Project Approval

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

As delegate of the Minister for Planning, I approve the Project application referred to in Schedule 1, subject to the conditions in Schedules 2 and 3.

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.

Chris Wilson
A/Deputy Director-General
Development Assessment and Systems Performance

Sydney 27.10.10 2010

SCHEDULE 1

Application Number:	10_0073
Proponent:	Sandvik Mining and Construction Australia Pty Ltd
Approval Authority:	Minister for Planning
Land:	431 Masonite Road, Heatherbrae (Lot 32 DP 1014864)
Project:	Sandvik Machine Manufacturing and Maintenance Project

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DEFINITIONS

APZ	Asset Protection Zone
BCA	Building Code of Australia
Council	Port Stephens Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
NOW	NSW Office of Water
EA	Environmental Assessment titled *Environmental Assessment Report – 431 Masonite Road, Heatherbrae* prepared by Sandvik Mining and Construction Australia P/L and received by the Department on 14 July 2010, including the Proponent's response to submissions and supplementary information dated 8 September 2010.
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
Evening	The period from 6pm to 10pm
HWC	Hunter Water Corporation
LHRCP	Lower Hunter Regional Conservation Plan (DECCW, Dec 2009)
Minister	Minister for Planning, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PBP 2006	*Planning for Bushfire Protection 2006*
Project	The development as described in the EA
Proponent	Sandvik Mining and Construction Australia Pty Ltd, or its successors in title
Reasonable and Feasible	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 the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
RTA	Roads and Traffic Authority
Site	The land referred to in Schedule 1
Statement of Commitments	The Proponent's commitments in the EA

SCHEDULE 2
ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the Project.

Terms of Approval

2. The Proponent shall carry out the Project generally in accordance with the:
   (a) EA;
   (b) statement of commitments (see Appendix 1);
   (c) site plan (see Appendix 2) and
   (d) conditions of this approval.

3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.

4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
   (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
   (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.

Structural Adequacy

5. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

   Notes:
   - *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
   - *Part 8 of the EP&A Regulation sets out the requirements for the certification of the Project.*

Protection of Public Infrastructure

6. The Proponent shall:
   (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Project; and
   (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Project.

   Prior to the commencement of construction, the Proponent shall prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) in consultation with Council, and submit a copy of this report to the Director-General.

Utilities

7. Prior to the construction of any utility works, the Proponent shall obtain the relevant approvals from service providers, including HWC and Council.

Operation of Plant and Equipment

8. The Proponent shall ensure that all plant and equipment used on site is:
   (a) maintained in a proper and efficient condition; and
   (b) operated in a proper and efficient manner.

Management Plans/Monitoring Programs

9. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

Section 94 Contributions

10. Prior to the commencement of operations, the Proponent shall pay Council a contribution of 1% of the cost of the development, as determined in accordance with clause 25J of the *Environmental Planning and Assessment Regulation 2000* and the *Port Stephens Council Section 94A Development Contributions Plan, 2006*. The contribution is to be paid prior to the issue of the Construction Certificate, or as otherwise agreed by Council. A Quantity Surveyor's Detailed Cost Report (standard form to be obtained from council) setting out an estimate of the proposed cost of carrying out development must be approved by Council prior to issue of a Construction Certificate, or as otherwise agreed by Council. Payment of this contribution may be partially or completely made in the form of works in kind subject to the agreement of Council and/or the Director General. Subject to the further agreement from Council, this contribution may be paid in instalments in accordance with an agreed payment program.

    Notes: This contribution is subject to indexation to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney, as published by the Australian Bureau of Statistics.

SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS

FLORA AND FAUNA

Vegetation Clearing and Management

1. The Proponent shall prepare and implement a Vegetation Management Plan for the site to the satisfaction of the Director-General. The Plan shall:
   (a) be prepared by a suitably qualified and independent expert, and be submitted to the Director-General for approval within six (6) months of the date of this approval;
   (b) establish performance and completion criteria for the on-site vegetated areas (as detailed in the EA);
   (c) include a final Landscape Plan and procedures to protect, enhance and maintain the vegetation on site and monitor the performance of the plan over time.

