Infrastructure approval

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

The NSW Independent Planning Commission, as delegate of the Minister for Planning and Public Spaces under the delegation executed on 14 September 2011, approves the carrying out of the State significant infrastructure (SSI) referred to in Schedule 1, subject to the conditions in Schedule 2.

Andrew Mills
Chair of the Commission

Sydney 23 September 2026

SCHEDULE 1

Application no.:	SSI-79878464
Proponent:	Port Botany Operations Pty Ltd as Trustee for Port Botany Unit Trust (NSW Ports)
Approval Authority:	Minister for Planning and Public Spaces
Land:	The Project would be located on land within the Port Botany Lease Area, Port Botany, within Lot 3 DP 1165618; Lot 50 and Lot 52 DP1182618; Lot 21 DP 1126332; and Lot 200 DP 1183399 at Brotherson Dock, 36-42 Friendship Road, Port Botany.
Description of State Significant Infrastructure:	Port Botany Quayline Equalisation Project, including demolition of tugboat berths and Bulk Liquids Berth No 1, dredging and reclamation, construction of extended quayline, and construction and operation of Bulk Liquids Berth No 3.
Declaration as State Significant Infrastructure	The proposal is State Significant Infrastructure by virtue of section 5.28 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*

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DEFINITIONS

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

Table 1: Definitions

Term	Definition
Ancillary facility	A temporary facility for construction of the SSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, a fixed material stockpile area and car parking facilities. ***Note**: Where an approved CEMP contains a stockpile management protocol, a material stockpile area located within the construction boundary is not considered to be an ancillary facility.*
Best Achievable Noise Performance Objectives	The construction noise level predicted at a receiver location after all practicable noise mitigation measures have been incorporated into the prediction model and considered in deriving the predicted noise level.
BLB3	Bulk Liquids Berth 3 and associated pipeline infrastructure
CALD	Culturally and Linguistically Diverse
Certified contaminated land consultant	A contaminated land consultant certified under one of the following certifications: • Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)); or • Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM)
CEMP	Construction Environmental Management Plan
CNVIMS	Construction Noise and Vibration Impact Mitigation Statements
Completion of construction	The date upon which construction is completed and all requirements of the Planning Secretary (if any) have been met. If construction is staged, completion of construction is the date upon which construction is completed and all construction related requirements of the Planning Secretary (if any) have been met, in respect of all stages of construction.
Construction	Includes Work required to construct the SSI as defined in the Project Description in the documents listed in **Condition A1** including commissioning trials of equipment and temporary use of any part of the SSI, but excludes **Low Impact Work** which is carried out or completed prior to approval of the **CEMP** and work approved under a **Site Establishment Management Plan**.
Construction Boundary	The area physically affected by work as defined in the Project Description in the documents listed in **Condition A1.**

Term	Definition
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders following project approval. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project. This definition must be used to inform the Communication Strategy required under **Condition B1**.
Contamination	As defined in the *Contaminated Land Management Act 1997* (NSW)
CPHR	Conservation Programs, Heritage and Regulation Group of NSW DCCEEW
Cth	Commonwealth of Australia
Department	NSW Department of Planning, Housing and Infrastructure
Disturbance of land	Work that alters the ground surface to expose underlying soils or fill materials.
Dredging	Dredging involves operation of the Trailing Suction Hopper Dredge (TSHD), including the operation of the suction head and drag arms to entrain seabed material, pump material to the shipboard hopper, operation of the overflow system for entrained dredge water, and unloading of dredged material via a fixed floating pipe into the reclamation area. "Dredging" includes the use of any ancillary vessels required to recover and attach to the floating pipe and support dredging activities.
DPIRD Fisheries	NSW Department of Primary Industries and Regional Development, Fisheries Division.
EIS	The Environmental Impact Statement referred to in **Condition A1**, submitted to the Planning Secretary seeking approval to carry out the development described in it, and including any additional information provided by the Proponent in support of the application for approval of the project.
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW)
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
ER	The Environmental Representative(s) for the SSI approved by the Planning Secretary.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings.
Environmental Representative Protocol	*Environmental Representative Protocol* (Department of Planning and Environment, October 2018)
FRNSW	Fire and Rescue NSW
Heavy Vehicle	Has the same meaning as in the *Heavy Vehicle National Law* (NSW).

Term	Definition
Heritage item	A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the *Heritage Act 1977* (NSW), a state agency heritage and conservation register under section 170 of the *Heritage Act 1977* (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
Heritage NSW	Heritage NSW, Department of Climate Change, Energy, the Environment and Water.
Highly noise intensive work	Work identified as particularly annoying in section 4.5 of the *Interim Construction Noise Guideline* (DECC, 2009); *AA for the project.*
ICNG	*Interim Construction Noise Guideline* (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. ***Note:*** *"material harm" is defined in this approval*
LALC	Local Aboriginal Land Council
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act.
Landowner	Has the same meaning as "owner" in the *Local Government Act 1993* and in relation to a building means the owner of the building.
Local road	Any road that is not defined as a classified road under the *Roads Act 1993.*
LOTE	Language Other than English
Low Impact Work	(a) surveys; (b) investigations; (c) minor clearing and relocation of vegetation, as identified in the documents listed in **Condition A1**; (d) property acquisition adjustment work; (e) archaeological testing under the *Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010)* or archaeological monitoring to ensure that there is no impact on heritage items; (f) archaeological and cultural salvage undertaken in accordance with a strategy or salvage operation as detailed in the documents listed in **Condition A1**; (g) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI; and (h) Works or uses that the ER has determined will have minimal environmental or community impact, including out-of-hours work determined under (b) below Notwithstanding the following works are **<u>not</u>** Low Impact Work: (a) where heritage items (excluding those impacted by activities € and (f) above) or expected archaeological potential, or threatened species or threatened ecological communities (within the meaning of the *Biodiversity Conservation Act 2016 or Environment Protection and Biodiversity Conservation Act 1999*)

Term	Definition
	are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary, following consultation by the Proponent with Heritage NSW, CPHR or DPIRD Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation); and (b) any Work undertaken outside the hours specified in **Condition E15** that exceeds noise management and vibration levels as identified in **Condition E17(b)**, unless determined by the ER the activity can occur. ***Notes:*** *1. Early stages of Work are not necessarily low impact work.* *2. Low Impact work is not construction as defined by this approval.* *3. "Affected" in relation to Heritage items means impacts greater than "little to no impact" as defined in the Heritage NSW Material Threshold Policy.* *4. Where **ER** approval is sought, the Proponent must justify the need to undertake the activity and advise how any low impact activity will be managed including duration of the activity and cumulative impacts.*
Material harm	Is harm that: (a) involves actual or potential to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual loss or potential loss or property damage of an amount, or amounts in aggregate, exceeding $50,000 (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
NML(s)	Noise Management Level as defined in the *Interim Construction Noise Guideline* (DECC, 2009).
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval.
NTU	Nephelometric Turbidity Units
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the SSI (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary. ***Note**: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction.*
Out-of-hours-work	OOHW
POEO Act	*Protection of the Environment Operations Act 1997* (NSW)
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted)
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time
Relic	Has the same meaning as the definition of the term in section 4 of the *Heritage Act 1977* (NSW).

Term	Definition
Remediation	As defined in the *Contaminated Land Management Act 1997* (NSW)
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of this approval, the carrying out of which is approved under the terms of this approval.
Sensitive land use(s)	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres and passive recreation areas (including outdoor grounds used for teaching). Receivers that may be considered to be sensitive include commercial premises (including film and television studios, research facilities, entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, and retail spaces) and industrial premises as identified by the Planning Secretary. ***Note:*** *For the purpose of determining appropriate mitigation, a multistorey residential flat building must not be counted as one sensitive receiver.*
SMART	Specific, Measurable, Achievable, Realistic, and Timely
TSS	Total Suspended Solids
Work	Any physical activity for the purpose of the SSI including Construction and Low Impact Work.

SUMMARY OF REPORTING, NOTIFICATION AND APPROVAL REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the terms of this approval are listed **in** Table 2. Note that under **Condition A8** of this approval the Proponent may seek the Planning Secretary's agreement to a later timeframe for submission (other than in relation to the notification of an incident and non-compliance notification required under **Conditions A28 and A30**).

