Project Approval

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

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

These conditions are required to:

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

Kristina Keneally MP
Minister for Planning

Sydney 13 January 2009 File No: 9037726

SCHEDULE 1

Application No:	06_0293
Proponent:	Roads and Traffic Authority
Approval Authority:	Minister for Planning
Land:	Land generally in the vicinity of the existing Pacific Highway between Korora and South Woolgoolga and then land to the west of the existing Pacific Highway from South Woolgoolga connecting to the existing Pacific Highway at Arrawarra within the Coffs Harbour local government area.
Project:	The construction and operation of an approximately 25 kilometre dual carriageway upgrade of the Pacific Highway comprising duplication of the existing highway from Korora to South Woolgoolga and the Option E bypass of Woolgoolga. The project comprises five grade separated interchanges and is referred to as the "Coffs Harbour Highway Planning – Sapphire to Woolgoolga" Project.
Major Project:	The proposal is declared a major project under section 75B(1)(b) of the *Environmental Planning and Assessment Act 1979*, by virtue of an order made by the Minister for Planning and gazetted on 5 December 2006.
Critical Infrastructure:	The proposal is declared to be critical infrastructure under section 75C of the *Environmental Planning and Assessment Act 1979*, by virtue of an order made by the Minister for Planning and gazetted on 5 December 2006.

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SCHEDULE 2

Act, the	*Environmental Planning and Assessment Act, 1979*
Ancillary Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, testing laboratory or material stockpile areas.
Conditions of Approval	The Minister's conditions of approval for the project.
Construction	Includes all work in respect of the project **other than** survey; acquisitions; fencing; investigative drilling or excavation; building/road dilapidation surveys; minor clearing (except where Endangered Ecological Communities or threatened species' habitat would be affected, unless otherwise approved by the Director General, in consultation with DECCW); the salvage and storage of Aboriginal objects where a strategy has been approved by the Director General in consultation with DECCW; establishing ancillary facilities in locations meeting the criteria stated in these Conditions; or other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, adjustments to services / utilities, etc.).
Council	Coffs Harbour City Council
dB(A)	Decibel, "A" weighted scale
DECCW	NSW Department of Environment, Climate Change and Water (including the NSW Office of Water)
Department, the	NSW Department of Planning
Director-General, the	Director-General of the NSW Department of Planning (or delegate)
Director-General's Approval	A written approval from the Director-General (or delegate). 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 Assessment Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
EEC	Endangered Ecological Community
EPL	Environmental Protection Licence
Feasible and Reasonable	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 and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
I&I NSW	Industry and Investment NSW
L_{A90}	The noise level exceeded for 90 per cent of the sampling period, also referred to as the background noise level
$L_{A10\ (15\ min)}$	The noise level exceeded for 10 per cent of the time over a 15 minute sampling period
Minister, the	Minister for Planning
Operation	Means the operation of the project, but **does not** include commissioning trials of equipment or temporary use of parts of the project during construction.
Out of Hours Works	Out of hours works which may be considered are those case by case or activity-specific works which cannot be undertaken during standard construction hours for technical/constructability reasons including but not limited to: • saw cutting - where ambient temperature and/or curing time for pavement laying prior to saw cutting requires that this occur outside the standard construction hours • asphalting - where this cannot be managed under normal traffic conditions, for occupational health and safety or other technical reasons; • traffic switching - where measures to move traffic to enable construction to proceed cannot be managed under normal daytime traffic conditions; • rock breaking - where for safety or other technical reasons this cannot occur under normal traffic conditions.
Project	The project that is the subject of Major Projects Application 06_0293
Proponent	NSW Roads and Traffic Authority
Publicly Available	Available for inspection in hard copy and/or electronic format by a member of the general public (for example available on the project website as well as at a local display site).
Relevant Aboriginal stakeholders	Coffs Harbour and District Local Aboriginal Land Council and/or Gumbula Julipi Elders Aboriginal Corporation and/or Garby Elders and/or Yarrawarra Aboriginal Corporation.
RTA	NSW Roads and Traffic Authority
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church).
Stages	Stages refers to the: • division of a Project into multiple contract packages; and/or

	• construction or operation of a project in discrete sections.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

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

a) Major Projects Application 06_0293;

b) *Coffs Harbour Highway Planning – Sapphire to Woolgoolga section - Environmental Assessment* (volumes 1, 2 and 3), prepared by Connell Wagner Pty Ltd and dated November 2007;

c) *Coffs Harbour Highway Planning – Sapphire to Woolgoolga section – Environmental Assessment Submissions Report*, prepared by Connell Wagner Pty Ltd and dated June 2008, including the revised Statement of Commitments contained therein;

d) correspondence from the NSW Roads and Traffic Authority to the Department of Planning dated 29 October 2008 withdrawing the proposed Arrawarra Rest Area from the project;

e) Modification Application dated 21 October 2009 (06_0293 MOD 1) and request for modification dated 20 October 2009; and

f) Modification Application dated 22 January 2010 (06_0293 MOD 2), and request for modification dated 22 January 2010;

g) Modification Application dated 21 September 2010 (06_0293 MOD 4) and request for modification dated 22 September 2010; and

h) the conditions of this approval.

