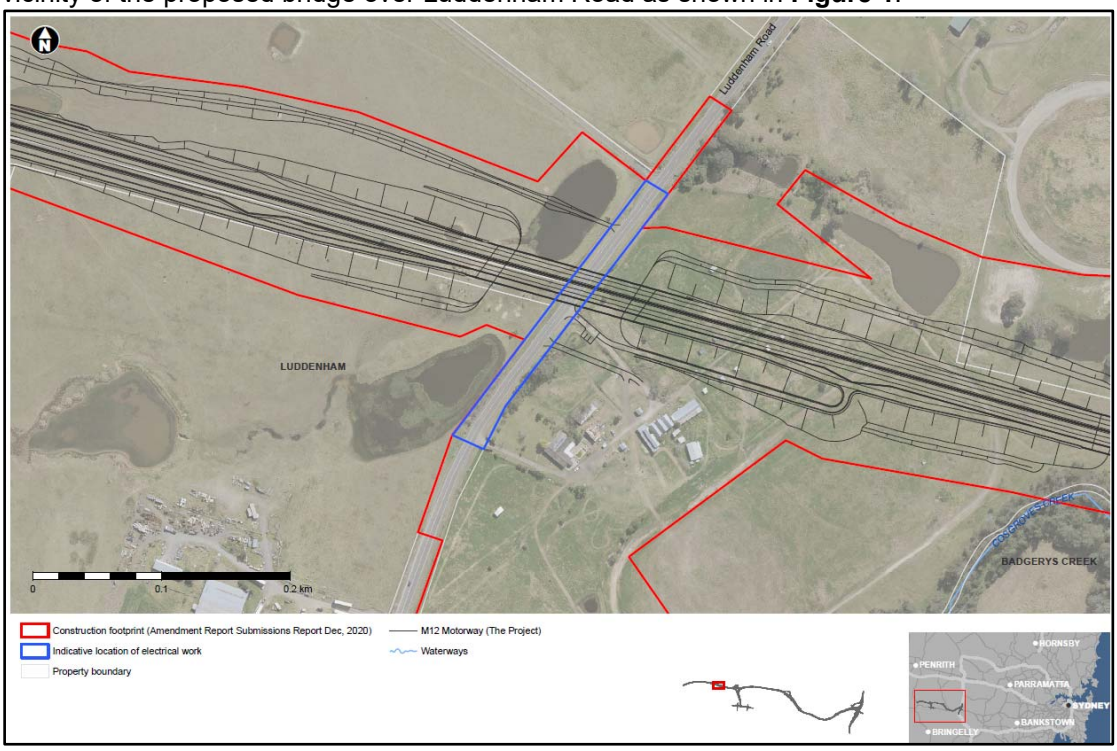

Figure 1

- Relocation of existing overhead electrical infrastructure to underground and installation of a new DN900 water main along Elizabeth Drive at Western Sydney International Airport frontage as shown in **Figure 2**.

