

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.

MOD 1 (2006) – property description and refinery tower height

MOD 2 (2013) – tank farm and vehicle load out

MOD 3 (2016) – Modification of the wastewater treatment and disposal process

MOD 4 (2024) – increase road freight access to 24 hours, construction of a new meal load out shed and installation of a solar array and upgraded processing equipment

Frank Sartor MP
Minister for Planning

Sydney

2006

File No: 9037388

SCHEDULE 1

Application No: 05_0122 granted by the Minister for Planning on 4 April 2006, as modified by MP 05_0122 MOD 1

Proponent: Cargill Australia Limited.

Approval Authority: Minister for Planning.

Land: 140 Cormorant Road, Lot 2 DP 858206 and Lot 15 DP 1119752 (Raven Street road reserve) Kooragang Island Newcastle Local Government Area.

Project: The expansion of the Cargill Oilseed Processing Facility.

Major Project Under section 75B(1)(a) of the Act, the project is classified as a Major Project as it meets the requirements of clause 3 of Schedule 1 of *State Environmental Planning Policy (Major Projects) 2005*. In particular, the project is for agricultural produce industries and food and beverage processing (edible or essential oils processing), with a capital investment value of more than \$30 million.

Modification MP 05_0122 MOD 2:

- Vegetable oil tank farm expansion and vehicle loadout

MP 05_0122 MOD 2:

- Vegetable oil tank farm expansion and vehicle loadout
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Information Only

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SCHEDULE 2

In this approval, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Proponent	Cargill Australia Ltd
Construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Council	Newcastle City Council
dB(A)	decibel (A-weighted scale)
Department	Department of Planning and Infrastructure Department of Planning and Environment
DEC	NSW Department of Environment and Conservation
Development, the	the development as described in the EA and amended by the conditions of this approval, as modified by MP 05_0122 MOD 1 and MP 05_0122 MOD 2.
Development, the	the development as described in the EA and amended by the conditions of this approval, as modified by MP 05_0122 MOD 1 and MP 05_0122 MOD 2.
Director General	Director General of the NSW Department of Planning, or his nominee
Director General	Director General of the NSW Department of Planning, or his nominee
dust	any solid material that may become suspended in air or deposited
EA	Environmental Assessment titled <i>Expansion of the Cargill Oilseed Processing Facility, Kooragang Island: Environmental Assessment</i> prepared by HLA-Envirosciences Pty Ltd and dated 15 December 2005
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Minister	NSW Minister for Planning, or delegate
MP 05_0122 MOD 2	the project as described by modification application MP 05_0122 MOD 2, accompanying Environmental Assessment and plans dated May 2013 and Response to Submissions Report dated July 2013, prepared by GHD Pty Ltd
MP 05_0122 MOD 3	the development as described by modification request MP 05_0122 MOD 3, accompanying Environmental Assessment and plans dated April 2016 and Response to Submissions dated 26 May 2016, both prepared by Ramboll Environ.
MP 05_0122 MOD 4	The development as described by Modification application MP05_0122-Mod-4, accompanying Cargill Kooragang Oilseed Facility Modification Report and plans dated July 2023 and Response to Submission Report dated 11 September 2023, both prepared by Ramboll
Operation	any activity at the proposed development that results in the production, or intended production of oilseed products
Project	the development as described in the EA and amended by the conditions of this approval, as modified by MP 05_0122 MOD 1, MP 05_0122 MOD 2 and MP 05_0122 MOD 3 and MP05_0122-Mod-4
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
RMS	Roads and Maritime Services
Secretary	the Secretary of the Department, or nominee
Site	the land to which this approval applies