2. The Proponent shall prepare and implement a Vegetation Clearing Protocol for the site to the satisfaction of the Director-General. The Protocol shall:
   (a) be submitted and approved by the Director-General prior to the clearing of any vegetation on site;
   (b) clearly identify the location and type of vegetation to be retained and to be removed from the site;
   (c) detail measures that would be implemented for vegetation clearing;
   (d) detail procedures to manage impacts on fauna including translocation of fauna (if appropriate); and
   (e) detail methods to minimise the impact of clearing during breeding times for key species on site.

3. The Proponent shall prepare and implement an Erosion and Sediment Control Plan for the land to be cleared to the satisfaction of the Director General. The Plan shall:
   (a) be submitted to the Director-General prior to the clearing of any vegetation on site; and
   (b) detail measures to manage the potential erosion and sedimentation impacts of vegetation clearing.

Offset Strategy

4. The Proponent shall prepare and implement an Offset Strategy for the Project to the satisfaction of the Director-General. The strategy shall:
   (a) be prepared by a suitably qualified and independent expert in consultation with DECCW, and be submitted and approved by the Director-General within 12 months of the date of this approval;
   (b) have an area of approximately 54 hectares;
   (c) meet the objectives of the LHRCP in particular, be identified on the LHRCP Map 1 as an extant vegetation community being a "reservation target not yet met" and on the LHRCP Map 3 as "a regional investment priority";
   (d) adjoin or be adjacent to land granted or proposed to be granted to DECCW for addition to the Columbey National Park;
   (e) be incorporated into the draft Plan of Management for the Columbey National Park or include a Biodiversity Management Plan in accordance with Condition 5 below; and
   (f) detail how the offset will be managed and conserved in perpetuity.

   Note: In the event that the land is accepted for reservation under the National Parks and Wildlife Act 1974, the Offset Strategy must include details of how the offset will be incorporated into the draft Plan of Management for the Columbey National Park. However, if the offset is conserved in perpetuity by other measures, then the Proponent must prepare and implement a Biodiversity Management Plan in accordance with Condition 5 below.

5. The Proponent shall prepare and implement a Biodiversity Management Plan for the Offset Strategy to the satisfaction of the Director-General. The Plan shall include:
   (a) baseline biodiversity characteristics of the offset area, including flora and fauna surveys;
   (b) performance and completion criteria for the offset area;
   (c) a detailed description of the measures that would be implemented to:
      - re-establish and enhance the vegetation within the offset area;
      - maintain and conserve the biodiversity in the offset area;
      - control weeds, feral pests and access to the offset area;
      - manage bushfire hazards (e.g. APZs);
      - minimise edge effects and fragmentation;
      - manage stormwater and control erosion; and
      - enhance habitats (e.g. hollows, habitat trees, animal fencing to facilitate movement, artificial hollows and nest boxes);
   (d) a program to monitor the effectiveness and progress of the above measures against the performance and completion criteria;
   (e) a protocol for reporting on the implementation of the strategy;
   (f) outline measures to ensure conservation in perpetuity of the Offset Strategy;

(g) provide details of funding arrangements and financial commitment to any proposed conservation measures; and
(h) describe who would be responsible for the monitoring, review and implementation of the strategy.

Note: A Biodiversity Management Plan is required for the Offset Strategy if the offset is not incorporated into the draft Plan of Management for the Columbey National Park.

Long Term Conservation Security

6. Within 2 years of the date of this approval, the Proponent shall make suitable arrangements to provide appropriate long term conservation security for the:
   - Offset Strategy; and
   - native vegetation to be retained on the Project site (as identified in the EA), including the two hollow bearing trees;

   to the satisfaction of the Director-General.

