

Project Approval

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

I approve the project application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, 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.

Rob Stokes

Minister for Planning and Public Spaces

Sydney

Signed 12 April 2021

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number: 08_0008

Proponent: Property NSW

Approval Authority: Minister for Planning and Public Spaces

Land: 7, 9 and 11 Nelson Parade, Hunters Hill, the foreshore areas adjacent to 5, 7, 9, 11 and 13 Nelson Parade and the privately owned foreshore area within 5 Nelson Parade, Hunters Hill

Lot A and B DP 383175, Lot 3 DP 9678, Lot 1 and 2 DP 230691, Lot 1 DP 641068, Lot 1 DP 544937 and C/383175

Project: Hunters Hill Remediation Project, including:

- excavation of contaminated soils;
- site validation; and
- transport and disposal of contaminated material to a waste disposal facility in the United States of America.

MP 08_0008 MOD 1
MP 08_0008 MOD 2
MP 08_0008 MOD 3

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP 08_0008 MOD 1	23 December 2021	Director	Changes to the interim storage location for contaminated material and changes to the port location for the export of contaminated material
MP 08_0008 MOD 2	6 May 2022	Director	Changes to the interim storage location for contaminated material and changes to the port location for the export of contaminated material
MP 08_0008 MOD 3	26 July 2023	Director	Change to the transport route and final disposal location for the remaining contaminated material

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DEFINITIONS

ANSTO	Australian Nuclear Science and Technology Organisation
Conditions of this approval	Conditions contained in Schedule 2 of this document
Council	Hunter's Hill Council
Demobilisation	Decommission and remove wastewater treatment plant, tower crane and environmental controls, as described in the PPR 2020
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
EA	Environmental Assessment titled <i>Remediation of former Radium Hill Company site Nelson Parade Hunters Hill Environmental Assessment</i> prepared by Parsons Brinckerhoff dated 15 November 2012
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
General Solid Waste	As defined in the EPA Waste Classification Guidelines Part 1: Classifying Waste 2014
Hazardous Waste	As defined in the EPA Waste Classification Guidelines Part 1: Classifying Waste 2014 and Part 3: Waste Containing Radioactive Material 2014
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this approval
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this approval
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management Order	Management Order 20141403 issued for the site by the Environment Protection Authority under the CLM Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the project prior to or during those impacts occurring
MOD 1	The Section 4.55(1A) modification application prepared by Property NSW titled Request to Modify Planning Conditions within Application Number 08_0008 and Transportation Management Plan submitted on 7 December 2021
MOD 2	The Section 4.55(1A) modification application prepared by Property NSW titled Request to Modify Planning Conditions within Application Number 08_0008 and Transportation Management Plan submitted on 5 May 2022
MOD 3	The Section 4.55(1A) modification application prepared by Property & Development NSW title Request to Modify Planning Conditions of Application

Number 08_0008 and Waste Transport Management Plan submitted on 9 June 2023

Monitoring	Any monitoring required under this approval must be undertaken in accordance with section 9.40 of the EP&A Act
Non-compliance	An occurrence, set of circumstances or project that is a breach of this approval
Planning Secretary	Secretary of the Department, or delegate
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PPR 2020	Preferred Project Report titled <i>Hunters Hill Remediation Preferred Project Report</i> prepared by WSP, dated November 2020
Project	The project described in Schedule 1 and PPR 2020, including the works and activities comprising excavation of contaminated soils, validation of the site and transport and disposal of contaminated material to a waste disposal facility in the United States of America, as modified by the conditions of this approval and MOD 1, MOD 2 and MOD 3
Project layout	The plans at Appendix 1 of this approval
Proponent	Property NSW, or any person carrying out any project to which this approval applies
Private property works	Targeted removal of materials with concentrations above background radiological levels on properties 5, 13 and 15 Nelson Parade as described in the PPR 2020 and RAP
RAP	Remediation Action Plan titled <i>Remediation Action Plan Numbers 5, 7, 9, 11, 13 and 15 and Adjoining Foreshore, Nelson Parade, Hunters Hill</i> , prepared by WSP dated November 2020
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled <i>"Aboriginal cultural heritage consultation requirements for proponents 2010"</i> (DECCW)
Rehabilitation	The restoration of land disturbed by the project to a good condition, to ensure it is safe, stable and non-polluting.
REMP	Remediation Environmental Management Plan
Remaining Waste Material	Excavated contaminated material from the site including the foreshore area and neighbouring private properties, as described in MOD 3
Remediation works	Excavation of soils to bedrock on 7 and 9 Nelson Parade and the foreshore adjacent to 5, 7, 9, 11 and 13, excavation of soil underneath the indoor pool and patio at No. 11, classification of soil and transport to disposal facility, validation and rehabilitation of land, as described in the PPR 2020 and RAP
Restricted solid waste	As defined in the EPA Waste Classification Guidelines Part 1: Classifying Waste 2014 and Part 3: Waste Containing Radioactive Material 2014
RMP	Radiation Management Plan
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Establishment Works	Establish a clean site access by excavating the upper terraced portion of 7 and 9 Nelson Parade and the front courtyard, garage and sunroom of 11 Nelson Parade, establish a site office in 11 Nelson Parade and establish a work zone and controlled zone, as described in the PPR 2020 and RAP
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material

Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

For Information

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from site establishment works, remediation works, private property works, demobilisation and any rehabilitation required under this approval.

