

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.



Anthony (Tony) Kelly MLC
Minister for Planning

Sydney

2010

File No: S10/18917-3

20 DEC 2010

SCHEDULE 1

- Application No:** 09_0024
- Proponent:** Australian Rail Track Corporation (ARTC)
- Approval Authority:** Minister for Planning
- Land:** Land generally located adjacent to the existing Main Northern Railway between Chainage 194.500km (Telarah) and 224.220km (Belford) within the Singleton, Cessnock and Maitland Local Government Areas.
- Project:** The 'Maitland to Minimbah Third Track Project', including the:
- construction and operation of a third track approximately 30km in length adjacent to the Main Northern Railway;
 - construction/upgrade to culverts, road and waterway crossings for the third track;
 - modification to Branxton, Greta and Lochinvar railway stations; and
 - demolition of the Old North Road overbridge at Allandale.
- Part 3A Project:** The project is declared to be a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is development of a kind described in clause 23(1)(a) of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*.

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Ancillary Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, materials storage compound, maintenance workshop, testing laboratory or material stockpile areas.
Construction	Includes all work in respect of the Project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road condition surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing Ancillary Facilities/ Construction Work Sites (in locations meeting the criteria identified in the Conditions of Approval), enabling works, or other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc.).
DECCW	NSW Department of Environment, Climate Change and 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 require additional information if the approval request is considered incomplete. When further information is required the time taken for the Proponent to respond in writing will be added to the one month period.
DSEWPC	Commonwealth Department of Sustainability, Environment, Water, Population and Community (formerly DEWHA)
Enabling Works	Works which allow isolation of the site so that access for construction can be provided, including service relocations (except where threatened species, populations or ecological communities would be affected).
EPL	Environmental Protection Licence
NSW I&I	NSW Department of Industry and Investment
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.
Project	The project the subject of Major Projects Application 09_0024
Proponent	Australian Rail Track Corporation (ARTC)
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).
Reasonable and Feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided.
Relevant Councils	Any or all of Cessnock City Council, Maitland City Council and Singleton City Council, as appropriate.
RTA	NSW Roads and Traffic Authority

Sensitive Receiver	Residence, education institution (e.g. school, TAFE, college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), and children's day care facility.
Stages	The construction of the project in discrete sections.
Statement of Commitments	Consolidated list of procedures, safeguards and mitigation measures to be undertaken as part of the project, identified in Appendix B of the Submissions and Preferred Project Report.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project in accordance with the:
- a) Major Project Application 09_0024;
 - b) *Maitland to Minimbah Third Track – Environmental Assessment*, prepared by the Hunter 8 Alliance on behalf of Australian Rail Track Corporation and dated May 2010;
 - c) *Maitland to Minimbah Third Track – Environmental Assessment Submissions Report including Preferred Project Report*, prepared by the Hunter 8 Alliance on behalf of Australian Rail Track Corporation and dated September 2010; and
 - d) 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 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any of the documents listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with the reasonable requirements 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.

Limits of Approval

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

Statutory Requirements

- 1.5 The Proponent shall ensure that all licences, permits and approvals are obtained as required by law 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 or approvals.

Staging

- 1.6 The Proponent may elect to construct and/ or operate the project in stages with commensurate staging of compliance with the conditions of this approval. Where the project is to be staged, the Proponent shall submit details of the staging to the Director-General, including details of how compliance with the conditions of this approval will be ensured across and between the stages of the project.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Transport and Traffic Impacts

Road Network Changes

- 2.1 The Proponent shall ensure that the final design of all road changes and associated infrastructure, to be completed prior to commencement of construction which impacts on these roads or infrastructure, including use by construction traffic, is prepared in consultation with the relevant road authority and meets relevant Australian Standards, Austroads, relevant council and RTA road design, engineering and safety guidelines.
- 2.2 Prior to construction traffic utilising each of the intersections of the New England Highway with Allandale Road and Rixs Road, or as otherwise agreed by the Director-General, the Proponent shall undertake an investigation of further options to address road safety and traffic access at that intersection.

The investigation is to be undertaken in consultation with the RTA. The final measures selected are to be:

- designed and constructed in accordance with relevant RTA engineering standards and guidelines; and
- incorporated into the Construction Traffic Management Plan required by Condition 6.3.

- 2.3 The project shall be constructed with the aim of ensuring that the performance of intersections during construction operate:
- as close as practicable to existing levels of service, where existing levels of service are at C or better; or
 - no worse than existing levels of service where existing levels of service are at D or F.

