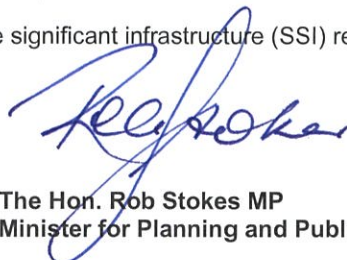


Infrastructure approval

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

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



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

Sydney

10th December 2020

SCHEDULE 1

Application no.:	SSI 10041
Proponent:	Transport for NSW
Approval Authority:	Minister for Planning and Public Spaces
Land:	Land within and adjacent to the railway corridor at Redfern Station within the suburbs of Redfern and Eveleigh.
Description of State Significant Infrastructure:	<p>A new Southern Concourse at Redfern Station comprising:</p> <ul style="list-style-type: none">• a six-metre-wide concourse between Little Eveleigh Street and Marian Street at Redfern, including new lift and stair access from the concourse to Platforms 1 to 10;• a new station entrance on Little Eveleigh Street, and an upgraded entrance on Marian Street, including station services and customer amenities;• upgrades and improvement works to Little Eveleigh Street and Marian/Cornwallis/Rosehill Streets, including works to improve safety of pedestrians, cyclists and vehicles; and• car park off Little Eveleigh Street/Ivy Lane.

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DEFINITIONS

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

Table 1: Definitions

Term	Definition
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW).
Aboriginal stakeholders	Aboriginal organisations, institutions and/or persons as defined by the Proponent in consultation with the Department of Aboriginal Affairs
Ancillary facility	A temporary facility for construction of the SSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area.
At-property treatment	Acoustic treatments including those described in Section 7.3 of the <i>Noise Mitigation Guideline</i> (RMS, 2015) and other treatments including, but not limited to, noise curtains and retrofitted double glazing.
CALD	Culturally and Linguistically Diverse
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Construction	Includes all work required to construct the SSI as described in the documents listed in Condition A1 , including commissioning trials of equipment and temporary use of any part of the SSI, but excluding enabling works (as defined in Table 1) and site establishment works approved under a Site Establishment and Enabling Works Management Plan , and low impact works (as defined in Table 1) which are completed prior to approval of the CEMP.
Construction Boundary	The area physically affected by work as described in the documents listed in Condition A1 .
Department	NSW Department of Planning, Industry and Environment
DECC	Former NSW Department of Environment and Climate Change
EES	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (part of the 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 project.

Term	Definition
Enabling works	All works within the rail corridor that are undertaken during the December 2020 long rail possession including, but not limited to: (a) piling for concourse piers, abutments and entrances; (b) installation of footings for stairs, lifts and columns; (c) relocation of overhead wiring structures; (d) relocation of platform furniture; (e) relocation of utilities, services and lighting; and (f) removal of privacy walls at existing platform buildings.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the SSI
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	The document of the same title published by the Department dated October 2018.
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law (NSW) 2013</i> .
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
Heritage Council of NSW	The Heritage Council of NSW or its delegate
Heritage NSW	A branch within the Community Engagement Group of the NSW Department of Premier and Cabinet
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Highly noise intensive works	Works which are defined as annoying under the <i>Interim Construction Noise Guideline</i> (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	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. <i>Note: “material harm” is defined in this approval.</i>

Term	Definition
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i> .
LOTE	Language Other than English
Low impact works	<p>Includes:</p> <ul style="list-style-type: none"> (a) survey work including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) 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 acoustic treatments; (f) property acquisition adjustment work including installation of property fencing, and relocation and adjustments of utilities to property including water supply 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) installation of site hoarding; (i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with [(a)]-[(h)] above to ensure that there is no impact on heritage items; (j) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and (k) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with Heritage NSW, EES or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p> <p><i>Note: The low impact work described in this definition becomes Construction with the approval of a Construction Environmental Management Plan.</i></p>

Term	Definition
Material harm	This is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning and Public Spaces
MLALC	Metropolitan Local Aboriginal Land Council
NML	Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval but is not an incident.
Operation	The carrying out of the SSI (whether in full or in part) upon the completion of construction. <i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.</i>
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time.
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 <i>Heritage Act 1977</i> (NSW).
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW).
Response to Submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the SSI under the EP&A Act.
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval.

Term	Definition
Sensitive 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.
Seven day rolling period	Refers to the period of time that includes the previous six days and the current day.
Tree	Long lived woody perennial plant greater than (or usually greater than) 3 metres in height with one or relatively few main stems or trunks (<i>AS4373-2007 Pruning of amenity trees</i>).
Unexpected heritage find	An object or place that is discovered during the carrying out of the SSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains.
Unexpected contamination find	Any contamination that is discovered during the carrying out of the SSI but was not identified in the EIS or Response to Submissions report or was not suspected to be present.
Work	Any physical work for the purpose of the SSI including but not limited to construction, low impact work, enabling works, utility works and site establishment but not including operational maintenance works.

SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in **Table 2**. Any appointments of persons requiring the Planning Secretary's approval are also listed. Note that under **Condition A8** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the written notification of an incident required under **Condition A37**). Where this is an inconsistency with the requirements of **Table 2** and any condition of approval, the condition of approval prevails.

