



Infrastructure approval

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

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

Minister for Planning

Sydney

12 / 12 / 2018

SCHEDULE 1

Application no.:	SSI 8256
Proponent:	Sydney Metro Authority
Approval Authority:	Minister for Planning
Land:	Multiple properties and land comprised in the Inner West and Canterbury Bankstown Council areas.
Description of State Significant Infrastructure:	Construction and operation of a metro rail line, approximately 13 kilometres long between Marrickville and Bankstown, including, ten metro stations, and associated ancillary infrastructure.
Declaration as State Significant Infrastructure	The proposal is Critical State Significant Infrastructure by virtue of clause 5 of Schedule 5 of the State Environmental Planning Policy (State and Regional Development) 2011 (NSW) and section 5.13 of the Environmental Planning and Assessment Act 1979 (NSW).

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DEFINITIONS

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

Table 1: Definitions relevant to all CSSI projects

Term	Definition
Ancillary facility	A temporary facility for Construction of the CSSI such as an office and amenities compound, Construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory or material stockpile area
CALD	Culturally and Linguistically Diverse
CEMP	Construction Environmental Management Plan
Completion of Construction	The date upon which Construction is completed and all requirements of the Planning Secretary (if any) have been met. If Construction is staged, completion of Construction is the date upon which Construction is completed and all requirements of the Planning Secretary (if any) have been met, in respect of all stages of Construction.
Consistency assessment	An assessment of whether a proposed activity for the purpose of the CSSI is consistent with the terms of this approval

Term	Definition
Construction	<p>Includes activities required to construct the CSSI as described in the Condition A1, including commissioning trials of equipment and temporary use of any part of the CSSI, but excluding the following Low Impact Activities:</p> <ul style="list-style-type: none"> (a) survey 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 and excavation; (c) site establishment in approved locations or in locations meeting the criteria identified in Condition A16 and or approved in accordance with Condition A17 of this approval including constructing ancillary facility access roads and providing utilities to the facility; (d) use of ancillary facilities if the ER has determined the activities will have a minor impact on the environment and community; (e) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1; (f) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and temporary at property acoustic treatments; (g) property acquisition adjustments including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; (h) relocation and connection of utilities where the relocation or connection has minor environmental impact to the environment as determined by the ER; (i) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)</i> or archaeological monitoring undertaken in association with (a)-(h) above to ensure that there is no impact on heritage items; (j) other activities determined by the ER to have minor environmental impact which may include building of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and (k) maintenance of existing buildings and structures required to facilitate the carrying out of the CSSI. <p>However, where heritage items on the State heritage register, areas of known or expected archaeological potential, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>) are affected by any low impact activity, that activity is construction, unless otherwise determined by the Planning Secretary, following consultation by the Proponent with OEH or DoI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p> <p>The Low Impact Activities described in this definition become Construction with the approval of a Construction Environmental Management Plan. Where Low Impact Activities have already commenced, these are considered to remain as Low Impact Activities and are managed in accordance with the framework under which they commenced.</p>

Term	Definition
CSSI	The Critical State Significant Infrastructure, as generally described in Schedule 1, the carrying out of which is approved under the terms of this approval
Department	NSW Department of Planning, Industry and Environment
DECC	Former NSW Department of Environment and Climate Change
Dol	NSW Department of Industry including Dol Agriculture, Dol Biosecurity and Food Safety, Dol Land and Natural Resources, Dol Water and Dol Fisheries, and Natural Resource Access Regulator
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the project described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative for the CSSI
Heavy Vehicle	Has the same meaning as in the <i>Heavy Vehicle National Law (NSW)</i>
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an "Aboriginal object" or "Aboriginal place" as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
ICNG	<i>Interim Construction Noise Guideline</i>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance with this approval. <i>Note: "material harm" is defined in this approval.</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Landowner	Has the same meaning as "owner" in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building
Low Impact Activity	Any Work that is not Construction
LOTE	Language other than English

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).
Minister	NSW Minister for Planning and Public Spaces
Noise Management Level	As derived from the <i>Interim Construction Noise Guideline</i>
NSW Heritage Council	Heritage Council of NSW (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The commencement of paid services. <i>Note: There may be overlap between the carrying out of construction and operation if the phases are staged. Commissioning trials of equipment and temporary use of any part of the CSSI are within the definition of Construction.</i>
Planning Secretary	Secretary of the NSW Department of Planning, Industry and Environment (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)
Proponent	The person identified as such in Schedule 1 of this approval
Relic	Has the same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW)
Relevant council(s)	Any or all as relevant, Canterbury Bankstown City Council or Inner West Council
Sensitive receiver	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres 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 others as identified by the Planning Secretary
SPIR	The Submissions and Preferred Infrastructure Report submitted to the Planning Secretary under section 5.17 of the EP&A Act which describes any amendments to the EIS and the project for which approval is sought.

Term	Definition
Station Precinct	An area in a 200-metre radius around each metro station and extending beyond, where required, to connect stations with existing or planned future pedestrian and/or cycle paths
Tree	Long lived woody perennial plant greater than (or usually greater than) 3m in height with one of relatively few main stems or trunks.
Unexpected heritage find	A heritage item discovered unexpectedly (usually during Construction) but not identified in the EIS or SPIR or archaeological method statements prepared in accordance with these documents where assessment is required to determine if the item is a relic, or is an Aboriginal object. An unexpected heritage find does not include human remains.
Work	Any physical work for the purpose of the CSSI 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 **Table 2**. Note that under **Condition A9** 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 A36**).

Table 2: Reports and Notifications that must be submitted to the Planning Secretary

Condition	Report / Notification	Timing ¹	Purpose
Part A – Administrative			
A12	Staging Report	One (1) month before commencement of Construction (or Operation if only staged Operation is proposed) of the first of the proposed stages	Information
A23	Environmental Representative	One (1) month before the commencement of Work	Approval
A26(j)	Environmental Representative reports	Within seven (7) days following the end of each month for the duration of the ER's engagement	Information
A29	Compliance Monitoring and Reporting Program	Before the commencement of Construction	Information
A33	Independent Audit Program	No later than one (1) month before the commencement of Construction	Information
A36	Written notification of incident	Immediately upon becoming aware of the incident. Subsequent written notification and an incident report are required seven days after the Proponent became aware of the incident and 30 days after the date on which the incident occurred, respectively	Information
Part B - Communication Information and Reporting			
B3	Community Communication Strategy	One (1) month before the commencement of any Work	Approval
B9	Complaints Register	upon request from the Planning Secretary	Information
B10	Community Complaints Mediator	One (1) month of the date of this approval	Approval
Part C - Construction Environmental Management			
C2	CEMP	One (1) month before the commencement of Construction	Approval
C6	CEMP Sub-plans	One (1) month before the commencement of Construction	Approval
C11	Construction	One (1) month before the	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
	Monitoring Programs	commencement of Construction	
C14	Construction Monitoring Report	As specified in Construction Monitoring Programs	Information
Part D - Operation Environmental Management			
D3	OEMP or EMS	One (1) month before the commencement of Operation	Information
D5	Independent Audit personnel	Within 15 months of the commencement of Operation	Approval
Part E – Key Issues			
Tree Removal and Replacement			
E5	Tree removal reports	Before the removal or pruning of any trees	Information
E7	Tree replacement report	Before Operation	Information
Heritage			
E12	Heritage Report and Excavation Director's Report	24 months after the completion of the Work	Information
E13	Heritage Interpretation Strategy	Before the commencement of Construction	Information
E16	Unexpected Heritage Finds and Humans Remains Procedure	One (1) month prior to commencement of construction	Information
Noise and Vibration			
E25	Out-of-Hours Work Protocol	Before the commencement of Out-of-Hours Work	Approval
E31	Operational Noise and Vibration Review	Before the implementation of Operational noise mitigation measures	Approval
E33	Report on non-implementation of operational noise mitigation measures	Within Six (6) months of the commencement of Construction	Information
E34	Operational Noise Compliance Report	Within 60 days of completing the Operational noise monitoring	Information
Sustainability			
E43	Sustainability Strategy	Six (6) months of the date of the approval	Information