Note: Long term conservation security may take the form of restrictive covenants, voluntary conservation agreements, rezoning, etc.

TRAFFIC AND TRANSPORT

7. Prior to the commencement of operations, the Proponent shall undertake the following works, to the satisfaction of Council:
   (a) reconstruct and upgrade Masonite Road along the frontage of the site to a suitable standard for industrial development;
   (b) construct channelized right turn bays (CHR intersection type) at each access point to the Project (these right turn bays should provide storage for at least three (3) vehicles or one (1) heavy vehicle and must accommodate the swept turning path for the required design vehicle likely to use the access); and
   (c) install a concrete footpath from the main office to the start of the existing pedestrian facilities at the Masonite Road / Camfield Drive roundabout.

Note: These works shall be undertaken in accordance with Council's requirements, the RTA Road Design Guide, Austroad guidelines and relevant Australian Standards, at full cost to the Proponent and no cost to the RTA or Council.

Design of Internal Roads, Heavy Vehicle Areas and Parking

8. The Proponent shall ensure that the internal road network, heavy vehicle areas and parking associated with the Project are designed, constructed and maintained in accordance with the latest versions of the Australian Standards *AS 2890.1:2004* and *AS 2890.2:2002*, the RTA's guide to Traffic Generating Development, and Council's DCP (2007 – Part B3: Parking, Traffic & Transport).

Vehicle Queuing and Parking

9. Prior to the commencement of operations, the Proponent shall ensure that:
   (a) all parking is provided prior to the commencement of operations;
   (b) all parking generated by the Project is accommodated on site, and that no vehicles associated with the Project shall park on the public road system at any stage;
   (c) all parking areas are appropriately signposted and line-marked to assist in directing vehicles;
   (d) there is provision of a covered parking area to accommodate 51 motorcycles and 38 bicycles; and
   (e) measures are undertaken to avoid vehicles queuing on the public road network.

Traffic Management Plan

10. Prior to the commencement of civil works (excluding vegetation clearing), the Proponent shall prepare and implement a Construction Traffic Management Plan for the Project to the satisfaction of the Council. The plan shall:
   (a) be submitted to Council prior to commencement of civil works (excluding vegetation clearing); and
   (b) include:
      - a risk assessment to identify hazards to traffic control associated with the site, the level of risk posed and control measure to be implemented;
      - a Vehicle Movement Plan for the management of construction traffic; and
      - a Traffic Control Plan in accordance with the RTA's *Traffic Control at Work Sites* manual.

SOILS AND WATER MANAGEMENT

Discharges

11. The Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Groundwater

12. The Proponent shall ensure that the Project complies with the following:
    (a) the *Water Management Act 2000*;
    (b) the *Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003;* and
    (c) the *Hunter Water Regulation 2010*.

13. The Proponent must ensure that, with the exception of the piles that will be constructed using timber driven piles and/or Continuous Flight Auger, construction of the Project (including the stormwater infiltration basins) is to remain at least 1 metre above the groundwater level at the site that is predicted to occur following the 90^{th} percentile aggregate wet season rainfall.

14. The Proponent shall prepare and implement a Groundwater Management & Monitoring Plan for the Project, to the satisfaction of the Director-General. The Plan shall:
    (a) be prepared by a suitably qualified and independent expert, in consultation with NOW and HWC, and be submitted to the Director-General within 6 months of the date of this consent;
    (b) include a groundwater contour map for the Project and an assessment of the groundwater table elevation for the site that is predicted to occur following the 90^{th} percentile wet season rainfall;
    (c) consider the potential impacts of the Project on HWC's drinking water bore network;
    (d) provide details of the design and installation of Stormwater Quality Improvement Devices and infiltration basins;
    (e) include a groundwater monitoring program which includes:
    - the location and design of monitoring bores;
    - a program to monitor the impact of the Project on groundwater quality and quantity (quality monitoring must take place at a frequency not less than every three months);
    - existing groundwater quality and groundwater levels, including baseline data and available historical data;
    - monitoring of the groundwater table;
    - provisions for when groundwater levels rise to within 1m of the base of any infiltration basins to:
        i. monitor daily until groundwater levels stabilise to more than 1m below the infiltration basins; and
        ii. groundwater quality monitoring on a fortnightly basis until groundwater has stabilised to more than 1m below the infiltration basin level;
    - groundwater impact assessment criteria; and
    - a Groundwater Emergency Response Plan which describes the measures that would be implemented to respond to any exceedances of the assessment criteria or pollution exceedances and procedures for the reporting of any exceedances of the assessment criteria.

