

Infrastructure approval

Section 5.19 of the *Environmental Planning and 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. Anthony Roberts MP
Minister for Planning

Sydney

2022

SCHEDULE 1

Application no.:	SSI 10049
Proponent:	Transport for NSW
Approval Authority:	Minister for Planning
Land:	La Perouse and Kurnell in and adjacent to Botany Bay
Description of State Significant Infrastructure:	<p>Construction and operation of two wharves, one at La Perouse and one at Kurnell each comprising:</p> <ul style="list-style-type: none">• a berth for passenger ferries (to cater for ferries up to 40 meters in length)• a multi-user berth for commercial and recreational vessels (to cater for vessels up to 20 metres long)• sheltered waiting areas and associated furniture• associated signage and lighting.
Declaration as State Significant Infrastructure	<p>The proposal is State Significant Infrastructure by virtue of Schedule 3, clause 1 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>.</p>

SSI 10049 MOD 1 (December 2023) shown in purple text

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DEFINITIONS

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

Table: Definitions

Term	Definition
Aboriginal object	The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW)
BDAR	Biodiversity Development Assessment Report referred to in the documents listed in Condition A1
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
CALD	Culturally and Linguistically Diverse
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which works are 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 work required to construct the SSI as defined in the Project Description 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 Low Impact Work which is carried out or completed prior to approval of the CEMP
Construction 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, a fixed material stockpile area and car parking facilities
Construction Boundary	The area physically affected by work as defined in the Project Description as described in the documents listed in Condition A1
DAWE	Commonwealth Department of Agriculture, Water and Environment
Department	NSW Department of Planning and Environment
DECC	Former NSW Department of Environment and Climate Change
DPI Fisheries	NSW Department of Primary Industries, Fisheries
DPIE Water	Water Group of the Department
EHG	Environment and Heritage Group of the Department
EIS	The Environmental Impact Statement referred to in Condition A1 , submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority

Term	Definition
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
ER	The Environmental Representative(s) for the SSI approved by the Planning Secretary
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	<i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018)
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law</i> (NSW)
Heritage Act	<i>Heritage Act 1977</i> (NSW)
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the Heritage Act, a state agency heritage and conservation register under section 170 of the Heritage Act, a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the EPBC Act, and an "Aboriginal object" or "Aboriginal place" as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
Heritage NSW	Heritage NSW, NSW Department of Premier and Cabinet
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009)
Highly noise intensive work	Work which are defined as annoying under the <i>Interim Construction Noise Guideline</i> (DECC, 2009) including: <ul style="list-style-type: none"> (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; (h) piling; and (i) tamping
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. Note: "material harm" is defined in this approval
LALC	Local Aboriginal Land Council
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Landowner	Has the same meaning as "owner" in the <i>Local Government Act 1993</i> (NSW) and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the <i>Roads Act 1993</i> (NSW)
LOTE	Language Other than English

Term	Definition
Low Impact Work	<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) installation and use of minor construction ancillary facilities if the ER has determined the operational activities will have a minor impact on the environment and the community; (d) minor clearing and relocation of vegetation and relocation of seahorses, as identified in the documents listed in Condition A1; (e) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and at-property treatments; (f) property acquisition adjustment work including installation of property fencing, (g) relocation and connection of utilities where the relocation or connection has been determined by the ER to have a minor impact to the environment and the community; (h) 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) - (g) above to ensure that there is no impact on heritage items; (i) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI; and (j) other activities determined by the ER to have minor impact on the environment and the community, which may include but not be limited to construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access <p>Notwithstanding the following works are not Low Impact Work:</p> <ul style="list-style-type: none"> (a) where heritage items (excluding those impacted by activities (h), (i) and (j) above), or threatened species or threatened ecological communities (within the meaning of the BC Act or EPBC Act or <i>Fisheries Management Act 1994</i> (NSW)) (excluding those impacted by activity (d) above) 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, EHG or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and (b) any out-of-hours (as defined by the ICNG) work that exceeds noise management levels as identified in Condition E44(b)(i) <p>The low impact work described in this definition becomes construction when the CEMP is approved. This also applies to low impact work that has already commenced.</p> <p>Note: <i>Early stages of Work are not necessarily Low Impact Work</i> Note: <i>Low Impact Work is not construction as defined by this approval</i></p>

Term	Definition
Material harm	Is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
MBOS	Marine Biodiversity Offset Strategy referred to in the documents listed in Condition A1
Minister	NSW Minister for Planning and Homes
Minor construction ancillary facility	Worker amenities and materials laydown and the like that are not part of a construction ancillary facility site
NPWS	National Parks and Wildlife Service
NML	Noise Management Level as defined in the ICNG
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
OEMP	Operational Environmental Management Plan
OOH Work	Out-of-hours Work
Operation	The carrying out of the SSI (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary. <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>
Piling	The carrying out of piling activities as identified in the documents listed in Condition A1
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Port Operator	The same meaning as the port operator defined in the <i>Ports and Maritime Administration Act 1995</i> (NSW)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
RAPs	Registered Aboriginal Parties
Relevant council(s)	Randwick City Council Sutherland Shire Council
Relevant roads authority	The same meaning as the roads authority defined in the <i>Roads Act 1993</i> (NSW)
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 land use(s)	<p>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</p> <p>Note: For the purpose of determining appropriate mitigation, a multistorey residential flat building must not be counted as one sensitive receiver</p>
Submissions Report	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
SMART	Specific, Measurable, Achievable, Realistic, and Timely
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 (AS4373-2007 Pruning of amenity trees)
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
Winter Months	June, July, August
Work	Any physical activity for the purpose of the SSI including Construction and Low Impact Work

SUMMARY OF REPORTING REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed in the table below. Note that under **Condition A13** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the immediate written notification of an incident required under **Condition A13**).

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

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A7 & A11	Staging Report & Revised Staging Report	One month before commencement of construction (or operation if only staged operation is proposed) or the first of the proposed stages	Information
A15	CEMF	One month before the lodgement of any CEMP, CEMP Sub-plan and CMP	Approval
A17	Revised CEMF	One month prior to proposed change in staging	Approval
A20	Site Establishment Management Plan	One month before the establishment of any construction ancillary facilities	Approval
A28 & A29	Environmental Representative	Must be sought before the commencement of Work	Approval
A32(j)	Environmental Representative reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A34 & A35	Notification of commencement	One month before the commencement of works, construction and operation	Information
A36	Independent Auditors	Prior to the commencement of an Independent Audit	Approval
A40	Independent Audit Reports	Within two months of undertaking the independent audit site inspection	Information
A42	Written notification of incident	Immediately after becoming aware of the incident	Information
A44	Non-Compliance Notification	Within seven days after the Proponent becomes aware of any non-compliance	Information
Part B - Communication Information and Reporting			
B3	Community Communication Strategy	Prior to the commencement of Work	Approval
B11	Complaints Register	Upon request from the Planning Secretary	Information
Part C - Construction Environmental Management			
C4	CEMP	One month before the commencement of construction	Approval
C4	CEMP Sub-plans	One month before the commencement of construction	Approval
C17	CMP	One month before the commencement of construction or where construction is	Approval

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

Condition	Report / Notification	Timing ¹	Purpose
		staged, no later than one month before commencement of each stage	
C21	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D3	OEMP or EMS	One month before the commencement of operation	Information
Part E – Key Issues			
Biodiversity			
E5	Evidence of retirement of credits	Prior to impacting species or communities	Information
Heritage			
E21	Unexpected Heritage Finds and Humans Remains Procedure	One month before commencement of construction	Information
E32	Non-Aboriginal Heritage Management Plan	Prior to construction	Approval
E33	Archaeological Research Design and Excavation Methodology	Upon request	Information
Noise and Vibration			
E44(a)	Safety and Emergencies	On becoming aware of the need for emergency work	Information
E55	Report justifying why operational noise measures are not being implemented and details of the temporary measures	Within six months of submitting the Operational Noise Review	Information
E57	Operational Noise Compliance Report	Within 60 days of completing the operational noise monitoring	Information
Soils			
E61	Soil and Water Management Plan	Prior to the commencement of construction	Information
E63	Site Audit Statement(s)	Prior to the commencement of construction	Information
E66	Remedial Action Plan and Interim Audit Advice or Section B Site Audit Statement	Prior to commencing the remediation works	Information
E69	Section A1 Site Audit Statement or Section A2 Site Audit Statement with an EMP and Site Audit Report	One month prior to commencement of operation	Information
E70	Unexpected Contamination Finds	Before the commencement of Work (if requested)	Information

