



EPBC Annual Compliance Report 2023

Narrabri to North Star Phase 1
(EPBC 2016/7729)



Document Control

| | |
|-----------------------|--|
| DOCUMENT TITLE | EPBC ANNUAL COMPLIANCE REPORT 2023, NARRABRI TO NORTH STAR PHASE 1 (EPBC 2016/7729) |
| PREPARED BY | Grant Brown, Senior Environmental Advisor, N2NS Phase 1 |
| REVIEWED BY | Chris Dickson, Principal Environmental Advisor – Central Justin Bate, HSE Superintendent N2NS Phase 1 Tina Stewart, Environmental Manager – Delivery Jasmine Walden, Principal Environment Advisor (NSW) – Regulatory Engagement and Compliance |
| ENDORSED BY | Chris Dickson, Principal Environmental Advisor - Central |


Note: The Preparer, Owner, Quality Reviewer and Endorser acceptance of this document is captured electronically via the IR Controlled Document Centre.

Revision History

| REVISION | REVISION DATE | DESCRIPTION OF CHANGES |
|----------|---------------|------------------------|
| A | 13/02/2023 | Draft |
| 0 | 02/06/2023 | Final |

Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

| | |
|---------------------------------|---|
| SIGNED |  |
| FULL NAME | Peter Borrelli |
| POSITION | Project Director N2NS Phase 1 |
| ORGANISATION AND ABN/ACN | Australian Rail Track Corporation Limited ACN 081 455 754 |
| DATE | 02/06/2023 |

Disclaimer: This document has been prepared by ARTC and may not be relied on by any other party without ARTC's prior written consent. Use of this document shall be subject to the terms of the relevant contract with ARTC. ARTC and its employees shall have no liability to unauthorised users of the information for any loss, damage, cost or expense incurred or arising by reason of an unauthorised user using or relying upon the information in this document, whether caused by error, negligence, omission or misrepresentation in this document.

Copyright of this material is vested in ARTC, subject to the Copyright Act 1968. This material, including the ARTC logo, is copyright. None of this material may be reproduced, altered or transmitted in whole or in part without prior written permission from ARTC which must be directed to IR Director Business Services.

© Australian Rail Track Corporation Limited 2021

Table of Contents

Glossary..... 3

1 Introduction..... 4

 1.1 Background..... 4

 1.2 Scope..... 4

 1.3 Approved action..... 4

 1.4 Project details..... 6

 1.5 Key project activities..... 6

2 Compliance assessment..... 6

 2.1 Assessment of compliance..... 6

Appendices

Appendix A Cumulative Vegetation Clearing Quantity..... 21

Appendix B Commencement of activity notification letter..... 23

Appendix C EPBC Approval..... 24

Appendix D NSW CSSI 7474 Approval..... 25

List of tables

Table 1: Terminology..... 3

Table 2 Compliance status terminology..... 7

List of figures

Figure 1-1 Narrabri to North Star section of Inland Rail project footprint..... 5

Glossary

Specific terms and acronyms used throughout this strategy are listed and described in the **Table 1** below.

Table 1: Terminology

| ACRONYM | DEFINITION |
|----------------|---|
| ARTC | Australian Rail Track Corporation |
| BMP | Biodiversity Management Plan |
| CEMP | Construction Environmental Management Plan |
| CIZ | Construction Impact Zone |
| CSSI | Critical State Significant Infrastructure |
| CSSI 7474 | Critical State Significant Infrastructure Planning Approval for N2NS P1 |
| DCCEEW | Federal Department of Climate Change, Energy, the Environment and Water (formerly DAWE) |
| DPE | NSW Department of Planning and Environment |
| EIS | Environmental Impact Statement |
| EP&A Act | NSW Environmental Planning and Assessment Act 1979 |
| EPBC 2016/7729 | EPBC Act Planning Approval for N2NS P1 |
| EPBC Act | Commonwealth Environment Protection and Biodiversity Conservation Act 1999 |
| FEMP | Flood Emergency Management Plan |
| HMP | Heritage Management Plan |
| IFC | Issue for construction |
| LX | Level Crossing |
| N2NS P1 | Narrabri to North Star, Phase 1 project |
| NVMP | Noise and Vibration Management Plan |
| PCT | Plant Community Type |
| SPIR | Submissions and Preferred Infrastructure Report |
| SSI | State Significant Infrastructure |
| SWMP | Soil and Water Management Plan |
| TEC | Threatened Ecological Community |
| TTAMP | Traffic, Transport and Access Management Plan |

1 Introduction

1.1 Background

Australian Rail Track Corporation (**ARTC**) submitted a Critical State Significant Infrastructure (**CSSI**) application for approval to construct and operate the Narrabri to North Star Phase 1 (**N2NS P1**) section of the Inland Rail program under Part 5, Division 5.2 of the NSW *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The then NSW Minister for Planning and Public Spaces granted CSSI approval for N2NS P1 on 13 August 2020 (**CSSI 7474**). A copy of the CSSI 7474 Approval is presented in **Appendix D**.

N2NS P1 is subject to approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**). The N2NS project was declared by the then Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities to be a controlled action under the EPBC Act on 20 September 2016. Following a request to separate N2NS into two phases on 1 June 2020 (which request was approved on 25 June 2020), N2NS P1 was approved by the Commonwealth Minister on 1 October 2020 (**EPBC 2016/7729**). ARTC commenced construction of N2NS P1 on 10 April 2021.

1.2 Scope

This report details the commitments outlined within EPBC 2016/7729 and assessment of compliance against conditions 1-12 for the reporting period 10 April 2022 to 9 April 2023 as per Condition 6 of EPBC 2016/7729, which states:

*The approval holder must prepare a **compliance report** for each 12-month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:*

- a. *publish each **compliance report** on the **website** within 60 **business days** following the relevant 12-month period;*
- b. *notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;*
- c. *keep all **compliance reports** publicly available on the **website** until this approval expires;*
- d. *exclude or redact sensitive ecological data from compliance reports published on the **website**; and*
- e. *where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication*

1.3 Approved action

Construction of N2NS P1 commenced on 10 April 2021. The majority of scope is expected to be completed by July 2023, with the exception of the replacement of the Newell Highway Over Bridge (north of Bellatta), the Moree Precinct (Stage 2C), and the at-property noise treatments. The Newell Highway Over Bridge and Stage 2C is expected to commence in 2024, whilst the at-property noise treatment scoping works have commenced with an anticipated completion of scope in March 2024.

The key features of N2NS P1 include:

- ▶ Upgrading the track, track formation, underbridges and culverts within the existing rail corridor, in two sections
 - ▶ between Narrabri and Moree; and
 - ▶ between Camurra and North Star
- ▶ Five new crossing loops within the existing rail corridor, at Bobbiwaa, Waterloo Creek, Tycannah Creek, Coolleearlee, and Murgo;
- ▶ A replacement rail bridge at Croppa Creek;

The overall project footprint is presented in **Figure 1** below.

1.4 Project details

Project details for N2NS P1 are presented in **Table 2** below.

Table 2 Project details

| | |
|---------------------------------------|--|
| EPBC NUMBER | EPBC 2017/7861 |
| PROJECT NAME | Narrabri to North Star Section of Inland Rail, phase 1 |
| APPROVAL HOLDER AND ACN OR ABN | Australian Rail Track Corporation Limited ACN 081 455 754 |
| LOCATION OF THE PROJECT | Narrabri to North Star |
| REPORTING PERIOD | 10 April 2022 to 9 April 2023 |

1.5 Key project activities

During the second year of construction, the following key activities have taken place within Stages 1, 2 and 3 of N2NS P1:

Establishment & Ongoing Construction

- ▶ Establishment of minor ancillary facilities,
- ▶ Demolition of bridges (Bobbiwaa Creek and Ten Mile Creek) and culverts,
- ▶ Establishment of crane access pads/piling pads at Bobbiwaa Creek and Ten Mile Creek and commencement of piling at bridge demolition areas,
- ▶ Vegetation slashing, removal of rail, earth works, and signal removal/replacement,
- ▶ Mainline earthworks and lime stabilisation works continued in various locations as required,
- ▶ Culvert installation works,
- ▶ Level crossings (**LX**) foundation, earthworks and drainage works,
- ▶ Ballast laydown, sleeper and rail placement.

Demobilisation & Completion

- ▶ Removal of crane access pads/piling pads from Croppa Creek, Gil Gil Creek and Yallaroi Creek; and later removal of crane access pads/piling pads from Bobbiwaa Creek and Ten Mile Creek,
- ▶ Weed treatment, landscape preparation and application,
- ▶ Completions work including removal and rehabilitation of ancillary areas, removal of temporary erosion and sediment controls, removal of temporary construction furniture (signage, survey pegs etc.), removal or re-purposing of excess spoil, waste removal.

2 Compliance assessment

2.1 Assessment of compliance

The terminology used to record findings in this compliance report (**Table 3**) is consistent with that used by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Annual Compliance Report Guidelines (2014).

Table 2 Compliance status terminology

| STATUS | DESCRIPTION |
|-----------------------|---|
| COMPLIANT | 'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions. |
| NON-COMPLIANT | A designation of 'non-compliance' should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met. |
| NOT APPLICABLE | A designation of 'not applicable' should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which apply to an activity that has not yet commenced. |

| EPBC CONDITION NUMBER | | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|---|--|-----|---|-------------------|---|
| 1 | a | Implement conditions C4 and C9 of Part C, Schedule 2 of the State Infrastructure approval, where they relate to monitoring, managing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to protected matters, with the exception of C9(a). | C4 | The following CEMP Sub-plans must be prepared in consultation with the relevant government agencies and relevant councils identified for each CEMP Sub-plan and be consistent with the CEMP referred to in the EIS. <i>Note, refer to of the CSSI7474 approval for Table of required sub-plans and relevant government authorities to be consulted. Sub-plans include, Traffic, Transport and Access, Noise and Vibration, Biodiversity, Soil and Water, Heritage and Flood Emergency Management.</i> | Compliant | <p>The construction environmental management plan (CEMP) and sub-plans have been prepared and continue to be implemented. Implementation of the sub-plans is monitored with routine audits by the Environmental Representative, six-monthly document revisions, independent environmental audits, and ARTC internal audits.</p> <p>Records of the required consultation are available as appendices in the sub-plans:</p> <ul style="list-style-type: none"> a) Traffic, Transport and Access Management Plan (TTAMP), refer to Appendix F of plan b) Noise and Vibration Management Plan (NVMP), refer to Appendix F of plan c) Biodiversity Management Plan (BMP), refer to Appendix B of plan d) Soil and Water Management Plan (SWMP), refer to Appendix A of plan e) Heritage Management Plan (HMP), refer to Appendix A of plan f) Flood Emergency Management Plan (FEMP), refer to Appendix A of plan <p>Management plans can be provided upon request, or alternatively accessed via the Project website at:</p> <p>https://inlandrail.artc.com.au/where-we-go/projects/narrabri-to-north-star/planning-approval-documents/</p> |

| EPBC CONDITION NUMBER | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|--|-----|---|-------------------|---|
| 1 a | Implement conditions C4 and C9 of Part C, Schedule 2 of the State Infrastructure approval, where they relate to monitoring, managing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to protected matters, with the exception of C9(a). | C9 | The Biodiversity Management Sub-plan must include: (b) procedures for pre-clearing surveys for threatened species to be undertaken by a suitably qualified and experienced ecologist, including survey and relocation methodologies and management/offset measures; (c) measures to control cane toads, as relevant to the construction phase areas and scope in accordance with the Threat abatement plan for the biological effects, including lethal toxic ingestion, caused by cane toads (relevant to works adjacent to retained Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) TEC and Weeping Myall Woodlands TEC); and (d) measures to protect EPBC Act listed threatened species, in particular the koala, and threatened ecological communities. | Compliant | BMP: See Appendix A and Section 5 of plan Management plans can be provided upon request, or alternatively accessed via the Project website at: https://inlandrail.artc.com.au/where-we-go/projects/narrabri-to-north-star/planning-approval-documents/ |
| 1 b | Ensure that the Weed Management Plan included in the Biodiversity Management Subplan required under condition C9 of Part C, Schedule 2 of the State Infrastructure approval, includes appropriate weed control measures to prevent the introduction and/or spread of weeds from construction areas to any retained area of | C9 | The Biodiversity Management Sub-plan must include: (a) a weed management plan, including appropriate weed control to manage introduction and/or spread of weeds from construction areas to any retained Weeping Myall Woodlands TEC, and appropriate protocols to demonstrate compliance with the requirements of the Biosecurity Act 2015 and Biosecurity Regulation 2017; | Compliant | BMP: See Appendix A, Section 6 and Table 9 of plan Management plans can be provided upon request, or alternatively accessed via the Project website at: https://inlandrail.artc.com.au/where-we-go/projects/narrabri-to-north-star/planning-approval-documents/ |

| EPBC CONDITION NUMBER | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|---|-----|--|-------------------|---|
| | Belson's Panic (<i>Homopholis belsonii</i>), Natural Grassland on Basalt and Fine-textured Alluvial Plains of Northern New South Wales and Southern Queensland, Brigalow (<i>Acacia harpophylla</i> dominant and codominant) and Weeping Myall Woodlands ecological communities. | | | | |
| 1 | c | E17 | <p>The Proponent must minimise impacts to plant community types and not exceed the total areas impacted as identified in Table E1.</p> <p><i>Note, refer to of the CSSI 7474 approval for Table E1 Native Vegetation Impacted. See Appendix D.</i></p> | Compliant | <p>ARTC have developed a Construction Impact Zone (CIZ) (as defined by Issue for Construction (IFC) drawings), which is within the approved SPIR footprint under the EIS/SPIR. The IFC CIZ substantially minimised impacts to PCTs as listed in Table E1.</p> <p>ARTC further revised the CIZ in June 2022, with the intent of reducing the areas of impacted PCTs as reflected in Table E1. This was completed and approved by DPE on 22 June 2022. DCCEE were consulted and provided feedback during this process.</p> <p>The reduction resulted in the following environmental outcomes:</p> <ul style="list-style-type: none"> • A very significant reduction in the overall construction footprint from the originally assessed 2,426Ha down to 1,234.5Ha i.e., an overall reduction of the construction footprint of 49%; • A very significant reduction in the area of impacted koala habitat from the originally assessed 175.25Ha down to 74.28Ha i.e., an |

| EPBC CONDITION NUMBER | | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|---|--|-----|--|-------------------|---|
| | | | | | | <p>overall reduction of impacted koala habitat of 57%, and more than twice the MCoA E23 requirement for a minimum 25% reduction;</p> <ul style="list-style-type: none"> • Reduced impacts on all identified Plant Community Types (PCTs) and the associated Endangered Ecological Communities (EEC's), species of concern and MNES; and • The elimination of impacts to one PCT (PCT 71) all together. |
| 1 | c | Implement biodiversity conditions E17-E21 and E23-E26 of Part E, Schedule 2 of the State Infrastructure approval, where they relate to monitoring, managing, minimising, reducing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to protected matters. | E18 | The Proponent must meet the biodiversity offset obligations for ecosystem and species credits as set out in Tables E2 and E3, within two (2) years of the CSSI approval. The retirement of the biodiversity credits must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects and can be achieved by a combination of: (a) acquiring and retiring “biodiversity credits” within the meaning of the Biodiversity Conservation Act 2016; and/or (b) making a payment into the Biodiversity Conservation Fund; and/or (c) outlining in a Biodiversity Offset Strategy the provision of supplementary measures. The Strategy must be prepared in consultation with EES and DAWE. | Not applicable | <p>The CSSI approval is dated 13 August 2020. As such the biodiversity offset obligations for ecosystem and species credits as outlined in this condition must have originally been met by 13 August 2022.</p> <p>However, prior to this date, ARTC obtained a two-year extension of time from NSW DPE for the retirement of biodiversity credits in accordance with the NSW Biodiversity Offsets Policy for Major Projects.</p> <p>The approved extension of time is now 13 August 2024, and this work is in progress.</p> |