Where there is an inconsistency with the requirements **of** Table 2 and any condition of approval, the condition of approval prevails.

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

Condition	Report / Notification	Timing[1]	Purpose
Part A – Administrative			
A10	Staging Report	Sixty days before commencement of construction (or operation if only staged operation is proposed) or the first of the proposed stages	Information
A14	Revised Staging Report	Sixty days before the proposed change in the staging	Information
A21	Environmental Representative	Sixty days before the commencement of work	Approval
A23(k)	Environmental Representative monthly reports	Within seven days following the end of each month for the duration of the ER's engagement	Information
A25	Notification of commencement	Sixty days before the commencement of Work (includes low impact works), Construction and Operation	Notification
A26	Notification of commencement of each stage	At least Sixty days before the commencement of each stage of the relevant Work, Construction and Operation	Notification
A27	Independent Environmental Audit Reports	Within 60 days of completing the independent audit site inspection	Information
A28	Written notification of incident	Within 24 hours of the Proponent becoming aware of an incident	Notification
A29	Subsequent incident report	Within seven days of making the incident notification	Notification
A30	Non-Compliance Notification	Within seven days after the Proponent becomes aware of any non-compliance	Notification
Part B - Communication Information and Reporting			
B3	Communication Strategy	Sixty days before the commencement of Work	Approval
B6	Existing Complaints Management System	Before the commencement of Work	Approval
B10	Complaints Register	Provided to the Planning Secretary upon request, within the timeframe stated in the request	Upon request
Part C - Construction Environmental Management			

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

Condition	Report / Notification	Timing[1]	Purpose
C2	Ancillary Facility - Site Establishment Management Plan	Sixty days before the establishment of any ancillary facilities	Approval
C8 and C9	Construction Environmental Management Plan (CEMP)	Sixty days before the commencement of construction, or where construction is staged, no later than sixty days before the commencement of each stage	Approval
C8 and C9	CEMP Sub-plans	Sixty days before the commencement of construction, or where construction is staged, no later than sixty days before the commencement of each stage	Approval
C18	Bird Hazard management Plan	Provided to the Planning Secretary upon request, within the timeframe stated in the request	Upon request
C21	Construction Monitoring Programs	Sixty days before the commencement of construction or where construction is staged, no later than sixty days before the commencement of each stage	Approval
C24	Construction Monitoring Report	As specified in Construction Monitoring Programs / Provided to the Planning Secretary upon request, within the timeframe stated in the request	Upon request
Part D - Operation Environmental Management			
D5	Certified Environmental Management System	Sixty days before the commencement of operation	Approval
D6	Operational Environmental Management Plan or Environmental Management System	Sixty days before the commencement of operation	Information
Part E – Key Issues			
Biodiversity			
E2	Unexpected Finds Protocol	Sixty days before the commencement of Work	Approval
Contamination – high risk			
E6	Unexpected Finds Procedure for Contamination	Provided upon request to the Planning Secretary	Upon request
E7	Reclamation area bunding and capping layer	Provided upon request to the Planning Secretary	Upon request
Hazards and risk			
C1	- Fire Safety Study - Hazard and Operability Study - Final Hazard Analysis - Final Technical Report: Aviation Safety - Construction Safety Study	Sixty days before the commencement of construction of BLB3	Approval

Condition	Report / Notification	Timing[1]	Purpose
D1	- Emergency Plan - Safety Management System	Sixty days prior to the commencement of commissioning of BLB3	Approval
D2	Approval of Independent Hazard Auditors	Before the commencement of the **Hazard Audit**	Approval
D3	Hazard Audit Report	Within sixty days of completion of the hazard audit	Approval
Marine Ecology			
E14	Key Fish Habitat Offset Strategy	Sixty days before the commencement of construction	Approval
Noise and Vibration			
E18	Out-of-Hours Work Protocol	Before the commencement of out-of-hours work	Approval
E23	Construction Noise and Vibration Impact Mitigation Statements	Upon request by the Planning Secretary	Upon request
Traffic and Transport			
E32	Use of local roads for spoil haulage	Sixty days before the use of the local roads	Approval
E41	Hydrodynamic and Coastal Processes Monitoring Plan	Sixty days prior to the commencement of reclamation works	Approval

SCHEDULE 2

PART A

ADMINISTRATIVE CONDITIONS

GENERAL

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

(a) Port Botany Quayline Equalisation Project Environmental Impact Assessment – September 2025;
(b) Port Botany Quayline Equalisation Project Submissions Report – December 2025; and
(c) Port Botany Quayline Equalisation Project: Maritime Archaeological Assessment – March 2026.

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

A3 In the event of an inconsistency between:

(a) the terms of this approval and any document listed in **Condition A1** inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
(b) any document listed in **Condition A1** inclusive, the most recent document will prevail to the extent of the inconsistency.

Note: *For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.*

A4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:

(a) the environmental performance of the SSI;
(b) any document or correspondence in relation to the SSI;
(c) any notification given to the Planning Secretary under the terms of this approval;
(d) any audit of the construction or operation of the SSI;
(e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); and
(f) the carrying out of any additional monitoring or mitigation measures.

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 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise required by this approval or approved by the Planning Secretary.

A6 This approval lapses five years after the date on which it is granted, unless Work has physically commenced on or before that date.

A7 This approval does not authorise any use of the reclaimed land. Any future use of the reclaimed land is subject to further assessment and any approval which may be required under the EP&A Act.

TIMING AND APPROVALS

A8 Any action required to be undertaken within a timeframe specified in or under the terms of this approval may be undertaken within a different timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.

EVIDENCE OF CONSULATION

A9 Where the terms of this approval require consultation to be undertaken, evidence of the consultation undertaken must be submitted to the Planning Secretary and **ER** (as relevant) with the corresponding documentation. The evidence must include:

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

STAGING

Staging the delivery of the SSI

A10 The SSI may be constructed and operated in stages (including but not limited to temporal, location or activity based staging). Where staged construction and/or operation is proposed, a **Staging Report** (for either or both construction and operation as the case may be) must be prepared. The **Staging Report** must be endorsed by the **ER** and then submitted to the Planning Secretary for information no later than 60 days before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, 60 days before the commencement of operation of the first of the proposed stages of operation).

Note: *Unless otherwise specified in this approval, early works are a stage of construction unless considered to be Low Impact Work.*

A11 The **Staging Report** must:

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

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

A12 Where staging is proposed, the SSI must be staged in accordance with the **Staging Report**.

A13 Where staging is proposed, the terms of this approval that apply or are relevant to the Work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

Note: *Where an inconsistency arises between the staging report and the terms of this approval, the terms of this approval prevail.*

A14 Where changes are proposed to the staging of construction or operation, a revised **Staging Report** must be prepared, endorsed by the **ER** and submitted to the Planning Secretary for information no later than sixty days before the proposed change in the staging.

Staging, Combining and Updating Strategies, Plans or Programs

A15 Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary.

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

Notes:

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

INDEPENDENT APPOINTMENTS

A16 All **Independent Appointments** required by the terms of this approval must have regard to *Seeking approval from the Department for the appointment of independent experts* (Department of Planning, Industry and Environment, 2020). All **Independent Appointments** must hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.

A17 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.

A18 The Planning Secretary may withdraw its approval of an **Independent Appointment** should they consider the Independent Appointment has not exercised their functions in accordance with this approval.

Note: Conditions A17 *and* ***A18*** *apply to all* ***Independent Appointments*** *including the* ***ER****.*

A19 More than one **Independent Appointment(s)** may be engaged for the SSI, in which case the functions to be exercised by the **Independent Appointments** under the terms of this approval may be carried out by any **Independent Appointments** that are approved by the Planning Secretary for the purposes of the SSI.

Note: *The intent is to allow for multiple* ***ER*** *appointment to undertake the functions of the role as required by the terms of the approval.*

ENVIRONMENTAL REPRESENTATIVE

A20 Work must not commence until an **Environmental Representative (ER)** has been nominated by the Proponent and approved by the Planning Secretary.

A21 The Planning Secretary's approval of an **ER** must be sought no later than sixty days before the commencement of Work.

