# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Frank Sartor MP
**Minister for Planning**

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| Sydney | 9 July | 2007 | File No: N99/00157 |

### SCHEDULE 1

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| **Application No:** | 05_0044 |
| **Proponent:** | Roads and Traffic Authority |
| **Approval Authority:** | Minister for Planning |
| **Land:** | Land generally to the east of Bulahdelah, connecting the existing Pacific Highway between approximately 4.5 kilometres south of the town to approximately 4 kilometres north of the town, in the Great Lakes local government area. |
| **Project:** | A dual carriageway highway bypass to be constructed to the east of Bulahdelah, starting approximately 4.5 kilometres south of Bulahdelah and connecting to the existing highway approximately 4 kilometres to the north of the town. The project includes interchanges to the south and north of the town, allowing access to Bulahdelah. |
| **Major Project:** | The proposal is declared a major project under section 75B(1)(b) of the *Environmental Planning and Assessment Act 1979*, by virtue of an Order made by the Minister for Planning and Gazetted on 29 July 2005. |

## KEY TO CONDITIONS

## SCHEDULE 2

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| **Act, the** | *Environmental Planning and Assessment Act, 1979* |
| **Ancillary Facility** | Temporary facility for Construction that does not form part of the Project. Examples are an office and amenities compound, batch plant (concrete or bitumen), materials storage compound, stockpile areas. |
| **Conditions of Approval** | The Minister's conditions of approval for the project. |
| **Construction** | Includes all work in respect of the Project **other than** survey, acquisitions, fencing, investigative drilling or excavation, 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 Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services / utilities, etc.). |
| **Council** | Great Lakes Council |
| **dB(A)** | Decibel, "A" weighted scale |
| **DECC** | NSW Department of Environment and Climate Change |
| **Department, the** | NSW Department of Planning. |
| **DEW** | Commonwealth Department of Environment and Water Resources |
| **Director-General, the** | Director-General of the NSW Department of Planning (or delegate). |
| **Director-General's Approval** | A written approval from the Director-General (or delegate).<br><br>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period. |
| **Director-General's Report** | The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act. |
| **DPI** | NSW Department of Primary Industries (includes divisions such as Agriculture, Forestry, Fisheries and Minerals) |
| **EPA** | Environment Protection Authority as part of the NSW Department of Environment and Climate Change |
| **Heritage Office** | NSW Department of Planning - Heritage Office |
| **KLALC** | Karuah Local Aboriginal Land Council |

| | |
|---|---|
| $L_{A90}$ | The noise level exceeded for 90% of a monitoring period, also referred to as the background noise level |
| $L_{A10\ (15\ mins)}$ | Sound pressure level exceeded for 10 per cent of the time over a 15 minute period |
| **Minister, the** | Minister for Planning. |
| **Operation** | Means the operation of the project, but **does not** include commissioning trials of equipment or temporary use of parts of the project during construction. |
| **Project** | The project that is the subject of Major Projects Application 05_0044 |
| **Proponent** | NSW Roads and Traffic Authority |
| **Publicly Available** | Available for inspection by a member of the general public (for example available on an internet site or at a display centre). |
| **Reasonable and feasible** | Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. **Feasible** relates to engineering considerations and what is practical to build. **Reasonable** relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements. |
| **RTA** | NSW Roads and Traffic Authority |
| **Sensitive Receiver** | Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church) |
| **Stages** | Stages refers to the:<br>• division of a project into multiple contract packages; and/or<br>• construction or operation of a project in discrete sections. |
| **Station** | Refers to chainage measures used in Figure 5.2 (a-f) in the main volume of the document referred to in condition 1.1b of this approval. |

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Approval

1.1 The Proponent shall carry out the project generally in accordance with the:

a) Major Projects Application 05_0044;

b) *Bulahdelah – Upgrading the Pacific Highway: Environmental Impact Statement* (seven volumes), prepared by Parsons Brinckerhoff Australia Pty Limited and dated November 2004;

c) *Bulahdelah – Upgrading the Pacific Highway: Submissions Report*, prepared by RTA Environmental Technology and dated October 2006; and

d) the conditions of this approval.

1.2 In the event of an inconsistency between:

a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and

b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

1.3 The Proponent shall comply with any reasonable and feasible requirement(s) of the Director-General arising from the Department's assessment of:

a) any reports, plans or correspondence that are submitted in accordance with this approval; and

b) the implementation of any actions or measures contained in these reports, plans or correspondence.

