Schedule 1

Conditions of Approval – F3 to Branxton Highway Link

The following acronyms and abbreviations are used in this section:

AFFAR	Additional Flora and Fauna Assessment Report
ARI	Average Recurrence Interval
CMS	Construction Method Statement
construction	all construction work in respect of the Activity other than survey, acquisitions, fencing, investigative drilling or excavations, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing site compounds (in locations meeting the criteria of the Conditions), or other activities determined by the EMR to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc).
DECCW	The former Department of Environment, Climate Change and Water, now the Office of Environment and Heritage (OEH). All references to DECCW in this approval shall be taken as a reference to OEH
Department, the	Department of Planning and Infrastructure
Director General, the	Director General, Department of Planning and Infrastructure or delegate
DLWC	The former Department of Land and Water Conservation, now the NSW Office of Water (NOW) as part of the Department of Primary Industries (DPI). All references to DLWC in this approval shall be taken as a reference to NOW
DUAP	Department of Urban Affairs and Planning
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMR	Environmental Management Representative
ENCM	Environmental Noise Control Manual
EP& A Act	*Environmental Planning and Assessment Act 1979*
EPL	Environmental Protection Licence as defined under the *Protection of the Environment Operations Act 1997*, issued by the Environmental Protection Authority (EPA), DECCW
FIS	Fauna Impact Statement
I&I NSW	The former Industry and Investment NSW, now the Department of Primary Industries (DPI). All references to I&I NSW in this approval shall be taken as a reference to DPI
Minister, the	The Minister for Planning and Infrastructure
NPWS	National Parks and Wildlife Service (now incorporated into DECCW)
NPWS Concurrence	Concurrence given by the Director-General of National Parks and Wildlife under the *TSC Act*
Proponent	Roads and Traffic Authority
Relevant Councils	Cessnock City Council, Lake Macquarie City Council, Maitland City Council, and Singleton Shire Council
RTA	Roads and Traffic Authority
TSC Act	*Threatened Species Conservation Act 1995*

Modification approval dated 31 July 2006
Modification approval dated 19 August 2007
Modification approval dated 28 June 2010
Modification approval dated 23 May 2011

General

1. The proposal shall be carried out in accordance with:
   i. the original request for approval of the proposal, including:
      - *Proposed Highway Link – F3 Freeway to Branxton, Environmental Impact Statement* (EIS) (Connell Wagner, June 1995);
      - *Proposed Highway Link – F3 Freeway to Branxton, Fauna Impact Statement* (FIS) (Connell Wagner, January 1997) and accompanying documentation, *Flora and Fauna Report* (Mount King Ecological Surveys, 1995), *Fauna Survey Greta Deviation* (Connell Wagner, 1996) and *Herptofauna Survey* (Richard Wells, 1995);
      - *Additional Flora and Fauna Assessment* (AFFA) (Connell Wagner, May 2001), to supplement the original FIS;
      - *Representations Report* (three volumes) (RTA, October 2001);
      - *Supplementary Review of Environmental Factors for the Allandale to Illalong Section Comparison of Options* (SREF) (Connell Wagner, August 2000);
      - *Kurri Sand Swamp Woodland Recovery Assessment* (Biosis Research, August 2001), a report commissioned jointly by the RTA and NPWS;
      - *Additional Environmental and Engineering Assessment* (Connell Wagner, May 2001); and
      - *Compensatory Habitat Proposal and Candidate Areas – Stage 2 Report* (Connell Wagner, September 2001);

   ii. the staged construction modification request (MOD-10-1-2006-i), including:
      - correspondence from the RTA to the Department, dated 20 December 2005, accompanied by *F3 Freeway to Branxton Link – Modification to Permit Staged Construction* (Acacia Environmental Planning Pty Ltd, September 2005);

   iii. the alignment and ancillary infrastructure modification request (07_0033 Mod 1), including:
      - correspondence from the RTA to the Department, dated 12 March 2007;
      - *F3 Freeway to Branxton Link: Modification to the Approved Project Environmental Assessment* (Acacia Environmental Planning Pty Ltd, March 2007);
      - *F3 Freeway to Branxton Link: Threatened Species Assessment for Proposed Design Changes* (Biosis Research, January 2007);
      - *Noise Assessment: National Network, F3 to Branxton Link* (Atkins Acoustics, February 2007);
      - *Socioeconomic Analysis of the Proposed Tuckers Lane to Black Creek Modification* (Centre for International Economics, January 2005); and
      - *F3 Freeway to Branxton Link: Submissions Report* (Stuart J Hill Pty Ltd, June 2007);

   iv. Modification request (07_0033 Mod 2), including:
      - *Hunter Expressway Proposed modification to the project approval* (Bowditch Group, February 2010);

   v the modification request dated 27 April 2011 (07_0033 MOD 4) and associated documentation; and

   vi. the conditions of this approval.

2. This approval relates to the construction of the proposal in its entirety[1].

[1] The environmental evaluation of staging the proposal has not been undertaken, and therefore any staging will require separate assessment in accordance with the *EP&A Act*.

3. In the event of an inconsistency between:
   i. the conditions of this approval and any document listed from condition 1i to 1v inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
   ii. any document listed from condition 1i to 1v inclusive, and any other document listed from condition 1i to 1v inclusive, the most recent document shall prevail to the extent of the inconsistency.

4. These conditions do not relieve the Proponent of the obligation to obtain all other approvals and licences from all relevant authorities required under any other Act. Without affecting the generality of the foregoing, the Proponent shall comply with the terms and conditions of such approvals and licences.

5. It shall be the ultimate responsibility of the Proponent to ensure compliance with all conditions of approval granted by the Minister.

Construction Staging

5A The Proponent may elect to construct the proposal in stages provided that these are consistent with the Conditions of Approval. Where stages are proposed, the Proponent must submit a Staging Report to the Director-General at least four weeks before construction work commences (or within any other time agreed to by the Director-General). The Staging Report shall:

   i) describe the construction stages; and
   ii) identify how the conditions of approval relating to construction would be addressed in each construction stage.

Note: In no way does the above condition permit the staged commissioning and operation of the proposal, as prohibited in condition 2 of this approval.

Compliance

General

6. The Proponent shall comply with, or ensure compliance with, all requirements of the Director-General in respect of the implementation of any measures arising from the conditions of this approval.

7. The Proponent shall bring to the attention of the Director-General any matter that may require further investigation and the issuing of instructions from the Director-General. The Proponent shall ensure that these instructions are implemented to the satisfaction of the Director-General within such time that the Director-General may specify.

Pre-Construction Compliance Report

8. At least one month prior to commencement of ~~substantial~~ construction (or within such period as otherwise agreed by the Director-General), the Proponent shall submit for approval of the Director-General a compliance report detailing compliance with all relevant conditions that apply prior to commencement of ~~substantial~~ construction and shall address:

i. the dates of submissions of the various studies and/or requirements of various relevant conditions, and their approval and terms of approval; and
ii. action taken or proposed to implement the recommendations made in terms of approvals and/or studies.

