## Major Project Approval

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

I, the Minister for Planning approve under s.75J of the *Environmental Planning and Assessment Act 1979* the Project referred to in Schedule 1, subject to the conditions in Schedule 2.

APPROVED 07.09.2006

Frank Sartor MP
**Minister for Planning**

| Dated this | day of September 2006 | File S03/03436 |
|---|---|---|

## SCHEDULE 1: DESCRIPTION OF THE VINEYARD TO ROUSE HILL ELECTRICITY UPGRADE

**Application No:** 05_0168

The Project is the Vineyard to Rouse Hill Electricity Upgrade as described in the:

1. Environmental Assessment (EA) for the Vineyard to Rouse Hill Electricity Upgrade prepared by Parsons Brinckerhoff, dated October 2005; and as amended by
2. Submissions Report for the Vineyard to Rouse Hill Electricity Upgrade dated March 2006.

## SCHEDULE 2: CONDITIONS OF APPROVAL – VINEYARD TO ROUSE HILL ELECTRICITY UPGRADE

## DEFINITIONS AND ABBREVIATIONS

| Term | Definition |
|---|---|
| **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. |
| **Conditions of Approval** | The Minister's Conditions of Approval for the Project. |
| **CEMP** | Construction Environmental Management Plan. |
| **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 EMR to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc.). |
| **DEC** | Department of Environment and Conservation. |
| **Department, the** | Department of Planning (DoP). |
| **Director-General, the** | Director-General of the Department (or delegate). |
| **Director-General's Agreement** | A written advice from the Director-General (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. |
| **DNR** | Department of Natural Resources. |
| **EA** | Means the Vineyard to Rouse Hill Electricity Upgrade Environmental Assessment, prepared by Parsons Brinckerhoff, October 2005. |
| **EMR** | Environmental Management Representative. |
| **EP&A Act** | Environmental Planning and Assessment Act. |
| **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. |

| Term | Definition |
|---|---|
| **OEMP** | Operation Environmental Management Plan. |
| **Project** | The project described in Section 5 of the Vineyard to Rouse Hill Electricity Upgrade EA, Volume 1 and modified in Section 1.3 of the Vineyard to Rouse Hill Electricity Upgrade Submissions Report. |
| **Proponent** | Means Integral Energy. |
| **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. |
| **SoC** | Statement of Commitments in the Submissions Report. |
| **Submissions Report** | Means the *Vineyard to Rouse Hill Electricity Upgrade Submissions Report* prepared by Parsons Brinckerhoff for Integral Energy (March 2006). |
| **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 an Project into multiple contract packages; and/or<br>• Construction or Operation of a Project in discrete sections. |
| **Structure** | Residence, farm shed or other building. |

## ADMINISTRATIVE CONDITIONS

### The Project

1. The Project must be carried out consistent with:

   a) the procedures, safeguards and mitigation measures identified in the Environmental Assessment, as modified by the Submissions Report; and
   b) these Conditions.

   These Conditions prevail in the event of any inconsistency with the requirements for the Construction and Operation of the Project arising out of the documents described in (a) above.

2. These Conditions of Approval do not relieve the Proponent of its obligations under any other Act.

3. The Proponent must be satisfied, prior to the commencement of construction, that the carrying out of the Project is authorised under the relevant easements applying to the land upon which the Project is proposed to be constructed and operated.

## UNDERGROUNDING IN FUTURE RESIDENTIAL AREAS

**Note:** *The Independent Panel and Department of Planning both advise that given the Proposal will be utilising an existing easement and that the existing zoning is rural, undergrounding of the Proposal is not practicable at this stage. However, it is considered desirable by local communities that a high voltage power line such as that proposed be undergrounded when residential urban development is approved on land which is traversed by the easement in which the Proposal is to be constructed*.

4. Accordingly:

   a) if and when urban residential development is approved on land that is traversed by any existing or future easement in which the Project is constructed (including the Riverstone and Riverstone East Release Areas) – but not where the Project is constructed within an easement or reservation for a railway or arterial road; and

   b) the Growth Centres Commission determines that the undergrounding of the line is justified, then the Growth Centres Commission may, at the time the urban residential development occurs, having regard to Government policy on the costs of

      (i) residential land release; and
      (ii) undergrounding,

   require the Proponent to negotiate in good faith with the Growth Centres Commission (or a nominated developer) to underground any relevant sections of the line and to make an appropriate contribution to the cost of doing so.

5. That when any such proposal arises that is subject to 4.b), the Proponent must:
   a) establish a timetable for negotiations;
   b) provide regular reports to the Minister for Planning, Minister for Energy and the Treasurer on the progress of any such negotiations; and
   c) comply with any reasonable requirements agreed between those Ministers.

**Compliance**

*General*

6. The Proponent must notify in writing the Director-General and Blacktown City Council of the start of the Project's Construction and Operation. Such notification must be provided at least four weeks before the relevant start date unless otherwise agreed to by the Director-General.
7. It is the responsibility of the Proponent to ensure compliance with all of these Conditions and to implement any measures arising from these Conditions of Approval.

8. The Proponent must bring to the Director-General's attention any matter that may require further assessment by the Director-General.

9. The Proponent must comply with any requirements of the Director-General arising from the Department's assessment of:

   a) any reports, plans or correspondence that are submitted to satisfy these Conditions of Approval; and
   b) the implementation of any actions or measures contained in such reports, plans or correspondence.