Should upgrades at intersections be required as a result of construction activities, these works shall be determined in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*.

- 2.4 Where construction vehicle routes directly pass schools or childcare centres, the Proponent shall minimise heavy vehicle movements where reasonable and feasible between 8:00am and 9:30am, and between 2:30pm and 4:00pm Monday to Friday, during the school term.

Road Condition Reports

- 2.5 Road condition reports shall be prepared prior to commencement of construction for all roads identified in the Construction Traffic Management Plan which are likely to be used by construction traffic or as otherwise agreed by the relevant roads authority. A copy of the relevant report shall be provided to relevant councils and the RTA. Any damage directly attributable to construction of the project, aside from that resulting from normal wear and tear, shall be repaired at the cost of the Proponent.

Noise and Vibration Impacts

Construction Noise, Vibration and Blasting

- 2.6 Wherever practical, piling activities shall be completed using bored piles.
- 2.7 The Proponent must ensure that all reasonable and feasible noise and vibration mitigation measures are implemented during construction authorised by this approval, in accordance with the *Interim Construction Noise Guideline* (DECC, 2009).
- 2.8 The Proponent shall ensure that air blast overpressure generated by blasting associated with the project does not exceed the criteria specified in Table 1 when measured at the most affected receiver.

Table 1 – Air blast Overpressure Criteria

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

- 2.9 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 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

- 2.10 The Proponent shall ensure that blasting is carried out in a manner that ensures the safe use of adjoining property and infrastructure.
- 2.11 If any blasting is proposed during construction it must be in accordance with an Environmental Protection Licence applying to the project. Results from previous blasting trials shall be used to determine site specific blast designs that will enable the performance criteria specified in conditions 2.8 and 2.9 to be achieved.

Construction Hours

- 2.12 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:
- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - 8:00 am to 1:00 pm on Saturdays; and
 - at no time on Sundays or public holidays.

Activities resulting in impulsive or tonal noise emission (such as blasting, rock breaking, rock hammering, sheet piling, pile driving) which generate audible noise at residential premises shall be limited to 8:00 am to 12:00 pm, Monday to Saturday and 2:00 pm to 5:00 pm Monday to Friday. The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum one-hour respite period between any two periods of such works.

- 2.13 Construction outside the hours stipulated in condition 2.12 of this approval is permitted in the following circumstances:
- Only works that do not cause audible construction noise at any sensitive receiver; or
 - for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or
 - where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
 - works subject to an approved Environment Protection Licence (EPL); or
 - works outside the EPL approved through the out of hours works protocol outlined in condition 6.3b).

Operational Noise

- 2.14 The Proponent shall design and operate the project with the objective of not exceeding, where reasonable and feasible, the airborne and ground-borne noise trigger levels associated with the project at Sensitive Receivers, during each stage of the project. Trigger levels are those presented in the *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects* (DECC and DoP, 2007).

For the purpose of this condition, "existing Sensitive Receivers" means:

- All Sensitive Receivers adjacent to the rail corridor, identified in the documents listed in condition 1.1, which have been built or the location of which has been approved (including locations identified in approved Concept Plans under Part 3A of the EP&A Act and approved Master Plans subject to a staged development consent under Part 4) of the EP&A Act prior to the determination of this project.

Operational Noise and Vibration

- 2.15 The Proponent shall prepare an **Operational Noise and Vibration Review (ONVR)** to confirm noise (air and ground-borne) and vibration control measures that would be implemented for the project. The Operational Noise and Vibration Review shall be prepared in consultation with the Department, the DECCW, relevant councils, RailCorp and the community and shall:
- have regard to the review undertaken in the documents specified in condition 1.1;
 - be consistent with the *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects* (DECC and DoP, 2007);

- c) confirm the appropriate operational noise and vibration objectives and levels for adjoining development, including existing sensitive receivers;
- d) confirm the predicted operational noise and vibration impacts at adjoining development based on the final design of the project;
- e) confirm all reasonable and feasible noise and vibration mitigation measures;
- f) identify specific physical and other mitigation measures for controlling noise and vibration at the source and at the receiver (if relevant) including location, type and timing for the erection of permanent noise barriers and/or other noise mitigation measures;
- g) include a consultation strategy to seek feedback from directly affected property owners (including educational institutions) on the noise and vibration mitigation measures; and
- h) procedures for operational noise and vibration complaints management, including investigation and monitoring (subject to complainant agreement).

