15. Draft Statement of Commitments

This chapter outlines the draft Statement of Commitments proposed to avoid, mitigate, manage and monitor potential impacts during construction and operation of the project.

15.1 Overview

This Environmental Assessment has identified a range of measures to avoid, manage, mitigate offset and/or monitor the environmental impacts of the project. These measures are detailed in Chapters 8 to 15, and would be implemented during the pre-construction, construction and operational phases.

This chapter provides a draft Statement of Commitments proposed by NSW Office of Water and Forests NSW. The draft Statement of Commitments may be revised to respond to issues raised in submissions received by the Department of Planning during exhibition of the Environmental Assessment, or to address potential impacts associated with any changes to the project made following exhibition of the Environmental Assessment. Following approval of the project, the final Statement of Commitments would guide the subsequent phases of the project to reduce environmental impacts. Organisations involved in the design, construction and/or operational phases would be required to undertake the works in accordance with these commitments.

The Statement of Commitments is provided in Table 11 and includes:

- A topic heading for the commitment;
- The desired outcome of the commitment;
- Actions to be undertaken; and
- Timing for implementation of the commitment.

Specific actions aim to deliver the desired outcomes where practicable based on:

- Developing environmental management and mitigation measures prior to commencement of construction; and
- Implementing, monitoring and reviewing these measures during the construction and operational phases.

With reference to the timing:

- Pre-construction – this includes detailed design during the project development and tender phase. It also includes planning that occurs prior to commencement of construction;
- Construction – this includes all work relating to the project other than establishment and investigative activities determined to have minimal environmental impact e.g. survey, fencing, investigative drilling or excavation, road dilapidation surveys, minor clearing (except where threatened species, endangered ecological communities, or sites of potential Aboriginal heritage significance would be effected), establishing site compounds or other activities with minimal environmental impact. Commissioning is considered to be part of construction; and

- Operation – includes operation of the project but does not include commissioning trials or temporary use of parts of the project during construction.

15.2 Environmental management framework

The environmental management framework during construction and operation of the project would be based on three separate and distinct elements as detailed below:

- Environmental management during construction of the project – this would involve development and implementation of a Construction Environmental Management Plan by the contractor;
- Environmental management during operation of the project – this would involve development and implementation of the Operating Plan as described in Section 6; and
- Environmental management of the Forest during operation of the project– the project would not change the environmental management framework for operation of the Forest. Forests NSW would continue to implement the Riverina ESFM plan (Forests NSW 2008) as described in Section 6.

15.2.1 Construction management

The contractor(s) engaged to construct the project would develop and implement a detailed Construction Environmental Management Plan. This plan would be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). It would address the compliance obligations set out in the Minister's Conditions of Approval and Statement of Commitments and would be implemented by the contractor and any subcontractors undertaking construction activities.

The Construction Environmental Management Plan would include:

- Emergency contact information for key personnel;
- An overview of the project and its objectives;
- Relevant legislative requirements that apply to the project;
- Project scope;
- An outline of the existing environment and conditions;
- Project environmental impacts;
- Licences and permits obtained to meet statutory requirements;
- Roles and responsibilities for all personnel, including responsibilities for planning, approving, implementing, maintaining, assessing and monitoring environmental controls; and
- Implementation requirements and environmental procedures. This would detail the actions to be implemented to address the compliance obligations set out in the Minister's Conditions of Approval and Statement of Commitments, including any requirements for monitoring and/or auditing.

The Construction Environmental Management Plan would include a number of sub-plans that would detail measures to be implemented to manage specific issues, including but not limited to:

- Terrestrial and aquatic ecology;
- Indigenous and non-indigenous heritage;
- Erosion, sedimentation and water quality;
- Traffic and access;
- Noise and vibration;
- Spoil and waste management;
- Safety and risks; and
- Consultation and community engagement.

As construction would involve a number of discrete stages or works at geographically isolated locations, the contractor may elect to prepare activity and/or location specific Construction Environmental Management Plans. For example, the contractor may prepare separate Construction Environmental Management Plans to cover:

- Preliminary works - Site preparation and establishment of construction compounds); and
- Construction – physical construction of infrastructure for the project.

15.2.2 Operation of the project

Operation of the project would occur in accordance with an Operating Plan and the preliminary draft of this plan is included in Appendix B. As detailed in Section 6, the Operating Plan would provide a framework for the operation of the structures to meet key ecological objectives within the broader context of The Living Murray Initiative and Scheme's governance.

