

Section 75W Modification Application – Project No. 06_0184

Supporting Document

Schedule 2 - Definitions		
The following definitions should be deleted as they are no longer necessary: Incitec The remediation of the former Incitec site, under the approval (MP 08_0221) granted by the Deputy Director-General, as delegate of the Minister for Planning and Infrastructure, on 11 November 2010 LLDPE Linear low-density polyethylene MSB Mine Subsidence Board		
Condition	Proposal	Comment
1. General		
TERMS OF APPROVAL		
1.4 The project shall be undertaken in a maximum period of eight years from the date of commencement of the works the subject of this approval. If, however, justifiable delays occur in the remediation project, then the Proponent may apply to the Director-General for an extension to this deadline. This application shall be submitted to the Director-General as early as possible from the time the Proponent is aware of such delays. The application must outline the new timeframe, justify any delays, and describe measures that will be implemented to minimise environmental impacts and achieve compliance with this approval. After reviewing this application, the Director-General, in consultation with the EPA, may approve an extension to the above deadline, and may require the Proponent to carry out further investigations or works to mitigate impacts as considered necessary. [ME Note: 5 years amended to 8 years in Mod 4]	1.4 <u>Except in respect of the operation of the waste treatment plant and the containment cell,</u> The project shall be undertaken <u>by 31 December 2018</u> in a maximum period of thirteen eight years from the date of commencement of the works the subject of this approval. If, however, justifiable delays occur in the remediation project, then the Proponent may apply to the Director-General for an extension to this deadline. This application shall be submitted to the Director-General as early as possible from the time the Proponent is aware of such delays. The application must outline the new timeframe, justify any delays, and describe measures that will be implemented to minimise environmental impacts and achieve compliance with this approval. After reviewing this application, the Director-General, in consultation with the EPA, may approve an extension to the above deadline, and may require the Proponent to carry out further investigations or works to mitigate impacts as considered necessary.	Remediation of the site and construction and capping of the containment cell have been completed. The only planned remaining associated earthworks are expected to be completed during 2017, but some further earthworks may be required for surface water management beyond 2017. In these circumstances, it is appropriate that this condition be amended to allow the project to be undertaken by 31 December 2018, with an ability to extend this period with approval.

Subdivision of Land		
1.16 Land within the site that has been subdivided shall not be occupied (in accordance with the provisions of Section 109H of the EP&A Act) until remediation activities involving handling of contaminated materials in adjacent lots or in a buffer zone of at least 200 metres in the adjacent lot, whichever is the greatest, have been completed, unless otherwise agreed by the Director-General and the EPA.	1.16 Land within the site that has been subdivided shall not be occupied (in accordance with the provisions of Section 109H of the EP&A Act) until remediation activities involving handling of contaminated materials in adjacent lots or in a buffer zone of at least 200 metres in the adjacent lot, whichever is the greatest, have been completed, unless otherwise agreed by the Director-General and the EPA.—	This condition should be deleted as all remediation activities involving handling of contaminated materials have been completed. Accordingly the condition has no further utility and should be deleted.
Compliance		
1.22 The Proponent shall inform the Department and the EPA in writing as soon as practicable and within seven days of the Proponent becoming aware of any information or data indicating a material change in conditions at the site or in its surrounding environment which could adversely affect the prospects of successful investigation or remediation of the site, or result in harm to the environment.	1.22 The Proponent shall inform the Department and the EPA in writing as soon as practicable and within seven days of the Proponent becoming aware of any information or data indicating a material change in conditions at the site or in its surrounding environment which could adversely affect the prospects of successful investigation or remediation of the site, or result in harm to the environment.	This condition should be deleted as the investigation and remediation of the site have now been completed. If it is intended that this condition should continue so as to require the reporting and or notification of any pollution incident on site, PCCS submits that any such obligation will continue under the Protection of the Environment Operations Act 1997 (POEO Act) . Any pollution incident which occurs on or from the site will be required to be notified in accordance with Part 7.7 of the POEO Act, including into the EPA and Lake Macquarie City Council. PCCS submits that this is a sufficient and appropriate notification requirement having regard to the advanced stage of the project and accordingly, condition 1.22 should be deleted.