### Limits of Approval

1.4 This approval shall lapse ten years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.

### Statutory Requirements

1.5 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required with respect to the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

## 2. SPECIFIC ENVIRONMENTAL CONDITIONS

### Ecological Impacts

2.1 The Proponent shall employ a suitably qualified and experienced ecologist approved by the Director-General for the duration of construction works between Stations 96,000 and 97,800 to advise on the mitigation and management of impacts to listed threatened species that may be affected by the relevant works. Nothing in this condition precludes the Proponent from employing an ecologist for the entirety of the project construction works.

#### *Design Requirements*

2.2 The Proponent shall, in consultation with the DECC and the DPI as relevant, design, construct and maintain all structures identified as potential fauna crossing points and waterway crossings in the document referred to in condition 1.1b) to minimise impact on terrestrial and aquatic fauna, including fish passage. This shall include design measures for the Myall River, Frys Creek and Stuart Street access bridges to provide appropriate access and vegetation cover to permit fauna movements under the project at these points. The design of Frys Creek Bridge shall provide clearance for fauna that matches or is greater than that of the existing Frys Creek crossing.

2.3 Prior to the commencement of construction of the project, the Proponent shall certify to the Director-General that, where reasonable and feasible, those components of the project between Stations 96500 and 97800 have been designed to:

a) generally minimise the footprint of the project and associated construction works that may disturb vegetation, soils and hydrology in those areas by mechanisms including but not limited to maximising:
   a. the use of vertical, or near-vertical retaining walls, rather than road embankments/ road cuttings; and
   b. the slope of the road embankments / road cuttings to reduce the footprint of the embankments / cuttings where such are necessary for structural or geotechnical stability;

b) minimise alteration to natural surface hydrology with particular reference to distributed drainage, flow velocities and surface water quality (erosion and sedimentation);

c) minimise impact on hydrological and ecological connections between the east and west of the project; and

d) minimise geotechnical risks associated with any road embankments/ road cuttings in and through the footslopes of Bulahdelah Mountain.

2.4 For the purpose of condition 2.3, the Proponent shall also consider options for utilising bridging, archways or culverts if reasonable and feasible.

***Translocation, Compensation and Offsets***

2.5 Prior to the commencement of relevant construction works, the Proponent shall, in consultation with the DECC and DEW, translocate the orchid individuals identified under condition 3.1a) of this approval.

2.6 The Proponent shall, in consultation with the DECC, install nestboxes and relocated hollows to offset the loss of tree hollows or habitat identified under condition 3.2a) of this approval. Structures to replace removed hollows shall be installed prior to or during early stages of clearing.

2.7 The Proponent shall, in consultation with the DECC, install arboreal aerial crossing measures as part of the project, at locations to be agreed with the DECC.

2.8 Prior to the commencement of construction between Stations 96500 and 97800 the Proponent shall develop an **Orchid Offset Package** in consultation with and to the satisfaction of the DECC and DEW. The Package shall include one or more of the following compensatory measures:

a) land offsets intended for the conservation of existing threatened orchid species or translocation of individuals affected by the project; and/ or

b) funding contributions towards the development and implementation of recovery plans for threatened orchid species; and/ or

c) funding contributions towards the development and implementation of research programs into threatened orchid species; and/ or

d) any other form of offset measure agreed by the DECC and DEW.

Implementation of the Package shall commence prior to the disturbance of any threatened orchid individual, unless otherwise agreed by the Director-General.

**Heritage Impacts**

***Aboriginal Heritage***

2.9 In undertaking the project, the Proponent:

a) shall not destroy, modify or otherwise physically affect scarred tree B13; and

b) shall investigate possible design and construction methodology to avoid impacts on potential scarred tree B2.

2.10 Unless otherwise agreed with the DECC and KLALC, the Proponent shall salvage any detected artefacts from sites B1, B8, B10, B11, B14, B15 and B16 in consultation with the DECC and KLALC and prior to the commencement of construction works that may impact on those sites.

2.11 Unless otherwise agreed with the DECC and KLALC, the Proponent shall undertake subsurface testing for sites BPAD1 to 8 inclusive, and salvage any artefacts of significance identified at those sites in the same manner required under conditions 2.10 of this approval. The approach to salvage shall be detailed as per condition 6.4b of this approval.