1.2 In the event of an inconsistency between:

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

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

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

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

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

1.4 The Proponent shall notify the Director-General and other relevant government agencies of any incident with actual or potential significant off-site environmental impacts on people or the biophysical environment as soon as practicable and within 24 hours after the occurrence of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.

1.5 The Proponent shall meet the requirements of the Director-General or relevant government agency (as determined by the Director-General) to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 1.4, within such period as the Director-General may require.

Staging

1.6 The Proponent may elect to construct the Project in stages provided construction is consistent with the conditions of approval. Where stages are proposed, the Proponent shall submit a Staging Report to the Director-General at least eight (8) weeks prior to construction commencing which:

a) describes the stages; and

b) identifies how the conditions of approval will be addressed across and between the stages of the project.

Limits of Approval

1.7 This approval shall lapse ten years after the date on which it is granted, unless works the subject of any related project approval are physically commenced on or before that date.

Statutory Requirements

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

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Ecological Impacts

Design Requirements

2.1 The Proponent shall undertake a review of the Arrawarra Interchange design with the objective of minimising its footprint, bulk and scale. In reviewing the interchange design, the Proponent shall consider relevant safety guidelines and/or standards, functionality and efficiency, geometry, ecological impacts and amenity, in particular noise and visual impacts. The Proponent shall submit a report to the Director-General within six months of the date of this approval or at least two months prior to the commencement of construction of the Arrawarra Interchange, whichever is the earlier. The report shall include consideration of alternatives to the design outlined in the documents identified in Condition 1.1, and nominate and justify a preferred design. Construction of the interchange shall not commence without the prior written approval of the Director-General.

2.2 The location of fauna crossings shall be as identified in Table 7.5 of the Environmental Assessment unless otherwise agreed by the Director-General. Crossing structure design and dimensions shall be consistent with the principles outlined in these conditions and refined in consultation with the DECCW and I&I NSW (Fisheries and/or Forestry divisions as appropriate) and included in the Biodiversity Offset and Mitigation Strategy required by Condition 2.12 unless otherwise agreed by the Director-General.

Despite the above, at least one of the fauna crossings proposed between 29.000km and 29.930km in Table 7.5 of the Environmental Assessment, shall be located outside an area of riparian habitat, unless otherwise agreed by DECCW.

2.3 Vegetated medians shall be provided in known glider habitat between 29.100km and 30.200km to facilitate glider crossing. Locations of vegetated medians and limits of clearing within the medians and outside the adjacent carriageways shall be determined in consultation with the DECCW and approved by the Director-General. Use of alternative crossing structures shall only be allowed with the prior written approval of the Director-General. Any request to use alternative crossing structures or locations shall be accompanied by scientific evidence proving their effectiveness and outcomes of consultation with the DECCW and I&I NSW (Forestry) as appropriate.

2.4 Any proposed changes to fauna crossing structures or locations shall demonstrate consideration of the following:

a) priority given to conservation zones and areas of greater species abundance; and
b) linkage of identified threatened species habitat; recorded population hotspots; DECCW key habitats; topographic variations; and local or regional movement corridors and areas of seasonal foraging resources.

Design objectives for fauna crossing structures shall be specific to the location and based on likely species usage. Where design constraints or other factors prevent the establishment of effective fauna connectivity to/between the areas, species or communities identified in the documents identified in Condition 1.1, appropriate alternative offset shall be negotiated with the Department and DECCW and included as part of the strategy required by Condition 2.12.

2.5 Where multiple cell culverts are proposed for creek crossings, at least one cell shall provide for fish passage with an invert or bed level that mimics creek flows and does not create a barrier to fish or impact on free fish passage.

2.6 Unless otherwise agreed by I&I NSW, light wells shall be provided in culverts in the highway median that provide fish passage to encourage their use. Appropriate dimensions shall be determined in consultation with I&I NSW (Fisheries).

2.7 Bridge designs shall:

a) provide fauna passage above the low flow channel or mean high water mark (as appropriate) on each watercourse embankment as identified in Table 7.5 of the Environmental Assessment, or not less than that available under the existing adjacent bridge whichever is the greater;
b) have minimal impact on existing stream flows;
c) provide separate bridges for each highway carriageway to facilitate light penetration into the crossing to encourage fauna use by minimising the "tunnel" effect. This requirement does not apply to an arch structure at Poundyard Creek;
d) enable installation of suitable roosting structures for microbats consistent with the requirements of condition 2.8.