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

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A9	Staging Report	Five (5) business days before commencement of construction of the proposed stage (or if only staged operation is proposed, before commencement of the first of the proposed operational stages)	Information
A26	Environmental Representative	Five (5) business days before commencement of work	Approval
A29(d)	Written statement verifying all matters pertaining to a document have been met	Following ER approval of documents	Information
A29(i)	Environmental Representative reports	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A31	Written notification of commencement of construction and operation	Five (5) business days prior to the commencement of construction and five (5) business day prior to the commencement of operation	Information
A32	Written notification of staged construction or operation	Five (5) business days before the commencement of each stage	Notification
A33	Independent Audit Reports	In accordance with the timeframes set out in the <i>Independent Audit Post Approval Requirements (2020)</i>	Information
A34	Appointment of Independent Auditor	One (1) month following the commencement of Work and prior to commencement of independent auditing	Approval
A37	Written advice of incident	Immediately upon becoming aware of the incident. Subsequent written advice within 24 hours.	Notification / advice
A38 (Appendix A)	Written notification of incident and incident report	Written incident notification is required within seven (7) days after the Proponent becomes aware of an incident. Detailed report on an incident is required within 30 days of the date of an incident.	Notification

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

Condition	Report / Notification	Timing ¹	Purpose
Part B - Communication Information and Reporting			
B9	Complaints Register	Upon request from the Planning Secretary	Information
Part C – Construction Environmental Management			
C12	Construction Noise and Vibration Monitoring Report	At the frequency identified in the Construction Noise and Vibration Monitoring Report	Information
Part D – Key Issues			
Heritage			
D3	Archival Recording and Salvage Report	No later than 12 months after the completion of archival recording and salvage	Information
D6	Heritage Interpretation Strategy	Prior to the construction of permanent built works that are subject to the Urban Design and Public Domain Plan	Information
D7	Heritage Interpretation Plan	Prior to the construction of permanent built works that are subject to the Urban Design and Public Domain Plan	Information
D12	Unexpected Heritage Finds and Humans Remains Procedure	Five (5) business days before commencement of Work	Information
D17	Notification of emergency works	As soon as possible after the emergency works have commenced	Notification
Noise and Vibration			
D18	Outcomes of community consultation on respite periods	Prior to undertaking out-of-hours Work scheduled for the subject period	Information
D19	Out-of-Hours Work Protocol	Five (5) business days before the commencement of out-of-hours Work	Approval
D19(d)(ii)	Notification of approved medium and high risk out-of-hours activities	Before the commencement of the medium and high risk out-of-hours Work	Information
D31	Operational Noise Compliance Report	Within three months of completing the operational noise monitoring	Information
Place, Design and Visual Amenity			
D37	Urban Design and Public Domain Plan	One (1) month before the construction of permanent built work that is the subject of the plan	Approval
Soils			
D50	Remediation Action Plan	Prior to remediation	Information
D50	Interim Audit Advice or Section B Audit Statement	Prior to remediation	Information
D51	Section A Site Audit Statement	One (1) month before the commencement of operation	Information

Condition	Report / Notification	Timing ¹	Purpose
D51	Section A Site Audit Report	One (1) month before the commencement of operation	Information
D52	Unexpected Contaminated Land and Asbestos Finds Procedure	Before the commencement of Work	Information
Traffic and Transport			
D57	Use of local roads for spoil and fill haulage	Before the use of the local roads that are not identified for use in the EIS and Response to Submissions	Approval
D63	Report on the investigation of accessing Little Eveleigh Street car park via Wilson Street	Within six (6) months of commencing construction	Information

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out the SSI in accordance with the conditions of this approval and generally in accordance with the description of the SSI in:
- Redfern Station Upgrade – New Southern Concourse Environmental Impact Statement* (Transport for NSW, May 2020);
 - Redfern Station Upgrade – New Southern Concourse Response to Submissions* (Transport for NSW, September 2020); and
 - Redfern Station Upgrade – New Southern Concourse Construction Environmental Management Framework* (Transport for NSW, October 2020).
- A2 The SSI must be carried out generally in accordance with all procedures, commitments, preventative actions, performance criteria 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:
- the conditions of this approval and any document listed in **Condition A1** inclusive, the conditions of this approval will prevail to the extent of the inconsistency; and
 - any document listed in **Condition A1** inclusive, 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 term and the document.*
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- the environmental performance of the SSI;
 - any document or correspondence in relation to the SSI (including the provision of such documentation or correspondence);
 - any independent appointment or withdrawal of an appointment made in relation to the SSI;
 - any notification given to the Planning Secretary under the terms of this approval;
 - any audit of the construction or operation of the SSI;
 - the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - the carrying out of any additional monitoring or mitigation measures; and
 - 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 a document / plan / program must be submitted to the Planning Secretary or ER and the terms of this approval require it to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted with the document / plan/ program. The evidence must include:
- documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
 - 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 within a timeframe specified in or under the conditions of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under **Condition A37**.

STAGING

- A9 The SSI may be constructed and operated in stages. Where staged construction or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary and City of Sydney Council for information. The **Staging Report** must be submitted to the Planning Secretary and City of Sydney Council for information at least five (5) business days before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, before the commencement of operation of the first of the proposed stages of operation). The report must be approved by the Environmental Representative (ER) before it is submitted to the Planning Secretary and City of Sydney Council.
- A10 The **Staging Report** must:
- (a) if staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11 The SSI must be staged in accordance with the **Staging Report**, as submitted to the Planning Secretary and City of Sydney Council.
- 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 and City of Sydney Council for information prior to the proposed change in the staging. The revised Report must be approved by the ER before submitting it to the Planning Secretary and City of Sydney Council.

SITE ESTABLISHMENT AND ENABLING WORKS

Site Establishment and Enabling Works Management Plan

A14 Before establishment of any construction ancillary facility (excluding minor construction ancillary facilities established under **Condition A18**) or commencement of enabling works, the Proponent must prepare a **Site Establishment and Enabling Works Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facilities and for the duration of enabling works. The **Site Establishment and Enabling Works Management Plan** must be prepared in consultation with the City of Sydney Council and relevant government authorities. The Plan must be submitted to the **ER** for approval before the establishment of any major construction ancillary facility(ies) and commencement of enabling works. The approved plan must be made publicly available before the establishment of any construction ancillary facilities or commencement of enabling works. The **Site Establishment and Enabling Works Management Plan** must detail the management of the construction ancillary facilities and enabling works and include:

- (i) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of work to be undertaken at the site);
- (ii) a description of the activities to be undertaken during enabling works;
- (iii) figures illustrating the proposed site layout and work areas;
- (iv) a program for ongoing analysis of the key environmental risks arising from the activities described in subsections (a) and (b) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment or enabling works;
- (v) details of how the activities described in subsections (a) and (b) 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 (d) of this condition;
- (vi) a program for notifying the community at least five (5) business days prior to the establishment of any construction ancillary facilities or commencement of enabling works, of the activities to be undertaken, including scheduling of activities; and
- (vii) a program for monitoring the performance outcomes, including a program for noise monitoring during site establishment and enabling works, consistent with the requirements of **Condition C8**.