TERMS OF APPROVAL

- A2. The project may only be carried out:
- (a) in compliance with the conditions of this approval;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the PPR 2020 and RAP;
 - (d) in accordance with the project plans in Appendix 1; and
 - (e) in accordance with the statement of commitments in Appendix 2.
- A3. Consistent with the requirements in this approval, the Planning Secretary may make written directions to the Proponent in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this approval and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF APPROVAL

Waste Storage and Disposal

- ~~A5. Prior to the commencement of remediation works, the Proponent must provide written evidence to the Planning Secretary to demonstrate that an environment protection licence is in place for the temporary storage of waste material from the site at the Veolia Waste Transfer facility in Matraville.~~
- ~~A6. The Proponent must dispose of all material from the site classified as general solid waste, restricted solid waste and hazardous waste to the US Ecology waste management facility in Idaho, United States of America, except for the material specified in Condition A7, as described in the PPR 2020.~~
- A6a. The Proponent must dispose of the Remaining Waste Material from the site classified as general solid waste, restricted solid waste and hazardous waste, as described in MOD 3, to the Tellus Sandy Ridge Facility in Western Australia, except for the material specified in Condition A7.
- A7. The Proponent may dispose of the following material to a licensed waste disposal facility in NSW, excluding the SUEZ Kemps Creek Resource Recovery Park:
- (a) approximately 100 cubic metres (m³) of general solid waste from the upper terraced portion of 7 and 9 Nelson Parade and the front courtyard, garage and sunroom of 11 Nelson Parade as part of site establishment works. The Proponent must provide written evidence to the satisfaction of the Planning Secretary, demonstrating the material has been tested and classified as general solid waste in accordance with Condition B1(b), prior to its disposal off-site; and
 - (b) building demolition waste from No.11 and green (vegetation) waste. The Proponent must provide written evidence to the satisfaction of the Planning Secretary, demonstrating the material has been classified as general solid waste in accordance with Condition B7, prior to its disposal off-site.

NOTIFICATION OF COMMENCEMENT

- A8. The date of commencement of each of the following phases of the project must be notified to the Planning Secretary in writing, at least two weeks before that date, or as otherwise agreed with the Planning Secretary:
- (a) site establishment works;
 - (b) remediation works; and

- (c) demobilisation.

A9. If any part of the project is to be staged, the Planning Secretary must be notified in writing, at least two weeks before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the work to be carried out in that stage.

EVIDENCE OF CONSULTATION

A10. Where conditions of this approval require consultation with an identified party, the Proponent must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A11. With the approval of the Planning Secretary, the Proponent may:

- (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the project).

A12. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.

A13. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

A14. Before the commencement of site establishment works, the Proponent must:

- (a) consult with the relevant owner and provider of services that are likely to be affected by the project to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
- (c) submit a copy of the dilapidation report to the Planning Secretary and Council.

A15. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the project; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

DEMOLITION

A16. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

COMPLIANCE

A17. The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.

OPERATION OF PLANT AND EQUIPMENT

A18. All plant and equipment used on site, or to monitor the performance of the project, must be:

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

APPLICABILITY OF GUIDELINES

- A19. References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.
- A20. However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Planning Secretary may, when issuing directions under this approval in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

- AN1.** All licences, permits, approvals and approvals as required by law must be obtained and maintained as required for the project. No condition of this approval removes any obligation to obtain, renew or comply with such licences, permits, approvals and approvals.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

REMEDIATION

Surveys

- B1. Prior to the commencement of site establishment works, the Proponent must engage a suitably qualified and experienced consultant(s) to:
- (a) conduct gamma radiation surveys of the site to verify the previous waste classifications;
 - (b) conduct further sampling and analytical testing of the material on the upper terraced portion of 7 and 9 Nelson Parade and the front courtyard, garage and sunroom of 11 Nelson Parade to confirm the general solid waste classification, to the satisfaction of the Site Auditor; and
 - (c) conduct radiation testing to establish background levels for validation purposes.
- B2. The Proponent must provide the results of surveys conducted in accordance with Condition B1 to the Planning Secretary, prior to the commencement of site establishment works.