The Proponent shall implement the identified noise and vibration control measures and make the ONVR publicly available, except in relation to the details of specific measures for specific receivers.

- 2.16 The Proponent shall undertake a noise and vibration compliance assessment to confirm the predictions of the noise assessment referred to in the Operational Noise and Vibration Review (condition 2.15 of this approval). This shall be developed in consultation with DECCW and undertaken within three months of the commencement of operation of the project, and at any other time as required by the Director-General. If the assessment indicates an exceedance of the noise and vibration levels identified in the Operational Noise and Vibration Review, the Proponent shall implement further reasonable and feasible measures (where required) to mitigate these exceedances in consultation with affected property owners and the Department.

The assessment shall meet the requirements of the DECCW, and shall include, but not necessarily be limited to:

- a) a review of the status of land use planning, any land use changes and the background noise environment within areas adjacent to the rail line at the time of the review. Any proposed changes to the noise targets as a result of the review shall be addressed as part of the review;
- b) consideration of the cumulative noise and vibration impacts associated with the Project and the proposed Greta Train Support Facility;
- c) a co-ordinated monitoring program with the Greta Train Support Facility;
- d) noise and vibration compliance assessment, to assess compliance with condition 2.14 and 2.15 of this approval;
- e) methodology for the assessment; and
- f) details of any complaints received relating to operational noise and vibration impacts.

A report providing the results of the assessment shall be submitted to the Director-General and the DECCW within 28 days of its completion.

Vibration Impacts

- 2.17 The Proponent shall ensure that the vibration resulting from construction and operation of the project at all receivers, where reasonable and feasible meets the vibration goals for human exposure as presented in *Assessing Vibration: A Technical Guideline* (DECC, February 2006) and German Standard DIN 4150 for structural vibration.

Ecological Impacts

- 2.18 The Proponent shall minimise the clearing of native vegetation with the objective of reducing impacts to threatened species and Endangered Ecological Communities to the greatest extent practicable.

- 2.19 The Proponent shall undertake a pre-clearing survey to confirm the location of hollow-bearing trees and threatened flora species identified on land within the project corridor, in and adjacent to the Project corridor, where accessible to the Proponent. The Proponent shall suitably delineate and protect for the duration of construction, hollow-bearing trees, threatened flora species and Endangered Ecological Communities not subject to direct project impacts.
- 2.20 The Proponent shall develop a **Biodiversity Offset Strategy** to outline how the ecological values of threatened species and Endangered Ecological Communities lost as a result of the project will be offset. The Strategy shall be developed in consultation with the DECCW and shall include, but not necessarily be limited to:
- a) the objectives and outcomes that would be sought through the biodiversity offset package, including to achieve a neutral or net beneficial outcome for all threatened species and endangered ecological communities;
 - b) details of the available offset measures that have been selected to compensate for the loss of threatened species and Endangered Ecological Communities, such as the provision for, or contributions towards the regeneration and/or management of the habitat of threatened species on nearby lands; and
 - c) the decision-making framework that would be used to select the final suite of offset measures to achieve the objectives and outcomes established within the Strategy, including the ranking of offset measures.

The Biodiversity Offset Strategy shall be submitted to, and approved by, the Director-General prior to the commencement of any construction work that would result in the disturbance of any existing native vegetation associated with the Strategy, unless otherwise agreed by the Director-General.

- 2.21 Within six months of approval of the Biodiversity Offset Strategy, or as otherwise agreed to by the Director-General, the Proponent shall develop and submit a **Biodiversity Offset Package** for the approval of the Director-General. The package shall detail how the ecological values lost as a result of the Project will be offset. The Biodiversity Offset Package shall be developed in consultation with the DECCW and DSEWPC and shall (unless otherwise agreed by the Director-General) include, but not necessarily be limited to:
- a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the project;
 - b) the objectives and biodiversity outcomes to be achieved;
 - c) details of land offsets and biodiversity offset measures that have been selected to provide compensatory habitat within the region to offset the habitat loss;
 - d) the monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed including:
 - i) the monitoring of the condition of species and ecological communities at offset locations;
 - ii) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;
 - iii) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the DECCW; and
 - e) timing and responsibilities for the implementation of the provisions of the Package.

Land offsets shall be consistent with the DECCW's *Principles for the use of Biodiversity Offsets in NSW (2008)* and DSEWPC's *Draft Policy Statement: Use of environmental offsets under the Environment Protection and Biodiversity Conservation Act 1999*. Any land offset must be enduring and be secured by transfer to the DECCW estate or an alternative conservation mechanism provided which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures must be provided to collectively deliver an improved or maintained biodiversity outcome for the region.