Mitigation, Translocation and Offsets

2.8 Unless otherwise agreed with DECCW, survey(s) shall be undertaken of microbats roosting in existing bridges and culverts at least 12 months in advance of planned demolition of these structures. If microbats or evidence of roosting are discovered during survey(s), the timing and number of bat boxes to be installed in an appropriate adjacent area as an alternative roosting site shall be determined in consultation with the DECCW and to the satisfaction of the Director-General.

2.9 The Proponent shall prepare and implement a nest box plan prior to commencement of clearing of vegetation for construction to provide replacement hollows for displaced fauna in conjunction with SoC F7. The plan shall detail the number and type of nest boxes to be installed which must be justified based on the number and type of hollows removed, the density of hollows in the area to be cleared and adjacent forest; and the availability of adjacent food resources. An adaptive monitoring program shall be developed in accordance with Condition 3.1 b) that includes targets against which to measure the effectiveness of the nest boxes in providing replacement hollows.

2.10 Prior to construction measures shall be put in place to exclude construction plant, equipment, materials and unauthorised personnel from areas containing *Marsdenia longiloba, Lindsaea incisa*, *Quassia* sp. *B* (Narrow-leaved Quassia), *Typhonium* sp. *aff. brownii* and *Amorphospermum whitei* not impacted by the project. In the event that subsequent surveys identify the *Typhonium* sp. *aff. brownii* as the common *Typhonium brownii*, this condition does not apply to that species.

2.11 For areas containing *Amorphospermum whitei, Marsdenia longiloba, Lindsaea incisa*, *Quassia* sp. *B*, or *Typhonium* sp *aff. brownii* identified in the environmental assessment or by subsequent surveys as being impacted by the project, the Proponent shall, in consultation with the DECCW:

a) investigate the potential for the translocation of plants impacted by the project;

b) if investigation under 2.11a) reveals translocation of impacted plants is feasible, the Proponent shall prepare and implement a translocation plan for the plants; and

c) consider including appropriate compensatory habitat for the impacted plants in the Biodiversity Offset and Mitigation Strategy referred to in Condition 2.12 should the information obtained during the investigation referred to in Condition 2.11a) find that translocation is not feasible.

Biodiversity Offset and Mitigation Strategy and Package

2.12 The Proponent shall develop and submit for the Director-General's approval, a Biodiversity Offset and Mitigation Strategy. The Strategy shall provide a framework for developing the Biodiversity Offsets and Mitigation Package required by Condition 2.13 and shall be developed in consultation with the DECCW. The Strategy shall:

a) include a minimum requirement to provide 98.8 hectares of native vegetation to offset direct and indirect impacts of the project;

b) identify the extent and types of habitat/vegetation communities that would be lost or degraded as a result of the project;

c) describe the quality of habitat/vegetation communities identified in point b);

d) identify the objectives and outcomes to be met by the final Biodiversity Offset and Mitigation Package;

e) consider the biodiversity management measures or activities identified in the documents set out in condition 1.1 or elsewhere in these Conditions of Approval, including:

   i. fauna crossing measures, including vegetated medians, fauna structures and associated fauna fencing to be installed as part of the project;

   ii. revegetation measures;

   iii. translocation plans;

   iv. any other fauna mitigation measures such as nest boxes and frog breeding ponds; and

   v. any ongoing biodiversity or threatened species monitoring requirements;

f) provide details of available compensatory habitat in the region to offset the loss of Endangered Ecological Communities and habitat for threatened fauna species as a result of the project. This may include other non land-purchase management measures or actions to deliver a beneficial outcome for the region;

g) provide a decision-making framework to be used in selecting the priority ranking of compensatory habitat options available in the region; and

h) a process to address additional impacts associated with unforeseeable impacts including:

   i. changes to footprint due to design changes;

   ii. changes to predicted impacts resulting from changes to mitigation measures; and

   iii. additional impacts associated with ancillary facilities.

Unless otherwise agreed, the Biodiversity Offset and Mitigation Strategy shall be submitted to the Director-General for approval no later than 6 weeks prior to the commencement of any construction that would result in the disturbance of Endangered Ecological Communities or threatened species' habitat or not later than 12 months from the date of this approval. To avoid any doubt, disturbance of Endangered Ecological Communities or threatened species' habitat cannot commence until the Director-General has approved the strategy.

Nothing in this condition prevents minor clearing of Endangered Ecological Communities and threatened species habitat prior to approval of the Strategy, where the clearing does not compromise biodiversity outcomes and has been approved by the Director General, in consultation with DECCW.