Remedial Works

- B3. The Proponent must remediate the site in accordance with the Remediation Action Plan (RAP) and relevant guidelines produced or approved under the *Contaminated Land Management Act, 1997* (CLM Act). If any amendments are required to the RAP, the amendments must be approved by the Site Auditor.
- B4. Remediation works must be undertaken by a suitably qualified and experienced contractor(s).

Validation

- B5. Within three months of completion of demobilisation, or as otherwise agreed with the Planning Secretary, the Proponent must submit a Validation Report to the EPA, Council and the Planning Secretary. The Validation Report must be prepared in accordance with the RAP and relevant guidelines produced or approved under the CLM Act.

Site Audit Report and Site Audit Statement

- B6. Within six months of the completion of demobilisation, the Proponent must submit a Site Audit Report and Site Audit Statement to the EPA, Council and the Planning Secretary. The reports must be prepared by the Site Auditor in accordance with relevant guidelines produced or approved under the CLM Act and must confirm:
- (a) the remedial works have been completed in accordance with the RAP and REMP and the site is suitable for its intended residential land use; and
 - (b) the risks to human health and the environment have been addressed in accordance with the objectives of the RAP.

WASTE MANAGEMENT

Statutory Requirements

- B7. The Proponent must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of the EPA's *Waste Classification Guidelines Part 1: Classifying Waste and Part 3: Waste Containing Radioactive Material* (EPA, 2014).
- B8. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B9. The Proponent must retain all sampling and waste classification data for the life of the project and ensure that all waste that is controlled under a tracking system has the appropriate documentation prior to leaving the site.

Waste Storage and Transport

~~B10. Waste material that is packaged and secured in shipping containers on site must be transported from the site to the Veolia Waste Transfer facility in Matraville in accordance with all relevant regulations for waste transport.~~

~~B11. The temporary storage of the waste material at the Veolia Waste Transfer facility in Matraville must be undertaken in accordance with all limits and requirements of the Environment Protection Licence for the facility.~~

~~B10. Waste material that is packaged and secured in shipping containers on site must be transported from the site in accordance with all relevant regulations for waste transport and the Transportation Management Plan US Ecology Idaho Inc for Nelson Parade Material prepared by US Ecology, dated 28 March 2022.~~

B10. The Remaining Waste Material as described in MOD 3, that is packaged and secured in shipping containers on site must be transported from the site in accordance with all relevant regulations for waste transport and the Nelson Parade, Hunters Hill Waste Transport Management Plan (WTMP) prepared by Tellus, dated 3 May 2023.

Asbestos

- B12. The Proponent must ensure any asbestos encountered during the project is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- Work Health and Safety Regulation 2017;*
 - SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
 - SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - Protection of the Environment Operations (Waste) Regulation 2014.*

HUMAN HEALTH

Radiation Dose Limits

- B13. The Proponent must ensure radiation doses throughout the project are kept as low as reasonably achievable and should aim to achieve exposure levels lower than the limits in Table 1.

Table 1 Radiation dose limits

Group	Dose Limit
Members of the public	0.3 millisieverts / year
Remediation workers on site and truck drivers	1 millisievert / year
ANSTO workers (occupational exposure)	20 millisieverts / year

Notes:

- Dose limits are in addition to natural background radiation levels and are to be measured in accordance with the NSW Radiation Control Regulation 2013; and
- Dose limits for ANSTO workers (occupational exposure) are to be averaged over 5 consecutive calendar years with the effective dose not exceeding 50 millisieverts in any single year.

AIR QUALITY

Meteorological Monitoring

- B14. Prior to the commencement of remediation works, and for the life of the project, the Proponent must ensure that there is a suitable meteorological station operating in close proximity to the site that complies with the requirements in the latest version of EPA's *Approved Methods for Sampling of Air Pollutants in New South Wales* (DEC, 2007) (as may be updated or replaced from time to time).
- B15. The Proponent must maintain the meteorological station to the satisfaction of the EPA for the duration of the remediation works.

Dust Minimisation

- B16. The Proponent must take all reasonable steps to minimise dust generated during all works authorised by this approval, including but not limited to:
- use of meteorological data to guide daily works on site and during adverse weather conditions;
 - use of a tower crane to transport the excavator to each section of the site to minimise vehicle generated dust;
 - conducting excavation work in phases, minimising the area of exposed surface at any one time;
 - using sealed industrial packaging bags for the waste material;
 - watering exposed soil during excavation using hand-held hoses;
 - covering unsealed areas with geofabric when not in use and overnight;
 - using misting sprays on the perimeter, over the bag handling area and over excavations including private property works;
 - erecting dust screens around the pool demolition area at 11 Nelson Parade and using water sprays during demolition works;
 - ensuring all trucks entering or leaving the site with loads have their loads covered; and
 - carrying out land stabilisation works progressively on site to minimise exposed surfaces.