Pre-Operation Compliance Report

9. At least one month prior to commissioning of the proposal (or discrete sections of the proposal as agreed by the Director-General), the Proponent shall submit for approval of the Director-General a compliance report detailing compliance with all relevant conditions that apply prior to commencement of operation and shall address:
   i. the dates of submissions of the various studies and/or requirements of various relevant conditions, and their approval and terms of approval; and
   ii. action taken or proposed to implement the recommendations made in terms of approvals and/or studies.

   The Period of one month referred to in this condition may be altered as agreed by the Director-General.

Dispute Resolution

10. The Proponent shall endeavour, as far as possible, to resolve any dispute with relevant public authorities arising out of the implementation of the conditions of this approval. Should this not be possible, the matter shall be referred to the Director-General and, if the matter cannot be resolved, then to the Minister for resolution. The Minister's determination of the disagreement shall be final and binding on all parties.

Contact Telephone Number

11. Prior to the commencement of construction, the Proponent shall institute, publicise and list with a telephone company a 24 hour toll-free complaints contact telephone number, which would enable any member of the general public to reach a person who can arrange appropriate response action to the complaint.

Complaints Register

12. The Proponent shall record details of all complaints received during construction and ensure that an initial response to the complaint is provided within 24 hours and a detailed response within 10 days. Information on all complaints received shall be made available on request to the Director-General and all relevant government agencies.

13. The Proponent shall nominate an appropriate person(s) to receive, log, track and respond to complaints within the specified timeframe. The name and contact details of this person(s) shall be provided to the relevant Council(s) and the Director-General upon appointment or upon any changes to that appointment.

Project Commencement

14. The Proponent shall notify the Director-General and all relevant authorities in writing of the project commencement both in terms of construction and operation (ie commissioning).

Advertisement of Activities

15. Prior to the commencement of construction and then at three-monthly intervals, the Proponent shall advertise in relevant local newspapers the nature of the works proposed for the forthcoming three months, the areas in which these works are proposed to occur, the hours of operation and a contact telephone number.

16. The Proponent shall ensure that the local community and businesses are kept informed (by appropriate means such as: local newsletters; leaflets; newspaper advertisements; and community noticeboards; etc.) of the progress of the project, including any traffic disruptions and controls, construction of temporary detours and work required outside the nominated working hours, prior to such works being undertaken.

17. The Proponent shall establish a project internet site prior to the commencement of construction and maintain the internet site until 6 months after commencement of operation of the project. The internet site shall contain monthly updates of work progress and consultation activities, including but not be limited to:
    i. a description of relevant approval authorities and their areas of responsibility;
    ii. a list of environmental management reports that are publicly available and the executive summaries of those reports;
    iii. minutes of meetings with focus groups identified in the Community Engagement Strategy;
    iv. newsletters every three months;
    v. contact names and phone numbers of the project communications staff; and
    vi. 24 hour toll-free complaints contact telephone number.

    Updates of work progress and construction activities shall be provided more frequently where significant changes in the noise impacts are expected.

Community Liaison Group

18. The Proponent shall prepare and implement a Community Engagement Strategy for the project. This Strategy shall be designed to provide mechanisms to facilitate communication between the Proponent, the Contractor, the Environmental Management Representative, Council and local community (broader and local stakeholders) on the detailed design, progress and the related environmental management of the project. The Strategy shall include, but not necessarily limited to:
    a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners;
    b) procedures and mechanisms for the regular distribution of information to stakeholders on the progress of the project, detailed design and matters associated with environmental management;
    c) procedures and mechanisms through which stakeholders can discuss or provide feedback to the Proponent and/or Environmental Management Representative in relation to the environmental management, detailed design and delivery of the project;
    d) the formation of community-based forums (focus groups) that focus on key design, environmental management and construction issues for the project. The Strategy shall provide detail on the structure, scope, objectives and frequency of the community-based forums;

e) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from stakeholders in relation to the environmental management, detailed design and delivery of the project; and

f) procedures and mechanisms that would be implemented to resolve any issues/ disputes that may arise between parties on the matters relating to environmental management and the delivery of the project. This may include the use of an appropriately qualified and experienced independent mediator.

Key issues that should be addressed in the Community Engagement Strategy should include (but not necessarily be limited to):

i) traffic management (including property access);
ii) community infrastructure;
iii) property acquisition;
iv) business impacts;
v) landscaping/ urban design matters;
vi) heritage;
vii) construction activities; and
viii) noise and vibration mitigation and management.

The Proponent shall maintain and implement the Strategy throughout construction. The Strategy shall be approved by the Director General prior to the commencement of construction unless otherwise agreed by the Director General.

Environmental Management

Environmental Management Representative

19. The Proponent shall employ a Environmental Management Representative (EMR) who demonstrates compliance with AS/NZS ISO 14012:1996 *Guidelines for Environmental Auditing : Qualification criteria for environmental auditors*.
20. The EMR shall be available during construction activity at the site and be present on-site during any critical construction activities as defined in the ~~Construction Framework Environmental Management Plan (EMP)~~ CEMP.

21. The EMR shall:
    i) have responsibility for considering and advising on matters specified in the conditions of approval and compliance with such;
    ii) review and approve induction and training program for all persons involved in the construction activities and monitor implementation;
    iii) periodically audit the environmental activities to evaluate the implementation, effectiveness and level of compliance of on-site construction activities with the CEMP and associated plans and procedures, including carrying out site inspections at least fortnightly;
    iv) record and provide a written report of non-conformances with the CEMP and require mitigation measures to avoid or minimise any adverse impacts on the environment or report required changes to the CEMP;
    v) direct the contractor to stop work immediately where considered necessary, if in the view of the EMR an unacceptable impact on the environment is likely to occur, or require other reasonable steps to be taken to avoid or minimise any adverse impacts;

vi) review corrective and preventative actions to ensure the implementation of recommendations made from the audits and site inspections;
vii) report monthly;
viii) review and approve minor revisions to the CEMP and Sub Plans;
ix) provide information for community consultation, liaison with regulators, and respond to customer environmental complaints as required;
x) provide reports to DUAP on matters relevant to the carrying out of the EMR role as necessary including notifying DUAP of any stop work notices; and
xi) certify the CEMP, Sub Plans, and CMS's in accordance with Condition 24 and 30..

22. The EMR shall be approved by the Director-General prior to the commencement of construction.

Environmental Management System

23. The Proponent shall ensure the appointment of construction and/or operation head contractors that have an Environmental Management System prepared in accordance with the AS/NZS ISO 14000 series or BS7750-1994 certified by an accredited certifier and/or have a proven environmental management performance record.

Construction Environmental Management Plan

24. Prior to the commencement of construction, or as otherwise agreed by the Director General, the proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) in consultation with the DECCW, NSW I&I, relevant Councils, and all relevant utility/service providers. The CEMP shall outline the environmental management practices and procedures that are to be followed during construction and shall be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004).

The CEMP shall include, but not necessarily be limited to:

i. a description of all relevant activities to be undertaken during construction of the project including an indication of stages of construction, where relevant;
ii. statutory and other obligations that the Proponent is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders , and key legislation and policies;
iii. define the role, responsibility, authority, accountability and reporting of personnel relevant to compliance with the CEMP (including the EMR);
iv. the Sub Plans required under this Approval;
v. include a matrix of Construction Method Statements (CMS) required to construct the project, including an assessment of the predicted level of environmental and public risk and potential level of public interest associated with each CMS and indicative timeframes for completion;
vi. details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts; and
vii. complaints handling procedures during construction.