15. In the event that the groundwater impact assessment criteria referred to in Condition 14 above is exceeded, in conjunction with groundwater levels be identified as occurring within 1m AHD of any of the infiltration basins, the Proponent shall commission a suitably qualified and independent expert to investigate and provide recommendations on options to remediate the issue and prevent future incidents occurring. This investigation shall be undertaken in consultation with NOW and HWC, and the measures to be implemented, and the timing of their implementation, to be to the satisfaction of the Director-General.

16. The Proponent must provide the Department, NOW, and HWC with monitoring results of the Groundwater Management & Monitoring program every 12 months. The Proponent must implement any actions or contingency measures recommended by the Department, NOW and/or HWC, following the review of the monitoring results, to the satisfaction of the Director-General.

Bunding

17. All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with the:
    (a) requirements of all relevant Australian Standards; and

(b) DECCW's *Environmental Protection Manual Technical Bulletin Bunding and Spill Management*.

18. The Proponent shall ensure that the requirements for storage and handling of hazardous substances, and the potential impacts of breeching these requirements, are clearly communicated and explained to employees in site induction information.

Erosion and Sediment Control Plan

19. The Proponent shall prepare and implement an Erosion and Sediment Control Plan for the Project to the satisfaction of the Director-General. The plan must:
    (a) be prepared by a suitably qualified expert and be submitted to the Director-General prior to the commencement of construction;
    (b) be consistent with the requirements of Landcom's (2004) *Managing Urban Stormwater: Soils and Construction* manual;
    (c) identify activities that could cause soil erosion and generate sediment;
    (d) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
    (e) describe the location, function, and capacity of erosion and sediment control structures; and
    (f) describe what measures would be implemented to maintain the structures over time.

Stormwater Management Plan

20. The Proponent shall prepare and implement a Stormwater Management Plan for the Project to the satisfaction of the Director-General. This plan must:
    (a) be submitted to the Director-General prior to the commencement of civil works (excluding vegetation clearing);
    (b) be prepared by a suitably qualified and independent expert in consultation with NOW;
    (c) include plans of the stormwater management system for the site, including any rainwater harvesting infrastructure;
    (d) be consistent with the guidelines *Managing Urban Stormwater: Harvesting and Reuse (DECCW);*
    (e) describe the procedures for the installation, inspection and maintenance of the stormwater system; and
    (f) detail procedures to be undertaken if any non-compliance is detected.

NOISE

Operating Hours

21. The Proponent shall comply with the restrictions in Table 1, unless otherwise agreed by the Director-General.

Table 1: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	24 hours

Notes:

- *Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site.*

Noise Limits

22. At all times the Proponent must ensure that:
    (a) testing of mining machinery, specifically underground mining vehicles, continuous miners and drill rigs is restricted to the hours of 7am to 6pm;
    (b) testing of the DR460 drill rig, specifically purging of the drill head, does not occur within 30 m of the site boundary; and
    (c) external (drive-in and personal access) doorways on the western and northern façade on all buildings remain closed during the hours of 10pm to 7am.

23. The Proponent shall ensure that the noise from the operation of the Project does not exceed the noise limits presented in Table 2.