Condition	Report / Notification	Timing ¹	Purpose
	Procedure for Contamination		
Traffic and Transport			
E73	Approval to use local roads not assessed in the EIS	Prior to use of local road	Approval
Place, Design and Visual Amenity			
E95	Updated Urban Design and Landscape Plan	Prior to the construction of permanent built surface works and/or landscaping	Information
E100	Design Review Panel Terms of Reference	Once endorsed by the NSW Government Architect	Information
E106	Date of transfer of asset(s)	Within one month of the transfer of the asset(s)	Information

Note: *This Table is not a condition of this approval. If there is an inconsistency between a requirement in this Table and a requirement in a condition, the requirement of the condition prevails.*

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The Proponent must carry out the SSI in accordance with the terms of this approval and generally in accordance with the:
- (a) *Kamay Ferry Wharves Environmental Impact Statement* (the EIS), dated June 2021;
 - (b) *Kamay Ferry Wharves Response to Submissions Report* (the Submissions Report), dated October 2021; and
 - (c) *Kamay Ferry Wharves Marine Biodiversity Offset Strategy* (the MBOS), dated November 2021.
- A2 The SSI must only be carried out 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:
- (a) the terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
 - (b) 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 the term and the document.*
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSI;
 - (b) any document or correspondence in relation to the SSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the SSI;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (f) the carrying out of any additional monitoring or mitigation measures; and
 - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A5 This approval lapses five years after the date on which it is granted, unless work has physically commenced on or before that date.
- A6 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise approved by the Planning Secretary.

STAGING

Staging the delivery of the SSI

- A7 The SSI may be constructed and operated in stages (including but not limited to temporal, location or activity based staging). Where staged construction and/or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning

Secretary for information no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).

Note: Unless otherwise specified in this approval, early works are a stage of construction.

A8 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 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 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.

Note: A Staging Report may reflect the staged construction and operation of the project through geographical activities, temporal activities or activity-based contracting and staging.

A9 The SSI must be staged in accordance with the **Staging Report**, and submitted for information to the Planning Secretary.

A10 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.

A11 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for information no later than one month prior to the proposed change in the staging.

A12 Should a **Construction Environmental Management Framework (CEMF)** be submitted for approval under **Condition A15**, the Staging Report must be submitted with the **CEMF**, i.e. no later than one month before the lodgement of any **CEMP**, **CEMP Sub-plan** or **CMP** to the Planning Secretary for approval.

TIMING AND APPROVALS

A13 Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident.

A14 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and ER (as relevant) with the corresponding documentation. The evidence must include:

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT FRAMEWORK

A15 A **Construction Environmental Management Framework (CEMF)** may be prepared to facilitate the approval of construction environmental management and monitoring plans required under **Conditions C1, C6 and C15 C14**. The **CEMF** must:

- (a) identify the **Construction Environmental Management Plans (CEMPs), CEMP Sub-plans and Construction Monitoring Programs (CMP)** required for each stage of construction consistent with the **Staging Report** prepared under **Condition A7**;
- (b) document the proposed structure of the **CEMPs, CEMP Sub-plans and CMPs** for the relevant stage of construction;
- (c) provide, by way of a Risk Matrix, an assessment of the predicted level of environmental and social risk, including the potential level of community concerns posed by each construction stage. This must use a process consistent with *AS/NZS ISO 31000: 2018; Risk Management – Guidelines*; and
- (d) nominate the endorsement level for the **CEMPs, CEMP Sub-plans and CMPs** required for each construction stage. The endorsement level being one of the following:
 - i) Low Risk – self endorsed and consultation with agency and council stakeholders is not mandatory;
 - ii) Medium Risk – endorsed by the **ER** and consultation with stakeholders required; and
 - iii) High Risk – endorsed by the Planning Secretary and consultation with stakeholders required.

For a Low Risk Stage(s) the requirements of **Part C** of this approval do not apply. In these circumstances, a **CEMP, CEMP Sub-plan and CMP**, may be substituted with an alternate process such as a Construction Method Statement or the like.

The **CEMF** must be endorsed by the **ER** and then submitted no later than one month before the lodgement of any **CEMP, CEMP Sub-plan or CMP** to the Planning Secretary for approval.

Note: *The Planning Secretary may vary the CEMF in relation the endorsement authority for the **CEMPs, CEMP Sub-plans and CMPs**.*

A16 The approved **CEMF** must be implemented for the duration of construction.

A17 Where changes are proposed to the staging of construction, a revised **CEMF** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for approval no later than one month prior to the proposed change in the staging.

Staging, Combining and Updating Strategies, Plans or Programs

A18 Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.

With the agreement of the Planning Secretary, the Proponent may prepare the updated strategy, plan or program without undertaking all the consultation required under the applicable condition in this approval.

Strategies, plans or programs required by this approval can be combined in one document, as set out in documents in **Condition A1** or with agreement with the Planning Secretary.

Notes:

1. *While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and*
2. *If the submission of any strategy, plan or program is to be undertaken in a progressive manner, then the relevant strategy, plan or program must clearly describe the specific stage to which strategy, plan or program applies, the relationship of this stage to future stages, and the trigger for updating the strategy, plan or program.*

CONSTRUCTION ANCILLARY FACILITIES

Construction ancillary facilities

- A19 Construction ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** can only be established and used in each case if:
- they are located within or immediately adjacent to the construction boundary;
 - they are not located next to sensitive land use(s) (including where an access road is between the facility and the land use), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location;
 - 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
 - the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.

SITE ESTABLISHMENT WORK

Construction ancillary facility - Site Establishment Management Plan

- A20 Before the establishment of a construction ancillary facility that is required prior to the approval of a **CEMP** (excluding minor construction ancillary facilities determined by the **ER** to have minimal environmental impact and those established under **Condition A22**), the Proponent must prepare a **Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the construction ancillary facilities. The **Site Establishment Management Plan** must be prepared in consultation with the relevant council and government agencies. The Plan must be submitted to the Planning Secretary for approval one month before the establishment of any construction ancillary facilities. The **Site Establishment Management Plan** must detail the management of the construction ancillary facilities and include:

- a 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);
- figures illustrating the proposed operational site layout and the location of the closest sensitive land use(s);
- a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment work;
- details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
 - meet the performance outcomes stated in the documents listed in **Condition A1**; and
 - manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
- a program for monitoring the performance outcomes, including a program for construction noise monitoring.

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

*Note: This plan is only needed before a **CEMP** is approved. Once a **CEMP** is approved a **Site Establishment Management Plan(s)** is not required.*

Use of a construction ancillary facility

- A21 A construction ancillary facility established under **Condition A19** must not be used for Construction until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C6** and relevant **CMPs** required by **Condition C14** have been approved.

Minor construction ancillary facilities

A22 Minor construction ancillary facilities can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

- (a) are located within or immediately adjacent to the construction boundary; and
- (b) have been assessed by the **ER** to have:
 - (i) minimal amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the *Interim Construction Noise Guideline* (DECC, 2009) (ICNG), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts;
 - (ii) minimal environmental impact with respect to waste management and flooding; and
 - (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.

Boundary screening

A23 Boundary screening must be erected between construction ancillary facilities (excluding minor construction ancillary facilities) and adjacent to sensitive land use(s) for the duration of the time that the construction ancillary facility is in use, unless otherwise agreed with the owner and occupier of the adjacent sensitive land use(s).

Boundary screening must minimise visual impacts on adjacent sensitive land use(s) and must incorporate Indigenous artwork wherever visible.

A24 The SSI name, application number, telephone number, postal address and email address required under **Condition B8** of this approval must be made available on site boundary fencing / hoarding at each construction ancillary facility before the commencement of construction. This information must also be provided on the website required under **Condition B12** of this approval.

INDEPENDENT APPOINTMENTS

A25 All **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020) and hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

A26 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.

A27 The Planning Secretary may withdraw its approval of an **Independent Appointment** should they consider the Independent Appointment has not exercised their functions in accordance with this approval.

ENVIRONMENTAL REPRESENTATIVE

A28 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.

A29 The Planning Secretary's approval of an **ER** must be sought no later than one month before the commencement of **Work**.