The CEMP for the project (or any stage of the project) shall be approved by the Director-General prior to the commencement of any construction work associated with the project (or stage as relevant). Construction works shall not commence until written approval has been received from the Director General.

The CEMP shall be certified by the EMR as being in accordance with the Conditions of Approval and all undertakings made in the EIS and Representations Report prior to seeking approval of the Director-General.

The CEMP shall be made publicly available after approval by the Director-General.

25. Deleted.

26. Deleted.

27. Deleted.

28. Deleted.

29. Deleted.

Construction Method Statements

30. The Proponent shall prepare Construction Method Statements (CMS) identified in the CEMP required by Condition 24. CMSs must be certified by the EMR as being in accordance with the Conditions of Approval and all undertakings made in the EIS, Representations Report and the CEMP.

Each CMS shall include, but not be limited to:

i. construction activities and processes associated with the relevant construction site(s), including staging and timing of the proposed works;
ii. specific hours of operation for all key elements including off-site movements;
iii. cover specific environmental management objectives and strategies for the environmental system elements and include, but not be limited to: noise and vibration; air quality; water quality; erosion and sedimentation; access and traffic; property acquisition and/or adjustments; heritage and archaeology; flora and fauna, groundwater; acid sulfate soils, contamination, spoil stockpiling and disposal; waste/resource management; weed management; flooding and stormwater control; geotechnical issues; visual screening, landscaping and rehabilitation; safety, hazards and risks; energy use, resource use and recycling; and utilities; and
iv. address, but not be limited to:
    a. identification of the statutory and other obligations which the Proponent is required to fulfil during project construction, including all approvals and consultations/agreements required from other authorities, utility/ service providers and stakeholders, and key legislation and policies which control the Proponent's construction of the project;
    b. measures to avoid and/or control the occurrence of environmental impacts;
    c. measures (where practicable and cost effective) to provide positive environmental offsets to unavoidable environmental impacts;
    d. definition of the role, responsibility, authority, accountability and reporting of personnel relevant to compliance with the CMS;
    e. site specific environmental management techniques and processes for all construction processes which are important for the quality of the environment and safety in respect of permanent and/or temporary works;
    f. site specific monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental management of the project, including performance criteria, tests, and protocols (eg. frequency and location);

g. locational details of important elements such as utilities and services, temporary noise barriers; portable offices and amenities; truck, plant and materials storage; access locations; provision of site hoardings etc;
h. environmental management instructions for all complex environmental control processes which do not follow common practice or where the absence of such instructions could be potentially detrimental to the environment;
i. steps the Proponent intends to take to ensure that all Plans and Sub Plans are being complied with;
j. consultation requirements with relevant government agencies and utility/ service providers; and,
k. community consultation and notification strategy (including local community, businesses, relevant government agencies, and all relevant Councils), and complaint handling procedures.

Specific requirements of the main environmental system elements referred to in (iii) shall be as required under the conditions of this approval and/or as required under any licence or approval. All CMS shall be made publicly available.

Environmental Monitoring Construction

31. The Proponent shall submit to the Director-General reports in respect of the environmental performance of the construction works and compliance with the ~~Construction Framework EMP~~ CEMP, all relevant CMSs and any other relevant conditions of this approval. The reports shall be prepared six months after the start of ~~substantial~~ construction and thereafter at six monthly intervals or at other such periods as requested by the Director-General to ensure adequate environmental performance over the duration of the construction works. The report(s) shall include, but not be limited to, information on:
   i. applications for consents, licences and approvals, and responses from relevant authorities;
   ii. implementation and effectiveness of environmental controls and conditions relating to the work undertaken;
   iii. identification of construction impact predictions made in the EIS and any supplementary studies and details of the extent to which actual impacts reflected the predictions;
   iv. details and analysis of results of environmental monitoring;
   v. number and details of any complaints, including summary of main areas of complaint, action taken, response given and intended strategies to reduce complaints of a similar nature; and
   vi. any other matter relating to the compliance by the Proponent with the conditions of this approval or as requested by the Director-General.

   The report(s) shall be provided to the EPA, DLWC, NPWS, I&I NSW, and relevant Councils, and any other relevant government agency nominated by the Director-General. The report(s) shall also be made publicly available.

32. The Proponent shall ensure that it has an internal audit system and that internal audits are undertaken and certified by the EMR every three (3) months to ensure compliance with the EMP, the conditions of approval and all other relevant licences and approvals. Each audit must be completed within 6 weeks of the end of the 3 month period and be made available to the Director-General upon request.

Operational Environmental Management Plan

33. Prior to the commencement of operation, the Proponent shall incorporate the project into its existing environmental management systems.

34. Deleted.

35. Deleted.

36. Deleted.

37. Deleted.

38. Deleted.

Environmental Impact Audit Report

39. An Environmental Impact Audit Report shall be prepared:
    i. by an independent person at the Proponent's expense;
    ii. submitted to the Director-General, the DECCW, NPWS, and, upon request by the Director-General, to any other relevant government authority;
    iii. within 2 months after the first 12 months of operation of the proposal and thereafter at 2 and 5 years after the start of operation, or at any time as requested by the Director-General within the first 10 years of operation.

40. The Environmental Impact Audit Report shall:
    i. assess the key impact predictions made in the EIS and any supplementary studies including, but not limited to, noise impacts at affected locations along the corridor, traffic projections both for the new road and roads where redistribution of traffic was assessed, and impacts on flora and fauna and Aboriginal cultural heritage;
    ii. detail the extent to which actual impacts reflect the predictions;
    iii. provide details on actual versus predicted impact for all key impact issues identified in the EIS or as updated in the Representations Report;
    iv. assess the suitability of implemented mitigation measures and safeguards, and recommend any additional measures that are required to be taken as a result of i to iii above;
    v. discuss results of consultation with the local community in terms of feedback/complaints on the construction and operation phases of the project and any issues of concern raised; and
    vi. assess compliance with the CEMP.

41. The Proponent shall comply with all reasonable requirements of the Director-General, DECCW, NPWS, and other relevant authorities with respect to any reasonable measure arising from, or recommendations in, the report.

42. The Report shall be made publicly available.

Property and Land Use

43. The Proponent shall ensure that existing access to properties fronting the highway are maintained throughout the construction period. The Proponent shall ensure that any access way affected by the proposal is reinstated to an equivalent standard or that adequate compensation is negotiated with the relevant landowner(s).

44. The Proponent shall consult on a regular basis with all affected landowners regarding any practical and cost effective measures to minimise impacts which may be implemented prior to the commencement of construction or within such time as agreed with the relevant landowner.

Traffic and Access

45. The Proponent shall consult with all relevant Councils to develop management techniques for construction traffic on local roads, prior to commencement of construction.

46. The Proponent shall monitor the use of local roads by construction heavy vehicle traffic in consultation with all relevant Councils and shall consult with the Councils to develop measures to minimise and/or restrict the use of local roads by heavy vehicle traffic if so required.

47. A road dilapidation report shall be prepared for all non-arterial roads likely to be used by construction traffic prior to commencement of construction and after construction is complete. A copy of the report shall be provided to all relevant Councils. Any damage resulting from the construction of the project, aside from that resulting from normal wear and tear, shall be repaired at the cost of the Proponent.