Table 2: Project Noise Limits (dB(A))

Location	Day		Evening	Night	
	Intrusive dBA $L_{Aeq\ (15\ minute)}$	**Amenity dBA L_{Aeq} (Noisiest 1-hour period)**	**Intrusive dBA $L_{Aeq\ (15\ minute)}$**	**Intrusive dBA $L_{Aeq\ (15\ minute)}$**	**dBA $L_{A1\ (1\ minute)}$**
Closest Residence - Adelaide St	58	-	56	47	57
Early Learning Centre - Archibald St (internal)	-	40	-	-	-

Notes:

a) *To determine compliance with the $L_{Aeq\ (15\ minute)}$ noise level limits in the above table, noise from the Project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling where the dwelling (rural situations) is more than 30 metres from the boundary. To determine compliance with the $L_{A1\ (1\ minute)}$ noise level limits and the $L_{Aeq\ (Noisiest\ 1\text{-}hour\ period)}$ in the above table, noise from the Project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the Project is impractical, the DECCW may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).*
The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

b) *The noise emission limits identified in the above table apply under meteorological conditions of:*
- *wind speeds of up to 3 m/s at 10 metres above ground level; and*
- *temperature inversion conditions of up to 3ºC/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.*

Noise Audit

24. The Proponent shall conduct a Noise Audit for the premises within 3 months of operations or as otherwise agreed by the Director-General. This audit shall:
    (a) be undertaken by a suitability qualified and experienced person during a period in which the Project is operating at normal capacity;
    (b) assess whether the Project is complying with the noise limits in this approval;
    (c) identify what additional measures would be implemented to ensure compliance should any non-compliance be detected and clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General; and
    (d) provide details of any complaints received relating to noise generated by the Project, and action taken to respond to those complaints.

    Within 28 days of conducting the Noise Audit, the Proponent shall provide the Director-General with a copy of the Noise Audit report.

AIR QUALITY

Dust

25. The Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the Project.

26. During construction, the Proponent shall ensure that:
    (a) all trucks entering or leaving the site with loads have their loads covered;
    (b) trucks associated with the Project do not track dirt onto the public road network; and
    (c) the public roads used by these trucks are kept clean.

BUSHFIRE

27. The Proponent must ensure that, prior to the commencement of building works and in perpetuity, a ten (10) metre wide APZ is provided along the southern property boundary and surrounding the retained vegetation onsite as an inner protection area as outlined in Appendices 2 & 5 of *PBP 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones.*

28. The Proponent must ensure that:
    (a) water, electricity and gas comply with sections 4.1.3 of *PBP 2006;*

(b) public road access shall comply with section 4.1.3 (1) of *PBP 2006;* and
(c) landscaping complies with the principles of Appendix 5 of *PBP 2006.*

29. Prior to the commencement of operations, the Proponent shall prepare an Emergency and Evacuation Plan in accordance with the appropriate NSW Rural Fire Service Guidelines, to the satisfaction of the NSW Rural Fire Service.

ENERGY

Energy Savings Action Plan

30. The Proponent shall prepare and implement an Energy Savings Action Plan for the Project to the satisfaction of the Director-General. This plan must be prepared in accordance with the requirements and guidelines of DECCW, and be submitted to the Director-General for approval prior to the commencement of operations on site.

ABORIGINAL HERITAGE

The Proponent shall prepare and implement a Construction Aboriginal Heritage Management Plan to the satisfaction of the Director-General. The Plan shall:
(a) be submitted to the Director-General prior to the commencement of construction on site;
(b) be prepared by a suitably qualified and independent expert and in consultation with relevant Aboriginal stakeholders and DECCW;
(c) detail measures for monitoring initial earthworks in the moderate-low potential areas as identified within the EA;
(d) provide a strategy for the salvage and curation of salvaged objects, giving consideration to the measures for managing and housing objects; and
(e) detail the specific measures that would be applied should any objects be discovered during construction, including any skeletal remains.

