Project Approval

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

I, the Deputy Director-General, Development Assessment and Systems Performance, of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 25 January 2010, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, 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.

Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance

Sydney 15th August 2010 File No: S09/00190 and 10/01914

SCHEDULE 1

Application No:	09_0098
Proponent:	NSW Office of Water and Industry and Investment NSW (Forests NSW)
Approval Authority:	Minister for Planning
Land:	The Koondrook-Perricoota State Forest, located on the Murray River Floodplains in south-west New South Wales.
Project:	The construction and operation of a diversion channel and regulation structures to divert and contain water from the River Murray to the Koondrook and Perricoota State Forests to: • enable periodic inundation of the State forest which is representative of historic flood regimes; and • prevent impacts on neighbouring properties. Project components include: inlet and return channels; inlet, stop log and return channel regulators; bridge or causeway; drop-down structure; and internal floodway.
Major Project:	The proposal is a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies by virtue of an Order made by the Minister for Planning under section 75B of the Act on 29 July 2005, which declares that where the Proponent is a public authority (other than a local council or county council) and an Environmental Impact Statement is required within the meaning of Part 5 of the Act, then Part 3A of the Act would apply.

KEY TO CONDITIONS

SCHEDULE 2

Act, the	*Environmental Planning and Assessment Act, 1979*
Conditions of Approval	The Minister's conditions of approval for the project.
Councils	Wakool Shire Council; and Murray Shire Council.
DECCW	Department of Environment, Climate Change and Water
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's Approval	A written approval from the Director-General (or delegate). Where the Director-General's Approval is required under a condition, the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
Director-General's Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
Dust	any solid material that may become suspended in air or deposited
EA	*Koondrook-Perricoota Forest Flood Enhancement Works, Environmental Assessment,* prepared by GHD Pty Ltd for NSW Office of Water and Forests NSW and dated March 2010.
Feasible and Reasonable	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
Minister, the	Minister for Planning
Proponent	NSW Office of Water and Forests NSW
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
Relevant authority	DECCW, Heritage Branch of the Department and Local Aboriginal Land Council.
RTA	Roads and Traffic Authority
Site	Land to which Major Projects Application 09_0098 applies.
Submission report and Preferred Project Report	*Koondrook-Perricoota Forest Flood Enhancement Project: Submissions Report and Preferred Project Report*, prepared by GHD Pty Ltd and dated June 2010.
Traditional Owners	Barapa Barapa Nation and Yorta Yorta Nation.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

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

a) Major Project Application 09_0098;

b) *Koondrook-Perricoota Forest Flood Enhancement Works, Environmental Assessment,* prepared by GHD Pty Ltd for NSW Office of Water and Forests NSW and dated March 2010;

c) *Koondrook-Perricoota Forest Flood Enhancement Project: Submissions Report and Preferred Project Report*, prepared by GHD Pty Ltd and dated June 2010;

d) Email correspondence from Office of Public Works & Services to the Department, received on 19 July 2010 at 16:52 and titled *Noise Receptors*; and

e) 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 1.1d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and

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

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

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

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

Limits of Approval

1.4 This project approval shall lapse five years after the date on which it is granted, unless the works subject of this approval are physically commenced on or before that time.

Statutory Requirements

1.5 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the construction of the project and at the Proponent's Deniliquin office(s) at all times during operation of the project. A copy of this approval and all relevant environmental approvals must also be made available on the Proponent's websites.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Noise Impacts

Construction Hours

2.1 The Proponent shall only undertake construction activities associated with the project, other than blasting, that would generate an audible noise at any sensitive receiver during the following hours:

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

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

c) at no time on Sundays or public holidays.

2.2 Notwithstanding condition 2.1, construction works associated with the project, may be undertaken outside the hours specified under that condition in the following circumstances:

a) the works do not cause construction noise to be audible at any sensitive receiver; or

b) for the delivery of materials required by the police or other authorities for safety reasons; or
c) where it is required in an emergency to avoid loss of lives, property and/or to prevent harm; or
d) affected receivers have been consulted with respect to audible construction works occurring outside the hours specified under condition 2.1 and negotiated agreements with those receivers for out-of-hours works have been developed, in consultation with DECCW; or
e) as approved through the process outlined in condition 2.3 of this approval.