*Staging Report*

10. The Proponent may elect to construct the Project in discrete work packages or defined stages provided that such stages or work packages are consistent with these Conditions of Approval. Where discrete work packages or defined stages are proposed, the Proponent must submit a Staging Report to the Director-General at least four weeks before Construction commences (or within any other time agreed to by the Director-General). The Staging Report must:

    a) describe the work packages or defined stages; and
    b) identify how the Conditions will be addressed in each work package or defined stage.

*Pre-Construction Compliance Report*

11. The Proponent must submit a Pre-Construction Compliance Report to the Director-General at least four weeks before Construction commences (or within any other time agreed to by the Director-General).

    The Pre-Construction Compliance Report must include:

a) details of how the Conditions of Approval required to be addressed before Construction were complied with;
b) the time when each relevant Condition of Approval was complied with, including dates of submission of any required reports and/or approval dates; and
c) details of any approvals or licences required to be issued by any relevant government departments and/or council before Construction commences.

*Pre-Operation Compliance Report*

12. The Proponent must submit Pre-Operation Compliance Reports to the Director-General at least four weeks before Operation (or within any other time agreed to by the Director-General).

    The *Pre-Operation Compliance Report* must include:
    a) details of how the Conditions of Approval required to be addressed before Operation were complied with;
    b) the time when each relevant Condition of Approval was complied with, including dates of submission of any required reports and/or approval dates; and
    c) details of any approvals or licences issued by any relevant government departments and/or council for the Project's Operation.

*Construction Compliance Reports*

13. The Proponent must provide the Director-General, Blacktown City Council, and any other government departments nominated by the Director-General with Construction Compliance Reports. The EMR must review the Construction Compliance Reports before they are submitted to the Director-General and bring to the Director-General's attention any shortcomings.

    The first *Construction Compliance Report* must report on the first six months of construction and be submitted a maximum six weeks after expiry of that period. The second, and subsequent, Construction Compliance Reports must be submitted at maximum intervals of six months from the date of submission of the first Construction Compliance Report (or at any other time interval agreed to by the Director-General) for the duration of Construction.

    The Construction Compliance Reports must include information on:

    a) compliance with the CEMP and the Conditions of Approval;
    b) compliance with any approvals or licences issued by relevant government departments and/or Blacktown City Council for the Construction phase of the Project;
    c) the implementation and effectiveness of environmental controls. The assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP;
    d) environmental monitoring results, presented as a results summary and analysis;
    e) the number and details of any complaints, including a summary of main areas of complaint, action taken, response given and intended strategies to reduce recurring complaints;

f) details of any review and amendments to the CEMP resulting from Construction during the reporting period; and
g) any other matter relating to compliance with the Conditions of Approval or as requested by the Director-General.

The Construction Compliance Reports must also be made Publicly Available.

**Environmental Impact Audits**

*Environmental Impact Audit Report - Construction*

14. An *Environmental Impact Audit Report - Construction* must be prepared and submitted to the Director-General a maximum three months after the Project begins Operation (or at any other time interval agreed to by the Director-General). The *Environmental Impact Audit Report – Construction* must also be submitted to Blacktown City Council and other government departments upon the request of the Director-General.

The *Environmental Impact Audit Report – Construction* must:

a) identify the major environmental controls used during Construction and assess their effectiveness;
b) summarise the main environmental management plans and processes implemented during Construction and assess their effectiveness;
c) identify any innovations in Construction methodology used to improve environmental management; and
d) discuss the lessons learnt during Construction, including recommendations for future projects.

*Environmental Impact Audit Report - Operation*

15. An *Environmental Impact Audit Report - Operation* must be submitted to the Director-General a maximum 24 months after the Project begins Operation and at any additional periods that the Director-General may require. The *Environmental Impact Audit Report - Operation* must also be submitted to Blacktown City Council and other government departments upon the request of the Director-General.

The *Environmental Impact Audit Report - Operation* must:

a) be certified by an independent person at the Proponent's expense. The certifier must be advised to the Director-General before the *Environmental Impact Audit Report – Operation* is prepared;
b) compare the Operation impact predictions made in the EA, Submissions Report and any supplementary studies with the actual impacts;
c) assess the effectiveness of implemented mitigation measures and safeguards;
d) assess compliance with the systems for operation maintenance and monitoring;
e) discuss the results of consultation with the local community particularly any feedback or complaints; and
f) be made Publicly Available.

**ENVIRONMENTAL MANAGEMENT**

**CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

16. A *Construction Environmental Management Plan (CEMP)* must be prepared and implemented in accordance with these Conditions of Approval and all relevant Acts and Regulations. The *CEMP* must be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (DIPNR) *Guideline for the Preparation of Environmental Management Plans.* The Proponent must obtain the Director-General's Approval for the CEMP before Construction commences or within any other time agreed to by the Director-General.

The Proponent must ensure that the mitigation measures identified in the EA, Submissions Report and in these Conditions are incorporated into the CEMP.

