



**Cabramatta Loop Project | State Significant Infrastructure**

# INDEPENDENT ENVIRONMENTAL AUDIT

Prepared for Fulton Hogan Construction | 5 September 2023



# Cabramatta Loop Project

## STATE SIGNIFICANT INFRASTRUCTURE | INDEPENDENT ENVIRONMENTAL AUDIT

Prepared for Fulton Hogan Construction  
5 September 2023

PR188

	Prepared by	Reviewed by
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Company	Element Environment	Element Environment
Position	Technical Director	Principal Environmental Consultant
Project Role	Auditor	Lead Author

Signature		
Date	5 September 2023	5 September 2023

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## DOCUMENT CONTROL

Revision	Date	Description	Prepared by	Reviewed by
R0	22/08/2023	For review	Element Environment	Fulton Hogan Construction
R1	25/08/2023	Final	Element Environment	Fulton Hogan Construction
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## Audit declaration

<b>Project name</b>	Cabramatta Loop Project
<b>Consent number</b>	SSI 9186
<b>Description of project</b>	<p>Cabramatta Loop Project involves construction of a passing loop for up to 1,300 m length trains on the SSFL, which would allow freight trains travelling in opposite directions to pass and provide additional rail freight capacity along the SSFL.</p> <p>Key features of the project, as described in the EIS and as amended by the Submissions Report, are:</p> <ul style="list-style-type: none"><li>• New rail track – providing a 1,650 m long section of new track adjacent to the existing track, with connections to the existing track at the northern and southern ends.</li><li>• Track realignment – moving about 550 m of existing track sideways (slewing) to make room for the new track.</li><li>• Bridge works – constructing two new bridges adjacent to the existing rail bridges over Sussex Street and Cabramatta Creek.</li><li>• Road works – reconfiguring Broomfield Street for 680 m between Sussex and Bridge Street.</li></ul> <p>Ancillary works comprise communication, signalling and power upgrades, works to existing retaining and noise walls, drainage work and protecting/ relocating utilities. In addition, minor works in the form of new signalling will be installed at a number of locations within the rail corridor.</p>
<b>Project address</b>	1 Hume Highway, Warwick Farm NSW
<b>Proponent</b>	Fulton Hogan Construction
<b>Title of audit</b>	Cabramatta Loop Project Independent Environmental Audit

I declare that I have undertaken the Independent Environmental Audit and prepared the contents of this independent audit report and to the best of my knowledge:

The audit was in accordance with relevant condition(s) of consent.

The findings of the audit are reported truthfully, accurately and completely.

I have exercised due diligence and professional judgement in conducting the audit.

I have acted professionally, objectively and in an unbiased manner.

I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child.

I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child. Neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit.

I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project,

their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

<b>Name of Auditor</b>	Darren Green	Mark Roberts
<b>Signature</b>		
<b>Company</b>	Element Environment Pty Ltd	Element Environment Pty Ltd
<b>Date</b>	25 August 2023	25 August 2023



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# CHAPTER 1

## INTRODUCTION



# 1 INTRODUCTION

## 1.1 Background

Cabramatta Loop Project (the project) involves construction of a passing loop for up to 1,300 m length trains on the South Sydney Freight Line (SSFL), which will allow freight trains travelling in opposite directions to pass and provide additional rail freight capacity along the SSFL.

The project is partly in the existing rail corridor between the Hume Highway and Cabramatta Road – East overbridges, in the suburbs of Warwick Farm and Cabramatta. The project includes works in Broomfield Street and Jacquie Osmond Reserve, adjacent to the rail corridor in the local government areas of Fairfield and Liverpool.

Key features of the project, as described in the EIS and as amended by the submissions report, are:

- New rail track – providing a 1,650 m long section of new track adjacent to the existing track, with connections to the existing track at the northern and southern ends.
- Track realignment – moving about 550 m of existing track sideways (slewing) to make room for the new track.
- Bridge works – constructing two new bridges adjacent to the existing rail bridges over Sussex Street and Cabramatta Creek.
- Road works – reconfiguring 680 m of Broomfield Street between Sussex and Bridge Streets.

Ancillary works comprise protecting/relocating of existing communication, signalling and power services; changes to retaining and noise walls; and drainage work. Additionally, new signalling will be installed within the rail corridor.

A State significant infrastructure approval (SSI 9186) (the approval) for the project was granted by the Minister for Planning and Public Spaces on 28 July 2020 and construction commenced on 1 November 2021. Fulton Hogan Construction Pty Ltd (FHC) was engaged by Australian Rail Track Corporation (ARTC) to construct the project.

It is a requirement of Condition A28 of SSI 9186 and the *Independent Audit Post Approval Requirements* (DPIE, May 2020) (the Independent Audit PAR) that ongoing independent audits be carried out at intervals no greater than 26 weeks from the date of the initial independent audit.

FHC engaged Element Environment Pty Ltd (Element) to independently audit the project in accordance with the Independent Audit PAR. This audit represents the fourth independent audit Element has carried out on the project:

- Initial independent audit – 20 January 2022 (final report dated 7 April 2022).
- First ongoing independent audit – 28 July 2022 (final report dated 10 November 2022).
- Second ongoing independent audit – 11 January 2023 (final report dated 3 March 2023).
- This audit represents the third ongoing independent audit, carried out on 11 July 2023.

## 1.2 Audit team

The following audit team has been agreed by the Secretary of the Department of Planning and Environment (DPE) as suitably qualified, experienced and independent to audit the project (refer Appendix B):

- Lead auditor – Mark Roberts.
- Auditor – Darren Green.

Mark reviewed audit findings and ensured quality and due diligence protocols were implemented during the audit. Darren determined compliance and prepared the audit report with the assistance of Jacob Vickers (Element environmental consultant). Both Mark and Darren were part of the agreed audit team for the initial independent audit.

### Mark Roberts

Mark has over 13 years' experience in the environment sector and has prepared and managed environmental impact assessments under NSW and Commonwealth legislation including a number of State significant development applications; environmental management plans (EMP) and strategies; constraints analyses; bushfire and hazard assessment; and environmental planning advice. Mark recently audited the Bringelly Brickworks and Quarry Expansion. Mark is a certified as an Integrated Management Systems Lead Auditor by Exemplar Global.

### Darren Green

Darren has over 15 years' experience in environmental impact assessment, environmental planning and environmental management, across the transport, infrastructure, water, extractive, construction and waste sectors. Darren is a certified as a Quality and Environmental Management Systems Lead Auditor by Exemplar Global.

## 1.3 Audit objectives

The objective of this audit is to obtain an independent and unbiased assessment of the environmental performance and compliance status of the project.

## 1.4 Audit scope

Refer to Section 2.1.

## 1.5 Audit period

It is a requirement of the Independent Audit PAR that the project be independently audited within 12 weeks of the start of construction. Construction commenced on 1 November 2021 and the initial audit commenced on 20 January 2022.

It is a requirement that the project be audited every 26 weeks from the initial independent audit, or as otherwise agreed by the Secretary.

The purpose of this audit is to assess the performance and compliance of the project between the second ongoing independent audit (11 January 2023) and the third ongoing independent audit (11 July 2023).

All audits to date have been carried out within the timeframe specified in the Independent Audit PAR.

# CHAPTER 2

AUDIT METHOD



## 2 AUDIT METHOD

### 2.1 Development of audit scope

In accordance with Section 3.3 of the Independent Audit PAR, the audit scope comprised:

- An assessment of compliance with all conditions of consent applicable to the current phase of the project.
- An assessment of compliance with all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of EMPs and sub-plans, including a high-level assessment of whether EMPs and sub-plans are adequate.
- A review of the environmental performance of the project, including an assessment of actual impacts compared to predicted impacts documented in the environmental impact assessment.
- The physical extent of the project in comparison with the approved boundary.
- Incidents, non-compliances and complaints that occurred or were made during the audit period.
- Feedback received from DPE and other agencies and stakeholders in relation to the environmental performance of the project during the audit period.

The auditors consulted DPE on 14 July 2023 in accordance with Section 3.2 of the Independent Audit PAR to obtain input to the audit scope. No response was received from DPE regarding any additional issues to be included in the audit scope that are not already in the approval.

#### 2.1.1 Complaints or incidents

Three complaints and two incidents were recorded during the audit period. Refer sections 3.8 and 3.9 for details.

#### 2.1.2 Consultation

In accordance with Section 3.2 of the Independent Audit PAR, the auditors consulted DPE on 14 July 2023 to obtain its input into the scope of the audit (Appendix C). No response was received from DPE.

### 2.2 Compliance evaluation

The compliance status descriptors applied to this audit are consistent with Independent Audit PAR (Table 2.1).

**Table 2.1 Compliance status descriptors in this audit**

Descriptor	Definition
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

The audit comprised evaluating compliance based on verifiable evidence. Verifiable evidence included:

- Review of the relevant records, documents and reports including correspondence and website content.
- Visual observation and photographs taken during a site inspection.
- On-site (during site inspection) and off-site (via Teams) interviews with the relevant project personnel.
- Review of the environmental monitoring data and analysis including the period covered by the monitoring data.

The evidence used to verify the compliance status is documented in the independent audit table in Appendix A.

## 2.3 Opening meeting

The audit commenced with an opening meeting at the site compound on 11 July 2023. The purpose of the opening meeting was to confirm the scope of the audit, the audit method and agree on the audit schedule. The meeting agenda was:

- Introductions and welcome.
- Audit objectives.
- Scope of the audit.
- Confirmation of audit criteria.
- Audit schedule including any access limitations during the inspection.
- Any clarifications or questions in relation to the above.
- Meeting closure.

Attendees at the opening meeting were:

- Jacob Cooper – Environment Manager – FHC
- Shannon Chisholm – Environment and Sustainability Manager – FHC
- Aaron Taylor – Superintendent – FHC
- Cameron Donovan – Environmental Coordinator – FHC
- Scott Bryce – Construction Manager – FHC
- Faye Rescigno – Community Manager – FHC
- Alison Wedgwood – NSW Environment Manager – ARTC
- Guy Lenualo – Construction Supervisor – ARTC
- Mustafa Mustafa – Project Manager – ARTC
- Jeff Boyd – Environmental Advisor – ARTC
- Mark Roberts – Lead Auditor – Element
- Jacob Vickers – Assistant Auditor – Element



## 2.4 Interviews

The following FHC personnel were interviewed during the audit:

- Shannon Chisholm – Environment and Sustainability Manager – FHC
- Jacob Cooper – Environment Manager – FHC
- Aaron Taylor – Superintendent – FHC

## 2.5 Site inspection

The site was inspected on 11 July 2023 and comprised a walk over the entire extent of the site as follows:

- Main site compound and access to Jacquie Osmond Reserve.
- Inspection of turkey nest dams, Cabramatta Creek and drainage swales on-site.
- Inspection of the condition of access road (Sappho Road) to the main compound and Jacqui Osmond Reserve.
- Inspection of perimeter of main compounds from Jacqui Osmond Reserve.
- Inspection of ancillary facility to the west of the compound on the other side of the rail line.
- Inspection of Cabramatta bridge construction site.
- A walk along Railway Parade and Broomfield Street, including heritage and aboriginal heritage items and areas.

There were no areas in the approved project boundary that were inaccessible or had restricted access during the site inspection, except restricted areas of the rail easement (which were visible from adjacent areas).

## 2.6 Post-inspection meeting

A post-inspection meeting was held on 11 July 2023 where the auditor summarised preliminary site inspection findings and explained the next steps. The auditor advised that collection of further audit evidence and interviews with key personnel will continue in the following days via Teams and electronic submissions of the documents and records.

## 2.7 Closing meeting

An audit closing meeting was held on 5 September 2023 where audit findings were presented, recommendations were made, and any post-audit actions confirmed.

# CHAPTER 3

AUDIT FINDINGS



### 3 AUDIT FINDINGS

This section documents the audit findings based on a review of available evidence during the audit period and evaluation against the audit criteria.

#### 3.1 Compliance performance

Compliance performance is assessed against the audit criteria detailed in the independent audit table in Appendix A. Findings are based on an evaluation of the evidence provided, interviews, site observations and other information as documented.

A photo log of site observations is in Appendix D. A summary of compliance findings against the audit scope is shown in Figure 3.1. The detailed evidence and findings are provided in Appendix A.

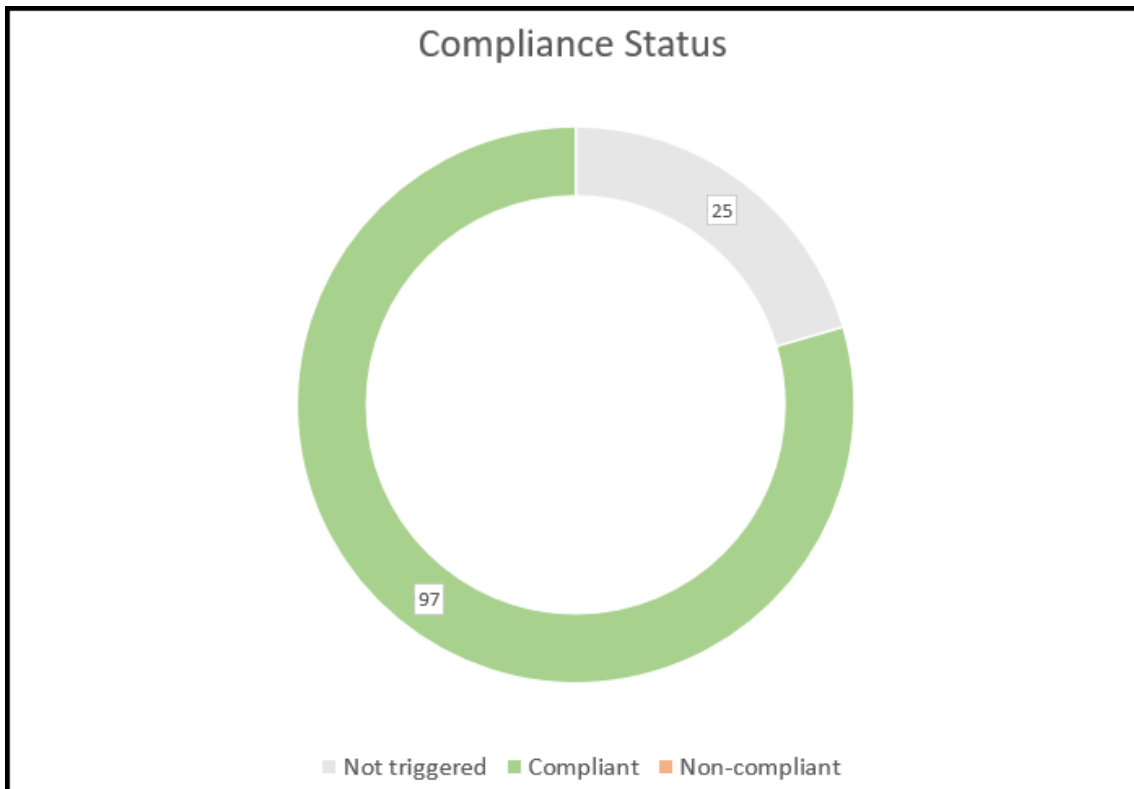


Figure 3.1 Compliance status breakdown

#### 3.2 Summary of agency notices, orders, penalty notices or prosecutions

The project has not been issued any agency notices, enforcements, orders, penalty notices or prosecutions during the audit period.