Condition	Report / Notification	Timing ¹	Purpose
Traffic and Transport			
E47	Construction Traffic Management Plan(s)	Before construction	Information
Urban Design			
E66	Station Design and Precinct Plans for Bankstown Station, Campsie Station and Dulwich Hill Station	One (1) month before the commencement of permanent built work at the relevant site	Approval
Utilities Management			
E71	Utilities Management Strategy	One (1) month before the commencement of utility Work	Approval

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The CSSI must be carried out in accordance with the terms of this approval and generally in accordance with the description of the CSSI in the:
- (a) *Sydney Metro City & Southwest Sydney to Bankstown Environmental Impact Statement – Volumes 1A-C and 2–6* (the EIS);
 - (b) **as modified by the Sydney Metro City & Southwest Sydney to Bankstown Submissions and Preferred Infrastructure Report – Volumes 1, 2A-F and 3 G-J** (the SPIR); ~~and~~
 - (c) the *Sydney Metro City & Southwest Sydney to Bankstown Submissions Report* (the SR);
 - (d) **the Sydney Metro City & Southwest Sydney to Bankstown, Bankstown Station Modification Report; and**
 - (e) **the Sydney Metro City & Southwest Sydney to Bankstown, Bankstown Station Response to Submissions.**
- A2 The CSSI must 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 the documents listed in **Condition A1**, or any other document required under this approval, and a term of this approval, the term of this approval prevails to the extent of the inconsistency.
- Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*
- A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the CSSI;
 - (b) any document or correspondence in relation to the CSSI;
 - (c) any notification given to the Planning Secretary under the terms of this approval;
 - (d) any audit of the construction or operation of the CSSI;
 - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); and
 - (f) the carrying out of any additional monitoring or mitigation measures.
- A5 Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:
- (a) documentation of the engagement with the party(s) identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) log of the points of engagement or attempted engagement with the identified party(s) and a summary of the issues raised by them;
 - (c) documentation of the follow-up with the identified party(s) where feedback has not been provided to confirm that they have none or have failed to provide feedback after repeated requests;

- (d) outline of the issues raised by the identified party(s) and how they have been addressed; and
- (e) a description of the outstanding issues raised by the identified party(s) and the reasons why they have not been addressed.

- A6 In the event that there are differing interpretations of the terms of this approval, including in relation to a condition of this approval, the Planning Secretary's interpretation is final.
- A7 This approval lapses five (5) years after the date on which it is granted, unless Work for the purpose of the CSSI is physically commenced on or before that date.
- A8 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.
- A9 Any document that must be submitted within a timeframe specified in or under the conditions of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under **Condition A36**.
- A10 The Proponent may update corresponding strategies, plans, procedures, panels, systems, protocols and programs prepared to meet the requirements of CSSI Approval 7400 for the purposes of meeting the requirements of the CSSI consistent with this approval.

Where a strategy, plan, procedure, panel, system protocol or program in CSSI 7400 has been updated and remains consistent with that prepared for CSSI 7400 and meets the requirements of this approval, the updated version must be submitted to the Planning Secretary for information.

Where the update is inconsistent with the prepared document for CSSI 7400, the approval for the document must be sought in accordance with the requirements of this approval, if required.

- A11 Notwithstanding **Condition A10**, where the following have been approved by the Planning Secretary for the purpose of SSI 7400, further approval is not required for the CSSI where the same individual/company/document is nominated:
- (a) Environmental Representative;
 - (b) Community Complaints Mediator;
 - (c) Community Communication Strategy;
 - (d) Out-of-Hours Work Protocol;
 - (e) Construction Environmental Management Framework;
 - (f) Independent Property Impact Assessment Panel;
 - (g) Small Business Owners' Support Program; or
 - (h) Design Review Panel.

The Proponent must notify the Planning Secretary of any such appointment of an individual/company or application of a document consistent with the requirements of the corresponding condition in SSI 7400.

STAGING

- A12 The CSSI may be constructed and operated in stages. Where staged Construction or Operation is proposed, a **Staging Report** (for either or both Construction and Operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The **Staging Report** must be submitted to the Planning Secretary no later than one (1) month before the commencement of Construction of the first of the proposed stages of Construction (or if only staged Operation is proposed, one (1) month before the commencement of Operation of the first of the proposed stages of Operation).

- A13 The **Staging Report** must:
- if staged Construction is proposed, set out how the Construction of the whole of the CSSI will be staged, including details of Work and other activities to be carried out in each stage and the general timing of when Construction of each stage will commence and finish;
 - if staged Operation is proposed, set out how the Operation of the whole of the CSSI will be staged, including details of Work and other activities to be carried out in each stage and the general timing of when Operation of each stage will commence;
 - specify the relevant conditions of approval that apply to each stage and how compliance with conditions will be achieved across and between each of the stages of the CSSI; and
 - set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A14 The CSSI must be staged in accordance with the **Staging Report**, as submitted to the Planning Secretary.
- A15 Where staging is proposed, the terms of this approval that apply or are relevant to the Works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

ANCILLARY FACILITIES

Ancillary facilities

- A16 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 the Construction boundary of the CSSI; and
 - they are not located next to a sensitive receiver (including access roads) (unless landowners and occupiers have accepted in writing the carrying out of the relevant facility in the proposed location); and
 - they have no impacts on heritage items (including areas of archaeological sensitivity), and 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.
- A17 Ancillary facilities that are not identified by description and location in the documents listed in **Condition A1** and do not meet the requirements of **Condition A16**, can only be established and used with the approval of the Planning Secretary except where they are located within the rail corridor, in which case they may be endorsed by the **ER**. A review of environmental impacts must be submitted with the request for Planning Secretary's approval or **ER**'s endorsement.

Use of Ancillary Facilities

- A18 The use of an ancillary facility for Construction must not commence until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C3** and relevant **Construction Monitoring Programs** required by **Condition C8** have been approved by the Planning Secretary.

Minor Ancillary Facilities

- A19 Lunch sheds, office sheds, portable toilet facilities, and the like, that are not identified as an ancillary facility in the documents listed **Condition A1**, can be established where they satisfy the following criteria:
- are located within the Construction boundary; and
 - have been assessed by the **ER** to have –

- (i) minor amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC, 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
- (ii) minor environmental impact with respect to waste management 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

- A20 Boundary screening must be erected around all ancillary facilities that are adjacent to sensitive receivers for the duration of Construction of the CSSI unless otherwise agreed with relevant council(s), and affected residents, business operators or landowners.
- A21 Boundary screening required under **Condition A20** of this approval must minimise visual, noise and air quality impacts on adjacent sensitive receivers.