Nothing in this condition prevents the Proponent from preparing individual **Site Establishment and Enabling Works Management Plans** for each construction ancillary facility or the enabling works.

CONSTRUCTION ANCILLARY FACILITIES

Use of Major Construction Ancillary Facilities

A15 The use of a major construction ancillary facility for construction must not commence until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C6** and the **Construction Noise and Vibration Monitoring Programs** required by **Condition C8** have been approved by the **ER** and made publicly available.

A16 The use of a major construction facility for enabling works must not commence until the **Site Establishment and Enabling Works Management Plan** required by **Condition A14** has been approved by the **ER** and made publicly available. Where a major construction ancillary facility is initially used for enabling works and then for construction, the requirements of **Condition A15** must be complied with once the enabling works are completed and the facility is used to support construction activities.

A17 Construction ancillary facilities that are not identified by description and location in the documents listed in **Condition A1**, and are not minor construction ancillary facilities as defined in **Condition A18**, can only be established and used in each case if:

- (a) they are located within or immediately adjacent to the construction boundary; and
- (b) they are not located next to a sensitive receiver (including where an access road is between the facility and the receiver), unless the sensitive receiver (both the landowner and occupier) have given written acceptance to the carrying out of the relevant facility in the proposed location; and
- (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and
- (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

Minor Construction Ancillary Facilities

A18 Lunch sheds, office sheds, portable toilet facilities, temporary minor spoil and materials storage and the like that are not identified by description and location in the documents listed in **Condition A1**, can be established and used where they satisfy the following criteria:

- (a) are located within the construction boundary or within the rail corridor; 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 and water and flooding, and
 - (iii) no impacts on trees, threatened species, and heritage items beyond those already approved under other terms of this approval.

Boundary screening

A19 Boundary screening must be erected around all ancillary facilities that are adjacent to sensitive receivers for the duration of construction of the SSI unless otherwise agreed with the City of Sydney Council, and affected residents, business operators and landowners.

A20 Boundary screening required under **Condition A19** of this approval must minimise as far as practicable visual, noise and air quality impacts on adjacent sensitive receivers.

Project identification

A21 Signage on fencing or hoardings surrounding construction ancillary facilities must include the SSI name and application number.

INDEPENDENT APPOINTMENTS

A22 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).

A23 All **Independent Appointments** required by this approval must hold current membership of a relevant professional body, unless otherwise approved by the Planning Secretary.

A24 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.

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

ENVIRONMENTAL REPRESENTATIVE

- A25 Work must not commence until an **Environmental Representative (ER)** has been engaged by the Proponent and approved by the Planning Secretary.
- A26 The Planning Secretary's approval of an **ER** must be sought no later than five (5) business days before the commencement of Work.
- A27 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 personnel for the SSI and those involved in the delivery of it. Skills, qualifications, experience, availability and capacity of the **ER** must meet the requirements set out in *Environmental Representative Protocol* (Department of Planning and Environment, 2018),
- A28 The Proponent may engage more than one **ER** for the SSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the SSI.
- A29 For the duration of the 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 SSI;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) approve documents identified in **Conditions A9, A14, C1, C6, and C8** after verifying all relevant matters set out in this approval pertaining to those documents have been met and make a written statement to the Planning Secretary to this effect;
 - (e) regularly monitor the implementation of the documents listed in **Conditions A14, C1, C6 and C8** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the SSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A33** 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 A18** of this approval;
 - (i) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven (7) days following the end of each month for the duration of the ER's engagement for the SSI.
- A30 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 A29** (including preparation of the **ER** monthly report), as well as:
- (a) the complaints register for any complaints received (on any day they are received); and

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

NOTIFICATION OF COMMENCEMENT

- A31 The Department and City of Sydney Council must be notified in writing of the dates of commencement of construction and operation at least five (5) business days before those dates.
- A32 If the construction or operation of the SSI is to be staged, the Department and City of Sydney Council must be notified in writing at least five (5) business days before the commencement of each stage, of the date of commencement of that stage.

AUDITING

- A33 The Proponent must undertake auditing and audit reporting in accordance with the document *Independent Audit, Post Approval Requirements* (DPIE, 2020).
- A34 The Proponent must seek the written agreement of the Planning Secretary to the independent auditor(s) no later than one (1) month following commencement of Work and prior to the commencement of an Independent Audit. The auditor(s) must meet the competence and independence requirements set out in Section 3 of *Independent Audit, Post Approval Requirements* (DPIE, 2020).
- A35 Operational compliance auditing is only required at 26 weeks following the commencement of operation, or as otherwise approved by the Planning Secretary.
- A36 The Planning Secretary may direct the Proponent to undertake Independent Audits in addition to those provided for in **Condition A33** when considered necessary to address a particular issue.

INCIDENT NOTIFICATION AND REPORTING

- A37 During Work, the Department must be notified as soon as possible and no later than 24 hours after the Proponent becomes aware of an incident. The initial advice can be via telephone but must be followed with written advice within the 24-hour period and must identify the SSI (including the application number and the name of the SSI), time, date, location and nature of the incident.
- A38 Subsequent written notification must be given and reports submitted to the Planning Secretary in accordance with the requirements set out in **Appendix A**, unless otherwise approved by the Planning Secretary.