2.12 Under the guidance of a specialist in Aboriginal scarred trees and using methodology determined in consultation with the DECC and the KLALC, the tree referred to as the 'Guardian Tree' shall be salvaged with all potential culturally significant markings, including the relevant burl and scars. The care and control of the tree, including identification of an appropriate location for preservation shall be finalised in consultation with the DECC and KLALC before the tree is impacted by the Proponent. Should such a location not exist at the time the tree is salvaged by the Proponent, the Proponent shall bear the reasonable costs of establishing an appropriate location.

2.13 The Proponent shall design and construct the crossing of the 'Healing Stream' in consultation with the DECC and KLALC, and with the aims of:
   a) maintaining water quality in the Stream;
   b) minimising impacts on flow dynamics in the Stream;
   c) minimising changes to the stream bed and riparian vegetation; and
   d) maintaining appropriate access points for visitation of the Stream.

2.14 The Proponent shall install signage at the 'Healing Stream' and at other locations in and around the Mountain Park area as agreed in consultation with the DPI, the DECC and KLALC. This signage may include but not be limited to highlighting the Aboriginal cultural tradition of healing associated with the Bulahdelah Mountain and its waters, and the Aboriginal significance of Bulahdelah Mountain.

***Non-Aboriginal Heritage***

2.15 The Proponent shall not destroy, modify or otherwise physically affect heritage item BH4 (former site of Somerville's Cottage (home of Rachel Henning in the late 1860s)) or item BH3 (wood top rail and post fenceline along southern side of Lee Street).

2.16 The Proponent shall design, construct, operate and maintain the project in a manner that minimises the extent of physical disruption or modification of heritage item BH12 (Alunite Mine Historic Precinct) and shall manage the works that may impact on the heritage item in accordance with the Alunite Mine Site Management Plan required under condition 6.2 of this approval.

**Noise Impacts**

***Construction and Blasting Restrictions***

2.17 The Proponent shall only undertake construction activities associated with the project, other than blasting, 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.

These hours of construction may only be varied in the following circumstances:

   i. any works that do not cause construction noise to be audible at any sensitive receivers; or

ii. for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or
iii. where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
iv. as approved through the process outlined in condition 2.18 of this approval.

2.18 The hours of construction activities specified under condition 2.17 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.17 shall be:

a) considered on a case-by-case or activity-specific basis;
b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours;
c) accompanied by written evidence to DECC and the Director-General that activities undertaken during the varied construction hours are justified, appropriate consultation with potentially affected receivers and notification of Council has been undertaken and all practicable and reasonable mitigation measures have been put in place; and
d) accompanied by DECC's agreement with the proposed variation in construction times.

2.19 The Proponent shall only undertake blasting activities associated with the project during the following hours:

a) 9:00 am to 3:00 pm, Mondays to Fridays, inclusive;
b) 9:00 am to 12:00 pm on Saturdays; and
c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

2.20 The Proponent must consult with education institutions, including St Josephs Primary School and Bulahdelah Primary School, and minimise the impact of noise generating construction works in their vicinity. The Proponent must ensure that construction works audible at an education institution are not timetabled during important events, such as examination periods or major sporting events, unless arrangements acceptable to the affected education institution are made at no cost to the affected education institution.

***Construction and Blasting Limits***

2.21 The construction noise objective for the Project is to manage noise from construction activities (as measured by a $L_{A10\ (15minute)}$ descriptor) so it does not exceed the background $L_{A90}$ noise level by:

(a) more than 20 dB(A) for a construction period of four weeks and under;
(b) more than 10 dB(A) for a construction period of greater than four weeks and not exceeding 26 weeks; and
(c) more than 5 dB(A) for a construction period greater than 26 weeks.

Background noise levels are those identified in the documents referred to in condition 1.1b and 1.1c of this approval or otherwise identified in the construction Noise and Vibration Management Plan.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the Construction Noise and Vibration Management Plan. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective. The Proponent must implement all reasonable and feasible noise mitigation measures with the aim of achieving the construction noise objective.

2.22 The Proponent shall ensure that airblast overpressure generated by blasting associated with the project does not exceed the criteria specified in Table 1 when measured at the most affected residence or other sensitive receiver.

