

Infrastructure approval

Section 5.19 of the Environmental Planning and Assessment Act 1979

I grant approval for the carrying out of the State significant infrastructure (SSI).

Karen Harragon

Director

Social and Infrastructure Assessments

Sydney

23 July 2021

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

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

SCHEDULE 1

Application Number:	SSI 8896
Proponent:	Hunter Water Corporation
Approval Authority:	Minister for Planning and Public Spaces
Land:	Part Lot 1 DP 433549 Off Ocean Park Road, Belmont South
Description of State Significant Infrastructure:	Construction and operation of a desalination plant producing up to 30ML/day including: seawater intake infrastructure; desalination units; brine discharge via existing ocean outfall; electricity/water supply; ancillary works.
Declaration as State Significant Infrastructure:	The proposal is State Significant Infrastructure by virtue of Schedule 3, clause 4 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> .

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSI-8896-MOD-1	20 AUGUST 2024	Director, Transport and Water Assessments	The modification would convert the desalination plant from a drought response desalination plant to being permanently available for water supply. Changes to the plant and construction methodology would include: plant design changes (within the existing approved project footprint), relocation of the approved Direct Ocean Intake system, Direct Ocean Intake construction methodology changes including the use of a Jack Up Barge, daily use of a helicopter to transport construction staff to the Jack Up Barge, changes to allow 24-hour work over a 9-12-month period, increase in project duration from 12 months to 36 months, and increase in heavy and light vehicle movements.

Any additions or changes to text made as part of the latest modification application are written in **bold red**

Any additions or changes to text made as part of previous modification applications are retained in **bold blue**

FOR INFORMATION

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
ACH	Aboriginal Cultural Heritage (Heritage NSW)
Advisory Notes	Advisory information relating to the approval by do not form part of this approval.
ANZECC	Australian and New Zealand Environment Conservation Council
AR	Amendment Report
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certifier	Means a Council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown building work
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this approval	Conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the carrying out of works for the purposes of the development, including bulk earthworks and erection of buildings and other infrastructure permitted by this approval, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this approval); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p>
Council	Lake Macquarie City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS, Response to Submissions, Amendment Reports and associated documentation including the works and activities comprising construction, operation and decommissioning, as modified by the conditions of this approval.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled <i>Hunter Water Corporation – Belmont Drought Response Desalination Plant Environmental Impact Statement</i> , prepared by GHD dated November 2019, submitted with the application for approval for the development, including any additional information provided by the Proponent in

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	support of the application
EMS	Environmental Management System
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental Representative Protocol	The document of the same title published by the Department.
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
ER	Environmental Representative
Evening	The period from 6 pm to 10 pm
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this approval
Highly noise intensive work	Work identified as particularly annoying in section 4.5 of the Interim Construction Noise Guideline (DECC, 2009)
IBRA	Interim Biogeographic Regionalisation for Australia
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this approval
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in Appendix 2
Material harm	Is harm that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Report	Environment Impact Statement – Modification 1: Belmont Permanent Desalination Plant, Document no: IA411110_BelmontDesal_Mod_Report_20240116_Final Version: V005, 16 January 2024, and Appendices A to H of the Modification Report.
Monitoring	Any monitoring required under this approval must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this

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	approval
OEMP	Operational Environmental Management Plan
Operation	The use of the Belmont Drought Response Desalination Plant upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
PCA	Principal Certifying Authority in accordance with the EP&A Act
Planning Secretary	The Secretary of the Department of Planning, Industry and Environment, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Proponent	The person identified as such in Schedule 1 of this approval and any other person carrying out any part of the SSI from time to time
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled "Aboriginal cultural heritage consultation requirements for proponents 2010" (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Information #1	Request for Environment Impact Statement – Modification 1: Belmont Permanent Desalination Plant – Submissions Report RFI1 Response, Document no: IA411110_BelmontDesal_RFI1_V003_R001, Version: V003, 30 May 2024, and Appendix A.
Response to Information #2	Request for Environment Impact Statement – Modification 1: Belmont Permanent Desalination Plant –RFI#2 Response, Document no: IA411110_BelmontDesal_RFI2_V003_R001, Version: V003, 19 June 2024, and Appendices A to D.
Response to Information #2 Addendum	Request for Environment Impact Statement – Modification 1: Belmont Permanent Desalination Plant – RFI#2 Addendum EPA Review letter 240701 Response, Version: V001, 29 July 2024, and Appendix 1.
Response to submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the development under the EP&A Act.
SA NSW	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
Submissions Report	Environment Impact Statement – Modification 1: Belmont Permanent Desalination Plant - Submissions Report, Document no: A411110_BelmontDesal_Sub_Report_V005_R001, Version: V005, 13 May 2024, and Appendices A to F.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site	The land defined in Schedule 1.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this approval.

TERMS OF APPROVAL

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this approval;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, Amendment Report, Response to Submissions and additional information provided in support of the application during the assessment period;
 - (d) in accordance with the management and mitigation measures in Appendix 2.
 - (e) **in accordance with the Modification Report, Submissions Report, Response to Request for Information #1, Response to Request for Information #2, Response to Request for Information #2 Addendum, and additional information provided in support of the application during the modification assessment period.**

- A3. Consistent with the requirements in this approval, the Planning Secretary may make written directions to the Proponent in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).

The conditions of this approval and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of approval or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS OF APPROVAL

Lapsing

- A4. This approval lapses ten years after the date from which it operates, unless the development has physically commenced on the land to which the approval applies before that date.

NOTIFICATION OF COMMENCEMENT

- A5. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) construction decommissioning
 - (c) first operation.
- A6. If the construction, operation or decommissioning of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A7. Where conditions of this approval require consultation with an identified party, the Proponent must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and

- (ii) details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed the matters not resolved.