Information Only

1. ADMINISTRATION

Scope of project

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

- a) Major Project Application MP05_0122, lodged with the Department of Planning on 21 December 2005;
- b) the Environmental Assessment, titled *Expansion of the Cargill Oilseed Processing Facility, Kooragang Island: Environmental Assessment* prepared by HLA-Envirosciences Pty Ltd and dated 15 December 2005;
- c) additional information, titled *Cargill Oilseed Processing Facility Environmental Assessment – Dangerous Goods* prepared by HLA-Envirosciences Pty Ltd and dated 20 January 2006;
- d) additional information, titled *Addendum Report to Cargill Air Quality Impact Assessment* prepared by HLA-Envirosciences Pty Ltd and dated 1 February 2006;
- e) response to submissions, titled *Proposed Expansion of the Cargill Oilseed Processing Facility, Kooragang Island – Responses* prepared by HLA-Envirosciences Pty Ltd and dated 17 March 2006;
- f) modification application MP 05_0122 MOD 1 dated 21 September 2006 including Drawing Number 110-C-012 prepared by Design Project Group Pty Ltd; and
- g) modification application MP 05_0122 MOD 2, accompanying Environmental Assessment and plans dated May 2013 and Response to Submissions Report dated July 2013, prepared by GHD Pty Ltd; and
- h) ~~the conditions of this approval.~~ modification request MP 05_0122 MOD 3, accompanying Environmental Assessment and plans dated April 2016 and Response to Submissions dated 26 May 2016, both prepared by Ramboll Environ.
- i) Modification application MP05_0122-Mod-4, accompanying Cargill Kooragang Oilseed Facility Modification Report and plans dated July 2023 and Response to Submission Report dated 11 September 2023, both prepared by Ramboll.

~~1.2 In the event of an inconsistency between:~~

- ~~a) the conditions of this approval and any document listed from condition 1.1a) to 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and~~
- ~~b) any document listed from condition 1.1a) to 1.1e) inclusive, and any other document listed from condition 1.1a) to 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.~~

1.2 If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.

Statutory Requirements

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

Dispute Resolution

1.4 In the event that a dispute arises between the Proponent and Council or the Proponent and a public authority other than the Department, in relation to a specification or requirement applicable under this approval, the matter shall be referred by either party to the Secretary, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Secretary, councils and public authorities.

Compliance

- 1.5 Prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the **Secretary**, the Proponent shall certify in writing to the satisfaction of the **Secretary**, that it has complied with all conditions of this approval applicable prior to that event. Where an event is to be undertaken in stages, the Proponent may, subject to the agreement of the **Secretary**, stage the submission of compliance certification consistent with the staging of activities relating to that event.
- a) commencement of construction of the **project**; and
 - b) commencement of operation of the **project**.
- 1.6 Notwithstanding condition 1.5 of this approval, the **Secretary** may require an update report on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the requirements of the **Secretary** and be submitted within such period as the **Secretary** may agree.
- 1.7 The Proponent shall meet the requirements of the **Secretary** in respect of the implementation of any measure necessary to ensure compliance with the conditions of this approval, and general consistency with the documents listed under condition 1.1 of this approval. The **Secretary** may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this approval, within such time as the **Secretary** may agree.

Limits

- 1.8 The operational refining output of the **project** shall not exceed 150,000 tonnes per annum and the operational packaging output of the **project** shall not exceed 80,000 tonnes per annum.

2. ENVIRONMENTAL PERFORMANCE

Air Quality Impacts

- 2.1 The Proponent shall design, construct, operate and maintain the **project** in a manner that minimises dust emissions from the site.
- 2.2 The Proponent shall design, construct, operate and maintain the **project** to ensure that for each discharge point listed in Table 1 below, the concentration of each pollutant listed for that discharge point does not exceed the maximum allowable discharge concentration limit for that pollutant at the discharge point specified. All concentration limits specified in the table are based on 101.3 kPa, 273 K, dry reference conditions and shall be determined in accordance with the monitoring requirements described under condition 3.1.

Table 1 - Monitoring Locations and Maximum Allowable Discharge Concentration Limits (Air)

EPA Identification Point	Pollutant	Units of Measure	Concentration Limit
10 – Boiler 2 Stack	Oxides of Nitrogen	mg/m ³	350

Note: Section 129 of the *Protection of the Environment Operations Act 1997* provides that the Proponent shall not cause or permit the emission of any offensive odours from the site but provides a defence if the emission is identified in the relevant environmental protection licence as a potentially offensive odour and that the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Hazards