    Note: Nothing in Condition of Approval No. 45 or Condition of Approval No. 47 shall be taken as restricting the Proponent from negotiating an alternative payment for damage to local roads with all relevant Councils, subject to the agreement of the Council.

Flora and Fauna

<u>NPWS Concurrence Report</u>

48. The Proponent shall implement the conditions contained in Section 9 of the 'Concurrence Report for the Proposed F3 to Branxton Highway Link' (NPWS 2001).

<u>Prior to Construction</u>

49. The comprehensive compensation habitat package required by NPWS's Concurrence Condition No. 13 shall be finalised prior to commencement of construction, and be prepared to the satisfaction of the Director-General and the Director-General of National Parks and Wildlife.

50. The Proponent shall achieve at least a 2:1 ratio[2] in its compensatory habitat package for the endangered Kurri Sand Swamp Woodland and at least a 2:1 ratio for all other vegetated areas affected by clearing and edge effects[3].

51. The Proponent shall prepare, in consultation with the Department and NPWS, a detailed Flora and Fauna Management Sub Plan. The Sub Plan shall be prepared prior to construction and shall be consistent with NPWS Concurrence Condition No. 15 regarding EMPs. The Sub Plan shall include but not be limited to:
    i. all those matters identified in the NPWS's Concurrence Condition No. 15;

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[2] 2 hectares of Kurri Sand Swamp Woodland re-created or reserved for every hectare directly and indirectly impacted (ie. cleared or degraded by edge effects respectively) as a result of the proposal.
[3] The allowance for edge effects shall be calculated in accordance with Bali, R (2000) Discussion paper – *Compensating for Edge Effects* prepared by Biosis Research for the RTA.

ii. strategies for seed collection and revegetation;
iii. a fauna risk assessment to identify:
   a. which fauna species need to be targeted for measures to ensure safe transverse crossing of the roadway;
   b. mitigation measures to be implemented;
   c. the likely effectiveness of proposed mitigation measures ie design and location; and
   d. further mitigation strategies.
iv. identification of measures proposed to be taken to protect vegetated areas outside the direct impact zone, control impacts due to spillage, spread of debris and refuse, and movement and storage of materials and equipment.

52. The Proponent shall update the *Additional Flora and Fauna Assessment Report* (AFFAR) (Connell Wagner, May 2001) prior to construction and to the satisfaction of the Director-General and the NPWS[4] . The updated report shall:
   i. document additional surveys undertaken for previously identified (ie. the FIS and the *AFFAR*) and any newly listed threatened species, populations and ecological communities;
   ii. identify which of these listings and their habitat are likely to be affected by the proposal where this has not already been described; and
   iii. provide details of appropriate mitigation measures to be implemented.

53. In addressing NPWS's Condition of Concurrence No. 3, the Proponent shall employ an independent road design specialist and independent qualified ecologist to review and report on the detailed design of the proposal prior to construction. The aim of the review is to establish whether additional measures can be incorporated in the detailed design, to reduce the direct and/or indirect impacts on threatened species, populations and ecological communities and their habitats, and to improve the effectiveness of proposed mitigation measures. The review and report shall include, but not be limited to:
   i. an investigation to demonstrate that the proposed multi-function fauna overpass[5] is an effective and appropriate design; and
   ii. identification of measures to further reduce the amount of clearing of native vegetation.

   The Proponent shall submit the report to the NPWS and the Director-General, and comply with all reasonable requirements of the Director-General and the NPWS and other relevant authorities with respect to any reasonable measure arising from, or recommendations in, the report.

Note: the documentation submitted in support of the modification request referred to under condition 1iii has satisfied the requirements of condition 53 of this approval, with the outcomes of the independent review reflected in the approval of that modification request.

54. Deleted.

55. The Proponent shall provide opportunities to facilitate the safe transverse crossing of Squirrel Gliders in the area of Allandale where a Squirrel Glider has been recorded.

56. Additional opportunities for the safe transverse crossing for Squirrel Gliders shall be provided at any new locations where Squirrel Gliders are found (see NPWS Concurrence Condition 6 and Condition

[4] This report accompanied the Representations Report and addressed threatened species, populations and ecological communities listed on the *TSC Act* since the preparation of the FIS.
[5] Currently proposed to include a corridor for a gas pipeline, extension of Stockrington Road over the proposal, and a fauna overpass.

of Approval No. 52) unless it can be demonstrated, to the satisfaction of the Director-General and NPWS, that these cannot be achieved.

57. The Proponent shall, prior to construction, employ a qualified ecologist approved by the NPWS, to identify and clearly mark all remnant patches of native vegetation, threatened flora species and communities adjacent to the areas proposed to be cleared in order to ensure minimal disturbance to native vegetation, and undertake pre-clearance surveys to search, trap, and release fauna that may be impacted by construction activities. In addition, the qualified ecologist shall be responsible for ensuring NPWS's Conditions of Concurrence Nos. 8 & 9 are met.

58. Any tree hollow roosts for bats in the areas to be cleared are to be relocated. If this is not possible, then an artificial bat roost shall be provided in adjacent vegetation prior to clearing.

59. Where possible, seeds of locally native species shall be collected prior to the commencement of construction to provide seed stock for revegetation purposes to the satisfaction of a qualified bushland regeneration officer acceptable to the NPWS. Topsoil and leaf mulch shall be stripped and stored for placement back in the vegetation zone from where it was removed subject to Condition of Approval No. 63.

<u>Construction</u>

60. The Proponent shall limit the clearing of native vegetation to the greatest extent practicable within the approved project footprint. Prior to the commencement of construction of the project (or associated stages), the Proponent shall undertake verification surveys to confirm the extent, type and condition of native vegetation to be cleared. Where the verification surveys identify additional impacts to native vegetation beyond that identified in the documents listed under condition 1iii of this approval, the Proponent shall in consultation with OEH develop appropriate mitigation and/ or compensatory measures to offset the biodiversity values of this additional native vegetation, consistent with current best practice offsetting principles and assessment methodology (such as, but not necessarily limited to *OEH Biodiversity Certification Assessment Methodology* and *OEH BioBanking Assessment Methodology*).

    Unless otherwise agreed to by the Director-General in writing, the Proponent shall:

    a) by 30 September 2011, submit a report to the Director-General and OEH confirming the extent, type and condition of any additional native vegetation impacted (beyond that identified in the documents listed under condition 1iii of this approval) based on pre-construction verification surveys;
    b) on a six monthly basis from the submission of the report referred to in condition 60a) and until the lodgement of the final offset package referred to in condition 60c), report to the Director-General on the status of investigations into suitable mitigation and/ or compensatory measures to offset the biodiversity values of native vegetation identified in 60a), including the outcomes of consultation undertaken with OEH to that point; and
    c) by 1 December 2012, submit a report for the Director-General's approval identifying the final mitigation and/ or compensatory measures proposed to offset the biodiversity values of the native vegetation identified in 60a). The report shall identify the responsibility and timeframes for the implementation and delivery of the final proposed mitigation and/ or compensatory measures (including ongoing management, monitoring and maintenance (as relevant) and details of how offset measures would be secured in perpetuity). The report shall also clearly identify consultation undertaken with OEH including clear demonstration of how comments raised by OEH have been addressed.