A22 The proposed **ER** must meet the requirements of the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018) and must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in **Condition A1**, and is independent from the design and construction personnel for the SSI and those involved in the delivery of it.

A23 For the duration of the Work until six 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 SSI;
(b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
(c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
(d) review documents identified in **Conditions A10, C2, C6, C10** and **C19** and any other documents that are identified by this approval or the Planning Secretary, to ensure they are consistent with requirements of 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 A10, C2, C6, C10** and **C19** to ensure implementation is being carried out in accordance with the document and the terms of this approval;
(f) as may be requested by the Planning Secretary, help plan or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under **Condition A27** of this approval;
(g) as may be requested by the Planning Secretary, assist in the resolution of community complaints;
(h) review and determine the appropriateness of any activities reliant on the definition of Low Impact Work;
(i) consider or assess the impacts of minor ancillary facilities as required by **Condition C5** of this approval;
(j) consider any minor amendments to be made to the **Ancillary Facility Site Establishment Management Plan**, **CEMP**, **CEMP Sub-plans** and **Construction monitoring programs** that are consistent with the terms of this approval and the **Ancillary Facility Site Establishment Management Plan**, **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
(k) prepare and submit to the Planning Secretary and other relevant regulatory agencies (where requested by those agencies), for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." **The Environmental Representative Monthly Report** must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI, or as otherwise agreed by the Planning Secretary.

Note: *The written statement / submission by point (d) must be made via the Major Projects Portal to the Planning Secretary advising the documents have been endorsed.*

A24 The Proponent must provide the **ER** with documentation requested in order for the **ER** to perform their functions specified in **Condition A23** (including preparation of the **ER** monthly report), as well as:

(a) the complaints register (to be provided on a weekly basis where complaints have been received or as requested); and
(b) a copy of any assessment carried out by the Proponent of whether proposed Work is consistent with the approval (which must be provided to the **ER** before the commencement of the subject Work).

Note: *Personal details of the complainant are not to be provided to the **ER** unless otherwise agreed to or requested by the complainant.*

NOTIFICATION OF COMMENCEMENT

A25 The Department must be notified in writing of the dates of commencement of Work, Construction and Operation at least sixty days before those dates.

A26 If the construction or operation of the SSI is to be staged, the Department must be notified in writing at least sixty days before the commencement of each stage, of the date of the commencement of the relevant Work, Construction and Operation at least sixty days before those dates.

AUDITING

A27 **Independent Environmental Audits** of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements in force at the time the audit commences, as approved by the Planning Secretary and published on the Department's website.

Incident Notification, Reporting and Response

A28 The Proponent must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW Planning Portal (Major Projects) and address details of the incident including:

(a) date, time and location;
(b) a brief description of what occurred and why it has been classified as an incident;
(c) a description of what immediate steps were taken in relation to the incident; and
(d) identifying a contact person for further communication regarding the incident.

A29 The Proponent must provide the Department with a subsequent incident report in accordance with **Appendix A** (Incident Notification and Reporting Requirements).

Non-Compliance Notification

A30 Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the SSI (including the application number and the name of the SSI if it has one), set out the condition of this approval that the SSI is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

IDENTIFICATION OF WORKS

A31 The SSI name, application number, telephone number, postal address and email address required under **Condition B7** of this approval must be made available on site boundary fencing / hoarding at each ancillary facility before the commencement of Works at the ancillary facility. This information must also be provided on the website required under **Condition B11** of this approval.

PART B

COMMUNITY INFORMATION AND REPORTING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Community Communication Strategy

B1 A **Community Communication Strategy** must be prepared to provide mechanisms to facilitate communication about construction and operation of the SSI with relevant stakeholders including:

(a) the community (including adjoining affected landowners and businesses, and others directly impacted by the SSI);
(b) Aboriginal people, Registered Aboriginal Parties (RAPs) and LALCs; and
(c) the relevant councils.

B2 The **Community Communication Strategy** must:

(a) identify people, organisations, councils to be consulted during the design and work phases of the SSI;
(b) identify details of the community and its demographics;
(c) identify timing of consultation;
(d) set out procedures and mechanisms for the regular distribution of accessible information including to LOTE and CALD and vulnerable communities about or relevant to the SSI;
(e) identify opportunities for education within the community about construction sites;
(f) detail the measures for advising the community and relevant councils in advance of upcoming construction including upcoming out-of-hours work as required by **Condition E18,** including:
    (i) justification and description of the potential work, location and duration of the out-of-hours work;
    (ii) the noise characteristics and likely noise levels of the work;
    (iii) likely mitigation and management measures which will be implemented to address **Condition E19** (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers); and
    (iv) respite periods;
(g) identify the mechanisms for engaging / involving the community to determine periods of respite, as required by **Condition E20**;
(h) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the SSI;
(i) 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 stakeholders;
    (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the SSI, including disputes regarding rectification or compensation;
(j) address who will engage with the relevant stakeholders.

Note: *An existing communications strategy in use by NSW Ports can continue to be utilised for the purposes of this condition if it currently meets the requirements of the condition or is modified to meet the requirements of the condition.*

B3 Work for the purposes of the SSI must not commence until the **Community Communication Strategy** has been approved by the Planning Secretary. The Planning Secretary's approval of the **Community Communication Strategy** must be sought no later than sixty days before the commencement of Work.

B4 The **Community Communication Strategy**, or continued use of an existing Community Communications Strategy, as approved by the Planning Secretary, must be implemented for the duration of Work and for 12 months following the completion of construction.

COMPLAINTS MANAGEMENT SYSTEM

B5 A **Complaints Management System** must be prepared and implemented before the commencement of any Work and maintained for the duration of Work and for a minimum for 12 months following completion of construction of the SSI.

Note:
1. *In the situation where there are different entities constructing and operating the SSI, continuity of access to the Complaints Management System must be maintained.*

B6 With the prior approval of the Planning Secretary, an existing **Complaints Management System** in place for Port Botany may be used to satisfy **Condition B5**, where the complaints system meets the requirements of **Conditions B7** to **B10** (or can be modified to do so). Evidence of compliance with **Conditions B7** to **B10** must be provided to the Planning Secretary for approval to use an existing Complaints Management System.

B7 The following information must be available to facilitate community enquiries and manage complaints sixty days before the commencement of Work and for 12 months following the completion of construction:

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

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

Note: *This information may be located on site hoardings and on the SSIs website page.*

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

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

Note: *Personal details of the complainant are not to be provided to the **ER** unless otherwise agreed to or requested by the complainant.*

B9 Complainants must be advised of the following information before, or as soon as practicable after, providing personal information:

(a) the Complaints Register may be forwarded to government agencies, including the Department and its representatives (including independent appointments such as the **ER**, to allow them to undertake their regulatory duties;
(b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies;
(c) the supply of personal information by the complainant is voluntary; and
(d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (Collection Statement).

The **Collection Statement** must be included on the Proponent's or SSI's website to make prospective complainants aware of their rights under the *Privacy and Personal Information*

Protection Act 1998 (NSW). For any complaints made in person, the complainant must be made aware of the **Collection Statement**.

Notes:

2. *For any complaints made in person, the complainant must be made aware of the **Collection Statement**.*
3. *Should a complainant disagree with the collection statement, a note to that effect must be recorded in the Complaints Register.*

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 or webpage providing information in relation to the SSI must be established before commencement of Work and be maintained for the duration of construction, and for a minimum of 24 months following the completion of construction or unless an alternative timeframe is agreed by the Planning Secretary. The following up-to-date information (excluding confidential, personal, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant work commences and maintained on the website or dedicated pages including:

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

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

All information required in this condition must be provided on the Proponent's website, ordered in a logical sequence, easy to navigate, searchable and with documents titles clearly presented.