2.3 The hours of construction activities specified under condition 2.1 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.1 shall be:

a) considered on a case-by-case basis;
b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours and any other information necessary to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site; and
c) affected residential receivers being informed of the timing and duration of work approved under this condition at least 48 hours before that work commences.

Construction Noise and Vibration

2.4 The Proponent shall implement all reasonable and feasible measures to minimise noise generation from the construction of the project consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, July 2009) including noise generated by heavy vehicle haulage and other construction traffic associated with the project.

2.5 The Proponent shall ensure that the vibration resulting from construction and operation of the project does not exceed the preferred values for vibration (for low probability of adverse comment) presented in *Assessing Vibration: A Technical Guideline* (DECC, February 2006), at any affected residential dwelling.

2.6 Prior to commencement of construction activities likely to result in elevated vibration levels, the Proponent shall identify potentially-affected sensitive facilities and the like, where additional receiver-specific vibration mitigation and management measures may be required. Should such cases arise, the Proponent shall consult with the potentially affected owners and develop appropriate mitigation measures to ensure impacts are acceptable.

Air Quality Impacts

Dust Generation

2.7 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. 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, as appropriate, such that emissions of visible dust cease.

Traffic and Transport Impacts

2.8 The Proponent shall:

a) ensure that any measures to restore roads as a result of the construction of the project, are undertaken in a timely manner, in accordance with the requirements and to the satisfaction of the relevant road authority and at the full expense of the Proponent;
b) ensure that adequate signage is provided to inform road users of any change in traffic conditions resulting from construction works; and
c) undertake all roadworks in consultation with the Councils and any relevant road authority.

Non-Indigenous Heritage Impacts

2.9 The Proponent shall implement the final mitigation and management measures listed in items 6 to 12 of section 10.0, Appendix F, *Indigenous and Non-Indigenous Heritage Assessment*, of the document listed in condition 1.1b) of this approval. This information must be detailed in the CEMP, required under condition 6.2 of this approval.

Indigenous Heritage Impacts

2.10 Construction of the project must avoid disturbance to the Aboriginal burial site 59-4-0060.

2.11 The Proponent shall implement the recommended heritage management measures items 2 to 5, specified in section 10.0, Appendix F, *Indigenous and Non-Indigenous Heritage Assessment*, of the document listed in condition 1.1b) of this approval. The Proponent must:

a) fence the boundaries of the four scarred trees (K-PA1, K-PA2, K-PA3 and K-PA4), prior to the commencement of construction works, to protect them from any direct and indirect impacts of construction. The fencing shall be sufficient to prevent the incursion of construction vehicles, and shall be marked with appropriate signs; and

b) in the event that any heritage or archaeological material not previously identified is uncovered during construction, cease all work likely to affect the material. Relevant authorities must be consulted regarding the appropriate course of action before work can recommence. Relevant authorities may include DECCW and the Local Aboriginal Land Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

2.12 Prior to the commencement of construction, the Proponent shall investigate the possible location of the two 'unknown' Aboriginal sites (recording codes 57 and 58), to determine whether the project may impact upon these sites. The final construction management measures for Indigenous Heritage must be included in the CEMP required condition 6.2 of this approval.

2.13 The Joint Indigenous Group (refer to Statement of Commitment 25) is to include representatives of the Traditional Owners to provide advice on:

a) how the Aboriginal custodians may protect the integrity of their cultural heritage during the construction of the project;

b) how to achieve both cultural and socio-economic outcomes through the project to benefit all indigenous peoples associated with the project site.

In providing this advice, an opportunity to investigate areas of the project site shall be made available to the Joint Indigenous Group upon request.

Ecological Impacts – Construction

2.14 Prior to the commencement of construction, the Proponent shall finalise the draft **Construction Biodiversity Offset Package** detailed in Appendix C, section 11.4.2 of the EA, in consultation with and to the satisfaction of DECCW. The Final Offset Package shall:

a) offset negative impacts to vegetation (including the loss of Inland Grey Box Woodland Endangered Ecological Community) as a result of construction of the project, that would not directly benefit from the operation of the project;

b) include an offset for direct and indirect impacts of the project which maintains or improves biodiversity values;

c) detail the final suite of biodiversity offset measures selected in accordance with the Package; and

d) include a program (timeline) to achieve the implementation of the final suite of measures.