Alternative Accommodation

- B17. The Proponent shall offer to pay the reasonable costs associated with renting alternative accommodation in the local area for the residents of 13 Nelson Parade for:

- (a) the duration of private property works at 13 Nelson Parade; and
- (b) the duration of pool and patio demolition works at 11 Nelson Parade.

B18. Prior to the commencement of the works described in Condition B17, the Proponent shall consult with the landowners of 13 Nelson Parade to confirm the duration of time for provision of alternative accommodation and provide a copy of the written agreement with the landowners to the Planning Secretary.

B19. On completion of the works described in Condition B17, the Proponent shall engage a contractor to wash the house and external surfaces of 13 Nelson Parade to remove any deposited dust.

Odour Management

B20. The Proponent must ensure the project does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

ACCESS AND PARKING

Roadworks

B21. If any works are required within the road reserve of Nelson Parade, the Proponent must obtain approval for the works under Section 138 of the *Roads Act 1993* and complete the works to the satisfaction of Council.

Access and Parking

B22. The Proponent must provide Council and the residents of Nelson Parade and Prince Edward Parade at least two weeks' notice, prior to implementing a works zone involving parking restrictions on Nelson Parade and Prince Edward Parade. The Proponent must keep Council and the community regularly informed prior to changes to local traffic and parking conditions and detail the duration of any changes, throughout the project.

WATER AND SOILS

Licences and Discharges

B23. The project must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Erosion and Sediment Control

B24. Prior to the commencement of site establishment works or any other surface disturbance for the project, the Proponent must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline.

Dangerous Goods

B25. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Project Application Guidelines – Applying SEPP 33* at all times.

Bunding

B26. The Proponent must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

Site Reinstatement

B27. Prior to the completion of the project, the Proponent must provide written evidence to the satisfaction of the Planning Secretary to demonstrate that:

- (a) all excavated areas on the site are stabilised;
- (b) excavated areas on private properties 5, 13 and 15 Nelson Parade are rehabilitated with virgin excavated natural material or certified topsoil and turf, in consultation with the landowners of these properties; and
- (c) excavated areas on the foreshore are rehabilitated with virgin excavated natural material or certified topsoil and turf.

B28. The Proponent must provide records of all imported virgin excavated natural material, certified topsoil and turf brought onto the site, to the Planning Secretary upon request.

NOISE

Hours of Work

B29. The Proponent must comply with the hours detailed in Table 2, unless otherwise agreed in writing by the Planning Secretary.

Table 2 Hours of Work

Activity	Day	Time
Site establishment, remediation works, private property works and demobilisation	Monday – Friday Saturday]	7 am to 6 pm 8 am to 1 pm

- B30. Works outside of the hours identified in Condition B29 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) works agreed to in writing by the Planning Secretary;
 - (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

- B31. The project must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time).
- B32. The Proponent must implement all feasible and reasonable noise mitigation measures for the project including the measures detailed in the statement of commitments in Appendix 2. Any activities that could exceed the construction noise management levels established for the project in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) must be identified in the Noise and Vibration Management Plan required by Condition C2(e), together with specification of all feasible and reasonable contingency mitigation measures that will be implemented.

VIBRATION

Vibration Criteria

- B33. Vibration caused by the project at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- B34. The limits in Condition B33 apply unless otherwise outlined in a Noise and Vibration Management Plan, approved as part of the REMP required by Condition C2 of this approval.

HISTORIC HERITAGE

Heritage Management

- B35. Prior to the commencement of site establishment works, the Proponent shall complete a photographic record of the exposed historic elements on the site (including the seawall, stone retaining walls, cuttings and maritime graffiti) under the supervision of a suitably qualified archaeologist.
- B36. The Proponent must implement measures to protect the maritime graffiti on the site for the duration of the project, in consultation with a qualified archaeologist. The management measures should include those described in the statement of commitments in Appendix 2 and the Cultural Heritage Assessment for the project prepared by Australian Museum Business Services, September 2012. The requirement to protect this heritage item during the project must be incorporated into site inductions for all personnel working on the site.
- B37. Prior to any sale or re-development of the site following completion of the project, the Proponent must engage a suitably qualified archaeologist to determine the condition of the maritime graffiti and provide advice on appropriate measures for the long-term protection and stabilisation of the heritage item.

Unexpected Finds

- B38. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of the Heritage NSW.

ABORIGINAL HERITAGE

Unexpected Finds

- B39. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) Heritage NSW must be contacted immediately.

B40. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

For Information

PART C MANAGEMENT PLANS

MANAGEMENT PLAN REQUIREMENTS

- C1. Management plans required under this approval must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the project; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - (f) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (g) a protocol for periodic review of the plan.

Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

REMEDIATION ENVIRONMENTAL MANAGEMENT PLAN

- C2. Prior to the commencement of site establishment works, the Proponent must prepare a Remediation Environmental Management Plan (REMP) for the project in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary. The REMP must include the following sub-plans:
- (a) an **unexpected finds procedure** to manage any asbestos or other unexpected contamination encountered during remediation works, including details of testing and off-site disposal locations;
 - (b) an **air quality management plan** detailing the location and duration of dust controls to be implemented throughout the project, details of real-time boundary dust monitoring and personal dust monitoring for on-site workers and triggers for implementation of additional dust control measures if required;
 - (c) a **traffic and pedestrian management plan** prepared in consultation with Council, detailing measures to ensure road and pedestrian safety throughout the project, including a Driver Code of Conduct, measures to minimise road traffic noise and procedures for notifying residents prior to any disruptions to access and parking;
 - (d) a **water management plan** detailing erosion and sediment controls including the size of sediment basins, frequency and volume of discharges and overflows, procedures to cover excavations when not in use and overnight, procedures to ensure there is no re-use of water on site, location and design details of the wastewater treatment plant, a surface water monitoring program, procedures for testing and disposal of residual sediments and a contingency plan for managing any discharges that do not meet relevant criteria;
 - (e) a **noise and vibration management plan** describing the measures to manage high noise generating works developed in consultation with affected residents, including respite periods and scheduling of noisy works; and
 - (f) a **contingency plan** detailing measures to deal with unexpected issues arising during the project, such as excessive dust, noise, traffic and water quality impacts and unfavourable weather conditions. The plan must include measures for minimising impacts if the remediation works fail to achieve the remediation criteria and goals.
- C3. The Proponent must:
- (a) not commence site establishment works until the REMP required by Condition C2 is approved by the Planning Secretary; and

- (b) implement the most recent version of the REMP approved by the Planning Secretary for the duration of the project.

RADIATION MANAGEMENT PLAN

- C4. Prior to the commencement of remediation works, the Proponent must prepare a Radiation Management Plan (RMP) for the project to the satisfaction of the Planning Secretary. The RMP must:
- (a) be prepared by a suitably qualified and experienced person(s) in consultation with NSW Health;
 - (b) be prepared to meet the requirements of the Code for Radiation Protection in Planned Exposure Situations (Radiation Protection Series C-1 Rev.1), ARPANSA January 2020;
 - (c) identify radiological hazards and detail practices to minimise the hazards to ensure radiological exposures are as low as reasonably achievable throughout the project;
 - (d) describe radiological protection procedures for the work zone and controlled zone including the use of personal protective equipment, hygiene and de-contamination procedures;
 - (e) detail radiation dose monitoring including:
 - (i) real time dose monitoring of all personnel working in the controlled zone for the duration of the project, including external (gamma) radiation and internal inhalation (radiological content in dust);
 - (ii) environmental dosimeters at the site boundaries, measuring external radiation doses for off-site residents;
 - (iii) a mobile dust monitor at the site boundary, measuring internal inhalation doses (radiological content in dust) for off-site residents, twice a day;
 - (iv) radiological monitoring (gamma) on at least two sides of each waste bin prior to loading onto trucks to confirm the waste classification of the material prior to transport off-site;
 - (f) include radiation dose trend analysis, action levels and reporting including:
 - (i) comparison of radiation dose trends with predictions in the PPR 2020 and the dose constraints and budgets established in the RMP;
 - (ii) detailing the actions to be implemented if doses meet trigger levels, including notifying NSW Health, EPA and the Planning Secretary; and
 - (iii) procedures to report on total radiation doses to all groups identified in Table 1 of Condition B13 at the completion of the project.
- C5. The Proponent must:
- (a) not commence remediation works until the RMP required by Condition C4 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the RMP approved by the Planning Secretary for the duration of the project.

WASTE TRANSPORT MANAGEMENT PLAN

- C6. Prior to the commencement of remediation works, the Proponent must prepare a Waste Transport Management Plan for the project to the satisfaction of the Planning Secretary. The plan must:
- (a) detail the procedures for packaging, labelling and transport of the waste material;
 - (b) detail the relevant transport regulations for the waste material inside and outside of Australia;
 - (c) describe the procedures for safe transport of the material to the interim storage location, port and final disposal location; and
 - (d) include emergency response and incident management procedures.
- C7. The Proponent must:
- (a) not commence remediation works until the Waste Transport Management Plan required by Condition C6 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Waste Transport Management Plan approved by the Planning Secretary for the duration of the project.