Where monitoring referred to in condition 2.22(d) indicates that biodiversity outcomes are not being achieved, remedial actions must be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved.

Soils, Water Quality and Hydrological Impacts

- 2.22 Except as may be expressly provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.
- 2.23 The Proponent shall exercise due care in all operations to ensure that pollution of land does not occur from the project in accordance with section 142A of the *Protection of the Environment Operations Act 1997*.
- 2.24 Prior to the commencement of Construction, the Proponent shall provide evidence to the Office of Water of all groundwater monitoring bores. Any additional bores installed are to only be undertaken by drillers approved by that Department.
- 2.25 The Proponent shall install and maintain for the duration of Construction works associated with the project, sedimentation and erosion control measures consistent with *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).
- 2.26 The Proponent shall ensure that the detailed design of the project does not significantly increase flooding characteristics.
- 2.27 Where flooding characteristics are altered and affect access, property and infrastructure, the Proponent shall, in consultation with the property owner, identify and implement further mitigation measures.
- 2.28 The Proponent shall consult with DECCW, NSW Office of Water and NSW I&I during the detailed design of all crossings of watercourses, creek realignments and works within riparian zones, and shall take into account issues raised by those agencies in finalising detailed designs.

Spoil and Waste Management

- 2.29 All waste and fill materials, whether imported or generated on site, shall be assessed, classified, managed and disposed of in accordance with the *Waste Classification Guidelines* (DECC, 2008).
- 2.30 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.31 Prior to the commencement of bulk earth activities or construction in potentially contaminated areas, the Proponent shall submit to the Director-General for approval, a Soil Contamination Report detailing the outcomes of Phase 2 contamination investigations at the following key areas:
- a) industrial properties north of the corridor (Chainage 194.780 to 195.120); and
 - b) the vacant land north of the corridor (Chainage 195.120 to 195.190).

The report shall be developed in consultation with DECCW and detail, where relevant:

- a) whether or not the soil is suitable (for the intended land use) or can be made suitable for reuse through remediation;
- b) the likely remediation strategy for addressing any contamination that has been encountered (if required); and
- c) how the environmental and health risks will be appropriately mitigated and managed during the disturbance, remediation (if applicable) and removal of contaminated soil.

The recommendations of the Soil Contamination Report shall be suitably incorporated into the Spoil and Fill Management Plan required as part of the Construction Environmental Management Plan prepared in accordance with this approval.

- 2.32 The Proponent shall store and handle all chemicals, fuels and oils in appropriately bunded areas with impervious flooring and in accordance with:
- all relevant Australian Standards;
 - for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirements shall prevail to the extent of the inconsistency.

Air Quality Impacts

Dust Generation

- 2.33 The Proponent shall construct and operate the project with the objective of meeting air quality goals for PM₁₀, CO, NO₂ and ambient SO₂ as prescribed in the *National Environment Protection (Ambient Air Quality) Measure*.
- 2.34 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust, on the receiving environment, including adjacent receivers and road users. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, such that emissions of visible dust cease.
- 2.35 During construction, the Proponent shall ensure that:
- all trucks entering and leaving the construction site with potentially dust generating loads have their loads securely covered;
 - as far as reasonably practicable trucks associated with the project do not track dirt onto any roads within the public road network; and
 - as far as reasonably practicable the public roads used by these trucks are kept clean from construction activities associated with the project.

Odour

- 2.36 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted from the site which impacts on any sensitive receptors. Burning of any garbage, vegetation or other combustible material is not permitted.

Heritage Impacts

- 2.37 Prior to commencement of construction that alters the heritage listed buildings and/or any structures at Branxton or Greta stations, or as otherwise agreed by the Director-General, the Proponent shall engage an appropriately qualified heritage consultant to undertake an archival recording of the existing condition of Branxton and Greta stations. The report shall be undertaken in consultation with the NSW Heritage Council and be submitted to the Director-General.
- 2.38 Should construction works unearth items of historical archaeological potential, works in that vicinity shall only continue following consultation with the Department of Planning (Heritage Branch) and the implementation of required actions and approvals.
- 2.39 Prior to the commencement of construction for phase 2 of the project, or as otherwise agreed by the Director-General, the Proponent shall submit to the Director-General the final designs for Branxton and Greta stations. The designs are to be prepared to the satisfaction of the

Director-General, and in consultation with RailCorp and the NSW Heritage Council to ensure that the design minimises the potential impacts on the heritage significance of the stations.