**Table 1 - Airblast Overpressure Criteria**

| Airblast Overpressure (dB(Lin Peak)) | Allowable Exceedance |
|---|---|
| 115 | 5% of total number of blasts over a 12 month period |
| 120 | Never |

2.23 The Proponent shall ensure that ground vibration generated by blasting associated with the project does not exceed the criteria specified in Table 2 when measured at the most affected residence or other sensitive receiver.

**Table 2 – Peak Particle Velocity Criteria**

| Peak Particle Velocity ($mms^{-1}$) | Allowable Exceedance |
|---|---|
| 5 | 5% of total number of blasts over a 12 month period |
| 10 | Never |

***Operation Noise***

2.24 Prior to the commencement of construction of the project, and after consultation with the DECC, the Proponent shall submit for the approval of the Director-General a Review of the operational noise mitigation measures considered in the document referred to under condition 1.1b) of this approval, taking into account the detailed design of the project. Consideration of operational noise mitigation measures shall include, but not necessarily be limited to, those operational noise mitigation measures specified in section 7.5.2 of the document referred to in condition 1.1b of this approval.

For the purpose of this condition, the Proponent is only required to consider reasonable and feasible noise mitigation measures to meet the noise criteria stipulated in *Environmental Criteria for Road Traffic Noise* (EPA, 1999) and the *Environmental Noise Management Manual'* (RTA, 2001).

**Air Quality Impacts**

2.25 The Proponent shall construct the project in a manner that minimises dust emissions associated with construction works, including wind-blown and traffic-generated dust.

**Soil and Water Quality Impacts**

2.26 The Proponent shall take all reasonable and feasible measures to prevent soil erosion and the discharge of sediments and pollutants from the project during construction and operation of the project.

2.27 Where available and of appropriate chemical and biological quality, the Proponent shall use stormwater, recycled water or other water sources in preference to potable water for construction activities, including concrete mixing and dust control.

**Waste Management and Soil Contamination**

2.28 All materials that may be imported as fill during the construction and operation of the project shall only be:

a) Virgin Excavated Natural Materials (VENM); or
b) recycled concrete or asphaltic waste that meet the definition for inert material as defined in *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999) or

c) any other suitable inert material as defined in *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999) with the Director General's approval.

2.29 All spoil generated from the alunite mine site, the sawmill site and the decommissioned wastewater treatment plant site shall be tested in accordance with *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999), and where contamination is identified, directed to a waste management facility lawfully permitted to accept those materials.

**Community Infrastructure and Services**

2.30 The Proponent shall reinstate Mountain Park Picnic Area generally in accordance with the document referred to under condition 1.1b) of this approval. Reinstatement works, including the location and design of the Mountain Access Overbridge shall be undertaken to the satisfaction of the DPI and in consultation with Council, the Heritage Office and the Community Liaison Group (see condition 5.2). The Proponent shall be responsible for the reinstatement works to be considered which shall include, but not necessarily be limited to, those works specified in section 5.8.2 of the document referred to in condition 1.1b) of this approval.

2.31 The Proponent shall offer reasonable and feasible landscaping for the purpose of visual screening to the owners of the two residences identified (in Sections 4.2.4 and 4.3.3 of Technical Paper 12 of the document referred to under condition 1.1b) of this approval) as likely to experience visual impact as a result of the southern section of the project. This condition does not preclude the Proponent from offering landscaping to any other residences identified as likely to experience such impact.

2.32 The Proponent shall consult with the owner of property no. 5 (as defined in Chapter 7 of the document referred to under condition 1.1b)) of this approval) in relation to the design and location of an underpass(es) or other measures to permit movement of livestock and agricultural machinery between the two sides of the project. The Proponent shall bear the full cost of such measures and ensure they are installed and functional prior to the construction and operation of the project in that location.

**Ancillary Construction Facilities**

2.33 The sites for Ancillary Facilities must satisfy the following criteria unless otherwise approved through the CEMP:

(a) be located within the project;
(b) have ready access to the road network;
(c) be located to minimise the need for heavy vehicles to travel through residential areas;
(d) be sited on relatively level land;
(e) be separated from nearest residences by at least 200 m (or at least 250 m for a temporary batch plant);
(f) not be within 100 m of, or drain directly to, SEPP 14 wetlands;
(g) be located above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
(h) not require vegetation clearing beyond that already required for the Project;
(i) not impact on heritage sites beyond those already impacted by the Project; and
(j) not affect the land use of adjacent properties.