The Preliminary Operating Plan does not prescribe particular watering events, however it provides an effective platform for operational decision making based on development of knowledge and a strong understanding of what the project should aim to achieve. This is particularly important because the project has been specifically designed to enable a high level of flexibility to alter the operation of the structures, both during events and from one operation to the next, to react to the ecological response observed. The ability to plan for, and respond to, varying ecological objectives would be a key function of the Operating Plan and is fundamental to the ongoing management of the project in accordance with the principles of adaptive management.

The Preliminary Operating Plan included in Appendix B would be revised and finalised prior to commencement of operations.

15.2.3 Management of the operation of the Forest

As detailed in Section 6, during operation of the project, the Koondrook-Perricoota Forest would be managed by Forests NSW in accordance with Riverina ESFM Plan (Forests NSW, 2008). The ESFM plan covers the management, in terms of the *Forestry Act 1916*, of native forests

and plantations within Forests NSW managed lands to fulfil the requirements of Clause 5 of the *Forestry Regulation 2004* (Forests NSW, 2008b).

The site would also be managed in accordance with the Interim Gunbower-Koondrook-Perricoota Forest Icon Site Environmental Management Plan (MDBC, 2007b).

It is important to note that the scope of this Environmental Assessment does not include the ongoing management of the Forest, aside from water management.

The offset area would be managed in accordance with FMZ 3A. Harvesting is excluded within this zone, however other management activities are permitted, including but not limited to grazing.

15.3 Draft Statement of Commitments

Table 1 outlines the Draft Statement of Commitments for the project. It outlines the desired outcome to mitigate potential environmental impacts and the commitments that would be implemented to ensure there are no long term adverse impacts. The table also outlines at what point of the project the commitment would be actioned.

Table 11 Draft Statement of Commitments

Number	Desired outcome	Commitment	Timing
Key Impacts			
Ecology impacts			
1	To protect threatened species and endangered ecological communities from construction activities.	The design and layout of the project will minimise the area required to construct the infrastructure to reduce impacts on significant vegetation communities on site and protect habitat and movement corridors for threatened fauna.	During design and before construction commences
2	To minimise impacts on biodiversity during construction.	Management practices will be developed for implementation during construction to reduce impacts on biodiversity, including: Develop work practices such as fencing and worker education to reduce damage to vegetation communities and fauna during construction. This will include an awareness program to advise workers of the process to follow if injured wildlife is found during construction. Where practicable, avoiding removal of habitat trees and/or hollow bearing trees. Develop a pre-clearance inspection protocol to be implemented prior to removal of habitat trees and/or hollow bearing trees. Develop weed management measures to prevent invasive weed species colonising the Forest.	Prior to and during construction
3	No significant impact on threatened species and endangered ecological communities during construction.	Where practicable, disturbance footprints, including spoil disposal areas and temporary construction sites will avoid sensitive flora and fauna communities.	During design, before and during construction

Number	Desired outcome	Commitment	Timing
4	Offset adverse impacts on endangered ecological communities during operation of the project	Implement an offset strategy developed in consultation with DECCW to offset the loss of Inland Grey Box Woodland endangered ecological community removed during construction of the project. This will involve verification of the area of this community permanently removed and ensuring that this area is offset at a ratio developed in consultation with DECCW.	Before construction
5	To maintain and improve the health of ecological communities and their habitats during operation of the project.	The Operating Plan will include a long term program to monitor the response of the ecosystem to flood events. This will include: Monitoring in a range of vegetation communities; Evaluation of the ecological response against the objectives for the event; Evaluation of the progress towards achieving the interim objectives for the site defined under The Living Murray Initiative; Procedures to be implemented to mitigate adverse impacts identified during the course of the monitoring; Monitoring impacts on aquatic ecology to determine whether a fishway is required at the Barbers Creek regulator; Development of a monitoring program in accordance with NSW Industry and Investment (Fisheries) to monitor impacts on fish and aquatic invertebrates, including aspects such as stranding of native fish, and spawning and dispersal of aquatic pests; Procedures to be implemented if native fish are unable to exit the floodplain during the recession cycle of the flood.	Prior to and during operation.
Hydrology impacts			
6	Project is implemented within the framework of The Living Murray Initiative	The Operating Plan will define measures to be implemented to ensure the project is operated in accordance with the Living Murray Initiative. This will include reporting on the volume of water diverted into and out of the Forest during each event, and the hydrological response.	Prior to and during operation
Water Quality impacts			
7	Implement a site specific groundwater and surface water monitoring program.	Develop and implement a groundwater and surface water monitoring program as part of the Operating Plan. This will include monitoring water quality prior to, during, and post flood events, including events that involve operation of the project as well as events that do not involve operation of the project. Procedures will be outlined to respond to adverse impacts on water quality attributed to the project. The monitoring program would be developed in consultation with NSW Industry and Investment (Fisheries) and DECCW and would specifically include parameters such as temperature, dissolved organic carbon and dissolved oxygen that are indicators of potential blackwater events.	Throughout all phases of the project.