ENVIRONMENT REPRESENTATIVE

- A22 Works must not commence until an **ER** has been approved by the Planning Secretary and engaged by the Proponent.
- A23 The Planning Secretary's approval of an **ER** must be sought no later than one (1) month before the commencement of Work.
- A24 The proposed **ER** must be a suitably qualified and experienced person who was not involved in the preparation of the EIS, SPIR or Submissions Report, and is independent from the design and construction personnel for the CSSI and those involved in the delivery of it.
- A25 The Proponent may engage more than one **ER** for the CSSI, in which case the functions to be exercised by an **ER** under the terms of this approval may be carried out by any **ER** that is approved by the Planning Secretary for the purposes of the CSSI.
- A26 For the duration of the Work until the commencement of Operation, or as agreed with the Planning Secretary, the approved **ER** must:
- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the CSSI;
 - (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
 - (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
 - (d) review documents identified in **Conditions C1, C3 and C8** 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 for information or are not required to be submitted to the Secretary);
 - (e) regularly monitor the implementation of the documents listed in **Conditions C1, C3 and C8** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits,

briefings and site visits, but not independent environmental audits required under **Condition A34** of this approval;

- (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
- (h) assess the impacts of minor ancillary facilities as required by **Condition A19** of this approval;
- (i) consider any minor amendments to be made to the documents listed in **Conditions C1, C3** and **C8** and any document that requires the approval of the Planning Secretary that comprise updating or are of an administrative or minor nature and are consistent with the terms of this approval and the documents listed in **Conditions C1, C3** and **C8** or other documents approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
- (j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report detailing the **ER's** actions and decisions on matters for which the ER was responsible in the preceding month. The Environmental Representative Monthly Report must be submitted within seven (7) days following the end of each month for the duration of the **ER's** engagement for the CSSI.

A27 The Proponent must provide the **ER** with all documentation requested by the **ER** in order for the **ER** to perform their functions specified in **Condition A26** (including preparation of the **ER** monthly report), as well as:

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

A28 The Planning Secretary may at any time commission an audit of an **ER's** exercise of its functions under **Condition A26**. The Proponent must:

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

COMPLIANCE MONITORING AND REPORTING PROGRAM

A29 Before the commencement of Construction, a **Compliance Monitoring and Reporting Program** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for information.

A30 Compliance reports of the CSSI must be carried out for the duration of Construction and for a minimum of one (1) year following commencement of Operation. The Department must be notified of the commencement dates of Construction and Operation of the CSSI in the pre-Construction and pre-Operational compliance reports (respectively).

A31 The **Construction Compliance Report** must provide details of any review of, and minor amendments made to, the **CEMP** (which must be approved by the **ER**), resulting from Construction carried out during the reporting period.

A32 The **Compliance Monitoring and Reporting Program** in the form required under **Condition A29** of this approval must be implemented for the duration of Construction and for a minimum of one (1) year following commencement of Operation, or for a longer period as determined by the Planning Secretary based on the outcomes of independent audits, **Environmental Representative Reports** and regular compliance reviews submitted through **Compliance Reports**. If staged Operation is proposed, or Operation is commenced of part of the CSSI, the **Compliance Monitoring and Reporting Program** must be implemented for the relevant period of each stage or part of the CSSI.

AUDITING

- A33 No later than one (1) month before the commencement of Construction an **Independent Audit Program** prepared in accordance with the AS/NZS ISO 19011:2014 – *Guidelines for Auditing Management Systems* must be submitted to the Planning Secretary.
- A34 Independent audits of the CSSI must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Planning Secretary under **Condition A33** of this approval and **Independent Audit Reports** prepared.
- A35 The Proponent must:
- (a) review and respond to each **Independent Audit Report** prepared under **Condition A34** of this approval; and
 - (b) submit the response to the Planning Secretary within six (6) weeks of completing the audit.

INCIDENT NOTIFICATION AND REPORTING

- A36 The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one), and set out the location and nature of the incident.
- A37 Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix A**.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Communication Strategy

- B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication between the Proponent, the relevant council(s) and the community (including adjoining affected landowners and businesses, and others directly impacted by the CSSI), during the design and Construction of the CSSI and for a minimum of 12 months following the completion of Construction of the CSSI.
- B2 The **Community Communication Strategy** must:
- (a) identify people and organisations to be consulted during the design and Work phases;
 - (b) identify community demographics and approaches to address the needs of LOTE and CALD and vulnerable communities;
 - (c) set out procedures and mechanisms for the regular distribution of accessible information, including to LOTE and CALD communities, about or relevant to the CSSI. The information to be distributed must include information regarding current site Construction activities, schedules and milestones at each Construction site;
 - (d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and
 - (e) establish place managers for each construction site to engage with the local community; and
 - (f) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Proponent;
 - (ii) through which the Proponent will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction of the CSSI.
- B3 The **Community Communication Strategy** must be submitted to the Planning Secretary for approval no later than one (1) month before commencement of any Work.
- B4 Work for the purposes of the CSSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary.

COMPLAINTS MANAGEMENT SYSTEM

- B5 A **Complaints Management System** must be prepared and implemented before the commencement of Work and maintained for the duration of Construction and for a minimum for 12 months following completion of Construction of the CSSI.
- B6 The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of Work and for 12 months following the completion of Construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the CSSI;
 - (b) a postal address to which written complaints and enquires may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and
 - (d) a mediation system for complaints unable to be resolved.

- B7 The telephone number, postal address, website URL and email address required under **Condition B6** of this approval must be published in a newspaper circulating in the relevant local area and on site hoarding at each Construction site before the commencement of construction and published in the same way again before the commencement of operation. This information must also be provided on the website required under **Condition B14** of this approval.
- B8 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any Work and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:
- (a) number of complaints received;
 - (b) number of people affected in relation to a complaint; and
 - (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.
- B9 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.
- B10 A **Community Complaints Mediator** that is independent of the design and construction personnel must be nominated by the Proponent, approved by the Planning Secretary and engaged during Work associated with the CSSI. The request nominating the **Community Complaints Mediator** must be submitted to the Planning Secretary for approval within one (1) month of the date of this approval.
- B11 The role of the **Community Complaints Mediator** must address any complaint where a member of the public is not satisfied by the Proponent's response. Any member of the public that has lodged a complaint which is registered and executed through the **Complaints Management System** identified in **Condition B5** may ask the **Community Complaints Mediator** to review the Proponent's response. The application must be submitted in writing and the **Community Complaints Mediator** must respond within 28 days of the request being made or other specified timeframe agreed between the **Community Complaints Mediator** and the member of the public.
- B12 The **Community Complaints Mediator** will:
- (a) review disputes between the project and members of the public if the procedures and mechanisms under **Condition B5** or Condition **B2(f)(iii)** do not satisfactorily address the complainants concerns; and
 - (b) make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes.
- B13 The **Community Complaints Mediator** will not act before the **Complaints Management System** required by **Condition B5**, including any internal escalation process, has been executed for a complaint and will not consider issues such as property acquisition, where other dispute processes are provided for in this approval or clear government policy and resolution processes are available, or matters which are not within the scope of the CSSI.

PROVISION OF ELECTRONIC INFORMATION

- B14 A website or webpage providing information in relation to the CSSI must be established before commencement of Work and maintained for the duration of Construction, and for a minimum of 12 months following the completion of Construction. Up-to-date information (excluding confidential, private and/or commercial information or other documents as agreed to by the Planning Secretary) must be published before the relevant Work commencing and maintained on the website or dedicated pages including:

- (a) information on the current implementation status of the CSSI;
- (b) the telephone number, postal address and email address required under **Condition B6**;
- (c) a copy of the documents listed in **Condition A1** and **Condition A2** of this approval and any documentation relating to any modifications made to the CSSI or the terms of this approval;
- (d) 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;
- (e) a copy of EPL required and obtained in relation to the CSSI;
- (f) a current copy of each document required under the terms of this approval, which must be published before the commencement of any relevant activity to which they relate or before their implementation, as the case may be; and
- (g) a copy of the compliance reports required under **Condition A29**, and **Condition A32** of this approval.