PART D COMMUNICATIONS AND REPORTING

COMMUNITY COMMUNICATION STRATEGY

- D1. Prior to the commencement of site establishment works, the Proponent must prepare a Community Communication Strategy for the project to the satisfaction of the Planning Secretary. The Community Communication Strategy must:
- (a) detail procedures to facilitate communication between the Proponent, Council and the community throughout the project (including adjoining affected landowners and residents on Nelson Parade);
 - (b) assign a central contact person to keep stakeholders regularly informed;
 - (c) detail procedures for informing the community of the progress of the project and reporting on monitoring results on a weekly basis;
 - (d) include contact details for key community groups and relevant regulatory authorities; and
 - (e) include a complaints procedure for recording, responding to, managing and resolving complaints.
- D2. The Proponent must
- (a) not commence site establishment works until the Community Communication Strategy required by Condition D1 has been approved by the Planning Secretary.
 - (b) implement the most recent version of the Community Communication Strategy approved by the Planning Secretary for the duration of the project.

ACCESS TO INFORMATION

- D3. At least 48 hours before the commencement of site establishment works until the completion of all works under this approval, the Proponent must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this approval;
 - (ii) all current statutory approvals for the project;
 - (iii) all approved strategies, plans and programs required under the conditions of this approval;
 - (iv) minutes of community meetings;
 - (v) regular reporting on the environmental performance of the project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
 - (vi) a comprehensive summary and interpretation of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the project;
 - (viii) contact details to enquire about the project or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Compliance Report of the project;
 - (xi) audit reports prepared as part of any Independent Audit of the project and the Proponent's response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
 - (xiii) keep such information up to date, to the satisfaction of the Planning Secretary.

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- D4. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the project (including the project application number and the name of the project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- D5. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.
- D6. A non-compliance notification must identify the project and the application number for it, set out the condition of approval that the project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- D7. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Quarterly Reporting

- D8. Within three months of the commencement of site establishment works, and every three months thereafter until the completion of demobilisation, or other timing as may be agreed by the Planning Secretary, the Proponent shall review and report on the environmental performance of the project. The report shall:
- (a) be submitted to the Planning Secretary, EPA, NSW Health and Council;
 - (b) describe the works that were carried out in the quarter, the works to be carried out in the coming quarter and the estimated time for completion of the project;
 - (c) identify any trends in the monitoring data over the life of the project;
 - (d) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies;
 - (e) describe what measures will be implemented to improve the environmental performance of the project and any contingency measures to be implemented should any issues be identified with the effectiveness of the remediation works; and
 - (f) detail community consultation activities during the quarter, including any alterations to works or mitigation measures implemented to address community concerns and details of complaints received and how they were resolved.
- D9. The Proponent must make the Quarterly Reports publicly available no later than 30 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- D10. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the project to provide data on compliance with the approval or on the environmental impact of the project, and an "environmental audit" is a periodic or particular documented evaluation of the project to provide information on compliance with the approval or the environmental management or impact of the project.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- D11. Within three months of:
- (a) the submission of a Quarterly Report under Condition D8;
 - (b) the submission of an incident report under Condition D4;
 - (c) the approval of any modification of the conditions of this approval; or
 - (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this approval must be reviewed and updated if required.
- D12. If necessary to either improve the environmental performance of the project, cater for a modification or comply with a direction, the strategies, plans and programs required under this approval must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the project.