The CEMP must:

a) incorporate the mitigation measures identified in the Statement of Commitments for:
   - Soil and Water Management
   - Infrastructure, Utilities and Services
   - Energy, Greenhouse Gases and Resource Use
   - Visual Impact Management
   - Flora and Fauna
   - Traffic Management
   - Heritage and Archaeology
   - Air Quality
   - Waste Management and Recycling

   as relevant to the Pre-construction and Construction phases of the Project, and state how they will be implemented;

b) include a Construction program, identifying construction activities and their location and timing;
c) cover any relevant environmental elements identified by the Proponent, or its contractor, from their environmental due diligence investigations;
d) contain the Construction Sub Plans required by the Conditions of Approval;
e) be prepared following consultation with Blacktown City Council and relevant government departments;
f) be made Publicly Available;
g) include a community consultation and notification strategy (including local community, Blacktown City Council and relevant government departments), and construction complaint handling procedures;
h) include environmental management details such as:
   i identification of statutory obligations which the Proponent is required to fulfil during Construction, including all approvals and licences;
   ii an environmental management structure indicating the responsibility, authority and accountability for personnel relevant to the CEMP;

   iii the role of the EMR and identification of Construction activities requiring EMR attendance;
   iv details of the Construction personnel induction and training program;
   v Emergency response procedures;

i) include implementation details such as:
   i. identification of relevant environmental elements;
   ii. measures to avoid and/or control environmental impacts;
   iii. the tools to be used to implement the CEMP such as plans, schedules and work instructions;

j) include monitoring and review details such as:
   i performance criteria;
   ii performance monitoring methods;
   iii auditing and corrective actions procedures;
   iv CEMP review procedures.

**Operation Environmental Management Plan**

17. An *Operation Environmental Management Plan (OEMP)* must be prepared and implemented in accordance with these Conditions and all relevant Acts and Regulations. The *OEMP* must be prepared in accordance with the DIPNR *Guideline for the Preparation of Environmental Management Plans.* The Proponent must obtain the approval of the Director-General for the OEMP before Operation commences or within any other time agreed to by the Director-General.

The OEMP must:

a) identify the Operation activities;
b) incorporate the mitigation measures identified in the Statement of Commitments for:
   - Soil and Water Management
   - Visual Impact Management
   - Flora and Fauna

   as relevant to Operation phase of the Project, and state how they will be implemented;
c) cover relevant environmental elements identified by the Proponent either from its environmental due diligence investigations or required to satisfy any other licence or approval;
d) include the Operation Sub Plans required under these Conditions of Approval;
e) be prepared in consultation with relevant government departments and Blacktown City Council;
f) be made Publicly Available;
g) include environmental management details such as:
   i identification of statutory obligations which the Proponent is required to fulfil during the Project's Operation, including all approvals and licences;
   ii an environmental management structure indicating the responsibility, authority and accountability for personnel relevant to the OEMP;
   iii details of a personnel induction and training program;
   iv Emergency response procedures;

h) include implementation details such as:
   i identification of relevant environmental elements;
   ii measures to avoid and/or control environmental impacts;
   iii the tools to be used to implement the OEMP such as plans, schedules and work instructions;
i) include monitoring and review details such as:
   i performance criteria;
   ii performance monitoring methods;
   iii auditing and corrective actions procedures;
   iv OEMP review procedures.

If the Proponent has an Operation Environmental Management Plan (for example a certified and operating environmental management system) for its other activities which is applicable to this Project then that system may be proposed as the OEMP. Details of the existing system must be provided to the Director-General demonstrating its application to this Project.

**Environmental Management Representative**

18. The Proponent must request the Director-General's Approval for the appointment of an Environmental Management Representative (EMR) at least eight weeks before Construction commences (or within any other time agreed to by the Director-General). In its request the Proponent must provide the following information:

    a) qualifications and experience of the EMR including demonstration of general compliance with relevant Australian Standards for environmental auditors;
    b) authority and independence (from the Proponent or its contractors) of the EMR including details of the Proponent's internal reporting structure; and
    c) resourcing of the EMR role. The EMR must be available:
       i for sufficient time to undertake the EMR role. This timing shall be agreed between the Proponent and the EMR and advised to the Director-General in the request for approval;
       ii at any other time requested by the Director-General;
       iii during any Construction activities identified in the CEMP to require the EMR's attendance; and
       iv for the duration of Construction.

19. The Director-General may at any time immediately revoke the approval of an EMR appointment by providing written notice to the Proponent. Interim arrangements for EMR responsibility following the revocation must be agreed in writing between the Director-General and the Proponent.

20. The Director-General may at any time conduct an audit of any actions undertaken by the EMR. The Proponent must:

    a) facilitate and assist the Director-General in any such audit; and
    b) include in the conditions of the EMR's appointment the need to facilitate and assist the Director-General in any such audit.

21. The EMR is authorised to :

    a) consider and advise the Director-General and the Proponent on matters specified in the Conditions of Approval and compliance with such;
    b) determine whether work falls within the definition of Construction where clarification is requested by the Proponent;
    c) review the CEMP;
    d) periodically monitor the Proponent's activities to evaluate compliance with the CEMP. Periodic monitoring must involve site inspections of active work sites at least fortnightly;
    e) provide a written report to the Proponent of any non-compliance with the CEMP observed or identified by the EMR. Non compliance must be managed as identified in the CEMP;
    f) issue a recommendation to the Proponent to stop work immediately if in the view of the EMR an unacceptable impact on the environment is occurring or is likely to occur. The stop work recommendation may be limited to specific activities causing an impact if the EMR can easily identify those activities. The EMR may also recommend that the Proponent initiate reasonable actions to avoid or minimise adverse impacts;
    g) review corrective and preventative actions to monitor the implementation of recommendations made from audits and site inspections;
    h) certify that minor revisions to the CEMP are consistent with the approved CEMP; and
    i) provide regular (as agreed with the Director-General) reports to the Director-General on matters relevant to carrying out the EMR role including notifying the Director-General of any stop work recommendations.