Note: Where a document referred to in (f) above is superseded, or the management of activities covered by a document referred to in (f) above have been subsumed into another document, the current applicable and, where required, approved document must be available on the website/webpage. Any superseded document must be available in an archived section or similar of the website/webpage.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared in accordance with the **Construction Environmental Management Framework (CEMF)** included in the documents listed in **Condition A1** to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during Construction.
- C2 The **CEMP** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than one (1) month before the commencement of Construction.
- C3 The **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies identified for each **CEMP Sub-plan** and be consistent with the **CEMF** and **CEMP** referred to in **Condition C1**:

	Consultation required for CEMP Sub-plans	Relevant government agencies to be consulted for each CEMP Sub-plan
(a)	Noise and vibration	Relevant council(s)
(b)	Soil and water	Relevant council(s), DoI, OEH
(c)	Waste and spoil	Relevant council(s)
(d)	Heritage	Heritage Council (or its delegate) and relevant council(s)

- C4 The **CEMP Sub-plans** must be prepared in accordance with the **CEMF**.
- C5 Details of all information requested by an agency to be included in a **CEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **CEMP Sub-plan**.
- C6 Any of the **CEMP Sub-plans** may be submitted along with, or subsequent to, the submission of the **CEMP** but in any event, no later than one (1) month before Construction.
- C7 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Planning Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Planning Secretary, including any minor amendments approved by the **ER** must be implemented for the duration of Construction. Where Construction of the CSSI is staged, Construction of a stage must not commence until the **CEMP** and **CEMP sub-plans** for that stage have been approved by the Planning Secretary.

CONSTRUCTION MONITORING PROGRAMS

- C8 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of Construction of the CSSI against the predicted performance.

	Consultation required for Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program
(a)	Noise and Vibration	Relevant council(s)
(b)	Water Quality	Relevant council(s)

- C9 Each **Construction Monitoring Program** must provide:
- (a) details of baseline data available;
 - (b) details of baseline data to be obtained and when;
 - (c) details of all monitoring of the project to be undertaken;
 - (d) the parameters of the project to be monitored;
 - (e) the frequency of monitoring to be undertaken;
 - (f) the location of monitoring;
 - (g) the reporting of monitoring results;
 - (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and
 - (i) any consultation to be undertaken in relation to the monitoring programs.
- C10 The **Construction Monitoring Programs** must be developed in consultation with relevant government agencies as identified in **Condition C8** of this approval and must include reasonable information requested by an agency to be included in a **Construction Monitoring Programs** during such consultation. Details of all information requested by an agency including copies of all correspondence from those agencies, must be provided with the relevant **Construction Monitoring Program**.
- C11 The **Construction Monitoring Programs** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of Construction.
- C12 Construction must not commence until the Planning Secretary has approved all of the required **Construction Monitoring Programs**.
- C13 The **Construction Monitoring Programs**, as approved by the Planning Secretary including any minor amendments approved by the **ER** must be implemented for the duration of Construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.
- C14 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.
- C15 Where a relevant **CEMP Sub-plan** exists, the relevant **Construction Monitoring Program** may be incorporated into that **CEMP Sub-plan**.

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Environmental Management Plan (OEMP)** must be prepared to detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during Operation. This condition (**Condition D1**) does not apply if **Condition D2** of this approval applies.
- D2 An **OEMP** is not required for the CSSI if the Proponent has an **Environmental Management System (EMS)** or equivalent as agreed with the Planning Secretary, and can demonstrate, to the satisfaction of the Planning Secretary, that through the **EMS**:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and specified relevant terms of this approval can be achieved;
 - (b) issues identified through ongoing risk analysis can be managed; and
 - (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.
- D3 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month before the commencement of Operation.
- D4 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of Operation and the **OEMP** or **EMS** must be made publicly available before the commencement of Operation.
- D5 Within 15 months of the commencement of Operation, or any other timeframe as agreed by the Planning Secretary, the Proponent must commission an independent, qualified person or team to undertake and **Operational Performance Audit** of the CSSI. The independent person or team must be approved by the Planning Secretary before the commencement of the Audit. The **Operational Audit Report** must be submitted to the Planning Secretary within one month of the completion of the Audit or other timeframe agreed with the Planning Secretary. The Audit must:
- (a) assess compliance with the requirements of this approval;
 - (b) assess the environmental performance of the CSSI against the predictions made and conclusions drawn in the documents listed in **Condition A1** as amended by this approval; and
 - (c) review the effectiveness of the environmental management of the CSSI, including any environmental impact mitigation.

PART E

KEY ISSUE CONDITIONS

SUBURBAN AND INTER-URBAN RAIL

- E1 The Proponent must manage operational and asset interface risks to ensure the successful operational integration of the CSSI and the heavy railway network and protection of physical and operational Sydney Trains assets and services during construction and operation

AIR QUALITY

- E2 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1**, all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during the Construction and Operation of the CSSI.

BIODIVERSITY

Biodiversity offsetting

- E3 Where impacts to threatened ecological communities or endangered species cannot be avoided, they must be offset in accordance with the requirements of the *NSW Biodiversity Offsets Policy for Major Projects* (OEH, 2014) in agreement with OEH.

Note: the SPIR proposal does not require offsetting under the Framework for Biodiversity Assessment as it does not have any impacts to threatened ecological communities or threatened species.

TREE REMOVAL AND REPLACEMENT

- E4 The CSSI must be designed to retain as many trees as possible. Where trees are to be removed, the Proponent must provide a 2:1 ratio replacement of trees. Replacement trees must be planted within the project boundary or on public land up to 500 metres from the project boundary. Replacement tree plantings can be undertaken beyond 500 metres on public land within the local government areas to which the CSSI approval applies if requested by the relevant council(s) or where no more practicable land for planting can be found within and up to 500 metres from the CSSI boundary. The location of replacement trees must be determined in consultation with the relevant council(s).
- E5 The Proponent must commission an independent experienced and suitably qualified arborist, to prepare a comprehensive Tree Report(s) before removing any trees as detailed in the documents listed in **Condition A1**. The Tree Report may be prepared for the entire CSSI or separate reports may be prepared for individual areas where trees are required to be removed. The report(s) must identify the impacts of the CSSI on trees and vegetation within and adjacent to the Construction footprint. The report(s) must include:
- a description of the conditions of the tree(s) and its amenity and visual value;
 - consideration of all options to avoid tree removal, including relocation of services, redesign or relocation of ancillary components (such as substations, fencing etc.) and reduction of standard offsets to underground services; and
 - measures to avoid the removal of trees or minimise damage to existing trees and ensure the health and stability of those trees to be protected. This includes details of any proposed

canopy or root pruning, root protection zone, excavation, site controls on waste disposal, vehicular access, storage of materials and protection of public utilities.

A copy of the report(s) must be submitted to the Planning Secretary before the removal or pruning of any trees, including those affected by site establishment Work. All recommendations of the report must be implemented by the Proponent, unless otherwise agreed by the Planning Secretary.