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 and for the first six (6) months of operation of the SSI with:
- (a) the community (including adjoining affected landowners and businesses and other directly impacted by the SSI)
 - (b) the City of Sydney Council and relevant government agencies; and
 - (c) Local Aboriginal Land Council.

The **Communication Strategy** must address who (the Proponent, ER and/or construction contractor) will engage with the community, council 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 detailed design and work phases;
- (b) identify community demographics and approaches to address the needs of LOTE, CALD and vulnerable communities;
- (c) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI. The information to be distributed must include information regarding current site construction activities, schedules and milestones;
- (d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and
- (e) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent 24 hours a day, seven days a week;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI, including disputes regarding rectification or compensation.

- B3 A copy of the **Communication Strategy** must be made publicly available prior to the commencement of Work.

- B4 The **Communication Strategy** must be implemented for the duration of the Work and for six (6) months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B5 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 of 12 months following completion of construction of the SSI.

- B6 The following information must be available to facilitate community enquiries and manage complaints at least five (5) business days 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 SSI;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.

- B7 The telephone number, postal address and email address required under **Condition B6** of this approval must be made available on site boundary fencing / hoarding at each construction site and ancillary facility before the commencement of Work and for the duration of construction. This information must also be provided on the website required under **Condition B10** of this approval.
- B8 A **Complaints Register** must be maintained recording information on all complaints received about the SSI 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 SSI must be established before commencement of Work and maintained for the duration of construction, and for a minimum of 12 months following the completion of construction. Up-to-date information (excluding confidential commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant Work commences and maintained on the website or dedicated pages including:
- (a) information on the current implementation status of the SSI;
 - (b) a copy of the documents listed in **Condition A1** of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval;
 - (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
 - (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI;
 - (e) a current copy of each document required under the terms of this approval, which must be published before the commencement of any Work to which they relate or before their implementation, as the case may be; and
 - (f) a copy of the audit reports required under **Conditions A33** and **A36** of this approval.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during construction. The CEMP must be prepared in consultation with the City of Sydney Council.
- C2 The **CEMP** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department Planning, Industry and Environment, 2020) and be consistent with the document *Construction Environmental Management Framework* (TfNSW, October 2020).
- C3 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction and site layout figures);
 - (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;
 - (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the SSI;
 - (d) details of how the activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1**; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (d) of this condition;
 - (e) an inspection program detailing the activities to be inspected and frequency of inspections;
 - (f) a protocol for managing and reporting any:
 - (i) incidents; and
 - (ii) non-compliances with this approval or statutory requirements;
 - (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
 - (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C6**. Where staged construction of the SSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
 - (i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the **ER**;
 - (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval;
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs.
- C4 The **CEMP** must be submitted to the **ER** for approval before the commencement of construction or where the construction is staged, before the commencement of that stage.
- Construction must not commence until the **ER** has approved the **CEMP** and all **CEMP Sub-plans**. The **CEMP** and all **CEMP Sub-plans** must be implemented for the duration of construction.
- C5 The approved **CEMP** and **CEMP Sub-plans** must be made publicly available before the commencement of construction.

- C6 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**:

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Traffic and transport	City of Sydney Council
(b)	Noise and vibration	City of Sydney Council, Heritage NSW
(d)	Soil, contamination and water	Sydney Water and the City of Sydney Council (if it is proposed to discharge to or impact on their assets)
(e)	Heritage	Heritage Council of NSW, Heritage NSW and City of Sydney Council

- C7 The **CEMP Sub-plans** must state how:

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

CONSTRUCTION MONITORING PROGRAMS

- C8 The Proponent must engage a suitably qualified and experienced person to prepare a **Construction Noise and Vibration Monitoring Program (CNVMP)**. The program must be prepared in consultation with the City of Sydney Council and include, but not be limited to:
- (a) noise and vibration monitoring at representative locations adjacent to construction activities (including at the most / worst affected residences) 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 of monitoring results;
 - (d) procedures to identify and implement additional mitigation measures where results of monitoring indicate noise levels in excess of predicted noise levels and / or vibration levels in excess of vibration criteria; and
 - (e) any consultation to be undertaken in relation to the monitoring program.
- C9 The **CNVMP** must be submitted to the **ER** for approval and be approved before the commencement of construction.
- C10 The approved **CNVMP** must be made publicly available before the commencement of construction.
- C11 The **CNVMP** must be implemented for the duration of construction.
- C12 The results of the construction noise and vibration monitoring must be provided to the Planning Secretary, and relevant regulatory agencies, in the form of a **Construction Noise and Vibration Monitoring Report** at the frequency identified in the **CNVMP**.

*Note: The **CNVMP** may be incorporated into the **CEMP Noise and Vibration Sub-plan**.*

PART D

KEY ISSUE CONDITIONS

AIR QUALITY

- D1 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1**, all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during the construction of the SSI.