Nothing in this condition or this approval precludes the Proponent from implementing a suitable offset package which addresses impacts from multiple Pacific Highway Upgrade projects (including the Sapphire to Woolgoolga Upgrade) within the North Coast Bio-region.

Any such agreement made with the Department of Environment and Climate Change must be made in consultation with the Department and approved by the Director-General.

Note: A request for minor clearing of Endangered Ecological Communities and threatened species habitat prior to approval of the Biodiversity Offset and Mitigation strategy shall consider the requirements of the relevant ecological conditions of this approval.

2.13 Within 12 months of the approval of the Biodiversity Offset and Mitigation Strategy, or as otherwise agreed by the Director-General, the Proponent shall submit the Biodiversity Offset and Mitigation Package for the approval of the Director-General. The Package shall be developed in consultation with the DECCW and:

a) shall detail the final suite of biodiversity offset measures selected in accordance with the Strategy; and

b) include a program (timeline) to achieve the implementation of the final suite of measures. Where possible, this should include purchase of land, development of agreements with identified land management authorities (*e.g*. DECCW, local council *etc*.) for long term management and funding of offsets and mitigation measures, and installation of identified mitigation measures.

Forestry Impacts

2.14 In designing the project where it traverses Wedding Bells State Forest the Proponent shall:

a) consult with the Department of Primary Industries (Forestry division);

b) consider the use of the timber resource use for harvestable timber; and

c) maintain access to enable continued forestry operations, fire management and recreation during both construction and operation.

Traffic and Access

2.15 Where the proposal results in increased traffic volumes on any existing local road forming the alternate local road route, the Proponent must, in consultation with Coffs Harbour City Council, assess the need to upgrade the road to cater for the increased traffic volumes. The Proponent shall ensure that any necessary works are completed prior to the opening of the project to traffic and any transfer of maintenance and upkeep to any third party.

2.16 Where approved access to a property is affected by either construction or operation of the project, the Proponent shall provide an alternative access of a standard that is at least equivalent to that currently existing and meets relevant road safety standards. Details for provision of an alternative access shall be determined in consultation with the landholder.

Noise Impacts

Construction and Blasting Restrictions

2.17 Standard construction hours for the duration of construction are:

a) 7:00am to 6:00pm Mondays to Fridays, inclusive; and

b) 8:00am to 1:00pm Saturdays; and

c) at no time on Sundays or Public Holidays.

The following exceptions (without further approval) to standard construction hours apply:

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

ii. for delivery of materials required outside these hours by the Police or other relevant authorities for safety reasons; or

iii. where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

2.18 Certain construction activities (Out of Hours Works) may be allowed to occur outside the standard construction hours with the prior written approval of the Director-General. Requests for out of hours approval will be considered for construction activities which cannot be

undertaken during standard construction hours for technical or other justifiable reasons and will be considered on a case by case or activity-specific basis. Any request for Out of Hours Works must be accompanied by:

a) details of the nature and need for activities to be conducted during the varied construction hours;
b) written evidence to the DECCW and the Director-General that activities undertaken during the varied construction hours are justified, appropriate consultation with potentially affected receivers and notification of Council has been undertaken, issues raised have been addressed, and all feasible and reasonable mitigation measures have been put in place; and
c) evidence of consultation with the DECCW on the proposed variation in standard construction hours.

Despite the above, Out of Hours Works may also occur where a process for considering the above on a case by case or activity specific basis by the Proponent, including factors a) to c) above, has been approved as part of a Construction Environment Management Plan or Construction Noise and Vibration Management Plan for this project.

2.19 Blasting associated with the construction is permitted only during the following hours:

a) 9:00 am to 5:00 pm, Mondays to Fridays, inclusive;
b) 9:00 am to 1:00 pm on Saturdays; and
c) at no time on Sundays or Public Holidays.

This condition does not apply in the event of a direction from the Police or other relevant authority for safety or emergency reasons to avoid loss of life, property loss and/or to prevent environmental harm.

2.20 The Proponent shall consult with affected educational institutions and ensure that noise-generating construction works in the vicinity of the institutions are not timetabled during examination periods, unless other arrangements acceptable to the affected institutions are made at no cost to the affected institutions.

Construction and Blasting Limits

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

a) more than 20 dB(A) for a construction period of equal to or less than four weeks;
b) more than 10 dB(A) for a construction period of greater than four weeks, but not exceeding 26 weeks; and
c) more than 5 dB(A) for a construction period greater than 26 weeks.

Any activities that could exceed the construction noise objectives specified under this condition shall be identified and managed in accordance with a Construction Noise and Vibration Management Plan specified under Condition 6.3 d) of this approval. If the noise from construction is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) shall be added to the measured construction noise level when comparing the measured noise with the construction noise objectives. The Proponent shall implement all reasonable and feasible noise mitigation measures with the aim of achieving the construction noise objective.