- E6 Replacement trees are to have a minimum pot size of 75 litres except where the plantings are consistent with the pot sizes specified in a relevant council's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant council. In areas not subject to council plans / programs / strategies, pot sizes should be informed through consultation with the relevant council(s).

*Note: For the purposes of **Conditions E5 and E6**, consultation with relevant council(s) encompasses consultation undertaken with those councils on the Station Design and Precinct Plan required by **Condition E56**, and any agreements reached on replacement pot sizes during consultation.*

- E7 The Proponent must submit to the Planning Secretary a report which details the type, size, number and location of replacement trees. The report must demonstrate how any replacement plantings with a pot size less than 75 litres are consistent with the requirements of **Condition E6**. The report must be submitted to the Planning Secretary before Operation unless otherwise agreed by the Planning Secretary.

FLOODING

- E8 The location of Construction compounds must not worsen the existing flooding characteristics of the area.
- E9 Where the CSSI will worsen flooding impacts, the Proponent is responsible for implementing measures to address those impacts

HERITAGE

- E10 Following completion of Work described in the documents listed in **Conditions A1 and A2** in relation to heritage items, a **Heritage Report** including the details of any archival recording, further historical research either undertaken or to be carried out and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by the Heritage Council of NSW and **Heritage NSW**.
- E11 An **Excavation Director's Report (EDR)** must be prepared for any heritage items of State significance that are discovered during Work. The **EDR** must be prepared in consultation with **Heritage NSW**.
- E12 The **Heritage Report** and **Excavation Director's Report** must be submitted to the Planning Secretary, the Heritage Council of NSW and **Heritage NSW** for information no later than 24 months after the completion of the work referred to in **Condition E10**.
- E13 The Proponent must prepare a **Heritage Interpretation Strategy** which outlines a process to interpret key Aboriginal and non-Aboriginal heritage values and stories of heritage items in the final project design. The **Heritage Interpretation Strategy** must be prepared in consultation with the Heritage Council of NSW and submitted to the Planning Secretary for information before the commencement of Construction.
- E14 A **Heritage Interpretation Plan(s)** must be prepared, consistent with the **Heritage Interpretation Strategy** which identifies heritage items to be used in the final design of the project. The plan(s)

must identify how items will be interpreted and provide a timeframe for their implementation which must be no later than the commencement of Operation. Heritage interpretation in any station precinct must be identified in the relevant **Station Design and Precinct Plan(s)** required in **Condition E56**.

The **Heritage Interpretation Plan** must be prepared in accordance with the *NSW Heritage Manual*, the NSW Heritage Office's *Interpreting Heritage Places and Items: Guidelines* (August 2005), and the NSW Heritage Council's *Heritage Interpretation Policy*.

- E15 An **Unexpected Heritage Finds and Human Remains Procedure** must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or **Heritage NSW**.
- E16 The **Unexpected Heritage Finds and Human Remains Procedure** must be prepared by a suitably qualified and experienced heritage specialist in consultation with the Heritage Council of NSW and submitted to the Planning Secretary for information no later than one (1) month before the commencement of Construction.
- E17 The **Unexpected Heritage Finds and Human Remains Procedure**, as submitted to the Planning Secretary, must be implemented for the duration of construction and during operational maintenance works.

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

NOISE AND VIBRATION

Land Use Survey

- E18 A detailed land use survey must be undertaken to confirm sensitive receivers (including critical working areas such as operating theatres and precision laboratories) potentially exposed to Construction noise and vibration, Construction ground-borne noise and Operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of Work which generate Construction or Operational noise, vibration or ground-borne noise in that area. The results of the survey must be included in the **Construction Noise and Vibration Impact Statement(s)** or **Operational Noise and Vibration Review**, where relevant.

Work Hours

- E19 Work must only be undertaken during the following Construction hours:
- 7:00am to 6:00pm Mondays to Fridays, inclusive;
 - 8:00am to 6:00pm Saturdays; and
 - at no time on Sundays or public holidays.

Variation to Works Hours

- E20 Notwithstanding **Conditions E19** and **E24** Work may be undertaken outside the hours specified in the following circumstances:
- for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
 - where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
 - where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or
 - Work approved under an **Out-of-Hours Work Protocol** for Work not subject to an EPL as required by **Condition E25**; or
 - construction that causes $L_{Aeq(15\text{ minute})}$ noise levels:

- (i) no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and
 - (ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses, and
 - (iii) continuous or impulsive vibration values, measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
 - (iv) intermittent vibration values measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).
- (f) where a negotiated agreement has been reached with a substantial majority of sensitive receivers who are within the vicinity of and may be potential affected by the particular Construction, and the noise management levels and/or limit for ground-borne noise and vibration (human comfort) cannot be achieved. All agreements must be in writing and a copy forwarded to the Planning Secretary at least one (1) week before the commencement of activities.

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

- E21 On becoming aware of the need for emergency Work in accordance with **Condition E20(b)**, the Proponent must notify the **ER** and the EPA (if a EPL applies) of the need for that Work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those works.

Out-of-Hours Work Scheduling and Respite

- E22 Out-of-Hours Work that are regulated by an EPL as per **Condition E20(c)** or through the **Out-of- Hours Work Protocol** as per **Condition E25** include:

- (a) Work which could result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with **AS/NZS ISO 31000:2009** "*Risk Management – Principles and Guidelines*"; or
- (b) where the relevant road authority has advised the Proponent in writing that carrying out the activities could result in a high risk to road network operational performance; or
- (c) where the relevant utility service operator has advised the Proponent in writing that carrying out the activities could result in a high risk to the operation and integrity of the utility network; or
- (d) where the Transport for NSW Transport Management Centre (or other road authority) has advised the Proponent in writing that a road occupancy licence is required and will not be issued for the activities during the hours specified in **Conditions E19** and **E20**; or
- (e) where Sydney Trains (or other rail authority) has advised the Proponent in writing that a Rail Possession is required.

*Note: Other Out-of-Hours Work can be undertaken with the approval of an EPL, or through the project's **Out-of-Hours Work Protocol** for Work not subject to an EPL.*

- E23 In order to undertake Out-of-Hours Work, the Proponent must identify appropriate respite periods for the Out-of-Hours Work in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:
- (a) a schedule of likely Out-of-Hours Work for a period no less than two (2) months;
 - (b) the potential work, location and duration;
 - (c) the noise characteristics and likely noise levels of the Work; and
 - (d) likely mitigation and management measures

The outcomes of the community consultation, the identified respite periods and the scheduling of the likely Out-of-Hours Work must be provided to the EPA (if an EPL applies) and the Planning Secretary (for high risk activities after 9pm) upon request.

Highly Noise Intensive Works

E24 Except as permitted by an EPL, highly noise intensive Work that result in an exceedance of the applicable Noise Management Level 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) in continuous blocks not exceeding three (3) hours each with a minimum respite from those activities and Works of not less than one (1) hour between each block.

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

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

E25 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of Work which are outside the hours defined in **Condition E19**, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the Work. The Protocol must:

- (a) provide a process for the consideration of Out-of-Hours Work against the relevant noise and vibration criteria, including the determination of low and high-risk activities;
- (b) provide a process for the identification of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of **Condition E23**;
- (c) identify procedures to facilitate the coordination of Out-of-Hours Work approved by an EPL to ensure appropriate respite is provided;
- (d) identify an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:
 - (i) low risk activities and high risk activities that cease by 9pm can be approved by the **ER**, and
 - (ii) all other high risk activities that are approved by the Planning Secretary; and
- (e) identify Planning Secretary, EPA and community notification arrangements for approved Out-of-Hours Works, which may be detailed in the **Community Communication Strategy**.