Notes:

1. *The intention of this condition is to increase transparency and for information/documents required as part of the approval to be provided proactively and publicly in an easily accessible manner. Where information is excepted by this condition, it is intended that these documents are provided in their redacted form.*
2. *The Planning Secretary may instruct the Proponent to finalise and upload any report or documents to the Project's website in accordance with **Condition A4**.*
3. *The publishing of documents should occur a minimum of a week before the relevant Work / activity is going to commence.*
4. *In determining what information should be published under this condition, the proponent should have regard to the principles in Division 2 of Part 2 of the Government Information (Public Access) Act, 2009.*
5. *Documents should be named to be consistent with the conditions of approval where possible. The name should also give an overall impression of what the document is about. The names should be simple and concise (no more than 50 characters) without any unnecessary punctuation or under scoring in the title.*

B12 Where the agreement of the Planning Secretary is sought to cease providing information via a website or webpage in accordance with **Condition B11**, the Proponent must demonstrate:

(a) operational compliance through independent audits completed in accordance with **Condition A27**; and
(b) how the public can request access to information that will no longer be available through a website or webpage.

PART C

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

HAZARDS AND RISKS

C1 At least sixty days prior to the commencement of construction of the BLB3 (except for construction of those low impact works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Proponent must prepare and submit for the approval of the Planning Secretary the following:

(a) A **Fire Safety Study (FSS)** for the BLB3. The **FSS** must cover the relevant aspects of the *Department's Hazardous Industry Planning Advisory Paper No. 2,* requirements of contaminated water retention and treatment system requirement from relevant standards *and 'Fire Safety Study Guidelines'* and the *New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* (NSW HMPCC, 1994) where applicable. The **FSS** must also be submitted to Fire and Rescue NSW for review, and the Proponent must provide evidence to the Planning Secretary of FRNSW's satisfaction of the FSS.

(b) A **Hazard and Operability Study (HAZOP)** for the BLB3, chaired by a qualified person, independent of the SSI, approved by the Planning Secretary prior to the commencement of the study. The **HAZOP** must be prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'. The **HAZOP** must be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented.

(c) A **Final Hazard Analysis (FHA)** of the BLB3, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*. The FHA must:

   (i) address the matters identified by the Civil Aviation Authority (CASA) in its correspondence to the Department titled *Major Projects – Request for advice – RTS – Port Botany Quayline Equalisation – CASA Comments on the Response to Submissions,* dated 27 January 2026;

   (ii) address any potential aviation safety risks associated with fire events, smoke generation, or hazardous emissions from the proposed BLB3 facility and associated with dangerous goods being unloaded at the proposed BLB3 facility: and

   (iii) be prepared in consultation with CASA and include evidence of the consultation having been undertaken.

(d) A **Final Technical Report: Aviation Safety** (**FTRAS**) which must address the matters identified by CASA in its correspondence to the Department titled *Major Projects – Request for advice – RTS – Port Botany Quayline Equalisation – CASA Comments on the Response to Submissions,* dated 27 January 2026. The FTAS must be prepared in consultation with CASA and include evidence of the consultation have been undertaken.

(e) A **Construction Safety Study (CSS)**, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'*. For developments in which the construction period exceeds six months, the commissioning portion of the **CSS** may be submitted sixty days prior to commencement of commissioning. The **CSS** must also identify and address risks associated with interaction between the existing BLB wharf operations and construction of BLB3 and demolition of BLB1.

Construction, other than low impact works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, and FRNSW has advised that the Fire Safety Study has been completed to their satisfaction.

SITE ESTABLISHMENT WORK

Ancillary Facility - Site Establishment Management Plan

C2 Before establishing an ancillary facility that is required prior to the approval of a **CEMP** (excluding minor ancillary facilities established under **Condition C5**), the Proponent must prepare an **Ancillary Facility Site Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facility(ies). The **Ancillary Facility Site Establishment Management Plan** must be prepared in consultation with the relevant council and government agencies. The Plan must be endorsed by the **ER** and then submitted to the Planning Secretary for approval sixty days before the establishment of any ancillary facility(ies). The **Ancillary Facility Site Establishment Management Plan** must detail the management of the ancillary facility(ies) and include:

(a) a description of activities to be undertaken during establishment of the ancillary facility (including scheduling and duration of Work to be undertaken at the site);
(b) figures illustrating the proposed operational site layout and the location of the closest sensitive land use(s);
(c) an analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment;
(d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
  (i) meet the performance outcomes stated in the documents listed in **Condition A1**, and
  (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
(e) a program for monitoring the performance outcomes, including a program for noise monitoring during site establishment works**.**

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

The ancillary facility(ies) listed in the **Ancillary Facility Site Establishment Management Plan** cannot be established until the Plan is approved by the Planning Secretary.

***Note**: This condition allows for the establishment of ancillary facility(ies) prior to the approval of a CEMP. Once a **CEMP** is approved, an **Ancillary Facility Site Establishment Management Plan(s)** is not required. The use of the ancillary facility must be addressed in the CEMP.*

Use of and Decommissioning of an Ancillary Facility

C3 An ancillary facility established under **Condition C2** must not be used for construction until the **CEMP** required by **Condition C6**, relevant **CEMP Sub-plans** required by **Condition C10** and relevant **CMPs** required by **Condition C19** have been approved by the Planning Secretary.

C4 Once an ancillary facility is no longer required for the SSI, the land must be returned to its pre-existing or better condition within six months of the site being decommissioned or within two years of operation (whichever is the earliest), unless the land is subject to another requirement of this approval.

Minor Ancillary Facilities

C5 Minor Ancillary Facilities can be established and used where they have been assessed in the documents listed in **Condition A1** or satisfy the following criteria:

(a) are located within or immediately adjacent to the construction boundary; and
(b) have been assessed by the proponent and endorsed by **ER** to have:
  (i) minimal amenity impacts to surrounding sensitive land use(s), and
  (ii) minimal environmental impact, and
  (iii) no impacts on biodiversity, heritage items beyond those already approved under other terms of this approval.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

C6 A **Construction Environmental Management Plan** (**CEMP**) must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020).

C7 The **CEMP** must provide:

(a) a description of activities to be undertaken during construction (including the scheduling of construction);
(b) details of environmental and social policies, guidelines and principles to be followed in the construction of the SSI;
(c) a program for ongoing analysis of the key environmental and social impact 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 as required by this approval; and
  (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;
(e) an inspection program detailing the activities to be inspected and frequency of inspections;
(f) a protocol for managing and reporting any:
  (i) incidents; and
  (ii) non-compliances with this approval or statutory requirements;
(g) procedures for rectifying any non-compliance with this approval identified during compliance auditing, incident management or at any time during construction;
(h) a list of all the **CEMP Sub-plans** required in respect of construction, as set out in **Condition C10**. Where staged construction of the SSI is proposed, the **CEMP** must also identify which **CEMP Sub-plan** applies to each of the proposed stages of construction;
(i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments;
(j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental, social and compliance obligations under the terms of this approval; and
(k) for periodic review and update of the **CEMP** and all associated plans and programs

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

C8 **CEMP(s)** (and relevant **CEMP sub-plans**) must be submitted to the Planning Secretary for approval.

C9 Where a **CEMP** (and relevant **CEMP sub-plans**) requires Planning Secretary's approval, the **CEMP** (and relevant **CEMP sub-plans**) must be endorsed by the **ER** and then submitted to the Planning Secretary for approval no later than sixty days before the commencement of construction, or where construction is staged, no later than sixty days before the commencement of each stage.

C10 The following **CEMP Sub-plans** must be prepared in consultation with the relevant government agencies and councils identified for each **CEMP Sub-plan.** Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant **CEMP Sub-plan**, including copies of all correspondence from those agencies as required by **Condition A9**.

	Required CEMP Sub-plan	Relevant government agencies and councils to be consulted for each CEMP Sub-plan
(a)	Noise and vibration (not including marine ecology noise and vibration)	EPA
(b)	Marine Ecology (including Marine noise and vibration)	CPHR/DPIRD Fisheries
(c)	Water quality	EPA/DPIRD Fisheries
(d)	Contamination/Acid sulfate soil (ASS)	EPA
(e)	Dredging and Reclamation	EPA/DPIRD Fisheries/TfNSW
(f)	Traffic	TfNSW

Notes:
1. ***CEMP Sub-plan(s)*** *may reflect the staged construction of the project through geographical activities, temporal activities or activity based contracting and staging.*
2. *Nothing in this condition prevents the Proponent from combining any of the above CEMP Sub-plans.*

C11 The **CEMP Sub-plans** must state how:

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

C12 Construction must not commence until the relevant **CEMP(s)** and **CEMP Sub-plans** have been approved by the Planning Secretary.