A30 The proposed **ER** must be a suitably qualified and experienced person(s) 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) (the Environmental Representative Protocol).

- A31 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.
- A32 For the duration of the Work until the completion of construction, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) review documents identified in **Conditions A7, A11, A15, A17, A20, C1, C6 and C14** and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department); and
 - (iii) provide a written statement / submission via the Major Projects portal to the Planning Secretary advising the documents have been endorsed by the **ER**;
 - (e) regularly monitor the implementation of the documents listed in **Conditions A7, A11, A15, A17, A20, C1, C6 and C14** 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 or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent audits required under **Condition A37** of this approval;
 - (g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;
 - (h) consider or assess the impacts of minor construction ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by **Condition A22** of this approval;
 - (i) consider any minor amendments to be made to the **Site Establishment Management Plan, CEMP, CEMP Sub-plans** and monitoring programs without increasing impacts to nearby sensitive land uses or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the **CEMP, CEMP Sub-plans** and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval;
 - (j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading “Environmental Representative Monthly Reports.” **The Environmental Representative Monthly Report** must be submitted within seven days following the end of each month for the duration of the **ER**’s engagement for the SSI, or as otherwise agreed by the Planning Secretary; and
 - (k) review the appropriateness of any activities reliant on the definition of Low Impact Work.
- A33 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A32** (including preparation of the **Environmental Representative Monthly Report**), as well as:
- (a) the complaints register (to be provided on a weekly basis or as requested); 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

- A34 The Department must be notified in writing of the dates of commencement of works, construction and operation at least one month before those dates.
- A35 If the construction or operation of the SSI is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of the commencement of the relevant works, construction and operation at least one month before those dates.

AUDITING

- A36 Proposed independent auditors must be agreed to in writing by the Planning Secretary before the commencement of an **Independent Audit**.
- A37 **Independent Audits** of the SSI must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A38 The Planning Secretary may require the initial and subsequent **Independent Audits** to be undertaken at different times to those specified above, upon giving at least four weeks notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.
- A39 In accordance with the specific requirements in the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under **Condition A37** or **Condition A38**;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each **Independent Audit Report** and response to it publicly available two months after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.
- A40 **Independent Audit Reports** and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the *Independent Audit Post Approval Requirements* (DPIE, 2020).
- A41 Notwithstanding the requirements of the *Independent Audit Post Approval Requirements* (DPIE, 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING

Incident Notification, Reporting and Response

- A42 The Planning Secretary must be notified via the Major Projects Website immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI if it has one) and set out the location and nature of the incident.
- A43 Subsequent notification must be given and reports submitted in accordance with the requirements set out in **APPENDIX A**.

Non-Compliance Notification

- A44 The Planning Secretary must be notified via the Major Projects Website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify the SSI (including the application number and the name of the SSI if it has one), identify the condition/s against which the SSI is non-compliant, the nature of the non-compliance; the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A45 A non-compliance which has been notified as an incident under **Condition A42** does not need to be notified as a non-compliance.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of the SSI with:
- (a) the community (including adjoining affected landowners and businesses, and others directly impacted by the SSI); and
 - (b) the relevant councils, EPA, EHG, DPI Fisheries, Heritage NSW, as applicable.
- B2 The **Community Communication Strategy** must:
- (a) identify people, organisations, councils and agencies to be consulted during the design and work phases of the SSI;
 - (b) identify details of the community and its demographics;
 - (c) identify timing of consultation;
 - (d) set out procedures and mechanisms for the regular distribution of accessible information including to Language Other than English (LOTE) and Culturally and Linguistically Diverse (CALD) and vulnerable communities about or relevant to the SSI;
 - (e) detail the measures for informing Registered Aboriginal Parties (RAPs) as required by **Condition E24**;
 - (f) identify opportunities for education within the community about construction sites;
 - (g) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by **Condition E51**;
 - (h) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the SSI;
 - (i) detail the role and responsibilities of the **Public Liaison Officer(s)** engaged under **Condition B6**;
 - (j) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI, including disputes regarding rectification or compensation; and
 - (k) address who will engage with the community, relevant councils and agencies.
- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary and be approved prior to the commencement of any Work.
- B4 Work for the purposes of the SSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary.
- B5 The **Community Communication Strategy**, as approved by the Planning Secretary, must be implemented for the duration of Work and for 12 months following the completion of construction.

Public Liaison Officer

- B6 A **Public Liaison Officer** must be appointed to assist the public with questions and complaints they may have at any time during Work. The **Public Liaison Officer** must be available at all times that Work is occurring.

COMPLAINTS MANAGEMENT SYSTEM

- B7 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the SSI.
- B8 The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of Work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;
 - (b) a postal address to which written complaints and enquires may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and
 - (d) a mediation system for complaints unable to be resolved.

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

- B9 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.
- B10 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:
- (a) the Complaints Register may be forwarded to government agencies, including the Department (via the Major Projects Website), to allow them to undertake their regulatory duties;
 - (b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies;
 - (c) the supply of personal information by the complainant is voluntary; and
 - (d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (Collection Statement).

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

- B11 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

PROVISION OF ELECTRONIC INFORMATION

- B12 A website or webpage providing information in relation to the SSI must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction. The following up-to-date information (excluding confidential, private, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work 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**, 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 copy of the current version of each document required under the terms of this approval; and
- (f) a copy of the audit reports required under this approval.

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

All information required in this condition must be provided on the Proponent's website, ordered in a logical sequence and which is easy to navigate.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

C1 Except as provided by **Condition A15**, a **Construction Environmental Management Plan (CEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020).

C2 The **CEMP** must provide:

- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
- (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;
- (c) a program for ongoing analysis of the key environmental and social 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. The initial risk assessment may be undertaken as part of the **CEMF** pursuant to **Condition A15**;
- (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 as required by this approval; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;
- (e) an inspection program detailing the activities to be inspected and frequency of inspections;
- (f) a protocol for managing and reporting any:
 - (i) incidents, and
 - (ii) non-compliances with this approval or statutory requirements;
- (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
- (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition 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) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;
- (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and
- (k) for periodic review and update of the **CEMP** and all associated plans and programs.

Note: **CEMP(s)** may reflect the construction of the project through geographical activities, temporal activities or activity based staging.

C3 **CEMP(s)** (and relevant **CEMP sub-plans**) must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition A15**.

C4 Where a **CEMP** (and relevant **CEMP sub-plans**) requires Planning Secretary's approval, the **CEMP** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.

C5 **CEMP(s)** (and relevant **CEMP sub-plans**) not requiring the Planning Secretary's approval, but requiring **ER** endorsement, must be submitted to the **ER** no later than one month before the commencement of construction or where construction is staged no later than one month before the commencement of that stage. That **CEMP** (and relevant **CEMP sub-plans**) must obtain the

endorsement of the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.

- C6 Except as provided by **Condition A15**, the following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan**. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A14**.

	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Traffic, transport and access	Relevant council(s) and NPWS
(b)	Noise and vibration	Relevant council(s) and NPWS
(c)	Terrestrial and marine biodiversity	DPI Fisheries, DPIE Water, EHG, NPWS and relevant council(s)
(e)	Soil and surface water	DPIE Water, EHG, Sydney Water (if Sydney Water's assets are affected), NPWS and relevant council(s)
(i)	Aboriginal Cultural Heritage	Heritage NSW, relevant RAP(s), relevant LALC(s) and NPWS
(h)	Non-Aboriginal Heritage	Heritage NSW, NPWS and relevant council(s)
(g)	Maritime Heritage	Heritage NSW, NPWS and relevant council(s)

Note: *CEMP Sub-plan(s) may reflect the construction of the project through geographical activities, temporal activities or activity-based staging.*

- C7 The **CEMP Sub-plans** must state how:
- the environmental performance outcomes identified in the documents listed in **Condition A1** will be achieved;
 - the mitigation measures identified in the documents listed in **Condition A1** will be implemented;
 - the relevant terms of this approval will be complied with; and
 - issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.
- C8 The **Traffic, Transport and Access CEMP Sub-plan** must include the following:
- identify roads to be utilised as part of Construction and measures to ensure construction vehicles follow this route;
 - identify marine construction and vessel mooring zones and measures to delineate these areas;
 - measures to physically separate pedestrian and construction vehicle movements, such as temporary barriers; and
 - where access is via non-road land (such as across lawn areas of NPWS land) vehicle routes must be agreed in consultation with NPWS, and large vehicle movements is to be minimised to avoid excess ground compression and Aboriginal cultural heritage and vegetation impacts.
- C9 The **Noise and Vibration CEMP Sub-plan** must include measures to minimise vibration impacts on Aboriginal and historic heritage, including:
- monitoring of vibration impacts in the immediate area of AHIMS Site # 45-6-0653 (Site 6 - La Perouse), including procedures to be followed should any impact or damage occur;
 - identification of smaller equipment or hand tools for use in the following locations:
 - the La Perouse Monument inside the Anzac Parade Loop, which is near the construction boundary and may be impacted if large vibration generating equipment is used;
 - the Coursed Stone Sea Wall, which is located at Kurnell and will be within 5-10 metres of Piling;

- (iii) the Captain Cook Monument, which is set on sandstone bedrock and is within the construction boundary and adjacent to Monument Track, where a utilities trench will be installed; and
- (iv) landscape works close to the ferry shelter shed, where there is potential for indirect vibration impacts to the structure.