| EPBC CONDITION NUMBER | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|----------------|-----|--|-------------------|---|
| | | | <i>Note, refer to the CSSI7474 approval for Table E2: Ecosystem Credits to be Retired and Table E3: Species Credits to be Retired. See Appendix D.</i> | | |
| 1 | c | E19 | The Proponent may review and update the ecosystem and species credit requirements in Tables E2 and E3, except as required by Condition E25, to reflect the final construction footprint and resulting extent and type of plant community types to be cleared. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with EES and DAWE and submitted to the Planning Secretary for approval within six (6) months after the commencement of construction or as agreed in writing by the Planning Secretary. | Compliant | <p>ARTC have developed a Construction Impact Zone (CIZ) (as defined by Issue for Construction (IFC) drawings), which is within the approved SPIR footprint under the EIS/SPIR. The IFC CIZ substantially minimised impacts to PCTs as listed in Table E1.</p> <p>ARTC further revised the CIZ in June 2022, with the intent of reducing the areas of impacted PCTs as reflected in Table E1. This was completed and approved by DPE on 22 June 2022. DCCEEW were consulted and provided feedback during this process</p> |
| 1 | c | E20 | The review and update of credit requirements must be undertaken by: (a) using the vegetation mapping, and the extent of impact in the revised development footprint (Table 3.4) in the July 2020 Addendum to the Inland Rail – Narrabri to North Star Biodiversity Assessment Report; and/or (b) completing verification surveys to confirm the extent, type and condition of native vegetation to be impacted. Where verification surveys are required, they must be undertaken in consultation with EES. Any additional surveys must be undertaken at the time of year when groundcover is most likely to be predominantly | Compliant | <p>ARTC have developed a Construction Impact Zone (CIZ) (as defined by Issue for Construction (IFC) drawings), which is within the approved SPIR footprint under the EIS/SPIR. The IFC CIZ substantially minimised impacts to PCTs as listed in Table E1.</p> <p>ARTC further revised the CIZ in June 2022, with the intent of reducing the areas of impacted PCTs as reflected in Table E1. This was completed and approved by DPE on 22 June 2022. DCCEEW were consulted and provided feedback during this process.</p> |

| EPBC CONDITION NUMBER | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION | | |
|-----------------------|----------------|-----|--|-------------------|---|----------------|---|
| | | | native. If evaluation is not possible at a time when groundcover is most likely to be native, the assumed presence of any relevant species and ecosystems may be applied to conservatively evaluate impacts and associated credit requirements. | | | | |
| 1 | c | | Implement biodiversity conditions E17-E21 and E23-E26 of Part E, Schedule 2 of the State Infrastructure approval, where they relate to monitoring, managing, minimising, reducing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to protected matters. | E21 | The Proponent must submit to the Planning Secretary for information a copy of the Credit Retirement Report for the retirement of the ecosystem and species credits required by Condition E18 within one month of receiving the report. | Not applicable | <p>The CSSI approval is dated 13 August 2020. As such the biodiversity offset obligations for ecosystem and species credits as outlined in this condition must have originally been met by 13 August 2022.</p> <p>However, ARTC has since obtained a two-year extension of time from NSW DPE for the retirement of biodiversity credits in accordance with the NSW Biodiversity Offsets Policy for Major Projects.</p> <p>The approved extension of time is now 13 August 2024.</p> |
| 1 | c | | Implement biodiversity conditions E17-E21 and E23-E26 of Part E, Schedule 2 of the State Infrastructure approval, where they relate to monitoring, managing, minimising, reducing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to protected matters. | E23 | <p>The Proponent must reduce the area of koala habitat, identified in Table E4, that is impacted by the CSSI by at least 25%, or as otherwise agreed by the Planning Secretary.</p> <p><i>Note, refer to of the CSSI7474 approval for Table E4: Vegetation zones/plant community types identified as koala habitat. See Appendix D.</i></p> | Compliant | <p>ARTC have developed a Construction Impact Zone (CIZ) (as defined by Issue for Construction (IFC) drawings), which is within the approved SPIR footprint under the EIS/SPIR.</p> <p>ARTC further revised the CIZ mid-2022, with the intent of reducing the areas of impacted koala habitat as reflected in Table E4. The updated CIZ reduced the impacted koala habitat by 57%. This update was completed and approved by DPE on 22 June 2022. DCCEEW were consulted and provided feedback during this process.</p> |

| EPBC CONDITION NUMBER | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|----------------|-----|---|-------------------|---|
| 1 | c | | | | |
| 1 | c | E24 | The Proponent must submit a report on the final construction footprint demonstrating how impacts to the plant community types identified in Table E4 have been reduced. This must be provided to the Planning Secretary, EES and DAWE for information, within six (6) months after the commencement of construction or as agreed by the Planning Secretary. | Compliant | ARTC revised the CIZ in June 2022, with the intent of reducing the areas of impacted PCTs as reflected in Table E4. This update was completed and approved by DPE on 22 June 2022. DCCEEW were consulted during this process. |
| 1 | c | E25 | The Proponent must provide a minimum of 4556 species credits to offset impacts to the koala. | Not applicable | ARTC is in the process of achieving retirement of biodiversity credits in accordance with the NSW Biodiversity Offsets Policy for Major Projects, including species credits to offset impacts to the koala. This work is in progress. |
| 1 | c | E26 | The offset credits required by Condition E25 must be sourced where practicable, from: (a) The same IBRA subregion as the impacted site, or (b) The adjoining IBRA subregions within the same IBRA region as identified in (a). | Not applicable | ARTC is in the process of achieving retirement of biodiversity credits in accordance with the NSW Biodiversity Offsets Policy for Major Projects. This work is in progress. |

| EPBC CONDITION NUMBER | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|---|-----|-----------------------------|-------------------|--|
| | reporting on, impacts to protected matters. | | | | |
| 1 | d | | | Compliant | Threatened species vegetation clearing quantities are presented in Appendix A and indicates that maximum impacts to protected matters specified under CSSI 7474 have not been exceeded. |
| 1 | e | | | Compliant | <p>ARTC notified the Department of two proposed changes to the State Infrastructure approval:</p> <ul style="list-style-type: none"> • Notification of Proposed Change to SSI 7474 Condition E19, 13 July 2022, ARTC Ref# 6-0000-260-EEC-00-LT-0183 • Notification of Proposed Change to SSI 7474 Condition E18, A18, C5, C6, E10, E11, E38, E42, E67 and E72, 15 July 2022, ARTC Ref# 6-0000-260-EEC-00-LT-0186 |

| EPBC CONDITION NUMBER | EPBC CONDITION | SSI | RELEVANT SSI 7474 CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|---|-----|-----------------------------|-------------------|--|
| f | Notify the Department in writing of any change to the State Infrastructure approval for which Conditions 1a, 1b, 1e and 1d apply, within 10 business days of a change to the State Infrastructure approval being finalised. | | | Compliant | ARTC notified the Department of two approved changes to the State Infrastructure approval: <ul style="list-style-type: none"> • Notification of Change to SSI 7474 Condition E19, 02 August 2022, ARTC Ref# 6-0000-260-EEC-00-LT-187 • Notification of Change to SSI 7474 Condition A18, C5, C6, E10, E11, E38, E42, E67 and E72, 18 October 2022, ARTC Ref# 6-0000-260-EEC-00-LT-0206 |

| EPBC CONDITION NUMBER | EPBC CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|--|-------------------|--|
| 2 | - Notification of date of commencement of the action: The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action. | Compliant | DAWE was notified on 15 April 2021 of the commencement of N2NS P1, which was on 10 April 2021 (Refer Appendix B). |
| 3 | - Notification of date of commencement of the action: If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister. | Not Applicable | N2NS P1 commenced within five years from the date of the EPBC 2016/7729 approval. |
| 4 | - Compliance Records: The approval holder must maintain accurate and complete compliance records. Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media. | Compliant | Inland Rail maintains accurate and complete compliance records in accordance with this condition. |
| 5 | - Compliance Records: If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request. Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media. | Not Applicable | To date, there has been no direction from the Department for electronic copies of compliance records. Inland Rail will comply with any request received by the Department. |
| 6 | - Annual Compliance Reporting: The approval holder must prepare a compliance report for each 12-month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must: | Compliant | This report is the second annual compliance report and has been prepared to satisfy this condition. |

| EPBC CONDITION NUMBER | EPBC CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|----------------|---|--|
| 6 | a | publish each compliance report on the website within 60 business days following the relevant 12-month period; | Compliant The first report for N2NS P1 was published on the ARTC Inland Rail project website on 3 June 2022. Following its completion, this second compliance report will be published on the Inland Rail N2NS website within 60 business days from 10 April 2023. |
| 6 | b | notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication; | Compliant Notification to the Department that the first compliance report had been published on the ARTC Inland Rail project website was submitted on 09 June 2022 (ARTC Ref. # 6-0000-260-EEC-00-LT-0180). Following the completion and upload to the project website of this second report, ARTC will notify the Department by email within 5 business days. |
| 6 | c | keep all compliance reports publicly available on the website until this approval expires; | Compliant The first compliance report is available on the ARTC Inland Rail N2NS project website. |
| 6 | d | exclude or redact sensitive ecological data from compliance reports published on the website; and | Not Applicable No information has been redacted from this report. |
| 6 | e | where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. | Not Applicable No information has been redacted from this report. |
| 7 | | Reporting Non-Compliance: The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions of this approval; or non-compliance with the commitments made in any element of the Construction Environmental Management Plan (required under Part C, Schedule 2 of the State Infrastructure approval) referred to in condition 1. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or noncompliance. The notification must specify: | Compliant One potential non-compliance has been reported to DCCEEW regarding vegetation clearing without a fauna spotter/catcher present. No fauna were identified in the affected vegetation. Thirteen potential incident reports have been submitted to DCCEEW: <ul style="list-style-type: none">• Ten of these were related to Five-clawed Worm-skink interactions;• Two in relation to disturbance of potential threatened flora species habitat; and• One in relation to the Five-clawed Worm Skink mitigation measures not being fully implemented in accordance with the approved Biodiversity Management Sub-plan. |
| 7 | a | Any condition which is or may be in breach; | |
| 7 | b | A short description of the incident and/or non-compliance; and | |

| EPBC CONDITION NUMBER | | EPBC CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|---|---|-------------------|--|
| 7 | c | The location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available. | | |
| 8 | | Reporting Non-Compliance: The approval holder must provide to the Department the details of any incident or non-compliance with the conditions of this approval or commitments made in any element of the Construction Environmental Management Plan (required under Part C, Schedule 2 of the State Infrastructure approval) referred to in condition 1 as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: | Compliant | ARTC have submitted 10-day reports for all thirteen initial potential incident reports submitted to DCCEEW. Following ongoing consultation, it was agreed on 18 November 2021 Condition 8 would be reported concurrently with Condition 7 for Five-clawed Worm-skin encounters that required notification. This commitment remained in place for this reporting period. |
| 8 | a | Any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; | | |
| 8 | b | The potential impacts of the incident or non-compliance; and | | |
| 8 | c | The method and timing of any remedial action that will be undertaken by the approval holder | | |
| 9 | - | Independent Audit: The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister. | Not Applicable | To date, there has been no request from the Department for an audit. Inland Rail will comply with any request received by the Department. |
| 10 | | Independent Audit: For each independent audit, the approval holder must: | Not Applicable | |
| 10 | a | provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; | Not Applicable | |
| 10 | b | Independent Audit: For each independent audit, the approval holder must: - only commence the independent audit once the audit criteria have been approved in writing by the Department; and | Not Applicable | |

| EPBC CONDITION NUMBER | | EPBC CONDITION | COMPLIANCE STATUS | EXPLANATION |
|-----------------------|---|---|-------------------|-------------|
| 10 | c | Independent Audit: For each independent audit, the approval holder must: - submit an audit report to the Department within the timeframe specified in the approved audit criteria. | Not Applicable | |
| 11 | - | Independent Audit: The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval. | Not Applicable | |
| 12 | - | Completion of Construction: Within 20 business days after the completion of construction, the approval holder must notify the Department in writing and provide completion data. | Not Applicable | |

Appendix A Cumulative Vegetation Clearing Quantity

Table A-1 Cumulative clearing quantities for native vegetation from commencement of construction to March 2023 (inclusive)

| VEGETATION ZONE / PLANT COMMUNITY TYPE (PCT) ID / NAME | TEC UNDER THE EPBC ACT - SPIR (HA) | TOTAL APPROVED IMPACT AREA – SPIR CIZ (HA) | TOTAL REVISED IMPACT AREA – CIZ (HA) | CUMULATIVE PROJECT TOTAL IMPACTED TEC UNDER THE EPBC ACT - T4M CIZ (HA) |
|--|--|--|--------------------------------------|---|
| ZONE - 1 - PCT-27 BVT-BR233, NA219-WEeping MYALL OPEN WOODLAND OF THE DARLING RIVERINE PLAINS BIOREGION AND BRIGALOW BELT SOUTH BIOREGION | Weeping Myall Woodlands - 9.16 | 17.940 | 9.40 | 0.323 |
| ZONE - 2 - PCT-35 BVT-BR120, NA117-BRIGALOW - BELAH OPEN FOREST / WOODLAND ON ALLUVIAL OFTEN GILGAIED CLAY FROM PILLIGA SCRUB TO GOONDIWINDI, BRIGALOW BELT SOUTH BIOREGION | Brigalow (<i>Acacia harpophylla</i> dominant and codominant) - 16.13 | 17.310 | 6.48 | 0.609 |
| ZONE - 3 - PCT-39 BVT-BR130, NA129-COOLABAH - RIVER COOBAH - LIGNUM WOODLAND WETLAND OF FREQUENTLY FLOODED FLOODPLAINS MAINLY IN THE DARLING RIVERINE PLAINS BIOREGION | Coolabah - Black Box Woodland of the Darling Riverine Plains and the Brigalow Belt South Bioregions - 1.74 | 1.740 | 0.91 | 0.016 |
| ZONE - 4 - PCT-52 BVT-BR191, NA187-QUEENSLAND BLUEGRASS +/- MITCHELL GRASS GRASSLAND ON CRACKING CLAY FLOODPLAINS AND ALLUVIAL PLAINS MAINLY THE NORTHERN-EASTERN DARLING RIVERINE PLAINS BIOREGION | Natural Grasslands on Basalt and Fine-textured Alluvial Plains of Northern NSW and Southern Qld - 432.07 | 432.070 | 290.67 | 71.089 |
| ZONE - 5 - PCT-56 BVT-BR186, NA182-POPLAR BOX - BELAH WOODLAND ON CLAY-LOAM SOILS ON ALLUVIAL PLAINS OF NORTH-CENTRAL NSW | Not Listed | 143.950 | 61.38 | 2.844 |
| ZONE - 6 - PCT-56 BVT-BR186, NA182-POPLAR BOX - BELAH WOODLAND ON CLAY-LOAM SOILS ON ALLUVIAL PLAINS OF NORTH-CENTRAL NSW-DERIVED NATIVE GRASSLANDS | Not Listed | 249.850 | 125.64 | 33.950 |
| ZONE - 7 - PCT-71 BVT-BR127, NA126-CARBEEN - WHITE CYPRESS PINE - RIVER RED GUM - BLOODWOOD TALL WOODLAND ON SANDY LOAM ALLUVIAL AND AEOLIAN SOILS IN THE NORTHERN BRIGALOW BELT SOUTH BIOREGION AND DARLING RIVERINE PLAINS BIOREGION | Not Listed | 0.510 | 0 | 0.000 |
| ZONE - 8 - PCT-78 BVT-BR196, NA193-RIVER RED GUM RIPARIAN TALL WOODLAND / OPEN FOREST WETLAND IN THE NANDEWAR BIOREGION AND BRIGALOW BELT SOUTH BIOREGION | Not Listed | 11.820 | 5.32 | 0.314 |
| ZONE - 9 - PCT-135 BVT-BR284, NA271-COOLBAH - WESTERN ROSEWOOD LOW OPEN TALL SHRUBLAND OR WOODLAND MAINLY ON OUTWASH AREAS IN THE BRIGALOW BELT SOUTH BIOREGION | Not Listed | 9.500 | 4.80 | 1.079 |
| ZONE - 10 - PCT-413 BVT-BR346, NA348 - SILVER-LEAVED IRONBARK - WHITE CYPRESS PINE - BOX DRY SHRUB GRASS WOODLAND OF THE PILLIGA SCRUB - WARIALDA REGION, BRIGALOW BELT SOUTH BIOREGION | Not Listed | 5.720 | 1.87 | 0.063 |
| TOTAL AREA IMPACTED (HA) | 459.1 | 890.41 | 506.47 | 110.286 |