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

C14 The Noise and Vibration sub-plan as required by Condition C10 must be consistent with the commitments made within the documents specified in Condition A1, and include the following:

(a) a noise monitoring program which includes attended monitoring to be undertaken by a suitably qualified acoustic expert during night-time dredging activities to verify compliance with the development's applicable noise criteria including at sensitive receivers identified in the Terrestrial Noise and Vibration Report, prepared by AECOM, dated September 2025, as having noise exceedances. The noise monitoring program must include proposed timing for monitoring and procedures to implement mitigation measures where exceedances occur;
(b) measures to assess, manage and minimise noise and vibration impacts on workers within and in close proximity to the site, including procedures for identifying high-risk activities, implementing mitigation measures (as may be required), managing worker exposure, and monitoring compliance with relevant work health and safety requirements.

C15 The **Marine Ecology sub-plan** as required by **Condition C10** must be consistent with and include commitments made in the documents in **Condition A1,** detail what measures the SSI will undertake to promote marine biodiversity (consistent with the Sustainability objectives of the project identified in the EIS), be prepared by a qualified and experienced marine ecologist and include:

(a) marine noise impact mitigation measures (e.g. pre-start/soft start procedures prior to piling and dredging etc);
(b) training of marine fauna (cetacean, pinniped and testudines) observers;

(c) maps of the relevant observation zones;
(d) ‘stop work’ and ‘restart’ procedures for when marine fauna are observed within the relevant observation zones;
(e) measures to manage potential impacts on the endangered Whites Seahorse; and
(f) preconstruction surveys requirements and relocation strategies (that would be undertaken no more than 48 hours prior to demolition of marine structures or commencement of marine construction).

C16 Records of the pre-disturbance habitat surveys, and any resulting actions, must be provided to the Secretary prior to construction commencing.

C17 The **Dredging and Reclamation Sub-Plan** required by **Condition C10** must be consistent with and include commitments made in the documents in **Condition A1** and include:

(a) specific measures to minimise the generation and dispersion of sediments during dredging including:
  (i) establishing a site-specific relationship between TSS concentration (in mg/L) and turbidity (in NTU) prior to the commencement of dredging activities
  (ii) measures to maintain the TSS concentration at the dredge overflow to below 50 mg/L (or an equivalent turbidity in NTU)
  (iii) implementation of management approaches, including staging and adjusting dredging activities to minimise TSS concentrations
  (iv) using “green valves” on all dredging overflow discharges including the use of buffer zones, with discharge from “green valves” to be as deep as feasible.

(b) additional controls targeting dredging of finer material such as surface layers or if clay or peat is being dredged, including:
  (i) identification and assessment of potential additional controls (and when they made be used) to maintain TSS and NTU levels within concentration limit commitments made in the EIS and RtS.
  (ii) not using overflow dredging when targeting finer material or berth box areas
  (iii) adopting more conservative turbidity management criteria (than those set out under **ConditionC17(a)(ii)**) when targeting finer materials.

(c) operational controls if clay or silt material is encountered at depth and there is opportunity for dredging activities to move to an alternative location
(d) emergency measures including:
  (i) making floating booms available for hydrocarbon containment as a contingency action for unexpected finds and for leaks or breakage of dredging/slurry pipelines

(e) A **Trigger Action Response Plan** that establishes:

  (i) representative monitoring locations for impact sites and background water quality sites
  (ii) an action-based criteria to compare reference site turbidity to potential impact site turbidity (and if necessary different triggers for different background conditions such as wet weather and wind with weather condition triggers to be specifically defined).
  (iii) specific actions for different turbidity exceedances above reference site turbidity.
  (iv) turbidity trigger points that are below the assessed model limits of 50mg/l Total Suspended Solids (TSS) so the dredge can take appropriate management measures, such as relocating, slowing or ceasing work before exceedances occur.
  (v) use of the correct guideline values to compare water quality monitoring data, including the 99% species protection guideline values for pollutants that can bioaccumulate.
  (vi) adopt a non-detect level as a screening criterion for each TPH/TRH range to be used for ongoing monitoring of dredging and reclamation and for developing mitigation measures in the CEMP where these have been detected above sediment screening levels.

Note: *The EIS adopted a target of 20 mg/L TSS (monitored using a NTU equivalent value) at the entrance to Brotherson Dock which should be used as an intermediate target to trigger specified management actions during dredging, taking into account background turbidity at reference sites.*

Bird Hazard Management Plan

C18 At least sixty days prior to the commencement of construction of the bund and dredging works, the Proponent shall develop and implement a **Bird Hazard Management Plan** to minimise the attraction of bird species that pose a risk to aircraft movements. The Plan must be implemented until reclamation has been completed, and a capping layer installed on the reclamation.

The Plan is to be prepared in consultation with the Department Infrastructure, Transport, Regional Development, Communications, Sport and the Arts and Sydney Airport Corporation. The Plan must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

CONSTRUCTION MONITORING PROGRAMS

C19 The following **Construction Monitoring Programs (CMPs)** must be prepared in consultation with the relevant government agencies identified for each to compare actual performance of construction of the SSI against the performance predicted in the documents listed in **Condition A1** or in the **CEMP**:

	Required Construction Monitoring Programs	**Relevant government agencies and council(s) to be consulted for each Construction Monitoring Program**
(a)	Water quality	EPA
(b)	Marine ecology (including underwater noise and vibration)	CPHR/DPIRD Fisheries
(c)	Vibration (Peak Particle Velocity)	-

Note: *All noise monitoring for the purposes of determining compliance with the conditions of this approval must be undertaken by a suitably experienced Person.*

C20 Each **CMP** must be consistent with SMART principles and provide:

(a) details of baseline data available;
(b) details of baseline data to be obtained and when;
(c) details of all monitoring of the SSI to be undertaken;
(d) the parameters of the SSI to be monitored;
(e) the frequency of monitoring to be undertaken, including the duration for implementation of CMP, the trigger for ending monitoring and justification for the adopting the end trigger;
(f) the location of monitoring;
(g) how the reporting of monitoring results and analysis of results against relevant criteria will be undertaken (including trends in the data, including maximum, minimum and average data results for all monitored parameters);
(h) details of the methods that will be used to analyse the monitoring data;
(i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable impacts; and
(j) any consultation to be undertaken in relation to the monitoring programs.

C21 CMPs must be submitted to the Planning Secretary for approval no later than sixty days before the commencement of construction or where construction is staged no later than sixty days before the commencement of that stage.

C22 Construction must not commence until the relevant **CMP(s)** have been approved by the Planning Secretary and all relevant baseline data for the specific construction activity has been collected.

C23 The **CMP(s)**, as approved 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. The ER cannot amend a timeframe approved by the Planning Secretary.

C24 The results of the construction monitoring must be uploaded to the project website (required by **Condition B11**) in the form of a **CMP** at the frequency identified in the relevant **CMP** and submitted to the Planning Secretary and relevant regulatory agencies upon request.

The **CMP** must provide an analysis of the monitoring data and detail any proposed and implemented management measures in accordance with the procedures identified in the relevant **CMP**.

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

C25 The **Water Quality Monitoring Plan** required by **Condition C19** must establish real time monitoring of turbidity and key site contaminants within and outside of Brotherson Dock and the dewatering discharge point, including:

(a) a monitoring program for the key contaminants of concern in water discharges from the reclamation area with contingency actions for exceedance of water quality guidelines
(b) prior to discharges from the reclamation area occurring, identify the contamination levels of the existing seabed sediments within the silt curtain area
(c) at the conclusion of the dredge and discharge from the bund area, assess sediments settled within the discharge silt curtain area for contamination and propose a methodology for addressing any exceedances of relevant criteria compared to the baseline data
(d) discharge limits for turbidity and key contaminants for consideration by the EPA in an Environment Protection Licence application, based on the proposed mitigation measures adopted in the CEMP.

PART D

OPERATIONAL ENVIRONMENTAL MANAGEMENT

HAZARDS AND RISKS

D1 The Proponent must develop and implement the plans and systems set out under subsections (a) to (b) below. No later than sixty days prior to the commencement of commissioning of the BLB3, the Proponent must submit for the approval of the Planning Secretary documentation describing those plans and systems.