C10 **Unexpected Heritage Finds and Human Remains Procedure** required under **Condition C10** may be submitted as part of the **Non-Aboriginal Heritage CEMP Sub-plan** and **Aboriginal Cultural Heritage CEMP Sub-plan**.

C11 The **Aboriginal Cultural Heritage CEMP Sub-plan** must:

- (a) be prepared by a suitably qualified and experienced person;
- (b) be prepared in consultation with Heritage NSW and the RAPs;
- (c) include a protocol for ongoing consultation with the RAPs and LALCs for the duration of this project;
- (d) include measures to prevent harm to any Aboriginal objects outside the construction boundary;
- (e) include a program to monitor and report on the effectiveness of any mitigation and management measures in protecting or limiting harm to Aboriginal objects;
- (f) ensure any workers on site receive suitable Aboriginal cultural heritage induction(s) prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions;
- (g) include a Trigger Action Response Plan that included stop work provision, notification protocols and significance assessment protocols to manage key Aboriginal heritage, including:
 - (i) the discovery of any potential human remains;
 - (ii) the discovery of previously unidentified Aboriginal objects within the construction footprints; and
 - (iii) managing unauthorised ground disturbance.

C12 Construction must not commence until the relevant **CEMP(s)** and **CEMP Sub-plans** have been approved by the Planning Secretary or endorsed by the **ER**, (as applicable and as identified in the **CEMF** approved under **Condition A15**).

C13 The **CEMP(s)** and **CEMP Sub-plans** as approved or endorsed (as relevant), including any minor amendments approved by the **ER**, must be implemented for the duration of construction.

CONSTRUCTION MONITORING PROGRAMS

C14 Except as provided by **Condition A15**, the following **CMP** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of the SSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

	Required CMP	Relevant government agencies to be consulted for each CMP
(a)	Noise and Vibration	EPA
(b)	Turbidity	DPI Fisheries

C15 Each **CMP** must provide:

- (a) details of baseline data available;
- (b) details of baseline data to be obtained and when;
- (c) details of all monitoring of the project to be undertaken;
- (d) the parameters of the project to be monitored;
- (e) the frequency of monitoring to be undertaken;
- (f) the location of monitoring;

- (g) the reporting of monitoring results and analysis results against relevant criteria;
 - (h) details of the methods that will be used to analyse the monitoring data;
 - (i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable project impacts; and
 - (j) any consultation to be undertaken in relation to the monitoring programs.
- C16 **CMP(s)** must be submitted to the Planning Secretary for approval except those permitted to be endorsed by others pursuant to a **CEMF** approved by the Planning Secretary under **Condition A15**.
- C17 Where a **CMP** requires Planning Secretary's approval, the **CMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.
- C18 **CMP(s)** not requiring the Planning Secretary's approval, but requiring **ER** endorsement, must be submitted to the **ER** no later than one (1) month before the commencement of construction or where construction is staged no later than one (1) month before the commencement of that stage. The **CMP(s)** must be endorsed by the **ER** as being consistent with the conditions of this approval and all undertakings made in the documents listed in **Condition A1**.
- C19 Construction must not commence until the relevant **CMP(s)** have been approved by the Planning Secretary or endorsed by the **ER**, (as applicable and as identified in the **CEMF** approved under **Condition A15**), and all relevant baseline data for the specific construction activity has been collected.
- C20 The **CMP(s)**, as approved or endorsed (as relevant), including any minor amendments approved by the **ER**, must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.
- C21 The results of the **CMP(s)** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **CMP**.

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

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The OEMP must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1**, including hours of operation, will be implemented and achieved during operation. **Condition D1** does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the SSI if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the **EMS** or equivalent:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, including hours of operation, and specified relevant terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed; and
 - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one month before the commencement of operation.
- D4 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the **OEMP** or **EMS** or equivalent must be made publicly available before the commencement of operation.

PART E

KEY ISSUE CONDITIONS

BIODIVERSITY

Terrestrial Biodiversity

- E1 The clearing of native vegetation must not exceed the clearing footprint identified in the documents listed in **Condition A1**. All practicable measures to reduce the clearing of native vegetation within the clearing footprint must be undertaken, with the objective of reducing impacts to threatened ecological communities and threatened species habitat.
- E2 Impacts to plant community types must not exceed those identified in the documents listed in **Table 1**. The Proponent must minimise impacts to plant community types and not exceed the total areas impacted as listed in **Table 1**.
- E3 Impacts to threatened or endangered fauna and flora species exceeding those as impacted in the documents listed in **Condition A1** or **Table 2** must not occur. On the discovery of potential or actual impacts to any species not listed in the documents listed in **Condition A1** or **Table 2**, all work in the associated location must stop to prevent further impact and the Planning Secretary and EHG notified. Work is not to recommence until appropriate approvals have been issued.

Biodiversity Credits

- E4 The Proponent must meet the terrestrial biodiversity offset obligations for ecosystem and species credits as set out in **Table 1** and **Table 2**. The offset obligations must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* and can be achieved by:
- (a) acquiring and retiring “biodiversity credits” within the meaning of the BC Act; and / or
 - (b) properties secured with the NPWS, on the basis of a draft credit report to show what the property would provide and written confirmation from NPWS that the financial contributions for acquisition and management have been received; and / or
 - (c) making a payment into the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits, as calculated by the Biodiversity Offsets Payment Calculator; or
 - (d) a Biodiversity Offset Strategy prepared in consultation with EHG and DAWE that provides supplementary measures or where the Proponent intends to utilise the biodiversity credit variation rules.

Table 1 | Ecosystem credit requirements

Credit class	PCT	Associated TEC	Direct impacts (ha)	Estimated number of credits
Ecosystem	1823 Coastal headland cliffline scrub	-	0.009	0
	661 Coastal sand littoral forest	Kurnell Dune Forest in the Sutherland Shire and City of Rockdale	0.03	4
	772 Coastal foredune wattle scrub	-	0.024	0

Table 2 | Species credit requirements

Credit class	Relevant matter	Habitat required	Direct impacts (ha)	Number of credits
Species	Large-eared Pied Bat	Potential foraging	0.07	6
	Eastern Cave Bat	Potential foraging	0.02	1
	Australian Pied Oystercatcher	Potential foraging/breeding	0.024	2
	Sooty Oystercatcher	Potential foraging/breeding	n/a	1
	Grey-headed Flying-fox	Potential foraging	0.03	0
	Green and Golden Bell Frog	Potential foraging/movement	0.03	0
	Leafless Tongue-orchid	Potential breeding	0.05	0
	Magenta Lilly Pilly	Potential breeding	0.05	0

- E5 Evidence of the retirement of credits to satisfy **Condition E4** or payment to the Biodiversity Conservation Fund to satisfy **Condition E4** must be provided to the Planning Secretary, Environment and Heritage Group and DAWE for information before any impact occurs on the species or community types to be offset.