#### 3.3 Audit non-compliances

No non-compliances were identified during the audit.

### 3.4 Previous audit recommendations

The previous independent audit identified a non-compliance for condition A29 as the audit report was not submitted within 2 months of the audit, as per timeframes outlined in the Independent Audit PAR. The previous audit recommended that FHC ensure adequate resourcing is available prior to engaging in the independent audit process to ensure a timely program is maintained and delivered.

No further action was required as the non-compliance was identified by FHC and notified to DPE prior to submission of the audit report.

FHC accepted the audit recommendation and committed to clearly establish and communicate all audit programs (including DPE submission dates) in accordance with the Independent Audit PAR for all future independent audits.

This has been demonstrated during this audit, as FHC has adequately allocated resources to the audit, circulated the audit schedule in internal correspondence and verbally reinforced the audit schedule at the opening meeting.

### 3.5 CEMP, subplans and compliance documents

All EMPs, subplans and compliance documents requiring implementation under SSI 9186 by the time of this audit have been prepared and approved by either the ER or DPE and their implementation was observed during the site inspection, interviews and data review.

A high-level assessment of the CEMP and sub-plans confirmed that they are adequate and have been properly implemented.

### 3.6 Environmental performance

The audit found the environmental performance of the project was generally adequate. No inconsistencies or non-compliances between actual and predicted impacts documented in the environmental impact assessment were identified. The project's commitment to environmental excellence was evident from:

- The depth of knowledge and understanding of the key project environmental risks demonstrated by ARTC and FHC staff during the site inspection and subsequent interviews.
- The quality of the environmental controls in all active work areas observed during the site inspection and their effectiveness during extreme rainfall events.
- The quality of information about the project and upcoming construction works provided to the community and stakeholders through onsite signage, letterbox drops and updates on ARTC project website.
- Positive community feedback received by FHC and recorded in Consultation Manager, Compliments Register and social media.
- The successful preparation of a consistency review to enable the crushing and grinding of concrete waste for reuse in the project's earthworks to produce a geotechnically sound material and reduce the project's demand on resources and associated carbon footprint.

However, some opportunities for improvement were identified during the audit, as summarised in Table 3.2.

**Table 3.1 Opportunities for improvement**

Issue	Opportunity for improvement	Recommendations
Construction materials	Element observed some non-erodible construction materials accumulating	It is recommended that FHC carefully removes all construction material from

Issue	Opportunity for improvement	Recommendations
accumulating within tree protection zones.	within a tree protection zone at the main compound (see Appendix D, Group A). The trees within the tree protection zone were approved for removal in the Cabramatta Loop Project Environmental Impact Statement, however the project has since decided to retain these trees due to their quality, maturity and ecological value. Removing all construction material and reinstating a clear tree protection zone in this area would ensure the survival and longevity of these mature trees.	the surrounding area of the tree protection zone. This will discourage any future stockpiling of materials in the area. The tree protection should be reinstated with new and highly visible warning tape to ensure its prominence.
Lack of project information on hoarding on Broomfield Street.	Element observed that project information was not adequately displayed on hoarding along Broomfield Street. The project advised hoarding was removed due to high winds.	It is recommended that FHC ensure project information is readily available to public, particularly in public facing areas such as Broomfield Street. Element suggests cutting holes and using additional fixings such as cable ties to account for windy conditions.

### 3.7 Consultation outcomes

No response was received from DPE in relation to any additional consultation with any other agencies or parties regarding the audit scope.

### 3.8 Complaints

A review of the complaints register confirmed that three complaints were received during the audit period. The complaints are summarised in Table 3.3.

**Table 3.2 Summary of complaints**

Date	Nature / action	Avoidable?	Number of people affected	Status
25 January 2023	A resident reported a safety issue regarding the behaviour of the driver operating the street sweeper. The resident claimed that the driver was impolite and made threats. The project assured the resident that the driver would not return, but the resident later saw the driver on Broomfield Street. The project promptly removed the driver from the project on the same day. The issue was resolved through a face-to-face meeting on 31 January 2023.	Unavoidable	1	Resolved
31 January 2023	In a meeting held in person to discuss a complaint filed on 25 January 2023, the person filing the complaint reported being disturbed from sleep after working a night shift due to noise from the project. The resident was informed about the noise and upcoming noisy works. The project team committed to notifying the resident about any noisy works by knocking on their door and giving them a notification.	Unavoidable	1	Monitoring
25 May 2023	Resident complained about new signage installed at Sussex Street and Sussex Street Bridge. No contact details were left. FHC has	Unavoidable	1	Resolved

Date	Nature / action	Avoidable?	Number of people affected	Status
	made multiple attempts to contact the complainant with no response.			

### 3.9 Incidents

Two environmental incidents were recorded by the project during the audit period:

On 5 April 2023, a hydrocarbon spill was reported. Fortunately, this incident did not threaten or cause material harm. It was a small spill of 2 –20 litres of oil from plant/equipment. The spill was immediately reported to ARTC and the ER, and the appropriate spill response procedure was initiated. All affected material was promptly removed from the site. .

On 26 April 2023 an oil stain was identified on a stormwater grill and pit within the construction footprint, but outside of active work areas. The estimated quantity of oil was around 20 litres. To control the spill, FHC immediately implemented spill control procedures and notified ARTC, ER, EPA and FCC.

ARTC then sought advice from DPE on 1 May 2023, to see if any further notifications were necessary under condition A32 of the PA. However, DPE did not respond before the 7-day notification period was reached. As a result, ARTC submitted a 7-day report under condition A32 to ensure the project was compliant. DPE responded on 4 May 2023, advising that given the incident was unrelated to the project, subsequent notifications under A32 are not required.

### 3.10 Site inspection

The site was inspected on 11 July 2023. Visual observations during the inspection confirmed that the environmental controls in all active work areas were generally adequate and consistent with the approved CEMP and sub-plans (refer Appendix D).

The following issues were identified during the inspection:

- Environmental protection area signage was observed to be in poor condition and no longer clearly visible.
- Project material was observed to be intruding within the drip line of retained mature trees, however it was noted that the vegetation in this area was approved for removal in the environmental assessment.

### 3.11 Interviews

The personnel listed in Section 2.4 were interviewed during the audit. Interviews were generally structured around gaining an understanding of the compliance issues, identifying key environmental risks and assessing the implementation of the management and mitigations measures included in the CEMP and sub-plans.

Based on our findings, the personnel interviewed displayed a good understanding of the environmental risks and controls necessary to mitigate these risks and comply with SSI 9186.







# APPENDIX A

INDEPENDENT AUDIT TABLE

Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of Compliance	Evidence
<b>GENERAL</b>					
A1	The CSSI must be carried out in accordance with the terms of this approval and generally in accordance with the description of the CSSI in the Cabramatta Loop Project Environmental Impact Statement – Volumes 1 to 5 dated 15 August 2019 as amended by the Cabramatta Loop Project Submissions Report dated 20 February 2020.	Yes	Yes	Compliance achieved through detailed design and implementation of the Construction Environmental Management Plan and sub-plans prepared in accordance with the Cabramatta Loop Project Environmental Impact Statement – Volumes 1 to 5 dated 15 August 2019 as amended by the Cabramatta Loop Project Submissions Report dated 20 February 2020 and this approval.	Implementation of the CEMP and sub-plans Implementation of the Communication Strategy and Complaints Management System Detailed design
A2	The CSSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the documents described in Condition A1 unless otherwise specified in, or required under, this approval.	Yes	Yes	As per Condition A1.	As per Condition A1.
A3	In the event of an inconsistency between the documents listed in Condition A1 or any other document required under this approval, and a term of this approval, the term of this approval prevails to the extent of the inconsistency.  <i>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.</i>	Yes	Yes	On 13 August 2021 ARTC wrote to DPE requesting clarification regarding the intent and interpretation of Conditions A23 to A30 of the approval. DPE letter dated 1 September 2021 confirmed inconsistencies between Conditions A23 to A30 of SSI 9186 and the Department's Compliance Reporting Post Approval Requirements (Compliance Reporting PAR) (DPE, May 2020) and the Independent Audit Post Approval Requirements (Independent Audit PAR) (DPE, May 2020). The Department confirmed that the intent of these conditions was adherence to the Post Approval Requirements (DPE, May 2020). The Department further stated that it supports ARTC's interpretation that compliance reporting and independent auditing on the Cabramatta Loop Project should be carried out in direct compliance with the Compliance Reporting PAR (DPE, May 2020) and the Independent Audit PAR (DPE, May 2020) respectively. The Department also noted that Conditions A23 to A30 (and any other associated conditions) must still be complied with except for where these conditions are inconsistent with the Post Approval Requirements.	ARTC letter to DPE dated 13 August 2021. DPE letter to ARTC dated 1 September 2021.
A4	The Proponent must comply with all written requirements or directions of the Planning Secretary, in a timely manner, including in relation to:  (a) the environmental performance of the CSSI; (b) any document or correspondence in relation to the CSSI (including the provision of such documentation or correspondence); (c) any independent appointment or dismissal made in relation to the CSSI; (d) any notification given to the Planning Secretary under the terms of this approval; (e) any audit of the construction or operation of the CSSI; (f) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); (g) the carrying out of any additional monitoring or mitigation measures; and (h) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.	Yes	Yes	No written request or direction received from DPE during this audit period.	No evidence of written requests or directions received from DPE during this audit period.
A5	Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:  (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval; (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them; (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations; (d) outline of the issues raised by the identified party and how they have been addressed; and (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.	Yes	Yes	Evidence of consultation is included in the following documents: - Traffic and Transport Management Plan - section 1.4 - Noise and Vibration Management Plan including noise and vibration monitoring program - section 1.4 - Soil and Water Management Plan including water quality - section 1.4	Traffic and Transport Management Plan - section 1.4 Noise and Vibration Management Plan including noise and vibration monitoring program - section 1.4 Soil and Water Management Plan including water quality - section 1.4
A6	This approval lapses five (5) years after the date on which it is granted, unless works are physically commenced on or before that date.	No	N/A	This approval was issued on 28 July 2020 and is still current. Construction of the project commenced on 1 November 2021. This condition is no longer applicable.	N/A
A7	References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.	Yes	Yes	Noted. The references to any guideline, protocol, Australian Standard or policies included in the CEMP and Sub-Plans are consistent with this approval.	
A8	Any document that must be submitted within a timeframe specified in or under the terms of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under Condition A31. The Proponent must provide supporting evidence so that the Secretary can consider the need, environmental impacts and consistency of any request.	Yes	Yes	All documents required to be submitted by this approval were submitted within a timeframe specified in or under the terms of this approval.  An extension was approved under condition A8 by DPE on 5 April 2023 for the submission of the March monthly ER report from April 7 2023 to April 12 2023 due to Easter public holidays. The March ER monthly report was subsequently submitted to DPE on 12 April 2023, within the approved timeframe	All applicable conditions in this audit.
<b>STAGING</b>					
A9	The CSSI may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case maybe) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	No	N/A	The project is not proposed to be constructed or operated in stages. Not applicable to the project.	CEMP Sections 2.2 and 2.3.
A10	The Staging Report must:  (a) if staged construction is proposed, set out how the construction of the whole of the CSSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish; (b) if staged operation is proposed, set out how the operation of the whole of the CSSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant); (c) specify how compliance with conditions will be achieved across and between each of the stages of the CSSI; and (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.	No	N/A	As per Condition A9 above.	As per Condition A9 above.
A11	The CSSI must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.	No	N/A	As per Condition A9 above.	As per Condition A9 above.
A12	Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.	No	N/A	As per Condition A9 above.	As per Condition A9 above.
<b>ENVIRONMENTAL REPRESENTATIVE</b>					
A13	Work must not commence until an ER has been approved by the Planning Secretary and engaged by the Proponent.	No	N/A	Nominated ER was approved by the Planning Secretary on 9 November 2020. Construction of the project commenced on 1 November 2021. The project was compliant with this condition, however it is no longer applicable.	DPE's letter of approval of the nominated ER dated 9 November 2020.
A14	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works.	No	N/A	ARTC submitted ER nomination to DPE on 2 November 2020. The project was compliant with this condition, however it is no longer applicable.	Letter from the ARTC to DPE dated 2 November 2020 requesting approval of the nominated ER.
A15	The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or Submissions Report and is independent from the Proponent and organisations involved in the design and construction of the CSSI. Skills, qualifications, experience, availability and capacity of the ER must meet the requirements of the Environmental Representative Protocol (Department of Planning and Environment, October 2018). The appointment of the ER must be consistent / have regard with the DPE's guideline Seeking Approval From the Department for the Appointment of Independent Experts (DPE, 2020).	Yes	Yes	DPE's letter of approval of the nominated ER confirms that the ER is a suitably qualified and experienced person who was not involved in the preparation of the EIS or Submissions Report and is independent from the ARTC and organisations involved in the design and construction of the project.	DPE's letter of approval of the nominated ER dated 9 November 2020.
A16	The Proponent may engage more than one ER for the CSSI, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the CSSI.	Yes	Yes	DPE's approval for an alternate ER was sought by ARTC on 2 August 2021 and the nominated alternate ER was approved by DPE on 10 August 2021.	Letter from the ARTC to DPE dated 2 August 2021 requesting approval of an alternate independent ER (Swathi Gowda). DPE's letter of approval for Swathi Gowda dated 10 August 2021.  Element notes that the ER for this reporting period was Rui Henriques, who was originally approved as an ER for the project (see approval dated 9 November 2020)
A17	For the duration of work, or as agreed with the Planning Secretary, the approved ER must:  (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the CSSI; (b) consider and inform the Planning Secretary on matters specified in the terms of this approval; (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community; (d) approve documents identified in Conditions A23, C1, C4 and C8 after verifying all relevant matters set out in this approval pertaining to those documents have been met and make a written statement to the Planning Secretary to this effect; (e) regularly monitor the implementation of the documents listed in Conditions A23, C1, C4 and C8 to ensure implementation is being carried out in accordance with the document and the terms of this approval; (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by DPE including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under Condition A29 of this approval; (g) as may be requested by the Planning Secretary, assist DPE in the resolution of community complaints; (h) consider the impacts of minor construction ancillary facilities as required by Condition A22 of this approval; and (i) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports". The Environmental Representative Monthly Report must be submitted within seven (7) days following the end of each month for the duration of the ER's engagement for the CSSI.	Yes	Yes	ER's responsibilities are included in Section 4.1.1 of the CEMP. Compliance confirmed through: - review of ER Monthly Reports; - review of ER site inspection reports - letter of approval of the CEMP and sub-plans  All ER reports were submitted to DPE within seven (7) days following the end of each month with the exception of the March ER report which was submitted on 12 April 2023. An extension was approved under condition A8 by DPE on 5 April 2023 for the submission of the March monthly ER report from April 7 2023 to April 12 2023 due to Easter public holidays. Given the report was submitted within the agreed extended timeframe, the project remains compliant with this condition.	Section 4.1.1 of the CEMP ER Monthly Reports (January to June 2023) ER site inspection reports  DPE agreeing to extension - dated 5 April 2023  ER approved updated CEMP and subplans on 14 July 2023 - CEMP rev 6 18/5/23 AQMP rev 4 18/05/23 SWMP rev 4 20/04/23 NVMP rev 5 19/9/22