The location of the Ancillary Facilities must be identified in the CEMP and must include an analysis against the above criteria. Where these criteria cannot be met the CEMP must demonstrate there will be no adverse impacts from the Ancillary Facility's construction or operation.

## 3. ENVIRONMENTAL MONITORING AND AUDITING

### Ecological Monitoring

3.1 Prior to the commencement of construction of the project, as part of the Orchid Management and Translocation Plan, the Proponent shall develop and submit to the Director-General an **Orchid Monitoring Program** in order to ascertain the impact of the project on the threatened orchid populations. The Proponent shall implement the Program. The Program shall be developed in consultation with the DECC, DPI and DEW and unless otherwise agreed by the Director-General shall include, but not necessarily be limited to:

a) continuation of the periodic survey of threatened orchid species (*Corybas dowlingii, Rhizathella slateri* and *Cryptostylis hunteriana*) within the footprint of the project prior to the commencement of construction to identify the location and number of each species likely or potentially impacted by the project;

b) continuation of the periodic survey of threatened orchid species (*Corybas dowlingii, Rhizathella slateri* and *Cryptostylis hunteriana*) at representative locations adjacent to the project footprint, including at up-hill and down-hill hydrological gradient locations, including assessment of individual and population health;

c) a program for periodic surveys of threatened orchid species (*Corybas dowlingii, Rhizathella slateri* and *Cryptostylis hunteriana*) during construction of the project and for a period of not less than five years after the commencement of operation of the project, unless otherwise agreed by the Director-General;

d) a program for periodic surveys of translocated threatened orchid species (refer to condition 2.5 of this approval) during construction of the project and for a period of not less than ten years after the commencement of operation of the project, unless otherwise agreed by the Director-General;

e) provision for rainfall monitoring in the locality, and periodic inspection of drainage performance and local hydrology during wet and dry weather periods;

f) provision for the assessment of periodic survey data against background and reference population data obtained during the preparation of the document referred to in condition 1.1b) of this approval and obtained under b) above, to identify changes in population health or individual numbers over time and possible causes for these changes (direct impacts, drainage, rainfall, natural population variation etc);

g) contingency measures in the event of an identified decline in the population health or individual numbers of monitored orchid species over time as a result of the construction and operation of the project;

h) provision for annual reporting of monitoring results to the Director-General, the DECC and DEW, or as otherwise agreed by those agencies.

3.2 Prior to the commencement of construction of the project, the Proponent shall develop and submit to the Director-General a **Squirrel Glider Monitoring Program**, in order to ascertain the impact of the project on local Squirrel Glider populations. The Proponent shall implement the Program. The Program shall be developed in consultation with the DECC and incorporate relevant outcomes from other squirrel glider monitoring programs such as that established for the Karuah Bypass Pacific Highway Upgrade Project. Unless otherwise agreed by the Director-General, the Program shall include, but not necessarily be limited to:

a) surveys for Squirrel Glider (*Petaurus norfolcensis*) individuals, feed trees and/or habitat trees within and adjacent to the footprint of the project prior to and during construction and for a period of not less than five years after the commencement of operation of the project, unless otherwise agreed by the Director-General;

b) provision for the assessment of periodic survey data against background and reference data obtained during the preparation of the document referred to in condition 1.1b of this approval and obtained under a) above, to identify changes in population health or individual numbers over time and possible causes for these changes;

c) provision for monitoring and assessing the success of any measures installed to provide points at which Squirrel Gliders may safely cross the project;

d) contingency measures in the event of an identified decline in the population health or individual numbers of Squirrel Gliders over time, or in the event of elevated fatalities as a direct result of operation of the project; and

e) provision for annual reporting of monitoring results to the Director-General and the DECC, or as otherwise agreed by those agencies.

**Noise Auditing**

3.3 Within one year of commencement of operation of the project, or as otherwise agreed by the Director-General, and during a period in which the project is operating under normal operational traffic conditions, the Proponent shall undertake an operational noise monitoring program to confirm the noise performance of the project and prepare an Operational Noise Report. The Report shall include, but not necessarily be limited to:

a) noise monitoring to assess compliance with the operational noise outcomes predicted in the operational noise Review required under condition 2.24 of this approval;

b) methodologies, locations and frequencies for noise monitoring, to be undertaken in accordance with the *Environmental Noise Management Manual'* (RTA, 2001);

c) identification of monitoring sites at which background noise and project noise levels can be ascertained, with specific reference to locations indicative of impacts on residential receptors and sensitive land uses;

d) details of any complaints and enquiries received in relation to noise generated by the project within the year of operation;

e) an assessment of the performance and effectiveness of applied noise mitigation measures; and

f) any additional noise mitigation measures and timetables for implementation.