Out-of-Hours Work – Utility Coordination and Respite

E26 Work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must:

- (a) reschedule any works to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with **Condition E23**; or
- (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and
- (c) provide documentary evidence to the **ER** in support of any decision made by the Proponent in relation to respite or mitigation.

Construction Noise and Vibration - General

E27 **Construction Noise and Vibration Impact Statements** must be prepared for Construction sites before Construction noise and vibration impacts commence and include specific mitigation measures identified through consultation with affected sensitive receivers. The Statements must augment the **Construction Noise and Vibration Management Sub-plan** and must be implemented for the duration of Work. The Statements must be informed by a suite of potential management/mitigation options provided in the **Construction Noise and Vibration Sub-plan**.

- E28 Noise generating Work in the vicinity of potentially-affected community, religious, or educational institutions resulting in noise levels above the noise management levels must not be timetabled within sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution or as otherwise approved by the Planning Secretary.
- E29 Mitigation measures must be implemented with the aim of achieving the following Construction noise management levels and vibration criteria:
- (a) Construction 'Noise affected' noise management levels established using the *Interim Construction Noise Guideline* (DECC, 2009);
 - (b) vibration criteria established using the *Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);
 - (c) 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).
- Note: The Interim Construction Noise Guideline identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction Noise Management Level.*
- E30 The Proponent must seek the advice of a heritage specialist on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.

Noise Mitigation - Operational Noise Mitigation Measures

- E31 The Proponent must prepare an **Operational Noise and Vibration Review (ONVR)** to confirm noise and vibration control measures that would be implemented for the Operation of the CSSI. The **ONVR** must be prepared as part of the iterative design development and in consultation with the Planning Secretary, relevant council(s), other relevant stakeholders and must:
- (a) identify appropriate Operational noise and vibration objectives and levels for surrounding development, including existing sensitive receivers;
 - (b) confirm the Operational noise predictions based on the expected final design. Confirmation must be based on an appropriately calibrated noise model (which has incorporated data obtained from noise monitoring).
 - (c) examine all noise and vibration mitigation measures, with a focus on source control and design;
 - (d) identify specific physical and other mitigation measures for controlling noise and vibration at the source and at the receiver (if relevant) including location, type and timing of mitigation measures;
 - (e) where noise and vibration objectives cannot be achieved, the ONVR must present an analysis of all noise and vibration mitigation measures and the 'best practice' achievable noise and vibration outcome for each activity;
 - (f) fully describe the design, assumptions, calculation process, mitigation strategy, and other relevant factors; and
 - (g) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures being offered.

The **ONVR** must be verified by a suitably qualified and experienced noise and vibration expert.

The **ONVR** must be undertaken at the Proponent's expense and submitted to the Planning Secretary for approval before the implementation of mitigation measures.

The Proponent must implement the identified noise and vibration control measures and make the **ONVR** publicly available.

- E32 Operational noise mitigation measures as identified in **Condition E31** that will not be physically affected by Construction, must commence implementation within six (6) months of the commencement of Construction in the vicinity of the impacted receiver(s) to minimise Construction noise impacts, and detailed in an updated **Noise and Vibration CEMP Sub-plan** for the CSSI.

*Note: For the purpose of **Conditions E32 and E33**, operational noise mitigation measures refer to at property or other identified non-source controls, the detail of which would broadly be included in the **Noise and Vibration CEMP Sub-plan**. When detail on the specific mitigation measures is known and before the implementation of the mitigation measures, the **CEMP sub-plan** must be updated.*

- E33 Where implementation of Operational noise mitigation measures will be physically affected by Construction such that they cannot commence implementation within six (6) months of the commencement of Construction in accordance with **Condition E32**, the Proponent must submit to the Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the Operational noise mitigation measures identified in **Condition E31** are implemented. The report must be submitted to the **ER** for review. When the ER is satisfied that the justification and alternative measures are appropriate to address construction noise impacts, and within six (6) months of the commencement of Construction which would affect the identified sensitive receivers, the report must be submitted to the Planning Secretary for information.
- E34 Within 12 months of the commencement of Operation of the CSSI, the Proponent must undertake monitoring of Operational noise to compare actual noise performance of the CSSI against the noise performance predicted in the review of noise mitigation measures required by **Condition E31**.

The Proponent must prepare an **Operational Noise Compliance Report** to document this monitoring. The Report must include, but not necessarily be limited to:

- (a) noise monitoring to assess compliance with the Operational noise levels predicted in the review of Operational noise mitigation measures required under **Condition E31**;
- (b) a review of the Operational noise levels in terms of criteria and noise goals established in the *NSW Rail Infrastructure Noise Guideline 2013*;
- (c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which CSSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;
- (d) details of any complaints and enquiries received in relation to Operational noise generated by the CSSI between the date of commencement of Operation and the date the report was prepared;
- (e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring;
- (f) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
- (g) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E31**, that are to be implemented with the objective of meeting the criteria outlined in the *NSW Rail Infrastructure Noise Guideline 2013* and *Noise Policy for Industry* (EPA, 2017), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.

The **Operational Noise 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.

SOCIO-ECONOMIC, LAND USE AND PROPERTY

- E35 The Proponent must establish an **Independent Property Assessment Panel** before Construction commences. The Panel will be responsible for the resolution of property damage disputes. Either

the affected property owner ~~of~~ or the Proponent may refer unresolved disputes arising from potential and/or actual property impacts to the Panel for resolution. All costs incurred in establishing and implementing the Panel must be borne by the Proponent.

- E36 The Proponent must determine viable alternative accommodation options for community facilities/groups (including the Canterbury Theatre Guild) where facilities used by group(s) are not available to them during Construction in consultation with the relevant council(s), community groups and key stakeholders.

Business Management Plan

- E37 The Proponent must prepare and implement a **Business Management Plan** to minimise impact on businesses around stations during Construction. The Plan must be prepared before Construction and must include but not necessarily be limited to:

- (a) measures to address amenity, vehicular and pedestrian access during business hours and visibility of the business appropriate to its reliance on such, and other reasonable matters raised in consultation with affected businesses;
- (b) establishing a Business Consultation forum linked to the **Community Communication Strategy** required by **Condition B1**;
- (c) preparation of Business Management Strategies for each station precinct or Construction site (and/or activity), identifying affected businesses and associated management strategies, including the employment of place managers, cultural liaison specialists and specific measures to be put in place to assist small business owners adversely impacted by the construction of the CSSI;
- (d) implementing the established Small Business Owners' Support Program to assist small business owners adversely impacted by construction of the CSSI. The Program must be administered by an Advisory/Support Panel established by the Proponent. The Program must have appropriate specialist representatives, including CALD representatives and must report to the Proponent;
- (e) a monitoring program to assess the effectiveness of the measures including the nomination of performance parameters and criteria against which effectiveness of the measures will be measured; and
- (f) provision for reporting of monitoring results to the Planning Secretary, in accordance with the **Compliance Tracking Program** required in **Condition A29**.

SOILS

- E38 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

Contaminated sites

- E39 An **Unexpected Contaminated Land and Asbestos Finds Procedure** must be prepared and must be followed should unexpected contaminated land or asbestos be excavated or otherwise discovered during Construction.

- E40 The **Unexpected Contaminated Land and Asbestos Finds Procedure** must be implemented throughout Construction.