A copy of the final Offset Package shall be issued to the Director-General prior to the commencement of construction.

Soil and Water Quality Impacts

2.15 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.

2.16 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation.*

2.17 In consultation with the NSW Office of Water, all bores required for the project must be capped at the completion of construction, to prevent the movement of saline water into the bores.

2.18 The Proponent shall notify the local council and DECCW should contaminated soil be uncovered during excavation works. The Construction Environmental Management Plan required under condition 6.2 of this approval shall include management measures for any contamination that may be uncovered during construction of the project.

2.19 Any acid sulfate soils encountered during construction of the project shall be treated and disposed of in accordance with the *Acid Sulfate Soils Manual* (Acid Sulfate Soil Management Advisory Committee, 1998) or update.

Waste Generation and Management

2.20 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

2.21 The Proponent shall maximise the treatment, reuse and/ or recycling on the site of any waste oils, excavated soils, slurries, dusts and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.

2.22 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.

3. ENVIRONMENTAL MONITORING

Ecological Monitoring – Construction

3.1 The Construction Biodiversity Offset Package required under condition 2.14 of this approval shall include a **Monitoring Program** to target the effectiveness of the mitigation measures identified in Condition 2.14c) of this approval. The monitoring is to be undertaken during construction (for construction-related impacts) and until such time as the effectiveness of mitigation measures can be demonstrated to have been achieved over a minimum of three successive monitoring periods, or as otherwise agreed by the Director-General. The Monitoring Program shall include but not necessarily be limited to:

a) provision for the analysis of the data to identify changes to habitat usage and if this can be attributed to the project;
b) details of measures that would be implemented in the event of changes to habitat usage patterns directly attributable to the construction of the project; and
c) provision for annual reporting of monitoring results to the Director-General and DECCW, or as otherwise agreed by those agencies.

Ecological Monitoring – Operation

3.2 The Biodiversity Operational Plan required under condition 6.5 a) of this approval shall include a **methodology for monitoring and assessing** the health and condition of those vegetation communities that will not benefit from the proposed operational regime of the project, including Inland Grey Box Woodland Endangered Ecological Community and Derived tussock grasslands (Herbland and Grassland), during the operation of the project. The methodology shall:

a) include provisions for the analysis and reporting of data (such as species composition, species richness and species decline), obtained from the monitoring of inundation events during operation, to identify and determine the impact on these communities from the operation of the project, considering condition of vegetation, loss of potential habitat, and resulting consequences of this loss (short and long term);

b) identify the point at which data obtained would be representative of the likely impacts to the vegetation communities from inundation due to the project's operation, in order to detail the significance of impacts to biodiversity as a result of the loss quantified in condition 3.2 a) of this approval;

c) inform the quantification of biodiversity offset requirements for operational impacts; and

d) consider the biodiversity management measures or activities identified in the documents set out in condition 1.1 or elsewhere in these Conditions of Approval.

4. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

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

a) provisions for periodic review of the compliance status of the project against the requirements of this approval;

b) provisions for periodic reporting of compliance status to the Director-General; and

c) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

Construction Activities

4.2 The Proponent must provide the Director-General, DECCW and any other Government Department nominated by the Director-General with *Construction Compliance Reports* to monitor compliance with the conditions of this approval. The ER must review the *Construction Compliance Reports* before they are submitted to the Director-General and bring to the Director-General's attention any shortcomings.

The first *Construction Compliance Report* must report on the first three months of Construction and be submitted a maximum six weeks after expiry of that period (or at any other time interval agreed to by the Director-General). The second, and subsequent, *Construction Compliance Reports* must report on construction covering three monthly intervals respectively and be submitted no more than six weeks after the expiry of that three month construction period (or at any time interval agreed to by the Director-General) for the duration of Construction.