APPENDIX 1 PROJECT LAYOUT PLANS



Figure 1: Site Establishment Works

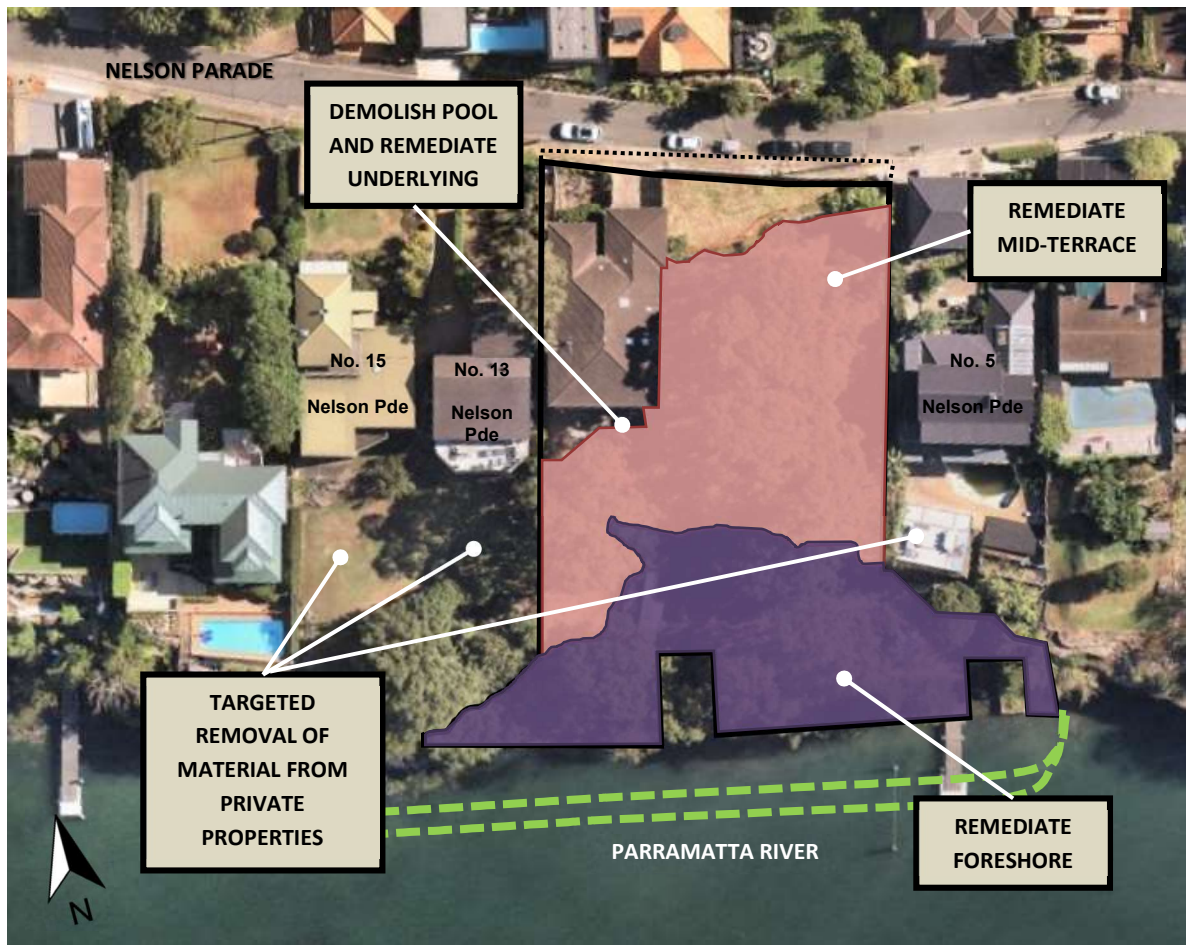


Figure 2: Remediation Works and Private Property Works



Figure 3: Private Property Works 5 Nelson Parade (excavation areas shown in red and yellow dots)

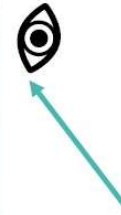


Figure 4: Private Property Works 13 and 15 Nelson Parade (excavation area shown in red)

APPENDIX 2 PROPONENT'S STATEMENT OF COMMITMENTS

KEY COMMITMENT	TIMING
Environmental management	
A CEMP would be developed for the Project prior to works starting on the site. All works would be undertaken in accordance with the plan.	Pre-works
The measures included in the CEMP would be continuously monitored by experienced personnel to ensure effectiveness of controls.	During works
Community consultation	
The community around the Project Site would be updated and kept informed on progress of the Project through measures such as letter box drops, media releases, website and regular community updates.	During works
Information provided would include: <ul style="list-style-type: none"> — changes to access and traffic conditions — details of future works programs and potential implications for residents; particularly those in the immediate area of the Project Site — general construction progress. 	During works
A communication strategy would be developed prior to works commencing at the site and would be maintained throughout the duration of the Project and would include: <ul style="list-style-type: none"> — a 24-hour toll-free contact phone number — directions on how to register a complaint or make an enquiry — acknowledgement of complaints within 24 hours — a complaint recording and tracking system. 	Pre- and during works
Human Health Risk	
Dust suppression measures would be implemented in accordance with the air quality sub-plan as part of the CEMP. The measures would include: <ul style="list-style-type: none"> — erection of dust screens — use of water sprays to control and settle dust including both perimeter mist sprays and misting sprays over the top of the bag-handling area and a mist cannon over the area being excavated — air sampling and dust monitoring would be set up on three boundaries that adjoin the other residences — real time dust and radiological monitoring and potential dose assessments undertaken accordingly. 	During works
The 2020 RAP and the safety measures contained therein would form the minimum requirements and procedures for work on the site for all workers. A site induction by ANSTO would be attended by all workers prior to commencement on the site.	During works
Removal of GSW from site would be undertaken in accordance with procedures in the 2020 RAP and would be monitored by ANSTO on-site to ensure that all contaminated waste and any other material are handled and stored in a safe manner and that adequate spill kits and other clean-up material is available on-site at all times.	During works
Property NSW and the principal contractor would comply with all government advice and requirements in relation to COVID-19.	During works