Marine Biodiversity

- E6 The location of areas of seagrass (*Posidonia australis*) and other seagrass beds (Type 1 Key Fish Habitat (KFH)) and macroalgae (Type 2 KFH) that have been identified for removal and disturbance at Kurnell and La Perouse must be confirmed and recorded by surveying and mapping prior to the commencement of clearing in consultation with DPI Fisheries and DAWE.
- E7 An inspection must be undertaken by an appropriately qualified and experienced ecologist (and diver) in the 24 hour period prior to the start of work that may impact potential habitat for White's Seahorse (*Hippocampus whitei*) (seagrass, kelp, sargassum, and existing structures such as piles, jetties, wharf pylons) located in and within 100 metres of the construction footprint.
- E8 Any seahorses that are detected in the construction footprint must be relocated to nearby suitable habitat in consultation with an appropriately qualified and experienced ecologist and consistent with location and design criteria provided in section 5.2 *Creation of artificial habitat - seahorse hotels* of the MBOS. Seahorse relocations must be performed by a suitably qualified and experienced ecologist with consultation from DPI Fisheries and as outlined in the Biodiversity Management Plan.
- E9 An inspection must be undertaken by an appropriately qualified and experienced ecologist (and diver) when any construction methods have the potential to impact potential habitat for Black Rockcod (*Epinephelus daemeli*) (rocky reefs, caves, ledges, gutters and artificial structures such as wharves, piers and rock emplacements).
- E10 Suitable methods must be used to protect Black Rockcod habitat and individuals in the construction footprint at La Perouse and Kurnell sites in accordance with the provisions of the MBOS, *Black Rockcod Recovery Plan 2012* and DPI Fisheries' *Priorities Action Statement – Actions for Black Rockcod*.
- E11 Prior to the commencement of ferry services, and to avoid and / or mitigate potential impacts on marine biodiversity including but not limited to Black Rockcod (*Epinephelus daemeli*), the Proponent must consult DPI Fisheries regarding proposed ferry swept path/navigation channels for approach, departure and maneuvering areas for all traffic using the wharves. The swept path

/ navigation channel with DPI Fisheries' consultation response must be submitted to the Planning Secretary no later than one month before the commencement of operation.

Marine Biodiversity Offset Strategy

- E12 The Proponent must ensure that the proposal is undertaken in accordance with the requirements of DPI Fisheries policy and guidelines, including the *Policy and Guidelines for Fish Habitat Conservation and Management 2013*, and the *NSW Biodiversity Offsets Policy for Major Projects, Fact sheet: Aquatic biodiversity*.
- E13 The Proponent must allow for an additional winter and summer season in which to monitor marine biodiversity within the construction footprint prior to commencement of construction.
- E14 The Proponent must satisfy the marine biodiversity offset obligations that specify the required offset size in accordance with the *EPBC Act, Environmental Offsets Policy 2012, NSW Biodiversity Offsets Policy for Major Projects – Fact sheet: Aquatic Biodiversity*. Evidence of this must be provided to the Planning Secretary, DPI Fisheries and DAWE for information, within 12 months of the commencement of construction.
- E15 Areas of seagrass (*Posidonia australis*) and other seagrass beds (Type 1 KFH) and macroalgae (Type 2 KFH) that have been identified for removal or disturbance within the construction footprint at Kurnell and La Perouse must be offset in accordance with the MBOS and as agreed with DPI Fisheries and DAWE.
- E16 Prior to the commencement of pre-construction seagrass transplantation, the Proponent must establish a **MBOS Implementation Reference Panel** to review data collected, including from the marine biodiversity monitoring as required by **Condition E13**, recommend changes to the MBOS if required, and review the **Operational Impact Assessment Report** (see **Condition E20**). The **MIRP** must comprise representatives from the Proponent, DPI Fisheries-Coastal Systems, DPI Fisheries-Marine Research, DAWE, and DPIE Planning and Assessment, and include a suitably qualified, experienced and independent scientist. The **MBOS Implementation Reference Panel** must be operational for the life of the MBOS or as agreed by the Planning Secretary.
- E17 The MBOS must have an operational life of no less than ten (10) years from the date of MBOS approval, unless otherwise agreed by the Planning Secretary.
- E18 The MBOS may be reviewed and updated during its operational life as required and recommended by the **MBOS Implementation Reference Panel**. At least 50 per cent of the MBOS funding must be allocated to the restoration and rehabilitation of *Posidonia australis* and *Zostera* seagrass beds in consultation with the **MBOS Implementation Reference Panel**.
- E19 Prior to marine Works, a bank guarantee to a value identified by the MBOS Implementation Reference Panel must be provided to DPI Fisheries to offset marine biodiversity impacts in accordance with the *DPI Fisheries Policy and guidelines for fish conservation and management*, and the *NSW Biodiversity Offsets Policy for Major Projects, Fact sheet: Aquatic Biodiversity*. The **MBOS Implementation Reference Panel** may use this bank guarantee to manage key fish habitats, threatened species and/or populations if planned activities as agreed under the MBOS are unsuccessful.
- E20 An **Operational Impact Assessment Report** must be prepared on impacts to marine biodiversity following 12 months of the full operation of the ferry wharves. This report must:
- be submitted to the **MBOS Implementation Reference Panel** for review no later than six (6) months after the 12-month full operation period;
 - include the results of before and after monitoring of all seagrass species, *White's Seahorse*, populations and habitats impacted by the ferry wharf structures and associated commercial and recreational vessel uses; and
 - be used to review the MBOS no later than six (6) months after the submission of the **Operational Impact Assessment Report** to the **MBOS Implementation Reference Panel**.

HERITAGE

Unexpected Finds and Human Remains

- E21 An **Unexpected Heritage Finds and Human Remains Procedure** (required to be included in the relevant **CEMP Sub-plans** under **Condition C10**) must be prepared to manage unexpected heritage finds (including maritime discoveries) in accordance with guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW and submitted to the Planning Secretary no later than one (1) month before the commencement of construction.
- E22 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction.

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

Aboriginal Cultural Heritage

- E23 All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects or places of cultural significance except as authorised by this approval.
- E24 The RAPs must be kept informed at intervals not exceeding three (3) months about construction of the SSI. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSI throughout design and construction.
- E25 At the completion of Aboriginal cultural heritage test and salvage excavations, an **Aboriginal Cultural Heritage Excavation Report(s)** must be prepared by a suitably qualified person. The **Aboriginal Cultural Heritage Excavation Report(s)**, must:
- (a) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, OEH 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, DECCW 2010; and
 - (b) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).

The RAPs must be given a minimum of 28 days to provide comments before the report is finalised. The final report must be provided for information to the Planning Secretary, Heritage NSW, relevant Councils, La Perouse Local Aboriginal Land Council (LALC), RAPs and local libraries within 12 months of the completion of the Aboriginal archaeological excavations (both test and salvage).

- E26 Where previously unidentified Aboriginal objects or places of cultural significance are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects and places must not recommence until Heritage NSW has been informed and provided a response in writing. The measures to consider and manage this process must be specified in the **Unexpected Heritage Finds and Human Remains Procedure** required by **Condition E21** and include registration in the **Aboriginal Heritage Information Management System (AHIMS)**.
- E27 The Proponent must undertake a visual inspection before commencement of construction of AHIMS Site # 45-6-0650 (Site 3 - La Perouse) and AHIMS Site # 45-6-0651 (Site 4 - La Perouse) and geotextile fabric (or similar) should be laid on the ground surface within the location of both sites.
- E28 Supervision by an appropriately qualified and experienced archaeologist of AHIMS Site # 45-6-0653 (Site 6 - La Perouse) must be undertaken during ground penetrating works. If the engraving is identified, all works must cease and the construction methodology revised to mitigate further impacts. Any revision to the methodology must be undertaken in consultation with Heritage NSW, RAPs and LALCs.

- E29 During construction works impacts to the exposed sandstone surrounding AHIMS Site # 45-6-0653 (Site 6 - La Perouse) must be avoided. Visual markers must be used to delineate these areas.
- E30 During construction works, monitoring of vibration impacts in the immediate area of AHIMS Site # 45-6-0653 (Site 6 - La Perouse) must be undertaken. If vibration monitors are affixed to sandstone, non-invasive adhesive methods (such as beeswax) must be used. If it is identified that levels of vibration would result in damage to AHIMS Site # 45-6-0653 (Site 6 - La Perouse), all works must cease and the construction methodology revised to mitigate further impacts. This must be undertaken in consultation with Heritage NSW, RAPs and LALCs.
- E31 Supervision by an appropriately qualified and experienced archaeologist is required for any excavation near AHIMS Site #52-3-0219 (Foreshore Midden – Captain Cook’s Landing Place) where it exceeds 400mm in depth. If Aboriginal cultural heritage is identified during the proposed works, further archaeological investigations may be required. This must be determined in consultation with Heritage NSW, RAPs and La Perouse LALC.