Table A-2 Cumulative clearing quantities for Koala Habitat from commencement of construction to March 2023 (inclusive)

| VEGETATION ZONE / PLANT COMMUNITY TYPE (PCT) ID / NAME - KOALA HABITAT | TOTAL APPROVED IMPACT AREA SPIR CIZ (HA) | TOTAL REVISED IMPACT AREA – CIZ (HA) | CUMULATIVE PROJECT TOTAL IMPACT TO MARCH 2023 (INCLUSIVE) |
|---|--|--------------------------------------|---|
| ZONE - 2 - PCT-35 BVT-BR120, NA117-BRIGALOW - BELAH OPEN FOREST / WOODLAND ON ALLUVIAL OFTEN GILGAIED CLAY FROM PILLIGA SCRUB TO GOONDIWINDI, BRIGALOW BELT SOUTH BIOREGION | 17.31 | 6.48 | 0.6089 |
| ZONE - 3 - PCT-39 BVT-BR130, NA129-COOLABAH - RIVER COOBAH - LIGNUM WOODLAND WETLAND OF FREQUENTLY FLOODED FLOODPLAINS MAINLY IN THE DARLING RIVERINE PLAINS BIOREGION | 1.74 | 0.91 | 0.0156 |
| ZONE - 4 - PCT-52 BVT-BR191, NA187-QUEENSLAND BLUEGRASS +/- MITCHELL GRASS GRASSLAND ON CRACKING CLAY FLOODPLAINS AND ALLUVIAL PLAINS MAINLY THE NORTHERN-EASTERN DARLING RIVERINE PLAINS BIOREGION | 0.08 | 0.07 | 0.0000 |
| ZONE - 5 - PCT-56 BVT-BR186, NA182-POPLAR BOX - BELAH WOODLAND ON CLAY-LOAM SOILS ON ALLUVIAL PLAINS OF NORTH-CENTRAL NSW | 143.95 | 61.38 | 2.611 |
| ZONE - 6 - PCT-56 BVT-BR186, NA182-POPLAR BOX - BELAH WOODLAND ON CLAY-LOAM SOILS ON ALLUVIAL PLAINS OF NORTH-CENTRAL NSW-DERIVED NATIVE GRASSLANDS | 0.35 | 0.12 | 0.0087 |
| ZONE - 8 - PCT-78 BVT-BR196, NA193-RIVER RED GUM RIPARIAN TALL WOODLAND / OPEN FOREST WETLAND IN THE NANDEWAR BIOREGION AND BRIGALOW BELT SOUTH BIOREGION | 11.82 | 5.32 | 0.314 |
| TOTAL AREA IMPACTED (HA) | 175.25 | 74.28 | 3.558 |

Appendix B Commencement of activity notification letter

15 April 2021



5-0000-260-EAP-00-LT-0001

Office of Compliance
Environment Standards Division
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601

Email: epbcmonitoring@environment.gov.au and compliance@environment.gov.au

Dear Minister,

EPBC Approval 2016/7729 – Condition 2 Notification

In accordance with Narrabri to North Star Project Section of Inland Rail, NSW Approval (EPBC 2016/7729), Condition 2, Australian Rail Track Corporation (**ARTC**) are pleased to provide the Department of Agriculture, Water and the Environment (**the Department**) with notification that the commencement of the action has occurred.

ARTC became aware of construction related activities commencing on 10 April 2021.

If you have any queries please feel free to contact Sam Blanco, Senior Environmental Advisor for the Project on 0409 510 555 or sblanco@artc.com.au.

Yours sincerely



Tim Hale (Apr 16, 2021 12:39 GMT+10)

Tim Hale
Senior Project Manager

Inland Rail
Australian Rail Track
Corporation Ltd
ACN 081 455 754
ABN 75 081 455 754

Level 16
180 Ann Street
Brisbane Qld 4000
GPO Box 2462
Queen Street
Brisbane QLD 4000

1800 732 761
inlandrailenquiries@artc.com.au
inlandrail.com.au



The Australian Government is delivering
Inland Rail through the Australian
Rail Track Corporation (ARTC), in
partnership with the private sector.

Appendix C EPBC Approval



APPROVAL

Narrabri to North Star Section of Inland Rail, NSW (EPBC 2016/7729)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

| | |
|---|--|
| Person to whom the approval is granted (approval holder) | Australian Rail Track Corporation Limited |
| ACN or ABN of approval holder | ABN 75 081 455 754 |
| Action | To construct and operate Phase 1 of the Narrabri to North Star section of the Inland Rail. This action includes all ancillary construction that is involved in the process, subject to the variation of the action accepted by the Minister under section 156B on 25 June 2020. [See EPBC Act referral 2016/7729, request for variation of proposal received on 1 June 2020]. |

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

| Listed Threatened Species and Communities | |
|--|---------|
| Section 18 | Approve |
| Section 18A | Approve |

Period for which the approval has effect

This approval has effect until 31 October 2100.

Decision-maker

| | |
|--------------------------|---|
| Name and position | The Hon Sussan Ley MP Minister for the Environment |
| Signature | |
| Date of decision | 1 October 2020 |

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder must:
 - a. Implement conditions C4 and C9 of Part C, Schedule 2 of the **State Infrastructure approval**, where they relate to monitoring, managing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to **protected matters**, with the exception of C9(a).
 - b. Ensure that the Weed Management Plan included in the Biodiversity Management Sub-plan required under condition C9 of Part C, Schedule 2 of the **State Infrastructure approval**, includes appropriate weed control measures to prevent the introduction and/or spread of weeds from construction areas to any retained area of Belson's Panic (*Homopholis belsonii*), Natural Grassland on Basalt and Fine-textured Alluvial Plains of Northern New South Wales and Southern Queensland, Brigalow (*Acacia harpophylla* dominant and codominant) and Weeping Myall Woodlands ecological communities.
 - c. Implement biodiversity conditions E17 – E21 and E23 – E26 of Part E, Schedule 2 of the **State Infrastructure approval**, where they relate to monitoring, managing, minimising, reducing, avoiding, mitigating, offsetting, recording, or reporting on, impacts to **protected matters**.
 - d. For any aspect of the **action**, for the **period for which the approval has effect**, the approval holder must not exceed the maximum impacts to **protected matters** specified under the **State Infrastructure approval**.
 - e. Notify the **Department** in writing of any proposed change to the conditions of the **State Infrastructure approval** for which Conditions 1a, 1b, 1c and 1d apply, within **10 business days** of formally proposing a change or becoming aware of the NSW Government proposing a change.
 - f. Notify the **Department** in writing of any change to the **State Infrastructure approval** for which Conditions 1a, 1b, 1c and 1d apply, within **10 business days** of a change to the **State Infrastructure approval** being finalised.

Part B – Standard administrative conditions

Notification of date of commencement of the action

2. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within **10 business days** after the date of **commencement of the action**.
3. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

Compliance records

4. The approval holder must maintain accurate and complete **compliance records**.
5. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: Compliance records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Annual compliance reporting

6. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
 - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
 - b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
 - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
 - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

Note: Compliance reports may be published on the Department's website.

Reporting non-compliance

7. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions of this approval; or non-compliance with the commitments made in any element of the Construction Environmental Management Plan (required under Part C, Schedule 2 of the **State Infrastructure approval**) referred to in condition 1. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
 - a. any condition which is or may be in breach;
 - b. a short description of the **incident** and/or non-compliance; and
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
8. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions of this approval or commitments made in any element of the Construction Environmental Management Plan (required under Part C, Schedule 2 of the **State Infrastructure approval**) referred to in condition 1 as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
 - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - b. the potential impacts of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

9. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
10. For each **independent audit**, the approval holder must:
 - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and

- c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
11. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of construction

12. Within 20 **business days** after the **completion of construction**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Action means construction and operation of Phase 1 of the Narrabri to North Star section of the Inland Rail. This action includes all ancillary construction that is involved in the process, subject to the variation of the action accepted by the Minister under section 156B on 25 June 2020.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the **action**.

Commencement of the action means the commencement of **Construction**.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

Completion of construction has the same meaning as "Completion of Construction" stated in the terms and definitions in Table 1 of the **State Infrastructure approval**.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance reports means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the Construction Environmental Management Plan (required under Part C, Schedule 2 of the **State Infrastructure approval**);
- ii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**;
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all sub-plans of the Construction Environmental Management Plan (required under Part C, Schedule 2 of the **State Infrastructure approval**) prepared and in existence in relation to the conditions during the relevant 12 month period.

Construction has the same meaning as "Construction" stated in the terms and definitions, in Table 1 of the **State Infrastructure approval**.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

Incident means any event which has the potential to, or does, impact on one or more **protected matter(s)**.

Independent audit: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

Protected matters means threatened species and ecological communities listed under Part 3 of the **EPBC Act**.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.

Shapefile means location and attribute information of the **action** provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

State Infrastructure approval means the NSW Government *Critical State Significant Infrastructure: Conditions of Approval for Inland Rail – Narrabri to North Star Phase 1*, made under Section 5.19 of the *Environmental Planning & Assessment Act 1979*, for application number SSI-7474, dated 13 August 2020.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Appendix D NSW CSSI 7474 Approval

Infrastructure Approval

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

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

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

Sydney 13th August,

2020

SCHEDULE 1

| | |
|--|---|
| Application no.: | SSI 7474 |
| Proponent: | Australian Rail Track Corporation |
| Approval Authority: | Minister for Planning and Public Spaces |
| Land: | Land within the existing rail corridor between Narrabri and Moree; and Camurra and North Star. |
| Description of Critical State Significant Infrastructure: | Development for the purposes of the Inland Rail - Narrabri to North Star proposal being the upgrade and replacement of the existing rail line between Narrabri and North Star, comprising: <ul style="list-style-type: none">• upgrade of the track, track formation, underbridges and culverts within the existing rail corridor in two sections:<ul style="list-style-type: none">- between Narrabri and Moree; and- between Camurra and North Star;• five new crossing loops within the existing rail corridor, at Bobbiwaa, Waterloo Creek, Tycannah Creek, Coolleearlee, and Murgo;• realigning approximately 1.5 kilometres of the Newell Highway near Bellata;• a replacement rail bridge at Croppa Creek;• a replacement road bridge on the Newell Highway over the rail corridor; and• a new road bridge over the existing rail corridor in Moree. |
| Declaration as Critical State Significant Infrastructure: | The proposal is critical State Significant Infrastructure by virtue of Schedule 5, clause 7 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> . |

SSI 7474 MOD 1 (August 2022) shown in purple text

SSI 7474 MOD 1 (August 2022) shown in purple text

NSW Government
Department of Planning, Industry and Environment
Conditions of Approval for Inland Rail - Narrabri to North Star Phase 1 SSI 7474

TABLE OF CONTENTS

| | |
|---|----|
| SCHEDULE 1 | 1 |
| TERMS AND DEFINITIONS | 4 |
| SUMMARY OF REPORTING AND APPROVAL REQUIREMENTS | 9 |
| SCHEDULE 2 | 11 |
| PART A | 11 |
| ADMINISTRATIVE CONDITIONS | 11 |
| GENERAL | 11 |
| INDEPENDENT APPOINTMENTS | 12 |
| STAGING | 12 |
| ANCILLARY FACILITIES | 13 |
| SITE ESTABLISHMENT WORKS | 13 |
| ENVIRONMENT REPRESENTATIVE | 14 |
| COMPLIANCE REPORTING REQUIREMENTS | 16 |
| AUDITING | 16 |
| INCIDENT NOTIFICATION AND REPORTING | 17 |
| PART B | 18 |
| COMMUNITY INFORMATION AND REPORTING | 18 |
| COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT | 18 |
| COMPLAINTS MANAGEMENT SYSTEM | 18 |
| PROVISION OF ELECTRONIC INFORMATION | 19 |
| PART C | 20 |
| CONSTRUCTION ENVIRONMENTAL MANAGEMENT | 20 |
| CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN | 20 |
| CONSTRUCTION MONITORING PROGRAMS | 22 |
| PART D | 24 |
| OPERATIONAL ENVIRONMENTAL MANAGEMENT | 24 |
| OPERATIONAL ENVIRONMENTAL MANAGEMENT | 24 |
| PART E | 25 |
| KEY ISSUE CONDITIONS | 25 |
| NOISE AND VIBRATION | 25 |
| BIODIVERSITY | 28 |
| FLOODING | 32 |
| WATER QUALITY AND DRAINAGE | 35 |

| | |
|---|----|
| TRAFFIC, TRANSPORT AND ACCESS | 36 |
| SPOIL MOUNDS | 40 |
| VISUAL AMENITY | 40 |
| HERITAGE | 41 |
| LAND USE AND PROPERTY | 42 |
| SUSTAINABILITY | 42 |
| SOILS | 42 |
| AIR QUALITY | 43 |
| WASTE | 43 |
| Appendix A – FLOODING QUANTITATIVE DESIGN LIMITS AND MODELLING REQUIREMENTS | 44 |
| Appendix B – WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS | 48 |

TERMS AND DEFINITIONS

The definitions and abbreviations in **Table 1** apply to terms used in this approval, unless otherwise stated or the context indicates otherwise.

Table 1: Terms and Definitions

| Term | Definition |
|----------------------------|---|
| Aboriginal object | The same meaning as in the <i>National Parks and Wildlife Act 1974</i> (NSW). |
| Ancillary facility | A temporary facility for construction of the CSSI including office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, car parking compound, a site used for assembly of infrastructure, and material stockpile area. <i>Note: Where a CEMP has been approved by the Planning Secretary and it includes a stockpile management protocol, a temporary material stockpile located within the construction boundary is not an ancillary facility.</i> |
| AHD | Australian Height Datum |
| AEP | Annual Exceedance Probability – The probability that a given rainfall total accumulated over a given duration will be exceeded in any one year |
| ARI | Average Recurrence Interval – The average, or expected, value of the periods between exceedances of a given rainfall total accumulated over a given duration. |
| At-property treatment | Acoustic treatments including those described in Section 7.3 of the Noise Mitigation Guideline (TfNSW(RMS), 2015) and other treatments including, but not limited to, noise curtains and retrofitted double glazing. |
| CEMP | Construction Environmental Management Plan |
| Completion of construction | The date upon which all 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. |
| Conditions of approval | The Minister's conditions of approval for the CSSI. |
| Construction | Includes all work required to construct the CSSI as described in the documents listed in Condition A1 , including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following low impact work which is completed prior to approval of the CEMP:: (a) survey works including carrying out general alignment surveys, installing survey controls (including installation of global positioning system (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building, and road dilapidation surveys; (b) investigations including investigative drilling, contamination investigations and excavation; (c) site establishment works approved under a Site Establishment Management Plan ; |

| Term | Definition |
|-----------------------|--|
| | <p>(d) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community;</p> <p>(e) treatment of contaminated sites subject to the recommendations of a Remediation Report prepared in accordance with Condition E82;</p> <p>(f) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1;</p> <p>(g) installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments;</p> <p>(h) property acquisition adjustment works including installation of property fencing and relocation and adjustments of utilities to property including water supply and electricity;</p> <p>(i) relocation and connection of utilities where the relocation or connection has a minor impact to the environment as determined by the ER;</p> <p>(j) establishing minor ancillary facilities in accordance with Condition A21;</p> <p>(k) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW</i> (Department of Environment Climate Change and Water, 2010) or archaeological monitoring undertaken in association with (a) to (n) below to ensure that there is no impact on heritage items;</p> <p>(l) salvage of Aboriginal artefacts in accordance with Condition C11(b);</p> <p>(m) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian paths and the provision of property access; and</p> <p>(n) maintenance works to existing buildings and structures as required to facilitate the carrying out of the CSSI.</p> <p>However, where heritage items, or threatened species or their habitat, or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>), are adversely affected or potentially adversely affected by any low impact work as defined in (a) to (k) above, that work is construction, unless otherwise determined by the Planning Secretary.</p> <p>The low impact work described in this definition becomes Construction with the approval of a CEMP. Where low impact work has already commenced, this is considered to remain as low impact work and is managed in accordance with the framework under which it commenced.</p> |
| Construction Boundary | The area required for project construction as described in the EIS and as amended by the SPIR. |
| 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 |
| DEC | Former Department of Environment and Conservation |
| DECC | Former NSW Department of Environment and Climate Change |