- 2.3 Prior to the commencement of construction works ~~for the development associated with MP 05_0122 MOD 2~~, except for construction of those preliminary works that are outside the scope of the hazard studies, the Proponent shall submit the following hazards studies to the **Secretary**:
- a) ~~an updated~~ **Fire Safety Study** for the site. This study shall cover the relevant aspects of the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the New South Wales Government's *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*. The Proponent shall provide evidence that NSW Fire Brigades has approved the Fire Safety Study.
 - b) A **Hazard and Operability Study** for MP 05_0122 MOD 2, chaired by an independent qualified person approved in writing by the **Secretary**. The study shall be carried out in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. ~~The Study shall address, but not necessarily be limited to:~~
 - ~~i) if multiple standard hydrogen cylinders are to be used as storage, their suitability for the proposed operating conditions;~~
 - ~~ii) the adequacy of the pressure relief systems such as relief valves and bursting discs in the hydrogen storage system and the process systems;~~
 - ~~iii) the safe venting of the gas from the relief and operational vent systems. The need for flame arrestors should be considered;~~
 - ~~iv) the adequacy of measures to ensure that oil/sludge is not built up on the upstream side of relief devices;~~
 - ~~v) the adequacy of provisions for isolating the hydrogen line and the process area and "blowing through" with inert gas prior to maintenance work such as welding in the vicinity; and~~
 - ~~vi) the hazardous area classification and adequacy of safety measures of the hydrogen process area and the area surrounding the hydrogen supply pipes.~~
 - c) A **Construction Safety Study** for MP 05_0122 MOD 2 prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No.7, 'Construction Safety Study Guidelines'*. The commissioning portion of the Construction Safety Study may be completed prior to the commencement of commissioning rather than prior to commencement of construction. The Study should particularly address the risks during the construction period from and to the existing plant.

The studies shall be submitted for the approval of the **Secretary** no later than one ~~month~~ **week** prior to the commencement of construction works ~~for the development~~ MP 05_0122 MOD 2, or within such period otherwise agreed by the **Secretary**. Construction work for MP 05_0122 MOD 2 shall not commence until written approval of the Studies has been received from the **Secretary**.

- 2.3A A minimum of one month prior to the commencement of the construction works associated with MP05_0122-Mod-4 (excluding construction works outside the scope of the Hazard Study) or within such further period as the Secretary agrees, the Proponent is to update and submit to the Secretary for approval:
- i) the Fire Safety Study as required in condition 2.3(a); and
 - ii) the Construction Safety Study as required in Condition 2.3(c). If the construction period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two months prior to commencement of commissioning.
- Construction, other than of preliminary works, must not commence until approval has been given by the Secretary and, with respect to the Fire Safety Study, confirmation letter

from the Fire and Rescue NSW that the Fire Safety Study meets the FRNSW requirements must also be provided.

2.3B A minimum of one month prior to the commencement of construction works associated with MP05_0122-Mod-4 (excluding construction works outside the scope of the Hazard Study), the Proponent is to submit to the to the satisfaction of the Secretary:

a) A **Final Hazard Analysis** of the **project**, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'* or "*Multi-Level Risk Assessment*". The Final Hazard Analysis must include:

- i) details on the findings and recommendations of the Dust Hazard Assessment;
- ii) report on compliance with all relevant Australian and International Standards;
- iii) report on engineering and management controls implemented to manage the dust explosion hazards for the modification; and
- iv) qualitative assessment on the overall risk of the site.

Construction, other than of preliminary works, must not commence until approval has been given by the Secretary.

2.4 Prior to the commencement of operation of ~~the development~~ **MP 05_0122 MOD 2**, the Proponent shall submit the following plans to the **Secretary**:

- a) An **updated Emergency Plan** and detailed emergency procedures for the site. This plan shall include detailed procedures for the safety of all people outside of the **project** who may be at risk from the **project**. The plan shall be prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'*.
- b) An **updated Safety Management System**, covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. The Safety Management System shall be developed in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

The plans shall be submitted for the approval of the **Secretary** no later than one month prior to the commencement of operations ~~for the development~~ of **MP 05_0122 MOD 2**, or within such period otherwise agreed by the **Secretary**. Operations of **MP 05_0122 MOD 2** shall not commence until written approval of the **Studies** has been received from the **Secretary**.

Pre-Operation Start-Up Compliance Report for MP 05_0122 MOD 2

2.4A The Proponent shall submit to the **Secretary** a report detailing compliance with Conditions 2.3 and 2.4 at least one month prior to the commencement of operations of **MP 05_0122 MOD 2**

2.4B A minimum of two months prior to the commencement of operation of the proposal associated with MP05_0122-Mod-4 or within such further period as the Secretary of the Department may agree, the Applicant is to update and submit to the Secretary for approval the following:

- a) an Emergency Plan as required in Condition 2.4(a); and
- b) a Safety Management System as required in Condition 2.4(b).

Operations associated with MP05_0122-Mod-4 may not commence until written approval has been received from the Secretary for the above documents.