(a) a comprehensive **Emergency Plan** and detailed emergency procedures for the BLB3. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.

(b) The **Emergency Plan** must contain an **Emergency Services Information Package** (ESIP) prepared in accordance with FRNSW's '*Fire Safety Guideline – Emergency services information package and tactical fire plans*'

(c) a document setting out a comprehensive **Safety Management System**, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Commissioning of the BLB3 must not commence until approval has been given by the Planning Secretary.

Hazard Audit

D2 Within twelve months after the commencement of operation of the BLB3 and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Proponent must carry out a comprehensive **Hazard Audit** of the BLB3. The audits must:

(a) be carried out at the Proponent's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development;

(b) be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines*'; and

(c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.

D3 Within sixty days of completing each hazard audit carried out in accordance with **condition D2**, the Proponent must submit an **audit report** to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the hazard audit. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented.

OPERATIONAL ENVIRONMENTAL MANAGEMENT

D4 An **Operational Environmental Management Plan (OEMP)** must be prepared having regard to the *Environmental Management Plan Guideline for Infrastructure Projects* (Department of Planning, Industry and Environment, 2020). The **OEMP** must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in **Condition A1** will be implemented and achieved during operation. **Condition D4** does not apply if **Condition D5** of this approval applies.

D5 An **OEMP** is not required for the SSI if the Proponent has a certified IS14000 **Environmental Management System** (**EMS**) or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the certified **EMS** or equivalent:

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

D6 The **OEMP** or evidence of ISO 14000 **EMS** certification or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than sixty days before the commencement of operation.

D7 The **OEMP** or **EMS** or equivalent as agreed with the Planning Secretary, as submitted to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and must be made publicly available before the commencement of operation.

D8 The reclaimed hardstand area must be managed and maintained until such time as future operations have been activated.

PART E

KEY ISSUE CONDITIONS

AIR QUALITY AND ODOUR

E1 Measures must be implemented to minimise and manage the emission of dust, odour and other air pollutants during Work and Operation.

BIODIVERSITY

Unexpected Finds

E2 An **Unexpected Finds Protocol** must be developed for threatened species (including marine species) and threatened ecological communities (including marine species), before the commencement of Work. The **Unexpected Finds Protocol** must be submitted to the Planning Secretary for approval at least sixty days before the commencement of Work. Work cannot commence until the unexpected finds protocol is approved by the Planning Secretary. The **Unexpected Finds Protocol** must be implemented throughout the duration of Work.

CONTAMINATION

Role of Site Auditor

E3 A **Site Auditor**(s) must be engaged before the commencement of contamination investigations and, until the completion of construction (or as agreed with the Planning Secretary), to ensure contamination is appropriately managed. The **Site Auditor** must review documentation relevant to contamination, including previous site audits, and provide a written opinion on the contamination risk and the appropriateness of the reports and any proposed management measures of the site, including (but not limited to):

(a) the **Contamination Sub-plan** in **Condition C10**, where relevant, including any updates or amendments to this plan;
(b) the **Water Quality Monitoring Plan** required by **Condition C19**;
(c) **Unexpected Finds Procedure for Contamination** in **Condition E6**; and
(d) **Post-remediation validation reports**.

Note: *For any request for Planning Secretary approval to cease the role of a Site Auditor, the Proponent must include appropriate justification to support the request.*

E4 Recommendations made by the **Site Auditor** must be implemented before commencing Work that could result in the disturbance of land identified as an area of potential contamination. The **Site Auditor** may agree to an activity or Work commencing without all the **Site Auditor** recommendations being implemented provided there is a timeframe for when the recommendations will be implemented.

E5 Evidence that a **Site Auditor** has reviewed each of the required plans and reports listed in **Condition E3**, and has issued an **interim audit advice** or a relevant **Site Audit Statement** regarding the appropriateness of those plans or reports must be appended to those plans or reports. Any associated Site Auditor report, or **interim audit advice** or a relevant **Site Audit Statement** must be made publicly available in accordance with **Condition B11**, at the same time the reports and investigation findings are made publicly available.

Unexpected Finds

E6 An **Unexpected Finds Procedure for Contamination** must:

(a) be prepared by a certified contaminated land consultant;
(b) be prepared before the commencement of Work and must outline the actions to be taken should unexpected contamination be discovered and;
    (i) include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities parties involved; and
    (ii) be provided to the Planning Secretary upon request; and
(c) be endorsed by the Site Auditor.

The **Unexpected Finds Procedure for Contamination** must be implemented throughout Work.

Use of Dredge Fill

E7 Where dredged material is to be used as fill to reclaim land for the SSI, the bunding and capping layer of the reclamation area must be installed to:

(a) contain and seal the dredge fill within the bunding and below the capping layer to prevent leakage of dredge fill to the environment, and
(b) contain dredge fill and prevent migration through the capping layer to minimise any human health risks when the land is used for its final intended use.

Evidence of this should be provided to the Planning Secretary upon request, along with any associated Site Auditor's advice.

Tugboat Jetty

E8 The piles at the tugboat jetty must be extracted and removed, not cut off and stumps left in the seabed.

HAZARDS AND RISK

Chemical and Fuel Storage

E9 The Proponent must store all chemicals, fuels and oils used on-site in accordance with:
(a) the requirements of all relevant Australian Standards; and
(b) for liquids, the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual'*.

E10 In the event of an inconsistency between the requirements of **conditions E9(a)** and **E9(b)**, the most stringent requirement must prevail to the extent of the inconsistency.

Lighting and Security

E11 The Proponent must ensure design specifications of the construction and operational lighting conform to the requirements of Regulation 94 of the Civil Aviation Regulations 1988 (Cth).

Obstacle Limitation Surface

E12 All operation equipment and vessels berthed at the BLB3 facility must be below the obstacle limitation surface, unless otherwise permitted by an approval under the *Airports Act 1996* (Cth) and *Airports (Protection of Airspace) Regulation 2026* (Cth).

MARINE ECOLOGY

E13 Impacts to key fish habitat as defined in Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013 update) must be avoided where possible, unless identified in the documents in **Condition A1**.

E14 At least sixty days prior to the commencement of construction, a **Key Fish Habitat Offset Strategy** (or equivalent) must be prepared in consultation with DPIRD Fisheries and provided to the Planning Secretary for approval. The strategy must:
- (a) offset key fish habitat impacts at a ratio of 2:1 in accordance with the *Policy and Guidelines for Fish Habitat Conservation and Management (2013)* and the *NSW Biodiversity Offsets Policy for Major Projects - Fact sheet: Aquatic biodiversity;*
- (b) clearly outline the proposed area of harm and offset requirements, including the need for monitoring to achieve proposed performance measures; and
- (c) preference on-ground offsetting on site where practicable. Where appropriate offsets cannot be provided in those locations, alternative locations or projects may be considered.

NOISE AND VIBRATION

Work Hours

E15 Except as permitted by **Condition E17**, Work must be undertaken during the following hours:

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

Highly Noise Intensive Work

E16 Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the noise affected NML at the same sensitive land use(s) as identified in **Condition E22** must only be undertaken:

- (a) between the hours of 8:00 am to 6:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 1:00 pm Saturday; and
- (c) if continuously (any period during which there is less than one hour between ceasing and recommencing any highly noise intensive work), then not exceeding three (3) hours), with a minimum cessation of highly noise intensive work of not less than one hour.

Notes:
1. *As a guide, Work should be carried out in continuous blocks that do not exceed three hours each with a minimum respite period of one hour between each block.*
2. *Noise affected NML is defined as RBL + 10 dB as defined in the ICNG.*

Variation to Work Hours

E17 Notwithstanding **Conditions E15** and **E16**, Work may be undertaken outside the hours specified in any of the following circumstances (a, b, c or d below):

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

On becoming aware of the need for emergency work in accordance with **Condition E17(a)(ii)**, the Planning Secretary and the EPA must be notified of the reasons for such work. Best endeavors must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive land use(s) of the likely impact and duration of those Work.