- 2.40 Prior to the commencement of excavation within the Allandale area, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a specialist suitable qualified in the identification and management of fossiliferous materials. This specialist would be consulted during preparation of the Excavation Management Plan as described in Condition 6.3(e).

Should construction works encounter or unearth fossiliferous material in that vicinity, works shall immediately cease to allow the qualified specialist above make an assessment of the finds. Construction shall only continue following consultation with the Department and the implementation of required actions and approvals.

- 2.41 Areas where field investigations were not completed at investigation areas identified in the EA, due to restricted access must be surveyed prior to any construction activities taking place within these areas. Areas are to be managed in accordance with the Aboriginal Heritage Management Plan.
- 2.42 In undertaking the project, the Proponent shall to the greatest extent practicable, avoid and minimise impacts to identified sites and Aboriginal heritage values. Where impacts are unavoidable the Proponent is to ensure all archaeological works in accordance with the strategy outlined in the Aboriginal Heritage Management Plan.
- 2.43 If any new Aboriginal heritage items are discovered prior to or during construction, they shall be registered with DECCW in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Impact to these sites should be avoided and if this is not possible, mitigation for impact shall occur in consultation with DECCW, unless otherwise agreed by the Director-General.

Property Impacts

- 2.44 The Proponent shall identify utilities and services potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services shall be determined by negotiation with the service providers. The Proponent shall in consultation with service providers ensure that potential disruption to services resulting from the activity are minimised and advised to customers.
- 2.45 The Proponent shall ensure that:
- a) access to all properties is maintained during construction and operation, where reasonable and feasible unless otherwise agreed by the relevant property owner or occupier; and
 - b) any access physically affected by the Project is reinstated to at least an equivalent standard, unless agreed with the property owner.
- 2.46 The Proponent shall construct the project in a manner that mitigates indirect and direct impacts to properties and property infrastructure, including landscaping, fencing, walls, dams, bores and the like. The Proponent, in consultation with the property owner, shall arrange and fund the repair of damage to a standard comparable to that in existence prior to the damage. Should reinstatement of property not be achievable, the Proponent shall compensate the property owner for the value of the infrastructure and associated costs and losses.
- 2.47 Prior to the commencement of construction, or each part of the project that may impact on surrounding properties, including those within 200m of blasting, the Proponent shall:
- a) arrange for a risk assessment by appropriately qualified and experienced geotechnical and construction engineering experts, and undertake inspections of properties at risk from damage, in accordance with AS 4349.1 'Inspection of Buildings';

- b) contact the owners of all properties on which property inspections are to be conducted at least two weeks before the inspection, or as otherwise agreed by the affected property owner, and advise of the scope and methodology for the inspection, and of the process for making a property damage claim;
- c) provide a copy of the property inspection report to the owner of each property inspected at least one week prior to construction that could affect the property; and
- d) maintain a register of all properties inspected by the Proponent, indicating whether the owner accepted or refused the property inspection offer, and provide a copy of the register to the Director-General upon request.

Landscaping

2.48 The Proponent shall prepare a Landscape Plan for the project in consultation with relevant councils, and the community to identify landscaping measures to mitigate impacts of the project (including acoustic barriers, structures and embankments/cuttings) on property and other land use (such as open space), heritage values, visual amenity and local vistas along the project corridor. Landscaping measures shall utilise endemic species and be consistent with the ecological protection and restoration requirements of this approval.

The Landscape Plan shall be submitted for the approval of the Director-General within three months of the commencement of construction, or as otherwise agreed by the Director-General.

2.49 The Proponent shall make available advanced native plants of local provenance for any resident likely to experience a significant visual impact from the Project for screening, including impacts identified in condition 2.48 of this approval.

Ancillary Construction Facilities

2.50 The Proponent shall ensure that ancillary facilities are located so as to satisfy the following criteria, unless otherwise approved by the Director-General:

- a) be located within or adjacent to the project;
- b) have ready access to the road network;
- c) be located to minimise the need for heavy vehicles to travel through residential areas;
- d) be sited on relatively level land;
- e) be separated from nearest residences by at least 200 metres;
- f) not require vegetation clearing beyond that already required for the project;
- g) not impact on heritage sites beyond those already impacted by the project; and
- h) not affect the land use of adjacent properties.