VISUAL IMPACT

Signage

31. Prior to the commencement of operations, the Proponent shall submit detailed plans of signage to the Director-General for approval. These plans must be prepared in consultation with Council.

Lighting

32. The Proponent shall ensure that the lighting associated with the Project:
(a) complies with the latest version of Australian Standard *AS 4282(INT)-Control of Obtrusive Effects of Outdoor Lighting*; and
(b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

WASTE MANAGEMENT

33. The Proponent shall prepare and implement a Waste Management Plan to the satisfaction of the Director-General. The Plan shall:
(a) be submitted to the Director-General prior to the commencement of civil works (excluding vegetation clearing);
(b) identify the types and quantities of waste that would be generated during construction and operation, and the standards and performance measures for dealing with this waste;
(c) detail procedures to monitor the amount of waste generated by the Project;
(d) outline measures to minimise the production and impact of all wastes generated by the Project, including details of how this waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the DECCW's guidelines on the *Assessment, Classification & Management of Liquid and Non-Liquid Waste*;
(e) describe how the effectiveness of these actions and measures would be monitored over time; and
(f) describe what procedures would be followed to ensure compliance if any non-compliance is detected.

SCHEDULE 4

ENVIRONMENTAL MANAGEMENT REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the Project to the satisfaction of the Director-General. This strategy must:
   (a) be submitted to the Director-General for approval within six (6) months of the date of this approval
   (b) provide the strategic context for environmental management of the Project;
   (c) identify the statutory requirements that apply to the Project;
   (d) describe in general how the environmental performance of the Project would be monitored and manage;
   (e) describe the procedures that would be implemented to:
      - keep the local community and relevant agencies informed about the operation and environmental performance of the Project;
      - receive, handle, respond to, and record complaints;
      - resolve any disputes that may arise during the course of the Project;
      - respond to any non-compliance;
      - manage cumulative impacts; and
      - respond to emergencies; and
   (f) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the Project.

ENVIRONMENTAL REPORTING

Incident Reporting

2. Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.

3. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:
   (a) describes the date, time, and nature of the exceedance/incident;
   (b) identifies the cause (or likely cause) of the exceedance/incident;
   (c) describes what action has been taken to date; and
   (d) describes the proposed measures to address the exceedance/incident.

AUDITING

Pre-Operation Compliance Audit

4. Prior to the commencement of operations, the Proponent shall submit work as executed plans to the Department for all the development associated with the Project. These plans must be prepared by a suitably qualified expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the Project has been carried out in accordance with the approved plans.

APPENDIX 1 – Statement of Commitments

SECTION 7

DRAFT STATEMENT OF COMMITMENTS

The following draft Statement of Commitments outlines the measures that will be implemented with regard to the management and monitoring of the key environmental issues identified in the Environmental Assessment.

7.1 Plans, Documentation and Approvals

The proposed development will be completed in accordance with the submitted plans and descriptions of the proposed development provided in the Environmental Assessment.

It is noted that any changes to the proposed development will require further approval of the relevant authorities.

The proposed development will be carried out in accordance with all approvals granted by relevant authorities.

7.2 Environmental Management

A Construction Environmental Management Plan for the proposal will be implemented in accordance with the Construction Environmental Management Plan prepared by Drayton Building and Construction P/L.

7.3 Flora and Fauna

The proposed development will seek to minimise the impact on Flora and Fauna by adopting the recommendations made in the Ecological Assessment Report (June 2010) prepared by RPS Australia East Pty Ltd . This will involve the following:

- Retain the two hollow-bearing trees identified in site plans;
- Retain native vegetation as identified on site plans;
- Ensure an erosion and sediment control plan has been developed and appropriate controls are in place prior to commencement of vegetation clearing within the site;
- Implement the following clearing protocol:

  - Ensure that vegetation to be retained is accurately marked out and fenced prior to the commencement of vegetation clearing (using temporary fencing such as barrier tape) to ensure that vehicles and machinery do not accidently damage this area;