3.4 Within 60 days of completing the operational noise monitoring program referred to under condition 3.3 of this approval, the Proponent shall provide the Director-General and the DECC with a copy of the Operational Noise Report. If the Report identifies any non-compliance with the noise objectives specified in *Environmental Criteria for Road Traffic Noise* (EPA, 1999), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

## 4. COMPLIANCE MONITORING AND TRACKING

**Compliance Tracking Program**

4.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction. The Program shall include, but not necessarily limited to:

a) provisions for periodic review of the compliance status of the project against the requirements of this approval;

b) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of the project;

c) provisions for periodic reporting of compliance status to the Director-General during construction;

d) provisions for reporting of compliance status to the Director-General during operation;

e) a program for independent environmental auditing in accordance with *ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;

f) mechanisms for recording incidents during construction and actions taken in response to those incidents;

g) provisions for reporting environmental incidents to the Director-General during construction and operation; and

h) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

## 5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

5.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

### Community Liaison Group

5.2 The Proponent shall establish and maintain for the duration of construction works associated with the project, a Community Liaison Group. Membership of the Group shall comprise representatives of the Proponent, the Environmental Representative (refer to condition 6.1 of this approval), a representative of Council, and community representatives (equal to or greater in number than Proponent representatives), identified and drawn from relevant community and business groups, individual members of the community adjoining the project. The first meeting of the Group shall be held prior to the commencement of construction of the project, unless otherwise agreed by the Director-General. The Proponent may review the Group's members and/or the need for the Group at any time during construction.

Issues for discussion by the Group include dissemination of information to the community, design issues related to the Conditions or mitigation measures, the CEMP and construction activities. Comments made by the Group regarding these issues must be considered by the Proponent.

5.3 With respect to the Community Liaison Group referred to under condition 5.2 of this approval, the Proponent is required, at its own expense, to:

a) provide meeting facilities for the Group and arrange for documentation of meetings;
b) arrange for a chairperson for the Group, who may be an independent third-party or may be a non-Proponent member of the Group;
c) provide regular information on the progress of construction of the project and related environmental performance;
d) provide any information that the chair of the Group may reasonably request concerning the project's environmental performance;
e) provide access for site inspections by the Group;
f) where reasonably requested by the chair of the Group, arrange consultant(s) and/ or expert(s) to present and explain technical information to the Group; and
g) where reasonably requested by the chair of the Group, invite representatives from relevant Government agencies or other individuals to attend Group meetings from time to time.

### Complaints and Enquiries Procedure

5.4 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints and enquiries for the duration of construction:

a) a telephone number on which complaints and enquiries about the project may be registered.
b) a postal address to which written complaints and enquires may be sent.
c) an email address to which electronic complaints and enquiries may be transmitted.

The telephone number, the postal address and the email address shall be published in a newspaper circulating in the local area prior to the commencement of construction and prior to the commencement of operation of the project. This information shall also be provided on the Proponent's website.

5.5 The Proponent must prepare and implement a **Construction Complaints Management System** consistent with AS 4269 "Complaints Handling" before construction commences and maintain the System for the duration of construction. Information on all complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation, must be included in the construction compliance reports referred to in condition 4.1c) of this approval) and made available to the Director-General on request.

**Provision of Electronic Information**

5.6 The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to the following (subject to confidentiality requirements):

a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this approval that may be granted from time to time;
b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;
c) a copy of each strategy, plan and program required under this approval; and
d) the outcomes of compliance tracking in accordance with condition 4.1 of this approval.