KEY COMMITMENT	TIMING
Traffic	
A construction traffic management sub-plan would be prepared as part of the CEMP. The sub-plan would detail how the traffic associated with the construction would be managed in accordance with the Roads and Traffic Authority 2018, Traffic Control at Work Sites, as well as relevant Australian Standards.	Pre- works
Traffic control plans and parking plans would be prepared as part of the sub-plan for specific phases of work as required.	Pre-works
Property access would be maintained at all times during the works unless as agreed with residents prior to commencement of works.	Pre-works
Soil & Water Quality	
<p>Erosion and sediment controls would be designed, installed and maintained in accordance with the principles in Managing Urban Stormwater – Soils and Construction (Landcom 2006) and would include where appropriate:</p> <ul style="list-style-type: none"> — straw bales wrapped in geofabric material — silt fences — a sediment basin at the lowest gradient position of the site — two silt curtains installed approximately 5 m in the harbour to prevent any sediment migration from the immediate foreshore. 	During works
Backfilling of soils on the Private Properties would be with VENM and/or clean material from the Private Properties and would be finished with a topsoil layer.	During works
ANSTO would keep the NSW Office of Water informed of any groundwater impacts identified during the Remediation Works on the Project Site.	During works
Waste Management	
The transport and disposal of waste would be in accordance with NSW EPA requirements including, but not limited to, the POEO Act 1997, POEO Waste Regulation (2014) and the NSW EPA Waste Guidelines.	Pre-works
An asbestos management plan would be developed to identify the locations of asbestos material (if any) and outline suitable control measures.	Pre-works
All GSW would be transported to an appropriately licensed facility.	During works
A Materials Tracking System (MTS) would be developed by the contractor to monitor and control all materials and their movement on the site and from the site. Records for all waste, the method and disposal locations for that waste would be recorded and the records maintained on-site.	During works

KEY COMMITMENT	TIMING
Noise and Vibration	
<p>A construction noise vibration management plan (CNVMP) would be prepared for the Project and be implemented where reasonable and feasible during the Project with Best Management Practices such as:</p> <ul style="list-style-type: none"> — restriction of standard construction working hours to 7 am and 6 pm (Monday to Friday) and Saturdays 8 am and 1 pm, with no works on Sundays or public holidays, unless site specific conditions expressly require works outside these times — locate plant and equipment to maximise the distance to nearby sensitive receptors, where reasonable and feasible — examine and where reasonable and feasible, implement alternative work practices which generate less noise — where high noise generating or annoying noisy activities are planned, include respite periods. 	Pre- and during works
Detailed community consultation would be undertaken with nearby noise affected residents to inform them of the proposed works, anticipated impacts and to investigate preferred times for construction works.	Pre- works
Site inductions would be undertaken and would include tool box talks and other material to raise awareness of noise issues for the site including the need to avoid rowdy behaviour.	Pre- and during works
<p>Monitoring of airborne noise would be undertaken in response to adverse community response or complaints relating to noise from the Project Works.</p> <p>Vibration monitoring is not required unless vibration intensive works are undertaken within 10 metres of vibration sensitive structures or where additional vibration intensive plant is required.</p>	During works
Infrastructure	
<p>Pre and post-works dilapidation surveys would be conducted on the condition of the two immediately adjacent residential properties (No. 5 and 13 Nelson Parade) and reports prepared to detail:</p> <ul style="list-style-type: none"> — the main defects that exist in the properties prior to the commencement of remediation work, and — recommendations on limits of excavation works and excavation methods. 	Pre- and post-works
An initial dilapidation survey would be undertaken on both the seawall and the road surface of Nelson Parade.	Pre-works
Site security	
Security fencing and other physical methods to restrict access to the site would be maintained at all times during and on completion of the Project.	Pre-, during and post-works
Visual and landscape	
The Project Site would be maintained in a tidy condition within clearly defined boundaries with stockpiles of materials suitable for reuse kept to a minimum where practical.	During works
Nelson Parade would be kept free of dust and mud.	During works
Security lighting for the site would be designed to minimise light spill onto adjacent residents.	During works

KEY COMMITMENT	TIMING
Historical Heritage	
An archaeological management strategy would be used to apply heritage best practice standards to the site and would include survey and photographic record of exposed historical elements, process of the Project comprising excavation and removal of items of moderate or high historical research potential, recording of archaeological relics, deposits and/or structural remains as they are exposed. The archaeological management strategy would include recommendations made in Sections 10.2.3 and 10.2.4 of the Cultural Heritage Assessment (September 2012) prepared by Australian Museum Business Services (refer Technical Paper 10, Volume 2 of the EA).	Pre-works
All archaeological activities would be undertaken in accordance with ANSTO procedures for the site.	During works
Any state significant relics exposed, would be recorded in detail prior to removal and in accordance with Heritage Office advice.	During works
An excavation report would be completed by the archaeologist detailing the results of the excavations.	During and post-works
Measures would be installed to secure and protect the historic graffiti from runoff and inadvertent damage from plant and machinery.	During works
Environment	
The foreshore area on the Project Site would be rehabilitated with fully structured native vegetation from the local native vegetation community.	Post-works
Property NSW or the site owner would monitor the Site until vegetation establishment is complete to the satisfaction of the approval authority.	Post-works

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition D4 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the project and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.