To avoid any doubt, the mitigation/ offset requirements referred to in this condition only apply to additional native vegetation impacts identified within the approved project footprint beyond that identified in the documents listed under condition 1iii of this approval and which at the date of this modification (07_0033 MOD 4) approval, is not already the subject of an approved compensatory habitat package in accordance with condition 49 and 50 of this approval.

The Proponent shall ensure that the final proposed mitigation and/ or compensatory measures approved by the Director-General in accordance with condition 60 are implemented and delivered within the timeframe identified in the approved report, unless an alternative timeframe is agreed to by the Director-General in writing.

61. Deleted.

Revegetation and Rehabilitation

62. The Proponent shall monitor and maintain all proposed vegetation rehabilitation for a minimum of three years and undertake measures to control weeds.

63. Weed infested topsoil, as identified by a qualified ecologist, shall not be used in the rehabilitation works unless it is sterilised or treated in an appropriate manner.

64. Cleared vegetation must be reused or recycled to the greatest extent practicable. Reuse option including removing millable logs, recovering fence posts, mulching and chipping unusable vegetation waste for on-site use. All reasonable measures to use any surplus vegetation shall be undertaken including donation to community groups, distribution to the local community, etc.

65. If, during the course of construction, the Proponent becomes aware of the presence of any threatened species which are likely to be significantly affected and are not recognised in the flora and fauna studies presented in the EIS, FIS or Representations Report, then the Proponent shall immediately advise the Director-General of National Parks and Wildlife. No activity which places any of these species at risk shall be undertaken until advice has been received from the NPWS. All recommendations by the NPWS shall be complied with prior to any works likely to affect any threatened species.

66. All mitigation measures generally identified in Sections 2.4.3 through 2.4.14 of the Representations Report should be implemented.

Monitoring

67. Prior to the commencement of operation of the project, the Proponent shall prepare a fauna monitoring program to assess the effectiveness of all road crossing ameliorative measures. The monitoring program shall be carried out for a minimum of three years after operation and include a report on an assessment of the following matters:
    i. the levels of fauna underpass use by native fauna;
    ii. the extent of road kills and rehabilitation of injured fauna;
    iii. the adequacy of exclusion fencing and glider crossing points, with particular reference to design and placement and need for additional measures; and
    iv. degree and nature of wildlife utilisation of any contiguous roadside wildlife corridors established.

The Proponent shall submit the report to Director-General, and comply with all reasonable requirements of the Director-General with respect to any reasonable measure arising from, or recommendations in, the report.

Bridge Design

68. The Proponent shall consult I&I NSW in relation to: the construction of temporary platforms for the construction of the piles and piers in the creeks; and the design and timing of bridge construction.

69. The Proponent shall ensure that no earthen platforms are constructed or fill material placed in the creeks unless prior approval is granted by I&I NSW and the Director-General.

Noise and Vibration

70. The Proponent shall where reasonable and feasible apply best practice innovative noise mitigation measures including:
    - i. maximising the offset distance between noisy plant items and nearby noise sensitive receivers;
    - ii. avoiding noisy plant working simultaneously close together and adjacent to sensitive receivers;
    - iii. minimising consecutive night time works in the same locality;
    - iv. orienting equipment away from sensitive areas;
    - v. carrying out loading and unloading away from noise sensitive areas; and
    - vi. selecting site access points and roads as far as possible away from sensitive receivers.

Construction Noise and Vibration Management Sub Plan

71. A detailed Construction Noise and Vibration Management Sub Plan (NVMSP Construction) shall be prepared. The Sub Plan shall include, but not be limited to:
    - i. identification of all potentially affected noise sensitive receivers;
    - ii. an assessment of current background noise levels at the identified noise sensitive receivers;
    - iii. identification of appropriate construction noise objectives;
    - iv. identification of all significant noise and vibration generating activities, duration and times of operation;
    - v. potential noise and vibration impacts from each activity and any likely cumulative noise impacts from concurrent activities;
    - vi. details of all reasonable and feasible noise mitigation measures that will be implemented to achieve the adopted construction noise objectives;
    - vii. the need for respite periods;
    - viii. construction timetabling to minimise noise impacts;
    - ix. noise and vibration monitoring, reporting and response procedures;
    - x. complaints handling and monitoring system;
    - xi. a pro-active and reactive strategy for dealing with complaints;
    - xii. site contact person to follow-up complaints;
    - xiii. procedures for notifying residents of construction activities likely to affect their noise and vibration amenity;

xiv. contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The plan shall be submitted to the DECCW when applying for an Environment Protection Licence for the construction phase.

71A. The Construction Noise and Vibration Management Sub Plan referred to under condition 71 of this approval shall include provision for the implementation of the recommendations detailed in *Noise Assessment: National Network, F3 to Branxton Link* (Atkins Acoustics, February 2007).

Construction Hours

72. Deleted.

73. Construction activities associated with the project shall only be undertaken during the following hours:
   a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
   b) 8:00 am to 1:00 pm on Saturdays; and
   c) at no time on Sundays or public holidays.

   Activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, sheet piling, pile driving) shall be limited to 8:00 am to 12:00 pm, Monday to Saturday and 2:00 pm to 5:00 pm Monday to Friday. The Proponent shall not undertake such activities for more than 3 continuous hours and must provide a minimum one-hour respite period.

74. Construction outside the hours stipulated in condition 73 of this approval is permitted in the following circumstances:
   a) any works that do not cause audible construction noise at any sensitive receiver; or
   b) for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or
   c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
   d) works as agreed by the DECCW in the conditions of an EPL for the project.

Construction Noise Criteria

75. Construction noise levels shall be monitored to verify compliance with the requirements specified in the NVMSP (Construction). The Proponent shall implement any additional mitigation measures as required by the Director-General following consultation with the DECCW should monitoring indicate exceedance.

76. In order to minimise noise impacts during construction, the Proponent shall erect noise mitigation measures prior to the commencement of construction.

Vibration and Blasting

77. Should blasting be required, the Proponent shall prepare a Blast Management Strategy in consultation with the DECCW and incorporate this Strategy into the Construction Noise and Vibration Management Sub Plan. The Strategy shall be prepared with an aim to demonstrate that all blasting and associated activities will be undertaken in a manner that will not generate unacceptable noise

and vibration impacts at residences or other noise sensitive receivers. Issues to be considered in the Strategy shall include, but not necessarily be limited to:

i. details of blasting to be performed, including location, method and justification of the need to blast;
ii. identification of any potentially affected noise and vibration sensitive sites including heritage buildings and utilities;
iii. establishment of appropriate criteria for blast overpressure and ground vibration levels at each category of noise sensitive site;
iv. determination of potential noise and vibration impacts from blasting and appropriate best management practices;
v. community consultation procedures.

Reference shall be made to the Guideline entitled "Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration" prepared by the Australian and New Zealand Environment and Conservation Council (ANZECC).

The plan shall be submitted to DECCW when applying for an Environment Protection Licence for the construction phase.

78. Blasts shall be limited to one single detonation in any one day, unless otherwise agreed by the DECCW in the conditions of an EPL for the project.