Heritage Impacts and Management		
4.29 The Proponent shall prepare a Conservation Management Plan to include measures to be employed for the ongoing use and preservation of the Old Laboratory and the collection of historical archives and	4.29 The Proponent shall prepare a Conservation Management Plan to include measures to be employed for the ongoing use and preservation of the Old Laboratory and the collection of historical archives and artefacts accumulated during the pre-	This condition is no longer relevant and should be deleted.

artefacts accumulated during the pre-demolition heritage investigations. The Plan shall be prepared in consultation with the Department's Heritage Office and shall include provisions for the ongoing management and funding of the implementation of the plan. The plan shall be submitted to the Department prior to completion of remediation.	demolition heritage investigations. The Plan shall be prepared in consultation with the Department's Heritage Office and shall include provisions for the ongoing management and funding of the implementation of the plan. The plan shall be submitted to the Department prior to completion of remediation.	The CMP for the Old Lab building was prepared by Graham Brooks and Associates Pty Ltd, November 2009 to satisfy this Condition 4.29. The CMP was prepared in accordance with the relevant guidelines at the time – 2009 i.e. The Conservation Management Plan guideline (by James Semple Kerr), The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance – 1999 and the NSW Heritage Manual. The CMP was prepared by suitably qualified persons i.e. Brad Hankey, Heritage Consultant and Graham Brooks, Director, Graham Brooks and Associates Pty Ltd, Heritage Consultants. The CMP was approved by Lake Macquarie City Council (LMCC) and is a control in Section 7 "Heritage conservation and Interpretation" of the LMCC Pasminco Area Plan. The CMP was lodged with the DPE on 19 October 2017. In accordance with CMP Section 7.0 "Implementing the Plan" LMCC issued DA/48/2010 development consent to renovate the Old Lab building and subsequently the Old Lab building was renovated and consequently preserved in accordance with the CMP. The Old Laboratory building is recorded in LMLEP 2014 Schedule 5 Environmental heritage as a Local heritage item – Item no 227.
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		The land on which the old laboratory is located has been sold. In view of the above the condition should be deleted.																																																																
5. ENVIRONMENTAL MONITORING AND AUDITING																																																																		
Air Quality and Meteorological Monitoring																																																																		
5.2 From the commencement of any works on the site, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 4.23 of this approval, each of the parameters listed in Table 1, utilising the sampling method indicated and applying the averaging period and units specified in the Table. Table 1 – Meteorological Monitoring <table><tr><th>Parameter</th><th>Units of measure</th><th>Averaging Period</th><th>Significant Method</th></tr><tr><td>Rainfall</td><td>mm</td><td>1-hour</td><td>AM-4</td></tr><tr><td>Wind speed @ 10 metres</td><td>ms⁻¹</td><td>15-minute</td><td>AM-2 & AM-4</td></tr><tr><td>Wind direction @ 10 