| Term | Definition |
|---------------------------------------|---|
| DIPNR | Former NSW Department of Infrastructure, Planning and Natural Resources |
| DAWE | Commonwealth Department of Agriculture, Water and Environment (former Department of the Environment and Energy) |
| DPC | Department of Premier and Cabinet (all Heritage related functions) |
| EIS | The Environmental Impact Statement submitted to the Secretary seeking approval to carry out the proposal described in it and as revised if required by the Secretary under the EP&A Act, and including any additional information provided by the Proponent updating the information presented in the EIS. |
| EES | Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage) |
| EMS | Environmental Management System |
| Environment | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings. |
| Environmental Representative Protocol | The document of the same title published by the Department. |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth) |
| EPA | NSW Environment Protection Authority |
| EPL | Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i> |
| ER | The Environmental Representative for the CSSI. |
| Heavy Vehicle | Has the same meaning as in the <i>Heavy Vehicle National Law (NSW) No 42a</i> |
| Heritage item | A place, building, structure, 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> , a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , a Local or Regional 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> (Commonwealth), and an Aboriginal object or Aboriginal place as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> . |
| Highly noise intensive work | Work which is defined as annoying in the ICNG including: (a) use of power saws, such as used for cutting timber, rail lines, masonry, road pavement or steel work; (b) grinding metal, concrete or masonry; (c) rock drilling; (d) line drilling; (e) vibratory rolling; (f) bitumen milling or profiling; (g) jackhammering, rock hammering or rock breaking; and (h) impact piling |

| Term | Definition |
|------------------------|---|
| ICNG | <i>Interim Construction Noise Guideline</i> (DECC, 2009) |
| Incident | An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance. <i>Note: “material harm” is defined in this approval</i> |
| Land | Has the same meaning as in the EP&A Act. |
| Landowner | Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of the building. |
| Local road | Any road that is not defined as a classified road under the <i>Roads Act 1993</i> . |
| Material harm | This is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment). |
| Minister | NSW Minister for Planning and Public Spaces |
| Noise Management Level | Noise Management Level as defined in the <i>Interim Construction Noise Guideline</i> (DECC, 2009) |
| Non-compliance | An occurrence, set of circumstances or development that is a breach of this approval but is not an incident. |
| NSW Heritage Council | Heritage Council of NSW |
| OEH | Former NSW Office of Environment and Heritage |
| OEMP | Operational Environmental Management Plan |
| Operation | The carrying out of the SSI (whether in full or in part) upon the completion of construction. <i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged through a Staging Report. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.</i> |
| ONCR | Operational Noise Compliance Report |
| ONVR | Operational Noise and Vibration Review |
| 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. |
| PCT | Plant Community Type as related to the BioNet Vegetation Classification system. |
| Proponent | The person identified as the proponent in Schedule 1 of this approval and any other person carrying out any part of the CSSI from time to time. |
| Publicly available | To be made available on the website required under Condition B11 of this approval. |

| Term | Definition |
|--------------------------|---|
| Rail corridor | Land that is: <ul style="list-style-type: none"> - owned, leased, managed or controlled by a public authority for the purpose of a railway or rail infrastructure facilities, or - zoned under an environmental planning instrument predominantly or solely for development for the purpose of a railway or rail infrastructure facilities. |
| Relevant council(s) | Narrabri, Moree Plains and Gwydir Shire Councils (as relevant) |
| Relevant Road Authority | The same meaning as the road authorities defined in the <i>Roads Act 1993</i> . |
| Relic | The same meaning as the definition of the term in section 4 of the <i>Heritage Act 1977</i> (NSW). |
| Sensitive receiver | Residence, educational institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), child care centres, passive recreation areas (including outdoor grounds used for teaching), commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces), and others as identified by the Planning Secretary. |
| SES | NSW State Emergency Services |
| Site establishment works | Activities undertaken to establish an ancillary facility so that it is able to be used to support the construction of the CSSI, including demolition of existing structures on the site, erection of site fencing / hoarding, provision of utility services to the site, site levelling, provision of site access, erection of demountable buildings, provision of hardstand areas, and erosion and sedimentation controls. |
| SPIR | The Submissions and Preferred Infrastructure Report |
| TfNSW | Transport for NSW (including the former Roads and Maritime Services) |
| Tree | As defined in Australian Standard <i>AS 4372-2007 Pruning of Amenity Trees</i> . |
| Unexpected heritage find | A potential heritage item discovered (usually during construction) but not identified in the EIS, SPIR or RFI response, where assessment is required to determine if the item has heritage significance or is an Aboriginal object. An unexpected heritage find does not include human remains. |
| Water Group | Water Group of the Department and the National Resources Access Regulator |
| Works | Any physical work for the purpose of the CSSI including construction and low impact work but not including operational maintenance work. |

SUMMARY OF REPORTING AND APPROVAL REQUIREMENTS

Reports and notifications that must be provided to the Secretary under the terms of this approval are listed in **Table 2**. Any appointments of persons requiring the Planning Secretary's approval are also listed.

Table 2: Reports, Notifications and Approval of Appointment Requests that must be Submitted to the Secretary¹

| Condition ² | Report / Notification | Timing ³ | Purpose |
|---|--|---|-------------|
| Part A - Administrative | | | |
| A11 | Staging Report | One month prior to commencement of construction (or operation if only staged operation is proposed) of the first of the proposed stages | Approval |
| A15 | Revised Staging Report | One month prior to proposed change in staging | Approval |
| A17 | Site Establishment Management Plan | One month before the establishment of any construction ancillary facility | Approval |
| A24/A25 | Approval of Environmental Representative | One month prior to commencement of works | Approval |
| A28(j) | Environmental Representative monthly reports | Within seven days following the end of each month for the duration of work | Information |
| A35 | Approval of independent auditors | Prior to the commencement of an Independent Audit. | Approval |
| A36 | Independent Audits | Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020). | Information |
| A41 | Notification of incidents | Immediately upon becoming aware of the incident | Information |
| Part B - Communication Information and Reporting | | | |
| B1/B3 | Communication Strategy | No later than one month before the commencement of any works | Approval |
| B9 | Complaints Register | On request | Information |
| Part C - Construction Environmental Management | | | |
| C1/C3 | CEMP | One month prior to commencement of construction | Approval |
| O/C6 | CEMP Sub-plans | One month prior to commencement of construction | Approval |
| C14 | Construction Monitoring Programs | One month prior to commencement of construction | Approval |
| C20 | Construction Monitoring Reports | As specified in Construction Monitoring Programs | Information |

¹ Where there is a discrepancy in this table and the conditions of the approval, the conditions of the approval prevail.

² Where two condition not founds are listed, one of the conditions sets out what is required in the document and the other the timing of requirements of the condition.

³ Where a proposal is staged, all required approvals must be obtained prior to the commencement of the relevant stage.

| Condition ² | Report / Notification | Timing ³ | Purpose |
|--|---|---|-------------|
| Part D - Operation Environmental Management | | | |
| D1/D4 | OEMP or EMS | One month prior to commencement of operation | Information |
| Part E – Key Issues | | | |
| Noise and Vibration | | | |
| E6 | Notification of emergency works | On becoming aware of the need for emergency works | Information |
| E8 | Out of Hours Works Protocol | Prior to commencement of out of hours works not subject to an EPL | Approval |
| E13 | Operational Noise and Vibration Review | Within three months of commencing construction | Approval |
| E16 | Operational Noise Compliance Report | Within 90 days of completing the operational noise monitoring | Information |
| Biodiversity | | | |
| E19 | Amendments to ecosystem and species credits | Within six months after commencing construction | Approval |
| E21 | Credit Retirement Report | Within one month of receiving the report | Information |
| E24 | Reduction in koala habitat impact | Within six months after commencing construction | Information |
| Flooding | | | |
| E28 | Flood Design Verification Report | One month prior to the construction of permanent works that impact on flooding | Information |
| E32 | Flood Review Report | Within three months of the applicable flood events | Information |
| Traffic, Transport and Access | | | |
| E43/E45 | Public Level Crossing Treatment Report | At least one month prior to the closure of upgrade of a public level crossing | Information |
| E44/E45 | Private Level Crossing Treatment Report | At least one month prior to the closure of upgrade of a private level crossing | Information |
| E46 | Level Crossing Performance Report | Within 60 days of completion | Information |
| E57/E58/E59 | Transport Network and Connectivity Analysis | Within one year of CSSI approval or prior to commencement of construction of the Jones Avenue bridge (whichever occurs earlier) | Information |
| Contamination | | | |
| E83/E84 | Site Audit Statement and Site Audit Report | One month before the commencement of operation | Information |

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

- A1 The CSSI may only be carried out in accordance with the terms of this approval and generally in accordance with the description of the CSSI in the *Inland Rail – Narrabri to North Star Environmental Impact Statement, Volumes 1-7* (prepared by GHD and dated November 2017), the *Inland Rail – Narrabri to North Star Submissions Preferred Infrastructure Report* (ARTC, dated December 2019) and (*updated BDAR, RtS on the SPIR and RFI responses*).
- A2 The CSSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in 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 the written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the CSSI;
 - (b) any document or correspondence under the terms of this approval in relation to the CSSI (including the provision of such documentation or correspondence);
 - (c) any independent appointment or dismissal made in relation to the CSSI;
 - (d) any notification given to the Planning Secretary under the terms of this approval;
 - (e) any audit of the construction or operation of the CSSI;
 - (f) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
 - (g) the carrying out of any additional monitoring or mitigation measures; and
 - (h) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A5 Where the terms of this approval require a document or monitoring program to be prepared, or a review to be undertaken, in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary in accordance with the Department's *Post Approval Guidance: Defining Engagement Terms* (DPIE, 2020). The evidence must include:
- (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
 - (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (d) outline of the issues raised by the identified party and how they have been addressed; and
 - (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

A6 Any document that must be submitted, or approval that must be obtained, 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 A41**. The Proponent must provide supporting evidence so that the Secretary can consider the need, environmental impacts and consistency of any request.

Note: Inaction and/or expedience will not be supported as justifications for need unless it can be demonstrated that there are beneficial environmental impacts associated with the request.

A7 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.

A8 This approval lapses five (5) years after the date on which it is granted, unless works for the purpose of the CSSI are physically commenced on or before that date.

INDEPENDENT APPOINTMENTS

A9 All **Independent Appointments** required by this approval must be in accordance with the Department's guideline *Seeking approval from the Department for the appointment of independent experts* (DPIE, 2020).

A10 The Planning Secretary may at any time commission an audit of how an **Independent Appointment** has exercised their functions. The Proponent must:

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

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

STAGING

A11 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 requires) must be prepared and submitted to the Secretary for approval. The **Staging Report** must be submitted to the Secretary no later than one (1) month prior to the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one (1) month prior to the commencement of operation of the first of the proposed stages of operation).

A12 The **Staging Report** must:

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

A13 The CSSI must be staged in accordance with the Staging Report, as approved by the Secretary.

- A14 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.
- A15 Where changes are proposed to the staging of construction or operation, a revised Staging Report must be prepared and submitted to the Secretary for approval no later than one (1) month prior to the proposed change in the staging.

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

SITE ESTABLISHMENT WORKS

Site Establishment Management Plan

- A17 The Proponent must prepare and submit for approval to the Planning Secretary one (1) month before the establishment of any construction ancillary facility (excluding minor construction ancillary facilities established under **Condition A21**) a **Site Establishment Management Plan**. The Plan must be prepared in consultation with the relevant council/s and TfNSW. The **Site Establishment Management Plan** must detail the management of the establishment of the construction ancillary facilities and must include:
- (a) a description of activities to be undertaken during establishment of the construction ancillary facility (including indicative scheduling and duration of works to be undertaken at the site);
 - (b) figures illustrating the proposed operational site layout/s;
 - (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works;
 - (d) details of how the site establishment activities described in subsection (b) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1**, and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (d) of this condition; and
 - (e) a program for monitoring the performance outcomes, including a program for noise monitoring of site establishment activities.

Nothing in this condition prevents the Proponent from preparing individual **Site Establishment Management Plans** for each construction ancillary facility or one **Site Establishment Management Plan** for all facilities. The approved **Site Establishment Management Plan(s)** must be implemented.

Upon commencement of construction, the **Site Establishment Management Plan** will cease to have effect and the **CEMP** required by **Condition C1** will apply to the operation of ancillary facilities.

Operation of Ancillary Facilities

A18 The operation of an ancillary facility for construction must not commence until the **CEMP** required by **Condition C1**, relevant **CEMP Sub-plans** required by **Condition C4** and relevant **Construction Monitoring Programs** required by **Condition C14** have been approved by the Planning Secretary.

This condition does not apply to **Condition A21**.

Access to Ancillary Facilities

A19 Where possible, ancillary facilities must be accessed via existing public roads and/or the existing rail corridor. Access directly via classified roads should be avoided where access from an existing local road is reasonably available. Where access via existing roads or the rail corridor is not possible, the Proponent may utilise existing private access tracks on private property but only with the written permission of the landowner. The Proponent must consult with each landowner whose property is required for access and agree on the terms and conditions relating to access arrangements. Nothing in this condition prevents the landowner from refusing the Proponent access to and via their land. New construction access tracks on private property must comply with the requirements of Condition A16.

A20 The Proponent must ensure that all roads / tracks that will be used to access construction ancillary facilities are to the standard necessary to provide access as agreed with landowners and the relevant roads authority, including a trafficable surface suitable to accommodate the type of vehicle movements that are anticipated to be associated with the construction of the CSSI.

Minor Ancillary Facilities

A21 Facilities including lunch sheds, office sheds, material lay down sites, stockpile areas, areas used to assemble infrastructure, and portable toilet facilities can be established and operated where they satisfy the following criteria:

- (a) are located within the construction boundary; and
- (b) have been assessed by the **ER** to have -
 - (i) low 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) low 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

A22 Boundary screening must be erected around all ancillary facilities that are adjacent to and visible from sensitive receivers for the duration of use of the ancillary facility unless otherwise agreed with the relevant council and affected residents, business operators or landowners.

A23 Boundary screening required under **Condition A22** of this approval must minimise visual, noise and air quality impacts on adjacent sensitive receivers.

ENVIRONMENT REPRESENTATIVE

A24 Works must not commence until an **ER** has been approved by the Planning Secretary and engaged by the Proponent.

A25 The Planning Secretary's approval of an **ER** must be sought no later than one (1) month before the commencement of works.

A26 The proposed **ER** must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in **Condition A1**, and is independent from the Proponent and companies involved in the design and construction of the CSSI. Skills, qualifications, experience, availability and capacity of the **ER** must meet the requirements of the *Environmental*

Representative Protocol, Department of Planning and Environment, October 2018. The appointment of the ER must have regard to the Department's guideline Seeking approval from the Department for the appointment of independent experts (DPIE, 2020).

- A27 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 Secretary for the purposes of the CSSI.
- A28 For the duration of the works until 12 months after the completion of construction, 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 A11, A17, A31, C1, 0 and C13**, and any other documents that are identified by the Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary/Department);
 - (e) regularly monitor the implementation of the documents listed in **Conditions A11, A17, A31, C1, 0 and C14**, to ensure implementation is being carried out in accordance with the document and the terms of this approval;
 - (f) as may be requested by the Planning Secretary, help plan, 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 A35** of this approval;
 - (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
 - (h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds, material lay down sites, areas used to assemble culverts and turnouts, and portable toilet facilities as required by **Condition A21** of this approval;
 - (i) consider any minor amendments to be made to the **CEMP, CEMP Sub-plans** and **Construction Monitoring Programs** that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the **CEMP, CEMP Sub-plans** and **Construction Monitoring Programs** approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and
 - (j) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven (7) calendar days following the end of each month for the duration of the ER's engagement for the CSSI.
- A29 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 A28** (including preparation of the ER Monthly Report), as well as:
- (a) the complaints register (to be provided on a weekly 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).

A30 The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under **Condition A28**. The Proponent must:

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

*Note: The Planning Secretary may dismiss the **ER** should they consider the **ER** has not exercised their functions in accordance with this approval.*

COMPLIANCE REPORTING REQUIREMENTS

A31 Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).

A32 Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

A33 The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

A34 Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

AUDITING

A35 Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

A36 Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

A37 The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing as stipulated by the Planning Secretary) to the applicant of the date upon which the audit must be commenced.

A38 In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Proponent must:

- (a) review and respond to each Independent Audit Report prepared under **Condition A36** or **Condition A37**;
- (b) submit the response to the Planning Secretary; and
- (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

A39 Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.

A40 Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be

ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

INCIDENT NOTIFICATION AND REPORTING

A41 During construction, DPIE must be notified in writing 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 time, date, location and nature of the incident. A description of whether the incident was a result of any actual or potential non-compliance with this approval should be provided within one week of the notification.