Noise Impacts

- 2.5 The Proponent shall operate the **project** to ensure noise generated by the project does not exceed the noise impact assessment criteria specified in Table 2, at those locations and during those periods indicated.

Table 2: Noise Criteria

Locations	Day 7am – 6pm	Evening 6pm – 10pm	Night 10pm – 7am
	dB(A)	dB(A)	dB(A)
1	54 L _{Aeq} (60 minute)	-	-
2	54 L _{Aeq} (period)	48 L _{Aeq} (period)	45 L _{Aeq} (period)
3	58 L _{Aeq} (15 minute)	47 L _{Aeq} (period)	49 L _{Aeq} (period)
4	59 L _{Aeq} (15 minute)	53 L _{Aeq} (15 minute)	45 L _{Aeq} (period)
5	50 L _{Aeq} (15 minute)	44 L _{Aeq} (period)	49 L _{Aeq} (15 minute)
6	50 L _{Aeq} (period)	44 L _{Aeq} (period)	43 L _{Aeq} (period)
7	51 L _{Aeq} (period)	47 L _{Aeq} (period)	48 L _{Aeq} (period)
8	48 L _{Aeq} (period)	43 L _{Aeq} (period)	41 L _{Aeq} (period)

Note:

1. Receiver locations 1-8 as identified in the documentation listed in condition 1.1b) of this approval;
2. Noise from the premises is to be measured at the most affected point within the residential boundary or at the most affected point within 30 metres of the dwelling (rural situations) where the dwelling is more than 30 metres from the boundary to determine compliance with the noise limits specified in the above condition;
3. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the DEC may accept alternative means of ensuring compliance (refer to Chapter 11 of the *NSW Industrial Noise Policy*); and
4. The modification factors presented in Section 4 of the *NSW Industrial Noise Policy* shall also be applied to the measured noise levels, where applicable.

- 2.6 Noise emission limits specified in condition 2.5 apply under the following meteorological conditions:
- a) wind speed up to 3m/s at 10 metres above ground level; or
 - b) temperature inversion conditions.
- 2.7 The Proponent shall undertake all construction activities associated with **the development MP-05_0122 MOD-2 project** that would generate an audible noise at any premises beyond the boundary of the site between the following hours:
- a) 6:00 am to 6:00 pm, Monday to Friday;
 - b) ~~8:00am to 5:00pm, Saturdays and Sundays~~ 6:00am to 6:00pm Saturday and 8:00am to 5:00pm Sundays; and
 - c) at no time on public holidays
- unless otherwise approved in writing by the **Secretary**.
- 2.8 Subject to compliance with the requirements of this approval, the **project** may be operated 24 hours per day, 7 days per week.

Traffic and Transport Impacts

2.9 The Proponent shall undertake all reasonable endeavours to ensure that vehicles associated with the **project** do not stand or park on any public road or footpath adjacent to the site.

2.9A The Proponent shall ensure that internal roads associated with MP 05_0122 MOD 2 are constructed and maintained in accordance with the latest version of AS 2890.1 and AS 2890.2.

2.10 Within two years of the commencement of operations at the site, the Proponent shall investigate options to remove or reduce the volume of heavy vehicle accessing Cormorant Road via Egret Street **as part of the Traffic Management Plan for the project**. This review shall take into account:

- a) the predicted distribution of haulage routes for all trucks movements to and from the site over time; and
- b) the consideration of potential road improvements or works that may ameliorate the impact of truck movements at this intersection associated with the **project**.

The outcomes of this review, including any commitments made by the Proponent, shall be presented to the **Secretary** and the RTA **and incorporated into the final Traffic Management Plan for the project**.

Note: this Condition is linked to Condition 5.5(b) of this approval.

Visual Amenity Impacts

2.11 The Proponent shall ensure that no lights are directed towards private residences or roads, and that lighting is consistent with Australian Standard AS4282(INT) 1995: *Control of Obtrusive Effects of Outdoor Lighting*.

Soil and Water Quality Impacts

2.12 The Applicant shall comply with Section 120 of the *Protection of the Environment Operations Act 1997* in the carrying out of the **project**, except as expressly provided by a licence under that Act for the **project**.

Waste Generation and Management

2.13 The Proponent shall not cause, permit or allow any waste generated by the **project** or from outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under *Protection of the Environment Operations Act 1997*. This condition only applies to wastes for which a licence under the *Protection of the Environment Operations Act 1997* is required.