metres</td><td>°</td><td>15-minute</td><td>AM-2 & AM-4</td></tr><tr><td>Temperature @ 2 metres</td><td>°C</td><td>15-minute</td><td>AM-4</td></tr><tr><td>Temperature @ 10 metres</td><td>°C</td><td>15-minute</td><td>AM-4</td></tr><tr><td>Sigma theta @ 10 metres</td><td>°</td><td>15-minute</td><td>AM-2 & AM-4</td></tr><tr><td>Solar radiation</td><td>Wm⁻²</td><td>15-minute</td><td>AM-4</td></tr></table>	Parameter	Units of measure	Averaging Period	Significant Method	Rainfall	mm	1-hour	AM-4	Wind speed @ 10 metres	ms ⁻¹	15-minute	AM-2 & AM-4	Wind direction @ 10 metres	°	15-minute	AM-2 & AM-4	Temperature @ 2 metres	°C	15-minute	AM-4	Temperature @ 10 metres	°C	15-minute	AM-4	Sigma theta @ 10 metres	°	15-minute	AM-2 & AM-4	Solar radiation	Wm ⁻²	15-minute	AM-4	5.2 <u>Until all relevant Project earthworks on the site are complete</u>, From the commencement of any works on the site, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 4.23 of this approval, each of the parameters listed in Table 1, utilising the sampling method indicated and applying the averaging period and units specified in the Table. Table 1 – Meteorological Monitoring <table><tr><th>Parameter</th><th>Units of measure</th><th>Averaging Period</th><th>Significant Method</th></tr><tr><td>Rainfall</td><td>mm</td><td>1-hour</td><td>AM-4</td></tr><tr><td>Wind speed @ 10 metres</td><td>ms⁻¹</td><td>15-minute</td><td>AM-2 & AM-4</td></tr><tr><td>Wind direction @ 10 metres</td><td>°</td><td>15-minute</td><td>AM-2 & AM-4</td></tr><tr><td>Temperature @ 2 metres</td><td>°C</td><td>15-minute</td><td>AM-4</td></tr><tr><td>Temperature @ 10 metres</td><td>°C</td><td>15-minute</td><td>AM-4</td></tr><tr><td>Sigma theta @ 10 metres</td><td>°</td><td>15-minute</td><td>AM-2 & AM-4</td></tr><tr><td><u>Solar radiation</u></td><td><u>°Wm⁻²</u></td><td>15-minute <u>15 minute</u></td><td>AM-2 & AM-4</td></tr></table>	Parameter	Units of measure	Averaging Period	Significant Method	Rainfall	mm	1-hour	AM-4	Wind speed @ 10 metres	ms ⁻¹	15-minute	AM-2 & AM-4	Wind direction @ 10 metres	°	15-minute	AM-2 & AM-4	Temperature @ 2 metres	°C	15-minute	AM-4	Temperature @ 10 metres	°C	15-minute	AM-4	Sigma theta @ 10 metres	°	15-minute	AM-2 & AM-4	<u>Solar radiation</u>	<u>°Wm⁻²</u>	15-minute <u>15 minute</u>	AM-2 & AM-4	As remediation of the site has been completed, the containment cell has been closed and capped, and only associated earthworks (expected to be completed by end 2017) remain to be undertaken, the condition should be modified so that it will no longer have any operation once all earthworks on the site are completed In addition, obligations concerning Sigma Theta and Solar radiation should be removed in accordance with discussions with the EPA in 2013 in relation to Sigma Theta and Solar Radiation. The discussions focused on the extrapolation of Sigma Theta and potential for noise complaints associated with inversion. As there had not been any noise complaints for several years, the effects of inversion were not considered relevant and it was agreed that monitoring of Sigma Theta was no longer required. It was also agreed that the effect of solar radiation between 10m and 2m was insignificant and was also not required to be measured. In view of the above, this condition should only operate until such time as earthworks
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		authorised by the Part 3A approval are complete.