STAGING

- A8. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A9. A Staging Report prepared in accordance with condition A8 must:
 - (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A10. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A11. Where construction or operation is being staged in accordance with a Staging Report, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A12. The Proponent may:
 - (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this approval (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this approval (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A13. Any strategy, plan or program prepared in accordance with condition A12, where previously approved by the Planning Secretary under this approval, must be submitted to the satisfaction of the Planning Secretary.
- A14. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.
- A15. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A16. Before the commencement of construction, the Proponent must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A17. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:

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

STRUCTURAL ADEQUACY

- A18. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with
- (a) the relevant requirements of the BCA;
 - (b) any additional requirements of the SANSW where the building or structure is located on land within a declared Mine Subsidence District.

Note:

- Under Part 6 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 development.
- Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Proponent is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.

EXTERNAL WALLS AND CLADDING

- A19. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

APPLICABILITY OF GUIDELINES

- A20. References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.
- A21. However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Planning Secretary may, when issuing directions under this approval in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

- A22. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

ACCESS TO INFORMATION

- A23. At least 48 hours before the commencement of construction until the completion of all works under this approval, or such other time as agreed by the Planning Secretary, the Proponent must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this approval;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this approval;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Proponent's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

COMPLIANCE

- A24. The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the development.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A25. The Planning Secretary must be notified through the major projects portal immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

NON-COMPLIANCE NOTIFICATION

- A27. The Planning Secretary must be notified through the major projects portal within seven days after the Proponent becomes aware of any non-compliance. The Certifier and/or ER must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A28. The notification must identify the development and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A29. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A30. Within three months of:
- the submission of a compliance report under condition A33;
 - the submission of an incident report under condition A26;
 - the submission of an Independent Audit under condition D36 or D37;
 - the approval of any modification of the conditions of this approval; or
 - the issue of a direction of the Planning Secretary under condition A2 which requires a review,

the strategies, plans and programs required under this approval must be reviewed, and the Planning Secretary and the ER and Certifier must be notified in writing that a review is being carried out.

- A31. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this approval must be revised, to the satisfaction of the Planning Secretary or Certifier/ER (where previously approved by the Certifier/ER). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier/ER for approval and / or information (where relevant) within six weeks of the review.

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

COMPLIANCE REPORTING

- A32. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements.
- A33. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed by the Planning Secretary.
- A34. The Proponent must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A35. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance

OPERATION OF PLANT AND EQUIPMENT

- A36. All plant and equipment used on site, or to monitor the performance of the development must be:
- maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

UTILITIES AND SERVICES

A37. Before the construction of any utility works associated with the development, the Proponent must obtain relevant approvals from service providers.

ENVIRONMENTAL REPRESENTATIVE

A38. Works must not commence until an ER has been approved by the Planning Secretary and engaged by the Proponent.

A39. The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary.

A40. The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS, Amendment Report, Response to Submissions or any documentation associated with the proposal, and is independent from the design and construction personnel for the development.

A41. The Proponent may engage more than one ER for the development, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the development.

A42. For the duration of the works until the commencement of operation or as agreed with the Planning Secretary, the approved ER must:

- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the development;
- (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;
- (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impact to the environment and to the community;
- (d) review documents identified in this approval and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:
 - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
 - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);
- (e) regularly monitor the implementation of the documents identified in this approval to ensure implementation is being carried out in accordance with the document and the terms of this approval;
- (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the development commissioned by the Department including scoping audits, programming audits, briefings, and site visits, but not independent environmental audits required under this approval;
- (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;
- (h) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an **Environmental Representative Monthly Report** providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The **Environmental Representative Monthly Report** must be submitted within seven calendar days following the end of each month for the duration of the ER's engagement for the development, or as otherwise agreed with the Planning Secretary.

A43. The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in condition A42 (including preparation of the ER monthly report), as well as:

- (a) the complaints register (to be provided on a daily basis); and
- (b) a copy of any assessment carried out by the Proponent of whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).

A44. The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under condition D37. The Proponent must:

- (a) facilitate and assist the Planning Secretary in any such audit; and
- (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.

PART B COMMUNITY INFORMATION AND REPORTING

COMMUNITY CONSULTATIVE COMMITTEE

B1. Before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2016). The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for the duration of construction, the first year operation and for at least six months following the completion of decommissioning.

Note:

- The CCC is an advisory committee only.
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Proponent, Council and the local community.

COMMUNITY COMMUNICATION STRATEGY

B2. No later than one month before the commencement of construction, a Community Communication Strategy must be prepared and submitted to the Planning Secretary for approval. The Community Communication Strategy is to provide mechanisms to facilitate communication between the Proponent, the Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development. The Community Communication Strategy must:

- assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the development;
- detail the mechanisms for regularly consulting with the local community throughout the development, such as holding regular meetings to inform the community of the progress of the development and report on environmental monitoring results;
- detail a procedure for consulting with nearby sensitive receivers to schedule high noise generating works, vibration intensive activities or manage traffic disruptions;
- include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
- include a complaints procedure for recording, responding to and managing complaints, including:
 - email, toll-free telephone number and postal addresses for receiving complaints;
 - advertising the contact details for complaints before and during operation, via the local newspaper and through on-site signage;
 - a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
 - procedures for the resolution of any disputes that may arise during the course of the development;
- detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by Condition C29 and blasting activities including:**
 - justification and description of the potential work, location and duration of the out-of-hours work;**
 - the noise characteristics and likely noise levels of the construction / activity(ies) being undertaken;**
 - mitigation and management measures which aim to achieve the relevant NMLs and vibration criteria under Conditions D12 and D15 (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers); and**
 - respite periods.**

B3. The Proponent must

- not commence Construction until the Community Communication Strategy has been approved by the Planning Secretary.
- implement for the Community Communication Strategy for the duration of the development and for 12 months following the completion of operation.