Note: *If an activity is scheduled to take a long period to be completed, this activity should be commenced as early as possible and aim to be started and completed within the Work hours identified in* ***Condition E15.*** *Programming should not form part of the rational to undertake safety and emergencies under* ***Condition E17(a)(ii).*** *It is essential to prioritise timely completion of activities to ensure the safety and well-being of workers and anyone else who may be affected by the construction activities.*

(b) **Work that meets all of the following criteria**
   (i) Work that causes $L_{Aeq(15\ minute)}$ noise levels:
   - no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and
   - no more than the ‘Noise affected’ NMLs specified in Table 3 of the ICNG at other sensitive land use(s); and

   (ii) Work that causes L_{AFmax} noise levels no greater than 15 dB(A) above the night period rating background level at any residence during the night period as defined in the ICNG; and
   (iii) Work that causes:
   - continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
   - intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

(c) **By Approval**
   (i) where different Work hours are permitted or required under an EPL in force in respect of the SSI; or
   (ii) Out of Hours Work which is not subject to an EPL that are approved under an **Out-of-Hours Work Protocol** as required by **Condiiton E18**; or
   (iii) negotiated agreement with the substantial majority of affected residents and sensitive land use(s) for Work which are not subject to an EPL.

Note: *Refer to* ***Appendix B*** *for guidance regarding negotiated agreements.*

(d) **By Activity, including:**
   (i) Dredging is permitted 24 hours a day, seven days a week.

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

E18 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 E15.** The Protocol must include:

(a) justification for why these Works need to be undertaken;
(b) identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including
   (i) the **ER** review all proposed out-of-hours activities and confirm their risk levels,
   (ii) low risk activities can be approved by the **ER**, and
   (iii) high risk activities that are approved by the Planning Secretary.
   The risk assessment(s) must be based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2018 "Risk Management";
(c) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
(d) a process for selecting and implementing mitigation measures for residual impacts in consultation with impacted residents and sensitive land use(s) at each affected location. The measures must take into account the predicted noise levels (based off worst case work scenarios and where mitigation measures will be implemented) and the likely frequency and

duration of the out-of-hours works that residents and sensitive land use(s) would be exposed to, including the number of noise awakening events;

(e) details of respite periods consistent with the requirements developed in consultation with impacted residents and sensitive land use(s);

(f) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and

(g) notification arrangements in accordance with **Condition B2(f)** and notification to the Planning Secretary of approved low risk out-of-hours works.

The Protocol must be submitted to and approved by the Planning Secretary before the commencement of out-of-hours work. The approved Protocol must be implemented for the duration of Work. The Planning Secretary may revoke the Out-of-Hours Work approval subject to ongoing community complaints.

The Protocol does not apply if the requirements of **Condition E17(a)** or **(b) or (d)** are met, or if the Work is subject to an EPL or if a negotiated agreement is made with the impacted residents and sensitive land use(s).

Notes:

1. *If Work is regulated by the EPA via an EPL, the management of the activity or Work must not be co-regulated under the Protocol. The Protocol process must only be used if the Work is not covered by an EPL, including in circumstances where the activity or Work did not commence under an EPL.*
2. *If the Work is subject to an EPL and the EPA does not endorse extended hours as part of the EPL, the extended hours cannot be considered under this Protocol.*
3. *Any Planning Secretary approval for Out-of-Hours Work may be subject to trial requirements.*
4. *The **CNVIMS** can be used as part of the out-of-hours works approval request.*
5. *The intent of the protocol is to provide an assessment framework for short term intermittent activities undertaken out of hours. These activities should be consistent with those identified in the documents listed in **Condition A1**. Any long term OOHW not assessed in the documents listed in **Condition A1** may need a Modification request. The use of the terms short / long term should be considered on a case by case basis and be relative to the duration of construction of the SSI.*

Construction Noise Management Levels and Vibration Criteria

E19 Mitigation measures must be implemented with the aim of achieving the following NMLs and vibration criteria:

(a) construction 'Noise affected' NMLs established using the *Interim Construction Noise Guideline* (DECC, 2009);

(b) vibration criteria established using the *Assessing vibration: a technical guideline* (DEC, 2006) (for human exposure);

(c) the vibration limits set out in the British Standard (BS) 7385 Part 2-1993 "*Evaluation and measurement for vibration in buildings Part 2*" as they are "applicable to Australian conditions";

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

(e) the requirements of the Groundwater Management Zone Deed with Elgas for protection of the underground Elgas cavern at Port Botany.

Work must be managed in accordance with the **Noise and Vibration CEMP Sub-plan**.

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

E20 Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:

(a) evening (6:00 pm to 10:00 pm) — internal $L_{Aeq(15\ minute)}$: 40 dB(A); and

(b) night (10:00 pm to 7:00 am) — internal $L_{Aeq(15\ minute)}$: 35 dB(A).

The mitigation measures must be outlined in the **Noise and Vibration CEMP Sub-plan**.

E21 Work that results in noise levels above the NMLs at community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.

E22 At no time can noise generated by construction exceed the National Standard for exposure to noise in the occupational environment of an eight-hour (8hr) equivalent continuous A-weighted sound pressure level of $L_{Aeq,8h}$ of 85 dB(A) for any employee working at a location near the SSI and on vessels berthed at Port Botany.

***Note**: The reference to employee does not refer to employees involved in the delivery of the SSI, however it refers to other people who work near the construction activity that will be subject to the ongoing noise impact.*

Construction Noise and Vibration Impact Mitigation Statements

E23 **Construction Noise and Vibration Impact Mitigation Statements (CNVIMS)** must be prepared to supplement the **CEMP and CEMP Noise and Vibration Sub-plan** to identify specific mitigation measures that will be implemented for Work that may exceed the NMLs, vibration criteria and/or ground-borne noise levels specified in **Condition E19** , **Condition E20** and **Condition E25** at any sensitive land use(s) outside construction hours identified in **Condition E15**, or where sensitive land use(s) will be highly noise affected.

The **CNVIMS** must:

(a) describe the proposed Work;
(b) identify the Best Achievable Noise Performance Objectives (i.e. noise levels anticipated to be achievable after noise mitigation measures are applied);
(c) include details of specific mitigation measures and monitoring to be implemented; and
(d) be updated regularly to reflect current Work being undertaken and to promote lessons learnt and adaptive management.

The mitigation measures identified in **(c)** must be implemented for the duration of the Work. The **CNVIMS** must be prepared in consultation with affected residences and sensitive land uses, the **ER** prior to the commencement of works. Copy/ies of **CNVIMS** and associated consultation outcomes must be provided to the Planning Secretary and EPA upon request.

Notes:
1. *The Planning Secretary under **Condition A4** may direct the Proponent to submit the **CNVIMS** to the ER or Planning Secretary for Approval.*
2. *The **CNVIMS** can supplement the assessment of OOHW required under the OOHW Protocol and Work being undertaken OOHW.*
3. *Any Work that requires an **CNVIMS** must ensure:*
   (a) *Monitoring is undertaken in accordance with the noise and vibration construction monitoring program requirements required by **Condition C19**; and*
   (b) *community complaints are managed through the complaints management system required by **Condition B5**.*

E24 The **CNVIMS** must be supplemented by a summary document that identifies the specific mitigation measures that will be implemented on site for the Work being undertaken. This summary document must be updated regularly to reflect current Work being undertaken and to promote lessons learnt and adaptive management.

Notes:
1. *The summary document should aim to be one to two pages in length and is intended for use on site.*
2. *Any Work that requires an **CNVIMS** must ensure:*
   (a) *Monitoring is undertaken in accordance with the noise and vibration construction monitoring program requirements required by **Condition C19**; and*
   (b) *community complaints are managed through the complaints management system required by **Condition B5**.*

Construction Vibration

E25 Ground vibration generated by the construction of the SSI must not exceed the limits specified in Table 3.

Table 3 | Ground vibration limits for control of damage to structures

Type of structure	Maximum Peak Particle Velocity (PPV)
Buildings used for commercial purposes, industrial buildings and buildings of similar design	20 mm/s
Dwellings and buildings of similar design and/or use	5 mm/s
Structures with particular sensitivity to vibration	Elgas Cavern Level - 1 mm/s Must not exceed 3mm/s at any time

PROPERTY and LANDUSE

Condition Survey

E26 Pre-condition surveys must be offered to:

(a) the owners of surface and sub-surface structures identified as at risk from vibration; and
(b) other relevant assets identified at risk from vibration, including listed heritage items, and buildings/structures of heritage significance as identified in the documents listed in **Condition A1**.