    The EMR must immediately advise the Proponent and the Director-General of any incidents relevant to these Conditions resulting from Construction that were not dealt with expediently or adequately by the Proponent.

## COMMUNICATION AND CONSULTATION

### Advice of Construction Activities

22. Before Construction commences, and then at maximum three monthly intervals, the Proponent must advertise in relevant newspapers the: nature of the works proposed for the next three months; areas in which these works are proposed; Construction hours; and a contact telephone number.

    The Proponent must ensure that the local community and businesses are advised of Construction activities that could cause disruption. Methods to disseminate this information must be identified in the CEMP. Information to be provided must include:

    a) details of any traffic disruptions and controls;
    b) construction of temporary detours; and
    c) work approved to be undertaken outside standard Construction hours, in particular noisy works, before such works are undertaken.

23. The Proponent must establish a Project internet site before Construction commences and maintain the internet site until Construction ends. This internet site must contain:

    a) periodic updates of work progress, consultation activities and planned work schedules. The site must indicate the date of the last update and the frequency of the internet site updates;
    b) a description of relevant approval authorities and their areas of responsibility;
    c) a list of reports and plans that are Publicly Available under this Approval and details of how these can be accessed;
    d) contact names and phone numbers of relevant communications staff; and
    e) the 24 hour toll-free complaints contact telephone number.

    Updates of work progress, Construction activities and planned work schedules must be provided where significant changes in noise or traffic impacts are expected.

**Community Liaison Group**

24. A Community Liaison Group (CLG) must be formed and hold its first meeting before Construction commences. The CLG must include the EMR and representatives from the Proponent and its head contractor. Community representatives should be identified and selected from relevant community and business groups, individual members of the community adjoining the Project and representatives from Blacktown City Council.

    The Proponent must, at its own expense:

    a) maintain the CLG for the duration of Construction unless otherwise approved by the Director-General;
    b) provide a chairperson for the CLG. The chairperson must be independent of the Proponent and may be elected from the CLG membership;
    c) nominate two representatives to attend all CLG meetings;
    d) provide to the CLG regular information on the progress of Construction and related environmental performance;
    e) promptly provide to the CLG information that the CLG Chair may reasonably request concerning the Project's environmental performance;
    f) provide access for site inspections by the CLG;
    g) provide meeting facilities for the CLG, and take notes of CLG meetings. These meeting notes must be available to CLG members within 14 days of the meeting and should be endorsed by the Chair;
    h) where reasonably required by the Chair, arrange consultant(s) to explain technical information to the CLG; and
    i) where reasonably required by the Chair, invite representatives from relevant government departments or other individuals to attend CLG meetings.

    Issues for discussion by the CLG include the dissemination of information to the community, design issues related to the Conditions or mitigation measures, the CEMP and Construction activities. The CLG may make comments about these issues which must be considered by the Proponent. The Proponent must report back to the CLG on its considerations of the comments.

The Proponent may review a CLG's membership and/or the need for the CLG at any time during Construction. The Proponent must seek the Director-General's approval to dissolve a CLG. Any request for dissolution must demonstrate why the CLG is no longer required.

In the event of any dispute between the CLG and the Proponent, the Proponent's decision is final provided it is consistent with these Conditions of Approval.

25. The Proponent must consult property owners about implementing mitigation measures that affect their property. Mitigation measures should be implemented according to a program derived from that consultation if consistent with the Conditions of Approval.

**Construction Complaints Management System**

26. The Proponent must prepare and implement a *Construction Complaints Management System* before Construction commences and maintain the System for the duration of Construction. The *Construction Complaints Management System* must be consistent with AS 4269 "Complaints Handling" and include:

    a) a 24 hour, toll free telephone number listed with a telephone company and advertised;
    b) a system to receive, record, track and respond to complaints within a specified timeframe. When a complaint cannot be responded to immediately, a follow-up verbal response on what action is proposed must be provided to the complainant within two hours during night-time works and 24 hours at other times;
    c) a process for the provision of a written response to the complainant within 10 days, if the complaint cannot be resolved by the initial or follow-up verbal response; and
    d) a mediation system for complaints unable to be resolved.

    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* and must be made available to the Director-General on request.

**DEVELOPMENT CHARGE**

27. Prior to the commencement of construction, the Proponent shall prepare and submit for the approval of the Director-General, a Program to fund (or provide in kind) community infrastructure and services in the vicinity of the Proposal. Funding for the Program shall be established through a $1 million Development Charge payable in accordance with the approved Program. In preparing the Program the Proponent shall consult with the Community Liaison Group, the Growth Centres Commission and Blacktown City Council.