COMPLAINTS MANAGEMENT SYSTEM

B4. A Complaints Management System must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum for 12 months following completion of construction of the SSI.

B5. The following information must be available to facilitate community enquiries and manage complaints before the commencement of work and for 12 months following the completion of construction:

- a 24- hour telephone number for the registration of complaints and enquiries about the SSI;

- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a process for complaints unable to be resolved.

This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.

- B6. A Complaints Register must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The Complaints Register must record the:
- (a) number of complaints received;
 - (b) number of people in the household affected in relation to a complaint;
 - (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; and
 - (d) means by which the complaint was addressed and whether resolution was reached, with or without mediation.
- B7. The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request. Personal details of complainants must be provided where this is consistent with the Proponent's privacy statement, notice or policy.

Note: Complainants must be advised that the Complaints Register may be forwarded to Government agencies to allow them to undertake their regulatory duties.

PROVISION OF ELECTRONIC INFORMATION

- B8. A website or webpage providing information in relation to the SSI must be established prior to the commencement of work and maintained for the duration of construction, and for a minimum of three years following the commencement of operation. Up-to-date information (excluding confidential, private and/or commercial information or other documents as agreed to by the Planning Secretary) must be published before the relevant work commencing and maintained on the website or dedicated pages including:
- (a) information on the current implementation status of the SSI;
 - (b) a copy of the documents listed in Condition A2 and A3 of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval;
 - (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister or delegate, to a modification of the terms of this approval, or links to the referenced documents where available;
 - (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI, or where the issuing agency maintains a website of approvals, licences or permits, a link to that website;
 - (e) a current copy of each document required under the terms of this approval, which must be published within one week of its approval or before the commencement of any work to which they relate or before their implementation, as the case may be; and
 - (f) a copy of the compliance and audit reports required under this approval.

ENGAGEMENT

- B9. Before the commencement of construction, the Proponent must establish an engagement arrangement with NSW Health. The purpose of the engagement is to consult with NSW Health throughout the life of the proposal, with consultation commencing prior to the commencement of construction and continuing for the duration of operation and for at least six months following the completion of mothballing and/or decommissioning. The engagement arrangement may cease at any time, subject to the agreement of both the Proponent and NSW Health.

PART C CONSTRUCTION ENVIRONMENTAL MANAGEMENT

CERTIFIED DRAWINGS AND PLANS

- C1. Prior to the commencement of construction **of each project phase**, the Proponent must submit certified drawings **that relate to that phase** to the Planning Secretary that have been prepared and signed by a suitably qualified practising Engineer and that demonstrate compliance with the conditions of this approval.

Note:

- *The conditions of this approval include the requirement that the development must be carried out in accordance with the documentation specified at Condition A2(c).*

- C2. The Proponent must ensure the development includes **a wind break fence or similar on the western side of the proposed development disturbance area adjacent to Ocean Park Road to prevent sand blowing across the road into adjacent wetlands prior to the commencement of construction.**

- C3. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Planning Secretary.

EXTERNAL WALLS AND CLADDING

- C4. Prior to the commencement of construction, the Proponent must provide the Planning Secretary with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

PROTECTION OF PUBLIC INFRASTRUCTURE

- C5. Prior to the commencement of construction, the Proponent must:
- consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - submit a copy of the dilapidation report to the Planning Secretary and Council.

PRE-CONSTRUCTION DILAPIDATION REPORT

- C6. Prior to the commencement of construction, the Proponent must submit a pre-commencement dilapidation report to Council **and relevant property owners along Beach Street and Ocean Park Road**. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- C7. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Proponent must demonstrate that ESD is being achieved by either:
- registering for a minimum rating with the Infrastructure Sustainability Council of Australia's (ISCA) *Infrastructure Sustainability (IS) rating* scheme and submit evidence of registration to the Planning Secretary; or
 - seeking approval from the Planning Secretary for an alternative certification process.

OUTDOOR LIGHTING

- C8. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

DEMOLITION

- C9. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

ENVIRONMENTAL MANAGEMENT PLAN REQUIREMENTS

- C10. Management plans required under this approval must be prepared having regard to the relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note:

- *The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>*

- *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C11. Prior to the commencement of construction, the Proponent must submit a Construction Environmental Management Plan (CEMP) to the to the Planning Secretary for approval. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) groundwater management plan including measures to prevent groundwater contamination;
 - (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (vi) management of public access to the surrounding areas during construction, including details of no-go zones and how these will be implemented;
 - (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B2;
 - (viii) local sourcing of marine vessels;
 - (b) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (c) Offshore Construction Works Management Sub-Plan (see condition C13);
 - (d) Biodiversity Management Sub-Plan (see condition C14);
 - (e) Construction Soil and Water Management Sub-Plan (see condition C15);
 - (f) Flood Emergency Response (see condition C16);
 - (g) Aboriginal Cultural Heritage Management Sub-Plan (see condition C17);
 - (h) Construction Traffic and Pedestrian Management Sub-Plan (see condition C18);
 - (i) Construction Noise and Vibration Management Sub-Plan (see condition C19);
 - (j) Construction Waste Management Sub-Plan (see condition C20);
- C12. The Proponent must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.
- C13. The Proponent must prepare an Offshore Construction Works Management Sub-Plan and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert;
 - (b) detail measures that will be implemented to ensure that drilling speeds are minimised for the duration of works;
 - (c) describe all measures that will be implemented to minimise any impacts of offshore works, including the ongoing appointment of a fauna observer and vessel maintenance in accordance with legislative requirements;
 - (d) include a program to monitor and report on the impacts and environmental performance of the offshore works and the effectiveness of the implemented management measures in accordance with the requirements;
 - (e) provide a detailed Emergency Management Plan for offshore works that provides specifications for the management and ongoing mitigation of emergency situations to both personnel and the environment in all potential emergency situations.
- C14. The Proponent must prepare a Biodiversity Management Sub-Plan (BMSP) that must address, but not be limited to, the following:
- (a) a native vegetation management plan for the land west of Ocean Park Road (as shown at **Appendix 3**). This should include:
 - (i) details of **weed monitoring and (if required, removal)**,
 - (ii) management of potential groundwater drawdown impacts and how these will be monitored and managed;
 - (iii) a plan to minimise weed invasion as a result of hydrological changes;