Number	Desired outcome	Commitment	Timing
8	Blackwater events do not lead to adverse environmental impacts, such as fish kills	Develop a management plan as part of the Operating Plan that outlines procedures to be implemented to minimise the duration and severity of blackwater events associated with the project. This will be based on a blackwater model for the local conditions in the Forest and will be used to predict the likely timing, duration and severity of blackwater events.	Prior to and during operation
9	Chemicals used and stored during construction within guidelines.	Work practices to reduce hazards from chemical use will be developed for implementation during construction including: Measures for the handling, storage and disposal of hazardous substances in accordance with the relevant legislation, standards and guidelines. Development of procedures for incident management including spill control, clean-up measures, emergency and incident response measures.	During design and during construction .
10	Chemical spills do not impact on water quality during operation of the project	Any contamination of soil that may occur due to incidents such as spills during construction will be cleaned up in accordance with the DECC Waste Classification Guidelines (2008) and disposed of prior to the before the area is flooded.	Prior to operation
Soils			
11	Ecosystem protected from stormwater impacts during construction	Work practices will be developed for implementation during construction to manage surface water from disturbed areas in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004).	Prior to and during construction
12	No significant erosion and sedimentation impacts	Develop and implement a monitoring program as part of the Operating Plan to monitor impacts associated with erosion and sedimentation. The program will: Include areas in the immediate vicinity of all regulators and channels constructed as part of the project; Include areas downstream of the project along Barbers Creek, in particular the block banks; and Identify procedures to be implemented to minimise potential impacts.	Prior to and during operation
Spoil and Waste Management			
13	Beneficial re-use of spoil from construction maximised.	A strategy to beneficially re-use all suitable spoil will be developed for implementation during construction to effectively reduce the volumes of spoil. This will include: Maximising the reuse of suitable material generated from construction in preference to importing fill; Identifying possible sites for beneficial spoil reuse or disposal and securing arrangements; Adoption of appropriate health, safety and environmental protocols during any disturbance of potentially contaminated soils.	Throughout all phases of the project.

Number	Desired outcome	Commitment	Timing
14	Construction wastes minimised, reuse and recycling maximised.	Measures to reduce, reuse and recycle construction wastes will be developed with consideration of the Resource NSW (2003) Waste Avoidance and Resource Recovery Strategy, for implementation during construction. This will include developing strategies to manage timber, including commercial sale of harvested timber, and the management of residues such as stumps in resnagging projects.	During design, prior to and during construction
15	Waste disposal during construction and operation managed in accordance with guidelines.	Waste management procedures will be developed to dispose of any construction or operational waste material unable to be reused or recycled in accordance with the relevant legislation and guidelines.	During design and construction .
16	Ensure offsite spoil reuse is in accordance with legislative requirements.	Auditing to ensure any offsite spoil re-use location has all the required environmental and planning approvals.	During construction .
17	Contaminated soils are managed in accordance with relevant guidelines.	Management measures will be developed to identify and manage contaminated soils during construction, including: Field investigations to identify soil contamination in accordance with DECC Waste Classification Guidelines (2008); and Confirming the presence of acid sulphate soils and developing management procedures consistent with Acid Sulphate Soil Manual (Acid Sulphate Soil Management Advisory Committee (1998)).	During construction
18	Chemicals used and stored during construction within guidelines	All chemicals will be stored in accordance with relevant Australian Standards, relevant legislation and guidelines.	During construction .
Indigenous Heritage Impacts			
19	Preserve Indigenous cultural heritage values	Where practicable, the layout of the project works will avoid potential impacts on items of Aboriginal heritage significance.	During design and before construction commences
20		An indigenous heritage management plan will be developed as part of the CEMP to define procedures to be implemented during construction to avoid or otherwise minimise impacts on items of Aboriginal heritage significance. This will include: An education program for all construction personnel on their obligations relating to Aboriginal cultural materials; A program for surveys by representatives of the traditional owners along the construction corridor during to identify potential issues of concern. This will involve at least one Aboriginal representative being present on site during construction; Developing work practices to reduce the risk of damage to heritage items, such as limiting disturbance, fencing, and worker education; and A flowchart to clearly define the process to be followed, and associated reporting procedures, should an item of potential significance to the Aboriginal community be encountered.	Prior to and during construction