79. The Proponent shall ensure that vibration resulting from construction of the project is limited to:

i. German Standard DIN 4150 and British Standard BS 7385: Part 2 – 1993 for structural damage vibration; and
ii. British Standard BS 6472 and Australian Standard AS 2670 for human exposure to vibration.

Where there is an inconsistency between these standards, the more stringent standard shall apply.

80. Dilapidation surveys shall be undertaken for all buildings located within 200 metres of the road construction area prior to the commencement of blasting or major vibration inducing construction activities. The Proponent shall be responsible for rectifying any damages occurring as a result of the construction with the cost to be borne by the Proponent.

81. For any section of the project where blasting is proposed, the Proponent shall undertake a series of initial trials at reduced scale prior to commencement of the proposed blasting to determine site-specific blast response characteristics and to define allowable blast sizes to meet the Guideline entitled *Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration* prepared by the Australian and New Zealand Environment and Conservation Council (ANZECC).

82. The Proponent shall provide a minimum of 48 hours notice to occupants located within 500 metres of any blasting and provide a schedule of blasting times to affected residences.

83. Blasting shall only be undertaken between the hours of 10:00 am and 3 pm (Monday to Friday) and 10:00 am to 1:00 pm (Saturday) unless otherwise agreed by the DECCW in the conditions of an EPL for the project.

<u>Operational Noise Management Sub Plan</u>

84. A detailed Operational Noise Management Sub Plan (NMSP Operation) shall be prepared in consultation with the DECCW. The NMSP Operation shall include, but not be limited to:
   i. details of noise mitigation measures to be implemented for the operation stage sufficient to address the technical requirements of the NSW Government's guideline – *Environmental Criteria for Road Traffic Noise*;
   ii. location, type and timing of erection of any permanent noise barriers;
   iii. specific physical and managerial measures for controlling noise and vibration;
   iv. predicted road traffic noise levels immediately after opening and with all proposed noise mitigation measures in place, at the noise sensitive receiver locations identified in the Representations Report;
   v. a methodology and procedures for assessing compliance with the predicted road traffic noise levels immediately after opening; and
   vi. the urban design issues relating to noise control measures.

   With respect to Condition of Approval No. 84 (iii) above, the Proponent shall consider the use of a range of structural and non-structural measures including speed controls and the use of open graded asphalt.

<u>Operation Noise Management</u>

85. Monitoring of operational noise shall be undertaken in accordance with the NMSP (Operation). The Proponent shall, in consultation with the DECCW, assess the adequacy of the traffic noise mitigation measures after one year of operation with regard to the DECCW guideline *Environmental Criteria for Road Traffic Noise*. Should the assessment indicate a clear trend in traffic noise levels which are higher than the predictions made and exceed DECCW noise criteria, the Proponent shall consider further mitigation measures including but not limited to inclusion of noise barriers, insulation of buildings, and total acquisition of properties.

86. Notwithstanding the above, the Proponent shall, as a minimum, comply with the noise assessment criteria described in Section 9 of the *Additional Environmental and Engineering Assessment* report (Connell Wagner, May 2001).

Soil and Water Management

<u>Soil and Water Management Sub Plan</u>

87. A detailed Soil and Water Management Sub Plan shall be prepared in consultation with the DLWC, I&I NSW, and relevant Councils. The Sub Plan shall be prepared in accordance with the Department of Housing's guideline *Managing Urban Stormwater - Soils and Construction* and where appropriate, DLWC's *Constructed Wetlands Manual*. The Sub Plan shall be prepared prior to construction or operation. The section of the Sub Plan dealing with construction impacts shall be submitted to the EPA when applying for an Environment Protection Licence for the construction phase.

88. The Soil and Water Management Sub Plan shall contain, but not be limited to:
   i. management of stormwater from the development on the quality of surface and groundwater;
   ii. details of short and long term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations of suitably sized sedimentation basins;

iii. management of the impacts of the development on watercourse crossings including Wallis/Surveyors Creeks, South Maitland Railway/Swamp Creek, Bishops Creek, and Black Creek;
iv. management of the impacts of Wallis/Surveyors Creeks, South Maitland Railway/Swamp Creek, Bishops Creek, and Black Creek on the development;
v. identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise discharges of these pollutants from all sources within the subject site;
vi. detailed description of water quality monitoring to be undertaken during the pre-construction, construction and operation stages of the proposal including identification of locations where monitoring would be carried out;
vii. contingency plans for fuel and other spills; and
viii. a program for reporting on the effectiveness of the sediment and erosion control system against performance goals.

Erosion and Sediment Control Works

89. The Soil and Water Management Sub Plan shall also incorporate detailed erosion and sedimentation controls including a strategy to manage the extent of exposed ground surface during construction and progressive site rehabilitation requirements (in accordance with Conditions of Approval Nos. 97 and 114). The Sub Plan shall be prepared to the satisfaction of DLWC and in consultation with the EPA and I&I NSW and sufficient to address the technical requirements for obtaining relevant EPA approvals/licences.

90. The DLWC, or other appropriately qualified soil conservationist, shall be consulted on a regular basis to undertake inspections of temporary and permanent erosion and sedimentation control devices to ensure that the most appropriate controls are being implemented and that they are being maintained in an efficient condition at all times and meet the requirements of any relevant approval/licence condition(s).

91. All water collected during construction which is likely to be contaminated, shall be tested, treated, handled and disposed of so that it does not pollute waters.

92. Sediment basin(s) must be designed (stability, location, type, and size), constructed, operated and maintained in accordance with the guideline *Managing Urban Stormwater - Soils and Construction, 3rd edition, 1998*, or its latest edition, produced by the NSW Department of Housing unless otherwise approved by the EPA.

Hydrology and Flooding

93. The Soil and Water Management Sub Plan shall identify mitigation measures proposed to be taken to address any:
i. afflux impacts from the roadway or structures associated with the proposal eg. the proposed Wallis/Surveyors Creek crossing and impacts upstream in the Buchanan area; and
ii. adverse impacts from the proposal as a result of losses to the Hunter River floodplain storage areas for flood events above and including the 1% Annual Exceedence Probability Event eg. the Wentworth and Dagworth Swamps;

Operation Stage Control Measures

94. All stormwater drainage, erosion, sedimentation and water pollution control systems and facilities of the proposal shall be located, designed, constructed operated and maintained to meet the requirements of the relevant authorities including the DECCW and the DLWC. All facilities including wetland filters, grass filter strips, gross pollutant traps and sedimentation basins shall be inspected regularly and maintained in a functional condition for the life of the project. Construction stage water quality structures shall be maintained for a minimum of six months after commissioning of the proposal or until revegetation has provided groundcover to at least 70% of the exposed surface.

95. The Proponent shall provide appropriate detention systems for containment of spills and materials arising from accidents that are consistent with the Proponent's *Code of Practice for Water Management – Road Development and Management* in consultation with the EPA.

Groundwater

96. The Proponent shall identify the most appropriate measures to safeguard and/or mitigate impacts on the groundwater, or impacts arising from any groundwater dewatering operations, in consultation with the DLWC, prior to the commencement of construction. Measures may include:
    i. evaluation of aquifer characteristics including conductivity and salinity;
    ii. identification of suitable sites for the disposal of saline groundwater from dewatering activities; and
    iii. installation of monitoring bores.