The location of the Ancillary Facilities must be identified in the Construction Environmental Management Plan required under condition 6.2 and include consideration against the above criteria. Where the above criteria cannot be met for any proposed Ancillary Facility, the Proponent must demonstrate to the Director-General that there will be no significant adverse impact from that facility's construction or operation.

3. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

3.1 Subject to confidentiality, the Proponent shall make all documents required under this approval publicly available.

3.2 The Proponent shall prepare and implement a **Community Communication Strategy** to provide mechanisms to facilitate communication between the Proponent (and its contractors), the Environmental Representative and community stakeholders (particularly adjoining landowners) on construction progress and management. The Strategy shall include, but not be limited to:

- a) identification of stakeholders to be consulted as part of the Strategy;

- b) procedures and mechanisms for the regular dissemination of information to community stakeholders and users of the local and regional road network on construction progress and matters associated with environmental management;
- c) the formation of community-based forums that focus on key environmental management issues for the project. The Strategy shall provide detail on the structure, scope, objectives and frequency of the community-based forums;
- d) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the project;
- e) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from the community stakeholders in relation to the environmental management and delivery of the projects;
- f) procedures and mechanisms to be implemented to resolve any issues/disputes that arise between parties on the matters relating to environmental management and the project delivery.

Issues that shall be addressed through the Community Communication Strategy include (but are not necessarily be limited to): traffic management (including access and construction vehicle management), property acquisition, landscaping/urban design matters, and noise, vibration mitigation and management including construction hours and blasting schedules.

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

Complaints and Enquiries

- 3.3 Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall ensure that the following are available for community enquiries and complaints for the duration of construction:
- a) a 24 hours 1800 telephone number(s) on which complaints and enquiries about the project may be registered;
 - b) a postal address to which written complaints and enquires may be sent;
 - c) an email address to which electronic complaints and enquiries may be transmitted; and
 - d) a mediation system for complaints unable to be resolved.

The telephone number, the postal address and the email address must be published in newspaper(s) circulating in the local area prior to the commencement of construction and prior to the commencement of operation. This information must also be provided on the Proponent's website.

- 3.4 Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent must prepare and implement a Construction Complaints Management System consistent with *AS 4269: Complaints Handling* and maintain the System for the duration of construction and up to 12 months following completion of the project. Information on all complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation, must be included in the construction compliance reports referred to under condition 5.1c) and made available to the Director-General on request.

Provision of Electronic Information

- 3.5 Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the development, for the duration of construction and for 12 months following completion of the project. The Proponent must publish and maintain up-to-date information on this 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;
- b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;
- c) subject to confidentiality requirements, a copy of each strategy, plan and program required under this approval;
- d) the outcomes of compliance tracking in accordance with condition 5.1 of this approval; and
- e) details of contact point(s) to which community complaints and inquiries may be directed, including a telephone number, a postal address and an email address.

4. ENVIRONMENTAL MONITORING AND AUDITING

Operational Performance Audit Report

4.1 Within twelve months of the completion of construction, or as otherwise agreed or required by the Director-General, the Proponent shall commission an independent qualified person or team to undertake an Operational Performance Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Operational Performance Audit Report shall be submitted to the Director-General within one month of the completion of the Audit, unless otherwise agreed by the Director-General. The Audit shall:

- a) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
- b) assess the operational performance of the project against the aims and objectives for the project specified in the documents referred to under condition 1.1 of this approval
- c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval; and
- d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.

5. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

5.1 The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program must be submitted to the Director-General for approval prior to the commencement of construction and operate for a minimum of one year following commencement of operation, subject to the Director-General's review of the outcomes of the Operational Performance Audit Report referred to in condition 4.1. The Program must include:

- a) provisions for periodic review of the compliance status of the project against the requirements of this approval and the Statement of Commitments detailed in the document referred to in condition 1.1(b) of this approval;
- 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) provisions for periodic reporting of compliance status to the Director-General during construction;
- d) a program for independent environmental auditing in accordance with *ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
- e) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
- f) mechanisms for recording environmental incidents during construction and actions taken in response to those incidents;
- g) provisions for reporting environmental incidents to the Director-General during construction; and
- h) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities

6. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 6.1 Prior to the commencement of construction, 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 Environment 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) oversee the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;
 - c) consider and advise the Proponent on its compliance obligations against all matters specified in the conditions of this approval and the Statement of Commitments as referred to under condition 1.1c) of this approval and all other licences and approvals related to the environmental performance and impacts of the project;
 - d) ensure that environmental auditing is undertaken in accordance with all relevant project Environmental Management Systems; and
 - e) 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 Environmental Management Plan

- 6.2 Prior to the commencement of construction, or as otherwise agreed by the Director-General, 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;
 - 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. The Plan may be prepared in stages however, construction works shall not commence until written approval has been received from the Director-General.