Surface Water and Groundwater Monitoring		
5.3 The Proponent shall prepare and implement Groundwater Monitoring Program for the remediation works and post remediation activities as part of the environmental management plans required under conditions 7.4 and 8.6. The Program shall be submitted to the DEC for approval prior to the commencement of remediation. The Program shall be developed to assess trends over an appropriate timeframe and measurement of seasonal variation. The Program shall include, but not necessarily be limited to: a) requirements to monitor both the shallow and deep aquifer in and around the containment cell(s) commencing no later than six months after the date of this approval; b) an aim of determining the connectivity between the shallow and deep aquifers, and use of the data for the fate and transport model required under condition 3.2, which will inform the consideration and approval of the cell(s) design); c) groundwater quality monitoring parameters, including also parameters that modify d) construction details and location of monitoring bores and frequency of sampling; and toxicity; e) reporting requirements.	<u>5.3 Groundwater monitoring and management shall be undertaken in accordance with the Groundwater Monitoring and Management Plan, reference 137625003_232_R_Rev0, dated 17 June 2016 (GWMP), has been prepared, approved by the Auditor and submitted to the EPA. The GWMP has been prepared in consultation with the EPA, the Site Auditor and the Office of Water.</u> The Proponent shall prepare and implement Groundwater Monitoring Program for the remediation works and post remediation activities as part of the environmental management plans required under conditions 7.4 and 8.6. The Program shall be submitted to the DEC for approval prior to the commencement of remediation. The Program shall be developed to assess trends over an appropriate timeframe and measurement of seasonal variation. The Program shall include, but not necessarily be limited to: a) requirements to monitor both the shallow and deep aquifer in and around the containment cell(s) commencing no later than six months after the date of this approval; b) an aim of determining the connectivity between the shallow and deep aquifers, and use of the data for the fate and transport model required under condition 3.2, which will inform the consideration and approval of the cell(s) design);	An amendment to this condition is required to reflect that remediation works have now been completed. PCCS proposes that groundwater monitoring and management be undertaken in accordance with the Groundwater Monitoring and Management Plan, reference 137625003_232_R_Rev0, dated 17 June 2016 (GWMP), which has been approved by the site auditor, submitted to the EPA and submitted to the Department. The GWMP has been prepared in consultation with the EPA, the Site Auditor and the Office of Water. It is submitted that a requirement to comply with the GWMP is sufficient to permit all existing conditions which address groundwater issues to be deleted.

	c) groundwater quality monitoring parameters, including also parameters that modify d) construction details and location of monitoring bores and frequency of sampling; and toxicity; e) reporting requirements.	
5.5 The groundwater monitoring in the shallow and deeper aquifer around the containment cell(s), outside the groundwater interception system, shall be continued until such time as the EPA agrees that it is no longer required.	5.5 The groundwater monitoring in the shallow and deeper aquifer around the containment cell(s), outside the groundwater interception system, shall be continued until such time as the EPA agrees that it is no longer required.	Deletion of this condition is required to reflect the fact that groundwater monitoring and management on the site is being undertaken in accordance with the GWMP, which has been approved by the site auditor, submitted to the EPA and submitted to the Department. The GWMP has been prepared in consultation with the EPA, the Site Auditor and the Office of Water. It is submitted that a requirement to comply with the GWMP is sufficient to permit all existing conditions which address groundwater issues to be deleted.
Environmental Auditing		
5.11 Within twelve months of the commencement of works on the site and every year thereafter for the duration of the remediation works, or as otherwise agreed or required by the Director- General, the Proponent shall commission an independent, qualified person or team to undertake an Environmental Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. An Environmental Audit Report shall be submitted for the approval of the Director-General within one month of the completion of the Audit. The Audit shall:	5.11 Within twelve months of the commencement of works on the site and every year thereafter for the duration of the remediation works, or as otherwise agreed or required by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake an Environmental Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. An Environmental Audit Report shall be submitted for the approval of the Director-General within one month of the completion of the Audit. The Audit shall: a) be carried out in accordance with ISO 19011:2003– Guidelines for Quality and/or Environmental Management Systems Auditing;	As remediation of the site has been completed, the containment cell has been closed and capped, the water treatment plant is in operation and only associated earthworks are still proposed to be undertaken (expected to be completed during 2017), this condition has no further utility as it only requires an environmental audit report to be undertaken during the remediation works. Accordingly, the condition should be deleted.

a) be carried out in accordance with <i>ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing</i>; b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project; c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval; and d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.	b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project; c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval; and d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.	
Provision of Electronic Information		
6.2 Prior to the commencement of any works associated with the project, the Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to: a) status of the remediation works and planned activities; b) general public information on the health effects of lead, or a link to relevant external public information; c) a copy of this approval and related regulatory instruments applying to the site; d) details of the monitoring programs and management plans required under this approval; e) summary results of monitoring undertaken as part of this approval; and	6.2 Prior to the commencement of any works associated with the project, the Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to: a) status of the remediation works and planned activities; b) general public information on the health effects of lead, or a link to relevant external public information; c) a copy of this approval and related regulatory instruments applying to the site; d) details of the monitoring programs and management plans required under this approval; e) summary results of monitoring undertaken <u>during the remediation authorised by</u> as part of this approval; and f) details of a contact point(s) to which community complaints or inquiries may be directed, including a	As remediation of the site has been completed, the containment cell has been closed and capped, the water treatment plant has been constructed and is in operation and only associated earthworks remain to be undertaken (expected to be complete during 2017), PCCS submits that it is unreasonable to require ongoing maintenance of a website in accordance with this condition. Accordingly this condition should be amended as proposed.

f) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address.	telephone number, a postal address and an email address	
7. REMEDIATION ENVIRONMENTAL MANAGEMENT		
7.4 As part of the Remediation Environmental Management Plan required under condition 7.3, the Proponent shall prepare and implement the following: a) an Air Quality Management Plan to detail procedures and measures to minimise impacts from the remediation activities on local air quality and human health. The Plan, which shall be prepared in consultation with the EPA and shall be endorsed by the Site Auditor prior to submission to the Director-General and the EPA, shall include, but not necessarily be limited to: i) identification of all major sources of dust that may be emitted from the project, including identification of the major components and quantities of these emissions; ii) an air quality monitoring program as required under condition 5.1; iii) pro-active and reactive management and response mechanisms for dust emissions, with specific reference to measures to be implemented and actions to be taken to minimise and prevent potential elevated air quality impacts on surrounding land uses as a consequence of meteorological conditions, upsets within the project, or the mode of operation of the project at any time; iv) the development and identification of PM10 and lead concentration trigger levels at which: • dust management actions shall be taken, and specification of the relevant actions; and	7.4 As part of the Remediation Environmental Management Plan required under condition 7.3, the Proponent shall prepare and implement the following: a) <u>shall prepare and until completion of all Project earthworks on site, implement the following</u> an Air Quality Management Plan to detail procedures and measures to minimise impacts from the remediation activities on local air quality and human health. The Plan, which shall be prepared in consultation with the EPA and shall be endorsed by the Site Auditor prior to submission to the Director-General and the EPA, shall include, but not necessarily be limited to: i) identification of all major sources of dust that may be emitted from the project, including identification of the major components and quantities of these emissions; ii) an air quality monitoring program as required under condition 5.1; iii) pro-active and reactive management and response mechanisms for dust emissions, with specific reference to measures to be implemented and actions to be taken to minimise and prevent potential elevated air quality impacts on surrounding land uses as a consequence of meteorological conditions, upsets within the project, or the mode of operation of the project at any time; iv) the development and identification of PM10 and lead concentration trigger levels at which: • dust management actions shall be taken, and specification of the relevant actions; and	As remediation of the site has been completed, the containment cell has been closed and capped, the water treatment plant is in operation and only associated earthworks are proposed to be undertaken (expected to be complete during 2017), PCCS submits: • (a) air quality monitoring - that until completion of Project earthworks on the site.; the Proponent must undertake quarterly air quality monitoring in accordance with predictions and recommendations of an appropriately qualified acoustic specialist having regard to the works being carried out on the site during any relevant three month period. • (b) groundwater management and monitoring – ongoing management of any contaminated groundwater issues is addressed by condition ## which requires compliance with the GWMP and accordingly, sub-condition (b) should be deleted • (c) erosion and sediment management - compliance with an erosion and sediment control plan is no longer necessary having regard to the current status of the Project and having regard to the requirement under modified condition 4.16 to

• works at the site must cease, to ensure no adverse impact would occur at receiver locations; v) provision for regular review of air quality monitoring data, with comparison of monitoring data with that assumed and predicted in the documents listed under condition 1.1 of this approval, including verification of air quality modelling and predictions, as may be relevant. b) a Contaminated Water Management Plan to detail procedures and measures to manage contaminated waters on site and prevent the discharge of contaminated waters off-site. The Plan shall include, but no necessarily limited to: i) a water balance model to determine the volume of contaminated run-off needing to be stored to prevent an overflow for monthly (January to December inclusive) average rainfall conditions. The water balance shall be run using monthly time steps and include all inputs and outputs to determine the size requirements for the storage dams. The run-off collected and stored shall be from those areas on the site to be and being remediated; ii) details of storage dams designed in accordance with the water balance models including location, capacity, lining requirements, operation and construction details such as timing and construction quality assurance