The *Construction Compliance Reports* must include information on:

a) compliance with the CEMP and the Conditions of Approval;

b) the results and auditing details of the performance criteria and management measures identified in the CEMP;

c) the number and details of any complaints, including a summary of the main areas of complaint, action taken, response given and intended strategies to reduce recurring complaints;

d) details of any review and amendments to the CEMP resulting from Construction during the reporting period; and
e) any other matter relating to compliance with the Conditions of Approval or as requested by the Director-General.

Copies of the report shall be submitted at the same time to the Department and DECCW.

4.3 The final *Construction Compliance Report* shall, in addition to the requirements listed in condition 4.2, assess the accuracy and conclusions of all previous *Construction Compliance Reports*, and the adequacy of the responses of the Proponent to monitoring results.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

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

Complaints Procedure

5.2 Prior to the commencement of construction, the Proponent shall ensure that the following are available for community complaints until the completion of four complete flood events of the project (or as otherwise varied by the Director-General) (includes construction and after construction is completed):

a) a telephone number on which complaints about construction activities and any other complaints relating to the proposal at the site may be registered;
b) a postal address to which written complaints may be sent; and
c) an email address to which electronic complaints may be transmitted.

The telephone number, postal address and email address shall be displayed on signs strategically placed near the upstream and downstream areas of the project site during construction, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign. The telephone number, postal address and email address shall be made available on the Proponent's websites at all times during operation of the project.

5.3 The Proponent shall record details of all complaints received through the means listed under condition 5.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

a) the date and time, where relevant, of the complaint;
b) the means by which the complaint was made (telephone, mail or email);
c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
d) the nature of the complaint;
e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

Advice of Construction Activities

5.4 Before Construction commences, and then at maximum three monthly intervals, the Proponent must advertise in relevant newspapers the: nature of the works proposed for the next three months; areas in which these works are proposed; construction hours; and a contact telephone number.

The Proponent must ensure that the local community and businesses are advised of construction activities that could cause disruption. Methods to disseminate this information must be identified in the CEMP. Information to be provided must include:

a) details of any traffic disruptions and controls; and
b) work approved to be undertaken outside standard construction hours, in particular noisy works, before such works are undertaken.

6. ENVIRONMENTAL MANAGEMENT

Environmental Representative

6.1 Prior to the commencement of any construction or operational activities, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) independent of the design, construction and operation personnel. The Proponent shall engage the Environmental Representative(s) during any construction activities, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:

a) investigate 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;
b) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval and the Statement of Commitments as referred to under condition 1.1c) of this approval;
c) investigate the implementation of the environmental auditing of the project in accordance with the requirements of condition 4.1 of this approval and all relevant project Environmental Management System(s); and
d) be given the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur.

Construction Environmental Management Plan

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

a) a description of all relevant activities to be undertaken on the site during construction, including the indicative location of the borrow pits;
b) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
c) details of any staging of the construction of the project;
d) details of measures to be taken to protect the safety of people during construction, these shall include:
    i) measures to protect the safety of construction workers in the event of a flood, bushfire and any other likely hazard or risk;
    ii) details of erecting signs and fencing as necessary, to ensure the safety of bushwalkers etc. near the site during construction;
    iii) provisions for adequate fire protection works on site during construction in consultation with the NSW Rural Fire Service and NSW State Forests;
    iv) measures to ensure that all dangerous goods and materials stored on site are stored in accordance with the relevant Australian Standards; and
    v) measures to ensure that all explosives and fuel (excluding natural fuels such as grass, bark, leaves and branches) are removed from the site and disposed of appropriately, at the completion of construction work.

e) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
   i) measures to monitor and manage dust emissions to avoid impacts to surrounding land uses, occupied residences and public amenity;
   ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;
   iii) measures to manage spoil placement;
   iv) measures to monitor and manage indigenous heritage values on site during construction, including involvement of the relevant Local Land Councils, Committees and Traditional Owner Groups;
   v) measures to minimise and/or avoid visual amenity impacts to sensitive receptor locations, such as visual screening of receptor boundaries to avoid high visibility of project components to be built;

f) information to demonstrate that the Aboriginal sites listed in section 12.2.3 of the EA (apart from those listed in section 12.2.4 of the EA) would not be directly impacted by the project. Any indirect impacts to these sites must be addressed, including measures to mitigate and/or manage such impacts.

g) a description of the roles and responsibilities for the ER and all relevant employees involved in the environmental management of construction;

h) the additional Plans listed under condition 6.3 of this approval; and

i) complaints handling procedures during construction.