- 6.3 As part of the Construction Environmental Management Plan for the project required under condition 6.2 of this approval, the Proponent must prepare and implement:
- a) a **Construction Traffic Management Plan**, prepared in consultation with the RTA, RailCorp, relevant councils and emergency services to manage the construction traffic impacts of the project, including but not limited to:

- i) identifying haulage routes and access points from construction sites, and detailing measures to minimise potential access conflicts;
 - ii) identifying haulage and construction vehicle volumes and detailing measures to minimise peak time congestion;
 - iii) identifying construction activities that would require disruption of traffic and the arrangements for traffic management;
 - iv) inclusion of a process for identifying final measures to manage the impacts on the Allandale Road and Rixs Road intersections, agreed by the RTA, outlined in Condition 2.2 prior to construction vehicles utilising these intersections ;
 - v) inclusion of truck warning signs at all New England Highway intersections, in accordance with RTA requirements; and
 - vi) details of street lighting to be provided in accordance with relevant Australian Standards (where required).
- b) a **Construction Noise, Vibration and Blasting Management Plan** to detail how construction noise, vibration and blasting impacts would be minimised and managed. The Plan shall be developed in consultation with DECCW and RailCorp and shall include, but not necessarily be limited to:
- i) stipulation of construction noise, vibration and blasting objectives to manage noise from construction activities as defined in conditions 2.7 to 2.9 and 2.17;
 - ii) details of construction activities and an indicative schedule for construction works;
 - iii) identification of construction activities that have the potential to generate noise, vibration and blasting impacts on surrounding infrastructure (including operating rail tracks) and land uses;
 - iv) detail the requirements for Noise, Vibration and Blasting Impact Statement(s) for discrete work areas, and provide details on the Statements completed for each work area;
 - v) detail what reasonable and feasible actions and measures would be implemented to minimise impacts;
 - vi) procedures for notifying receivers of construction activities that are likely to affect their amenity, as well as procedures for dealing with and responding to complaints;
 - vii) 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 reported; and, if any exceedance is detected how any non-compliance would be rectified; and
 - viii) preparation of an out-of-hours work protocol for works not otherwise subject to an Environmental Protection Licence, for the assessment, management and approval of works outside of the standard construction hours as defined in condition 2.13 of this approval, to be approved by the nominated Environmental Representative for the project.
- c) a **Spoil and Fill Management Plan** to detail how excavated and imported materials will be managed throughout construction. The Plan shall be developed in consultation with DECCW and shall include, but not necessarily be limited to:
- i) how spoil and fill material generated by the project will be sought, handled, stockpiled, reused and disposed;
 - ii) management of spoil and stockpile locations, including consideration of flood events;
 - iii) details of disposal sites and the volumes of spoil to be transported to each site;
 - iv) details of contaminated soil and appropriate management, revise remediation, disposal and monitoring measures; and
 - v) a contingency plan to be implemented in the case of unanticipated discovery of contaminated material during construction.

- d) an **Aboriginal Heritage Management Plan** to detail measures to monitor and manage Aboriginal heritage impacts in consultation with registered stakeholders and DECCW. The Plan shall incorporate the recommendations as presented in the documents referred to under condition 1.1 of this approval. The Plan shall be developed in consultation with DECCW, registered Aboriginal stakeholders and shall include, but not necessarily be limited to:
- i) details of management measures to be carried out in relation to already recorded sites and potential Aboriginal deposits (including further archaeological investigations and/ or salvage measures);
 - ii) procedures for dealing with previously unidentified Aboriginal objects excluding human remains (including halting of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a qualified archaeologist in consultation with registered Aboriginal stakeholders, assessment of the consistency of any new Aboriginal heritage impacts against the approved impacts of the project, and registering of the new site in the DECCW AHIMS register);
 - iii) outline the roles and responsibilities for managing Aboriginal cultural heritage matters for the duration of the project;
 - iv) Aboriginal cultural heritage induction processes for construction personnel
 - v) procedures for ongoing Aboriginal stakeholder consultation and involvement;
 - vi) provide a detailed methodology and strategies for salvages (surface and subsurface), conservation, and monitoring of Aboriginal sites associated with the project; and
 - vii) procedures for dealing with human remains (including halting of works in the vicinity and notification of the NSW Police, the Director-General and registered Aboriginal stakeholders and not-recommending any works in the area unless authorised by the Director-General and/ or the NSW Police).