3. ENVIRONMENTAL MONITORING AND AUDITING

Air Quality Monitoring

3.1 During operation of the **project**, the Proponent shall periodically determine the pollutant concentrations and emission parameters specified in Table 3 below, at the discharge points indicated and employing the sampling and analysis method specified. All pollutant concentrations and emission parameters for each discharge point shall be determined concurrently and at the frequency indicated in the table.

Table 3 - Discharge Point and Parameter Monitoring (Air)

Discharge Point	Pollutant/Parameter	Units of Measure	Frequency	Sampling Method ^a
Points 1 and 10	Nitrogen Oxides	mgm ⁻³	Annual	TM-11
	Temperature	°C	Annual	TM-2
	Moisture	%	Annual	TM-22
	Volumetric flow rate	m ³ s ⁻¹	Annual	TM-2

	Oxygen	%	Annual	TM-25
	Selection of sampling positions	-	-	TM-1

a. the Sampling Method shall be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*

Note: The monitoring conditions for air quality required under this approval may be in addition to those already specified under any Environmental Protection Licence for the site.

- 3.2 If the results of the monitoring required under condition 3.1 indicate that the operation of any component of the **project**, when operating under design loads and normal operating conditions, exceeds the limits imposed under condition 2.2, the Proponent shall provide details of remedial measures to be implemented to reduce air quality limits to the levels required.

Details of the remedial measures and a timetable for implementation shall be submitted to the **Secretary** for Approval within such period as the **Secretary** may require, and be accompanied by evidence that the DEC is satisfied that the remedial measures are acceptable.

Hazard Audit

- 3.3 Within twelve months of the commencement of operations of the proposed **project** or within such further period as the **Director General Secretary** may agree, the Proponent shall carry out a comprehensive Hazard Audit of the site. The Hazard Audit shall be carried out in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*.

The audit shall be carried out at the Proponent's expense by an independent qualified person or team approved by the **Director General Secretary**. The Proponent shall submit a Hazard Audit Report to the **Director General Secretary** within one month of the completion of the audit. Further audits shall be carried out every three years unless otherwise approved in writing by the **Director General Secretary**.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 4.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request. This shall include provision of all documents at the site for inspection by visitors, and in an appropriate electronic format on the Proponent's internet site, should one exist.

Complaints Procedure

- 4.2 Prior to the commencement of construction of the **project**, the Proponent shall ensure that the following are available for community complaints:
- a 24-hour, toll-free telephone number on which complaints about the **development project** may be registered;
 - a postal address to which written complaints may be sent; and/or
 - an email address to which electronic complaints may be transmitted.

The Proponent shall ensure that the telephone number, postal address and/or email address are made known to the local community and any potentially affected neighbours prior to the commencement of construction.

- 4.3 The Proponent shall record details of all complaints received through the means listed under condition 4.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- the date and time, where relevant, of the complaint;
 - the means by which the complaint was made (telephone, mail or email);

- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the DEC and the **Secretary** upon request.

5. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

5.1 The Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of ~~the development~~ **MP 05_0122 MOD 2**. ~~The Plan must be approved by the Secretary prior to the commencement of construction of MP 05_0122 MOD 2 and shall include, but not necessarily be limited to:~~

- a) a description of all activities to be undertaken on the site during construction 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. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities; and
 - iii) measures to monitor and control noise emissions during construction works;
- d) a description of the roles and responsibilities for all relevant employees involved in the construction of the ~~development project~~ **project**;
- e) the Management Plans listed under condition 5.2 of this approval; and
- f) complaints handling procedures during construction.

5.2 As part of the Construction Environmental Management Plan for ~~the development~~ **MP 05_0122 MOD 2 project**, required under condition 5.1 of this approval, the Proponent shall prepare and implement the following Management Plans:

- a) a **Soil and Water Management Plan** to ensure that all erosion and sediment controls associated with the **project** are consistent with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004). The Plan shall include, but not necessarily be limited to:
 - i) details of the works at the site that may cause erosion, sedimentation or other pollution during construction activities;
 - ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the **project**; and
 - iii) a soil and water quality monitoring program during construction works associated with the **project**.
- b) a **Contamination Management Plan** detailing the protocols to be put in place and followed in the event that contaminated soil or water is encountered during construction. The Plan shall:
 - i) be prepared in accordance with the relevant best practice industry standard guidelines;
 - ii) detail how excavated soil will be tested, handled and stockpiled;