A18	The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in Condition A17, as well as: (a) the complaints register – to be provided on a weekly basis for any complaints received; and (b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).	Yes	Yes	The complaints register was made available to the ER during each weekly inspection and ER monthly report, and one consistency assessments was completed by ARTC and provided to the ER: 1. Concrete crushing, ER monthly report (7 March 2023 and 12 April 2023)	Several auto-generated emails from the Major Project portal demonstrating the submission of the complaints register. ER monthly reports (7 March 2023 and 12 April 2023) Planning approval consistency assessment form (signed 23 March 2023)
A19	The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under Condition A17. The Proponent must: (a) facilitate and assist the Planning Secretary in any such audit; and (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.  <i>Note: The Planning Secretary may dismiss the ER should they consider the ER has not exercised their functions in accordance with this approval.</i>	Yes	Yes	No audit of ER's functions have been commissioned by DPE to date.	ER monthly reports
<b>CONSTRUCTION ANCILLARY FACILITIES</b>					
A20	<b>Construction Ancillary Facilities</b> Construction ancillary facilities that are not identified by description and location in the documents listed in Condition A1 can only be established and used in each case if: (a) they are located within or immediately adjacent to the Construction Boundary; and (b) they are not located next to a sensitive land use (including where an access road is between the facility and the land use), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.	Yes	Yes	The sensitive area plans, Appendix 6 of the CEMP, identify and delineate the project ancillary facilities. A site inspection was carried out on 11 July 2023 confirming the location and extent of these facilities.	CEMP, Rev 6. Site observations.
A21	<b>Use of Construction Ancillary Facilities</b> The use of a major construction ancillary facility for construction must not commence until the CEMP required by Condition C1, relevant CEMP and Sub-Plans required by Condition C4 and relevant Construction Monitoring Programs required by Condition C8 have been approved by the ER.	No	N/A	The use of the main ancillary facility for construction commenced on 1 November 2021, one month after the CEMP and Sub-Plans required by Condition C4 and relevant Construction Monitoring Programs required by Condition C8 were approved by the ER on 1 October 2021. The project achieved compliance with this condition, and it is no longer applicable to the project.	ER letter of approval of the CEMP and Sub-Plans dated 1 October 2021.
A22	<b>Minor Construction Ancillary Facilities</b> Lunch sheds, office sheds, portable toilet facilities, material storage, parking and the like, can be established and used where they satisfy the following criteria: (a) are located within the Construction Boundary; and (b) have been assessed by the ER to have - (i) minor amenity impacts to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC, 2009) (ICNG), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and (ii) minor environmental impact with respect to waste management and flooding, and (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.	Yes	Yes	This requirement has been addressed in Section 2.5.3 of the CEMP.  No minor construction ancillary facilities have been established to date.	Confirmed during site interview and site inspection on 11 July 2023
<b>COMPLIANCE MONITORING AND REPORTING PROGRAM</b>					
A23	No later than four (4) weeks before the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (DPE, May 2020) and must be endorsed by the ER and submitted to DPE for information.	Yes	Yes	As per Condition A3 above. Compliance monitoring and reporting is addressed in section 8.3 and Chapter 9 of the CEMP.	As per Condition A3 above. Section 8.3 and Chapter 9 of the CEMP.
A24	Compliance reporting must be carried out in accordance with the Compliance Reporting Post Approval Requirements (DPE, May 2020) and the relevant approved Compliance Monitoring and Reporting Program. DPE must be notified of the commencement dates of construction and operation of the CSSI in pre-construction and pre-operational compliance reports.	Yes	Yes	As per Condition A3 above. Compliance monitoring and reporting is addressed in section 8.3 and Chapter 9 of the CEMP.	As per Condition A3 above. Section 8.3 and Chapter 9 of the CEMP.
A25	The Construction Compliance Report must provide details of any review of, and amendments made to, the CEMP (which must be approved by the ER), resulting from construction carried out during the reporting period.	Yes	Yes	As per Condition A3 above. Compliance monitoring and reporting is addressed in section 8.3 and Chapter 9 of the CEMP.	As per Condition A3 above. Section 8.3 and Chapter 9 of the CEMP.
A26	The Compliance Monitoring and Reporting Program and Compliance Reports must be made publicly available.	Yes	Yes	As per Condition A3 above. Compliance monitoring and reporting not required in construction phase, as per section 8.3 and Chapter 9 of the CEMP.	As per Condition A3 above. Section 8.3 and Chapter 9 of the CEMP.
A27	The Compliance Monitoring and Reporting Program in the form required under Condition A23 of this approval must be implemented for the duration of construction and one (1) year following commencement of operation.	Yes	Yes	As per Condition A3 above. Compliance monitoring and reporting is addressed in section 8.3 and Chapter 9 of the CEMP.	As per Condition A3 above. Section 8.3 and Chapter 9 of the CEMP.
<b>AUDITING</b>					
A28	No later than four (4) weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (DPE, May 2020) (the Independent Audit PAR) must be submitted to the Planning Secretary for information.	Yes	Yes	The project is now in construction phase, prior to construction a clarification letter dated 1 September 2021 provided by DPE (now DPE) stated that independent auditing will be carried out in direct compliance with the Independent Audit Post Approval Requirements (DPE, May 2020).	DPE letter dated 1 September 2021.
A29	Independent Audits of the CSSI must be carried out in accordance with: (a) the Independent Audit Program submitted to DPE under Condition A28 of this approval; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit PAR.	Yes	Yes	The previous independent audit (second ongoing audit), dated 3 March 2023, was submitted to DPE on 8 March 2023, within the 2 months of the site inspection (11 January 2023) and was compliant with the requirements stipulated in the Independent Audit Post Approval Requirements	Correspondence: DPE to ARTC dated 13 April 2023
A30	In accordance with the specific requirements in the Independent Audit PAR, the Proponent must: (a) review and respond to each Independent Audit Report prepared under Condition A29 of this approval; and (b) make each Independent Audit Report and response to it publicly available and notify DPE in writing when this has been done.  <i>Note: Consistent with the requirements of the Independent Audit PAR, the Planning Secretary may approve a request for ongoing operational audits to be ceased where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.</i>	Yes	Yes	ARTC submitted the third (second ongoing) independent audit (dated 3 March 2023) and the proponent's response to DPE on 8 March 2023. DPE sent a letter to ARTC on 13 April 2023 confirming that the IEA report generally satisfied the reporting requirements of the consent.  The independent audit report and the proponent's response was uploaded to the project website on 8 March 2023 and 13 April 2023, respectively.	Correspondence: DPE to ARTC dated 13 April 2023  <a href="https://proj.artc.com.au/cabramatta-loop/document-library">https://proj.artc.com.au/cabramatta-loop/document-library</a>
<b>INCIDENT NOTIFICATION AND REPORTING</b>					
A31	During construction, DPE must be notified in writing immediately after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one), and set out the time, date, location and nature of the incident. A description of whether the incident was a result of any actual or potential noncompliance with this approval should be provided within one week of the notification.  The requirement to notify DPE under this condition excludes incidents which are required to be notified to the Office of the National Rail Safety Regulator.	Yes	Yes	Two incidents occurred during the audit period. The first incident did not threaten or cause material harm, and was in relation to a small (2 - 20 L) oil spill from plant. FHC implemented spill control procedures and the spill was notified to ARTC and the ER on the same day (5 April 2023).  The second incident occurred on 26 April 2023. Oil staining was identified on a stormwater grill and within the stormwater pit below within the construction footprint, but outside of active work areas. The quantity was estimated to be approximately 20 L. FHC considers the oil spill to be a result of a wilful act by a member of public. FHC implemented spill control procedures and notified ARTC, ER, EPA and FCC immediately. ARTC requested advice from DPE (1 May 2023) on whether subsequent notifications are required under A32. DPE did not provide a response before the 7 day notification period, and ARTC submitted a 7-day report under A32 to ensure the project was compliant. DPE responded on 4 May 2023 advising that given the incident was unrelated to the project, subsequent notifications under A32 are not required.	- Incident register - Event summary reports dated 5 April 2023 and 26 April 2023 - The following correspondence: ARTC to DPE dated 1 May 2023 DPE to ARTC dated 4 May 2023  7-day incident report dated 3 May 2023
A32	Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix A.	Yes	Yes	As above	As above

Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of Compliance	Evidence
<b>INFORMATION, CONSULTATION AND INVOLVEMENT</b>					
B1	<p>Communication Strategy</p> <p>A Communication Strategy must be prepared and implemented which provides mechanisms to facilitate communication about construction and operation (within the first 12 months of operation) with:</p> <p>(a) the community (including affected landowners and businesses, and others directly impacted by the CSSI), and</p> <p>(b) the relevant councils and government agencies.</p>	Yes	Yes	The Communication Strategy , Rev 4, 30 September 2021, was approved by the Planning Secretary on 25 October 2021.	<p>Communication Strategy , Rev 4, 30 September 2021</p> <p>DPIE letter to ARTC, dated 25 October 2021.</p>
B2	<p>The Communication Strategy must:</p> <p>(a) identify people, organisations, councils and agencies to be consulted during the design and the carrying out of work;</p> <p>(b) identify community demographics and approaches to address the needs of LOTE and CALD and vulnerable communities;</p> <p>(c) 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 CSSI;</p> <p>(d) identify opportunities for education within the community about construction sites;</p> <p>(e) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities;</p> <p>(f) identify mechanism to communicate community enquiries and complaints contact details during operation;</p> <p>(g) set out procedures and mechanisms;</p> <p>(i) through which the community can discuss or provide feedback to the Proponent</p> <p>(ii) through which the Proponent will respond to enquiries or feedback from the community;</p> <p>and</p> <p>(iii) to resolve any issues and mediate any disputes that may arise in relation to Construction of the CSSI, including disputes regarding rectification or compensation.</p>	Yes	Yes	DPIE's letter of approval dated 25 October 2021 confirmed the Communication Strategy complied with this condition.	DPIE's letter of approval of the Communication Strategy dated 25 October 2021.
B3	The Communication Strategy must be submitted to the Planning Secretary for information no later than one (1) month before commencement of construction.	No	N/A	The Communication Strategy was submitted to the Planning Secretary on 1 October 2021, 1 month before commencement of construction on 1 November 2021. The project achieved compliance with this condition, and as construction has commenced it is no longer applicable.	ARTC's letter to the Planning Secretary submitting the Communication Strategy for information dated 1 October 2021.
B4	The Communication Strategy must be made publicly available and implemented for the duration of work and for a minimum of 12 months following the completion of construction.	Yes	Yes	The Communication Strategy Rev 4 is publicly available on ARTC's website <a href="https://proj.artc.com.au/cabramatta-loop/document-library">https://proj.artc.com.au/cabramatta-loop/document-library</a> .	<a href="https://proj.artc.com.au/cabramatta-loop/document-library">https://proj.artc.com.au/cabramatta-loop/document-library</a>
<b>COMPLAINTS MANAGEMENT SYSTEM</b>					
B5	A Complaints Management System must be developed and implemented before the commencement of any work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the CSSI.	Yes	Yes	A Complaints Management System was developed in conjunction with Communication Strategy and was approved by the ER on 1 October 2021. The complaints management system is maintained.	ER's letter of approval of the Complaints Management System dated 1 October 2021 and DPIE's letter of approval of the Communication Strategy dated 25 October 2021. Complaints register
B6	<p>The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of work and for 12 months following the completion of construction:</p> <p>(a) a 24- hour telephone number for the registration of complaints and enquiries about the CSSI;</p> <p>(b) a postal address to which written complaints and enquires may be sent;</p> <p>(c) an email address to which electronic complaints and enquiries may be transmitted;</p> <p>(d) a mechanism for CALD community members to make enquiries in LOTE commonly used in the community; and</p> <p>(e) a mediation system for complaints unable to be resolved.</p> <p>This information must be made publicly available.</p>	Yes	Yes	This information is provided in Chapter 2 of the Complaints Management System which is available on ARTC's project website.	Complaints Management System Rev3, 30 September 2021
B7	The telephone number, postal address and email address required under Condition B6 of this approval must be made available on site hoarding at each construction site before the commencement of construction. This information must also be provided on the website required under Condition B10 of this approval.	Yes	Yes	Site inspections confirmed that the telephone number, postal address and email address required under Condition B6 were provided on site hoarding at the main site compound. This information is also available on ARTC's website.	Banner mesh includes details of project, as observed during site inspection on 20 January 2022 (initial audit), 18 July 2022 (Audit 1), 11 January 2023 (Audit 2), and most recent site inspection on 11 July 2023 (Audit 3) and ARTC website.
B8	<p>A Complaints Register must be maintained recording information on all complaints received about the CSSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The Complaints Register must record the:</p> <p>(a) number of complaints received;</p> <p>(b) number of people potentially affected by the activities or impacts referenced by a complainant; and</p> <p>(c) nature, location and time of the complaint and means by which the complaint was addressed and whether resolution was reached, with or without mediation.</p>	Yes	Yes	A copy of the Register was sighted during the audit. Seven complaints have been made in the reporting period. All recording requirements in this condition have been met	Complaints Register, version dated 2 February 2023
B9	The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.	Yes	Yes	ARTC has been issuing the complaints register to DPE via the Major Project portal since March 2022 following DPE request. The complaints register was submitted to DPE within 7 days of the end of each calendar month for the reporting period (months of January to June)	Several auto-generated emails from the Major Project portal demonstrating the submission of the complaints register.
<b>PROVISION OF ELECTRONIC INFORMATION</b>					
B10	<p>A website providing information in relation to the CSSI must be established before commencement of works and maintained for the duration of construction, and for a minimum of 12 months following the completion of construction. The following up-to-date information (excluding confidential commercial information) must be published before the relevant work commences and be maintained on the website or dedicated pages:</p> <p>(a) the current implementation status of the CSSI;</p> <p>(b) a copy of the documents listed in Condition A1 of this approval, and any documentation relating to any modifications made to the CSSI or the terms of this approval;</p> <p>(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;</p> <p>(d) a copy of each statutory approval, licence or permit required and obtained in relation to the CSSI;</p> <p>(e) where a condition(s) of this approval requires a document(s) to be prepared before work, construction or operational activity commences, a current copy of the relevant document(s) must be published on the website before the work, construction or operational activity is undertaken; and</p> <p>(f) a copy of each document required to be made publicly available under this approval must be published within 7 days of the finalisation or approval of the relevant document, unless an alternate timeframe is prescribed by another condition of this approval.</p>	Yes	Yes	ARTC have established and maintain a dedicated project website. All information required to be made publicly available by this condition was published on the project website within the relevant time period.	<a href="https://proj.artc.com.au/cabramatta-loop/document-library/">https://proj.artc.com.au/cabramatta-loop/document-library/</a>

Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of Compliance	Evidence								
<b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</b>													
C1	A Construction Environmental Management Plan (CEMP) must be prepared by having regard to the Environmental Management Plan Guideline – Guideline for Infrastructure Projects (DPIE, April 2020). The plan must detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1 will be implemented and achieved during construction.	Yes	Yes	Section 1.2 of the CEMP fully addressed this condition. The CEMP was approved by the ER on 1 October 2021.	Section 1.2 of the CEMP								
C2	The CEMP must provide: (a) a description of activities to be undertaken during construction (including the scheduling of construction); (b) details of environmental policies, guidelines and principles to be followed in the construction of the CSSI; (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of construction; (d) details of how the activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in Condition A1; and (ii) manage the risks identified in the risk analysis undertaken in subsection (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 C4. Where staged construction of the CSSI is proposed, the CEMP must also identify which CEMP Sub-Plan applies to each of the proposed stages of construction; (i) a description of the roles and environmental responsibilities for relevant roles and their relationship with the ER; (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; (k) for periodic review and update of the CEMP and all associated plans and programs; and (l) the Unexpected Heritage Finds and Human Remains Procedure required under Condition E5.	Yes	Yes	ER letter dated 1 October 2021 confirms that the CEMP complies with this condition. A review of the CEMP (Rev 6 - 18 May 2023) confirms that the CEMP continues to provide the matters outlined in this condition.	ER letter of approval of the original CEMP dated 1 October 2021 and updated CEMP Revision 6 (Dated 18 May 2023) on 14 July 2023								
C3	The CEMP must be prepared and submitted to the ER for approval no later than one (1) month before the commencement of construction, or where construction is staged, no later than one (1) month before the commencement of that stage.	No	N/A	The CEMP was prepared and submitted to the ER one month prior to commencement of construction on 1 November 2021 as evidenced by ER's letter of approval of the CEMP dated 1 October 2021. The project achieved compliance with this condition, however as construction has commenced it is no longer applicable.	ER letter of approval of the original CEMP dated 1 October 2021 and updated CEMP Revision 6 (Dated 18 May 2023) on 14 July 2023								
C4	CEMP Sub-Plans must be prepared in consultation with the relevant government agency(ies) and council(s) identified for each CEMP Sub-Plan in Table 3. <b>Table 3: CEMP Sub-Plan and relevant public authorities</b> <table border="1"> <thead> <tr> <th>Required CEMP Sub-Plan</th> <th>Relevant government agency(ies) and council(s) to be consulted for each CEMP Sub-Plan</th> </tr> </thead> <tbody> <tr> <td>(a) Traffic and Transport</td> <td>TfNSW and relevant council(s)</td> </tr> <tr> <td>(b) Noise and Vibration</td> <td>Relevant council(s)</td> </tr> <tr> <td>(c) Soil and Water</td> <td>DPIE Water Group, Sydney Water and relevant council(s)</td> </tr> </tbody> </table> Note: This condition does not preclude the preparation of subplans the proponent has committed to preparing in documents referenced in Condition A1.	Required CEMP Sub-Plan	Relevant government agency(ies) and council(s) to be consulted for each CEMP Sub-Plan	(a) Traffic and Transport	TfNSW and relevant council(s)	(b) Noise and Vibration	Relevant council(s)	(c) Soil and Water	DPIE Water Group, Sydney Water and relevant council(s)	Yes	Yes	Evidence of consultation is included in the following Sub-Plans: - Traffic and Transport Management Plan (TTMP) - section 1.4 - Noise and Vibration Management Plan (NVMP) including noise and vibration monitoring program - section 1.4 - Soil and Water Management Plan (SWMP) including water quality - section 1.4 ER letter of approval of the CEMP and sub-plans confirming the plans meet consultation requirements as per Condition C4.	TTMP Section 1.4 NVMP Section 1.4 SWMP Section 1.4 ER letter of approval of the original CEMP dated 1 October 2021 and updated CEMP Revision 6 (Dated 18 May 2023) on 14 July 2023
Required CEMP Sub-Plan	Relevant government agency(ies) and council(s) to be consulted for each CEMP Sub-Plan												
(a) Traffic and Transport	TfNSW and relevant council(s)												
(b) Noise and Vibration	Relevant council(s)												
(c) Soil and Water	DPIE Water Group, Sydney Water and relevant council(s)												
C5	The CEMP Sub-Plans must state how: (a) the environmental performance outcomes identified in the documents listed in Condition A1 as modified by these conditions will be achieved; (b) the mitigation measures identified in the documents listed in Condition A1 as modified by these conditions will be implemented; (c) the relevant terms of this approval will be complied with; and (d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed.	Yes	Yes	This condition is addressed in the CEMP Sub-Plans as follows: TTMP - Section 2.2, Chapters 6,7,8 and 9. NVMP - Section 2.3, Chapters 6 and 8 SWMP - Section 2.3 and Chapters 5 and 6	TTMP rev 4 dated 29 March 2022 NVMP rev 5 dated 190 September 2022 SWMP rev 4 dated 20 April 2023								
C6	Details of all information requested by an agency to be included in a CEMP Sub-plan as a result of consultation, including copies of all correspondence from those agencies, must be provided with the relevant CEMP Sub-Plan.	Yes	Yes	As per Condition C4 above.	As per Condition C4 above.								
C7	Construction must not commence until the CEMP and all CEMP Sub-Plans have been approved by the ER and must be implemented for the duration of construction. Where construction of the CSSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been approved by the ER.	Yes	Yes	Construction commenced on 1 November 2021, one month after ER's approval of the CEMP and Sub-Plans. Implementation of the CEMP and Sub-plans is confirmed through ER's site inspection reports and Monthly Construction Monitoring Reports as well as the site inspection and interviews carried out as part of this audit.	ER site inspection reports for February 2023 to June 2023 Monthly Construction Monitoring Report Nov 2021 to April 2022								
<b>CONSTRUCTION MONITORING PROGRAMS</b>													
C8	The Construction Monitoring Programs set out in Table 4 must be prepared and implemented to enable comparison of the actual construction performance against the predicted performance. The Construction Monitoring Programs must be prepared in consultation with the relevant government agencies as identified for each Construction Monitoring Program. <b>Table 4: Construction Monitoring and relevant public authorities</b> <table border="1"> <thead> <tr> <th>Required Construction Monitoring Programs</th> <th>Relevant government agencies to be consulted for each Construction Monitoring Program</th> </tr> </thead> <tbody> <tr> <td>(a) Noise and Vibration</td> <td>EPA</td> </tr> <tr> <td>(b) Water Quality</td> <td>DPIE Water Group</td> </tr> </tbody> </table>	Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program	(a) Noise and Vibration	EPA	(b) Water Quality	DPIE Water Group	Yes	Yes	Construction monitoring programs have been prepared and included in:  NVMP - Section 9.4.1, 9.4.2, 9.4.3 and Table 29. SWMP - Appendix B.  Implementation of construction monitoring programs is confirmed through: - monthly construction monitoring reports - FH weekly site inspections - ER site inspection reports.	NVMP - Section 9.4.1, 9.4.2, 9.4.3 and Table 29. SWMP - Appendix B.  ER site inspection reports for Feb 23 - July 23 Six-monthly Construction Monitoring Report Nov 2022 - April 2023 FH weekly site inspections for Feb 2023 to July 2023		
Required Construction Monitoring Programs	Relevant government agencies to be consulted for each Construction Monitoring Program												
(a) Noise and Vibration	EPA												
(b) Water Quality	DPIE Water Group												
C9	Each Construction Monitoring Program must provide: (a) details of baseline data available; (b) details of baseline data to be obtained and when; (c) details of all monitoring of the project to be undertaken; (d) the parameters of the project to be monitored; (e) the frequency of monitoring to be undertaken; (f) the location of monitoring; (g) procedure for the timing and frequency reporting of monitoring and analysis against relevant criteria, including details of the timing and frequency for reporting results to the ER, the Planning Secretary and relevant government agencies; (h) details of the methods that will be used to analyse the monitoring data; (i) procedures to identify and implement additional mitigation measures where results of monitoring identify unexpected impact; and (j) any consultation to be undertaken in relation to the monitoring programs.	Yes	Yes	Construction monitoring programs are included in the CEMP and Sub-Plans. ER letter of approval of the CEMP and Sub-Plans dated 1 October 2021 confirmed compliance with this condition.	ER letter of approval of the CEMP dated 1 October 2021.  NVMP - Section 4.3.1, 4.3.2, 9.4.1, 9.4.2, 9.4.3 and Table 29. SWMP - section 7.6, Appendix B.								
C10	The Construction Monitoring Programs must be submitted to the ER for approval at least one (1) month before the commencement of construction.	No	N/A	The Construction Monitoring Programs were submitted to the ER for approval as part of the CEMP and Sub-Plans and were approved on 1 October 2021, one month prior to commencement of construction on 1 November 2021. The project achieved compliance with this condition, however it is no longer applicable to the project.	ER letter of approval of the CEMP dated 1 October 2021.								
C11	Construction, which is required to be monitored under the Construction Monitoring Programs, must not commence until the Construction Monitoring Programs have been approved by the ER, and all relevant baseline data for the specific construction activity has been collected.	No	N/A	As per Condition C10 above. The project achieved compliance with this condition, however it is no longer applicable to the project.	As per Condition C10 above.								
C12	The Construction Monitoring Programs, as approved by the ER must be implemented for the duration of construction and for any longer period set out in the monitoring program or specific by the Planning Secretary, whichever is the greater.	Yes	Yes	The Construction Monitoring Programs will be implemented for the duration of construction as stated in the CEMP and Sub-Plans.	NVMP - Section 9.4.1, 9.4.2, 9.4.3 and Table 29. SWMP - Appendix B. CEMP Section 1.4  ER site inspection reports for Feb 23 - July 23 Six-monthly Construction Monitoring Report Nov 2022 - April 2023 FH weekly site inspections for Feb 2023 to July 2023								
C13	The results of the Construction Monitoring Programs must be made publicly available in the form of a Construction Monitoring Report at the frequency identified in the relevant Construction Monitoring Program.  Note: Where a relevant CEMP Sub-Plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-Plan.	Yes	Yes	Chapter 9, Table 5 of the CEMP stipulates a six-monthly frequency for the construction monitoring report, and as such the construction monitoring reports must be made publicly available at a six-monthly frequency.  The first six-monthly construction monitoring report (November 2021 to April 2022) was published on the project website in September 2022. The second construction monitoring report (May 2022 to October 2022) was not made publicly available at the time of the previous audit, however it was uploaded to the project website on 23 February 2023, within six months of the first monitoring report. The third and most recent construction monitoring report (November 2022 to April 2023) was made publicly available on 23 June 2023, within six months of the second monitoring report. Given all monitoring reports have been uploaded within the timeframes stipulated in the CEMP, the project is compliant with this condition.	<a href="https://proj.artc.com.au/cabramatta-loop/document-library/">https://proj.artc.com.au/cabramatta-loop/document-library/</a>								

Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of Compliance	Evidence
D1	<b>OPERATIONAL ENVIRONMENTAL MANAGEMENT</b> Measures to manage the operation and maintenance of the CSSI must be addressed in the Proponent's Environmental Management System.	No	N/A	Project is not yet operational. This condition is not yet applicable to the project.	N/A



Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of Compliance	Evidence
<b>AIR QUALITY</b>					
E1	In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1, all reasonably practicable measures must be implemented to minimise the emission of dust, odours and other air pollutants during the construction and operation of the CSSI.	Yes	Yes	Mitigation measures to minimise dust, odours and other air pollutants are included in Chapter 6, mitigation measures AQMM1 - AQMM-15 of the Air Quality Management Sub-Plan (AQMP). A requirement to comply with FH's management plans, including AQMP, is included in all contracts. Weekly site inspections are carried out by FH Environmental Manager. Implementation of the air quality mitigation measures is checked by FH Environmental Manager and recorded in the Environmental Inspection Checklist. Dust, odour and air pollution measures are discussed at the pre-starts and toolbox talks, particularly during hot, dry weather conditions. Dust management is also included in FH's Environmental Performance Standards ('Green Rules'). Measures to minimise the emissions of dust, odour and other air pollutants during the construction are included in project's environmental induction training. Visual observations during site inspection carried out on 11 July 2023 confirmed implementation of the mitigation measures as per AQMP. E.g. water cart, geofabric and polymer spray was implemented on-site.	Records of weekly site inspections for February 2023 to July 2023 Project environmental induction training Rev2 Visual observations during site inspection carried out on 11 July 2023. FH's Environmental Performance Standards ('Green Rules'). Toolbox talks dated: 14/2/23, 1/3/2023, 2/5/23, 23/5/23, 20/6/23
<b>FLOODING</b>					
E2	Construction compounds, construction ancillary facilities and work sites must be located and operated so as to not worsen the existing flooding characteristics in the catchment.	Yes	Yes	The main site compound has been established at Jacquie Osmond Reserve which was identified and assessed in the EIS as Location C3. The main compound was built with consideration of overland flow and to minimise flood risk. Additionally the mitigation measures to minimise the overall flood risks associated with construction compounds and ancillary facilities are addressed in Chapter 6 of the Flood Management Sub-Plan (FMP). Flood modelling was carried out to inform the optimal layout of the main site compound in accordance with the mitigation measure ID FMM2 of the FMP. FH's Design Manager confirmed that the flood model was reviewed and compliance confirmed in July 2021 and that the compound was built above the 20 year flood RLs.  Following flood event in July 2022, the dangerous goods storage was relocated above the 1 in 20 year flood level.	Email from KBR to FH dated 2 July 2021 confirming design's compliance with this condition. Site inspection and site interviews on 11 July 2023.
E3	The CSSI must be designed and constructed to not worsen flood characteristics within the vicinity of the CSSI. Not worsen existing flooding characteristics in the vicinity of the CSSI means the following: (a) a maximum increase in the duration of inundation of one hour for all flood events up to and including a one per cent AEP event; and (b) an increase in flood levels of no more than 30 mm within a property boundary where floor levels of residential accommodation are not currently exceeded in a one per cent AEP event, unless agreed by the Planning Secretary. In seeking the Planning Secretary's agreement, the Proponent must demonstrate that project design changes to meet the 30 mm criteria are not practical. Notwithstanding, an increase in flood levels of more than 50 mm within a property boundary is not permitted; and (c) no flooding of residential accommodation floor levels in a one per cent AEP event, unless agreed by the Planning Secretary; and (d) no change to flood hazard rating as defined in Appendix L of the NSW Government's Floodplain Development Manual (2005).	Yes	Yes	Fulton Hogan has assessed the impact of the permanent works in relation to Condition E3 and determined that the project does not worsen flood characteristics within the vicinity of the CSSI.	Flood Assessment IFC Design Submission, Revision 0, dated 11/2/2022.
E4	Flood information developed during detailed design such as flood reports, models and geographic information system outputs, and work as executed information from a registered surveyor certifying finished ground levels, the dimensions and finished levels of all structures constructed as part of the CSSI within the flood prone land, must be provided to the relevant council(s). The relevant council(s) must be notified in writing what information is available no later than one (1) month following the completion of construction. Information requested by the relevant council(s) must be provided no later than six (6) months following the completion of construction or within another timeframe agreed with the relevant council(s).	No	N/A	Not yet triggered. To be addressed post-construction.	N/A
<b>HERITAGE (ABORIGINAL AND BUILT)</b>					
E5	An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds and human remains in accordance with guidelines and standards published by the Heritage Council of NSW or DPIE EES Group. This Procedure must be included in the CEMP required by Condition C2. The Unexpected Heritage Finds and Human Remains Procedure be implemented for the duration of construction.  <i>Note: Human remains that are found unexpectedly during the carrying out of works may be under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.</i>	Yes	Yes	Unexpected Heritage Finds and Human Remains Procedure is included in the approved Heritage Management Sub-plan (HMP). Unexpected Heritage Finds included in FH environmental induction training. It is also included in FH's Environmental Performance Standards ('Green Rules').	Appendix A of the HMP - Unexpected Heritage Finds and Human Remains Procedure. FH environmental induction training Rev2 FH's Environmental Performance Standards ('Green Rules').
E6	The Proponent must not harm, modify or otherwise impact Aboriginal objects associated with the CSSI except as authorised by this approval.	Yes	Yes	No incidents of unauthorised harm or impact on Aboriginal objects were recorded during the audit period.	FH incident register (CAMs), ER monthly reports
E7	Before the commencement of work within areas of moderate or high archaeological potential as identified in the documents in Condition A1, the Proponent shall: (a) undertake archaeological investigation of this site using a methodology prepared in consultation with the Aboriginal stakeholders; and (b) report on the results of the archaeological investigation, including recommendations (such as for further archaeological work), and must include, but not necessarily be limited to: (i) consideration of measures to avoid or minimise disturbance to Aboriginal objects where objects of moderate to high significance are found to be present; (ii) where impacts cannot be avoided, recommendations for any further investigations or salvage under Condition E8 below; and (iii) management and mitigation measures to minimise additional impacts due to preconstruction and construction activities.	Yes	Yes	ARTC has undertaken the archaeological investigation and reported on the results in accordance with this CoA E7 as documented in the Aboriginal Cultural Heritage Assessment report dated 22 September 2020. The management and mitigation measures to minimise additional impacts during construction have been included in the HMP.	Aboriginal Cultural Heritage Assessment report dated 22 September 2020.
E8	Before the commencement of work where Aboriginal objects of moderate to high significance are found to be present and cannot be avoided (refer to Condition E7(ii) above), the Proponent must: (a) develop a detailed salvage strategy, prepared in consultation with the Aboriginal stakeholders; and (b) undertake any further archaeological excavation works recommended by the results of the Aboriginal archaeological salvage strategy. Within twelve (12) months of completing the above work, unless otherwise agreed by the Planning Secretary, the Proponent must submit a report containing the findings of the excavations, including artefact analysis and Aboriginal Site Impacts Recording Forms (ASIR), and the identification of final storage location for all Aboriginal objects recovered (testing and salvage), prepared in consultation with the Aboriginal stakeholders and the DPIE EES Group (Aboriginal heritage). A copy of this report shall be provided to the relevant Local Aboriginal Land Council and council.	No	N/A	Condition not applicable as no objects of moderate to high significance were found within the project footprint.	Aboriginal Cultural Heritage Assessment report dated 22 September 2020.
E9	Where previously unidentified Aboriginal objects are discovered during construction of the CSSI, all work must stop in the affected area and a qualified and experienced Aboriginal heritage expert contacted to provide specialist heritage advice before work recommences. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition E5 and, where relevant, include registration in the AHIMS.	Yes	Yes	As per Condition E5 above. No previously unidentified Aboriginal objects were discovered during this audit period.	As per Condition E5 above.
<b>NOISE AND VIBRATION</b>					
E10	<b>Work Hours</b> Work must only be undertaken during the following hours: (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 1:00pm Saturdays; and (c) at no time on Sundays or public holidays.	Yes	Yes	Construction hours are: - addressed in Section 7.1 of the NVMP. - included in project environmental induction - included in FH's Environmental Performance Standards ('Green Rules'). - regularly mentioned during pre-starts.  OOHW conducted as per condition E11.	Section 7.1 of the NVMP. FH environmental induction training Rev3 FH's Environmental Performance Standards ('Green Rules').
E11	<b>Variation to Works Hours</b> Notwithstanding Conditions E10 and E15, work may be undertaken outside the hours specified in the following circumstances: (a) for the delivery of materials required by the NSW Police Force or other appropriate authority for safety reasons; or (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or (c) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or (d) work approved under an Out-of-Hours Work Protocol for work not subject to an EPL as required by Condition E16; or (e) construction that causes LAeq(15 minute) noise levels: (i) no more than 5 dB(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009), and (ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses, and (iii) continuous or impulsive vibration values, measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006), and (iv) intermittent vibration values measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.4 of Assessing Vibration: a technical guideline (DEC, 2006); or (f) negotiated agreements with directly affected residents.	Yes	Yes	All OOHWs carried out during the audit period complied with the approved OOHW Protocol provided in Appendix C of the NVMP. No notifiable incidents or community complaints in relation to the works undertaken outside of standard construction hours were recorded during the audit period. OOHW occurred on 14 & 15 January, 4 & 5 February, 2 to 4 March, 18 & 19 March, 22 & 23 April and during 3 shifts between 26 June and 7 July, 2023.	FH Complaints Register. FH Incident Register (CAMs). FH Out of Hour Register.  Six monthly construction monitoring report - November 2022 to April 2023
E12	On becoming aware of the need for emergency work in accordance with Condition E11(b), the Proponent must notify the ER of the need for that work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive land uses of the likely impact and duration of those works.	Yes	Yes	No emergency work was carried out during this audit period.	Correspondence from FHC dated 17 August 2023.



E13	<p><b>Out-of-Hours Work Scheduling and Respite</b>  Except as permitted by an EPL, out-of-hours work that is regulated through the Out-of-Hours Work Protocol as per Condition E16 includes (but is not limited to):  (a) work which could result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2009 "Risk Management – Principles and Guidelines"; or  (b) where the relevant utility service operator has advised the Proponent in writing that carrying out the work and activities could result in a high risk to the operation and integrity of the utility network; or  (c) work undertaken in a Rail Possession for operational or safety reasons; and  (d) where the relevant road authority has advised the Proponent in writing that carrying out the works and activities could result in a risk to road network operational performance or safety.</p> <p><i>Note: Other out-of-hours works can be undertaken with the approval of an EPL, or through the project's Out-of-Hours Work Protocol for works not subject to an EPL.</i></p>	Yes	Yes	OOHW Protocol is included in Appendix C of the NVMP.	Appendix C Out-of-Hours Works (OOHW) Protocol and section 7.1.3 of the NVMP.
E14	<p>In order to undertake out-of-hours work, the Proponent must identify appropriate respite for out-of-hours work in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with:  (a) a schedule of likely out-of-hours work for a period no less than three (3) months;  (b) the potential works, location and duration;  (c) the noise characteristics and likely noise levels of the works; and  (d) likely mitigation and management measures.  The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hour works must be provided to the EPA and the Planning Secretary.</p>	Yes	Yes	<p>During this audit period, FHC carried out all OOHW under EPL 3142 condition O9.8(a) - to provide safe and reliable services of a safe working environment. The OOHW carried out under the EPL were assessed to not require formal community negotiations for respite conditions as the majority of OOHW were in relation to possessions, which generally require 4-6 weeks respite between each possession.</p> <p>Community consultation was regularly carried out through community notifications that include:  - a schedule of likely out-of-hours work  - the type of works, location and duration;  - the likely noise levels of the works; and  - what will be done to mitigate the impact including the respite periods.  Each community notification invites community feedback and provides a 24-hour Enviroline, email and postal contact details and included information about translation and interpretation services.</p> <p>Schedules of likely OOHW for periods of 3 to 6 months are regularly made publicly available on the project website.</p>	<p>OOHW permits CLP_OOHW22 - CLP_OOHW27  <a href="https://proj.artc.com.au/cabramatta-loop/document-library">https://proj.artc.com.au/cabramatta-loop/document-library</a></p> <p>Correspondence between ARTC and DPE regarding the OOHW schedule as required under condition E14.</p> <p>Construction program included in Community newsletters with invitations for comment. Monthly newsletter and OOHW forecasts uploaded to :  <a href="http://www.proj.artc.com.au/cabramatta-loop/community-updates/">www.proj.artc.com.au/cabramatta-loop/community-updates/</a></p> <p>QR code and link provided in letterbox drop notifications.</p> <p>Affected residents regularly informed of OOHW through project updates</p> <p>Community project updates publicly available on website including contact information and details on OOHW.</p>
E15	<p><b>Highly Noise Intensive Works</b>  Except as permitted by an EPL, highly noise intensive work must only be undertaken:  (a) between the hours of 8:00 am to 6:00 pm Monday to Friday;  (b) between the hours of 8:00 am to 1:00 pm Saturday; and  (c) in continuous blocks not exceeding three (3) hours, with a minimum respite from that work of not less than one (1) hour between each block where the works are likely to impact the same noise sensitive receivers. For the purposes of this condition, 'continuous' includes any period during which there is less than of one (1) hour respite between ceasing and recommencing any of the work that is the subject of this condition.</p>	Yes	Yes	<p>Highly noise intensive works are addressed in Section 7.1.2 of the NVMP.</p> <p>The ER did not report any non-conformances with this condition.</p>	Section 7.1.2 of the NVMP. ER site inspections and ER Monthly Reports particularly
E16	<p><b>Out-of-Hours Work Protocol – Work not subject to an EPL</b>  An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of work which is outside the hours defined in Condition E10, and that is not subject to an EPL. The Protocol must be approved by the Planning Secretary before commencement of the relevant out-of-hours work. The Protocol must be prepared in consultation with the EPA. The Protocol must:  (a) provide a process for the consideration of out-of-hours work against the relevant noise and vibration criteria, including the determination of low and high-risk activities;  (b) provide a process for the identification and implementation of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of Condition E14;  (c) identify procedures to facilitate the coordination of out-of-hours work approved by an EPL to ensure appropriate respite is provided;  (d) identify an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:  (i) low risk activities can be approved by the ER, and  (ii) high risk activities that are approved by the Planning Secretary; and  (e) identify DPIE, EPA and community notification arrangements for approved out-of-hours works, which maybe detailed in the Communication Strategy.</p>	Yes	Yes	The OOHW Protocol was submitted by ARTC to the Planning Secretary on 7 October 2021. The letter notes that consultation with the NSW Environment Protection Authority (NSW EPA) was undertaken in preparation of the OOHW Protocol per the requirements of Condition E16, however the NSW EPA declined the invitation to review and provide comments.	ARTC letter to DPIE dated 7 October 2021. ER approval dated 1 October 2021.
E17	Noise generating work in the vicinity of potentially-affected community, religious, educational institutions and noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) resulting in noise levels above the NMLs must not be timetabled within sensitive periods or during important events, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution or as otherwise approved by the Planning Secretary.	Yes	Yes	To date no works resulting in noise levels above the NML in the vicinity of religious, educational institutions and noise and vibration-sensitive businesses and critical working areas were carried out during sensitive periods or important events. FH's Communication & Stakeholder Engagement Manager previously advised that should such works be planned consultation will be undertaken with the affected sensitive receivers in accordance with the Communication Strategy.	Confirmed via site interviews
E18	<p><b>Noise and Vibration Mitigation</b>  Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:  (a) construction 'Noise affected' noise management levels established using the Interim Construction Noise Guideline (DECC, 2009);  (b) vibration criteria established using the Assessing vibration: a technical guideline (DEC, 2006) (for human exposure);  (c) BS 7385 Part 2-1993 "Evaluation and measurement for vibration in buildings Part 2" as they are "applicable to Australian conditions"; and  (d) the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage).  Any work identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the Noise and Vibration CEMP Sub-Plan.</p> <p><i>Note: The Interim Construction Noise Guideline identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction Noise Management Level.</i></p>	Yes	Yes	<p>Implementation of the noise and vibration mitigation measures included in Chapter 8 of the NVMP is confirmed through noise monitoring as follows:  - monthly monitoring to check background noise levels  - as required during OOHWs.</p>	Construction Monitoring Report November 2022 to April 2023
E19	To protect the heritage significant fabric of heritage items, the Proponent must seek the advice of a heritage specialist on methods and locations for installing equipment used for vibration and noise monitoring at heritage-listed structures before installation.	Yes	Yes	<p>This condition is addressed in Chapter 7.5 and 8 mitigation measures ID NVMM46 and OHMM47.</p> <p>Site 110 is a burnt out federation cottage. The historic significance now merely relates to the potential for discovery of relics during excavation. All workers in this area received a prestart and toolbox talk, but no unexpected finds were made during construction.  Site 119 is a robust actively used bridge supporting a busy Sydney Trains and freight network. Vibration monitoring has demonstrated that vibration levels are consistently dominated by operational rolling stock. During construction the DIN criteria for potential cosmetic damage to a heritage structure was not triggered by any works. Vibration equipment was attached to the bridge using ratchet straps, avoiding any impact to the bridge structure.</p> <p>Works moved progressively further away from heritage structures this audit period and no complaints were received regarding vibratory impacts to property or human exposure.</p>	<p>Chapter 7.5 and 8 mitigation measures ID NVMM46 and OHMM47</p> <p>Construction Monitoring Report November 2022 to April 2023</p>
E20	The Proponent must sequence construction along Broomfield Street to minimise the duration of time any section of the existing Broomfield Street noise barrier is partially or fully removed.	Yes	Yes	<p>This condition is addressed in Chapter 8 mitigation measure ID NVMM18.  The site inspection on 11 July 2023 confirmed that works have progressed on Broomfield st in a manner to minimise the duration of time that the barrier is partially removed.</p>	Chapter 8 mitigation measure ID NVMM18. Site inspection and site interviews on 11 July 2023.
E21	<p>Noise Mitigation - Operational Noise Mitigation Measures  The Broomfield Street noise barrier must be a single continuous barrier.</p> <p><i>Note: Continuous for the purposes of this condition allows for the inclusion of access points where there are overlapping sections of noise barrier in accordance with the ARTC Noise Prediction and Mitigation Guideline.</i></p>	No	N/A	Construction of noise barrier not yet complete	Construction of noise barrier not yet complete