The requirement to notify DPIE under this condition excludes incidents which are required to be notified to the Office of the National Rail Safety Regulator.

Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix B – WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- B1 A **Communication Strategy** must be prepared to facilitate communication between the Proponent, and the community and government authorities (including relevant councils, government agencies, adjoining affected landowners and businesses, and others directly impacted by the CSSI).
- B2 The **Communication Strategy** must:
- (a) identify people, organisations and government authorities to be consulted during works;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the CSSI;
 - (c) identify opportunities to provide accessible information regarding regularly updated site construction activities, schedules and milestones at each construction ancillary facility and at construction sites located adjacent to town centres;
 - (d) consider opportunities for the community to visit construction sites (taking into consideration workplace, health and safety requirements);
 - (e) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the CSSI;
 - (f) set out the procedures and mechanisms for consulting with relevant councils and government authorities required by **Condition A5**, including procedures for repeated requests and nil responses;
 - (g) describe the method for broadcasting the 24-hour toll-free telephone complaints number and postal and email addresses for enquiries, as required by **Condition B8**;
 - (h) 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 environmental management and delivery of the CSSI, including timing for mediation to be undertaken once it has been escalated to the dispute resolution process.
- B3 The Communication Strategy must be submitted to the Secretary for approval no later than one (1) month before the commencement of any work.
- B4 Work for the purposes of the CSSI must not commence until the Communication Strategy has been approved by the Secretary.
- B5 The Communication Strategy, as approved by the Secretary, must be implemented for the duration of the works and for six (6) months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

- B6 A **Complaints Management System** must be prepared and implemented before the commencement of any works and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the CSSI.
- B7 The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of works and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;
 - (b) a postal address to which written complaints and enquires may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and

(d) a mediation system for complaints unable to be resolved.

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

B8 The telephone number, postal address and email address required under **Condition B11** 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 B11** of this approval.

B9 A **Complaints Register** must be maintained recording information on all complaints received about the CSSI during the carrying out of any works and for a minimum of 12 months following the completion of construction. The **Complaints Register** must record the:

- (a) number of complaints received;
- (b) number of people affected in relation to a complaint; and
- (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.

B10 The **Complaints Register** must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

PROVISION OF ELECTRONIC INFORMATION

B11 A website providing information in relation to the CSSI must be established before commencement of works and maintained for the duration of construction, and for a minimum of 12 months following the completion of construction. The following up-to-date information (excluding confidential commercial information) must be published before the relevant works commencing and maintained on the website or dedicated pages:

- (a) the current implementation status of the CSSI;
- (b) a copy of the documents listed in **Condition A1** of this approval, and any documentation relating to any modifications made to the CSSI or the terms of this approval;
- (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;
- (d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI;
- (e) where a condition(s) of this approval requires a document(s) to be prepared before work, construction or operational activity commences, a current copy of the relevant document(s) must be published on the website before the work, construction or operational activity is undertaken; and
- (f) a copy of each document required to be made publicly available under this approval must be published within 14 days of the finalisation or approval of the relevant document, unless an alternate timeframe is prescribed by another condition of this approval.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1 A **Construction Environmental Management Plan (CEMP)** must be prepared in accordance with the Department's *Environmental Management Plan Guideline for Infrastructure Projects* (DPIE, 2020) to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in **Condition A1** will be implemented and achieved during all stages of construction.
- C2 The **CEMP** must provide:
- (a) a description of activities to be undertaken during construction (including the scheduling of construction);
 - (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;
 - (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction of the SSI;
 - (d) details of how the activities described in subsection (a) of this condition will be carried out to:
 - (i) meet the performance outcomes stated in the documents listed in **Condition A1**; and
 - (ii) manage the risks identified in the risk analysis undertaken in subsection (d) of this condition;
 - (e) an inspection program detailing the activities to be inspected and frequency of inspections;
 - (f) a protocol for managing and reporting any:
 - (i) incidents; and
 - (ii) non-compliances with this approval or statutory requirements;
 - (g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
 - (h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C4**. Where staged construction of the SSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
 - (i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the **ER**;
 - (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval;
 - (k) for periodic review and update of the **CEMP** and all associated plans and programs; and
 - (l) relevant details from the **Site Establishment Management Plan(s)**.
- C3 The CEMP must be endorsed by the ER and then submitted to the Secretary for approval no later than one (1) month before the commencement of construction or where construction is staged, no later than one (1) month before the commencement of that stage.

- C4 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies and relevant councils identified for each CEMP Sub-plan and be consistent with the CEMP referred to in the EIS.

| | Required CEMP Sub-plan | Relevant government authorities to be consulted for each CEMP Sub-plan |
|-----|-------------------------------|---|
| (a) | Traffic, transport and access | TfNSW and relevant councils |
| (b) | Noise and Vibration | Relevant councils |
| (c) | Biodiversity | EES, DAWE and relevant councils |
| (d) | Soil and Water | Relevant councils, Water Group, and EES |
| (e) | Heritage | DPC Heritage, RAPs and relevant councils |
| (f) | Flood Emergency Management | SES, EES and relevant councils |

- C5 The **CEMP Sub-plans** listed in **Condition C4** must state how:

- (a) the environmental performance outcomes identified in the documents listed in **Condition A1**, as modified by these conditions, will be achieved;
- (b) the mitigation measures identified in the documents listed in **Condition A1**, as modified by these conditions will be implemented;
- (c) the relevant terms of this approval will be complied with; and
- (d) issues requiring management during construction (including coordination of concurrent activities of other projects as well as concurrent activities in this CSSI), as identified through ongoing environmental risk analysis, will be managed.

- C6 The CEMP Sub-plans must be developed in consultation with relevant parties identified in **Condition C4**. Details of all information requested by an agency to be included in a **CEMP Sub-plan** as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant **CEMP Sub-plan**.

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

- C8 The **Traffic and Transport Management Sub-plan** must be consistent with agreements with Councils about the use of local roads and include:

- (a) measures to minimise impacts on seasonal traffic, including harvest-related vehicles, and public transport (including school buses and bus stops) and inform freight operators of changes to traffic conditions; and
- (b) measures to maintain pedestrian and vehicular access to affected properties, including mechanisms to consult with affected landowners and implement measures prior to any access disruption.

- C9 The **Biodiversity Management Sub-plan** must include:

- (a) a weed management plan, including appropriate weed control to manage introduction and/or spread of weeds from construction areas to any retained Weeping Myall Woodlands TEC, and appropriate protocols to demonstrate compliance with the requirements of the *Biosecurity Act 2015* and *Biosecurity Regulation 2017*;
- (b) procedures for pre-clearing surveys for threatened species to be undertaken by a suitably qualified and experienced ecologist, including survey and relocation methodologies and management/offset measures;
- (c) measures to control cane toads, as relevant to the construction phase areas and scope in accordance with the Threat abatement plan for the biological effects, including lethal toxic ingestion, caused by cane toads (relevant to works adjacent to retained Brigalow (*Acacia harpophylla* dominant and co-dominant) TEC and Weeping Myall Woodlands TEC); and
- (d) measures to protect *EPBC Act* listed threatened species, in particular the koala, and threatened ecological communities.

- C10 The **Soil and Water Management Sub-plan** must include:
- (a) a draft water balance for the project;
 - (b) information demonstrating that the required construction water resources are legally and physically available; and
 - (c) mitigation measures to address construction water resource shortages that arise.
- C11 The **Heritage Management Sub-plan** must include:
- (a) identification of the Aboriginal objects that must be avoided and the protective measures to be put in place;
 - (b) procedures for salvaging and safe keeping the Aboriginal objects identified in the documents listed in **Condition A1**, and their long-term management;
 - (c) measures to avoid or minimise disturbance to Aboriginal heritage where areas, objects or places of moderate to high significance are found to be present. Where impacts cannot be avoided, details on the methodology for archaeological excavation and/or salvage works (including Survey Areas 15 and 55);
 - (d) a process for inspecting trees for evidence of cultural scarring in areas that were not subject to archaeological survey and measures to avoid impact. If impact is unavoidable, works shall be undertaken under the guidance of an appropriately qualified heritage specialist;
 - (e) the involvement of a suitably qualified and skilled heritage architect or consultant to provide input to the detailed design of works to and near Moree Railway Station;
 - (f) measures to prevent vibration and direct impacts to the Moree Railway Station;
 - (g) measures to minimise impacts on and retain the legibility of the concrete post and panel platform at Moree Railway Station;
 - (h) an interpretation strategy for Edgeroi, Bellata and Gurley Railway Stations;
 - (i) all practical options for offering components of the Croppa Creek rail bridge to the local community;
 - (j) measures to retain the existing North Star station sign in situ (or re-instated following construction) alongside the rail corridor in North Star Community Park; and
 - (k) an Unexpected Heritage Finds and Human Remains Procedure, with the requirement that DPC Heritage are contacted and consulted upon the discovery of human remains, prepared by a suitably qualified and experienced heritage specialist.

The Proponent must consult with the Registered Aboriginal Parties in the development of the Sub-plan with respect to Aboriginal objects.

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

- C12 The **Flood Emergency Management Sub-plan** must include measures for managing flood risks during construction and address flood recovery.
- C13 Construction must not commence until the **CEMP** and all **CEMP Sub-plans** have been approved by the Secretary. The **CEMP** and **CEMP Sub-plans**, as approved by the Secretary, including any minor amendments approved by the **ER**, must be implemented for the duration of construction. Where the CSSI is being staged, construction of that stage is not to commence until the relevant CEMP and sub-plans have been endorsed by the ER and approved by the Secretary.

CONSTRUCTION MONITORING PROGRAMS

- C14 The following **Construction Monitoring Programs** must be prepared in consultation with the relevant government agencies and relevant councils identified for the Construction Monitoring Programs to compare actual performance of construction of the CSSI against performance predicted in the documents specified in **Condition A1**.

| | Required Construction Monitoring Programs | Relevant government authorities to be consulted for each Construction Monitoring Program |
|-----|--|---|
| (a) | Noise and vibration | Nil |
| (b) | Water usage | Water Group |
| (c) | Air Quality | Nil |
| (d) | Physical condition of local roads | Relevant councils |

C15 Each **Construction Monitoring Program** must provide:

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

C16 The **Construction Monitoring Programs** must be developed in consultation with relevant government agencies as identified in **Condition C14** of this approval and must include information requested by an agency to be included in a **Construction Monitoring Programs** during such consultation. Details of all information requested by an agency including copies of all correspondence from those agencies, must be provided with the relevant **Construction Monitoring Program**.

C17 The **Construction Monitoring Programs** must be endorsed by the **ER** and then submitted to the Planning Secretary for approval at least one month before the commencement of construction.

C18 Construction must not commence until the Planning Secretary has approved all of the required **Construction Monitoring Programs**, and all relevant baseline data for the specific construction activity has been collected.

C19 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.

C20 The results of the **Construction Monitoring Programs** must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a **Construction Monitoring Report** at the frequency identified in the relevant **Construction Monitoring Program**.

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

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

OPERATIONAL ENVIRONMENTAL MANAGEMENT

- D1 An **Operational Management Plan (OEMP)** must be prepared in accordance with the Department's *Environmental Management Plan Guideline for Infrastructure Projects* (DPIE, 2020) 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 Secretary, and can demonstrate, to the written satisfaction of the Secretary, that through the EMS:
- (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in **Condition A1**, and terms of this of 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 performance measures and mitigation measures detailed in the OEMP must address the maintenance of culverts with respect to blockages, siltation and scouring.
- D4 The OEMP or EMS (or equivalent) as agreed with the Secretary must be submitted to the Secretary for information at least one (1) month prior to the commencement of operation of the CSSI.

PART E

KEY ISSUE CONDITIONS

NOISE AND VIBRATION

Work Hours

E1 Works must be undertaken during the following hours:

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

E2 Notwithstanding **Condition E1**, works affecting any given receiver may be undertaken during the hours of 6.00 am to 6.00 pm each day over a three (3) month period provided that there is no work between the hours of 6:00 pm on a Saturday and 7:00 am on a Monday every second week.

Variation to Work Hours

E3 Notwithstanding **Conditions E1** and **E2**, works associated with the CSSI may be undertaken outside the hours specified under those conditions in the following circumstances:

- (a) for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or
- (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
- (c) where different construction hours are permitted under an EPL in force in respect of the CSSI; or
- (d) work approved under an **Out-of-Hours Work Protocol** for work not subject to an EPL as required by **Condition E8**; or
- (e) where a negotiated agreement is in force, in accordance with **Condition E4** and **E5**; or
- (f) construction that causes $L_{Aeq(15\text{ minute})}$ noise levels:
 - i) no more than 5 dB(A) above the rating background level at the façade of any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) or if between the hours of 10:00 pm and 7:00 am no more than 52 dB(A) $L_{A(max)}$ or more than 15 dB(A) $L_{A(Max)}$ above the rating background level whichever is the higher, and
 - ii) no more than the 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 those 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 those for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

E4 The Proponent may reach negotiated agreements with sensitive receivers (owners and occupiers) to carry out works in accordance with the hours and noise limits specified in the negotiated agreements.

E5 All negotiated agreements must be in writing and finalised before the commencement of works.

E6 On becoming aware of the need for emergency works in accordance with **Condition E3(b)**, the Proponent must notify the Department in writing to compliance@planning.nsw.gov.au, the ER and the EPA of the need for that work. The Proponent must use best endeavours to notify all affected sensitive receivers of the likely impact and duration of those works.

Highly Noise Intensive Work

E7 Except as permitted by an EPL or approved through an Out of Hours Works Protocol (for works not subject to an EPL), highly noise intensive work that results in an exceedance of the applicable NML at the same receiver must only be undertaken:

- (a) between the hours of 8:00 am to 6:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 1:00 pm Saturday; and
- (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

For the purpose of this condition, 'continuous' includes any period during which there is less than a one-hour respite between ceasing and recommencing any works that are the subject of this condition.

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

E8 An **Out-of-Hours Work Protocol** must be prepared to identify a process for the consideration, management and approval of work which is outside the hours defined in **Conditions E1 and E2**, and that is not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the relevant out-of-hours work. The Protocol must be prepared in consultation with the EPA. 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 and implementation of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location;
- (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 can be approved by the **ER**, and
 - (ii) high risk activities that are approved by the Planning Secretary; and
- (e) identify Department, EPA and community notification arrangements for approved out-of-hours works, which maybe detailed in the **Communication Strategy**.

E9 Noise generating work in the vicinity of potentially-affected community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled within sensitive periods or during important events, 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.

Noise and Vibration Mitigation

E10 Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:

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

Any works identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the **Construction Noise and Vibration Management Sub-plan** required by **Condition C4**.

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.

- E11 Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before construction that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owner and occupiers must be provided with a schedule of potential exceedances for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the Construction Noise and Vibration Management Sub-plan required by **Condition C4**.
- E12 This approval does not permit blasting.

Noise Mitigation – Operational Noise Mitigation Measures

E13 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 and identification / selection of any noise mitigation measures must be prepared in consultation with the EPA and impacted sensitive receivers. Where barrier options (e.g. noise walls or mounds) are proposed to be implemented, consultation must also be undertaken with the relevant councils. The ONVR must:

- (a) confirm the appropriate operational noise and vibration objectives and levels for adjoining development, including existing sensitive receivers;
- (b) confirm the operational noise and vibration predictions based on the final design. Confirmation must be based on an appropriately calibrated noise model (which has incorporated additional noise monitoring, and concurrent traffic counting, where necessary for calibration purposes).
- (c) Identify / confirm sensitive receivers at which the criteria set out in the *Rail Infrastructure Noise Guideline* (EPA, 2013) are predicted to be exceeded once the CSSI is operational and in 2040;
- (d) review the suitability of the operational noise mitigation measures identified in the documents listed in **Condition A1** and, where necessary, investigate and identify additional noise and vibration mitigation measures required to achieve the noise criteria outlined in the *Rail Infrastructure Noise Guideline* once the CSSI is operational and in 2040. This review must consider local climate and impacts on existing cooling devices, and alternative at-property mitigation measures where the physical condition of a receiver building would render acoustic glazing and seals ineffective;
- (e) describe the final suite of noise and vibration mitigation measures that will be implemented to achieve the noise criteria outlined in the *Rail Infrastructure Noise Guideline* once the CSSI is operational and in 2040, including the timing of implementation in accordance with **Condition E14**;
- (f) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; and
- (g) procedures for the management of operational noise and vibration complaints.