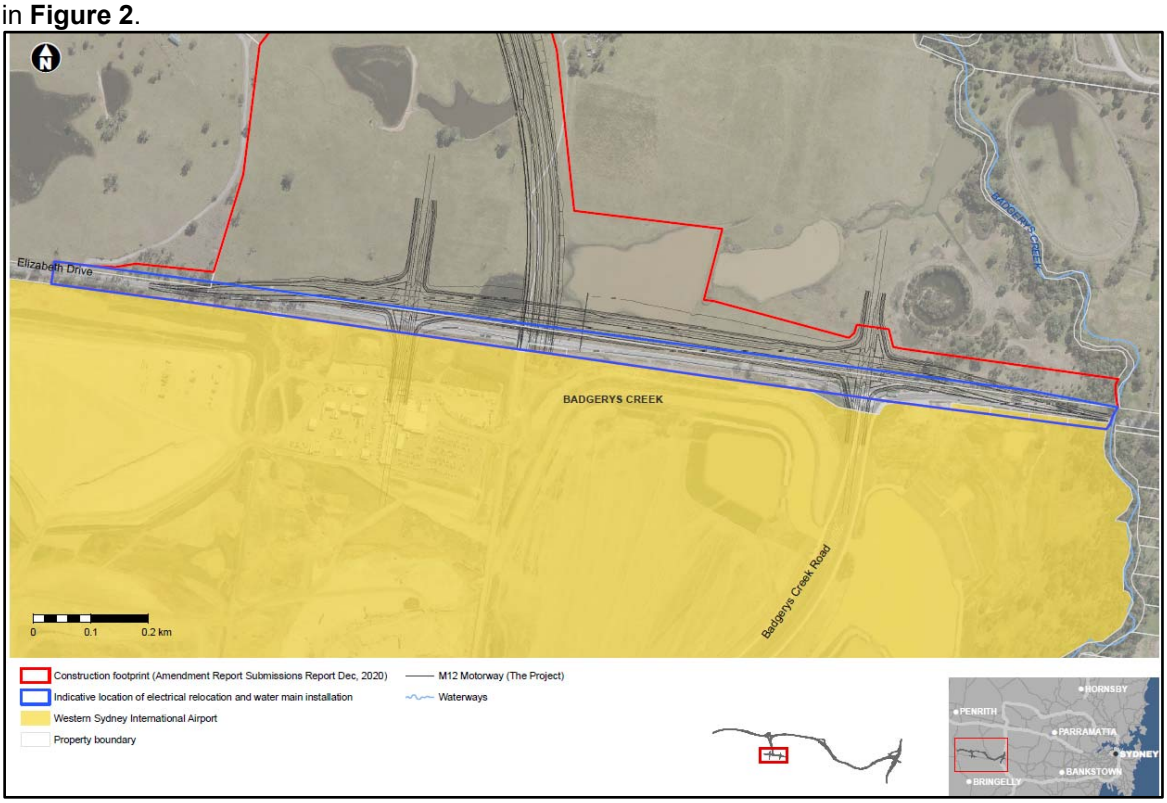

Figure 2

- Protection of high pressure gas mains within Western Sydney Parklands in proximity to Elizabeth Drive and Wallgrove Road as shown in **Figure 3**.