Where the offer is accepted, the survey must be undertaken by a suitably qualified and experienced engineer and/or building surveyor prior to the commencement of works that could impact on the structure/asset through vibration. The results of each survey must be documented in a Pre-construction Condition Survey Report and a copy of the report must be provided to the owner of the item(s) surveyed no later than sixty days before the commencement the impacting work.

E27 Where Pre-condition surveys have been undertaken in accordance with **Condition E26**, subsequent post-construction surveys of the structure / asset must be undertaken by a suitably qualified and experienced engineer and/or building surveyor to assess any damage that may have resulted from the vibration-generating works The post-construction surveys must be undertaken within three months of the completion of the vibration-generating works and with the permission of the property owner.

The results of the post-construction surveys must be documented in a **Post-construction Condition Survey Report** for each item surveyed. A copy of the **Post-construction Condition Survey Report** must be provided to the owner of the structure / asset surveyed no later than three months following the completion of the post construction survey.

E28 Where damage has been determined to occur as a result of the SSI, the Proponent must carry out rectification at its expense and to the reasonable requirements of the owner of the structure/asset. The rectification works must be undertaken within 12 months of the completion of construction activities that have the potential to create damage unless another timeframe is agreed with the owner. Alternatively, the Proponent may pay compensation for the damage as agreed with the owner.

SOILS

Erosion and sediment controls

E29 Erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

E30 The Proponent must ensure that all vehicles, motorised plant and equipment leaving the premises do not deposit mud, soil, sand, gravel and any other materials onto public roads.

SUSTAINABILITY

E31 Sustainability objectives and initiatives as outlined within the EIS must be implemented and achieved throughout construction and operation.

Evidence of the implementation of initiatives and outcomes must be provided to the Planning Secretary on request, within the timeframe requested.

TRAFFIC AND TRANSPORT

Construction Traffic Management

E32 Local roads proposed to be used by heavy vehicles (spoil haulage) to directly access the construction boundary and ancillary facilities that are not shown in the EIS must be approved by the Planning Secretary.

E33 All requests to the Planning Secretary under **Condition E32** must be provided 60 days prior to being required and include the following:

(a) justification for the use;
(b) a swept path analysis;
(c) demonstration that the use will not compromise the safe operation of the roadway (including for pedestrians and cyclists);
(d) measures that will be implemented to avoid, where practicable, the use of roads past schools, aged care facilities and child care facilities during their peak times; and
(e) written advice from an appropriately qualified professional on the suitability of the proposed heavy vehicle route which takes into consideration items (a), (b), (c), and (d) of this condition.

Construction Parking Management

E34 Vehicles (including light and heavy vehicles) associated with the SSI must be managed to:

(a) minimise parking on public roads;
(b) minimise the removal of on and off street parking;
(c) minimise idling and queueing on state and regional roads;
(d) not carry out marshalling of construction vehicles near sensitive land user(s);
(e) not block or disrupt access across pedestrian or shared user paths; and
(f) ensure spoil haulage vehicles adhere to the nominated haulage routes identified in the **Traffic Management CEMP Sub-plan**.

WASTE

E35 Waste generated during construction and operation must be dealt with in accordance with the following priorities:

(a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;
(b) where avoiding or reducing waste is not possible, waste must be re-used, recycled, or recovered; and

(c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.

E36 The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of any EPL for the SSI (including any EPL that is amended to include the SSI, 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.

E37 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.

E38 All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.

WATER

Water Quality

E39 The SSI must be designed, constructed and operated so as to maintain the *NSW Water Quality Objectives* in receiving waters where they are being achieved as at the date of this approval, and contribute towards achievement of the *NSW Water Quality Objectives* over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the *NSW Water Quality Objectives*, in which case those requirements must be complied with.

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

Stormwater Drainage

E40 All new or modified drainage systems associated with the SSI must be designed to:

(a) minimise impacts on the receiving environment at the final outflow points resulting from any additional flow volume (including, but not limited to water quality impacts and aquatic ecology);
(b) include mitigation measures where increased flows through drainage systems have the potential to adversely impact on the receiving environment; and
(c) enable easy maintenance and accessibility of the outlet points.

All mitigation measures to minimise impacts on the receiving environment must be implemented prior to operation of the SSI.

Hydrodynamic and Coastal Processes

E41 At least sixty days prior to the commencement of reclamation works, a Hydrodynamic and Coastal Process monitoring plan must be developed by a suitably qualified professional and submitted for approval to the Planning Secretary. The plan must address the western foreshore of Botany Bay and Lady Robinsons Beach, and include:

(a) beach profiling or aerial photographic record analysis prior to the commencement of reclamation works;
(b) consideration of the *Lady Robinsons Foreshore Management Plan,* dated July 2024, prepared by Bayside Council;
(c) a proposed timeline for monitoring before and after land reclamation works;
(d) a proposed timeline for reporting monitoring results to the Planning Secretary; and

(e) measures which will be implemented in the event that monitoring indicates wave action has intensified beach erosion, including the scope and timing of protection measures and how the protection measures will be implemented.

The plan must be implemented following the Planning Secretary's approval.

Appendix A

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Proponent must provide notification as required under these requirements, even if the Proponent fails to give the notification required under **Condition A28** or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within **7 days** (or as otherwise agreed by the Planning Secretary) of the Proponent making the immediate incident notification (in accordance with **Condition A28**), the Proponent is required to submit a subsequent incident report that:
   (a) identifies how the incident was detected;
   (b) identifies when the Proponent became aware of the incident;
   (c) identifies any actual or potential non-compliance with conditions of consent;
   (d) identifies further action(s) that will be taken in relation to the incident;
   (e) a summary of the incident;
   (f) outcomes of an incident investigation, including identification of the cause of the incident;
   (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
   (h) details of any communication with other stakeholders regarding the incident.
4. The Proponent must submit any further reports as directed by the Planning Secretary.

Appendix B

Community consultation and agreement

The below is guidance material on how to engage and record community agreements and is based off EPA model licence conditions (E1.2 and E1.3) and EPA guidance material for EPL applications. The intent is to provide guidance on how the Proponent can engage and obtain community agreements to undertake out-of-hours-works. This guidance should be read in conjunction with **Condition E17(c)(iii) (Variation to Work Hours) and Condition E18(e) (Out-of-Hours Work Protocol)**.

Requirements for community consultation and agreement

1. Any negotiated agreements with affected residents and sensitive land use(s) for out-of-hours-work must:

   (a) include consultation of impacted residents and sensitive land use(s). This includes sensitive land use(s) that have declined to participate in previous agreements unless a community member has explicitly requested not to be involved in any future consultation about future out-of-hours-work;
   (b) include the following information:
      (i) description and justification of the Work(s) proposed;
      (ii) any expected impacts in clear plain English based on noise modelling;
      (iii) the expected duration of the Work(s);
      (iv) respite periods;
      (v) any expected benefits for receivers;
      (vi) any other known concurrent OOHW that will be occurring; and
      (vii) any other OOHW that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other OOHW that will be occurring on the weekend;
   (c) request consent from the residents and sensitive land use(s) for their responses to be provided to the Planning Secretary, ER and EPA;
   (d) ensure that a record is kept when contact cannot be made with residents and sensitive land use(s) after three attempts, including leaving *"sorry I missed you"* cards explaining the reason for the visit and requesting a return phone call; and
   (e) for longer term community agreements (those predicted to go on longer than 28 calendar days), re-engage the impacted community to ensure consent is maintained and continuing.

   Detailed records of all community consultations, including attempts to contact impacted residents and sensitive land use(s), must be maintained for the duration of the Work by the Proponent.

   Any residents and sensitive land use(s) who requests a copy of the record of conversations must be supplied with one.

2. The outcomes of the community consultation and agreement process must be documented and include:

   (a) the script used during the community consultation;
   (b) community response and consent rates (including where no contact could be made) based on:
      (i) impacted sensitive land use(s);
      (ii) location of the proposed work to the sensitive land use(s);
      (iii) duration and potential impacts to be experienced; and
      (iv) proposed mitigation and management measures to be implemented.