The **ONVR** is to be verified by a suitably qualified and experienced noise and vibration expert. The **ONVR** is to be undertaken at the Proponent's expense and submitted to the Secretary for approval within three (3) months of construction commencing.

- E14 Operational noise mitigation measures identified in **Condition E13** (such as at-property architectural treatments) that will not be affected by construction works, must be implemented:
- (a) within six (6) months of the commencement of construction affecting the impacted receiver/s;
 - (b) in the case of at-property treatments, as agreed with the landowner; or
 - (c) as agreed by the Planning Secretary.
- E15 Where implementation of operational noise mitigation measures are not proposed in accordance with **Conditions E13** and **E14**, the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be

implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in **Condition E13** are implemented. The report must be endorsed by the **ER** and submitted to the Planning Secretary prior to the commencement of construction which would affect the identified sensitive receivers.

E16 In 2026 and 2035, or as otherwise agreed with the Planning Secretary, 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 E13**. The Proponent must prepare an **Operational Noise Compliance Report (ONCR)** 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 E13**;
- (b) 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 sensitive receivers;
- (c) 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;
- (d) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual train movements;
- (e) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and
- (f) identification of additional measures to those identified in the review of noise mitigation measures required by **Condition E13**, that would be implemented with the objective of meeting the criteria outlined in the *Rail Infrastructure Noise Guideline*, when these measures would be implemented and how their effectiveness would be measured and reported to the Secretary and the EPA.

The ONCR is to be verified by a suitably qualified and experienced noise and vibration expert. The ONCR must be submitted to the Secretary and the EPA for information within 90 days of completing the operational noise monitoring.

Note: 2026 and 2035 are specified as representing 12 months and 10 years after the anticipated commencement of operation of the entire Inland Rail project. Should this timeframe change, the Proponent should seek the approval of the Planning Secretary to vary the timeframe in which to satisfy this condition.

BIODIVERSITY

E17 The Proponent must minimise impacts to plant community types and not exceed the total areas impacted as identified in **Table E1**.

Table E1: Native Vegetation Impacted

| <i>Vegetation Zone and Plant Community Type (PCT) ID and Name</i> | <i>TEC under the EPBC Act (ha)</i> | <i>Total Area impacted (ha)</i> |
|---|--|---------------------------------|
| Zone 1 - PCT27 (BR233, NA219) Weeping Myall open woodland of the Darling Riverine Plains Bioregion and Brigalow Belt South Bioregion | <i>Weeping Myall Woodlands – 9.16</i> | 17.94 |
| Zone 2 - PCT35 (BR120, NA117) Brigalow – Belah open forest / woodland on alluvial often gilgaied clay from Pilliga Scrub to Goondiwindi, Brigalow Belt South Bioregion | <i>Brigalow (Acacia harpophylla dominant and codominant) – 16.13</i> | 17.31 |

| | | |
|--|---|---------------|
| Zone 3 - PCT39 (BR130, NA129) Coolabah – River Coolabah - Lignum woodland wetland of frequently flooded floodplains mainly in the Darling Riverine Plains Bioregion | <i>Coolabah - Black Box Woodland of the Darling Riverine Plains and the Brigalow Belt South Bioregions – 1.74</i> | 1.74 |
| Zone 4 - PCT52 (BR191, NA187) Queensland Bluegrass +/- Mitchell Grass grassland on cracking clay floodplains and alluvial plains mainly the northern-eastern Darling Riverine Plains Bioregion | <i>Natural Grasslands on Basalt and Fine-textured Alluvial Plains of Northern NSW and Southern Qld – 432.07</i> | 432.07 |
| Zone 5 - PCT56 (BR186, NA182) Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW | Not listed | 143.95 |
| Zone 6 - PCT56 (BR186, NA182) Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW (Derived - Native Grasslands) | Not listed | 249.85 |
| Zone 7 - PCT71 (BR127, NA126) Carbeen – White Cypress Pine - River Red Gum - bloodwood tall woodland on sandy loam alluvial and aeolian soils in the northern Brigalow Belt South Bioregion and Darling Riverine Plains Bioregion | Not listed | 0.51 |
| Zone 8 - PCT 78 River Red Gum riparian tall woodland / open forest wetland in the Nandewar Bioregion and Brigalow Belt South Bioregion | Not listed | 11.82 |
| Zone 9 - PCT 135 Coobah - Western Rosewood low open tall shrubland or woodland mainly on outwash areas in the Brigalow Belt South Bioregion | Not listed | 9.50 |
| Zone 10 - PCT 413 Silver-leaved Ironbark - White Cypress Pine - box dry shrub grass woodland of the Pilliga Scrub - Warialda region, Brigalow Belt South Bioregion | Not listed | 5.72 |
| Total Area Impacted | 459.10 | 890.41 |

E18 The Proponent must meet the biodiversity offset obligations for ecosystem and species credits as set out in **Tables E2 and E3**, within two (2) years of the CSSI approval. The retirement of the biodiversity credits must be carried out in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* and can be achieved by a combination of:

- (a) acquiring and retiring “biodiversity credits” within the meaning of the *Biodiversity Conservation Act 2016*; and/or
- (b) making a payment into the Biodiversity Conservation Fund; and/or
- (c) outlining in a Biodiversity Offset Strategy the provision of supplementary measures. The Strategy must be prepared in consultation with EES and DAWE.

Notes: 1. Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, "biodiversity credits" created under that Act are taken to be "biodiversity credits" under the Biodiversity Conservation Act 2016 by virtue of clause 19 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

Table E2: Ecosystem Credits to be Retired

| Ecosystem Credits | | |
|---|--|--------------------------|
| <i>Vegetation Zone and Plant Community Type (PCT) ID and Name</i> | <i>EPBC Act equivalent TEC or habitat of EPBC Act listed threatened species</i> | <i>Number of Credits</i> |
| Zone 1 - PCT27 (BR233, NA219) Weeping Myall open woodland of the Darling Riverine Plains Bioregion and Brigalow Belt South Bioregion | <i>Weeping Myall Woodlands</i> | 900 |
| Zone 2 - PCT35 (BR120, NA117) Brigalow – Belah open forest / woodland on alluvial often gilgaied clay from Pilliga Scrub to Goondiwindi, Brigalow Belt South Bioregion | <i>Brigalow (Acacia harpophylla dominant and codominant)</i> | 1223 |
| Zone 3 - PCT39 (BR130, NA129) Coolabah – River Coobah - Lignum woodland wetland of frequently flooded floodplains mainly in the Darling Riverine Plains Bioregion | <i>Coolibah - Black Box Woodland of the Darling Riverine Plains and the Brigalow Belt South Bioregions</i> | 93 |
| Zone 4 - PCT52 (BR191, NA187) Queensland Bluegrass +/- Mitchell Grass grassland on cracking clay floodplains and alluvial plains mainly the northern-eastern Darling Riverine Plains Bioregion | <i>Natural Grasslands on Basalt and Fine-textured Alluvial Plains of Northern NSW and Southern Qld</i> | 20102 |
| Zone 5 - PCT56 (BR186, NA182) Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW | Not Listed | 8851 |
| Zone 6 - PCT56 (BR186, NA182) Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW (Derived - Native Grasslands) | Not listed | 8294 |
| Zone 7 - PCT71 (BR127, NA126) Carbeen – White Cypress Pine - River Red Gum - bloodwood tall woodland on sandy loam alluvial and aeolian soils in the northern Brigalow Belt South Bioregion and Darling Riverine Plains Bioregion | Not listed | 23 |
| Zone 8 - PCT 78 River Red Gum riparian tall woodland / open forest wetland in the Nandewar Bioregion and Brigalow Belt South Bioregion | Not listed | 549 |
| Zone 9 - PCT 135 Coobah - Western Rosewood low open tall shrubland or woodland mainly on outwash areas in the Brigalow Belt South Bioregion | Not listed | 354 |
| Zone 10 - PCT 413 Silver-leaved Ironbark - White Cypress Pine - box dry shrub grass woodland of the Pilliga Scrub - Warialda region, Brigalow Belt South Bioregion | Not listed | 250 |
| TOTAL ECOSYSTEM CREDITS | | 40639 |

Notes:

1. Credits have been calculated using the Framework for Biodiversity Assessment.

2. Zone 5 vegetation and parts of Zone 6 vegetation are likely to conform with the Poplar Box Grassy Woodland on Alluvial Plains which was listed as a TEC under the EPBC Act in July 2019. As the listing occurred after the controlled action decision was made, ecosystem credits for impacts to the TEC are not required.

Table E3: Species Credits to be Retired

| Species Credits | |
|--|--|
| <i>Species</i> | <i>Number of Credits</i> |
| Koala (<i>Phascolarctos cinereus</i>) | 4556 |
| Finger panic grass (<i>Digitaria porrecta</i>) | 858 (by no of individuals) 1287 (by habitat area in ha) |
| Creeping tick-trefoil (<i>Desmodium campylocaulon</i>) | 4752 |
| Belsons panic (<i>Homopholis belsonii</i>) | 6630 (by individuals) 2600 (by habitat area in ha) |
| TOTAL SPECIES CREDITS | 20683 |

Note: Credits have been calculated using the Framework for Biodiversity Assessment.

- E19 The Proponent may review and update the ecosystem and species credit requirements in **Tables E2 and E3**, except as required by **Condition E25**, to reflect the final construction footprint and resulting extent and type of plant community types to be cleared. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with EES and DAWE and submitted to the Planning Secretary for approval within six (6) months after the commencement of construction or as agreed in writing by the Planning Secretary.
- E20 The review and update of credit requirements must be undertaken by:
- using the vegetation mapping, and the extent of impact in the revised development footprint (Table 3.4) in the *July 2020 Addendum to the Inland Rail – Narrabri to North Star Biodiversity Assessment Report*; and/or
 - completing verification surveys to confirm the extent, type and condition of native vegetation to be impacted.

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

- E21 The Proponent must submit to the Planning Secretary for information a copy of the **Credit Retirement Report** for the retirement of the ecosystem and species credits required by **Condition E18** within one month of receiving the report.

Re-use of Timber

- E22 Prior to vegetation clearing, the Proponent must consult with community and landcare groups and government agencies to determine if retained timber and root balls can be reused in habitat enhancement and rehabilitation work, before pursuing other disposal options. The retained timber and root balls may be used on or off the CSSI site.

Koala Habitat

- E23 The Proponent must reduce the area of koala habitat, identified in Table E4, that is impacted by the CSSI by at least 25%, or as otherwise agreed by the Planning Secretary.

Table E4: Vegetation zones/plant community types identified as koala habitat

| <i>Vegetation Zone and Plant Community Type (PCT) ID and Name</i> | <i>Total Area impacted (ha)</i> |
|--|---------------------------------|
| Zone 2 - PCT35 (BR120, NA117) Brigalow – Belah open forest / woodland on alluvial often gilgaied clay from Pilliga Scrub to Goondiwindi, Brigalow Belt South Bioregion | 17.31 |
| Zone 3 - PCT39 (BR130, NA129) Coolabah – River Coobah - Lignum woodland wetland of frequently flooded floodplains mainly in the Darling Riverine Plains Bioregion | 1.74 |
| Zone 4 - PCT52 (BR191, NA187) Queensland Bluegrass +/- Mitchell Grass grassland on cracking clay floodplains and alluvial plains mainly the northern-eastern Darling Riverine Plains Bioregion | 0.08 (scattered trees) |
| Zone 5 - PCT56 (BR186, NA182) Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW | 143.95 |
| Zone 6 - PCT56 (BR186, NA182) Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW (Derived - Native Grasslands) | 0.35 (scattered trees) |
| Zone 8 - PCT 78 River Red Gum riparian tall woodland / open forest wetland in the Nandewar Bioregion and Brigalow Belt South Bioregion | 11.82 |
| Total Area Impacted | 175.25 |

- E24 The Proponent must submit a report on the final construction footprint demonstrating how impacts to the plant community types identified in Table E4 have been reduced. This must be provided to the Planning Secretary, EES and DAWE for information, within six (6) months after the commencement of construction or as agreed by the Planning Secretary.
- E25 The Proponent must provide a minimum of 4556 species credits to offset impacts to the koala.
- E26 The offset credits required by **Condition E25** must be sourced where practicable, from:
- The same IBRA subregion as the impacted site, or
 - The adjoining IBRA subregions within the same IBRA region as identified in (a).

FLOODING

Quantitative Design Limits (QDLs)

- E27 The CSSI must meet the QDLs in **Appendix A – FLOODING QUANTITATIVE DESIGN LIMITS AND MODELLING REQUIREMENTS**. Unless otherwise noted, these QDLs apply outside the rail corridor except for level crossings. These QDLs apply in any flood event up to and including the 1% AEP, and in any duration.

In circumstances where the CSSI does not meet the QDL at a specific location, the Proponent must achieve compliance through modified design of the CSSI. If this is not possible or practical the Proponent must:

- document the extent of the non-compliance with the QDL and justify why it is not possible or practical to achieve compliance through CSSI design changes;
- in every instance of non-compliance with the QDLs, consult with and obtain agreement from the affected land or property owners to either:
 - the non-compliance; or
 - establish an alternative level of mitigation of impacts for that location through alternative design measures;

- (c) where an alternative level of mitigation of impacts is required for a location, achieve a level of mitigation through design measures beyond the rail corridor; and
- (d) describe and detail the mitigation measures in the Flood Design Verification Report required by **Condition E28**;

Flood Design Verification Report

E28 Compliance with the QDLs as required by **Condition E27** must be demonstrated in a **Flood Design Verification Report** that details flood behaviour under existing conditions and with the final detailed design of the approved CSSI.

The flood modelling informing the report must be developed in consultation with EES, relevant councils and Transport for NSW, and completed to the specifications in **Appendix A – FLOODING QUANTITATIVE DESIGN LIMITS AND MODELLING REQUIREMENTS**.

The Flood Design Verification Report must include:

- (a) details of the flood modelling that informs the report;
- (b) details of how the project's flood planning level (FPL) was decided, with reference to relevant considerations of the *NSW Floodplain Development Manual*;
- (c) an assessment of the infrastructure's compliance with the Quantitative Design Limits (**QDLs**) for flooding, hydrology and geomorphology listed in **Appendix A – FLOODING QUANTITATIVE DESIGN LIMITS AND MODELLING REQUIREMENTS**;
- (d) floor level surveys of potentially affected buildings to accurately confirm compliance with afflux limits. Where a floor level has not been surveyed, the Report shall adopt the existing ground level as the floor level, with appropriate annotation;
- (e) an assessment of the impacts of the CSSI on erosion, scouring, bank stability, stream stability and geomorphology;
- (f) mitigation and management measures that will be undertaken if the QDLs are exceeded, as specified in **Condition E27**;
- (g) mitigation measures to minimise potential adverse impacts and responses to actual impacts with regard to the NRAR's Guidelines for Controlled Activities on Waterfront Land;
- (h) an assessment of risk to life caused by formation failure in extreme flood events, including management measures to mitigate this risk; and
- (i) an assessment of aquaplaning risks where the CSSI produces additional inundation of highways or sealed roads with a speed limit of 80km/h or greater. Where an aquaplaning risk is attributable to the CSSI, undertake infrastructure changes to remove the additional inundation or to introduce risk mitigation measures to manage this risk.

The flood model and results must be independently peer-reviewed in accordance with **Condition E29** and be submitted to the Planning Secretary for information at least one month prior to the commencement of construction of permanent works that may impact on flooding.

Note: Components of the SPIR hydrology technical report that are still relevant to the final design of the CSSI may be reused to prepare the Flood Design Verification Report where they meet the requirements of **Condition E28** and **Appendix A**

Independent Peer Review

E29 The Flood Design Verification Report (including the flood model upon which it is based) must be reviewed and endorsed by a suitably qualified and experienced hydrologist who has extensive experience in flood modelling including with the hydrological and hydraulic software used for the model. This hydrologist must be independent of the Proponent and the organisation(s) who prepared the flood model, having regard to the Department's *Post Approval Guidance for Infrastructure Projects: Seeking Approval from the Department for the Appointment of Independent Experts* (DPIE, 2020).