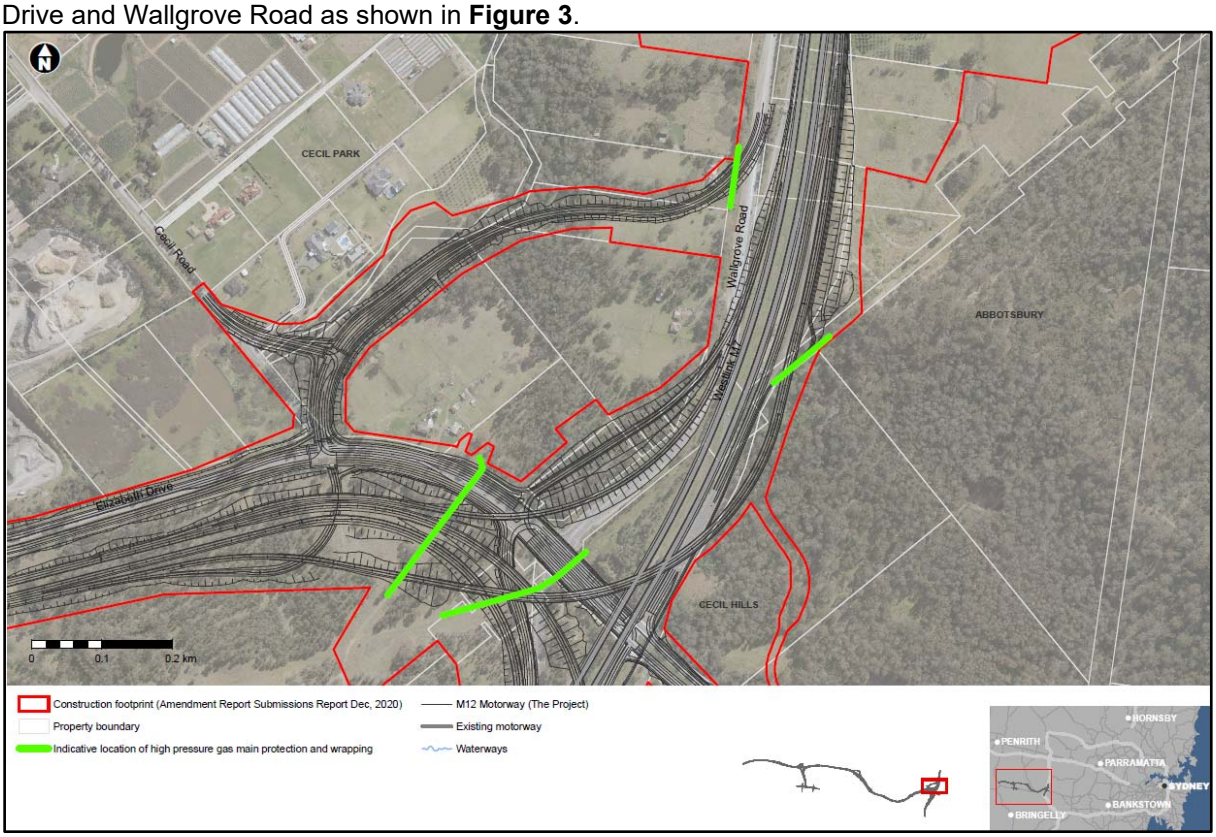

Figure 3

- Relocation of secondary gas mains along the northern side of Elizabeth Drive and to the west of the existing Wallgrove Rd as shown in **Figure 4**.