MATERIALS STORAGE

- E41 Dangerous goods, as defined by the *Australian Dangerous Goods Code*, must be stored and handled strictly in accordance with:

- (a) All relevant Australian Standards;

- (b) For liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
- (c) The *Environment Protection Manual for Authorised Officers: Bunding and Spill Management* technical bulletin (EPA, 1997).

In the event of an inconsistency between the requirements listed from (a) to (c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

SUSTAINABILITY

- E42 The Proponent must seek to achieve a best practice level of performance for the CSSI using market leading sustainability rating tools (including a minimum 'Design' and 'As built' rating score of 65 using the Infrastructure Sustainability Council of Australia infrastructure rating tool [version 1.2], or an equivalent level of performance using a demonstrated equivalent rating tool).
- E43 The Proponent must prepare a **Sustainability Strategy** to be submitted to the Planning Secretary within six (6) months of the date of this approval and must be implemented throughout Construction and Operation.
- E44 Opportunities to reduce Operational greenhouse gas emissions must be investigated during detailed design. The sustainability initiatives identified must be regularly reviewed, updated and implemented throughout the design development and construction, and annually during Operation.
- E45 The Proponent must fully offset the greenhouse gas emissions associated with consumption of electricity during Operation of the CSSI.

TRAFFIC AND TRANSPORT

Traffic and Transport Liaison Group

- E46 The Proponent must establish a **Traffic and Transport Liaison Group(s) (TTLGs)** to inform traffic and transport management measures during Construction and Operation of the CSSI. Management measures must be coordinated with the RMS following consultation with the Sydney Coordination Office the Relevant Roads Authority.

The **TTLG** must comprise representatives from the Relevant Road Authority(ies), transport operators (including bus and taxi operators) and emergency services as required. The **TTLG** must be consulted to inform preparation of the **Construction Traffic Management Plan(s)**.

- E47 **Construction Traffic Management Plans (CTMPs)** must be prepared for each Construction site or stage (or Low Impact Activity where required) in accordance with the **CEMF** and relevant Austroads, Australian Standards and RMS requirements. The **CTMPs** must be submitted to the RMS following engagement with the Sydney Coordination Office and before Construction commences at the relevant Construction site or stage. A copy of the **Construction Traffic Management Plans** must be submitted to the Planning Secretary for information.
- E48 The Proponent must prepare a **Temporary Transport Management Plan** in accordance with the **Temporary Transport Strategy** included in documents listed in **Condition A1** one (1) month before the implementation of the Plan.
- E49 Before any local road is used by a heavy vehicle for the purposes of Construction of the CSSI, a **Road Dilapidation Report** must be prepared for the road. A copy of the **Road Dilapidation Report** must be provided to the relevant council(s) within four (4) weeks of completion of the survey and at least two (2) weeks before the road is used by heavy vehicles associated with the Construction of the CSSI.

- E50 If damage to roads occurs as a result of the Construction of the CSSI, the Proponent must either:
- (a) compensate the relevant road authority for the damage so caused. The amount of compensation may be agreed with the relevant road authority; or
 - (b) rectify the damage to restore the road to at least the condition it was in pre-Construction as identified in the **Road Dilapidation Report(s)**.
- E51 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 must be provided, and opportunities for parking arrangements must be investigated in consultation with affected businesses/properties and implemented before the disruption. Adequate signage and directions to businesses/properties must be provided before, and for the duration of, any disruption.

Pedestrian and Cyclist Access

- E52 Safe pedestrian and cyclist access must be maintained around Work sites during Construction. In circumstances where pedestrian and cyclist access is restricted or removed due to Construction activities, an alternate route which complies with the relevant standards must be provided and signposted.
- E53 The Proponent must prepare a **Walking and Cycling Strategy** to identify opportunities and works to connect stations with the surrounding communities, by connecting to or enhancing existing pedestrian and cyclist paths.

The **Walking and Cycling Strategy** must also identify opportunities and works to improve east-west pedestrian and cyclist facilities between Sydenham and Bankstown.

The **Walking and Cycling Strategy** must be prepared in consultation with relevant council(s), local bike user groups and relevant stakeholder(s). Identified opportunities and works, where relevant, must be integrated with the relevant Station Design and Precinct Plan(s). Works that are identified as being the responsibility of the Proponent, including those associated with east- west pedestrian and cyclist facilities must be delivered within twelve (12) months following commencement of Operation.

URBAN DESIGN AND VISUAL AMENITY

Lighting and Security

- E54 The Proponent must construct and operate the CSSI with the objective of minimising light spillage to surrounding properties. All lighting associated with the Construction and Operation of the CSSI must be consistent with the requirements of *Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting* and relevant Australian Standards in the series *AS/NZ 1158 – Lighting for Roads and Public Spaces*.

Design Review Panel

- E55 The Proponent must appoint the **Sydney Metro City & Southwest Design Review Panel** for the CSSI before Construction commences.
- E56 **Station Design and Precinct Plans** must be prepared to inform the final design of the CSSI and to give effect to the commitments made in the documents listed in **Conditions A1** and **A2**. The Station Design and Precinct Plans do not apply to those elements, which for technical, engineering, or ecological requirements, or requirements as agreed by the Planning Secretary, do not allow for alternate design outcomes.

- E57 **Station Design and Precinct Plans** must be prepared by a suitably qualified and experienced person(s) in consultation with the relevant council(s), the community and affected landowners and businesses or a representative of the businesses. A station precinct is defined as an area within 200 metres radius of a station, or beyond for the purposes of connecting pedestrian and cycle paths from stations to existing or planned future pedestrian and cycle paths. The Station Design and Precinct Plans must include:
- (a) Context and form
 - (i) an analysis of the built, natural and community context and the urban design objectives, principles and standards for the CSSI,
 - (ii) the location of existing heritage items,
 - (iii) the location and type of existing vegetation,
 - (iv) detailed consideration of integration and continuity with urban design and landscape outcomes for SSI 7400, taking into account the approved station design and precinct plans for that project;
 - (b) Design
 - (i) the design of the CSSI elements including their form, materials and detail,
 - (ii) the design of the CSSI landform and earthworks,
 - (iii) visual screening requirements for the CSSI,
 - (iv) developed visuals, cross sections and plans showing the proposed design outcome of the CSSI,
 - (v) consideration of opportunities for provision of public art within each station precinct,
 - (vi) consideration of the principles of Crime Prevention Through Environmental Design (CPTED);
 - (c) Landscaping
 - (i) areas of vegetation to be retained and proposed planting and seeding details, including the use of local indigenous species for revegetation activities,
 - (ii) details of strategies to rehabilitate, regenerate or revegetate disturbed areas and successfully establish and maintain the resulting new landscape;
 - (d) Transport and access
 - (i) design measures to maximise the amenity of public spaces, permeability around entrances to stations and integration with other transport modes,
 - (ii) measures to safeguard a new pedestrian crossing of the rail corridor to the west of Foord Avenue and east of Melford Street in Hurlstone Park,
 - (iii) integrate with relevant initiatives identified in the Sydney Metro Sydenham to Bankstown Walking and Cycling Strategy,
 - (iv) detailed consideration of measures to allow for the removal and/or relocation of existing ancillary infrastructure (such as fencing, substations and signaling boxes) and any structures that may be made redundant by the CSSI that may inhibit or detrimentally impact the provision of open space, pedestrian and cyclist pathways along the rail corridor or new access points into the stations in the future,
 - (v) detailed consideration of design measures to ensure the location of infrastructure does not preclude future enhancements and upgrades to existing parks and public open spaces adjoining the rail corridor; and
 - (e) Consultation
 - (i) evidence of consultation with the community, the relevant council(s) in the preparation of the Station Design and Precinct Plans and how feedback has been addressed before seeking review by the Design Review Panel, where required.