Landscaping

97. The Proponent shall prepare a detailed Landscape Management Sub Plan in consultation with the relevant Councils, all affected landowners and the relevant groups as established by the Community Engagement Strategy. The Sub Plan shall include, but not be limited to the following:
    i. sections and perspective sketches;
    ii. methodology of landscaping works;
    iii. location and identification of existing and proposed vegetation including use of indigenous species;
    iv. location of mounds, bunds, structures or other proposed treatments, finishes of exposed surfaces (including paved areas), measures to preserve bio-diversity, colours and specifications, staging of works, methodology of landscaping;
    v. progressive landscape strategies incorporating other environmental controls such as erosion and sedimentation controls, dust mitigation, drainage, noise mitigation;
    vi. lighting;
    vii. monitoring and maintenance procedures; and
    viii. landscape strategies incorporating other environmental controls such as erosion and sedimentation controls, noise mitigation measures, drainage structures and lighting

98. All landscaping works shall be monitored and maintained by a suitably qualified landscape specialist at the Proponent's expense for a period of not less than three years.

99. The Proponent shall implement any required remediation measure(s) to maintain landscaping works. Any landscaping within the road reserve shall be maintained by the Proponent for the life of the project.

Heritage and Archaeology

100. The Proponent shall, prior to the commencement of construction, undertake a program of test excavations at the recorded sites and the Potential Archaeological Deposits (PADs) identified along the route, and any other additional locations as determined by the NPWS and the Aboriginal community groups (ie. Mindaribba Local Aboriginal Land Council, Awabakal Local Aboriginal Land Council, Wonnarua Nation Aboriginal Corporation and the Lower Hunter Tribal Council) along the highway route in order to identify significant and sensitive sites. This shall include but not be restricted to an investigation of the following for each location:
   i. the geomorphological context of the landscape being investigated;
   ii. the landscape history and level of disturbance;
   iii. the presence of intact archaeological material;
   iv. the nature of and significance of intact archaeological material to include an assessment of the material recovered and its landscape and geomorpohological context; and
   v. appropriate management options and mitigation measures including requirements for more detailed salvage.

101. The Proponent shall prepare a detailed research program, which is to be undertaken 12 months prior to commencement of works, to support the work to be undertaken for the testing referred to in Condition of Approval No. 100 to the satisfaction of the NPWS.

102. The Proponent shall undertake a salvage program as required by the NPWS and the local Aboriginal community groups.

103. The Proponent shall identify, in consultation with the local Aboriginal community groups and the NPWS, management zones across the proposal for the ongoing management of sites along the route corridor. Each management zone shall:
   i. incorporate a set of management objectives which is reflective of its relative importance for conserving Aboriginal heritage values identified through the testing process; and
   ii. strategies for the avoidance of sites and areas of high sensitivity.

104. If during the course of construction the Proponent becomes aware of any heritage items or archaeological material, all work likely to affect the site(s) shall cease immediately and the relevant authorities, including NPWS, NSW Heritage Office and the local Aboriginal community groups shall be consulted to determine an appropriate course of action prior to the recommencement of work at that site. Appropriate supporting documentation would need to accompany any application for required permit/consent(s).

105. The Proponent shall prepare a cultural heritage strategy for the construction works to ensure that:
   i. all workers are aware of the Aboriginal heritage values within each construction area;
   ii. areas in sensitive management zones are appropriately fenced to avoid damage, particularly from inadvertent machinery movement; and
   iii. all works cease immediately upon the discovery of any ‘unknown’ Aboriginal site and NPWS and relevant local Aboriginal community groups are contacted.

106. The Proponent shall prepare a cultural heritage strategy for management, post construction, to include but not be limited to:
   i. the introduction of permanent fencing;
   ii. revegetation of areas of high archaeological significance; and
   iii. an assessment of the changes in accessibility to sites and strategies to reduce the impact of these changes, prepared in consultation with the local Aboriginal community groups and the NPWS.

107. The Proponent shall fully fund the proposed works and mitigation strategies outlined in the above conditions.

108. Documentation, in the form of Aboriginal Cultural Heritage Assessments, is required from each of the known Aboriginal community groups. The published NPWS Aboriginal Cultural Heritage Standards and Guidelines outlines the critical components for these assessments including the Aboriginal community's understanding of the proposed project and:
   i. the cultural heritage values they ascribe to the landscape and the significance to the community (sensitivity mapping);
   ii. the impact to their culture as a result of works associated with the proposal; and
   iii. management options and recommendations considered necessary by the community to mitigate against impacts or loss.

109. Documentation from local Aboriginal community groups detailing the significance of Sugarloaf Range, their understanding of the implications of the impact of the proposed Highway Link to Branxton and:
   i. the cultural heritage values they ascribe to the Sugarloaf Range landscape and its significance to the community (sensitivity mapping);
   ii. the impact to their culture as a result of works associated with the Sugarloaf Range landscape; and
   iii. management options and recommendations considered necessary by the community to mitigate against impacts or loss.

   The above may be included in the Aboriginal Cultural Heritage Assessments or documented separately in the form of a specific report or letter from each of the Aboriginal community groups.

110. Prior to the commencement of ~~substantial~~ construction, the Proponent shall prepare in consultation with the Aboriginal community groups, a Cultural Heritage Plan of Management for approval by the Director-General and in agreement with the Director-General of National Parks and Wildlife. The Plan shall encapsulate strategies, methods and outcomes for Aboriginal cultural heritage values.

111. The Cultural Heritage Plan of Management shall:
   i. identify the Aboriginal cultural and archaeological variables and criteria;
   ii. assess those areas already being considered for their compensatory habitat values, to determine their value for Aboriginal cultural heritage;
   iii. consider the issues raised by the Aboriginal communities during the consultation process; and
   iv. identify areas (other than those identified in (ii) above) for consideration as off-sets, consistent with the outcomes of the Aboriginal Cultural Heritage Plan of Management.

112. The Proponent must notify the Director-General of National Parks and Wildlife in writing of any proposed variations to the alignment, design or construction of the activity not considered in the current proposal. The NPWS must be given the opportunity to inspect the final route and any variations can then only proceed if approval in writing is given by the Director-General of National Parks and Wildlife. The NPWS must be allowed a minimum of fifteen working days to consider any variation and to provide advice on the appropriate measures required to mitigate any impacts.

113. The Proponent shall implement the mitigation measures identified in Section 8.5 of the EIS in order to protect the non-indigenous cultural heritage items potentially affected by the proposal.

Air Quality

Construction Air Quality Sub Plan

114. A specific Construction Air Quality Sub Plan shall be prepared in consultation with the EPA. The Sub Plan shall provide details of all dust control measures to be implemented during the construction stage, sufficient to address the technical requirements for any EPA approvals/licences. The Sub Plan shall include, but not be limited to:
    i. pro-active measures to reduce dust from stockpiles and cleared areas and other exposed surfaces; and
    ii. progressive revegetation strategy for exposed surfaces in accordance with Conditions of Approval Nos. 89 and 97.

115. Where there is a risk of losing material, construction vehicles using public roads shall be maintained and covered to prevent any loss of load, whether in the form of dust, liquid, soils. Construction vehicles shall be maintained in such a manner that they would not track mud, dirt or other material onto any street which is opened and accessible to the public. In the event of any spillage, the Proponent is required to remove the spilt material within 24 hours.