Number	Desired outcome	Commitment	Timing
21	If encountered, previously unidentified Aboriginal objects are managed appropriately	If previously unidentified Aboriginal objects are discovered during construction, all work likely to affect the object(s) will cease and DECCW and representatives of the traditional owners will be notified. An investigation will be undertaken by a suitably qualified archaeologist to identify measures to be implemented to reduce impact on the objects discovered, prior to recommencing works.	During construction .
Noise and vibration			
22	Construction noise disturbance of the nearest residents minimised.	Construction work sites will be located and work practices will be developed for implementation during construction, to limit noise disturbance as far as practicable.	During design and construction
23	Vibration impacts during construction on property and amenity of the nearest residents minimised.	Work practices will be developed to minimise vibration impacts as far as practicable for implementation during construction.	During design and construction .
Air Quality			
24	Avoid dust generation along haul routes	Where practicable, select haul routes away from sensitive receptors. Reduce the length of haul roads to minimise surface area from which dust may be produced. Limit vehicle speeds to minimise dust.	Prior to construction
25	Dust generation during construction minimised.	Construction activities will be undertaken in a manner that limits dust emissions from the site including: Managing stockpiles to suppress dust emissions; Collecting dust from enclosed spaces; and Measures to wash vehicles and cover loads where there is the potential to generate dust, as practicable. Damp down earthworks during dry weather.	Prior to construction
Property and Land Use			
26	Minimise potential construction related damage to structures, properties and infrastructure.	Design measures and management procedures will be developed to prevent or suitable mitigate, damage to existing properties, structures and infrastructure for implementation during construction.	During design and construction .
27	Impact of construction activities on surrounding road network minimised.	Work practices will be developed to minimise construction traffic impacts on the surrounding road network and disruptions from works such as informing the local community and road users on changed conditions prior to commencement and scheduling disruptive works outside peak commuting times.	During design and construction .
28	Damage to the public road network during construction would be rectified.	Dilapidation surveys would be undertaken on sections of the public road network in the immediate vicinity of the work sites, in particular along Moulamein Road. Damage attributed to construction of the project would be rectified by the proponent.	Prior to, during, and post construction
Visual Impacts			
29	Construction work sites rehabilitated.	A program will be developed to minimise construction time and to progressively rehabilitate areas disturbed temporarily by construction as far as practicable to pre-work construction to mitigate visual impact.	During design and construction .

Number	Desired outcome	Commitment	Timing
Traffic			
30	Impact of construction activities on surrounding network minimised	Work practices will be developed as part of the CEMP to minimise construction traffic impacts on the surrounding road network and disruptions from works near road reserves, such as levees, be undertaken in consultation with road authorities for implementation during construction. The following will be carried out: Informing and consulting with the local community and road users on changed traffic conditions prior to construction commencing. Where practicable, scheduling any disruptive works to outside peak hours. Arrangements for parking and safe access to work areas. Methods to reduce temporary lane closures reduce delays and provide alternative access. Controlling traffic in accordance with RTA Traffic Control at Work Site and AS 1742.3 1996, Traffic Control Devices for Works on Roads.	Prior to construction and during construction
31	New intersections comply with RTA design requirements	Intersections of access roads with Moulamein Road will comply with RTA's design requirements.	Prior to construction
Communications			
32	The community has a high level of awareness of all processes and activities associated with the project, accurate and accessible information is provided, and there is a high level of responsiveness to community concerns	The community will be kept informed about the project in a timely manner. Key activities and tools will include: Development and implementation of a detailed Community and Stakeholder Involvement Plan for the construction phase of the project; Notification of any works that may later reduce access to the forest or disturb nearby landowners and forest users (such as noisy activities and changed traffic conditions); 24-hour toll-free community information phone line; Complaints management process; Operation of the Project Information Centre; Regular updates to the project website (www.kpforest.com.au); Regular community newsletters, information brochures and fact sheets; Signage at construction sites; Media releases and regular newspaper advertisements in local papers; Regular government agency meetings; and Regular briefings for key stakeholders (including councils and landowners).	Prior to and during construction