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

6.3 As part of the Construction Environmental Management Plan for the project, required under condition 6.2 of this approval, the Proponent shall prepare and implement the following:

a) a **Construction Noise Management Plan** to manage noise impacts during construction and to identify all feasible and reasonable noise mitigation measures. The Plan shall include results of a survey of all the receptors located within 2000 metres of the construction site, to determine the receptor type and that the noise management levels determined for these receptors are appropriate to the use of that receptor. The Plan shall also address, but not necessarily be limited to, measures to monitor and manage noise and vibration, including: identification of nearest sensitive receptors and relevant construction noise and vibration goals applicable, identification of all reasonable and feasible measures proposed to be implemented to minimise construction noise and vibration impacts (including construction traffic noise impacts), measures for notifying surrounding receptors of noisy activities or works outside of standard hours, and measures for monitoring compliance and responding to complaints; and details of the consultation process for noise mitigation measures (including negotiated agreements) with any affected residences.

b) a **Traffic Management Protocol** to outline management of traffic conflicts that may be generated during construction of the project. The Plan shall be developed in consultation with the Councils, the RTA and any other relevant road authority and shall include, but not necessarily be limited to:
   i) details of how construction of project infrastructure will be managed in proximity to local and regional roads and with respect to sensitive receivers located in close proximity to these roads (such as maintaining access to property);
   ii) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;
   iii) detailed consideration of measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised;

iv) details of any requirements to restore roads used for the construction of the project, including Nineteen Mile Road, Perricoota Forest Road and Moulamein Road; and

v) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.

c) a **Flora and Fauna Management Plan** to detail how construction impacts on ecology will be minimised and managed. The Plan shall be prepared in consultation with and to the satisfaction of DECCW and shall include, but not necessarily be limited to:

i) the amount and type of vegetation (in particular Inland Grey Box grassy woodland and Derived tussock grasslands) to be temporarily impacted and permanently impacted by the project, with reference to Table 4 contained in the document referred to in condition 1.1 c) of this approval. The outcomes of this shall inform the development process of the Construction Biodiversity Offset Package referred to in condition 2.14 of this approval;

ii) measures to manage and avoid significant impacts to fauna from the removal of hollow-bearing trees, including procedures to install and monitor mitigation measures, such as nest boxes, relocated hollows and fauna fencing for effectiveness and maintenance;

iii) measures to minimise the impact of construction on local flora and fauna (including limiting the amount of tree removal), consistent with the mitigation measures described in section 8.7.2 of the document listed under condition 1.1b) of this approval;

iv) details of work practices (such as fencing and construction worker education) to minimise the potential damage to vegetation and native fauna during construction;

v) weed management measures focusing on early identification of invasive weeds and determining effectiveness of management controls;

vi) an auditing program to investigate consistency with this Management Plan.

Operation Environmental Management Plan

6.4 The Proponent shall prepare and implement an **Operation Environmental Management Plan** (OEMP) to detail an environmental management framework, practices and procedures to be followed during operation of the project. The OEMP shall reflect the overall process for adaptive management, consistent with the operational regime. The OEMP shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

a) identification of all relevant statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project including all relevant approvals, consultations and agreements required from authorities and other stakeholders;

b) specific consideration of relevant measures to address any requirements identified in the documents referred to under conditions 1.1b) and 1.1c) of this approval;

c) overall environmental policies and principles to be applied to the operation of the project;

d) detailed description of the operating regime of the project, including its consistency with the Living Murray Framework, including the Living Murray Business Plan, the Living Murray Environmental Watering Plan and the Koondrook-Perricoota Icon Site Environmental Management Plans. A set of operational objectives and principles to trigger inundation events must also be included;

e) measures to avoid an increase in flooding risks to landholders as a result of the operation of the project works, including consultation with the local community in addressing the risks and management measures, such as the Wakool Landholders Association and the Wakool River Association, in particular representatives of the downstream areas of the project site;