HERITAGE

- D2 An **Archival Recording and Salvage Report** must be undertaken of all heritage-listed items that will be affected by Work. The archival recording must be prepared in accordance with *How to Prepare Archival Recordings of Heritage Items* (NSW Heritage, 1998) and *Photographic Recording of Heritage items Using Film or Digital Capture* (NSW Heritage, 2006). The recordings must capture the potentially affected heritage listed items impacted by Works, and the immediate surrounds, before, during and after the works.
- D3 The **Archival Recording and Salvage Report** must be submitted to the Planning Secretary, the Heritage Council of NSW, Heritage NSW and City of Sydney Council for information no later than 12 months after the completion of the work referred to in **Condition D2**.
- D4 The Proponent must prepare a **Removal and Storage Methodology** for the recording, tagging, removal and storage of any significant heritage fabric that is proposed to be removed or modified and reused. A copy of the methodology must be provided to the Heritage Council of NSW at least five (5) business days prior to the commencement of any Work which may impact significant heritage fabric. Any significant heritage fabric that is proposed to be removed or modified must be recorded and tagged on site and securely stored for future use in accordance with the **Removal and Storage Methodology**. The Methodology must be included in the Heritage Management Sub-Plan required by **Condition C6**.
- D5 The Proponent must prepare an updated **Heritage Interpretation Strategy** to provide the strategic direction for heritage interpretation across the SSI site and to inform the **Heritage Interpretation Plan** required by **Condition D7** and the **Urban Design and Public Domain Plan** required by **Condition D35**. The Strategy must:
- (a) have regard to the precinct's historic significance (particularly its social, intangible and industrial heritage values);
 - (b) recognise the spiritual, intangible and cultural values of the site to Aboriginal people and address the full story of the place (i.e. landscape through the eyes of Indigenous inhabitants);
 - (c) consider the site's relationship to the broader vicinity including the Eveleigh Railway Workshops and Central Railway Station;
 - (d) have regard to the interpretation strategy that has been developed for the Eveleigh Railways Workshop site; and
 - (e) be prepared in accordance with the *Conservation Management Plan Redfern Station* (July 2020) and relevant Heritage NSW guidelines.
- D6 The **Heritage Interpretation Strategy** must be prepared in consultation with the Heritage Council of NSW, the Aboriginal Cultural Heritage Advisory Committee, Heritage NSW, the MLALC, Aboriginal Stakeholders and the City of Sydney Council and submitted to the Planning Secretary for information prior to the construction of permanent built works that are the subject of the **Urban Design and Public Domain Plan** required by **Condition D35**.

- D7 A **Heritage Interpretation Plan** must be prepared, consistent with the **Heritage Interpretation Strategy**, which identifies how interpretation will be integrated into the broader design of the SSI (where relevant) including design elements (form and fabric), landscaping and cultural design principles. The Plan must identify how interpretive themes and heritage values will be implemented and provide a timeframe for their installation during construction. The Plan must be prepared in consultation with the Heritage Council of NSW, the Aboriginal Cultural Heritage Advisory Committee, Heritage NSW, MLALC and the City of Sydney Council and submitted to the Planning Secretary and Heritage NSW for information prior to the construction of permanent built works that are the subject of the **Urban Design and Public Domain Plan** required by **Condition D35**.
- D8 Prior to undertaking any works that have the potential to impact on historical archaeology, the Proponent must engage a suitably qualified archaeologist whose experience complies with the NSW Heritage Council's *Criteria for Assessment of Excavation Directors* (July, 2011) (referred to as the Excavation Director) to oversee and advise on matters associated with historical archaeology (i.e. non-Aboriginal), and to prepare a **Historical Archaeological Research Design and Excavation Methodology**.
- D9 The **Historical Archaeological Research Design and Excavation Methodology** must be developed in consultation with the Heritage Council of NSW. The methodology must be prepared prior to undertaking any Work in areas identified as "low" or "high" archaeological potential" in the documents listed in **Condition A1** and must be implemented when working in areas of archaeological potential.
- D10 Where excavation works are required in the vicinity of potential archaeological sites, the Excavation Director must be present to advise on archaeological issues and oversee excavation works. The Excavation Director must be given the authority to advise on the duration and extent of oversight required during archaeological excavations.
- D11 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW.
- D12 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared by a suitably qualified and experienced archaeologist or heritage specialist in consultation with Heritage NSW and the Heritage Council of NSW and submitted to the Planning Secretary for information at least five (5) business days before the commencement of Work.
- The Procedure must be included in the Heritage Management Sub-Plan required by **Condition C6**. Where the commencement of Work precedes the commencement of construction, the requirement to include the Procedure in the Heritage Management Sub-Plan only applies from the commencement of construction.
- D13 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.

NOISE AND VIBRATION

Work Hours

- D14 Work must only be undertaken during the following standard construction hours:
- 7:00 am to 6:00 pm Mondays to Fridays, inclusive;
 - 8:00 am to 6:00 pm Saturdays; and
 - at no time on Sundays or public holidays.

Highly Noise Intensive Work

D15 Except as permitted by an EPL or an Out-of-Hours Work Protocol (where an EPL does not apply), highly noise intensive Work that results 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 (3) hours, with a minimum cessation of work of not less than one (1) hour.

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

Variation to Work Hours

D16 Notwithstanding **Condition D14**, Work may be undertaken outside the hours specified in the following circumstances:

- (a) for the delivery of materials required by the NSW Police Force or other appropriate authority for safety reasons; or
- (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
- (c) where the relevant road authority has advised the Proponent in writing that a road occupancy licence will not be issued during the hours specified in **Condition D14** and the Works are undertaken in accordance with **Condition D19**; or
- (d) where the rail authority has advised the Proponent in writing that a Rail Possession is required and approval has been given to complete Work during the rail possession, and the works are undertaken in accordance with **Condition D19**; or
- (e) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or
- (f) where an EPL is not required or in force, Work approved under an **Out-of-Hours Work Protocol** developed in accordance with **Condition D19**; or
- (g) construction that causes:
 - (i) $L_{Aeq(15 \text{ minute})}$ noise levels no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and
 - (ii) $L_{Aeq(15 \text{ minute})}$ noise levels no more than the 'Noise affected' noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses, and
 - (iii) continuous or impulsive vibration values, measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
 - (iv) intermittent vibration values measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006); or
- (h) where negotiated agreements with directly affected residents and other sensitive land uses have been reached.

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

D17 On becoming aware of the need for emergency work in accordance with **Condition D16(b)** the Proponent must notify the ER, Planning Secretary and the EPA of the reasons for such work as soon as possible. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those works as soon as possible.