Non-Aboriginal Cultural Heritage

Maritime Archaeologist

- E32 A **Non-Aboriginal Heritage Management Plan (HMP)** must be prepared and include maritime heritage considerations and requirements. A suitably qualified and experienced maritime archaeologist is to undertake the maritime component of any aspect related to maritime heritage including relevant construction management plans, in consultation with Heritage NSW. The **HMP** must include a policy and measures to manage the retention, conservation, storage and display of any artefacts and relics recovered by the SSI. The **HMP** must be prepared prior to construction and be approved by the Planning Secretary.

Historical Archaeology

- E33 Prior to the commencement of archaeological excavation, an **Archaeological Research Design and Excavation Methodology** must be prepared in accordance with the Heritage Council of NSW guidelines to guide the archaeological program. The revised methodology must be prepared in consultation with Heritage NSW and submitted to the Planning Secretary if requested.
- E34 Prior to the commencement of archaeological excavation, the Proponent must nominate a suitably qualified Excavation Director who complies with *Heritage NSW Excavation Director Criteria 2019* (September 2019) to direct the historical archaeological program. The Excavation Director must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations consistent with the **Archaeological Research Design and Excavation Methodology** required by **Condition E33**.
- E35 Following the completion of the archaeological excavation programs a **Final Excavation Report** must be prepared that includes: the details of any further historical research undertaken to enhance the final reporting and results of archaeological excavations (including artefact analysis and identification of a final repository for relics including details of their ongoing conservation and protection in perpetuity by the landowner). The report must be prepared in accordance with guidelines and standards required by Heritage Council of NSW and the relevant Council’s local studies unit within twelve (12) months of completion of archaeological excavation.

Landscape Heritage

- E36 The Proponent, in consultation with NPWS, must consider alternative placement locations for the installation of the Kurnell services cabinet to reduce impacts to the heritage landscape.
- E37 The Proponent, in consultation with Heritage NSW and NPWS, must implement measures to minimise impacts on remnant Coast Banksia communities at La Perouse and Kurnell including any offset planting (if required).

HOURS OF FERRY OPERATION

E38 The approved hours of operation of any ferry service are 7:00am to 6:00pm every day.

LAND USE AND PROPERTY

E39 The Proponent must identify the utilities and services (services) potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the project are avoided where practical and advised to customers.

E40 Any property access that is physically affected by the SSI must be reinstated to at least an equivalent standard, in consultation with the landowner or alternative access provided in consultation with the landowner.

NOISE AND VIBRATION

Land Use Survey

E41 A detailed land use survey must be undertaken to confirm sensitive land user(s) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of work which generates construction or operational noise, vibration or ground-borne noise in that area. The results of the survey must be included in the **Noise and Vibration CEMP Sub-plan** required by **Condition C6**.

Work Hours

E42 Work must only be undertaken during the following hours:

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

Highly Noise Intensive Work

E43 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:

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

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

Variation to Work Hours

E44 Notwithstanding **Conditions E42** and **E43**, work may be undertaken outside the hours specified in any of the following circumstances:

- (a) **Safety and Emergencies**, including:
 - (i) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
 - (ii) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.

On becoming aware of the need for emergency work in accordance with this condition, the Proponent must notify the **ER**, the Planning Secretary and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected

residents and owners/occupiers of properties identified sensitive land user(s) of the likely impact and duration of the work.

Or

(b) **Low impact**, including:

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

Or

(c) **By Approval**, including:

- (i) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or
- (ii) negotiated agreements with directly affected residents and sensitive land user(s).

Or

(d) **By Prescribed Activity**, including:

- (i) Piling between 10:00pm and 7:00am Monday-Friday inclusive and if endorsed by the ER; or
- (ii) delivery of material that is required to occur outside of standard construction hours in **Condition E42** to directly support Piling.

Construction Noise Management Levels and Vibration Criteria

E45 Mitigation measures must be implemented with the objective of achieving the following construction noise management levels and vibration objectives:

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

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

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

E46 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**.

Construction Noise and Vibration Mitigation and Management

E47 Industry best practice construction methods must be implemented where reasonably practicable to ensure that noise levels are minimised. Practices must include, but are not limited to:

- (a) use of regularly serviced low sound power equipment; and / or
- (b) temporary noise barriers (including the arrangement of plant and equipment) around noisy equipment and activities such as rockhammering and concrete cutting; and / or
- (c) use of alternative construction and demolition techniques.

E48 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** required by **Condition C6** and the **Community Communication Strategy** required by **Condition B1**.

Construction Vibration Mitigation - Heritage

E49 The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.

E50 Advice from a heritage specialist must be sought on methods and locations for installing equipment used for vibration and movement monitoring at heritage-listed structures.

Out-of-Hours Works – Community Notification

E51 In order to undertake out-of-hours work as prescribed under **Condition E42(d)** (piling), the Proponent must justify to the **ER** the reasons why these works cannot be undertaken during standard working hours. These works must be endorsed by the **ER** prior to the commencement of such work.

Any justification must be in writing and include the following information:

- (a) reasons for the OOH Work;
- (b) a description of location and duration of the OOH Work;
- (c) the noise characteristics and likely noise levels of the OOH Work;
- (d) likely mitigation and management measures which aim to achieve the relevant noise management levels and vibration criteria under **Condition E44 E45** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers); and
- (e) proposed community notifications which must be provided to impacted sensitive receivers in the community at least 10 days prior to the proposed OOH Work.

Operational Noise Mitigation Measures

E52 Prior to the commencement of ferry operation, the Proponent must prepare an **Operational Noise Review (ONR)** to confirm noise control measures that would be implemented for the operation of the SSI. The **ONR** must be prepared in consultation with relevant council(s) and must confirm the operational noise predictions based on the final vessel selection. The results of these revised predictions must be compared to the noise performance assumptions in the documents listed in **Condition A1**. Should the results indicate a worsening of impact predicted in the documents listed in **Condition A1**, appropriate mitigation measures must be identified and implemented.

E53 The ferry vessel selected for operation must be free of annoying noise characteristics as determined in the Noise Policy for Industry (EPA 2017) Fact Sheet C when assessed at offset

distances representative of the nearest residential receivers to each wharf. Where it is demonstrated that this is not reasonably practicable, justification of the best achievable noise levels must be submitted to the Planning Secretary, prior to the commencement of ferry operation.

- E54 Noise associated with the operation of the wharf and vessel based public address system(s) must not exceed 5 dB(A) above the background noise level when measured at the boundary of any sensitive receiver, excluding for emergency announcements and testing of the emergency PA system.
- E55 Operational noise mitigation measures as identified in **Condition E52** that will not be physically affected by work, must be implemented within six months of submitting the **ONR**, unless otherwise agreed by the Planning Secretary. Where implementation of operational noise mitigation measures are not proposed to be in accordance with this requirement, the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures are implemented. The report must be submitted to the Planning Secretary within six months of submitting the **ONR**.

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

Operational Noise Validation

- E56 Within six (6) months of the commencement of ferry operation of the SSI, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the SSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E52**.

Operational Noise Compliance Report

- E57 An **Operational Noise Compliance Report (ONCR)** must be prepared to document the findings of the operational noise monitoring carried out under **Condition E56**. The **ONCR** must address the following:
- (a) compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under **Condition E52**;
 - (b) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;
 - (c) 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;
 - (d) any required recalibrations of the noise model taking into consideration factors such as noise monitoring;
 - (e) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
 - (f) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E52**, that are to be implemented, the effectiveness of the mitigation measures and reported to the Planning Secretary.

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

Condition Survey

- E58 A pre-construction condition assessment of Aboriginal and non-Aboriginal heritage items that have the potential to be impacted must be carried out by a suitably qualified **building condition surveyor** prior to construction. During construction, inspections of the construction activities and work areas must be undertaken to monitor and review the construction methodology and confirm the integrity of the nearby significant structural elements. For heritage items identified at risk during the pre-construction condition assessment, minimum safe working distances must be

established, and vibration monitoring must be carried out prior to the commencement of construction and monitored through construction to identify any construction-related impacts. If impacts are detected during construction, work in the area must stop and appropriate environmental management measures must be implemented such as alternative construction techniques or installing protection structures in collaboration with a heritage specialist.