**SUSTAINABLE ENERGY**

28. Consistent with Commitment Nos 64 and 65, the Proponent must contribute $500,000 to a special purpose fund to underwrite a program of demand management and energy minimising activities. The purpose of the program is to offset the environmental and social impacts of providing additional electricity supplies to all classes of consumers in the North West Sector. The details and timetable for the program must be included in the OEMP.

29. The fund is to be established by Integral Energy and managed in accordance with item Nos 66-69 of the SoC.

30. As part of the OEMP, the Proponent must identify strategies applicable to the Feeder 9JA catchment and relevant to the Distribution Network Service Provider for all classes of customers to reduce energy demand and encourage the use of energy sources that have lower greenhouse gas emissions than coal-fired power stations.

31. The Proponent must use electrical energy derived from a renewable energy source accredited by the Department of Energy, Utilities and Sustainability (DEUS) for the supply of at least 50% of the on-site electrical energy requirements for the Project's Construction. Power consumption (green power or other) must be reported in the Construction Compliance Reports.

**FLORA AND FAUNA**

32. A Flora and Fauna Management Sub Plan must be prepared prior to commencement of construction and implemented as part of the CEMP and approved by the Director-General. The Sub Plan must be prepared in accordance with item Nos 37 and 93- 113 of the SoC. The Sub Plan must be prepared in consultation with the DEC and Blacktown City Council and include:

    (a) plans showing:
        i. terrestrial vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans must also identify vegetation adjoining the Project where this contains important habitat areas and/or threatened species, populations or ecological communities;
        ii. aquatic vegetation communities; important habitat areas; locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans must also identify vegetation adjoining the Project where this contains important habitat areas and/or threatened species, populations or ecological communities;
    (b) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the Project. These must include:
        i. procedures for vegetation clearing, soil management and managing other habitat damage (terrestrial and aquatic) during Construction;
        ii. methods to protect vegetation both retained within, and also adjoining, the Project from damage during Construction;
        iii. a habitat tree management program including fauna recovery procedures and habitat maintenance (e.g. relocating hollows or installing nesting boxes);
        iv. methods to minimise damage to aquatic habitats;
        v. where possible, and where consistent with DEC or NSW Fisheries requirements, strategies for re-using in rehabilitation works individuals of any threatened plant species that would be otherwise be destroyed by the Project;
        vi. performance criteria against which to measure the success of the methods

(c) rehabilitation details including:
   i. identification of locally native species to be used in rehabilitation and landscaping works, including flora species suitable as a food resource for threatened fauna species;
   ii. methods to remediate affected aquatic habitats or fish passages;
   iii. the source of all seed or tube stock to be used in rehabilitation and landscaping works including the identification of seed sources within the Project. Seed of locally native species within the Project should be collected before Construction commences to provide seed stock for revegetation;
   iv. methods to re-use topsoil (and where relevant subsoils) and cleared vegetation;
   v. measures for the management and maintenance of all preserved, planted and rehabilitated vegetation (including aquatic vegetation);

(d) a Weed Management Strategy including:
   i. identification of weeds within the Project and adjoining areas;
   ii. weed eradication methods and protocols for the use of herbicides;
   iii. methods to treat and re-use weed infested topsoil;
   iv. strategies to control the spread of weeds during Construction;

(e) a program for reporting on the effectiveness of terrestrial and aquatic flora and fauna management measures against the identified performance criteria. Management methods must be reviewed where found to be ineffective.

33. As part of the OEMP, the Proponent must include the issues outlined in item No. 114 of the SoC; and develop and implement a Management Plan for *Dillwynia tenuifolia* population, including implementing the commitments set out in item Nos 116 to 117 of the SoC.

## HERITAGE

### Indigenous Heritage Management

34. An Indigenous Heritage Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with all relevant Aboriginal groups and the DEC and include:

   a) details of the archaeological investigations to be undertaken and any associated licences or approvals required;
   b) procedures to be implemented if previously unidentified Aboriginal objects are discovered during Construction. If such objects are discovered all work likely to affect the object(s) must cease immediately and the DEC informed in accordance with the *National Parks and Wildlife Act 1974*;
   c) an education program for Construction personnel on their obligations for Aboriginal cultural materials; and
   d) the range of matters identified in item No. 122 of the SoC.

### Aboriginal Objects

35. The Proponent must implement the stated commitments set out in SoC No 123 to 130 inclusive.

36. If during the course of Construction the Proponent becomes aware of any unexpected Aboriginal object(s), all work likely to affect the object(s) must cease immediately and the DEC informed in accordance with the *National Parks and Wildlife Act 1974*.

**Historical Relics**

37. The CEMP must include:

    a) procedures to be implemented if previously unidentified historical relics are discovered during Construction; and
    b) an education program for Construction personnel on their obligations for historic relics.

38. If during the course of Construction the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the relic(s) must cease immediately and the Heritage Council notified in accordance with the *Heritage Act 1977*.