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

Table 1 - Airblast Overpressure Criteria

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

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

Table 2 – Peak Particle Velocity Criteria

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

Operational Noise

2.24 Unless otherwise agreed by the Director-General, the Proponent shall submit for the approval of the Director-General, a review of proposed operational noise mitigation measures identified in the documents nominated in Condition 1.1, within six months of commencing construction. The review shall take into account the detailed design of the project and, where feasible and reasonable, refine the proposed measures with the objective of meeting the criteria outlined in the *Environmental Criteria for Road Traffic Noise* (NSW EPA, 1999). The review shall be undertaken in consultation with the DECCW.

Air Quality, Soil and Water Quality Impacts

2.25 The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises or prevents the emission of dust including wind blown and traffic generated dust, including but not limited to:

a) implementing practical measures for construction vehicles carrying loads; and
b) minimising tracking of material from construction sites onto public roads.

2.26 The Proponent shall:

a) take all appropriate measures to prevent soil erosion and the discharge of sediments and pollutants from the project during construction and operation consistent with the Landcom's publication *Managing Urban Stormwater - Soils and Construction;*
b) consult with the DECCW, the Marine Parks Authority and the I&I NSW regarding appropriate sediment and erosion control measures to be implemented during construction and operation to mitigate impacts and protect waters associated with Solitary Islands Marine Park, within the catchments of:
   i. Hearnes Lake/Double Crossing Creek;
   ii. Cunninghams Creek;
   iii. Skinners Creek; and
   iv. Arrawarra Creek.

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

Agricultural Impacts

2.28 The Proponent shall provide a vegetated spray drift buffer for blueberry and banana plantations identified in the environmental assessment as being within the agricultural properties adjacent to the highway corridor where such a buffer will be beneficial and practical in assisting to mitigate the impact of the highway on adjoining agricultural

operations and where agreed by the adjoining landowner. The provision of vegetated buffers between blueberry or banana plantations and the project shall be developed in consultation with the I&I NSW (Agriculture) and the property owner and use a risk-based approach taking into account local land form, land use characteristics and the concerns of adjoining landholders. The Proponent shall fence the new boundary between the blueberry and banana plantations and the highway corridor and plant the vegetation spray buffer within 12 months of acquiring that part of the property required for the proposal. Where practical, the Proponent shall plant vegetation within the highway corridor to complement the vegetation of the spray drift buffer within the blueberry and banana plantations.

2.29 The Proponent shall, at the request of owners of agricultural properties severely or critically affected by the Project (as defined in Section 15.2 of the Environmental Assessment), employ a suitably qualified and experienced independent agricultural specialist, to be approved by the Director-General, to assist in:

a) negotiating reasonable and feasible mitigation measures prior to commencement of construction; and/or
b) identifying alternative farming opportunities for the land, including purchase of other residual land to enable existing agricultural activities to continue; and/or
c) negotiating appropriate compensation and/or arrangements for the purchase of the property under the *Land Acquisition (Just Terms Compensation) Act 1991*.

2.30 All activity on land either currently or previously used for banana plantation, including spoil removal, will be undertaken in such a manner to minimise the spread of Panama Disease and Banana Bunchy Top Virus in accordance with the following publications unless otherwise agreed with the Department of Primary Industries:

a) *Panama disease management for machinery operators*, DPI-423 (NSW Agriculture);
b) *Panama disease: on farm management, DPI-353* (NSW Agriculture); and
c) *Guidelines on the Assessment and management of Banana Plantations* (Department of Environment and Climate Change).

Hydrological Impacts

2.31 New or duplicated drainage structures shall be designed, in consultation with the DECCW and I&I NSW (Fisheries division), to minimise any changes to afflux and flooding to waterways that traverse the project alignment.

Heritage Impacts

Aboriginal Heritage

2.32 Unless otherwise agreed with the DECCW and the relevant Aboriginal stakeholders, the Proponent shall arrange for:

a) Aboriginal stakeholder observation of initial ground disturbance/topsoil stripping, regardless of results of potential archaeological deposit investigations at sites S2W-1, 4, 10, 11 and 12;
b) undertake sub-surface investigation at sites S2W-1, 4, 5, 6, 8, 9, 10 and 11;
c) record salvaged artefacts from sites S2W-2, 5, 6, 7, 8, 9, 10, 11 and 12;
d) a strategy for the salvage and storage of salvaged objects, both during construction and for the long term management;
e) identifying all Aboriginal sites and potential archaeological deposits in and near the project on construction drawings; and
f) fencing and clearly marking for the duration of construction, all known heritage sites and/or potential archaeological deposits that will not be directly affected by construction of the project, either in part or their entirety, to ensure that construction plant or personnel do not enter or disturb the sites.