- E59 The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration) by construction at no cost to the owner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the property owner.

SOILS

- E60 Prior to the commencement of any Work, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

- E61 Prior to the commencement of any Work, the Proponent must prepare a **Soil and Water Management Plan (SWMP)** to address any contamination found during construction works. The **SWMP** must be prepared in consultation with NPWS in respect of NPWS land. The **SWMP** 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 and include detailed measures to:

- (a) identify contamination during works;
- (b) store, test and appropriately dispose of disturbed groundwater and soils;
- (c) include a clear and detailed **unexpected finds protocol** for use and implementation throughout the duration of construction works;
- (d) include turbidity monitoring at both Kurnell and La Perouse at a frequency commensurate with the level of risk for each construction phase; and
- (e) include a Trigger Action Response Plan (TARP) which includes contingencies to identify and manage any unpredicted impacts and their consequences to ensure corrective actions are implemented.

The Plan must be submitted to the Planning Secretary for information prior to the commencement of construction.

Contaminated sites

- E62 The Proponent must engage a **NSW EPA-accredited site Auditor** to review contamination reports relating to the site throughout the duration of the project to ensure that any work required in relation to sediment, soil or groundwater contamination is appropriately managed.

- E63 Prior to the commencement of construction, the Proponent must obtain:
- (a) a **Section B1 Site Audit Statement** to certify that the nature and extent of the contamination has been appropriately determined; and
 - (b) a **Section B2 Site Audit Statement** to certify that the *Soil and Water Management Plan* required by **Condition E61** is appropriate.

A copy must be provided to the Planning Secretary.

- E64 Following the NSW EPA-accredited Site Auditor review of contamination reports, if it is determined that remediation is required, a **Remedial Action Plan** must be prepared in accordance with the guidelines made and approved under section 105 of the *Contaminated Land Management Act 1997*, and reviewed by the EPA-accredited Site Auditor.

- E65 Where remediation is required, the **Remedial Action Plan** must be:
- (a) 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 and reviewed by an EPA-accredited Site Auditor; and
- (b) prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* and must include measures to remediate the contamination at the site to ensure the site will be suitable for the proposed use when the **Remedial Action Plan** is implemented.
- E66 Where remediation is required, prior to commencing with the remediation works, the Proponent must submit to the Planning Secretary for information the **Remedial Action Plan** and an **Interim Audit Advice** or a **Section B Site Audit Statement** prepared by a NSW EPA-accredited Site Auditor which certifies that the **Remedial Action Plan** is appropriate and that the site can be made suitable for the proposed use.
- E67 Once reviewed by the auditor, the **Remedial Action Plan** must be implemented, and any changes must be approved in writing by the EPA-accredited Site Auditor.
- E68 Where remediation has taken place, a **Section A1 Site Audit Statement** – or a **Section A2 Site Audit Statement** (SAS) accompanied by an Environmental Management Plan – and a **Site Audit Report** (SAR) must be prepared certifying that the remediation works have made the land suitable for the intended land use.
- E69 The **SAS** and **SAR** must be submitted to the Planning Secretary no later than one (1) month prior to the commencement of operation of the approved land use.
- E70 Where, following site auditor review, remediation is not considered necessary, an **Unexpected Contamination Finds Procedure for Contamination** must be prepared before the commencement of Work and must be followed should unexpected contamination including asbestos (or suspected contamination) be excavated or otherwise discovered. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The **Procedure** must be submitted to the Planning Secretary for information (if requested) before Work commences and must be implemented during all stages of work and construction. The unexpected finds procedure 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.

TRAFFIC AND TRANSPORT

Construction traffic management

- E71 Access to all utilities and properties must be maintained during construction, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.
- E72 Any property access physically affected by the SSI must be reinstated to at least an equivalent standard, unless otherwise agreed by the landowner or occupier.
- E73 Local roads proposed to be used by heavy vehicles to directly access the construction boundary and ancillary facilities that are not shown in Figure 49 and 50 of Appendix K of the EIS listed in **Condition A1** must be approved by the Planning Secretary and included in the **Traffic, Transport and Access Management CEMP Sub-plan** required in **Condition C6**.
- E74 All requests to the Planning Secretary for approval to use local roads for construction activities must include a **Traffic and Pedestrian Impact Assessment** and be prepared in consultation with the relevant local council(s). The assessment must be undertaken by an appropriately qualified and experienced person and must include a swept path analysis if required by the Department. The assessment must include the following:
- (a) a swept path analysis;

- (b) demonstration that the use of local roads by heavy vehicles for the SSI will not compromise the safety of pedestrians and cyclists or the safety of two-way traffic flow on two-way roadways;
- (c) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and
- (d) describe the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and child care facilities during their peak operation times.

The outcomes and recommendations of the assessment must be incorporated into the **Traffic Management CEMP Sub-plan** required in **Condition C6** as relevant.

Road Dilapidation

- E75 Before any local road is used by a heavy vehicle for the purposes of the SSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the relevant council within three weeks of completion of the survey and no later than one month prior to the road being used by heavy vehicles associated with the SSI.
- E76 If damage to roads occurs as a result 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-works as identified in the **Road Dilapidation Report(s)**.

Pedestrian and Cyclist Access

- E77 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, a proximate alternative route which complies with relevant standards, unless otherwise endorsed by an independent, appropriately qualified and experienced person, must be provided (including signposting) prior to the restriction or removal of the impacted access.

Construction Parking Management

- E78 Construction and construction worker vehicles (including light and heavy vehicles) associated with the SSI must be accommodated within the construction boundaries on both the La Perouse and Kurnell sites at all times. On-site parking must be provided within the construction boundary to:
- (a) minimise parking on public roads;
 - (b) minimise idling and queueing on local roads;
 - (c) not carry out marshalling of construction vehicles near sensitive land use(s);
 - (d) not block or disrupt access across pedestrian or shared user paths at any time; ~~and~~.
- E79 During construction, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented prior to the disruption. Adequate signage and directions to businesses must be provided prior to, and for the duration of, any disruption.

Road Safety

- E80 The SSI must be designed to meet relevant design, engineering and safety guidelines, including the *Austrroads Guide to Traffic Management* for new or modified local roads, parking, pedestrian and cycle infrastructure.

Anzac Parade Parking Loop

- E81 To improve local traffic flow and where existing road widths allow, line marking for two lanes within the Anzac Parade loop, La Perouse, must be provided before the commencement of

operation of the SSI. Line marking must be undertaken in consultation with Randwick City Council and NPWS, unless otherwise agreed by the Planning Secretary.

Operational Parking at La Perouse

E82 Prior to the commencement of operation of Ferry services, the Proponent must provide an increase in car parking spaces (greater than 13) at La Perouse along the Anzac Parade parking loop through the reconfiguration of parking bays. The establishment of additional car parking spaces must be undertaken during the winter months. The Proponent must avoid the temporary closure of existing car parking bays for the purposes of installing the additional car parking spaces during the peak visitation periods at La Perouse. The Proponent must consider the impact that the provision of additional parking would have on surrounding heritage and artifacts and demonstrate the total and additional number of spaces that can be provided.

This must be undertaken in consultation with relevant council(s) and NPWS. Evidence of consultation must be provided to the Planning Secretary for approval within 60 days of its completion.

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

Operational Parking at Kurnell

E83 The operation of ferry services must not commence until the off-street parking at Kurnell, that is to be undertaken by NPWS, is operational, unless otherwise agreed to by the Planning Secretary. Associated wayfinding and signage must be provided to encourage the use of these parking facilities.

E84 Car parking facilities must be designed to meet the relevant Australian Standards to provide safe, convenient and disabled access from the carpark to the ferry service.

Maritime Risk Management Plans

E85 Prior to the commencement of Construction, a **Construction Marine Works Management Plan (CMWMP)** must be prepared by a suitably qualified person, in consultation with the Harbour Master. The **CMWMP** should, at a minimum, include the management and mitigation measures and recommendations outlined in the *Navigation Safety Assessment* prepared by Thompson Clarke Shipping, dated September 2021.

Note: Prior to the commencement of any Works that will disturb the bed of a port, the Proponent must seek written approval from the Harbour Master in accordance with clause 67ZN of the Ports and Maritime Administration Regulation 2012.