## 6. ENVIRONMENTAL MANAGEMENT

**Environmental Representative**

6.1 Prior to the commencement of construction of the project, or as otherwise agreed by the Director-General, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s), independent of the project construction organisation, for the approval of the Director-General. The Proponent shall employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:

a) be the principal point of advice in relation to all questions and complaints concerning the environmental performance of the project;
b) monitor the implementation of all environmental management plans and monitoring programs required by the conditions of this approval;
c) monitor the outcome of all environmental management plans and advise the Proponent upon the achievement of all Project environmental outcomes;
d) ensure that environmental auditing is undertaken in accordance with all relevant project EMS(s);
e) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the Project; and
f) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

**Alunite Mine Site Management Plan**

6.2 Prior to the commencement of construction that may impact on the Alunite Mine Site or Alunite Mine Precinct, the Proponent shall prepare a **Alunite Mine Site Management Plan** in consultation with the Heritage Office and the DPI in order to ensure ongoing integrated management of the site. The Plan shall include, but not necessarily be limited to:

a) an integrated plan for the public interpretation of the alunite mine, including signage and interpretive walking tracks;
b) procedures for construction of the project within the vicinity of the site to ensure preservation of historic features wherever possible; and
c) protocols and procedures for future works by the Proponent within the vicinity of the site, including consultation with the Heritage Office and adjacent landowners as appropriate.

**Construction Environmental Management Plan**

6.3 Prior to the commencement of construction of the project or each stage of the project, the Proponent shall prepare, in consultation with relevant Government Departments, and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) and shall include, but not necessarily be limited to:

a) a description of all activities to be undertaken during construction of the project including an indication of stages of construction, where relevant;

b) 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;

c) 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;

d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;

e) the additional plans listed under condition 6.4 of this approval; and

f) complaints handling procedures during construction as set out in condition 5.5 of this approval.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

6.4 As part of the Construction Environmental Management Plan for the project required under condition 6.3 of this approval, the Proponent shall prepare and implement the following sub plans:

a) a **Construction Flora and Fauna Management Plan** to detail how construction impacts on ecology will be minimised and managed. The Plan shall be developed in consultation with the DECC, DPI and DEW and shall include, but not necessarily be limited to:

   i) details of work practices (such as fencing and construction worker education) to minimise the potential for damage to vegetation and native fauna during construction;

   ii) measures to minimise the potential for introduction of soil pathogens to the Bulahdelah Mountain area;

   iii) weed management measures focusing on early identification of invasive weeds and determining effectiveness of management controls;

   iv) procedures to install and monitor mitigation measures, such as nest boxes, relocated hollows and fauna fencing for effectiveness and maintenance; and

   v) an auditing program for construction work practices to ensure that there is no impact on threatened species or their habitats additional to that already permitted.

b) a **Construction Heritage Management Plan** to detail how construction impacts on Aboriginal and non-Aboriginal heritage will be minimised and managed. The Plan shall be developed in consultation with the Heritage Office, the DECC and the KLALC and shall include, but not necessarily be limited to:

   i) results and recommendations arising from investigations into Potential Archaeological Deposits;

   ii) a strategy for the salvage and curation of salvaged Aboriginal objects;

   iii) specific measures to be applied to works undertaken in close proximity to Bulahdelah Mountain to minimise impacts on heritage items;

- iv) an education program for construction and project supervision personnel on their obligations for Aboriginal cultural materials;
- v) procedures to be implemented if previously unidentified Aboriginal objects and / or Non-Indigenous heritage items are discovered during construction; and
- vi) a program for construction work practices to ensure that there is no impact on heritage items additional to that already permitted.

c) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts would be minimised and managed. The Plan shall be developed in consultation with the DECC and include, but not necessarily be limited to:
- i) details of construction activities and a schedule for construction works;
- ii) identification of construction activities that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers, particularly residential areas;
- iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines;
- iv) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and
- v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected.

**Operation Environmental Management Plan**

6.5 Prior to the commencement of operation of the project, or each stage of the project, the Proponent shall prepare and submit for the approval of the Director-General an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004), and shall include, but not necessarily be limited to:

a) a description of all activities to be undertaken during operation of the project including an indication of stages of operation, where relevant;

b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
- i) measures to monitor and manage ecological factors, including effectiveness and maintenance of relocated hollows, nest boxes and aerial crossings;
- ii) measures to monitor and manage heritage sites, including objects that have been moved off-site for keeping as a result of the proposal;
- iii) measures to monitor and manage noise impacts;
- iv) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters;

d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project; and

e) complaints handling procedures during operation.

Nothing in this approval restricts the Proponent from incorporating the above operational environment plan into existing management systems administered by the Proponent.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the project, or within such period otherwise agreed by the Director-General. Operation of the project shall not commence until written approval has been received from the Director-General.