The salvage and storage of Aboriginal objects may proceed in the absence of an approved Construction Environmental Management Plan, subject to the activities being undertaken in

accordance with a strategy, prepared in consultation with relevant Aboriginal stakeholders and DECCW, and approved by the Director General.

2.33 Construction activities shall:

a) except for the relocation of the existing access into the property, avoid Lot 2 DP 245956 (Coffs Harbour and District Clay Target Club Inc.). The location and extent of works required for a relocated access to the property shall be determined in consultation with DECCW and relevant Aboriginal stakeholders. The Proponent shall fence that part of the site S2W-4, located within Lot 2 DP 245956 and not impacted by the relocated access, to prevent access by construction plant or personnel; and

b) avoid and fence for the duration of construction, the south-eastern corner of Portion 41, Parish of Moonee.

Non-Aboriginal Heritage

Golden Arrow Mine

2.33A The Proponent shall:

(a) complete all archival recordings, including photographic records, prior to the commencement of construction work in proximity to the Golden Arrow Mine. All recordings shall be undertaken and completed generally in accordance with the guidelines issued by the Heritage Council of NSW. The area surrounding the Golden Arrow Mine shall be clearly identified and fenced and not impacted until the completion of the archival recordings. Copies of the archival and photographic recordings shall be provided to the Heritage Branch (Department of Planning), the Council and the Local Historical Society in the Coffs Harbour local government area;

(b) prepare an Interpretation Plan to incorporate the findings from the history and heritage recordings made for the Golden Arrow Mine and include options for public interpretation, such as signage, in the vicinity of the gold mine site. The Plan should be prepared generally in consultation with the Heritage Branch (Department of Planning) and in accordance with the Guidelines issued by the Heritage Council of NSW and implemented prior to the opening of the project; and

(c) cease work in the affected area(s) and notify the Department if additional substantial intact archaeological deposits and/or State/local significant relics are discovered. Additional assessment and recording may be required prior to work continuing.

Ancillary Construction Facilities

2.34 Ancillary facilities associated with project construction shall satisfy the following criteria unless otherwise approved by the Director-General:

a) be located more than 100 metres from a waterway;

b) have ready access to the road network;

c) be located in areas of low ecological and heritage conservation significance, and will not require any significant clearing of native vegetation beyond that already required by the project;

d) be located on relatively level land;

e) be separated from the nearest residences by at least 200 metres (or at least 250 metres for a temporary batching plant and stockpiling sites);

f) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;

g) shall not unreasonably affect the land use of adjacent properties;

h) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours; and

i) shall not impact on heritage sites beyond those already impacted by the project.

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

3. ENVIRONMENTAL MONITORING AND AUDITING

Ecological Monitoring

3.1 Prior to the commencement of construction, the Proponent shall develop and implement a Monitoring Program to monitor the effectiveness of the mitigation measures identified in Condition 2.12(e) for threatened species directly impacted by the project. The Program shall be developed in consultation with the Department, DECCW, I&I NSW (Fisheries and Forestry divisions), and suitably qualified ecologist(s) and shall include but not necessarily be limited to:

a) monitoring methodology for threatened species in and adjacent to the project footprint. The methodology shall be decided in consultation with DECCW;

b) an adaptive monitoring program to assess the effectiveness of the mitigation measures identified in Condition 2.12(e) and allow their modification if necessary. The monitoring program shall nominate appropriate and justified monitoring periods and targets against which effectiveness will be measured;

c) monitoring shall be undertaken during construction (for construction-related impacts) and from opening of the project to traffic (for operation/ongoing impacts) until such time as the effectiveness of mitigation measures can be demonstrated to have been achieved over a minimum of three successive monitoring periods following establishment of vegetation planted as part of mitigation and after opening of the project to traffic, or as otherwise agreed by the Director-General in consultation with DECCW;

d) provision for the assessment of the data to identify changes to habitat usage and if this can be attributed to the project;

e) details of contingency measures that would be implemented in the event of changes to habitat usage patterns directly attributable to the construction or operation of the project; and

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

The Program shall be submitted to the Director-General prior to the commencement of construction.

Noise Auditing

3.2 No later than one year after commencement of operation of the project, or as otherwise agreed by the Director-General, the Proponent shall undertake operational noise monitoring to compare actual noise performance of the project against noise performance predicted in the review of noise mitigation measures required by Condition 2.24 and prepare an Operational Noise Report. The Report shall include, but not necessarily be limited to:

a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under Condition 2.24 and documents specified under Condition 1.1 of this approval;

b) a review of the operational noise levels in terms of criteria and noise goals established in the *Environmental Criteria for Road Traffic Noise* (EPA 1999);

c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which project noise levels are ascertained, with specific reference to locations indicative of impacts on sensitive receivers;

d) details of any complaints and enquiries received in relation to operational noise generated by the project between the date of commencement of operation and the date the report was prepared;

e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring undertaken and actual traffic numbers and proportions;

f) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of all reasonable and feasible mitigation measures; and

g) any additional feasible and reasonable measures, as identified in the review of noise mitigation measures required by Condition 2.24, that would be implemented to comply with the criteria outlined in the *Environmental Criteria for Road Traffic Noise* (NSW EPA, 1999), when these measures would be implemented and how their effectiveness would be measured and reported to the Director-General and the DECCW.