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- (b) a detailed Chytrid fungus management plan that includes procedures to minimise and monitor the spread of the fungus;
- (c) a monitoring and management plan for the **fence (or similar)** required under Condition C2. The monitoring and management of the **fence (or similar)** is to occur for a period of three years from the establishment of the **fence (or similar) to monitor and manage** sand blowing on the road and into the adjacent wetland area;

detail of the installation of measures to be implemented on the western side of Ocean Park road to prevent access and damage to vegetation.

- C15. The Proponent must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) a detailed plan for the containment of all runoff from the site on the site and detail of the management of any overflows;
 - (c) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (d) describe all erosion and sediment controls to be implemented prior to the commencement of construction, including as a minimum, measures in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (e) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;
 - (f) prevent cross-contamination of clean and sediment laden water.
 - (g) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (h) detail all off-Site flows from the Site; and
 - (i) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI.
- C16. The Flood Emergency Response Sub-Plan (FERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
 - (c) include details of:
 - (i) the flood emergency responses for both construction phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors, and users/visitors.
- C17. The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties and ACH prior to ground disturbing works;
 - (b) include register of consultation with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity;
 - (c) include detail of re-survey plans following removal of vegetation;
 - (d) include detail of the implementation of all protocols adopted within the *Aboriginal Cultural Heritage Assessment Report* prepared by RPS Group dated 23 October 2019.
- C18. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and

- (d) detail heavy vehicle routes, access and parking arrangements that must include sufficient parking facilities on-site to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.
- (e) A Driver Code of Conduct must be prepared and communicated by the Proponent to heavy vehicle drivers and must address the following:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes.
- (f) **include details of the traffic control arrangements to manage the separation of pedestrian and bicycles from vehicles at the intersection of Ocean Park Road and Green Street and any other location they are required;**

- C19. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) describe peak migration months for marine species that have the potential to be impacted by noise generating works and how works will be timed to avoid these periods;
 - (e) include detail of sound deterrent devices that would be used to provide opportunities for marine fauna to relocate prior to works commencing;
 - (f) detail how interactions with cetaceans and sharks will comply with EPBC Regulations and Australian Guidelines;
 - (g) include strategies that have been developed with the community for managing high noise generating works;
 - (h) describe the community consultation undertaken to develop the strategies in condition C16(g);
 - (i) include a complaints management system that would be implemented for the duration of the construction; and
 - (j) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition C11.
- C20. The Construction Waste Management Sub-Plan (CWMS) must address, but not be limited to, the procedures for the management of waste including the following:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
 - (b) information regarding the recycling and disposal locations and the types of materials that can be deposited into recycling bins and general garbage bins; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.

LANDSCAPING PROGRAM

- C21. Prior to the commencement of construction, a landscaping plan must be submitted to the Planning Secretary for approval. The plan:
- (a) must include a monitoring program for the revegetation of the dunal system (eastern boundary of the site), southern perimeter, and identify planting opportunities along the northern and western site boundaries; and
 - (b) should maximise opportunities for visual fragmentation and/or screening of the site from the east and west.
- C22. Within three months of the commencement of construction, evidence of the commencement of the works specified in Condition C21 is to be provided to the Planning Secretary and updates provided on the Proponent's website. The landscaping shall be maintained by the Proponent thereafter into perpetuity.

UNEXPECTED CONTAMINATION PROCEDURE

- C23. Prior to the commencement of earthworks, the Proponent must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. Where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

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OPERATIONAL NOISE – DESIGN OF MECHANICAL PLANT AND EQUIPMENT

- C24. Prior to installation of mechanical plant and equipment:
- a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels in accordance with the Noise Policy for Industry (EPA, 2017) must be undertaken by a suitably qualified person; and
 - evidence must be submitted to the Planning Secretary that any noise mitigation recommendations identified in the assessment carried out under (a) above have been incorporated into the design to ensure the development will not exceed the relevant project noise trigger levels in accordance with the Noise Policy for Industry (EPA, 2017).

BIODIVERSITY

- C25. Prior to the commencement of vegetation clearing, the class and number of ecosystem credits in the table below at Condition C26 must be retired to offset the residual biodiversity impacts of the development. The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by:
- acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
 - making payments into an offset fund that has been developed by the NSW Government; or
 - funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.
- C26. **Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Condition C25 must be provided to the Planning Secretary prior to carrying out development that will impact on biodiversity values.**

A PCT as specified below	Number of Credits	In the below IBRA subregions
772 – Coastal foredune wattle scrub	1	Wyong, Hunter, Pittwater and Yengo. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Note: The Department supports the retirement of this credit from a location as close to the project as possible.

OPERATIONAL WASTE STORAGE AND PROCESSING

- C27. Prior to the commencement of construction of waste storage and processing areas, the Proponent must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be maintained that the design of the operational waste storage area:
- is constructed using solid non-combustible materials;
 - is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - includes a hot and cold water supply with a hose through a centralised mixing valve; and
 - is naturally ventilated or an air handling exhaust system must be in place.