116. In accordance with the *Protection of Environment Operations (Control of Burning) Regulation* 2000, no open burning or incineration shall be permitted on site unless otherwise approved by the EPA.

Hazards and Risk Management

117. The Proponent shall prepare and implement a Hazards and Risk Management Sub Plan. This Sub Plan shall include, but not be limited to the following:
    i. details of the hazards and risks associated with the proposal; and
    ii. pro-active and reactive mitigation measures including contingency plans to be implemented in the event of a pollution incident.

Dangerous Goods and Hazardous Materials

118. The Proponent shall prepare and implement an On-Site Refuelling Protocol to manage on-site refuelling of vehicles during the construction. The Protocol shall include, but not necessarily be limited to:
    i. a decision-making algorithm to determine whether on-site or off-site refuelling is appropriate in a given situation;
    ii. arrangements for the transport of diesel to the refuelling site, including vehicle types, volumes, movement times and routes where relevant;
    iii. procedures for refuelling to address the potential for spills, collisions with refuelling vehicles or other hazardous incidents; and
    iv. procedures to be followed in the event of a diesel spill, including containment and clean-up measures.

    The On-Site Refuelling Protocol shall be submitted for the approval of the Director-General prior to the commencement of any refuelling activity, or within such period otherwise agreed by the Director-General.

Should the Proponent decide not to undertake any on-site refuelling activity during construction, the Proponent may satisfy this condition by certifying in writing, to the Director-General, that such refuelling activities will not be conducted.

Construction Risk Management

119. Deleted.

Operation Risk Management

120. The Proponent shall prepare and implement an Emergency Plan to manage emergency events that may arise. The Plan shall include, but not necessarily be limited to:
    - xv. identification of emergencies that may arise in relation to the proposal and associated infrastructure;
    - xvi. procedures to be followed to address potential emergencies and minimise the impacts of emergencies on surrounding land uses;
    - xvii. monitoring and communication systems installed to indicate an emergency;
    - xviii. details of fire safety measures where relevant;
    - xix. procedures for the notification of relevant emergency services, authorities and affected receptors of an emergency situation; and
    - xx. a system to investigate and address the cause(s) of any emergency to prevent recurrence.

    The Emergency Plan shall be submitted for the approval of the Director-General prior to the commencement of operation of the proposal, or within such period otherwise agreed by the Director-General.

121. The Proponent shall prepare and implement a Security and Crime Management Strategy to prevent unauthorised public ingress or access, and to minimise the potential for crime in the vicinity of proposal (eg vandalism, loitering, illegal dumping etc). The Strategy shall be generally in accordance with the principles outlined in the joint Department and Police Service publication *Crime Prevention and the Assessment of Development Applications*, and be developed in consultation with the NSW Police Service and relevant councils. The Strategy shall include, but not necessarily be limited to:
    - v. details of security arrangements to prevent unauthorised access, including physical exclusion measures, detection devices and management mechanisms;
    - vi. procedures for addressing security issues, should they arise;
    - vii. specific design features intended to discourage the incidence of crime at and in the immediate vicinity of relevant components of the proposal and associated infrastructure (eg. fencing on overpasses);
    - viii. lighting considerations, including light intensity, direction and hours of operation at and in the immediate vicinity of the proposal, with the aim of minimising areas that may encourage crime;
    - ix. policies and procedures for the management and removal of graffiti, amelioration of vandalism, should it occur at or on any component of the of relevant components of the proposal; and
    - x. policies and procedures for the management and removal of illegal or inappropriate bill-posting and illegally dumped materials, should it occur at or on any component of relevant components of the proposal.

The Security and Crime Management Strategy shall be submitted for the approval of the Director-General prior to the commencement of construction or within such period otherwise agreed by the Director-General.

This condition only applies to "relevant" components of the proposal. That is, this condition only applies to those components that may be subject to security or crime issues.

Spoil Disposal

Spoil Management Plan

122. The Proponent shall prepare a Spoil Management Sub Plan. The Sub Plan shall identify how spoil would be handled, stockpiled, reused and disposed. The Sub Plan shall be prepared:
  e. in consultation with the EPA and the relevant Councils;
  f. prior to construction; and
  g. for all relevant sites.

123. All clean and/or treated spoil shall be reused or recycled where possible and cost effective to do so. The Proponent shall ensure that spoil generated from construction activities is maximised in preference to any import of fill.

Waste Management and Recycling

Waste Management and Reuse Sub Plan

124. A detailed Waste Management and Reuse Sub Plan shall be prepared. The Sub Plan shall address the management of wastes during the construction in accordance with Government's *Waste Reduction and Purchasing Policy*. It shall be prepared prior to construction, and shall identify requirements for:
  i. waste avoidance;
  ii. reduction;
  iii. reuse; and
  iv. recycling;

and details of requirements for:
  v. handling;
  vi. stockpiling;
  vii. disposal of wastes: specifically contaminated soil or water, concrete, demolition material, cleared vegetation, oils, grease, lubricants, sanitary wastes, timber, glass, metal, etc.;
  viii. implementation of energy conservation best practice; and
  ix. identifying any site for final disposal of any material and any remedial works required at the disposal site before accepting the material.

125. Any waste material that is unable to be reused, reprocessed or recycled shall be disposed at a landfill licensed by the EPA to receive that type of waste. The Sub Plan shall be framed using the waste minimisation hierarchy principles of avoid-reduce-reuse-recycle-dispose. This shall also include the demand for water.

Utilities and Services

126. A detailed Utility Services Sub Plan shall be prepared in consultation with the relevant service providers (eg. Transgrid, Agility Services, Telstra). The Sub Plan shall identify the services potentially affected by construction activities and discuss requirements for diversion, protection and/or support. The Sub Plan shall be prepared in consultation with the relevant service provider(s).

127. The Proponent shall identify utilities and services potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services shall be determined by negotiation with the service providers. The Proponent in consultation with service providers shall ensure that potential disruption to services resulting from the activity are minimised and advised to customers.

128. The Proponent shall ensure that disruption to services resulting from the proposal are minimised and shall be responsible for advising local residents and businesses affected prior to any disruption of service.

Location of Construction Facilities

129. The sites for ancillary facilities associated with the construction of the project shall satisfy the following criteria, unless otherwise approved by the Director-General:
   a) be located more than 100 metres from a waterway;
   b) have ready access to the road network;
   c) do not cause exceedance of the maximum native vegetation clearing limit specified under condition 60 of this approval;
   d) be located on relatively level land;
   e) be separated from the nearest residences by at least 200 metres (or at least 250 metres for a temporary batching plant and stockpiling sites);
   f) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
   g) shall not unreasonably affect the land use of adjacent properties;
   h) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours; and
   i) shall not impact on heritage sites beyond those already impacted by the project.

Ancillary sites that do not meet the above criteria should be assessed against these criteria, with advice provided to the Director General demonstrating how environmental impacts will be satisfactorily managed.

The location of ancillary facilities shall be identified within the Construction Environmental Management Plan.

Note:

Any modification to the proposal that would be inconsistent with the conditions of approval shall only be carried out with the prior written approval of the Minister, in accordance with the relevant provisions of the *EP&A Act*.