  - All hollow bearing trees to be removed within the site are to be located and marked by a qualified ecologist, prior to the commencement of vegetation clearing;

- The removal of hollow-bearing trees is to be supervised by a qualified ecologist to minimise potential impacts on resident fauna (including visual inspection, tapping tree trunk gently with machinery and observing, inspection after felling and fauna recovery);

- Nestboxes should be installed at a 1:1 ratio for each hollow removed. Nestboxes should reflect the range of sizes removed;

- Hollows from removed hollow-bearing trees should be placed on the ground within retained habitat under the supervision of a qualified ecologist to provide terrestrial shelter habitat for fauna;

- Ongoing weed management should occur within retained vegetation on site.

7.4 Offsets

The offset strategy involves the dedication of land for the purposes of conservation in perpetuity and to ensure that the principle of maintain or improve biodiversity values is met. The details include:

- The proponent will provide offset land to compensate for loss of biodiversity as a consequence of the proposed development. The offset land must:

  1. Have a minimum area of 54 hectares;

  2. Meet the objectives of the Lower Hunter Regional Conservation Plan (RCP), in particular:-

     a) Be identified on the RCP Map 1 as an extant vegetation community being a "reservation target not yet met";

     b) Identified on the RCP Map 3 as a regional investment priority

     c) Adjoin or be adjacent to land granted or proposed to be granted to DECCW for addition to the Columbey National Park

7.5 Traffic and access

The recommendations contained in the Traffic Impact Assessment prepared by Insite Engineering Services Pty Ltd dated June 2010. This plan includes the following measures:

- Reconstruction and upgrade of Masonite Road along the frontage of the site to a suitable standard for industrial development and in accordance with Council's requirements.

- Each access point to the development will be constructed with a channelized right turn bay (CHR intersection type). These right turn bays should provide storage for at least three (3) vehicles or one (1) heavy vehicle.

- The internal car park and heavy vehicle areas proposed for the development comply with the requirements of the RTA's Guide to Traffic Generating Development, PSDCP 2007 Part B3 – Parking, Traffic & Transport as well as AS 2890.1-2004 and AS 2890.2-2002.

- A concrete footpath will be provided from the main office to the start of the existing pedestrian facilities at the Masonite Road/Camfield Drive roundabout.

- The provision of a covered parking area to accommodate 51 motor cycles and 38 bicycles.

7.6 Acoustics

The proposed development will comply with the requirements of DECC in relation to criteria for noise emissions. In particular, the proposed development will comply with the recommendations provided in the Noise Impact Assessment prepared by Advitech Pty Ltd, dated 18 June 2010.

The Construction Environmental Management Plan will be prepared to manage noise emissions.

More specifically, the following will be included:

- testing of mining machinery, specifically underground mining vehicles, continuous miners and drill rigs should be restricted to the day (7:00 to 16:00) period;
- testing of the DR460 drill rig, specifically purging of the drill head should not be undertaken within 30m of the site boundary;
- ensuring external (drive-in and personal access) doorways on the western and northern façade remain closed during the hours 22:00 to 7:00 on all buildings; and,
- Construction activities will be restricted to 7:00 to 18:00.

7.7 Air Quality

The proposed development will comply with the recommendations provided in the Noise Impact Assessment prepared by Advitech Pty Ltd, dated 18 June 2010 comprising:-

- All vehicles and machinery will be maintained to minimise emissions to air.

- All spray-painting will be contained within the proposed spray booths. The spray booths will be designed to meet the specifications and standards of Workcover and DECCW.

- Dust will be controlled during the construction phase through implementation of appropriate management measures. Filling operations will involve the use of larger or heavier type of fill material, thus minimising the opportunity for smaller particulates to be carried by wind.

- The Construction Environmental Management Plan will be prepared to manage potential air emissions and submitted as required prior to construction. The plan will address dust control.