**NOISE AND VIBRATION**

**Construction Noise and Vibration Management Sub Plan**

39. A Construction Noise and Vibration Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with Blacktown City Council and the CLG and include:

    a) an education program for Construction personnel about noise minimisation;
    b) identification of each Construction activity, including Ancillary Facilities, and their associated noise sources;
    c) identification of all potentially affected Sensitive Receivers;
    d) the Construction noise objective specified in the Conditions of Approval;
    e) the Construction vibration criteria specified in the Conditions of Approval;
    f) determination of appropriate noise and vibration objectives for each identified Sensitive Receiver;
    g) noise and vibration monitoring, reporting and response procedures;
    h) assessment of potential noise and vibration from each Construction activity including noise from Construction vehicles and any traffic diversions;
    i) a description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during Construction;
    j) justification for any activities outside the Construction hours specified in the Conditions of Approval. This includes identifying areas where Construction noise would not be audible at any Sensitive Receiver;
    k) procedures for notifying residents of Construction activities that are likely to affect their noise and vibration amenity; and
    l) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

**Construction Hours**

40. Construction must be restricted to between the hours of 7:00 am to 6:00 pm (Monday to Friday), 8:00 am to 1:00 pm (Saturday) and at no time on Sundays and public holidays except:

    a) for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or
    b) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
    c) where the work is identified in the Construction Noise and Vibration Management Sub Plan and approved as part of the CEMP.

    Local residents must be informed of the timing and duration of work approved under item (c) at least 48 hours before that work commences.

**Construction Noise Objective**

41. All construction works undertaken on the site must be undertaken in accordance with the EPA's *Environmental Noise Control Manual* (ENCM) and must not give rise to 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997* and accompanying Regulations.

    Background noise levels are those identified in the EA or otherwise identified in the Construction Noise and Vibration Management Sub Plan.

    Any activities that have the potential for noise emissions that exceed the ENCM's objectives must be identified and managed in accordance with the Construction Noise and Vibration Management Sub Plan. The Proponent must implement all Reasonable and Feasible noise mitigation and management measures with the aim of achieving the Construction noise objective.

    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.

**Construction Noise Management**

42. The Proponent must ensure that public address systems used at any Construction site are not used outside the Construction hours detailed in the Conditions of Approval unless otherwise approved through the Construction Noise and Vibration Management Sub Plan. Public address systems must be designed to minimise noise spillage off-site.

43. No rock breaking, rock hammering, and any similar activities maybe undertaken unless otherwise identified in the Construction Noise and Vibration Management Sub Plan, and approved as part of the CEMP.

44. The Proponent must, where Reasonable and Feasible, erect noise mitigation measures at the start of Construction (or at other times during Construction) to minimise Construction noise impacts.

**Vibration Criteria**

45. Vibration caused by Construction and received at any Structure outside the Project must:

    a) for structural damage vibration be limited to German Standard DIN 4150 Part 3 *Structural Vibration in Buildings. Effects on Structures*; and
    b) for human exposure to vibration be limited to the evaluation criteria presented in British Standard BS 6472 - *Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

    These limits apply unless otherwise identified in the Construction Noise and Vibration Management Sub Plan, and approved as part of the CEMP.

**ACCESS TRACKS**

46. Access tracks must be located so as to minimise impacts on flora and fauna and indigenous heritage. The CEMP must, except as provided below, identify on a map the location of access tracks and demonstrate consistency with the Soil and Water Management, Flora and Fauna and Indigenous Heritage Management Sub Plans and how use of existing tracks has been maximised.

47. Where the location of access tracks cannot be identified at the time the CEMP is submitted, the CEMP must set out the criteria against which access track location is chosen. These criteria must include maximum use of existing tracks, minimising soil erosion impacts on water quality, flora and fauna and cultural heritage, and must be consistent with the Soil and Water Management, Flora and Fauna and Indigenous Heritage Sub Plans.

48. No access track may be constructed unless the EMR has first certified that it is consistent with the CEMP and/or the criteria set out in the CEMP.

**PHYSICAL ISSUES**

**Soil and Water Management**

*Soil and Water Quality Management Sub Plan*

49. A Soil and Water Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with the DEC, Department of Natural Resources and Blacktown City Council. The Sub Plan must:

    a) where relevant, be consistent with the Department of Housing's guideline "Managing Urban Stormwater - Soils and Construction" and the RTA's "Guidelines for the Control of Erosion and Sedimentation in Roadworks";

b) identify the Construction activities that could cause soil erosion or discharge sediment or water pollutants from the site;
c) describe management methods to minimise soil erosion or discharge of sediment or water pollutants from the site including a strategy to minimise the area of bare surfaces during Construction;
d) describe the location and capacity of erosion and sediment control measures;
e) identify the timing and conditions under which Construction stage controls will be decommissioned;
f) include contingency plans to be implemented for events such as fuel spills;
g) identify how the effectiveness of the sediment and erosion control system will be monitored, reviewed and updated; and
h) be consistent with item Nos 33-36 and 38-50 of the SoC relating to the Pre-Construction and Construction phases of soil and water management for the Project.

50. As part of the OEMP, the Proponent must incorporate the mitigation measures in item Nos 51-54 of the SoC and state how they will be implemented.

*Construction*

51. An appropriately qualified soil scientist or person with similar expertise in soil and water management must be consulted according to a schedule identified in the Soil and Water Management Sub Plan to:

a) undertake inspections of temporary and permanent erosion and sedimentation control devices;
b) ensure that the most appropriate controls are being implemented;
c) check that controls are being maintained in an efficient condition; and
d) check that controls meet the requirements of any relevant approval and/or licence condition.

The results of these inspections and any follow-up actions must be reported in the *Construction Compliance Reports* required by the Conditions of Approval.