procedures; iii) procedures, including construction quality assurance procedures, to de-silt dams in a manner not to damage any installed liner; iv) a plan for the automation of the pumping of contaminated surface water from the storage dams to ensure that the dams'	• works at the site must cease, to ensure no adverse impact would occur at receiver locations; v) provision for regular review of air quality monitoring data, with comparison of monitoring data with that assumed and predicted in the documents listed under condition 1.1 of this approval, including verification of air quality modelling and predictions, as may be relevant. b) will implement the Groundwater Monitoring and Management Plan, reference 137625003_232_R_Rev0, dated 17 June 2016 (GWMP), a Contaminated Water Management Plan to detail procedures and measures to manage contaminated waters on site and prevent the discharge of contaminated waters off-site. The Plan shall include, but no necessarily limited to: i) a water balance model to determine the volume of contaminated run-off needing to be stored to prevent an overflow for monthly (January to December inclusive) average rainfall conditions. The water balance shall be run using monthly time steps and include all inputs and outputs to determine the size requirements for the storage dams. The run-off collected and stored shall be from those areas on the site to be and being remediated; ii) details of storage dams designed in accordance with the water balance models including location, capacity, lining requirements, operation and construction details such as timing and construction quality assurance procedures; iii) procedures, including construction quality assurance procedures, to de-silt dams in a manner not to damage any installed liner; iv) a plan for the automation of the pumping of contaminated surface water from the storage dams to ensure that the dams' storage capacities are maximised and available to contain run-off; v) description of the operation of the installed pumping wells and water treatment system;	comply with the Surface Water Management Plan • <u>(d) noise and vibration</u> - compliance with a noise and vibration plan is no longer necessary having regard to the current status of the Project • <u>(e) Traffic and Transport Management Protocol</u> is no longer required having regard to the advanced status of the Project
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storage capacities are maximised and available to contain run-off; v) description of the operation of the installed pumping wells and water treatment system; vi) methods to manage any contaminated groundwater encountered during construction; vii) water quality monitoring requirements during and after remediation including, but not necessarily limited to, deep and shallow groundwater monitoring; viii) any measures to manage contaminated groundwater entering the site from the Incitec-Pivot site; and ix) systems to regularly review, and correct as necessary, the efficiency of the surface water containment, groundwater interception and water treatment systems used during remediation. c) an Erosion and Sedimentation Management Protocol prepared in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (Landcom, 2004) using the 90th percentile five-day event to contain stormwater run-off from the following areas of the site: i) any unvegetated areas of the premises where the only contaminant which can be released is VENM; and/or ii) those areas which have been remediated to the approved landuse and before they are revegetated or constructed upon. d) a Noise and Vibration Management Plan. The Plan shall incorporate the recommendations of the Noise and Vibration Management Plan prepared by Vipac Engineers & Scientists Ltd and dated 11 April 2006, but not necessarily limited to them, and adequately address the following to the satisfaction of the EPA:	vi) methods to manage any contaminated groundwater encountered during construction; vii) water quality monitoring requirements during and after remediation including, but not necessarily limited to, deep and shallow groundwater monitoring; viii) any measures to manage contaminated groundwater entering the site from the Incitec-Pivot site; and ix) systems to regularly review, and correct as necessary, the efficiency of the surface water containment, groundwater interception and water treatment systems used during remediation. c) an Erosion and Sedimentation Management Protocol prepared in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (Landcom, 2004) using the 90th percentile five-day event to contain stormwater run-off from the following areas of the site: i) any unvegetated areas of the premises where the only contaminant which can be released is VENM; and/or ii) those areas which have been remediated to the approved landuse and before they are revegetated or constructed upon. d) a Noise and Vibration Management Plan. The Plan shall incorporate the recommendations of the Noise and Vibration Management Plan prepared by Vipac Engineers & Scientists Ltd and dated 11 April 2006, but not necessarily limited to them, and adequately address the following to the satisfaction of the EPA: i) compliance standards or criteria in accordance with condition 4.26; ii) community consultation, including notification; iii) complaints handling monitoring/system; iv) site contact person to follow up complaints in accordance with condition 7.1; v) mitigation measures; vi) the design/orientation of the proposed mitigation methods demonstrating best practice; vii) construction times;	