E22	<p>The Proponent must prepare an Operational Noise and Vibration Review (ONVR) to confirm noise and vibration control measures that will be implemented for the operation of the CSSI. The ONVR must be prepared as an iterative design development and in consultation with relevant council(s) and other relevant stakeholders and must:</p> <p>(a) confirm the appropriate operational noise and vibration objectives and levels for surrounding development, including existing sensitive land uses;</p> <p>(b) confirm the operational noise predictions based on the final design. Confirmation must be based on an appropriately calibrated noise model (which has incorporated data obtained from noise monitoring);</p> <p>(c) confirm the operational noise and vibration impacts at sensitive receivers based on the final design of the CSSI, including operational daytime LAeq,15 hour and night-time LAeq, 9 hour noise contours;</p> <p>(d) examine all noise and vibration mitigation measures, with a focus on source control and design;</p> <p>(e) identify specific physical and other mitigation measures that will be installed for controlling noise and vibration impacts at the source and at the receiver (if relevant) including location, type and timing of mitigation measures;</p> <p>(f) where noise and vibration objectives cannot be achieved, the ONVR must present an analysis of all noise and vibration mitigation measures, the 'best practice' achievable noise and vibration outcome and justification for the measure decided upon based upon the analysis;</p> <p>(g) fully describe the design, assumptions, calculation process, mitigation strategy, and other relevant factors;</p> <p>(h) include a consultation strategy to seek feedback from directly affected landowners on the noise and vibration mitigation measures; and</p> <p>(i) procedures for the management of operational noise and vibration complaints.</p> <p>Notwithstanding the above, the Proponent is responsible for the cumulative operational noise impacts of the CSSI and the Southern Sydney Freight Line (SSFL) project. That is, the ONVR must consider the pre-SSFL noise levels at sensitive receivers in meeting the objectives in Condition E22(a) for the cumulative operation of the CSSI and SSFL.</p> <p>The ONVR is to be verified by a suitably qualified and experienced noise and vibration expert. The ONVR is to be undertaken at the Proponent's expense and submitted to the Planning Secretary for approval before the implementation of mitigation measures. The ONVR must be made publicly available consistent with the requirements of Condition B10. The Proponent must implement the identified noise and vibration control measures no later than 6 months after the commencement of construction, unless otherwise agreed with the Planning Secretary.</p> <p><i>Note: Nothing in this approval devolves the Proponent from meeting the requirements of approval MP05_0089 (as modified) in regard to operational noise outcomes.</i></p>	Yes	Yes	Operational Noise and Vibration Review (revision D, dated 7 February) was submitted by ARTC to the Planning Secretary on 14 March 2022. DPE sent an RFI to ARTC on 21 April 2022 requesting further information. DPE approved the ONVR (revision E, dated 18 May 2022) on 30.05.2022 in accordance with E22. The ONVR is publicly available on ARTC project site.	DPE letter to ARTC dated 30.05.2022, confirming the approval of the ONVR (rev E, dated 18 May 2022) <a href="https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2022/08/Cabramatta-Loop-Project-ONVR_RevE.pdf">https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2022/08/Cabramatta-Loop-Project-ONVR_RevE.pdf</a>
E23	<p>Operational noise and vibration mitigation measures as identified in Condition E22 that will not be physically affected by works, must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted receiver to minimise construction noise impacts, and detailed in the Noise and Vibration CEMP Sub-Plan for the CSSI.</p> <p><i>Note: For the purpose of Conditions E23 and E25, operational noise mitigation measures refer to at-property treatments, the detail of which would broadly be included in the Noise and Vibration CEMP Sub-Plan. When detail on the specific mitigation measures is known and before the implementation of the mitigation measures, the CEMP Sub-Plan must be updated.</i></p>	Yes	Yes	E23 defines operational noise mitigation measures as at-property treatments. No at-property treatments are required as a result of the ONVR, and therefore no mitigation measures that will not be physically affected by the works are required to be implemented within six months of the commencement of construction activities (for E23 and E25 only)	Section 5.1.1 of ONVR (rev E, dated 18/5/2022)
E24	Where implementation of operational noise mitigation measures cannot be implemented within six months of commencement of construction in accordance with Condition E23, the Proponent must submit to the Planning Secretary a report providing justification as to why. The report must include details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in Condition E21 are implemented. The report must be submitted to the ER for approval within six (6) months of the commencement of construction which would affect the identified sensitive land uses.	Yes	Yes	As per E23	As per E23
E25	<p>Within 12 months of the commencement of operation of the CSSI, the Proponent must undertake monitoring of operational noise to compare actual noise performance of the CSSI against the noise performance predicted in the review of noise mitigation measures required by Condition E21.</p> <p>The Proponent must prepare an Operational Noise Compliance Report to document this monitoring. The Report must include, but not necessarily be limited to:</p> <p>(a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under Condition E21;</p> <p>(b) a review of the operational noise levels in terms of criteria and noise goals established in the NSW Rail Infrastructure Noise Guideline 2013;</p> <p>(c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which CSSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;</p> <p>(d) details of any complaints and enquiries received in relation to operational noise generated by the CSSI between the date of commencement of operation and the date the report was prepared;</p> <p>(e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;</p> <p>(f) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and</p> <p>(g) identification of additional measures to those identified in the review of noise mitigation measures required by Condition E18, that are to be implemented with the objective of meeting the criteria outlined in the NSW Rail Infrastructure Noise Guideline 2013 and Industrial Noise Policy (EPA, 2000), when these measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.</p> <p>The Operational Noise Compliance Report must be submitted to the Planning Secretary and the EPA for information within 60 days of completing the operational noise monitoring and made publicly available.</p>	No	N/A	Project is not yet operational.	N/A
<b>SOCIO-ECONOMIC, LAND USE AND PROPERTY</b>					
E26	The Proponent must identify the utilities and services (hereafter "services") potentially affected by construction to determine requirements for diversion, protection and/or support. The Proponent, in consultation with service providers, must ensure that disruption to services resulting from the Construction is avoided where possible. Where unavoidable, customers must be advised in accordance with the Communication Strategy required under Condition B1.	Yes	Yes	Detailed design has been completed. FH completed a specialist engineering assessment for building over or adjacent to Sydney Water Assets, dated 10 May 2022.	Building Over or Adjacent Sydney Water Assets, Revision 0, 10 May 2022.
E27	Condition Survey Before commencement of any construction, a structural engineer must undertake condition surveys of all buildings, structures, utilities and the like that are identified in the Noise and Vibration CEMP Sub-Plan as being at risk of damage due to construction vibration. The results of the surveys must be documented in a Condition Survey Report for each item surveyed. Copies of Condition Survey Reports must be provided to the owners of the items surveyed, and no later than one month before the commencement of construction, or as otherwise instructed or agreed to by the utility operator.	No	N/A	<p>During the initial independent environmental audit, ARTC and FH advised that approximately 30% of the properties that were identified in the Noise and Vibration CEMP Sub-Plan as being at risk of damage due to construction vibration were able to be surveyed to date. An email from ARTC to DPIE dated 5 November 2021 highlighted the difficulties complying with the timing requirements of this condition and explained that the issue is largely due to the inability to access and approach residents in person during COVID-19 lockdown restrictions over previous months, and an understandable hesitancy from residents to allow the Contractor to enter their private homes, all of which is reflected in the low take up rate so far.</p> <p>E27 was subsequently recorded as a non-compliance in the initial independent audit. Following the non-compliance, DPE sent two RFIs to FH and ARTC, with the second RFI emailed to ARTC and FH on 2 June 2022, informally requesting additional information. FH responded with a report titled "Residential Property Condition Surveys - CoA E27 Compliance DPE Request for Information Rev 2", dated June 2022. Following response to the RFI, DPE issued a formal warning letter on 18 August 2022 regarding the breach of Condition E27. As such, the Department determined that no formal action is warranted under the circumstances.</p> <p>Given that construction has since commenced, this condition is no longer applicable. However, the project did not achieve compliance with this condition as it failed to carry out adequate condition surveys prior to the commencement of construction, resulting in a breach of condition E27.</p>	
E28	After completion of construction, condition surveys must be undertaken by a structural engineer of all items for which condition surveys were undertaken in accordance with Condition E27. The results of the surveys must be documented in a Condition Survey Report for each item surveyed. Copies of Condition Survey Reports must be provided to the landowners of the items surveyed no later than three (3) months following the completion of construction.	No	N/A	Construction is not yet complete, condition not yet applicable.	N/A
E29	The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration) by the construction of the CSSI at no cost to the owner unless otherwise agreed with the owner.	Yes	Yes	No property damage to property caused directly by the construction of the project has occurred during the audit period. Some damage to Broomfield street may have been indirectly caused by the construction of the project, however the damage is considered largely attributable to a frequent large rainfall event that further compromised the integrity of the asphalt surface. The damaged temporary asphalt (50mm) was removed to depth of 100mm and replaced with new temporary asphalt surface at double the thickness (100mm). The final permanent asphalt surface will be placed at the completion of works on Broomfield St.	Incidents register Complaints Register ER monthly reports FHC confirmed no damage to property occurred during the audit period in correspondence dated 17 August 2023.
E30	Public Open Space The Proponent must ensure that existing level of programmed softball activity at Jacquie Osmond Reserve can be maintained at all times, during construction and operation. The design of altered softball facilities must be undertaken in consultation with the Southern District Softball Association and Liverpool City Council.	Yes	Yes	<p>Details of consultation in relation to the design of altered softball facilities at are provided in Appendix B of Jacquie Osmond Reserve - Softball Fields Design Report, ARTC, March 2021. The access arrangements to Jacquie Osmond Reserve during construction are addressed in Section 10 of the approved Traffic and Transport Management Sub-Plan.</p> <p>Site inspection carried out on 11 July 2023 as part of this audit confirmed access to Jacquie Osmond Reserve is maintained.</p>	Appendix B of Jacquie Osmond Reserve - Softball Fields Design Report, ARTC, March 2021 Section 10 of the approved Traffic and Transport Management Sub-Plan. Visual observations during site inspection (11 July 2023) of access arrangements to Jacquie Osmond Reserve.