The Plan shall incorporate the recommendations as presented in the documents referred to under condition 1.1 of this approval.

- e) Prior to the commencement of excavation within the Allandale area, or as otherwise agreed by the Director-General, the Proponent shall submit to the Director-General an **Excavation Management Plan** for the widening of the cutting through the Allandale Area. The Excavation Management Plan is to be prepared in consultation with the NSW Department of Industry and Investment.

The Excavation Management Plan shall:

- i) be prepared by the approved specialist in condition 2.39;
 - ii) outline the methodology for the excavation of rock material within the cutting. The excavation method is to exclude the use of blasting, unless appropriate justification can be provided in consultation with the Department, and in accordance with condition 2.11;
 - iii) identify a process, in the event that fossil materials are found, to provide details of how the fossil material will be extracted, and where fossil material will be stored and kept secure.
 - iv) The strategy for public display of fossil material.
- f) Prior to the commencement of construction activities that impact on identified non-Aboriginal heritage items, the Proponent shall submit to the Director-General a **Non-Aboriginal Heritage Management Plan**. The Non-Aboriginal Heritage Management Plan is to be prepared in consultation with the Department of Planning (Heritage Branch) and include the following:
- i) Identification of heritage items and archaeological sites impacted by the project;
 - ii) detail of management measures to be implemented to prevent any impact on works to be undertaken in the vicinity of heritage items and sites;
 - iii) protocols for archival recording of items to be modified;

- iv) detail of training and induction requirements for contractors and subcontractors on obligations under the NSW Heritage Act including site identification, protection and conservation;
 - v) details of monitoring requirements on heritage structures for construction vibration; and
 - vi) procedures and protocols for engaging specialists to provide heritage and conservation advice.
- g) **A Surface Water Management Plan** to detail how construction impacts on surface water will be managed. The Plan shall be developed in consultation with the Office of Water and shall include, but not be limited to:
- i) Detailed baseline data of surface water flows and water quality in the watercourses that could be affected by the project, including all watercourses with permanent flow or pools and any that flow after rainfall events. Baseline monitoring events should occur every fortnight where baseline monitoring occurs over a period of less than 12 months;
 - ii) Surface water quality monitoring must include but not be limited to pH, electrical conductivity, temperature, dissolved oxygen, total suspended solids, pathogens, nutrients, pesticides, chemicals, heavy metals and hydrocarbons.
 - iii) Surface water impact assessment criteria to investigate the impacts of the project utilising the trigger levels in Australian and New Zealand Environment Conservation Council (ANZECC) guidelines.
 - iv) A program to monitor surface water flows and quality in the watercourses potentially affected by the project during construction;
 - v) A description of what reasonable and feasible actions and measures would be implemented to minimise impacts; 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 undertaken, the locations where monitoring would take place, how the results of the monitoring would be recorded and reported, and, if any exceedance of the criteria is detected how any non-compliance can be rectified.
- h) **A Groundwater Management Plan** to detail how construction impacts on existing groundwater resources will be minimised and managed. The Plan shall be developed in consultation with the Office of Water and shall include , but not be limited to:
- i) Baseline data of groundwater levels, yield and quality in the region and areas along the project, with additional focus on the project area requiring dewatering. Groundwater monitoring should occur at fortnightly intervals to determine groundwater levels and monthly for groundwater quality if baseline monitoring occurs over a period of less than 12 months;
 - ii) Groundwater quality monitoring must include but not be limited to pH, electrical conductivity, temperature, dissolved oxygen, total suspended solids, pathogens, nutrients, pesticides, chemicals, heavy metals and hydrocarbons;
 - iii) Groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the project;
 - iv) A program to monitor the levels and quality of groundwater resources including aquifers and groundwater bores potentially affected by the project during and post construction;
 - v) A description of what reasonable and feasible actions and measures would be implemented to minimise impacts. 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 undertaken, the locations where monitoring would take place, how the results of the monitoring would be recorded and reported, and, if any exceedance of the criteria is detected how any non-compliance can be rectified.

Operational Environmental Management

6.4 Prior to the commencement of operation, the Proponent shall incorporate the project into existing environmental management systems administered by the Proponent.

7. ENVIRONMENTAL REPORTING

Incident Reporting

7.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware 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.

7.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 7.1 of this approval, within such period as the Director-General may require.