Out-of-hours works – Community Consultation on Respite

D18 In order to undertake Work outside the hours specified in **Condition D14** the Proponent must identify appropriate respite periods for the out-of-hours Work in consultation with the affected community on a regular basis. The consultation on respite periods must include (but not be limited to) providing the community with:

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

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

Notes:

1. *Respite periods can be any combination of days or hours where out-of-hours Work would not be more than 5 dB(A) above the rating background level at any residence.*
2. **Condition D18 applies to the Works specified in Conditions D16(c), (d) and (f).**

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

D19 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 D14**, and that is not subject to an EPL. The Protocol must be submitted to the Planning Secretary for approval at least five (5) business days before commencement of out-of-hours works. Out-of-hours work must not be undertaken until the Out-of-hours Work Protocol has been approved. The Protocol must identify Work activities in terms of their risk of adverse impacts on sensitive receivers and include:

- (a) a process for the consideration of out-of-hours Work against the relevant NML and vibration criteria, including the determination of low, medium and high-risk activities;
- (b) a process for the identification, selection and implementation of mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of **Conditions D18** and **D20**. The measures must take into account the predicted noise and vibration levels and the likely frequency and duration that sensitive receivers would be exposed to residual impacts, including the number of noise-awakening events;
- (c) 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;
- (d) an approval process that considers the risk of activities, proposed mitigation, management and coordination of work, including where -
 - (i) low risk activities can be approved by the **ER**, and
 - (ii) medium and high-risk activities can be approved by the **ER** and the approval submitted to the Planning Secretary for information before the Work commences; and
- (e) notification arrangements for affected sensitive receivers and the EPA for all approved out-of-hours Works.

Out-of-hours Works - Mitigation

D20 Additional mitigation measures such as temporary alternative accommodation, must be offered/ made available to residents affected by out-of-hours Work (including where utility works are being undertaken for the SSI or Work is being undertaken during a rail possession 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.

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 SSI.

Construction Noise - Coordination and Respite

- D21 The Proponent must consult with proponents or applicants of other State significant development and infrastructure projects within 200 metres of the SSI and take reasonable steps to coordinate Work, including utility Work, to minimise cumulative noise and vibration impacts and maximise respite for affected sensitive receivers.
- D22 Noise and vibration generating Work in the vicinity of potentially-affected community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs or vibration levels above the relevant criteria must not be timetabled within sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.
- D23 All work undertaken for the delivery of the SSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must:
- (a) reschedule any Work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with **Condition D18** and **D20**; or
 - (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and
 - (c) provide documentary evidence to the **ER** in support of any decision made by the Proponent in relation to respite or mitigation.

Noise and Vibration Mitigation

- D24 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:
- (a) construction 'Noise affected' noise management levels established using the *Interim Construction Noise Guideline* (DECC, 2009);
 - (b) vibration criteria established using the *Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);
 - (c) Australian Standard AS 2187.2 - 2006 "*Explosives - Storage and Use - Use of Explosives*";
 - (d) BS 7385 Part 2-1993 "*Evaluation and measurement for vibration in buildings Part 2*" as they are "applicable to Australian conditions"; and
 - (e) the vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures* (for structural damage).

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

Note: The Interim Construction Noise Guideline identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction Noise Management Level.

- D25 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:
- (a) evening (6:00 pm to 10:00 pm) — internal $L_{Aeq(15\text{ minute})}$: 40 dB(A); and
 - (b) night (10:00 pm to 7:00 am) — internal $L_{Aeq(15\text{ minute})}$: 35 dB(A).

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**, including in any **Out-of-Hours Work Protocol**, required by **Condition D19**.

- D26 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before Work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the **Noise and Vibration CEMP Sub-plan**.
- D27 The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic and structural damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, amend the methodology and/or implement additional mitigation measures to prevent damage.
- D28 The Proponent must seek and implement the advice of a heritage specialist on impacts to heritage-listed structures from installing equipment used for vibration, movement and noise monitoring before its installation.

Noise Mitigation - Operational Noise

- D29 Where exceedances of the relevant project-specific operational noise level criteria are predicted at sensitive residential receivers, the Proponent must install at-source and/or at-property acoustic treatments to reduce noise impacts from the new Little Eveleigh Street car park at sensitive residential receivers. The noise mitigation measures must be implemented prior to the commencement of operation. The implemented noise mitigation measures must reduce noise so that the noise levels at impacted sensitive residential receivers meet the relevant project-specific operational noise level criteria (determined in accordance with the *Noise Policy for Industry* (EPA, 2017)) and the sleep disturbance screening criteria, unless otherwise approved by the Planning Secretary.
- D30 The Proponent must undertake operational noise monitoring at representative sensitive receiver locations within four (4) months of commencement of operation to confirm operational noise levels, including noise from the new car park at Little Eveleigh Street, Redfern. Noise monitoring must be undertaken during the day, evening and night-time periods.
- D31 The results of the noise monitoring must be documented in an **Operational Noise Compliance Report (ONCR)**. The report must:
- (a) document the methodology, location and frequency of noise monitoring undertaken;
 - (b) confirm the operational noise criteria based on the *Noise Policy for Industry* (EPA, 2017);
 - (c) confirm the operational noise impacts at sensitive receivers and assess these against the operational noise criteria;
 - (d) provide details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared and how these complaints were responded to;
 - (e) review the effectiveness of the at-source and/or at-property acoustic treatments in reducing noise levels from the Little Eveleigh Street car park at nearby sensitive residential receivers to achieve the operational noise criteria; and
 - (f) where operational noise criteria are not met, identify additional measures that are to be implemented with the objective of meeting the criteria outlined in the *Noise Policy for Industry* (EPA, 2017), when these measures are to be implemented, the consultation to be undertaken with impacted sensitive receivers on the proposed measures, and how their effectiveness is to be measured and reported to the Planning Secretary.