E31	The proposed design of the altered softball facilities at Jacquie Osmond Reserve must be submitted to the Planning Secretary at least one month before the commencement of work at Jacquie Osmond Reserve that would affect the existing softball facilities. Evidence demonstrating consultation with the Southern District Softball Association and Liverpool City Council must be provided.  Note: Any work resulting from Condition E31 that is not consistent with the work identified in the documents listed in Condition A1 is subject to relevant environmental impact assessment under the Environmental Planning and Assessment Act 1979.	Yes	Yes	As per Condition A30 above.	As per Condition A30 above.
<b>SOILS</b>					
E32	All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to minimise erosion and water pollution. When implementing such controls, any relevant guidance in the Managing Urban Stormwater series must be considered.	Yes	Yes	Erosion and sediment control measures consistent with the Managing Urban Stormwater series are included in Chapter 6 of the Soil and Water Management Sub-Plan (SWMP). Implementation is evidenced by: - Progressive Erosion and Sediment Control Plans (PESCPs) prepared for all current areas of works - Environmental Work Method Statements and permits are prepared and approved by FH Environmental Manager - Erosion and sediment control is included in project's environmental induction - Water quality monitoring is carried out monthly and reported in Monthly Construction Monitoring Reports.  Ersed controls confirmed during site inspection on 11 July 2023.	Chapter 6 of the SWMP. PESCPs EWMS#8 - Working In or Near Sensitive Areas, 3 January 2022. EWMS#9 - Working In or Near Waterway, 10 January 2023 ER weekly site inspection records for February 2023 to July 2023 Water quality monitoring data, Monthly Construction Monitoring Report Nov 22 - April 23 Site visit on 11 July 2023
E33	<b>Contaminated Sites</b> An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of construction and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during construction.	Yes	Yes	An Unexpected Contaminated Land and Asbestos Finds Procedure is included in Appendix E of the SWMP (and refers to Appendix B01 of the IERMP). This condition is addressed in Appendix E - Unexpected Contaminated Land and Asbestos Finds Procedure of the SWMP.  Two unexpected finds of Asbestos Containing Material (ACM) were reported during the audit period.  23 January 2023 - an unexpected find was discovered during excavations for drainage on the western side of Broomfield St, near junction street resulting in approximately 70 tonnes of impacted material. FHC implemented the unexpected finds procedure and engaged a suitably qualified consultant to attend site on 1 February 2023 to collect samples for waste classification and remove the impacted material for off-site disposal.  23 February 2023 - an unexpected find was discovered comprising a single fragment of fibre cement material at the topsoil stockpile at the main compound. The fragment was confirmed to contain asbestos via laboratory analysis. The area was flagged off ad FHC implemented the unexpected finds procedure. The fragment was removed from site and a clearance certificate was provided by a suitably qualified consultant.  A Remediation Action Plan was not considered required by the licences asbestos assessors.	Unexpected Contaminated Land and Asbestos Finds Procedure, Appendix E of the SWMP. Appendix B01 of the IERMP Interview with FH Environmental Manager and documents relevant to the unexpected asbestos find.
E34	The Unexpected Contaminated Land and Asbestos Finds Procedure required under Condition E33 must be implemented throughout construction. Where any unexpected contamination is found, the Proponent must conduct site investigations in accordance with Appendix B.	Yes	Yes	As per Condition E33 above.	Appendix E of the SWMP.
<b>SUSTAINABILITY</b>					
E35	The Proponent must endeavour to achieve the objective of a best practice level of performance for the CSSI being a minimum 'Design' and 'As built' rating score of 65 using the Infrastructure Sustainability Council of Australia infrastructure rating tool or an equivalent level of performance using a demonstrated equivalent rating tool.	Yes	Yes	A commitment to achieve the best practice level of performance and a rating score of 65 using the Infrastructure Sustainability Council of Australia infrastructure rating tool is included in a Sustainability Management Plan which was endorsed by the ER in Jan 2022.  Project is currently tracking at 84% (54.5) of the target (65), but is trending towards the goal and putting in measures to increase this score.	Sustainability Management Plan, Rev 2, Jan 2022. Monthly project progress reports.
<b>TRAFFIC AND TRANSPORT</b>					
E36	Access to all utilities and properties must be maintained during construction, where practicable, unless otherwise agreed with the relevant utility owner, landowner or occupier.	Yes	Yes	A requirement to maintain property access during construction is included in the TTMP and communicated to the project personnel and subcontractors through project environmental induction, toolbox talks and pre-starts. Property access issues were included in the Cabramatta Loop Project Launch presentation. Negotiations and communication with utilities and property owners in relation to access to their properties are carried out in accordance with the approved Communication Strategy.  Property owners are notified in advance of any works that may affect access to their property via email and letterbox drops. All community interactions are recorded in Consultation Manager. Regular community notifications of the upcoming works are published on ARTC's project website.	Project environmental induction Toolbox talks complaints register
E37	Safe pedestrian, cyclist and vehicular access must be maintained around construction compounds, construction ancillary facilities and work sites during construction. Where pedestrian, cyclist or vehicular access is restricted or removed due to construction, the relevant council(s) and the community must be informed one month before any disruption in accordance with the Communication Strategy under Condition B2.	Yes	Yes	Safe pedestrian, cyclist and vehicular access is maintained around the main site construction compound and work sites. Adequate signage, fencing and traffic control were observed during the site inspection on 11 July 2023.	Visual observations during site inspection on 11 July 2023.
E38	Any property access physically affected by the CSSI during construction must be reinstated to at least an equivalent condition, unless otherwise agreed by the landowner or occupier.	Yes	Yes	A requirement to reinstate property access physically affected during construction is included in the mitigation measures in Section 8.2 of the TTMP. No public property access was physically affected during the audit period.	Visual observations during site inspection on 11 July 2023. Site interviews
E39	<b>Road Dilapidation</b> The Proponent must provide, before establishment of the Jacquie Osmond Reserve compound, a safe access road of appropriate standard for use by both construction vehicles and other public users to the parking area at Cabramatta Creek on the eastern side of the rail corridor and adjacent to Jacquie Osmond Reserve.	No	N/A	Station St. pothole repairs were carried out by FH before establishment of Jackie Osmond Reserve compound in late Nov 2021. Project achieved compliance with this condition, however it is no longer applicable.	ER site inspection report dated 24 November 2021, items 5.08 and 5.09.
E40	Before any local or private road is used by a Heavy Vehicle for the purposes of construction of the CSSI, a Road Dilapidation Report must be prepared for the road. A copy of the Road Dilapidation Report must be provided to the relevant council(s) within three (3) weeks of completion of the survey and no later than one (1) month before the road is used by Heavy Vehicles associated with construction of the CSSI.	No	N/A	Road dilapidation surveys of the local roads and footpaths were carried out by Viska Structural Engineers on 25 August 2021. A copy of the dilapidation report was provided to Liverpool Council on 12 September 2021. This condition is no longer applicable	Road Dilapidation Reports for Broomfield St., Bridge St and Railway Parade, August 2021 FH letter to Liverpool Council dated 12 September 2021 advising completion of the road dilapidation survey and providing a copy of the report.
E41	If damage to roads occurs as a result of the construction of the CSSI, the Proponent must either (at the landowner's discretion): (a) compensate the relevant road authority for the damage so caused. The amount of compensation may be agreed with the relevant road authority, but compensation must be paid even if no agreement is reached; or (b) rectify the damage to restore the road to at least the condition it was in pre-works as identified in the Road Dilapidation Report.	Yes	Yes	No damage to was reported to Broomfield Street during this audit period.	Site inspection, site interview and correspondence from FHC dated 17 August 2023
E42	Before the Jacquie Osmond Reserve compound is decommissioned, the Proponent must ensure that the access road between Station Street and Jacquie Osmond Reserve is rectified to a suitable standard for ongoing access by public users. The rectification works must include at a minimum, the grading and asphalt re-sheeting of the road. The design of the rectification works must be undertaken in consultation with Council.	No	N/A	Not triggered.	N/A
E43	<b>Parking</b> Construction vehicles (including staff vehicles) associated with the CSSI must be managed to minimise parking, idling and queuing on public roads.	Yes	Yes	Parking of the construction vehicles and the measures to minimise parking, idling and queuing on public roads during construction are included in project environmental induction, toolbox talks and pre-starts.  No complaints have been received regarding construction vehicles impacting public roads.	Project environmental induction Toolbox talks Site inspection on 11 July 2023.
E44	The Proponent must minimise the permanent loss of on-street car parking spaces. The selection of any location(s) to replace on-street parking must take into account the ability to provide landscaping to address visual amenity, limit increases in impervious surfaces and be undertaken in consultation with Council. The Proponent must consider any landscaping and urban design plans, endorsed by Council at or before the date of this approval, relevant to the selected location(s) in the design of the parking.	Yes	Yes	This condition has been addressed in Section 05 Urban Design (p.35 & p.40) and Section 06 Landscape Design (p.46 & p.47), October 2021. UDLP has been prepared to inform project detailed design and was approved by DPE on 26 November 2021.	<a href="https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2021/12/Cabramatta-Loop-Project-UDLP.pdf">https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2021/12/Cabramatta-Loop-Project-UDLP.pdf</a>
E45	<b>Road Safety</b> The ancillary road infrastructure associated with the CSSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines.	Yes	Yes	One road safety audit was carried out on 29 August 2022.	Stage 4 (Pre-opening) Road Safety Audit, 29 August 2022.
E46	An independent Road Safety Audit(s) must be undertaken by an appropriately qualified and experienced person to assess the safety performance of new or modified local roads, heavy and over-height vehicle routes, parking, pedestrian and cycle infrastructure provided as part of the CSSI to ensure that relevant road safety standards are met.	Yes	Yes	One road safety audit was carried out on 29 August 2022.	Stage 4 (Pre-opening) Road Safety Audit, 29 August 2022.
E47	<b>Pedestrian and Cyclist Transport</b> All pedestrian and cyclist infrastructure impacted by the CSSI must: (a) be replaced to a standard equal or better to that existing prior to impact; (b) include appropriate signage and wayfinding measures; and (c) be completed and ready for use before operation of the CSSI.	Yes	Yes	The commitments and requirements for replacing pedestrian and cyclist infrastructure to be impacted by the project are included in Sections 3 and 4 of the UDLP. UDLP has been prepared to inform project detailed design and was approved by DPE on 26 November 2021.	Refer to Section 03 Project Analysis (p.20) and Section 04 Design Summary (p.31)  <a href="https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2021/12/Cabramatta-Loop-Project-UDLP.pdf">https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2021/12/Cabramatta-Loop-Project-UDLP.pdf</a>
<b>TREES</b>					

E48	<b>Tree Removal and Replacement Planting</b> The CSSI must deliver a net increase in trees. Replacement trees must target an increase in tree canopy and aim to enhance the relevant council's position in respect of the Sydney Green Grid. This condition does not apply to trees that are subject to a biodiversity offset.	No	N/A	Not triggered. No replacement of trees was carried out during the audit period.	Refer Section 06 Landscape Design, Tree Replacement & Planting (p.54) of the UDLP  <a href="https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2021/12/Cabramatta-Loop-Project-UDLP.pdf">https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2021/12/Cabramatta-Loop-Project-UDLP.pdf</a>
E49	Replacement trees must: (a) be located on public land and prioritised within 500 metres of the Construction Boundary in consultation with the relevant council; (b) be provided no later than six (6) months following the commencement of operation; (c) have a minimum pot size of 20 litres except where the plantings are consistent with the pot sizes specified in a relevant council's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant council(s). In areas not subject to council plans / programs / strategies, pot sizes must be informed through consultation with the relevant council(s).	No	N/A	Not triggered. No replacement of trees was carried out during the audit period.	Refer Section Landscape Design, Tree replacement and Planting Section (p.54).  <a href="https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2021/12/Cabramatta-Loop-Project-UDLP.pdf">https://proj.artc.com.au/cabramatta-loop/wp-content/uploads/sites/25/2021/12/Cabramatta-Loop-Project-UDLP.pdf</a>
<b>URBAN DESIGN AND VISUAL AMENITY</b>					
E50	<b>Boundary Screening of Construction Ancillary Facilities</b> Boundary fencing or hoarding must be installed and secured around construction compounds, construction ancillary facilities and work sites to minimise amenity impacts on the surrounding community. This screening and hoarding must be installed prior to use of the construction compounds, construction ancillary facilities and work sites.	Yes	Yes	Site observed to have maintained boundary fencing / hoarding around construction compounds and work sites.	Visual observations during site inspection.
E51	<b>Lighting and Security</b> The Proponent must construct and operate the CSSI with the objective of minimising light spill and managing residual night lighting impacts to surrounding properties. All lighting associated with the construction and operation of the CSSI must be consistent with the requirements of Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting and relevant Australian Standards in the series AS/NZ 1158 – Lighting for Roads and Public Spaces.	Yes	Yes	Temporary lighting associated with construction is checked for light spill. Permanent street lighting is not changed as power poles and attached lighting are not impacted by the project.	Email correspondence from FH Environment & Sustainability coordinator, dated 17 August 2023.
E52	<b>Urban Design</b> The CSSI must be designed to address the good design outcomes in Better Placed and principles of green infrastructure and outcomes in draft Greener Places by the NSW Government Architect.	Yes	Yes	UDLP has been prepared to inform project detailed design and was approved by DPE on 26 November 2021.	The adopted principles are described in detail in Section 04 Design Summary (p.29 & p.30 Design Principles) of the UDLP
E53	<b>Urban Design and Landscape Plan</b> A UDLP must be prepared to inform the final design of the CSSI, in accordance with the project objectives, the commitments made in the documents listed in Condition A1, and the requirements of this approval. The UDLP does not apply to those elements, which for technical, engineering, or ecological requirements, or other requirements as agreed by the Planning Secretary, do not allow for alternate design outcomes.	Yes	Yes	The UDLP has been prepared to inform the detailed design which is currently in progress.	UDLP Rev E, Oct 2021
E54	The UDLP must be prepared in consultation with relevant council(s). The UDLP must include, but not necessarily be limited to: (a) an analysis of the good design outcomes in the context of the CSSI; (b) the urban design and landscape requirements of this approval, including but not limited to: (i) plantings; (ii) pedestrian and cyclist infrastructure required in accordance with Condition E47; (iii) permanent works at Jacquie Osmond Reserve; and (iv) sustainability initiatives; (c) the design of the CSSI elements including their form, materials and detail; (d) the location of existing vegetation, areas of vegetation to be retained and proposed planting and seeding details, including the use of local indigenous species for revegetation activities; (e) the location of heritage items; (f) developed visuals, cross sections and plans showing the proposed design outcome; and (g) details of strategies to rehabilitate, regenerate or revegetate disturbed areas and successfully establish and maintain the resulting new landscape.	Yes	Yes	Details of consultation with the relevant councils are provided Section 9 of the UDLP. DPIE letter of approval of UDLP confirmed that: - it has been prepared in consultation with the relevant stakeholders, and - contains the information required by the conditions of approval.	Section 9 of the UDLP. DPIE letter dated 26 November 2021 confirming approval of the UDLP.
E55	The Proponent must submit the UDLP to the Planning Secretary for approval. Construction of permanent built works or landscaping that are the subject of the UDLP must not be commenced (in the area to which the UDLP applies) until the UDLP has been approved by the Planning Secretary. The UDLP, as approved by the Planning Secretary, must be implemented during construction and operation.	Yes	Yes	UDLP Rev E 18 Oct 2021 was submitted to and approved by the Planning Secretary on 18 October 2021.	DPIE letter dated 26 November 2021 confirming approval of the UDLP.
E56	<b>Operational Maintenance</b> The ongoing maintenance of landscaping and works implemented as part of this approval will remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority, unless agreed by the Planning Secretary. Before the transfer of assets, the Proponent must maintain items and works to at least the design standards established in the UDLP.	No	N/A	Project still in construction phase, not applicable.	Refer to Section 08 Maintenance and Management (p.65-p.68) for description of ongoing Maintenance that will be required prior to transfer of the asset to the relevant authority.
<b>WASTE</b>					
E57	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 at a waste management facility or premise lawfully permitted to accept the materials or in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014 (NSW), or to any other place that can lawfully accept such waste.	Yes	Yes	Waste generation during construction is addressed in Section 6.1 and Chapter 7 of the Waste and Energy Management Sub-Plan (WEMP). Waste disposal, minimisation and recycling/re-use measures are included in: - project environmental induction and the 'Green Rules' - toolbox talks and pre-starts, and - weekly environmental inspection checklist.	Section 6.1 and Chapter 7 of the WEMP and Appendix B of WEMP. Project environmental induction Environmental performance standards 'Green Rules' Site inspection 11 July 2023, waste observed to be separated appropriately. Waste register
<b>WATER</b>					
E58	The CSSI must be designed, constructed and operated so as to maintain the NSW Water Quality Objectives where they are being achieved as at the date of this approval, and contribute towards achievement of the NSW Water Quality Objectives over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the CSSI contains different requirements in relation to the NSW Water Quality Objectives, in which case those requirements must be complied with.	Yes	Yes	FH undertakes water quality monitoring that is reported in monthly contract reports and 6-monthly construction monitoring reports. Water quality monitoring indicates that water quality upstream and downstream of the construction site comply with the water quality objectives for all months sampled with the exception of July. Water quality samples collected from upstream and downstream on 7 July 2022 following the extreme rainfall event were found to be in exceedance of the 50 NTU criteria, with 59.1 NTU reported at the upstream location and 60.0 NTU reported at the downstream location, indicating relatively good ERSED controls given the magnitude of the rainfall event. Whilst this rainfall event was discussed in the previous independent audit, the water quality results were only made available during this monitoring period, hence its inclusion in this audit.	Six-monthly construction monitoring report November 2022 to April 2023.
E59	Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be carried out in accordance with relevant guidelines and designed by a suitably qualified and experienced person.	Yes	Yes	Permanent waterway crossings will be addressed during detailed design which is currently in progress. PESCPs are prepared by the Environmental Manager in accordance with the Blue Book (Landcom, 2004 and DECC, 2008) for the temporary waterway crossings, stream diversions, drainage swales and depressions.	PESCP_01 JOR Main Compound PESCP June 2023
E60	Works on waterfront land must be carried out in accordance with controlled activity guidelines.	Yes	Yes	The works near Cabramatta Creek are carried out in accordance with a 'Working In or Near Waterways' EWMS. The mitigation measures included in this EWMS are consistent with the NSW Department of Primary Industries (Water) Guidelines for controlled activities on waterfront land – Riparian corridors (2018). Work crews undertaking the works in waterways attend a toolbox talk and sign a Works in Waterways Permit.	'Working In or Near Waterways' EWMS Rev6 dated 10 January 2023
E61	<b>Stormwater Drainage</b> The CSSI must be designed and constructed so not to worsen the overall efficiency of the existing stormwater drainage system affected by the works except where it is allowed for in compliance with Condition E3.	Yes	Yes	Detailed design of track drainage is complete. FH has assessed the design to ensure the project does not worsen the existing stormwater drainage system.	Track drainage, dated 2 May 2022.

Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of Compliance	Evidence
	<b>WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS</b>				
1	A written incident notification addressing the requirements set out below must be submitted to the DPIE via the Major Projects Website ( <a href="https://www.planningportal.nsw.gov.au/major-projects">https://www.planningportal.nsw.gov.au/major-projects</a> ) within seven days after the Proponent becomes aware of an incident that has occurred during construction. Notification is required to be given under this condition even if the Proponent fails to give the notification required under Condition A31 or, having given such notification, subsequently forms the view that an incident has not occurred.	Yes	Yes	Two incidents occurred during the audit period. The first incident did not threaten or cause material harm, and was in relation to a small (2 - 20 L) oil spill from plant. FHC implemented spill control procedures and the spill was notified to ARTC and the ER on the same day (5 April 2023).  The second incident occurred on 26 April 2023. Oil staining was identified on a stormwater grill and within the stormwater pit below within the construction footprint, but outside of active work areas. The quantity is estimated to be approximately 20 L. FHC considers the oil spill to be a result of a wilful act by a member of public. FHC implemented spill control procedures and notified ARTC, ER, EPA and FCC immediately. ARTC requested advice from DPE (1 May 2023) on whether subsequent notifications are required under A32. DPE did not provide a response before the 7 day notification period, and ARTC submitted a 7-day report under A32 to ensure the project was compliant. DPE responded on 4 May 2023 advising that given the incident was unrelated to the project, subsequent notifications under A32 are not required.  The ARTC Environment Manager submitted a formal potential incident notification via the Major Projects Website within 7 days of the incident, on 1 May 2023.	- Incident register - Event summary reports dated 5 April 2023 and 26 April 2023 - The following correspondence: ARTC to DPE dated 1 May 2023 DPE to ARTC dated 4 May 2023  7-day incident report dated 3 May 2023
2	Written notification of an incident must:  (a) identify the CSSI and application number; (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident); (c) identify how the incident was detected; (d) identify when the Proponent became aware of the incident; (e) identify any actual or potential non-compliance with conditions of approval; (f) describe what immediate steps were taken in relation to the incident; (g) identify further action that will be taken in relation to the incident; and (h) identify a project contact for further communication regarding the incident.	Yes	Yes	The project notified the reportable incident that occurred on 26 April 2023 to the EPA and DPE Environment Line on 26 April 2023. The ARTC Environment Manager submitted a formal potential incident notification via the Major Projects Website within 7 days of the incident, on 1 May 2023.  The notifications issued on 26 April 2023 contained the information required in this condition.	- Incident register - Event summary report dated 26 April 2023 - The following correspondence: ARTC to DPE dated 1 May 2023 DPE to ARTC dated 4 May 2023 FHC to EPA dated 26 April 2023
3	Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.	Yes	Yes	In written correspondence from DPE to ARTC dated 4 May 2023, DPE confirmed that the requirements for subsequent notifications was not triggered as the incident was confirmed to be unrelated to the project.	Correspondence from DPE to ARTC dated 4 May 2023.
4	The Incident Report must include:  (a) a summary of the incident; (b) outcomes of an incident investigation, including identification of the cause of the incident; (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and (d) details of any communication with other stakeholders regarding the incident.	Yes	Yes	As above	- Incident register - Event summary report dated 12 October 2022 - The following correspondence: ARTC to FH dated 12 October 2022 ARTC to DPE dated 14 October 2022, DPE to ARTC, dated 7 December 2022

Condition	Condition/Commitment/Mitigation Measure	Applicable	Compliant	Details of Compliance	Evidence
	<b>UNEXPECTED CONTAMINATED LAND</b>				
1	<p>If unexpected contamination is found, the Proponent must conduct site investigations to determine the full nature and extent of the contamination at the project area. The site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997. If, in accordance with the Unexpected Contaminated Land and Asbestos Finds Procedure required under Condition E33 and relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997, a Remediation Action Plan is required to address the contamination, and the following requirements apply:</p> <p>(a) Prior to the commencement of site remediation, the Proponent must engage a NSW EPA accredited Site Auditor, for the duration of site remediation works.  (b) Prior to commencement of site remediation, the Proponent must obtain Interim Audit Advice from the Site Auditor which certifies that the site can be made suitable for the proposed use subject to the implementation the Remediation Action Plan.  (c) The Proponent must adhere to the management measures in the Remediation Action Plan approved by the site auditor.  (d) Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor.  (e) If work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).  (f) The Proponent must obtain a Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan – from the Site Auditor and submit it to the ER prior to commencement of operation. The Site Audit Statement must certify the site is suitable for the proposed use.</p>	Yes	Yes	<p>An Unexpected Contaminated Land and Asbestos Finds Procedure is included in Appendix E of the SWMP (and refers to Appendix B01 of the IERMP). This condition is addressed in Appendix E - Unexpected Contaminated Land and Asbestos Finds Procedure of the SWMP.</p> <p>Two unexpected finds of Asbestos Containing Material (ACM) were reported during the audit period.</p> <p>23 January 2023 - an unexpected find was discovered during excavations for drainage on the western side of Broomfield St, near junction street resulting in approximately 70 tonnes of impacted material. FHC implemented the unexpected finds procedure and engaged a suitably qualified consultant to attend site on 1 February 2023 to collect samples for waste classification and remove the impacted material for off-site disposal.</p> <p>23 February 2023 - an unexpected find was discovered comprising a single fragment of fibre cement material at the topsoil stockpile at the main compound. The fragment was confirmed to contain asbestos via laboratory analysis. The area was flagged off ad FHC implemented the unexpected finds procedure. The fragment was removed from site anda clearance certificate was provided by a suitably qualified consultant.</p> <p>A Remediation Action Plan was not considered required by the licences asbestos assessors.</p>	<p>Unexpected Contaminated Land and Asbestos Finds Procedure, Appendix E of the SWMP.  Appendix B01 of the IERMP  Interview with FH Environmental Manager and documents relevant to the unexpected asbestos find.</p>



# APPENDIX B

PLANNING SECRETARY AUDIT  
TEAM AGREEMENT



Department of Planning and Environment



Mr Hadi Johan  
Environment Manager, NSW Projects  
Australian Rail Track Corporation  
Via Major Projects Portal

11/05/2022

Dear Mr Johan

**Cabramatta Loop Project (SSI 9186)  
Request for Auditor Approval**

I refer to your request (SSI-9186-PA-36) for the Secretary's approval of suitably qualified persons to prepare the Independent Audits for the Cabramatta Loop Project (SSI 9186).

The Department of Planning and Environment (the department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced.

In accordance with Condition A29 of SSI 9186 (the 'Approval') and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team:

- Mr Mark Roberts, Lead Auditor,
- Mr Darren Green, Auditor.

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

The department reserves the right to request an alternate auditor or audit team for future audits. Furthermore, I note some of the auditor certifications is due to expire this year. Please note that this approval of the above audit team is conditional upon them maintaining certification as a lead or principal auditor with a relevant industry body.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

Should you wish to discuss the matter further, please contact Elizabeth Williamson, Senior Compliance Officer, via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex McGuirk'.

Alex McGuirk  
A/Team Leader Compliance - Government Projects  
Compliance

Department of Planning and Environment

As nominee of the Planning Secretary



# APPENDIX C

CONSULTATION

## Jacob Vickers

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**From:** Jacob Vickers  
**Sent:** Friday, 14 July 2023 2:13 PM  
**To:** [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)  
**Cc:** PR188; Darren Green; Mark Roberts  
**Subject:** SSI 9186 - Independent Audit (No. 4) of the Cabramatta Loop Project  
**Attachments:** PR188\_Cabramatta-Loop\_Letter\_IEA\_4-scope\_D0.pdf

Dear Elizabeth,


On behalf of the approved independent audit team for the construction phase of the Cabramatta Loop Project (SSI 9186, audit team approval dated 11 May 2022), please find attached a request for feedback from DPE on the environmental performance of the Project. Please indicate if there are any other stakeholders that need to be consulted by the auditors, in relation to the scope of this audit.

It would be appreciated if DPE's feedback could be provided before close of business on 28 July 2023.

Kind regards,



**Jacob Vickers**  
Environmental consultant  
Planning and Environment  
0481 203 334 | [jacob@elementenvironment.com.au](mailto:jacob@elementenvironment.com.au)

[elementenvironment.com.au](http://elementenvironment.com.au) | Follow us on LinkedIn 

Collaborate | Innovate | Solve

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# APPENDIX D

SITE PHOTOGRAPHS

Group A. Main site compound at Jacque Osmond Reserve





Group A. Main site compound at Jacque Osmond Reserve





Group A. Main site compound at Jacque Osmond Reserve



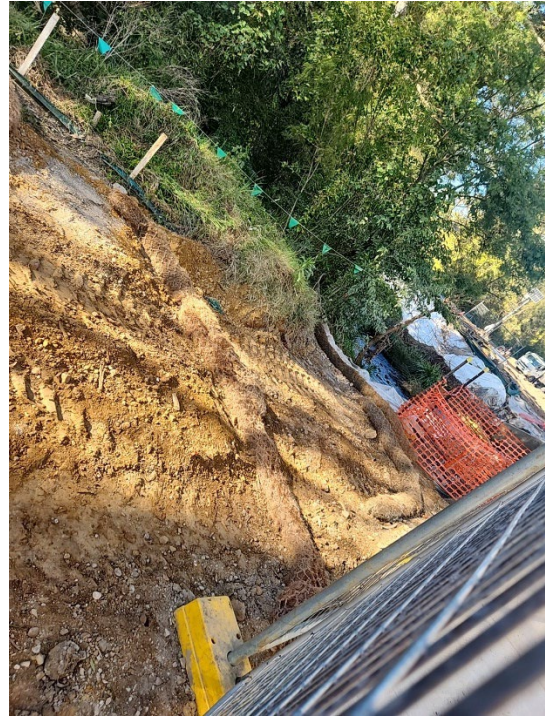


Group B. Cabramatta bridge construction





Group C. Sediment controls





Group C. Sediment controls



Group D. Exclusion fencing and signage





Group D. Exclusion fencing and signage

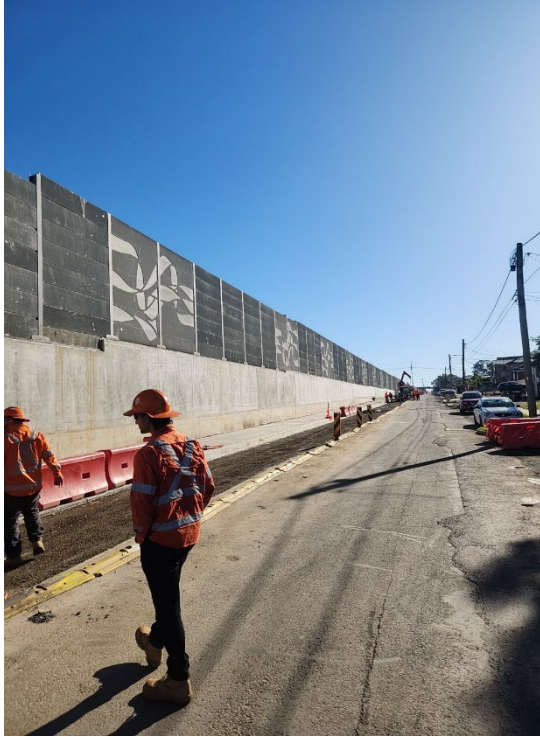


Group E. Broomfield Street



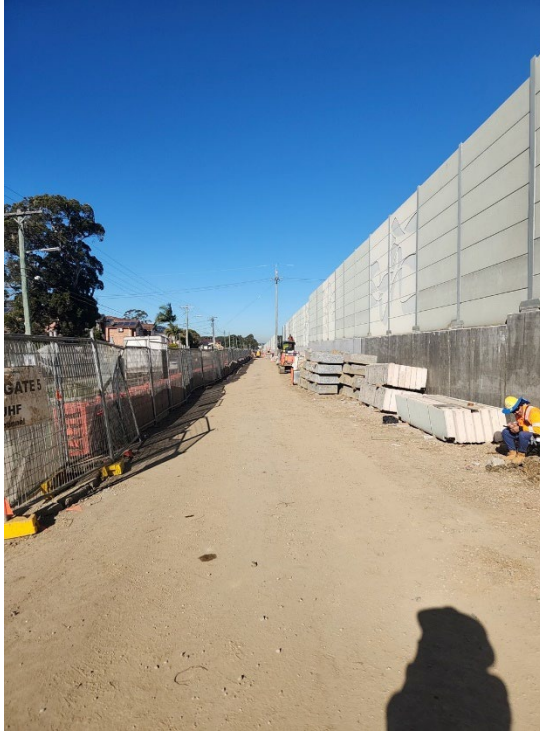


Group E. Broomfield Street



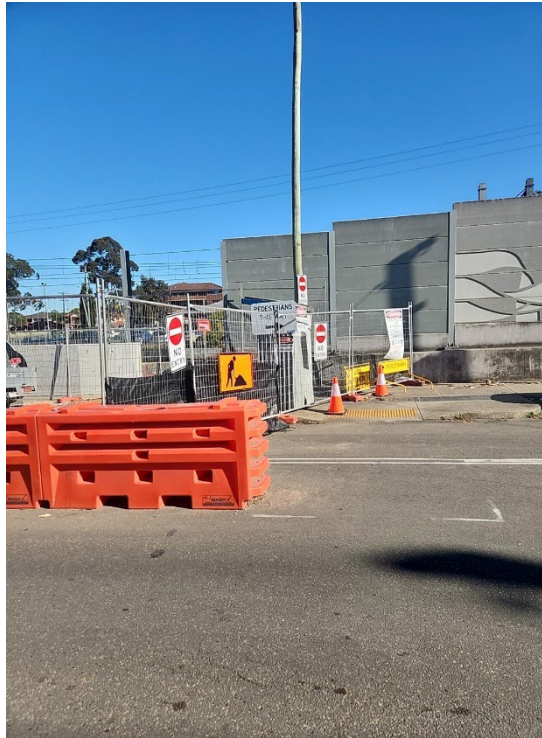


Group E. Broomfield Street





Group E. Broomfield Street



Group F. Ancillary compound









SYDNEY NEWCASTLE CENTRAL COAST MACKAY  
[elementenvironment.com.au](http://elementenvironment.com.au)