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i) compliance standards or criteria in accordance with condition 4.26; ii) community consultation, including notification; iii) complaints handling monitoring/system; iv) site contact person to follow up complaints in accordance with condition 7.1; v) mitigation measures; vi) the design/orientation of the proposed mitigation methods demonstrating best practice; vii) construction times; viii) contingency measures where noise complaints are received; and ix) a noise monitoring program as required under condition 5.9; e) a Traffic and Transport Management Protocol to detail procedures and measures to manage traffic generated during remediation, with a particular focus on managing traffic movements associated with the importation of fill/ capping material to the site. The Plan shall address the requirements of Council and the Roads and Traffic Authority and shall include, but not necessarily be limited to: i) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads; ii) proposed access(es) of heavy vehicles to the site; iii) consideration of alternative methods of transportation of fill to the site, including rail transportation; iv) measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised; v) timing of traffic movements; vi) plan of internal roads and routes to be used during remediation;	viii) contingency measures where noise complaints are received; and ix) a noise monitoring program as required under condition 5.9; e) a Traffic and Transport Management Protocol to detail procedures and measures to manage traffic generated during remediation, with a particular focus on managing traffic movements associated with the importation of fill/ capping material to the site. The Plan shall address the requirements of Council and the Roads and Traffic Authority and shall include, but not necessarily be limited to: i) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads; ii) proposed access(es) of heavy vehicles to the site; iii) consideration of alternative methods of transportation of fill to the site, including rail transportation; iv) measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised; v) timing of traffic movements; vi) plan of internal roads and routes to be used during remediation; vii) training requirements to drivers; and viii) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.	
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vii) training requirements to drivers; and viii) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.		
8. COMPLETION OF REMEDIATION WORKS		
Imposition of Covenant for Containment Cell(s)		
8.8 Prior to the conclusion of construction of the containment cell(s), the Proponent shall demonstrate to the satisfaction of the Director-General and the EPA that a public positive covenant under section 88E of the <i>Conveyancing Act 1919</i> in accordance with the provisions of section 29 of the <i>Contaminated Land Management Act 1997</i> has been applied to the containment cell(s). The covenant shall require the ongoing maintenance, funding and monitoring of the containment cell(s) after completion of construction. The covenant shall address, but not necessarily limited to, the following matters, as relevant: a) requirements for long term management, operation, maintenance and monitoring the containment cell(s) after the conclusion of remediation in accordance with the approved Containment Cell Environmental Management Plan prepared under condition 8.6; b) the preparation and keeping of documentation that records the details of the contaminated materials under the cell(s); c) requirements to provide transparent and equitable notice of the future potential liabilities/ legacies associated with the presence of contaminated material on the site to parties who	8.8 Prior to the conclusion of construction of the containment cell(s), tThe Proponent shall demonstrate to the satisfaction of the Director-General and the EPA that a public positive covenant under section 88E of the <i>Conveyancing Act 1919</i> in accordance with the provisions of section 29 of the <i>Contaminated Land Management Act 1997</i> has been applied to the containment cell(s). The covenant shall require the ongoing maintenance, funding and monitoring of the containment cell(s) after completion of construction. The covenant shall address, but not necessarily limited to, the following matters, as relevant: a) requirements for long term management, operation, maintenance and monitoring the containment cell(s) after the conclusion of remediation in accordance with the approved Containment Cell Environmental Management Plan prepared under condition 8.6; b) the preparation and keeping of documentation that records the details of the contaminated materials under the cell(s); c) requirements to provide transparent and equitable notice of the future potential liabilities/ legacies associated with the presence of contaminated material on the site to parties who may have an interest in the site, or relevant parts of the site, in future;	The circumstances which give rise to the need to modify this condition are generally as indicated are set out in the document titled 'Pasminco Land Realisation& Longer Term Funding Strategy' (Strategy) signed by Peter McCluskey, Deed Administrator and provided to the Department and the EPA in July 2017. A copy of the Strategy is enclosed. The Strategy demonstrates that compliance with the timing requirements of this condition 8.8 ('ie <i>'prior to the conclusion of construction of the containment cell..'