The review must:

- (a) review the flood model files and the description of the model provided within SPIR and any adjustments to this as per the Flood Design Verification Report;
- (b) assess the establishment, calibration, validation and operation of the flood model items as per (a);

- (c) identify and document existing and future purposes for which the model can and cannot be used, including adaptation of this model by others, and any limitations on this;
- (d) document the review findings including specifically responding to Condition **E28(a)** to **E28(i)** and, after any recommended model and/or reporting improvements have been undertaken to the peer reviewer's satisfaction, provide written certification within the review report that the Flood Design Verification Report, modelling and mitigation measures:
 - i) have been prepared consistent with current and appropriate methodologies and standards; and
 - ii) accurately depict and resolve design impacts of the CSSI.

The peer reviewer's endorsement must be appended to the Flood Design Verification Report.

Note: *The independent reviewer must have extensive experience with the software packages applied in the modelling for the SPIR and the Flood Design Verification Report, although this may not necessarily include the specific software version(s) used in the SPIR and Flood Design Verification Report, provided the software version updates are not relevant to the peer review.*

Flood Emergency Response Plan (FERP) for Flood Risks within the Rail Corridor

E30 The Proponent must prepare a Flood Emergency Response Plan (**FERP**) which documents how the risks to life and property within the rail corridor are to be safely managed during a flood. The FERP must detail activities before, during and after a flood, including for staff training and maintenance and updating of the FERP.

- (a) The FERP must be prepared by an experienced flood emergency response specialist who has extensive experience in preparation of these plans.
- (b) This specialist must confirm that residual flood risks are acceptable and the procedures within the FERP are consistent with best practice and the requirements of the NSW Floodplain Development Manual.
- (c) The FERP must be appended to the Flood Design Verification Report.

Note: *Nothing in this condition prevents the adaptation of an existing flood management or emergency plan to satisfy this condition.*

Information to Facilitate Management of Flood Emergency Risks beyond the Rail Corridor

E31 Where the CSSI has the potential to adversely impact flood risks to life or property beyond the rail corridor, the Proponent must document the flood risk information in sufficient detail so that relevant emergency services personnel and affected third parties can prepare, respond and recover from future flood emergencies. This shall include but not be limited to:

- (a) documentation of the changes to flood behaviour including levels, depths, velocities, etc, that may result in adverse impacts to life and property beyond the rail corridor, in any future flood events including events up to the PMF;
- (b) consideration of changes to flood behaviour that may result from CSSI infrastructure failures or embankment collapses where these may occur during floods;
- (c) provision of sufficient detail and scope to enable the relevant personnel or agency (including the NSW SES, the local council, affected property or infrastructure owners) to prepare for management of flood emergencies;
- (d) respond to requests for information about the CSSI from those personnel or agencies in (c) to assist them in preparing their own flood emergency response plans.

This documentation shall be appended to the Flood Design Verification Report and be certified as consistent with the requirements of this condition by the same specialist preparing and certifying the FERP (required by **Condition E30**).

Flood Review after Construction

E32 For the first 15 years of operation, the Proponent must prepare **Flood Review Report(s)** within three months after the first defined flood event for any of the following flood magnitude ranges that occur – the 1-5% AEP, 5-10% AEP and 10-20% AEP events. The Flood Review Report(s) must be prepared by a suitably qualified and experienced hydrologist(s) and include:

- (a) a comparison of the observed extent, level, and duration of the flooding event against those predicted in (or inferred from) the SPIR and the Flood Design Verification Report required by **Condition E28**;
- (b) identification of the properties and infrastructure affected by flooding during the reportable event; and
- (c) where the observed extent and level of flooding or other flooding or erosion impacts exceed those predicted due to the CSSI with the consequent effect of adversely impacting on property(ies), structures, infrastructure or the environment, and/or exceed the requirements specified in **Conditions E27 and E28**:
 - i) determine if the exceedance is attributable to the CSSI, and
 - ii) where the cause is attributable to the CSSI, identification of the rectification measures that would be implemented to reduce future adverse impacts of flooding from similar events related to the CSSI works, including the timing and responsibilities for implementation.

A copy of the Flood Review Report(s) must be submitted for information to the Secretary and EES and relevant council(s) within three (3) months of finalising the report.

Any rectification measures identified within the Flood Review Report(s) must be developed in consultation with the affected third parties (e.g. land and property owners, infrastructure owners, EES, the relevant council(s), state and local government agencies, etc) and implemented within the timeframes specified in the Flood Review Report(s) or as agreed with the affected parties.

- E33 To analyse the lengths of rail corridor impacted by rainfall and consequential flood events for the purposes of **Condition E32**, the Proponent must develop spatially defined monitoring zones and associated monitoring methodologies for the flood catchments modelled in the SPIR. The monitoring methodologies shall provide an approach to inter rainfall intensities utilising the available Bureau of Meteorology rainfall monitoring stations suitable for each catchment. The methodology must be developed in consultation with DPIE and submitted to the Planning Secretary for information within six (6) months prior to the commencement of operation of the CSSI.

Information Sharing

- E34 Flood information resulting from the requirements of this approval, including flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within flood prone land, must be made available to the relevant council(s), TfNSW, EES and the SES upon request. The relevant councils, TfNSW, EES and the SES must be notified in writing that the information is available no later than one (1) month following the completion of construction. Information requested by a relevant council, TfNSW, EES or the SES must be provided within six (6) months.

WATER QUALITY AND DRAINAGE

- E35 The CSSI must be designed, constructed and operated so as to:
- (a) maintain the *NSW Water Quality Objectives* where they are being achieved as at the date of this Approval;
 - (b) contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with;
 - (c) ensure all drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) new or modified surface water drainage (including cess drains) and depressions are designed and constructed in accordance with relevant guidelines;
 - (d) locate all scour protection works associated with replacement culverts or the construction of new culverts within the rail corridor, or as agreed to by the relevant landowner;
 - (e) not result in changes to the direction of watercourses or the direction of flood flows except within the rail corridor, other than as agreed with the landowner;

- (f) ensure that there is no permanent interception of, and/or connection with, groundwater;
- (g) ensure all discharges from new or modified surface drainage (including cess drains) adjacent to the new and upgraded track are released at a controlled rate to prevent scour;
- (h) ensure works on waterfront land are undertaken in accordance with the NRAR guidelines for controlled activities on waterfront land;
- (i) ensure that any recycled wastewater (including recycled/treated water) proposed for use by the CSSI, is fit for purpose and does not pose a risk to human health or the receiving environment.

- E36 The Proponent must consult with TfNSW in relation to stormwater and drainage management to coordinate drainage infrastructure with the Newell Highway Upgrade.
- E37 Prior to the installation of a new culvert, the Proponent must consult with the landowner that is located immediately downstream of the new culvert to determine the potential for impacts on agricultural productivity, farm operations and farm dams (including changes in water supply yield, reliability of supply, flood flows and embankment stability) due to the introduction or alteration of flows. Where potential adverse impacts are identified, the Proponent must consult with the affected landowner on the management measures that will be implemented to mitigate the impacts.

TRAFFIC, TRANSPORT AND ACCESS

- E38 Construction traffic must not use local roads or privately-owned roads (other than to avoid direct access from ancillary facilities and construction sites to the Newell Highway) unless no alternative access is available. Use of private access roads must be in accordance with **Conditions A19** and **A20**. Local or privately owned roads used for access to ancillary facilities and construction sites must be identified in the Construction Traffic, Transport and Access Management Sub-plan required by **Condition C4**.
- E39 Before any local or private 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 road authority(ies) and landowners within one (1) month of completion of the survey and at least two weeks before the road is used by heavy vehicles associated with the construction of the SSI.
- E40 If damage to roads occurs as a result of the construction of the CSSI, the Proponent must, within six months of the completion of construction, either (at the landowner or relevant road authority's discretion):
- (a) compensate the relevant road authority(ies) and landowner for the damage so caused. The amount of compensation may be agreed with the relevant road authority(ies) and landowners, but compensation must be paid even if no agreement is reached;
 - (b) rectify the damage to restore the road to at least the condition it was in at the time of the dilapidation survey; or
 - (c) where other agreements are in place, leave, maintain or remunerate for damages to these roads in accordance with these agreements.
- E41 Where bus stops (including school bus stops) are required to be temporarily closed or relocated during construction, such closure must not occur until relocated bus stops are functioning and are within 400 metres of the original bus stop. The relocation of bus stops must be undertaken in consultation with the relevant council and bus operator, and details regarding the relocations provided to affected communities (and educational facilities in relation to school bus stops) at least 14 days prior to the relocation occurring.
- E42 The Proponent must consult with TfNSW prior to, and at regular intervals during, construction to co-ordinate and implement mitigation measures to reducing any potential concurrent impacts arising from the construction of the CSSI and Newell Highway upgrade works. Procedures for consultation must be outlined in the Traffic, Transport and Access Management Sub-plan required by **Condition C4**.

Level Crossing Treatment Reports

E43 In order to maintain safe and efficient operation of the road network, the Proponent must prepare a **Public Level Crossing Treatment Report** in consultation with Transport for NSW and relevant councils. The report must:

- (a) illustrate the location of all public level crossings which traverse the CSSI;
- (b) list, and identify on a figure, any public level crossings that will be closed or upgraded, including the type of treatment proposed where a level crossing is to be upgraded;
- (c) where no works are proposed at a public crossing, provide reason for the decision;
- (d) consider measures to avoid potential short-stacking at level crossings; and
- (e) provide justification for any proposed closures.

The assessment of level crossings must utilise the Australian Level Crossing Assessment Model (ALCAM). The process for determining the type of level crossing treatment must be consistent with the methodology outlined in Appendix L of the Submissions Preferred Infrastructure Report.

The report must also include an assessment of the road risks, consistent with the guideline *Railway Crossing Safety Series 2011, Plan: Establishing a Railway Crossing Safety Management Plan* (NSW Roads and Traffic Authority, 2011).

The design of any level crossing on a public road must be endorsed by Transport for NSW or the relevant road authority (where not Transport for NSW) prior to commencing construction of that crossing.

E44 In order to maintain convenient property access, the Proponent must prepare a **Private Level Crossing Treatment Report** in consultation with landowners whose access will be affected by the closure or upgrading of a private level crossing. The report must:

- (a) illustrate the location of all private level crossings which traverse the CSSI;
- (b) list, and identify on a figure, any private level crossings that will be closed or upgraded;
- (c) describe the treatments that will be implemented at upgraded crossings; and
- (d) provide justification for any proposed closures and types of treatment, including decisions where no additional treatments are proposed; and
- (e) provide details on the consultation undertaken with the landowners.

Closures, relocations or modifications of private level crossings must be agreed to by the relevant landowner prior to any work on a crossing, noting that any closure, relocation or modification must be in accordance with *AS/RISRB 7658:2012 Railway Infrastructure – Railway Level Crossing* and relevant rail safety legislation. The Proponent must consult with relevant landowners on the design of the crossing and where consistent with relevant safety standards and legislation, incorporate landowner requirements into the design.

E45 The **Public Level Crossing Treatment Report** and **Private Level Crossing Treatment Report** must be submitted to the Planning Secretary for information at least one (1) month prior to the closure or upgrade of a public or private level crossing, as relevant. Individual reports may be submitted for each crossing or address a group of crossings or the entire CSSI.

Level Crossing Performance Report

E46 In 2026 and 2035, or as otherwise agreed by the Planning Secretary, the Proponent must prepare a **Level Crossing Performance Report** to confirm the operational traffic impacts of the level crossings on the classified road network. The review of the operation of the level crossings that interact with the classified road network must be carried out in consultation with TfNSW and the relevant councils and include:

- (a) updated traffic analysis of movements on these roads;
- (b) assessment of the level of service at these level crossings (queue length, queuing time delay);

- (c) identification of additional new works outside of the rail corridor delivered by third parties that may result in changes to traffic movements as initially considered in the Level Crossing Treatment Report;
- (d) assessment of the performance of the level crossing treatment outlined in the Public Level Crossing Treatment Report required by **Condition E43**;
- (e) all reported near misses and collisions at level crossings within the project area; and
- (f) mitigation measures to manage any actual or predicted road network performance impacts.

E47 Each **Level Crossing Performance Report** must also review the impact on level crossings interacting with local roads and include:

- (a) assessment of safety and/or operational impacts on nearby classified roads as a result of vehicle queuing; and
- (b) all reported near misses and collisions at level crossings within the project area.

E48 Mitigation measures to manage any actual or predicted road network performance impacts resulting from the construction and operation of the CSSI must be implemented within one year of the completion of each report. The Report must include an implementation plan of the identified mitigation measures. The **Level Crossing Performance Report** must be submitted to the Secretary, RMS and relevant councils for information within 60 days of its completion.

Note: 2026 and 2035 are specified as representing 12 months and 10 years after the anticipated commencement of operation of the entire Inland Rail project. Should this timeframe change, the Proponent should seek the approval of the Planning Secretary to vary the timeframe in which to satisfy this condition.

Property Access

E49 No part of any crossing loop may cross over any driveway, private road or public road unless decided in consultation with the relevant landowner and any other adjacent landowner whose access is impacted by the crossing loop.

E50 The Proponent must maintain access to properties during the entirety of works unless an alternative access is agreed in writing with the landowner(s) whose access is impacted by the CSSI works.

E51 Where construction of the CSSI restricts a property's access to a public road, the Proponent must, until their primary access is reinstated, provide the property with temporary alternate access to an agreed road decided through consultation with the landowner, at no cost to the property landowner, unless otherwise agreed with the landowner.

E52 Where construction of the CSSI restricts the ability of a resident or landowner to access other parts of their property via a level crossing, the Proponent must, until the permanent level crossing is reinstated, supply the property with a temporary alternate level crossing access at a convenient location decided through consultation with the landowner, at no cost to the property landowner, unless otherwise agreed with the landowner. This can include other existing level crossings or a new alternative temporary level crossing access that is both safe and agreed to.

Road Safety

E53 The CSSI (including any new overbridges, new or modified roads, and new or modified level crossings) must be designed to meet relevant design, engineering and safety guidelines, including the Austroads Guide to Traffic Management.

The design of any new road overbridges or new or modified roads must be developed in consultation with the relevant roads authority prior to construction of the new road overbridges or new or modified roads.

E54 For all new overbridges, new or modified roads, and new or modified level crossings provided as part of the CSSI, the Proponent must undertake a Safe System Assessment in accordance with the Austroads *Safe System Assessment Framework* and Austroads Guide to Traffic Management Part 13: *Safe Systems Approach to Transport Management* in consultation with the relevant roads authority.

For all areas identified by the Safe Systems Assessment as requiring further assessment, an independent **Road Safety Audit** is to be undertaken by an appropriately qualified and experienced person in accordance with the *Austrroads Guide to Road Safety Part 6: Road Safety Audits*. Audit findings and recommendations must be actioned before construction of the relevant infrastructure and must be made available to the Planning Secretary on request.

Pedestrian and Cyclist Access

E55 Safe pedestrian 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.

Transport Network and Connectivity Analysis (Jones Avenue Overbridge)

E56 The design and location of new road and road bridge components of the CSSI must not introduce into or increase by way of redistribution heavy vehicle movements through the residential and commercial areas of Moree. This objective must inform the comparative analysis of alternative overbridge locations required by **Condition E57**.

E57 The Proponent must undertake a comparative analysis of an alternative location(s) for grade-separated road and active transport crossings of the rail corridor as an alternative(s) to the Jones Avenue overbridge.

This analysis must focus on the area to the south of Moree Airport, or other location(s) identified through the Moree Special Activation Precinct (SAP) investigations and as agreed by the Planning Secretary.

The analysis must consider:

- (a) consistency with future land use planning for Moree, with a particular focus on the proposed Special Activation Precinct and Moree Intermodal projects to the south of Moree;
- (b) the local and regional traffic network, including operational efficiency, and connectivity to existing and future local and regional road networks;
- (c) the ability for use by a range of heavy vehicles and compliance with relevant road design standards;
- (d) community safety and severance impact of formal or informal changes to heavy vehicle routes;
- (e) a risk assessment of the impacts on emergency services in accessing the community in required timeframes in the event level crossings are blocked in Moree;
- (f) consideration of the environmental impacts of a relocated bridge, having regard to the CSSI's Secretary's Environmental Assessment Requirements (SEARs) dated 8 November 2016; and
- (g) the requirements of **Condition E58**.