The Proponent must implement the identified mitigation measures.

The Proponent must submit the **ONCR** to the Planning Secretary for information within three (3) months of undertaking the operational noise monitoring required by **Condition D30**.

PLACE, DESIGN AND VISUAL AMENITY

Lighting and Security

D32 The SSI 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 SSI must be consistent with the requirements of *AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*. All construction and operational lighting must also be consistent with City of Sydney Council's relevant design codes and standards for lighting, including *Sydney Lights: Public Domain Design Code*, in areas outside of the rail corridor. Additionally, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the SSI, in consultation with affected landowners.

Urban Design and Public Domain Plan

D33 The SSI must be designed to address the principles outlined in *Better Placed* by the NSW Government Architect and take into consideration relevant City of Sydney Council design codes and technical specifications.

D34 The Proponent must consult with the City of Sydney Council on the design of the shared zones identified in the documents listed in **Condition A1**, including the available roadside / footpath space on Little Eveleigh Street. The consultation must take place during the preparation of the **Urban Design and Public Domain Plan** required by **Condition D35**.

D35 An updated **Urban Design and Public Domain Plan (UDPDP)** must be prepared to inform the final design of the SSI and to give effect to the commitments made in the documents listed in **Condition A1**. The Plan does not apply to work, which for technical, engineering, or ecological requirements, or other requirements as agreed by the Planning Secretary, do not allow for alternate design outcomes.

D36 The updated **UDPDP** must be prepared by a suitably qualified and experienced person(s) in consultation with City of Sydney Council, Heritage NSW, MLALC, Aboriginal stakeholders, the community and affected landowners and businesses. The updated **UDPDP** must meet the reasonable requirements of these stakeholders. The updated **UDPDP** must include, but not necessarily be limited to:

- (a) an analysis of the built, heritage, natural and community context and values and articulate the urban design objectives, principles and standards for the SSI;
- (b) the design of the SSI elements including their form, materials and detail, with a focus on high quality concourse and station entrance design that integrates with the existing context and the safe functioning of shared zones;
- (c) documentation of the design development and review process, including opportunities explored for increasing transparency of the concourse and reducing its bulk and scale;
- (d) the design of all shared zones, including consideration of relevant City of Sydney Council design guidelines and standards;
- (e) the location of existing heritage items and measures for ensuring appropriate separation between heritage fabric and new elements;
- (f) identification of opportunities for heritage interpretation during design and construction consistent with the **Heritage Interpretation Plan** required by **Condition D7**;
- (g) visual screening elements to provide visual separation and privacy for residents;
- (h) the design of the buffer between property boundary lines and the shared zone on Little Eveleigh Street;
- (i) demonstrated integration of Crime Prevention Through Environmental Design principles into the detailed design process, including on Little Eveleigh Street;
- (j) design and landscaping elements demonstrating that the visual outcomes of the streetscapes are in keeping with local residents' reasonable requirements and preserve the visual, heritage and Aboriginal cultural identity of the local area including the character, setting and fabric of heritage elements and landscapes;
- (k) development and delivery of public artwork opportunities using local artists;
- (l) developed visuals, cross sections, elevations and plans showing the proposed design outcome; and

(m) details of the proposed vegetation planting on Little Eveleigh Street, Marian Street, the new station entrances, and Gibbons Street Reserve demonstrating the contribution of landscaping to habitat and biodiversity enhancements.

D37 The updated **UDPDP** must be reviewed by TfNSW's Design Review Panel that has been established for the project. The Proponent must respond to the outcomes of the Design Review Panel's review and submit the **UDPDP** to the Planning Secretary for approval no later than one (1) month before the construction of permanent works that are the subject of the **UDPDP**.

Advice and recommendations made by the TfNSW Design Review Panel must be provided to the Planning Secretary when submitting the updated **UDPDP** to the Planning Secretary for approval.

D38 Construction of permanent built works or landscaping that is the subject of the updated **UDPDP** must not be commenced (in the area to which the updated **UDPDP** applies) until the updated **UDPDP** has been approved by the Planning Secretary, after considering advice received from TfNSW's Design Review Panel.

D39 The updated **UDPDP**, as approved by the Planning Secretary, must be implemented during construction and operation.

Operational Maintenance

D40 The ongoing maintenance and operation costs of urban design, open space and landscaping items and work implemented as part of this approval remain the Proponent's responsibility until the asset(s) have been transferred to the relevant authority(ies). Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **UDPDP**.

Tree Removal and Replacement Plantings

D41 The SSI must be designed to retain as many existing trees as possible. Replacement trees and mid to understory plantings must be undertaken in consultation with the City of Sydney Council and deliver a net increase in trees and tree canopy and aim to enhance the City of Sydney Council's position in respect of the Sydney Green Grid. Replacement trees must:

- (a) be on public land and within 500 metres of the SSI construction boundary or as otherwise agreed by the Planning Secretary;
- (b) have a pot size consistent with the City of Sydney Council's plans / programs / strategies for street planting or open space landscaping or as agreed by the City of Sydney Council;
- (c) be planted prior to the operation of the project, unless an alternate timeframe is approved by the Planning Secretary.

Gibbons Street Reserve

D42 The Gibbons Street Reserve must be reinstated to its pre-existing condition (as a minimum) prior to operation of the SSI or by such other time as may be approved by the Planning Secretary. Restoration works must be undertaken in consultation with the City of Sydney Council and improve local biodiversity by using local species for plantings.

SOCIO-ECONOMIC, LAND USE AND PROPERTY

D43 The Proponent must identify the utilities and services (hereafter "services") potentially affected by Work to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent, in consultation with service providers, must ensure that disruption to services resulting from the Work is avoided where possible and where unavoidable customers are advised in accordance with the **Communication Strategy** required under **Condition B1**.