- iii) detail the measures that will be employed to prevent erosion and sedimentation of contaminated soil;
 - iv) outline how contaminated soil and water will be disposed of off-site (e.g. at a licensed facility); and
 - v) include a program to train construction personnel to identify contaminated material and follow the protocols for its management outlined in this Plan.
- c) a **Traffic Management Plan** detailing the protocols to be put in place to manage construction traffic. The Plan shall:
 - i) be prepared in consultation with RMS and Council;
 - ii) include plans showing the haulage routes to be used by construction vehicles and the location of on site parking provision for all construction vehicles;
 - iii) describe the measures that will be implemented to ensure:
 - the nominated haulage route/s in used;
 - conflicts with other road users are minimised;
 - installation of advanced warning signs for motorists in the public road reserve of construction vehicle movements in accordance with AS 1742.3;
 - haulage is minimised or routes altered to avoid impact on the local traffic network;
 - heavy vehicle drivers adhere to a driver code of conduct; and
 - that all construction vehicles associated with MP 05_0122 MOD 2 park within the confines of the site.

5.2A The Proponent shall update the **Construction Environmental Management Plan** required by condition 5.1 to include the construction works associated with MP 05_0122 MOD 3. The updated plans shall be submitted to and approved by the Secretary prior to the commencement of any construction works associated with MP 05_0122 MOD 3.

The updated plan shall be implemented throughout the construction works.

5.2B The Proponent is to update the Construction Environmental Management Plan as required by Condition 5.1 to include the works associated with MP05_0122-Mod-4. The updated plan shall be submitted to and approved by the Secretary prior to the commencement of any construction works associated with MP05_0122-Mod-4.

5.3 The **Secretary** may, having considered any submission made by the Proponent, consent to the incorporation of the requirements listed under condition 5.2 into any existing plans required under the conditions of approval for other **project** at the site.

Operation Environmental Management Plan

5.4 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the **project**. The Plan shall include, but not necessarily be limited to:

- a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the **project**, including all approvals, licences, approvals and consultations;
- b) a description of the roles and responsibilities for all relevant employees involved in the operation of the **project**;
- c) overall environmental policies and principles to be applied to the operation of the **project**;
- d) standards and performance measures to be applied to the **project**, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;

- e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval; and
- f) the Management Plans listed under condition 5.5 of this approval.

The Plan shall be submitted for the approval of the **Secretary** ~~no later than one month prior to the commencement of operation of the development~~ within two (2) months of the approval of MP 05_0122 MOD 2, or within such period otherwise agreed by the **Secretary**. Operation of MP 05_0122 MOD 2 shall not commence until written approval has been received from the **Secretary**.

5.5 As part of the Operation Environmental Management Plan for ~~the development~~, project required under condition 5.4 of this approval, the Proponent shall prepare and implement the following Management Plans:

- a) ~~a **Water Monitoring and Management Plan** to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/ or waters throughout the life of the development. The Plan shall include, but not necessarily be limited to:~~
 - i) ~~consideration of all reasonable and feasible options to avoid discharge to groundwaters and/or ambient waters including methods to minimise the volume of contaminated water and effluent generated;~~
 - ii) ~~details of irrigation management practices to ensure there is no off-site impact through the use of treated effluent for irrigation;~~
 - iii) ~~a program for monitoring effluent and receiving soil and waters to ensure the suitable operation of the sewage treatment plant, and the ongoing viability of the land and waters receiving the effluent under the irrigation scheme;~~
 - iv) ~~details of the remedial actions to be taken in response to an exceedance of concentration limits or other performance criteria for the treated water, or if there are predicted or actual adverse weather conditions, or complaints received regarding irrigation activities;~~
 - v) ~~specific details shall be provided in relation to the times, locations, volumes and qualities of the water to be irrigated, including how the quality of water to be used for irrigation will be assessed.~~
- b) a **Traffic Management Plan** to outline minimum requirements for the movement of heavy vehicles to and from the site. The Proponent shall consult with Council and **RMS** in the preparation of the Plan. Evidence of consultation with Council and the **RMS** shall be provided to the satisfaction of the **Secretary**. The Plan shall include, but not necessarily be limited to:
 - i) consideration of the use of alternative accesses onto the State road network that do not involve the use of the Cormorant Road/Egret Street intersection for heavy vehicles;
 - ii) ~~incorporation of the outcomes (including any commitments made by the Proponent) of the review required under Condition 2.10 in Schedule 2 of this approval;~~
 - iii) speed limits to be observed along routes to and from, and within the site;
 - iv) movement scheduling where practicable to minimise noise and traffic volume impacts during sensitive times of the day;
 - v) behavioural requirements and load coverage specifications for drivers;
 - vi) a system of audited management practices that identifies non-conformances, initiates and monitors corrective and preventive actions (including disciplinary action for breaches of procedures), and assesses the implementation and improvement of the Plan.
- c) a **Landscape Management Plan** to outline measures to ensure appropriate **project** and maintenance of landscaping on the site. The Plan shall include, but not necessarily be limited to:
 - i) details of all landscaping to be undertaken on the site with specific reference to screening landscaping and the timing of landscaping works;
 - ii) maximisation of flora species endemic to the locality in landscaping the site;