**Spoil and Fill Management**

52. All material excavated from Construction must be re-used or recycled unless otherwise approved in the CEMP. The Proponent must ensure that the re-use of material generated from Construction is maximised in preference to importing fill.

**Air Quality**

*Dust Management Sub Plan*

53. A Dust Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must identify:

a) potential sources of dust;

b) dust management objectives consistent with DEC guidelines;
c) a monitoring program to assess compliance with the identified objectives. Monitoring for dust deposition and particulate concentration must be undertaken according to the DEC Guideline "Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales";
d) mitigation measures to be implemented, including measures during weather conditions where high level dust episodes are probable (such as strong winds in dry weather); and
e) a progressive rehabilitation strategy for exposed surfaces with the aim of minimising exposed surfaces.

*Construction*

54. Construction vehicles using public roads must be maintained to prevent any loss of load, whether dust, liquid or soils. Facilities must be provided at exit points of all Construction sites/compounds to minimise tracking mud, dirt or other material onto a public road or footpath. In the event of any spillage, the Proponent must remove the spilled material as soon as practicable within the working day of the spillage.

55. The Proponent must ensure that all plant and equipment used in connection with the Project are:

    a) maintained in a proper and efficient condition; and
    b) operated in a proper and efficient manner.

**SOCIAL AND ECONOMIC ISSUES**

**Electric and Magnetic Fields**

56. The Proponent must, prior to the commencement of construction, engage an appropriately qualified independent expert to review the magnetic field predictions set out in Table 6.2 of the Submissions Report. The Proponent must obtain the Director-General's agreement for the expert, prior to the review. Where the expert identifies that the predicted magnetic field strength will be greater than the field strength identified in Table 6.2, the Proponent must apply all reasonable and feasible mitigation measures, at source, as recommended by the expert and approved by the Director-General, to ensure that the predicted magnetic field strengths are no greater than those specified in Table 6.2. This requirement to apply mitigation measures does not apply where any increased field strength only affects those properties described in Conditions 59 and 60.

57. The Proponent must implement engineering standards as described in Section 6.2 of the Submissions Report. These standards will include:
    a) the construction of poles and conductors at the heights described in Table 6.2 of the Submissions Report;
    b) the adoption of a phasing arrangement for each circuit which will minimise magnetic fields due to mutual cancellation; and
    c) the adoption of a triangular circuit geometry.

58. As part of the OEMP, the Proponent must develop and implement a magnetic field monitoring program. This program must address the first five years of operation (and as further required by the Director-General), and include: baseline data, monitoring periods and locations and justification for such, prediction verification and measures for dealing with exceedances should they occur in the future. The ongoing monitoring program must be approved by the Director-General.

**Property Acquisition**

59. Upon receiving a written request from a landowner of a property identified below, and providing such request is made within 12 months of the date of approval from a person who owned the property at the date of approval, or a person who had entered into a Contract to purchase such a property at the date of approval, the Proponent must enter an agreement with the relevant landowner to purchase the property in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

The Proponent must advise the Director-General of any such agreement as soon as practicable after an agreement has been reached.

If within three months of receiving a request from a relevant landowner the Proponent and the landowner cannot agree on the acquisition, then either party may refer them to the Director-General, who shall appoint an independent arbitrator. All costs associated with the independent arbitrator must be funded by the Proponent.

The Proponent must advise the Director-General of the results of the arbitration as soon as practicable after completion.

Where agreement cannot be reached through arbitration, either party may refer them to the Director-General for final resolution.

This condition applies to the following properties:

1. No 120 Guntawong Road, Rouse Hill; (Lot 97 DP 208203); and
2. No 165 William Street (corner Princes Street), Riverstone (Lots 39-50, Section 9, DP 1480).

Alternatively, if the relevant landowner(s) do not wish to have their property acquired in accordance with this condition they may, at their sole discretion, elect for the provisions of Condition 60 to apply instead. To instigate this, they must advise the Proponent in writing within six months of the date of this approval. Where this occurs, the provisions of Condition 59 no longer apply to the subject property.

**Property Reconfiguration**

60. Upon receiving a written request from a landowner of a property identified below, and providing such request is made within 12 months of the date of approval from a person who owned the property at the date of approval, or a person who had entered into a Contract to purchase such a property at the date of approval, the Proponent must endeavour to enter an

agreement with the relevant landowner. The purpose of the agreement is to identify reasonable and feasible measures that the Proponent will undertake/fund to enable a relevant landowner to reconfigure his/her dwelling, or relocate/rebuild the dwelling elsewhere on the property.

The Proponent must advise the Director-General of any such agreement as soon as practicable after an agreement has been reached.

If within three months of receiving a request from a relevant landowner the Proponent and the landowner cannot agree on the measures, then either party may refer them to the Director-General, who shall appoint an independent arbitrator. All costs associated with the independent arbitrator must be funded by the Proponent.

The Proponent must advise the Director-General of the results of the arbitration as soon as practicable after completion.

Where agreement cannot be reached through arbitration, either party may refer them to the Director-General for final resolution.