3.3 The Proponent shall provide the Director-General and the DECCW with a copy of the Operational Noise Report within 60 days of completing the operational noise monitoring referred to under condition 3.2 of this approval, or as otherwise agreed by the Director-General.

4. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

4.1 The Proponent shall develop and implement a program to track compliance with the requirements of this approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction. The Program shall relate to both construction and operational stages of the project, and shall include, but not necessarily limited to:

a) provisions for periodic review of project compliance with the requirements of this approval, Statements of Commitment and documents referred to in Condition 1.1 of this approval) and reporting of compliance status to the Director-General;
b) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of the project;
c) a program for independent environmental auditing in accordance with ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing;
d) mechanisms for reporting and recording incidents and actions taken in response to those incidents;
e) provisions for reporting environmental incidents to the Director-General during construction and operation; and
f) procedures for rectifying any non-compliance with the documents referred to in Condition 1.1 identified during environmental auditing or review of compliance.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Access to Information

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

5.2 Prior to the commencement of construction, the Proponent shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:

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

Complaints and Enquiries Procedure

5.3 Prior to the commencement of construction, the Proponent shall ensure that the following are available for community complaints and enquiries during the construction period:

a) a telephone number on which complaints and enquiries about construction and operation activities may be registered;
b) a postal address to which written complaints and enquiries may be sent; and
c) an email address to which electronic complaints and enquiries may be transmitted.

The telephone number, the postal address and the email address shall be published in a newspaper circulating in the local area prior to the commencement of construction and prior to the commencement of project operation. The above details shall also be provided on the website (or dedicated pages) required by this approval.

5.4 The Proponent must prepare and implement a Construction Complaints Management System consistent with AS 4269 Complaints Handling prior to the commencement of construction activities and must maintain the System for the duration of construction activities.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached and whether mediation was required or used, must be maintained by the Proponent and included in a complaints register. The information contained within the System must be made available to the Director-General on request.

Community Consultation

5.5 Deleted.

5.6 The Proponent shall prepare and implement a Community Communication Strategy for the project. This Strategy shall be designed to provide mechanisms to facilitate communication between the Proponent, the Contractor, the Environmental Representative, Council and local community (broader and local stakeholders) on the detailed design, progress and the related environmental management of the project. The Strategy shall include, but not necessarily limited to:

a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners;
b) procedures and mechanisms for the regular distribution of information to stakeholders on the progress of the project, detailed design and matters associated with environmental management;
c) procedures and mechanisms through which stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management, detailed design and delivery of the project;
d) the formation of community-based forums (focus groups) that focus on key design and environmental management issues for the project. The Strategy shall provide detail on the structure, scope, objectives and frequency of the community-based forums;
e) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from stakeholders in relation to the environmental management, detailed design and delivery of the project; and
f) procedures and mechanisms that would be implemented to resolve any issues/disputes that may arise between parties on the matters relating to environmental management and the delivery of the project. This may include the use of an appropriately qualified and experienced independent mediator.

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

i) traffic management (including property access, pedestrian and cycleway access);

ii) property acquisition;
iii) business impacts;
iv) landscaping/urban design matters;
v) heritage;
vi) construction activities; and
vii) noise and vibration mitigation and management.

The Proponent shall maintain and implement the Strategy throughout construction. The Strategy shall be approved by the Director General prior to the commencement of any construction associated with the project.

6. ENVIRONMENTAL MANAGEMENT

Environment Representative

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

a) be the principal point of advice in relation to the environmental performance of the project;
b) be consulted in responding to the community concerning the environmental performance of the project;
c) monitor the implementation of all environmental management plans and monitoring programs required under this approval;
d) monitor the outcome of all environmental management plans and advise the Proponent upon the achievement of all project environmental outcomes;
e) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;
f) ensure that environmental auditing is undertaken in accordance with the requirements of Condition 4.1 and the project Environmental Management System(s); and
g) be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

Construction Environment Management Plan

6.2 Prior to the commencement of construction, the Proponent shall prepare and implement a Construction Environment Management Plan (CEMP). The CEMP shall outline the environmental management practices and procedures that are to be followed during construction, and shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). The CEMP shall include, but not necessarily be limited to:

a) a description of all relevant activities to be undertaken during construction of the project including an indication of stages of construction, where relevant;
b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
c) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts; and

e) complaints handling procedures during construction.