</i>') has not been possible and will not be possible until at least 2020. In particular, it is relevant to note that: • PCCS will need data from at least 4-8 seasons to properly understand the future costs of operating the water treatment plant; and • it is unlikely that the sale of the IKEA site will occur until at least December 2019, and accordingly the funds from that sale will not be available to meet the financial obligations of condition 8.8 until that time;

may have an interest in the site, or relevant parts of the site, in future; d) requirements for future developments to consult the Mine Subsidence Board for the design of buildings and structures; e) arrangements for the funding by the Proponent of the ongoing maintenance and monitoring of the containment cell(s) until the sale of the land; f) framework for funding the cost of ongoing maintenance of the containment cell (s) either as the 'common property' of a strata scheme or the 'community property' of a community scheme; g) details of constructor's warranty and defects liability protection negotiated before the commencement of works; h) provisions for managing any long term potential liability of the cell(s), including appropriate level of insurance for failure of the containment cell(s) supplemented with a security bond, or other financial surety; i) incorporation of terms agreed with by the EPA and the Director-General; an j) if required by the EPA or the Director-General, execution of the covenant by the registered proprietor of the land and each person who has a registered estate or interest in the land and who is to be bound by it. The Proponent shall commence consultation with the Director-General and the EPA as soon as practicable after the date of operation of this approval, or within such period otherwise agreed with the Director-General and the EPA, with the aim of establishing the scope and content of any covenant that may be applied to the	d) requirements for future developments to consult the Mine Subsidence Board for the design of buildings and structures; e) arrangements for the funding by the Proponent of the ongoing maintenance and monitoring of the containment cell(s) until the sale of the land; f) framework for funding the cost of ongoing maintenance of the containment cell <u>on the assumption that it will be freehold (Torrens Title) land (s) either as the 'common property' of a strata scheme or the 'community property' of a community scheme;</u> g) details of constructor's warranty and defects liability protection negotiated before the commencement of works; g<h>h</h>) (not used) <u>h) provisions for managing any long term potential liability of the cell(s), including appropriate level of insurance for failure of the containment cell(s) supplemented with a security bond, or other financial surety;</u> i) incorporation of terms agreed with by the EPA and the Director-General; an j) if required by the EPA or the Director-General, execution of the covenant by the registered proprietor of the land and each person who has a registered estate or interest in the land and who is to be bound by it. The Proponent shall commence consultation with the Director-General and the EPA as soon as practicable after the date of operation of this approval, or within such period otherwise agreed with the Director-General and the EPA, with the aim of establishing the scope and content of any covenant that may be applied to the containment cell(s). Unless otherwise agreed or	Sub-clause (f) has been amended to reflect the fact that it is not proposed that the containment cell will form a lot in either a community title or a strata title subdivision. Subclause (g) has been deleted as PCCS was the constructor of the Containment Cell and there is no warranty or defect liability insurance The last paragraph of condition 8.8 has been deleted as it is no longer relevant from a temporal perspective.
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containment cell(s). Unless otherwise agreed or required by the Director-General and the EPA, the scope and content of any such covenant shall be developed to the satisfaction of the Director-General and the EPA prior to the commencement of remediation excavation.

~~required by the Director-General and the EPA, the scope and content of any such covenant shall be developed to the satisfaction of the Director-General and the EPA prior to the commencement of remediation excavation.~~