This condition applies to legally existing dwellings, located on the following properties, at the date of this approval:

1. No 44 Cudgegong Road, Rouse Hill (Lot 118, DP 208203);
2. No 97B Cudgegong Road, Rouse Hill (Lot 79, DP 208203);
3. No 117 Guntawong Road, Rouse Hill (Lot 1, DP 554233);
4. No 271 Garfield Road East, Riverstone (Lot 18, DP 30458);
5. No 53 Junction Road, Riverstone (Lot 13, Section 28, DP 1459); and
6. Nos 58-65 Otago Road, Vineyard (Lots 58-65, Section F, DP 1654 and Lots 11-17, Section 45, DP 1480).

If the independent verifier, as required by Condition 56, confirms that magnetic field strength at the outer edge of the easement at the identified properties will be no greater than 11.7mG[1] by the year 2043, then the Proponent is not required to comply with the measures specified above in this condition.

**Visual Impact**

61. As part of the CEMP and OEMP, the Proponent must undertake measures to minimise the visual impact of the proposal in accordance with item Nos 71 and 72 of the SoC.

[1] The figure of 11.7mG represents the magnetic field strength identified in the Environmental Assessment as the "current" (2005-06 operating conditions) level at 15m from the centreline (ie at the easement edge). It does not represent a standard or goal. The prediction as to whether the 11.7mG level will be exceeded should be based on established engineering techniques derived from Electricity Supply Association of Australia guidelines for the calculation and reporting of EMFs or as agreed by the verifier.

## Property Damage and Access

62. Subject to landowner agreement, property inspections must be conducted on all Structures within:

    a) 200 metres of blasting;
    b) 50 metres of Construction activities that generate vibration impacts;
    c) any other locations identified by the Proponent; and
    d) any other locations identified by the EMR.

    The property inspections must be undertaken consistent with AS 4349.1 "Inspection of Buildings".

    Property inspections need not be undertaken if a risk assessment indicates Structures will not be affected. The risk assessment must be undertaken before Construction commences by a suitably experienced and qualified geotechnical and construction engineer.

    The owners of all properties on which property inspections are to be conducted must be advised at least two weeks before the inspection of its scope and methodology and of the process for making a property damage claim. A copy of the property inspection report must be given to the owner of each property inspected at least three weeks before Construction that could affect the property commences.

    A register of all properties inspected must be maintained by the Proponent indicating whether the owner accepted or refused the property inspection offer. A copy of the register must be provided to the Director-General upon request.

63. The Proponent, where liable, must rectify any property damage caused directly or indirectly (for example from vibration or from groundwater change) by the Project's Construction or Operation at no cost to the property owner(s). Alternatively the Proponent may negotiate compensation for the property damage with the property owner.

64. The Proponent must ensure that access to properties is maintained during Construction. The Proponent must ensure that any legal property access affected by the Project is reinstated to an equivalent standard or that alternative arrangements are negotiated with the relevant property owner.

## Traffic

65. Road dilapidation reports must be prepared for all roads likely to be used by Construction traffic. These reports must be prepared before Construction commences and after Construction is complete. Copies of the reports must be provided to the relevant roads authority. Any damage resulting from Construction, except that resulting from normal wear and tear, must be repaired at the Proponent's cost. Alternatively the Proponent may negotiate an alternative arrangement for road damage with the relevant roads authority.

66. A Construction Traffic Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with the relevant roads authority and include:

a) identification of all public roads to be used by Construction traffic, in particular roads proposed to transport large quantities of Construction materials. The expected timing and duration of road usage must be stated;
b) management methods to ensure Construction traffic uses identified roads;
c) identification of all public roads that may be partially or completely closed during Construction and the expected timing and duration of these closures. Consideration must be given to programming Construction works to minimise road closures during peak hours and/or holiday periods;
d) impacts on existing traffic (including pedestrians, vehicles, cyclists and disabled persons);
e) temporary traffic arrangements including property access;
f) access to Construction sites including entry and exit locations and measures to prevent Construction vehicles queuing on public roads;
g) a response plan for any Construction traffic incident; and
h) monitoring, review and amendment mechanisms.

**Hazards and Risk Management**

67. As part of the Construction and Operation EMPs, the Proponent must prepare and implement Hazards and Risk Management Sub Plan(s). These Sub Plans must include:

a) details of the hazards and risks associated with the Project;
b) mitigation measures including contingency plans; and
c) Item No. 138 of the SoC in relation to the OEMP.

**Waste Management and Recycling**

68. As part of the Construction and Operation EMPs the Proponent must prepare Waste Management and Re-use Sub Plan(s). The Sub Plans must address the management of wastes during the Construction and Operation stages respectively in accordance with the NSW Government's Waste Reduction and Purchasing Policy. The Sub Plan(s) must identify requirements for:

a) the application of the waste minimisation hierarchy principles of avoid/reduce/re-use/recycle/dispose;
b) waste handling and storage;
c) disposal of wastes. Specific details must be provided for cleared vegetation, contaminated materials, glass, metals and plastics, hydrocarbons (lubricants and fuels) and sanitary wastes; and
d) any waste material that is unable to be re-used, re-processed or recycled must be disposed at a facility approved to receive that type of waste.

**Utilities and Services**

69. The Proponent must identify the utilities and services (hereafter "services") potentially affected by Construction to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that

disruption to services resulting from the Project are minimised and advised to customers. The Pre-Construction activities relating to utilities and services, as outlined in Item Nos 55-61 of the SoC, must be adhered to.

**Location of Ancillary Facilities**

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

    a) be located within the Approved Project Area;
    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; and
    i) 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.