f) evaluation of algal bloom risk from operation of the project, including measures to avoid and manage such risks, e.g. considering the seasonality of watering events (and holding water in the project site during warm seasons) and land management activities;

g) management measures for blackwater events, e.g. considering temperature of water entering the project site;

h) measures to manage water quality to avoid significant impacts resulting from the operational regime of the project;
i) measures to manage and control soil erosion;
j) measures to monitor and manage indigenous heritage values on site including involvement of the relevant Local Land Councils, Committees and Traditional Owner Groups;
k) measures to monitor and manage non-indigenous heritage values on site including involvement of the Heritage Branch of the Department; and
l) demonstration of available measures to mitigate and manage noise during operation of the proposal.

The OEMP shall be submitted for the approval of the Director-General no later than 12 months from the date of this approval (or as otherwise agreed to by the Director-General).

Any changes made to the OEMP in response to the adaptive management regime, must be submitted for the approval of the Director-General, at least one month prior to the proposed commencement of the modified operational regime.

6.5 As part of the OEMP for the project, required under condition 6.4 of this approval, the Proponent shall prepare and implement the following studies:

a) a **Biodiversity Operational Plan** to detail how the operation of the project would be managed and monitored to achieve optimum ecological outcomes and actively work to manage adverse impacts to terrestrial and aquatic biodiversity. This Plan shall be prepared in consultation with and to the satisfaction of DECCW and shall include, but not necessarily be limited to:
   (i) updated maps and plans to show the total areas to be inundated (including the extent of, and height of, watering events);
   (ii) details of frequency and duration of inundation, with consideration of optimal and tolerance durations of inundation for key ecological communities, e.g. River Red Gum is optimal during Winter to Spring, whereas Black Box Woodland is optimal during Spring to Summer;
   (iii) details of aquatic ecology monitoring programs to inform management in order to optimise the overall aquatic ecosystem outcomes, e.g. from soil movement impacts; and
   (iv) updated maps and diagrams to describe the extent of inundation (inclusion of the portion of the project site adjacent to the western levee alignment area), including the location of vegetation communities to be affected by the project's operation;
   (v) describe the decision-making framework to be used in determining the level of impact to biodiversity and selecting the priority ranking of compensatory habitat options available in the region (refer to condition 3.2);
   (vi) detail the final methodology used to determine the biodiversity offset requirements; and
   (vii) include a program (timeline) to achieve the implementation of the final suite of measures to mitigate and or manage impacts to biodiversity.

b) A **Fish Management Plan** to detail the management of fish movements and impacts as a result of inundation events. This Plan shall be prepared in consultation with, and to the reasonable satisfaction of NSW Industry and Investment (Fisheries) and include:
   (i) description of methods to be used for water quality monitoring of Dissolved Oxygen and Dissolved Organic Carbon levels both within the project site during watering events and in the Murray River and other downstream waterways when water is being discharged from the project site;
   (ii) description of methods to be used for the monitoring of fish movement into and out of the project site and fish community changes within the project site during watering events;
   (iii) description of methods to be used for the surveillance of the project site during and following water events to detect incidences of fish strandings or fish kills;

(iv) description of methods to be used for the monitoring of pest fish response to watering events, to manage and control the movement of pest fish species.

c) a **Dual Fishway and Turtle Ramp Operational Plan** to detail the location, scale and operational regime of these structures, including conditions under which they will operate to achieve optimum safe passage of fish and turtle species respectively, and to detail monitoring methods, consistent with section 6.2.2 of the document referred to under condition 1.1b) of this approval.

d) an **Emergency Plan** for the project to detail procedures for the safety of all people who may be potentially at risk from the operation of the project and include a procedure for the evacuation of those people at risk.

7. ENVIRONMENTAL REPORTING

Incident Reporting

7.1 Within 24 hours of any incident with actual or potential significant off-site impacts on people or the biophysical environment, the Department is to be notified of the basic facts of the incident. A detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Director-General no later than 14 days after the incident.

The Proponent shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the Director-General and any other person the Director-General nominates as appropriate.

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.