- E58 In addition to the requirements of **Condition E57**, the **Station Design and Precinct Plan** for **Bankstown Station** must:
- remove the existing at grade car park immediately opposite the intersection of North Terrace and The Appian Way to improve the public domain;
 - consider opportunities to improve legibility and access to the existing station entrances from North Terrace and Bankstown City Plaza, including rationalisation of retail outlets;
 - investigate opportunities to relocate the bus layover on South Terrace and off-street parking from the station interface;
 - consider opportunities to consolidate amenities such as toilets and other infrastructure into new integrated station facilities that are not isolated or dominant in the public domain; and
 - investigate **and document** opportunities for **the relocation** of the heritage listed parcel office **or retention of its interpretive elements, and provide justification to explain why the opportunities have progressed or not**; and
 - include a master plan for the transport interchange at Bankstown Station and consider the relationship to and outcomes of any broader master planning of the Bankstown commercial district.
- E59 In addition to the requirements of **Condition E57**, the **Station Design and Precinct Plan** for **Punchbowl Station** must:
- include measures to improve safety and security to the pedestrian access under Punchbowl Road connecting to Highclere Avenue/Breust Place; and
 - include a concept design for and identify measures to safeguard a future pedestrian overpass to the west of Punchbowl Station, connecting South Terrace to Stansfield Avenue within the rail corridor and as close to Punchbowl Boys High School as practicable.
- E60 In addition to the requirements of **Condition E57**, the **Station Design and Precinct Plan** for **Wiley Park Station** must include a concept design for and identify measures to safeguard a future station access to/from Shadforth Street.
- E61 In addition to the requirements of **Condition E57**, the **Station Design and Precinct Plan** for **Campsie Station** must:
- have regard to the outcomes of any master planning of the Campsie commercial district;
 - identify opportunities to improve pedestrian and cycle access to the station (such as footpath widening) to better integrate station buildings into the public domain;
 - include a concept design for and identify measures to safeguard an unpaid pedestrian overpass and station access connecting near the intersection of Assets Street and Wilfred Avenue and the intersection of Lillian Street and Dewar Street to the south of the station; and
 - provide an improved amenity to and larger public plaza at the station entrance on the western side of Beamish Street, including where required, rationalisation of retail outlets. new pavements, bicycle parking infrastructure, landscaping, lighting and furniture.
- E62 In addition to the requirements of **Condition E57**, the **Station Design and Precinct Plan** for **Canterbury Station** must include a concept design for and safeguard a future station entrance in the vicinity of Charles Street to the west of the station.
- E63 In addition to the requirements of **Condition E57**, the **Station Design and Precinct Plan** for **Dulwich Hill Station** must include a new concourse connecting the Dulwich Hill Light Rail Stop to the island rail platform and across to a new access point at Ewart Lane.

- E64 **Station Design and Precinct Plans** for **Bankstown Station** and **Campsie Station** must include an **Interchange Access Plan** to inform the final design of transport and access facilities and services. The **Interchange Access Plan(s)** must consider mode transfer, from both active transport or road- based transport and take into account:
- (a) station access hierarchy consistent with the transport planning principles identified in the EIS;
 - (b) current transport initiatives and plans; and
 - (c) patronage changes resulting from land use, population, employment, transport infrastructure and service changes.
- E65 The **Station Design and Precinct Plans** for **Bankstown Station**, **Campsie Station** and **Dulwich Hill Station**, must be reviewed by the **Design Review Panel**. The Proponent must provide a response to the outcomes of the **Design Review Panel's** review indicating how the relevant precinct plans will be amended to accommodate the review outcomes. Where the review outcomes are not addressed, the Proponent must provide the **Design Review Panel** with reasons.
- E66 With respect to the **Bankstown Station**, **Campsie Station** and **Dulwich Hill Station** precincts, the Proponent must submit the relevant **Station Design and Precinct Plans** to the Planning Secretary for approval no later than one (1) month before commencement of Construction of permanent built works that are the subject of these **Station Design and Precinct Plans** (in the area to which the relevant **Station Design and Precinct Plan** applies).
- E67 With respect to the **Bankstown Station**, **Campsie Station** and **Dulwich Hill Station** precincts, Construction of permanent built works or landscaping that are the subject of the **Station Design and Precinct Plans** must not be commenced (in the area to which the relevant **Station Design and Precinct Plan** applies) until the relevant **Station Design and Precinct Plans** have been approved by the Planning Secretary, after responding to the outcomes of the **Design Review Panel** review. Evidence of response to the Design Review Panel's review must be provided to the Planning Secretary. The **Station Design and Precinct Plans**, as approved by the Planning Secretary, must be implemented as required during Construction and Operation.

Operational Maintenance

- E68 The ongoing maintenance and Operation costs of urban design, open space, landscaping and recreational items and works implemented as part of this approval remain the responsibility of the Proponent until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and works to at least the design standards, noting normal wear and tear, established in the **Station Design and Precinct Plans**, required by **Condition E57**.

UTILITIES MANAGEMENT

- E69 The Proponent must co-ordinate utility providers and relevant council(s) to identify opportunities for maintenance, replacement or augmentation of utilities that cross the rail corridor and facilitate and co-ordinate requests by the utility providers and relevant council(s) to undertake the Work during rail shutdowns, with particular reference to the final three (3) to six (6) month shutdown before metro services commence.
- E70 Nothing in this approval allows for the undertaking of any third-party utility Work identified through the implementation of **Condition E69** and not required for the purposes of the CSSI.
- Note: Third-party utility Work, including but not limited to drainage, water or energy supply etc. identified not required for the project is not the responsibility of the Proponent and is subject to separate approvals process.*

- E71 A **Utilities Management Strategy** must be prepared and implemented in line with the Utilities Management Framework, provided as Appendix H of the SPIR for all utility Work. The Strategy must identify how utility Work will be defined and managed.

The **Utilities Management Strategy** must include:

- (a) the functions of the **Utility Coordination Manager** as required by **Condition E72**;
- (b) a description of all utility Work to be undertaken; and
- (c) management measures to be implemented to manage dust, noise, traffic, access and lighting impacts associated with utility Work.

The **Utilities Management Strategy** must be submitted to the Planning Secretary for approval at least one (1) month before the commencement of utility Work.

Utility Coordination Manager

E72 A **Utility Coordination Manager** must be appointed for the duration of the CSSI Work. The role of the **Utility Coordination Manager** must include, but not be limited to:

- (a) the management and coordination of all utility Work associated with the delivery of the CSSI, to ensure respite is provided to the community, as required under **Condition E22**;
- (b) investigating complaints received from the **Community Complaints Mediator** relating to utility Work and providing a response to the **Community Complaints Mediator**.

WASTE

E73 Any items or infrastructure that are salvageable must be identified in the relevant **CEMP Sub- plan (Condition C3)**.

Note: reuse of items may include signal boxes, indicators, ballast or other rail infrastructure. These items should be offered to Sydney Trains or reuse.

E74 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the *Protection of the Environment Operations Act 1997*, under the *Protection of the Environment Operations (Waste) Regulation 2014*, and orders or exemptions made under the regulation.

E75 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.

E76 All waste must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

Appendix A

WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven (7) 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 A37** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the CSSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.