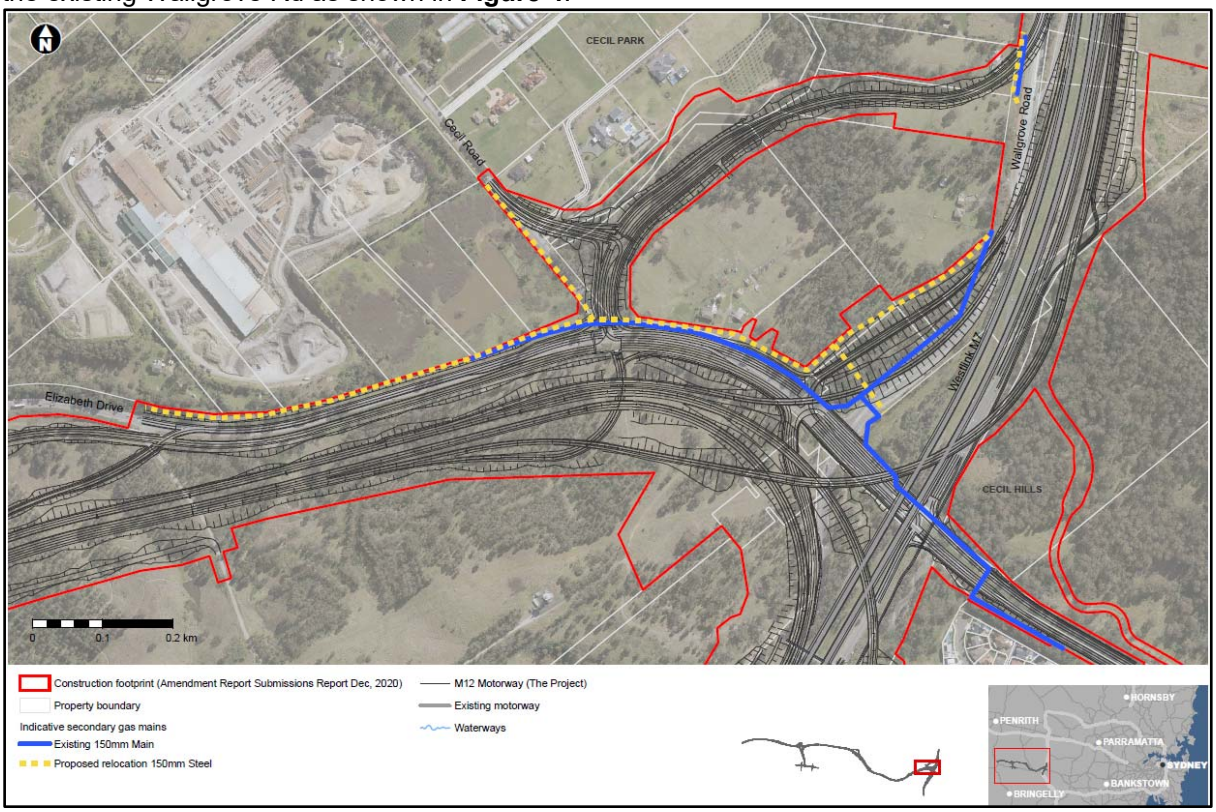

Figure 4

- Installation of a temporary roundabout on Elizabeth Drive along the Western Sydney International Airport frontage to the west of the proposed permanent airport access road as shown in **Figure 5**.

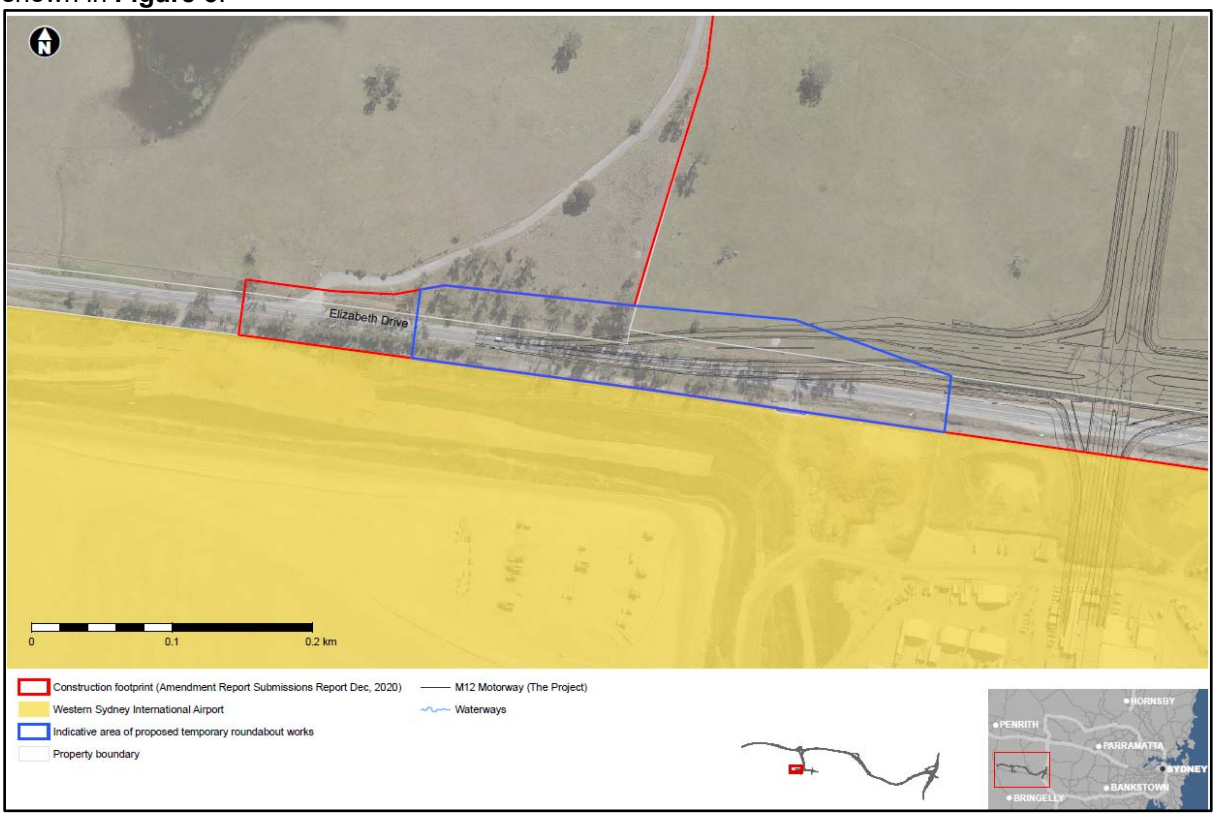

Figure 5