SITE CONTAMINATION

- C28. Prior to the commencement of construction, the Proponent must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works in relation to disturbance of A-horizon soils (as shown at **Appendix 3**) in the south of the site that have not been subject to disturbance to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

OUT-OF-HOURS WORK PROTOCOL – WORKS NOT SUBJECT TO AN EPL

- C29. **Prior to the commencement of construction an Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of construction which is outside the hours defined in Condition D3. The Protocol must be prepared in consultation with the ER, and must provide:**
- justification for why these Construction activities need to be undertaken;**
 - identification of low and high-risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where:**

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- (i) the ER review all proposed out-of-hours activities and confirm their risk levels,
- (ii) low risk activities can be approved by the ER, and
- (iii) high risk activities that are approved by the Planning Secretary.

The risk assessment(s) must be based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2018 "Risk Management";

- (c) a process for the consideration of out-of-hours work against the relevant NML and vibration criteria;
- (d) a process for selecting and implementing mitigation measures for residual impacts in consultation with impacted sensitive receivers at each affected location. The measures must take into account the predicted noise levels (based off worst case work scenarios and where mitigation measures will be implemented) and the likely frequency and duration of the out-of-hours works that sensitive receivers would be exposed to, including the number of noise awakening events;
- (e) details of respite periods consistent with the requirements developed in consultation with impacted sensitive receivers;
- (f) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and
- (g) notification arrangements in accordance with Condition B2(f) and notification to the Planning Secretary of approved low risk out-of-hours works.

The Protocol must be submitted to and approved by the Planning Secretary before the commencement of out-of-hours work. The approved Protocol must be implemented for the duration of Construction. The Planning Secretary may revoke the Out-of-Hours Work approval subject to ongoing community complaints.

The Protocol does not apply if the requirements of Condition D4(a) or D4(b) or D4(d) are met, or if the Construction activity(ies) is subject to an EPL or if a negotiated agreement is made with the impacted sensitive receivers.

Notes:

- *If Construction is regulated by the EPA via an EPL, the management of the activity or Construction must not be co-regulated under the Protocol. The Protocol process must only be used if the Construction activity is not covered by an EPL, including in circumstances where the activity or Construction did not commence under an EPL.*
- *If the Construction activity(ies) is subject to an EPL and the EPA does not endorse extended hours as part of the EPL, the extended hours cannot be considered under this Protocol.*
- *Any Planning Secretary approval for Out-of-Hours Work may be subject to trial requirements.*
- *The intent of the protocol is to provide an assessment framework for short term intermittent activities undertaken out of hours. These activities should be consistent with those identified in the documents listed in Condition A2. Any long term out-of-hours-work not assessed in the documents listed in Condition A2 may need a future Modification approval. The use of the terms short / long term should be considered on a case by case basis and be relative to the duration of construction of the SSI.*

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PART D DURING CONSTRUCTION

SITE NOTICE

- D1. A site notice(s):
- must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder and Structural Engineer is to satisfy the following requirements;
 - minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

DEMOLITION

- D2. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C9.

CONSTRUCTION HOURS

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- between 7am and 6pm, Mondays to Fridays inclusive; and
 - between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.

VARIATION TO CONSTRUCTION HOURS

- D4. **Notwithstanding Conditions D3 and D7 D7 Construction may be undertaken outside the hours specified in the following circumstances (a, b, c or d below):**
- Safety and Emergencies, including:**
 - for the delivery of materials required by the NSW Police Force or other authority for safety reasons; or**
 - where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm.**

On becoming aware of the need for emergency work in accordance with Condition D4(a)(ii), the ER, the Planning Secretary and the EPA must be notified of the reasons for such work. Best endeavours must be used to notify all noise and/or vibration affected residents and owners/occupiers of properties identified sensitive receivers of the likely impact and duration of those Construction activity(ies).

If an activity is scheduled to take a long period to be completed, this activity should be commenced as early as possible and aim to be started and completed within the Construction hours identified in Condition D3. Poor programming should not form part of the rationale to undertake safety and emergencies under Condition D4(a)(ii). It is essential to prioritise timely completion of activities to ensure the safety and well-being of workers and anyone else who may be affected by the construction activities.

- Construction that meets the following criteria, including:**
 - Construction that causes $L_{Aeq(15 \text{ minute})}$ noise levels:**
 - no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and**
 - no more than the 'Noise affected' NMLs specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive receivers; and**
 - Construction that causes L_{AFmax} noise levels no greater than 15 dB(A) above the night period rating background level at any residence during the night period as defined in the *Interim Construction Noise Guideline* (DECC, 2009); and**
 - Construction that causes:**

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- continuous or impulsive vibration values, measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and
- intermittent vibration values measured at the most affected residence are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006).

(c) **By Approval, including:**

- (i) where different hours are permitted or required under an EPL in force in respect of the SSI; or
- (ii) Construction which is not subject to an EPL that are approved under an Out-of-Hours Work Protocol as required by Condition C29; or
- (iii) negotiated agreement with the substantial majority of affected residents and sensitive receivers for Construction which is not subject to an EPL.

Note: Refer to Appendix 4 of this approval for guidance regarding negotiated agreements.

(d) **By Activity, including:**

- (i) MicoTBM activities at site can occur 24 hours a day, seven days a week. This does not permit material deliveries associated with MicroTBM activities.
- (ii) Helicopter movements in accordance with Condition D39.
- (iii) Offshore works at the jack-up barge from 5:00am to 8:00pm seven days per week.

Note: Although certain activities identified in Condition D4(d) are permitted to occur outside the construction hours defined in Condition D3, these activities still need to be managed in accordance within the environmental management framework established within this approval.

D5. Deleted

D6. Deleted

D7. Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the noise affected NML at the same receiver must only be undertaken:

- (a) between the hours of 8:00 am to 6:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 1:00 pm Saturday; and
- (c) if continuously (any period during which there is less than one hour between ceasing and recommencing any highly noise intensive work), then not exceeding three (3) hours, with a minimum cessation of highly noise intensive work of not less than one hour.