- iii) results of consultation with Council and the DEC to determine appropriate species for landscaping on the site; and
- iv) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy and weed free state.

5.5A The Proponent shall update the **Operation Environmental Management Plan** required by condition 5.4 to include the operational works associated with MP 05_0122 MOD 3. The updated plan is to be submitted to and approved by the Secretary prior to the commencement of any operation works associated with MP 05_0122 MOD 3.

The updated plan shall be implemented throughout the operation of the project. A copy of the final plan shall be provided to Council and the Port of Newcastle within two weeks of its approval.

5.5B The Proponent is to update the Operational Environmental Management Plan as required by Condition 5.4 to include the works associated with MP05_0122-Mod-4. The updated plan shall be submitted to and approved by Secretary prior to the commencement of any operation associated with MP05_0122-Mod-4.

The update plan shall be implemented throughout the operation of the project. A copy of the final plan shall be provided to Council and the Port of Newcastle within two weeks of its approval.

- 5.6 The **Secretary** may, having considered any submission made by the Proponent, consent to the incorporation of the requirements listed under condition 5.5 into any existing plans required under the conditions of approval for other **project** at the site.
- 5.7 Every three years after the commencement of operation of **the development project** the Proponent shall undertake a formal review of the OEMP required under condition 5.4 of this approval. The review shall ensure that the OEMP is up-to-date and all changes to procedures and practices prior to the review are fully incorporated into the OEMP. The Proponent shall notify the **Secretary** of the completion of the review, and shall supply a copy of the updated OEMP to the **Secretary** and any other party upon request.

6. ENVIRONMENTAL REPORTING

Incident Reporting

- 6.1 The Proponent shall notify the DEC and the **Secretary** of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable upon the Proponent becoming aware of the incident. The Proponent shall provide full written details of the incident to the DEC and the **Secretary** within seven days of the date on which the incident occurred.
- 6.2 The Proponent shall meet the requirements of the **Secretary** to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 6.1, within such period as the **Secretary** may require.

Note: Condition 6.2 of this approval does not limit or preclude the DEC from requiring any action to address the cause or impact of any incident, in the context of the DEC's statutory role in relation to **the development project**.

Annual Performance Reporting

- 6.3 The Proponent shall, throughout the life of **the development**, prepare and submit for the approval of the **Secretary**, an **Annual Environmental Management Report (AEMR)**. The AEMR shall review the performance of the **project** against the Operation

Environmental Management Plan (refer to condition 5.4 of this approval), the conditions of this approval and other licences and approvals relating to the **project**. The AEMR shall include, but not necessarily be limited to:

- a) details of compliance with the conditions of this approval;
- b) a copy of the Complaints Register (refer to condition 4.3 of this approval) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
- c) identification of any circumstances in which the environmental impacts and performance of the **project** during the year have not been generally consistent with the environmental impacts and performance predicted in the documents listed under condition 1.1 of this approval, with details of additional mitigation measures applied to the **project** to address recurrence of these circumstances ;
- d) results of all environmental monitoring required under this approval and other approvals, including interpretations and discussion by a suitably qualified person; and
- e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the **project** have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Proponent shall submit a copy of the AEMR to the **Secretary** every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the **project**. The **Secretary** may require the Proponent to address certain matters in relation to the environmental performance of the **project** in response to review of the Annual Environmental Management Report. Any action required to be undertaken shall be completed within such period as the **Secretary** may require. The Proponent shall make copies of each AEMR available for public inspection on request.