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

6.3 As part of the Construction Environment Management Plan for the project required under Condition 6.2 of this approval, the Proponent shall prepare and implement the following sub plans:

a) a **Construction Traffic Management Plan**, prepared in accordance with the RTA's *QA Specification G10 – Control of Traffic and Traffic Control at Work Sites Manual* (2003) to manage disruptions to highway and local traffic movements as a result of construction activities (and associated construction traffic);

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

   i) details of work practices (such as fencing and construction worker education) to minimise the potential for damage to vegetation (particularly EECs) and native fauna during construction. Measures shall also be included to minimise the extent of soil disturbance during construction ;

   ii) weed management measures focusing on early identification of invasive weeds, identifying effective management controls and methods to measure effectiveness;

   iii) details of the mitigation measures to be implemented and associated procedures for the installation and monitoring of these measures;

   iv) a procedure detailing the timing for the implementation and monitoring of the mitigation and management measures consistent with Condition 2.12(e); and

   v) a description of how the effectiveness of the mitigation and management measures would be monitored during the proposed works and, if any non-compliance is detected how any non-compliance would be rectified consistent with Condition 2.12;

c) a **Construction Heritage Management Plan** to detail management and monitoring of Aboriginal and non-Aboriginal heritage. The Plan shall be developed in consultation the Department of Planning (Heritage branch) and the DECCW and shall include, but not necessarily be limited to:

   i) the recommendations arising from investigations into the Potential Archaeological Deposits and other sites as required by condition 2.32 of this approval;

   ii) a strategy for the salvage and curation of salvaged objects, giving consideration to measures for managing and housing objects;

   iii) specific measures to be applied to works undertaken in close proximity to identified Aboriginal and non-Aboriginal heritage items to minimise and avoid impacts on these items including a component within the site induction program for construction workers on measures to be employed to manage and minimise impacts to heritage;

   iv) procedures to be followed should non-compliance against any of the documents identified in Condition 1.1 or this management plan be detected;

d) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts would be minimised and managed. The Plan shall be developed in consultation with the DECCW and include, but not necessarily be limited to:

   i) details of and an indicative schedule for construction activities ;

   ii) identification of noise and/or vibration generating construction activities that would affect sensitive receivers;

iii) procedures to ensure overpressure and vibration criteria are met during blasting, including a suitable blast program supported by test blast results;

iv) a detailed description of the reasonable and feasible actions and measures to be implemented to ensure compliance with the relevant noise and vibration criteria/objectives;

v) procedures for notifying sensitive receivers of construction activities likely to affect their noise and vibration amenity, as well as procedures for managing noise complaints; and

vi) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, the locations where monitoring would take place, how the results of this monitoring would be recorded; and, procedures to be followed should non-compliance against any of the documents identified in Condition 1.1 or this management plan be detected.

e) a **Construction Groundwater Management Plan** to detail how construction activities would be managed and monitored to minimise and mitigate impacts on groundwater. The plan shall be developed in consultation with the DECCW and include, but not necessarily be limited to:

i) description and identification of groundwater resources potentially affected by the proposal;

ii) identification of licensed bores, dams or other water supplies and groundwater dependant ecosystems affected by the project;

iii) measures to manage identified impacts on water table, flow regimes and quality;

iv) groundwater inflow control, handling, treatment and disposal methods; and

v) a detailed monitoring plan to identify monitoring methods, locations, frequency, duration and analysis requirements; and

f) a **Construction Soil and Erosion Control Plan** to detail how construction activities would be managed to minimise soil and erosion from the Project and include reference to Conditions 2.26 and 2.30. This plan shall be prepared in consultation with the DECCW, Marine Parks Authority and I&I NSW.

Operational Environment Management Plan

6.4 The Proponent shall prepare and implement an Operational Environment Management Plan for the project that details the environmental management framework, practices and procedures to be followed during its operation. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) to provide a clear environmental management framework. The Plan shall be prepared in consultation with the relevant government agencies and shall include, but not necessarily be limited to:

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

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

c) details of how the project's environmental performance will be monitored and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:

i) measures to monitor and manage ecological factors, including effectiveness and maintenance of fauna crossings and rehabilitation measures, with reference to Condition 2.12;

ii) measures to monitor and manage heritage sites within the road reserve with reference to Condition 2.32;

iii) measures to monitor and manage noise impacts with reference to Condition 2.24;

iv) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to surrounding lands and/or waters; and

v) measures to monitor and maintain landscaping undertaken along the project corridor until the vegetation has sufficiently been established;

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

e) complaints handling procedures during operation.

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