Notes:

1. As a guide, Work should be carried out in continuous blocks that do not exceed three hours each with a minimum respite period of one hour between each block.
2. Noise affected NML is defined as $RBL + 10 \text{ dB}$ as defined in the ICNG.

IMPLEMENTATION OF MANAGEMENT PLANS

D8. The Proponent must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

CONSTRUCTION TRAFFIC

D9. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

HOARDING REQUIREMENTS

D10. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

NO OBSTRUCTION OF PUBLIC WAY

D11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

CONSTRUCTION NOISE LIMITS

D12. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be

implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

D13. Deleted.

D14. The Proponent must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

VIBRATION CRITERIA

- D15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D15.
- D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C19 of this approval.

TREE PROTECTION

- D18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development approval or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the property boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction; and
 - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

AIR QUALITY

- D19. The Proponent must take all reasonable steps to minimise dust generated during all works authorised by this approval.
- D20. During construction, the Proponent must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

IMPORTED SOIL

- D21. The Proponent must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Planning Secretary upon request.

DISPOSAL OF SEEPAGE AND STORMWATER

- D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

EMERGENCY MANAGEMENT

- D23. The Proponent must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

STORMWATER MANAGEMENT SYSTEM

- D24. Within three months of the commencement of construction, the Proponent must design an operational stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the documentation specified in Condition A2(c);
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

UNEXPECTED FINDS PROTOCOL – ABORIGINAL HERITAGE

- D25. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS. The Proponent must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

UNEXPECTED FINDS PROTOCOL – HISTORIC HERITAGE

- D26. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

WASTE STORAGE AND PROCESSING

- D27. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D28. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D29. The Proponent must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D30. The Proponent must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D31. The Proponent must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

OUTDOOR LIGHTING

- D32. The Proponent must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

SITE CONTAMINATION

- D33. The Proponent must conduct site investigations to confirm the full nature and extent of the contamination in relation to disturbance of A-horizon soils (as shown at **Appendix 3**) in the south of the site that have not been subject to disturbance, and comply with the following requirements:
- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
 - (b) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
 - (c) the recommendations of the any Remedial Action Plan and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.

CONSOLIDATED APPROVAL

D34. The Proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

INDEPENDENT ENVIRONMENTAL AUDIT

- D35. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the or commencement of an Independent Audit.
- D36. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- D37. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the Proponent of the date or timing upon which the audit must be commenced.
- D38. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Proponent must:
- (a) review and respond to each Independent Audit Report prepared under condition D36 of this approval, or condition D37 where notice is given;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- D39. Independent Audit Reports and the Proponent/proponent's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- D40. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

HELICOPTER USE

D41. Helicopter operations associated with the project (inclusive of ground engine runs, starting and taxiing and flight) can only occur from 6am to 7pm, seven days per week.

Note: This Condition does not prohibit any flights required for emergency purposes.

D42. The helicopter operator and Project must record the times and durations of all aircraft operations associated with the project and make them available for inspection when requested by the Planning Secretary.

PART E OPERATIONAL ENVIRONMENTAL MANAGEMENT

NOTIFICATION OF OCCUPATION

- E1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EXTERNAL WALLS AND CLADDING

- E2. Prior to commencement of operation, the Proponent must provide the Planning Secretary with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

WORKS AS EXECUTED PLANS

- E3. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Planning Secretary.

OUTDOOR LIGHTING

- E4. Prior to the commencement of operation, the Proponent must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

OPERATIONAL NOISE – DESIGN OF MECHANICAL PLANT AND EQUIPMENT

- E5. Prior to the commencement of operation, the Proponent must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition C24 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended operational noise levels as specified within the *Noise Policy for Industry* (2017).

FIRE SAFETY CERTIFICATION

- E6. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this approval. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

- E7. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the ER. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

POST-CONSTRUCTION DILAPIDATION REPORT

- E8. Prior to commencement of operation, the Proponent must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the ER. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

- (c) to be forwarded to Council for information.

PROTECTION OF PUBLIC INFRASTRUCTURE

E9. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:

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

Note: This condition does not apply to any damage to roads caused as a result of general road usage.

ROAD DAMAGE

E10. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Proponent.

PROTECTION OF PROPERTY

E11. Unless the Proponent and the applicable owner agree otherwise, the Proponent must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

E12. The Proponent must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C10 and to the satisfaction of the Planning Secretary.

E13. As part of the OEMP required under Condition E12 of this approval, the Proponent must include the following:

- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
- (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) Ecosystem Monitoring Program (see Condition E15);
 - (ii) Water Quality Monitoring Program (see Condition E16).

E14. The Proponent must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).'

E15. The Proponent must prepare an Ecosystem Monitoring Program that:

- (a) must be implemented prior to the commencement of commissioning to ascertain pre commissioning baseline data;
- (b) must continue for at least three years after the commencement of operation, after which time, the Proponent may establish on-going monitoring requirements commensurate of the findings to that time;
- (c) the program shall be developed in consultation with EESG and EPA and shall include, but not necessarily be limited to:
 - (i) a sampling, data collection and assessment regime to monitor ecological impacts resulting from the project, with specific reference to marine fauna, larvae, juvenile fish and invertebrates;
 - (ii) identification and establishment of ecological monitoring sites linked to both the sea water intake infrastructure and the existing ocean outfall to take into account spatial variability in species types and distribution;
 - (iii) monitor salinity and temperature at established ecological monitoring sites;
 - (iv) include baseline monitoring of ecological health during at least two seasons (summer and winter) and at least twice in each season, with monitoring locations to include representative locations around the sea water intake and representative locations predicted to be outside the near field mixing zone;

- (v) consider deployment of instrumentation necessary to gain an understanding of the ambient oceanographic conditions (e.g. spatial and temporal variation in currents and density structure (temperature and salinity), winds, waves) in an area encompassing the inlet structure and ocean outfall as well as other significant regional features, for example flows associated with the Belmont WWTW ocean outfall;
- (vi) include a mechanism for the supply of data and results from the program on request to the EESG, EPA and Planning Secretary;
- (vii) include a program for the review of results and for the implementation of corrective actions, where required. Where corrective actions are required, a copy of the report and recommendations are to be provided to the Planning Secretary for approval prior to implementation. The Proponent is to implement the corrective actions as approved by the Planning Secretary.