E86 Prior to the commencement of operation of the SSI, an **Operational Maritime Risk Management Plan (OMRMP)** must be prepared by a suitably qualified person, in consultation with the Harbour Master. The **OMRMP** must demonstrate how vessel movements associated with the proposal will not impact on commercial shipping movements in Port Botany and how vessel movements will interact with recreational vessels.

Vessel Traffic Management Plan

E87 The Proponent must prepare a **Vessel Traffic Management Plan (VTMP)** in consultation with Port Authority of NSW that identifies priority to sea going ships and protocols for interactions between different vessel types to aid with the safe operation of ferry vessels associated with the SSI. The VTMP must include operation of recreational vessels around the wharves and the use of the wharves for berthing/drop off/pick up (signage). The VTMP must include emergency management arrangements for incidents and accidents.

E88 Ferry movements must not impede any future activities by the Port Operator of the Port of Botany Bay within the navigation channel including, but not limited to, any dredging activities.

Vessel Traffic Service System

E89 All passenger ferry vessels operating between La Perouse and Kurnell to service the SSI must participate in the Vessel Traffic Service (VTS) system at all times. All ferry activities must be reported to the Harbour Master and all vessels must be fitted with an Automatic Identification

System (AIS) transponder, in consultation with the Harbour Master, to enable monitoring of vessels by VTS and other AIS fitted vessels in the area.

PLACE DESIGN AND VISUAL AMENITY

Construction Sites

E90 The SSI must be constructed in a manner that minimises adverse visual impacts of construction sites on the public domain, including provision of high quality public art and graphics to the hoarding surrounding the construction sites, minimising light spill, and incorporating high quality treatments and finishes for temporary structures that reflect the context within which the construction sites are located.

General Design Outcomes

E91 The SSI must be designed with consideration of:

- (a) the design objectives, principles and guidelines identified in documents listed in **Condition A1**;
- (b) the principles and objectives of the draft *Connecting with Country Framework*; and
- (c) relevant conservation management plans, masterplans and initiatives, where this information is known and/or available.

Responses to items (a) – (c) must be reviewed by the State **Design Review Panel (SDRP)** to inform the final design of permanent built works and landscape design of the SSI.

Lighting and Security

E92 The SSI must be constructed and operated with the objective of minimising light spillage to surrounding properties and wildlife habitat. 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*. 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.

E93 Adequate lighting and Aids to Navigation must be incorporated into the design of the wharf and jetty for navigation safety purposes.

Finishes

E94 The use of neutral external colour schemes and finishes that avoid reflection to minimise visual impacts must be maximised.

Urban Design and Landscape Plan

E95 An updated **Urban Design and Landscape Plan (ULDLP)** must be prepared to inform the final design of the SSI and detail how the SSI is to be maintained. The **ULDLP** must be:

- (a) submitted to the Planning Secretary prior to the construction of permanent built surface works and / or landscaping, excluding those for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary that do not allow for alternate design outcomes; and
- (b) implemented during construction and operation of the SSI.

Design Review Panel

E96 The Proponent must establish an independent **DRP** to provide advice and recommendations to the Proponent during the finalisation of the SSI's design and construction detailing to facilitate quality design and place outcomes. The **DRP** must be formed and hold its first meeting within six months of the date of this approval, or as otherwise agreed with the Planning Secretary.

Note: *Nothing in this approval prevents the use of an existing design panel as the **DRP** convened for this project where the function and composition of that panel complies with the terms of this approval.*

E97 The responsibilities of the **DRP** include:

- (a) providing advice and recommendations to the Proponent for consideration in finalisation of the design development of the SSI; and
- (b) provide advice on the application of *Kamay Ferry Wharves Submissions Report – UDLP* to key design elements in relation to place making, architecture, heritage, urban and landscape design and artistic aspects of the SSI.

The **DRP's** advice must be consistent with the SSI as approved.

E98 The **DRP** must be chaired by the NSW Government Architect (or their nominee), and must be comprised of, where relevant, suitably qualified, experienced and independent professional(s) in each of the fields of:

- (a) urban design and place making;
- (b) landscape architecture;
- (c) historic heritage; and
- (d) architecture.

The **DRP** must also comprise a First Nations representative with a background in design.

The **DRP** may seek advice from suitably qualified, experienced independent professionals in other fields as required, including but not limited to sustainability and active transport.

E99 The **DRP** members must be sourced from the NSW State Design Review Panel Pool or otherwise be approved by the NSW Government Architect.

Operation of the Design Review Process

E100 Prior to forming the **DRP**, a **Design Review Panel Terms of Reference** must be developed and endorsed by the NSW Government Architect. The **Terms of Reference** must be submitted to the Planning Secretary once it is endorsed by the NSW Government Architect and:

- (a) must be generally consistent with the NSW State Design Review Panel Terms of Reference (version 5);
- (b) outline the frequency of **DRP** meetings, coordinated with the Proponent's program requirements, to ensure timely advice and design adjustment; and
- (c) identify cessation arrangements.

E101 The **DRP** must be operated and managed in accordance with the **Design Review Panel Terms of Reference**.

E102 The relevant councils, Heritage NSW, RAPs and La Perouse LALC may be invited to the meetings of the Panel as observers or to provide feedback on key design elements of the SSI.

E103 The Proponent must respond to the outcomes of the **DRP's** review. The **DRP** advice and recommendations, and the Proponent's response to each recommendation must be included when submitting the final **UDLP** to the Planning Secretary for information.

~~E94 Deleted~~

Tree Removal, Replacement Plantings and Rehabilitation

E104 The SSI must be designed to retain as many existing trees as possible. Replacement trees and plantings must be provided at a ratio of no less than 2:1 and deliver a net increase in tree canopy and aim to enhance the relevant council's position in respect of the Sydney Green Grid, unless otherwise agreed by the Planning Secretary.

E105 Replacement trees must:

- (a) be located on public land in consultation with NPWS, that delivers increased shading to footpaths, pedestrian and cycle paths;

- (b) be of a species suitable to the location, having regard for local ecology and existing street trees;
- (c) meet the requirements for quality tree stock specified in the *AS2303:2018: Tree Stock for Landscape Use*;
- (d) be provided no later than six months following the commencement of operation; and
- (e) have a minimum pot size consistent with the relevant council's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by NPWS.

Operational Maintenance

E106 The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the **UDLP**.

The Planning Secretary must be advised of the date of transfer of the asset(s) to the relevant authority, *within one month of the transfer of asset(s)*.

E107 Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species unless it is determined by a suitably qualified person that a different species is more suitable for that location.

E108 Management and routine maintenance for design elements and landscaping work (including weed management) to ensure the success of the design and landscape outcomes must be undertaken for the life of the SSI.

Active Transport Network

E109 Prior to operation of the SSI the Proponent must install bicycle parking racks near the entrances to the ferry wharves as recommended by the documents listed in **Condition A1**. At Kurnell, the Proponent must consult with NPWS on the installation of bicycle parking near the ferry wharf. The Proponent must also ensure that dedicated bicycle parking is provided on the ferry service and that the future ferry operator will accept bicycles on board all vessels.

E110 Continuous active transport paths linking the ferry wharves to the nearest public transport bus stops, located on Anzac Parade, La Perouse and Captain Cook Drive, Kurnell must be provided. Wayfinding signage must be provided to direct commuters from the ferry wharves to the bus stops. In Kamay Botany Bay National Park, all new permanent signage must be provided in consultation with NPWS. The path must be in accordance with the *Guide to Road Design Part 6A: Paths for Walking and Cycling* (Austroads, 2017).

WASTE

E111 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.

E112 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such 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.

E113 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.

E114 All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.

WATER

E115 The SSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

Construction Requirements

E116 The Proponent must consider the Department of Industry's *Guidelines for controlled activities on waterfront land Riparian corridors* 2018 when carrying out work within 40 metres of a watercourse, including its bed.

E117 If construction stage stormwater discharges are proposed, a water pollution impact assessment must be undertaken to inform licensing consistent with section 45 of the *POEO Act*. Any such assessment must be prepared in consultation with the EPA and be consistent with the *National Water Quality Guidelines*, with a level of detail commensurate with the potential water pollution risk.

E118 Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.

Operational Requirements

E119 All new or modified drainage systems associated with the SSI must be designed to:

- (a) meet the capacity constraints of any council's 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 relevant council(s);
- (b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); and
- (c) ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Sydney Water drainage infrastructure and/or the receiving environment.

APPENDIX A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Department via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A42** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the CSSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with terms of the 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.