  Dust control measures include the following:

  - Covering loads when required;
  - Changing operations under excessive wind conditions including ceasing of operations if required;
  - Use of water tankers as required to control dust;
  - Rehabilitation through vegetation of surfaces to be left unsealed;
  - Truck wheel washes or other dust removal measures;
  - Ensuring that all service areas are sealed, or as a minimum treatment, covered with gravel;
  - Dirt tracked onto access routes will be cleaned away as soon as practicable;
  - Vehicles will be regularly washed when practicable.

7.8 Water Quality

Water quality measures will be installed in accordance with the report prepared by Geoff Craig and Associates (June 2010)

The Concept Drainage Plan details proposed stormwater quality improvement and proposed drainage measures for the site.

Rainwater tank storage will be provided to capture runoff from the roof areas of the development for reuse. The rainwater tanks are to overflow to the infiltration basins in larger storm events.

7.9 Soil Erosion and Sedimentation

During construction, the site will be protected from erosion and sedimentation by the installation and maintenance of standard erosion and sediment control measures, such as silt fences, lip drains and hay bale sediment traps. These control measures are to be designed and constructed in accordance with Managing Urban Stormwater: Soils and Construction 4th Edition – Vol 1 (the "Blue Book") Landcom, 2004.

7.10 Acid Sulphate Soils

In the event that it is necessary to disturb acid sulphate soils, an Acid Sulphate Soils Management Plan will be prepared and submitted to the Department of Planning prior to the disturbance of such soils.

7.11 Waste Management

All waste as identified in the Environmental Assessment will be stored on-site with the waste stream separated into recyclable and non recyclable and disposed of or recycled by approved contractors. The proposed development will comply with the Waste Classification Guidelines (DECC) and the Waste Management Plan prepared by Drayton Building and Construction P/L.

7.12 Hazardous Material

Hazardous Materials will be stored in accordance with the requirements contained within the SEPP 33 Screening report prepared by Advitech and Workcover Requirements.

7.13 Archaeology

The proposed development will comply with the recommendations made in the Aboriginal Heritage Impact Assessment prepared by RPS (June 2010). These include:

- Ensuring all staff and contractors working on the site are:

  - Made aware that Aboriginal sites are found in the local area;
  - Provided sufficient training so that they are able to identify an Aboriginal site is uncovered;
  - Made aware of their legal obligations and who to report any such finds to.

- Aboriginal representatives will be consulted and given the opportunity to inspect the site after the vegetation has been removed and before other earth moving works commence.

- If any Aboriginal sites or objects are identified during future works, works in the vicinity must cease immediately. A suitably qualified archaeologist should inspect the site and determine an appropriate course of action for the site.

- If any skeletal remains are identified at any stage during the proposed works, all works in the vicinity must cease immediately. A suitably qualified forensic archaeologist and the Police should be contacted immediately and a suitable course of action determined.

7.14 Further Approvals

The proponent will obtain a Construction Certificate prior to the implementation of the engineering and building works.

7.15 Services

The proponent will obtain and comply with the requirements of relevant public authorities regarding connection to, relocation and/or adjustment of services required by or affected by the construction and operation of the proposed development.

7.16 Outdoor Lighting

All outdoor lighting will be designed to comply with the requirements of AS 4282, Control of Obtrusive Effects of Outdoor Lighting.

7.17 BCA

The proposed development will comply with either the 'deemed to satisfy' provisions of the Building Code of Australia, or alternatively provide a performance-based solution prepared by a suitably qualified person.

7.18 Landscaping

All landscaping will be carried out in accordance with the landscape concept prepared by GCA and included as Appendix J.

7.19 Section 94 Contribution

The proponent will pay contributions in accordance with the Port Stephens Section 94A Development Contribution Plan 2006.

The payment of this contribution will be made to Port Stephens Council prior to the issue of a Construction Certificate.

APPENDIX 2 – Site Plan