E16. The Proponent must prepare a Water Quality Monitoring Program that:

- (a) must include a program that must continue for at least three years that details the aims, objectives and measurable performance criteria to track the impacts of the additional brine discharge via the existing ocean outfall on the near field and far field receiving environment;
 - (i) the program must include consideration of variables in the performance optimisation of the outfall, including, but not necessarily limited to the number of ports, orientation of ports, configuration of ports, length of transfer pipeline, discharge exit velocity and depth and location of the outfall;
- (b) must achieve water quality discharge standards, in both the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC, 2000) and the EPL for the adjoining wastewater treatment works;
- (c) must detail strategies to monitor and minimise impacts upon the water quality and ecology as far as practicable;
- (d) include a program for the review of results and program for the implementation of corrective actions, where required. Where corrective actions are required, a copy of the report and recommendations are to be provided to the Planning Secretary for approval prior to implementation. The Proponent is to implement the corrective actions as approved by the Planning Secretary.

STORMWATER OPERATION AND MAINTENANCE PLAN

E17. Prior to the commencement of operation, an Stormwater Operation and Maintenance Plan (SOMP) is to be provided to the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

OPERATIONAL WASTE MANAGEMENT PLAN

E18. Prior to the commencement of operation, the Proponent must prepare a Waste Management Plan for the development and submit it to the ER. The Waste Management Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in **Appendix 2**.

SITE CONTAMINATION

E19. If, based on further site investigations undertaken in accordance with condition D33, it is determined that ongoing on-site management of soil or groundwater contamination is required, then the following requirements must be satisfied:

- (a) the Proponent must engage a NSW EPA-accredited Site Auditor to confirm the appropriateness of the site for the proposed use. The Proponent must obtain from a NSW EPA-accredited Site Auditor a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a certified consultant and submit it to the Planning Secretary, Certifier and relevant Council for information no later than one month before the commencement of operation.

- (b) the development must not be used for the purpose approved under the terms of this approval until a Site Audit Statement determines the land is suitable for that purpose and any conditions on the Site Audit Statement have been complied with.

HAZARDS AND RISK

- E20. Prior to commissioning, the Proponent shall develop and implement the plans and systems set out under the following:
- (a) Emergency Plan – a comprehensive Emergency Plan and detailed emergency procedures for the proposed development. The plan shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1 'Emergency Planning'*.
 - (b) Safety Management System – A comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The Safety Management System shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9 'Safety Management'*.

DANGEROUS GOODS

- E21. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
 - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - (c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin* (EPA, 1997).
- E22. In the event of an inconsistency between the requirements E21(a) to E21(c), the most stringent requirement must prevail to the extent of the inconsistency.

OPERATIONAL FLOOD EMERGENCY MANAGEMENT PLAN

- E23. Prior the commencement of the operation, a Flood Emergency Management Plan must be submitted to the Planning Secretary that:
- (a) is prepared by a suitably qualified and experienced person(s);
 - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
 - (c) includes details of:
 - (i) the flood emergency responses for operational phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (d) awareness training for employees and contractors, and visitors.

OUTDOOR LIGHTING

- E24. Notwithstanding condition E4, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Proponent must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

ENERGY CONSUMPTION AND GREENHOUSE GAS

- E25. The Proponent shall ensure that the desalination plant is powered by 100% renewable energy.**
Note: this approval does not permit the installation of any sources of renewable power on site.
- E26. The Proponent is to record the sources of power used at the desalination plant and make these publicly available on the Proponent's website every six months.**
- E27. The Proponent must keep records of the energy consumption of the plant and the source of the energy consumed. The Proponent must make these records available to the Planning Secretary upon request.**