E58 The Proponent's analysis required by **Condition E57E56** above must consider active transport rail crossings between Moree Railway Station and Bullus Drive to address severance impacts caused by the proposal. This analysis must include:

- (a) potential community severance caused by the proposal;
- (b) pedestrian and cyclist movement patterns, existing as well as those associated with future infrastructure or strategic planning initiatives being undertaken in the locality;
- (c) measures to minimise informal rail corridor crossings; and
- (d) an assessment of potential crossings that considers:
 - i) demand for a crossing in that location;
 - ii) the distance between formal rail crossings;
 - iii) rail safety requirements;
 - iv) accessibility in accordance with the *Disability Discrimination Act 1992*;
 - v) pedestrian safety and security, including Crime Prevention Through Environment Design (CPTED); and
 - vi) pedestrian access during extended severance events, including a train breakdown blocking level crossings.

E59 The analysis required by **Conditions E57** and **E58** must be prepared in consultation with Moree Plains Shire Council, Transport for NSW, the Special Activation Precinct Team within the Department of Planning, Industry and Environment, emergency services, the affected community, including but not limited to the Moree Local Aboriginal Land Council and the East Moree community. Evidence of such consultation must be provided as part of the analysis.

The analysis must clearly justify the chosen bridge location and be undertaken prior to construction of the Jones Avenue bridge or within one year of project determination (whichever is earlier). The analysis must be provided to the Planning Secretary for approval or form part of a project modification under section 5.25 of the EP&A Act.

The approved crossings (including vehicular, cycle and pedestrian crossings) must be completed by 2025, unless otherwise approved by the Planning Secretary.

Note: 2025 is specified as the anticipated commencement of operation of the entire Inland Rail project. Should this timeframe change, the Proponent should seek the approval of the Planning Secretary to vary the completion date of the crossings.

SPOIL MOUNDS

E60 Permanent spoil mounds are to be located:

- (a) within the existing rail corridor;
- (b) at least 50 metres from any watercourse or culvert or where the rail formation is predicted to be overtopped during a flood event;
- (c) at least 500 metres from any residence; and
- (d) outside the drip lines of trees located on private property.

Note: For the purpose of Condition E60(d), the Proponent must not affect trees outside of the rail corridor for the purpose of preventing those trees' driplines overhanging spoil mounds.

E61 Spoil mounds are to comply with the following requirements:

- (a) maximum height must not exceed the top height of the upgraded rail line;
- (b) not result in the clearing or covering of native vegetation beyond that described in the documents listed in **Condition A1**;
- (c) not result in heritage impacts beyond that described in the documents listed in **Condition A1**;
- (d) not result in additional changes to the upstream flooding regime beyond those described in the documents listed in **Condition A1**;
- (e) not affect the downstream flood regime;
- (f) not impede the flow of water through culverts;
- (g) not contain any contaminated soil classified as unsuitable for the proposed land use, acid sulphate soils or green waste;
- (h) are to be stabilised during construction of the CSSI; and
- (i) are to be stabilised prior to operation of the CSSI.

VISUAL AMENITY

E62 The construction and operation of the parts of the CSSI located within 200 kilometres of the Siding Spring Observatory, must comply with the 'Good Lighting Design Principles' as described in the Department's *'Dark Sky Planning Guideline'*.

E63 The Proponent must construct and operate the CSSI with the objective of minimising light spillage to residences. 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*. Notwithstanding, the Proponent must provide mitigation measures to manage any residual night-lighting impacts to protect residences adjoining or adjacent to the CSSI, in consultation with affected landowners.

E64 The Proponent must consult with all landowners whose visual amenity from their residence is identified as highly impacted by the CSSI (as per Table 5 of Technical Report 10 in the EIS) to determine the mitigation measures that will be implemented to maintain visual amenity. The Proponent must come to an agreement with the landowner on the mitigation measures and implement the measures prior to the operation of the CSSI.

HERITAGE

E65 The Proponent must not destroy, modify or otherwise physically affect any heritage items, including Aboriginal objects, outside of the CSSI construction boundary.

E66 The Proponent must not harm, modify, or otherwise impact human remains uncovered during the construction of the CSSI.

E67 Identified impacts to heritage items must be minimised through both design and construction. The measures for ensuring this are to be detailed in the Construction Heritage Management Sub-Plan required by **Condition C4**.

Non-Aboriginal Heritage

E68 The Proponent must undertake **Heritage Photographic Archival Recordings** (of heritage items and potential heritage items associated with the existing rail line (including culverts/underbridges with timber components and former rail station sites) which have been identified for demolition in the EIS and Submissions Report.

The photographic recording of items with a statutory listing must be undertaken in accordance with NSW Heritage Division guidelines. The photographic recording of items with potential heritage significance but no statutory listing may be undertaken in accordance with ARTC's Archival Recording Standard.

E69 The design of any proposed works or alterations to TfNSW assets, including but not limited to railway stations at Edgeroi, Bellata, Gurley and Moree must be developed in consultation with and endorsed by TfNSW prior to the commencement of works affecting these assets.

Aboriginal Heritage

E70 Prior to the commencement of investigation activities within the expanded construction footprint identified in the SPIR, the Proponent must prepare a methodology for archaeological investigation in consultation with DPC Heritage and Registered Aboriginal Parties (RAPs).

E71 Prior to the commencement of any construction works within areas identified as requiring archaeological investigation by the methodology required by **Condition E70** the Proponent must:

- (a) Undertake archaeological investigations; and
- (b) report on the results of the archaeological investigation, including, but not necessarily be limited to:
 - i) consideration of measures to avoid or minimise disturbance to Aboriginal objects where objects of moderate to high archaeological or cultural significance are found to be present;
 - ii) where impacts cannot be avoided, recommendations for any further investigations or salvage;
 - iii) management and mitigation measures to ensure there are no additional impacts due to preconstruction and construction activities; and
 - iv) demonstration of additional consultation with the Registered Aboriginal Parties about items i) to iii).

E72 The methodology required by **Condition E70** and the report required by **Condition E71** must be provided to the Planning Secretary for information and its results incorporated into the Construction Heritage Management Sub Plan required by **Condition C4**.

LAND USE AND PROPERTY

Dilapidation Surveys and Rectification

- E73 The Proponent must undertake dilapidation surveys on the current condition of surface and sub-surface structures owned by third parties and identified at risk from vibration. The dilapidation surveys must be prepared by a suitably qualified and experienced person(s).
- E74 The results of the dilapidation surveys must be provided to the relevant owners of surface and sub-surface structures for review prior to the commencement of potentially impacting works.
- E75 Subsequent dilapidation surveys must be undertaken to assess damage to the surface and sub-surface structures that may have resulted from the construction of the CSSI within three months of the completion of construction, unless otherwise agreed by the Secretary.
- E76 The results of the subsequent dilapidation surveys for each surface and sub-surface structure surveyed must be provided to the relevant owners of the structures within one (1) month of undertaking the surveys.
- E77 The Proponent must carry out rectification at its expense and to the reasonable requirements of the surface and sub-surface structure owner(s) within three (3) months of completion of the post-dilapidation surveys unless otherwise agreed with the owner of the affected surface and sub-surface structure.

Rehabilitation

- E78 Any agreements for the temporary use of land for construction purposes must provide for the rehabilitation of that land and any structures on it to its pre-construction state, unless otherwise agreed with the landowner.

SUSTAINABILITY

- E79 The CSSI must achieve a minimum 'excellent' rating for both 'Design' and 'As built', under the Infrastructure Sustainability Council of Australia infrastructure rating tool [version 1.2 or 2.0], or through the use of an equivalent process or an equivalent level of performance using a demonstrated equivalent rating tool.

SOILS

- E80 All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise any water pollution. When implementing such controls, any relevant guidance in the *Managing Urban Stormwater* series must be considered.

Contaminated sites

- E81 In the event that soils suspected to be contaminated are unexpectedly found, the Proponent must engage a suitably experienced and qualified contaminated land consultant to undertake further investigations to determine the type and extent of any contamination. The investigation must be undertaken in accordance with guidelines made or approved under the *Contaminated Land Management Act 1997* (NSW). The results of the investigation must be documented in a **Site Contamination Assessment Report**.
- E82 Where the results of site investigations required by **Condition E81** indicate that the contamination poses unacceptable risks to human health or the environment under either the present or proposed land use, the Proponent must engage a suitably experienced and qualified contaminated land consultant to develop and implement any necessary remediation measures. The remediation measures must be documented in a **Remediation Report**.
- E83 If remediation is required under **Condition E82**, a **Site Audit Statement** and **Site Audit Report** must be prepared by a NSW EPA Accredited Site Auditor. Contaminated land must not be used for the purpose approved under the terms of this approval until a **Site Audit Statement**

determines the land is suitable for that purpose and any conditions on the **Site Audit Statement** have been complied with.

- E84 Nothing in **Conditions E81 to E83** prevents the Proponent from preparing a single Site Contamination Report or Remediation Report or obtaining a single Site Audit Statement and Site Audit Report for the entire CSSI.
- E85 An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of construction and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during construction.

AIR QUALITY

- E86 In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1, all practicable measures must be implemented to minimise the emission of dust and other air pollutants during the construction and operation of the CSSI.

WASTE

- E87 Waste generated during construction and operation is to be dealt with in accordance with the following priorities:
- (a) waste generation is to be avoided and where avoidance is not reasonably practicable, waste generation is to be reduced;
 - (b) where avoiding or reducing waste is not possible, waste is to be re-used, recycled, or recovered in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and its regulations; and
 - (c) where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of at a waste management facility or premise lawfully permitted to accept the materials 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.
- E88 The importation of waste and the storage, treatment, process, reprocessing or disposal of such waste must comply with the conditions of the current EPL for the CSSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the *Protection of the Environment Operations (Waste) Regulation 2014*, as the case may be.
- E89 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.
- Note:** Notice must be given to the relevant site/s as soon as possible, and no more than 14 days before the proposed waste disposal.
- E90 All waste generated during construction and operation must be classified in accordance with the EPA's *Waste Classification Guidelines*, with appropriate records and disposal dockets retained for audit purposes.

Appendix A – FLOODING QUANTITATIVE DESIGN LIMITS AND MODELLING REQUIREMENTS

TABLE 1: QUANTITATIVE DESIGN LIMITS (QDLs)

(These QDLs are only applicable beyond the CSSI corridor, unless otherwise noted)

| Parameter | Location or Land Use | Limit |
|--|--|--|
| Afflux i.e. increase in flood level resulting from implementation of CSSI. | Habitable floors ⁴ | 10mm increase ⁵ |
| | Non-habitable floors | 20mm increase |
| | Other urban and recreational | 100mm increase |
| | Agricultural | 200mm increase |
| | Forest and unimproved grazing land | 300mm increase |
| | Highways and sealed roads >80km/hr ⁶ | No increase in depth where aquaplaning risk exists and remains unmitigated. Otherwise 50mm increase |
| | Unsealed roads and sealed roads <80km/hr ⁶ | 100mm increase |
| Scour/Erosion Potential i.e. increase in flood velocity resulting from implementation of CSSI. | Ground surfaces that have been sealed or otherwise protected against erosion. This includes roads and most urban, commercial, industrial, recreational and forested land | 20% increase in velocity where existing velocity already exceeds 1m/s |
| | Other areas including watercourses, agricultural land, unimproved grazing land and other unsealed or unprotected areas | No velocities to exceed 0.5m/s unless justified by site-specific assessment conducted by an experienced geotechnical or scour/erosion specialist. In addition, the increase in velocity is to be limited to 20% where the existing velocity already exceeds 0.5m/s |
| Flood Hazard i.e. increase in velocity–depth product (vd) and/or flood hazard category resulting from implementation of CSSI. (Does | Urban, commercial, industrial, highways ⁶ and sealed roadways ⁶ | 10% increase in vd where H1 or H2 category. 0% increase in vd where H3 or greater hazard category. |
| | Elsewhere | 20% increase in vd |

⁴ Habitable floors/rooms are defined consistent with the use of this term in the NSW Floodplain Development Manual. In a residential situation this comprises a living or working area such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom. In an industrial, commercial or other building, this comprises an area used for an office or to store valuable possessions, goods or equipment susceptible to flood damage in the event of a flood.

⁵ 10 mm has been set to provide a margin for modelling uncertainties/tolerances. The intent of this requirement is that existing flood levels above floor level do not increase.

⁶ Including where located within CSSI corridor.

| Parameter | Location or Land Use | Limit |
|--|---|--|
| not apply where $vd > 0.1 \text{m}^2/\text{s}$). | | |
| Flood Duration i.e. increase in duration of inundation resulting from implementation of CSSI. (Does not apply to inundated areas less than 100m^2). | Habitable floors ⁴ | No increase in inundation duration above floor level. 10% increase in inundation duration where below floor level and when existing inundation duration exceeds one hour. Otherwise inundation duration not to exceed one hour. |
| | Highways and sealed roads >80km/hr ⁶ | 10% increase in inundation duration. |
| | Elsewhere | 10% increase in inundation duration when existing inundation duration exceeds one hour. Otherwise inundation duration not to exceed one hour. |

SCHEDULE 1: FLOOD MODELLING SPECIFICATIONS

The minimum requirements for the flood modelling are:

1. 2D flood modelling consistent with current best practice and:
 - (i) the 2019 version (or later version) of *Australian Rainfall and Runoff: A guide to flood estimation* (ARR);
 - (ii) *Floodplain Risk Management Guide – Incorporating 2016 Australian Rainfall and Runoff in studies* (OEH 2018) or any subsequent update to this document, or additional guidance provided by EES on the application of ARR within NSW.
2. Simulation of the 1%AEP flood event and:
 - (i) at least two other events more frequent than 1%AEP;
 - (ii) at least one other event less frequent than 1%AEP;
 - (iii) additional events required at any specific location in order to allow a full understanding of the variation in flood behaviour between flood events of 1%AEP and 0.5EY;
 - (iv) additional events required at any specific location in order to allow full consideration of flood behaviour in events rarer than 1% AEP and up to the probable maximum flood (**PMF**) having regard to the potential risks to life and the requirements of the *NSW Floodplain Development Manual*.
3. Inclusion of at least five durations including the critical duration for each flood event. These durations are to be selected to be representative of the range of durations that could occur and include all durations that will be relevant to the design of the CSSI and the assessment of impacts.
4. Model coverage to include all parts of the CSSI corridor where inundation could occur and extending a minimum of one kilometre upstream and downstream of the corridor, or further where there is a possibility that the influence of the CSSI may extend beyond one kilometre from the corridor.
5. Simulation of not only watercourses but all overland flowpaths, including new overland flowpaths resulting from the construction of the CSSI.
6. Model prediction of flood height changes to a resolution no coarser than one (1) centimetre.
7. Changes in flood behaviour and inundation areas to accurately assess against the QDLs listed in **Table 1**.
8. Model boundary locations are to accurately represent Tycannah Creek's flood flow outbreaks and flooding conditions at rail drainage structures.
9. Model simulation of cross-drainage structures (including bridges, culverts and pipes) shall take into consideration the potential for blockage to occur in accordance with the procedure in ARR. The peer reviewer must be satisfied that:
 - (i) the design blockage for cross-drainage structures are determined in accordance with the procedure in ARR, using data from the contributing catchment(s); and, if necessary,
 - (ii) appropriate mitigation structures are installed and maintained to block debris from arriving at the entrance to the cross-drainage structure.

The blockage calculations and assumptions for each cross-drainage structure are to be provided in the Flood Design Verification Report.
10. Where bridges are proposed for cross-drainage, the bridge shall be designed so that the modelling has accounted for the approach to freeboard through complementary bridge structural design and consideration of hydraulic flows.
11. The flood modelling, the final design of the CSSI and the assessment of flood impacts are to have regard to the following documents and guidelines which are additional to those listed in Section 15.1.2 of the EIS (and Mitigation Measure D6.1 of the SPIR):
 - (a) Moree Floodplain Management Plan;

- (b) Gwydir Valley Floodplain Management Plan;
- (c) Narrabri Flood Study – Namoi River, Mulgate Creek and Long Gully, 2016;
- (d) Narrabri Floodplain Risk Management Study and Plan Volume 1: Supplementary Flood Study – Namoi River, Mulgate Creek and Long Gully, 2019;
- (e) Australian Rainfall and Runoff: A guide to flood estimation, 2019;
- (f) Floodplain Risk Management Guide – Incorporating 2016 Australian Rainfall and Runoff in studies (OEH 2018);
- (g) Australian Disaster Resilience Handbook 7. Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (AIDR 2017).

Appendix B – WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under **Condition A41** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the SSI and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.