Condition Surveys

- D44 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. 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 five (5) business days before enabling works and no later than one (1) month before the commencement of all other potentially impacting works.
- D45 Where pre-construction surveys have been undertaken in accordance with **Condition D44**, 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 three (3) months following the completion of construction activities that have the potential to impact on the structure / asset.
- D46 Where damage has been determined to occur as a result of the SSI, 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 unless another timeframe is agreed with the owner. Alternatively, the Proponent may pay compensation for the damage as agreed with the owner.

SOILS

- D47 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to prevent water pollution. Erosion and sediment controls must be implemented in accordance with any relevant guidance in the *Managing Urban Stormwater* series.

Contaminated sites

- D48 Prior to the commencement of any works that would result in the disturbance of potential or contaminated soils, materials, groundwater or sediments, a **Contaminated Sites Investigation Report** must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The site investigations must be undertaken in accordance with guidelines made or approved under section 105 of the *Contaminated Land Management Act 1997*.

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

- D49 The **Contaminated Sites Investigation Report** must document the outcomes of the detailed site investigation and any site-specific risk assessments of land upon which the CSSI is to be carried out, that is suspected, or known, to be contaminated. The report must identify the nature and extent of the contamination and any existing remediation (such as impervious surface capping, liners or barriers). The Contamination Site Investigation Report must detail, where relevant, whether the land is suitable (for the intended final land use) or can be made suitable through remediation and outline the potential contamination risks from the CSSI to human health and the environment.
- D50 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 approved 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.

- D51 A **Section A Site Audit Statement** and its accompanying **Section A Site Audit Report**, which state that the contaminated land disturbed by the works has been made suitable for the intended land use, must be submitted to the Planning Secretary and City of Sydney Council after remediation and no later than one (1) month before the commencement of operation. Contaminated land must not be used for the purpose approved under the terms of this approval until a Section A Site Audit Statement is obtained which states that the land is suitable for that purpose and any conditions on the Section A Site Audit Statement have been complied with.
- D52 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. A copy of the procedure must be provided to the Planning Secretary for information prior to the commencement of Work.
- D53 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout the duration of Work.

STORMWATER DRAINAGE

- D54 All new or modified drainage systems associated with the SSI must be designed to:
- (a) meet the capacity constraints of the City of Sydney Council's stormwater drainage system to receive and convey the proposed flows from the SSI, or otherwise upgrade council's drainage system at the Proponent's expense, in consultation with the City of Sydney Council; and
 - (b) not worsen localised flooding, including along Little Eveleigh Street.

SUSTAINABILITY

- D55 The SSI must achieve a minimum excellent 'Design' and 'As built' rating level under the Infrastructure Sustainability Council of Australia infrastructure rating tool, unless otherwise approved by the Planning Secretary.

TRAFFIC AND ACCESS

- D56 The Proponent must consult with the City of Sydney Council on the use of any local roads for hauling spoil and fill that have not been identified for haulage in the documents listed in **Condition A1**. Use of any additional local roads for haulage must not be undertaken until the Proponent has consulted with the Council.
- D57 When consulting with the City of Sydney Council on the use of other local roads for haulage, as required by Condition D56, the Proponent must provide the Council with:
- (a) a swept path analysis of the local roads;
 - (b) information to demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts;
 - (c) details as to the date of completion of the road dilapidation surveys for the subject local roads; and

- (d) details on the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and child care facilities during peak times for operation.
- D58 Before any local road is used by a heavy vehicle for the purposes of construction of the SSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the City of Sydney Council within three weeks of completion of the survey and at least five (5) business days before the road is used by heavy vehicles associated with the construction of the SSI.
- D59 If damage to roads occurs as a result of the construction of the SSI, the Proponent must either (at the relevant road authority's discretion):
- (a) compensate the relevant road authority for the damage so caused; or
 - (b) rectify the damage to restore the road to at least the condition it was in pre-construction
- within three (3) months of the subject road no longer being used for the construction of the SSI, unless an alternative timeframe is agreed to by the relevant road authority.
- D60 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 other affected properties. Disruptions must be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access must be developed in consultation with affected residents, businesses and other 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.
- D61 The SSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines, including the Austroads *Guide to Traffic Management, Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads, 2017) and relevant Australian Standards for off-street parking, and take into consideration relevant City of Sydney Council design codes and technical specifications.
- D62 Safe pedestrian and cyclist access must be maintained around work sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, an alternate route must be provided and signposted.
- Note: The City of Sydney Council is the relevant road authority under the Roads Act 1993 for local roads in the vicinity of the SSI. If a consent(s) under section 138 of the Roads Act 1993 is required for the SSI, Section 5.24(1)(f) of the EP&A Act requires that any such consent be substantially consistent with this approval.*
- D63 The Proponent must investigate, in consultation with the City of Sydney Council, the feasibility of providing access to the Little Eveleigh Street car park via Wilson Street, Redfern (near the intersection of Ivy Street). If the investigation indicates that it is feasible to access the car park via Wilson Street, then this access must be considered in the detailed design of the SSI. A report on the investigation must be submitted to the Planning Secretary for information within six (6) months of commencing construction.
- Note: Changes to the approved access arrangements may need to be further assessed under the EP&A Act.*

WASTE

- D64 Waste generated during construction and operation must be dealt with in accordance with the following priorities:
- (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
 - (b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and
 - (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.
- D65 The importation of waste and the storage, treatment, processing, reprocessing or disposal of any waste must 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.
- D66 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.
- D67 All waste generated during construction must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.
- D68 The Proponent must develop and implement a waste tracking register that details:
- (a) the quantity of each type of waste generated, its classification and source location (recorded using latitude and longitude coordinates);
 - (b) the destination location(s) for all wastes generated during construction;
 - (c) the quantities of any waste types imported onto the SSI 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.

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 A37** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the SSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.