APPENDIX 1 WRITTEN INCIDENT AND NOTIFICATION REQUIREMENTS

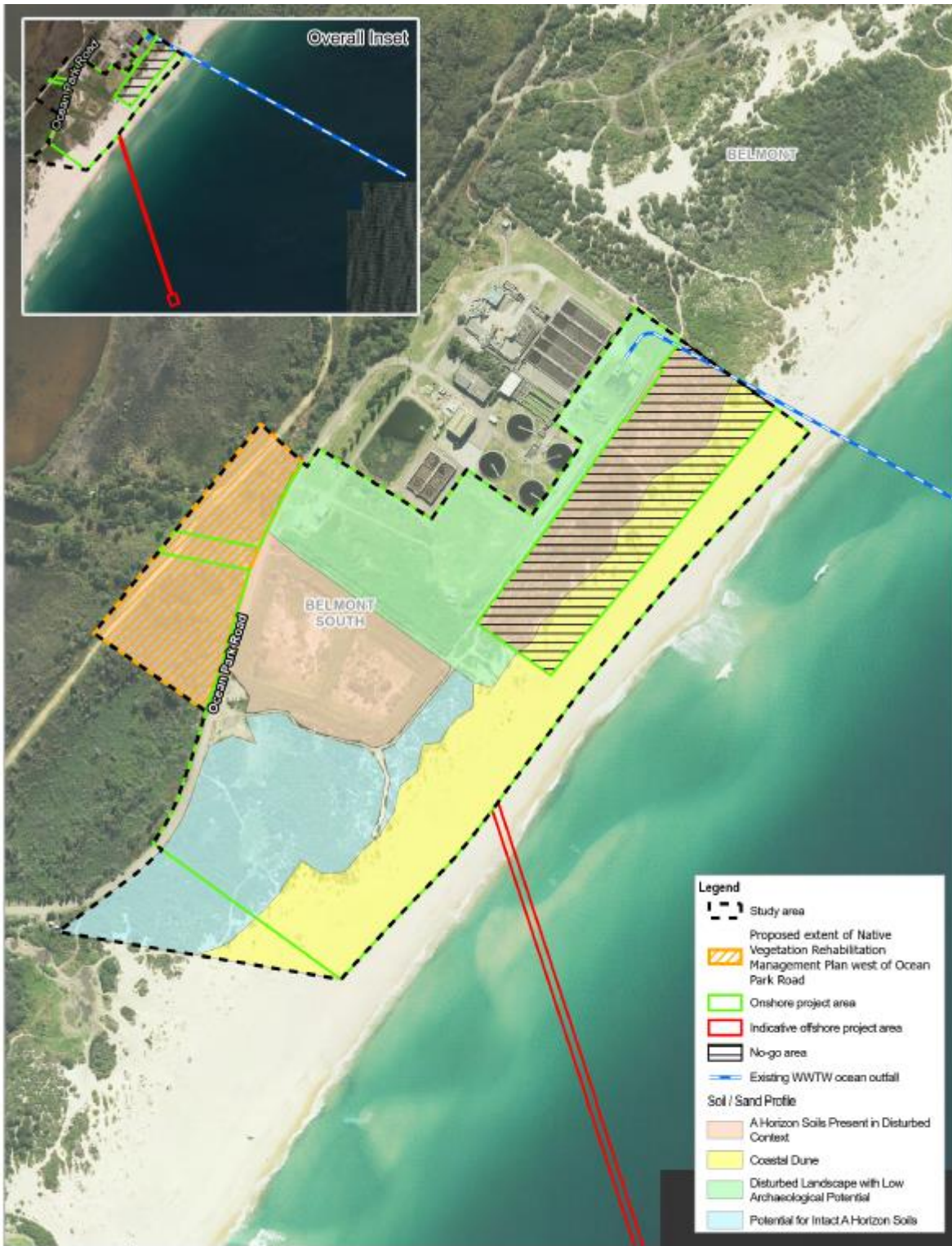
1. A written incident notification addressing the requirements set out below must be emailed to the Department via the Major Projects Website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition A25 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the Proponent became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of approval;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

APPENDIX 2 MANAGEMENT AND MITIGATION MEASURES

REFER TO TABLE B-1 OF REQUEST FOR INFORMATION #2, UNLESS MODIFIED BY CONDITIONS OF THIS APPROVAL.

FOR INFORMATION

APPENDIX 3 AREA OF IMPACT OF THE PROPOSAL
(Orange Hatched Area)



Paper Size ISO A4
0 30 60 90 120
Meters
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56



Hunter Water Corporation
Belmont Drought Response Desalination Plant

**Hunter Water Review of Draft
Conditions of Approval**

Project No. 22-19573
Revision No. 0
Date 17/03/2021

Attachment A

APPENDIX 4 COMMUNITY CONSULTATION AND AGREEMENT

The below is guidance material on how to engage and record community agreements and is based off EPA model licence conditions (E1.2 and E1.3) and EPA guidance material for EPL applications. The intent is to provide guidance on how the Proponent can engage and obtain community agreements to undertake out-of-hours-works. This guidance should be read in conjunction with Condition D4(c)(iii) (Variation to Work Hours) and Condition C29(e) (Out-of-Hours Work Protocol).

Requirements for community consultation and agreement

1. Any negotiated agreements with affected residents and sensitive receivers for out-of-hours-work must:
 - a. include consultation of impacted residents and sensitive receivers. This includes sensitive receivers that have declined to participate in previous agreements unless a community member has explicitly requested not to be involved in any future consultation about future out-of-hours-work;
 - b. include the following information:
 - i. description and justification of the Construction activity(ies) proposed;
 - ii. any expected impacts in clear plain English based on noise modelling;
 - iii. the expected duration of the Construction activity(ies);
 - iv. respite periods;
 - v. any expected benefits for receivers;
 - vi. any other known concurrent out-of-hours-work that will be occurring; and
 - vii. any other out-of-hours-work that will be occurring on the nights preceding and following the proposed works or, if the proposed work precedes or follows a weekend period, any other out-of-hours-work that will be occurring on the weekend;
 - c. request consent from the residents and sensitive receivers for their responses to be provided to the Planning Secretary and ER;
 - d. ensure that a record is kept when contact cannot be made with residents and sensitive receivers after three attempts, including leaving "sorry I missed you" cards explaining the reason for the visit and requesting a return phone call; and
 - e. for longer term community agreements (those predicted to go on longer than 28 calendar days), re-engage the impacted community to ensure consent is maintained and continuing.

Detailed records of all community consultations, including attempts to contact impacted residents and sensitive receivers, must be maintained for the duration of Construction by the Proponent.

Any residents and sensitive receivers who requests a copy of the record of conversations must be supplied with one.

2. The outcomes of the community consultation and agreement process must be documented and include:
 - a. the script used during the community consultation;
 - b. community response and consent rates (including where no contact could be made) based on:
 - i. impacted sensitive receivers;
 - ii. location of the proposed construction activity(ies) to the sensitive receivers;
 - iii. duration and potential impacts to be experienced; and
 - iv. proposed mitigation and management measures to be implemented.