

Project Approval

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

I, the Minister for Planning approve the project referred to in Schedule 1, subject to the conditions set out in Schedules 2 to 5.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the project.



The Hon Kristina Keneally MP
Minister for Planning

Sydney

4 March

2009

SCHEDULE 1

Project Application:	05_0174
Proponent:	Mr Trevor Dent
Approval Authority:	Minister for Planning
Land:	Oyster Lease 80-178; the bed of the Wallamba Broadwater (part); Part Lots 59, 101, 123, 124 & 125 DP 753207; Part Lot 196 DP 1102427 & Part Lot 12 DP 816473.
Project:	Maintenance Dredging of Oyster Lease 80-178, Wallis Lake

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DEFINITIONS

AEMR	Annual Environmental Management Report
Council	Great Lakes Council
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
DPI	Department of Primary Industries
DWE	Department of Water and Energy
EA	Environmental Assessment for the project titled <i>Environmental Assessment - Oyster Lease Dredging Lease #80-178, Wallis Lake Volumes 1 and 2</i> , dated October 2006 and prepared by Geolyse Pty Ltd, including the response to submissions and preferred project report
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 <i>Protection of the Environment Operations Act 1997 (POEO Act)</i>
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Lease	Oyster Lease 80-178
Minister	Minister for Planning, or delegate
Preferred Project Report	The Proponent's preferred project report, dated August 2008 and prepared by Orogen Pty Ltd
Project	The development as described in the EA
Proponent	Mr Trevor Dent or any other person or persons who rely on this approval to carry out the project that is subject to this approval
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Response to Submissions	The Proponent's response to issues raised in submissions, as detailed in the preferred project report
SEPP 14	<i>State Environmental Planning Policy No 14 – Coastal Wetlands</i>
Site	Land to which the project approval applies (as listed in schedule 1 and shown in Appendix 1)
Statement of Commitments	The Proponent's commitments in Appendix 4

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) preferred project report;
 - (c) statement of commitments; and
 - (d) conditions of this approval.

Notes:

- *The general layout of the project is shown in Appendix 1, Appendix 2 and Appendix 3.*
- *The statement of commitments is included in Appendix 4.*

3. If there is any inconsistency between the above documents, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.

Limits on Approval

5. The Proponent shall not dredge the lease other than in accordance with the dredging plan shown in Appendix 2.
6. The Proponent shall not undertake any stockpiling, or otherwise disturb as part of the project (apart from minor disturbance associated with construction and maintenance activities), the areas marked 'stockpiling/disturbance prohibited' on the figure in Appendix 3.
7. The Proponent shall not remove more than 150,000 m³ of dredged material from the lease.
8. The Proponent shall limit laden truck movements from the stockpile and processing area to no more than 12 per day, Monday to Saturday.

Hours of Operation

9. The project shall only operate:
 - (a) between 7.00am and 5.00pm Monday to Friday;
 - (b) between 8.00am and 1.00pm on Saturdays; and
 - (c) at no time on Sundays or Public Holidays,without written approval from the Director General.

Operation of Plant and Equipment

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

Structural Adequacy

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

Notes:

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

Demolition

12. The Proponent shall ensure that all demolition work is carried out in accordance with *AS 2601-2001: The Demolition of Structures*, or its latest version.

Protection of Public Infrastructure

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

SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

ECOLOGY

Minimisation of Impacts

1. The Proponent shall ensure that the project is carried out in a manner that minimises potential for impacts on aquatic ecology (including seagrasses), SEPP 14 wetlands and terrestrial ecology.

Clearing

2. The Proponent shall not clear, lop or otherwise disturb any tree, except:
 - (a) in the footprint of Pond 1 and Pond 2, as shown on the figure in Appendix 3; or
 - (b) where the Proponent has obtained an approval from Council in accordance with its Tree Preservation Order.

Note: For the purpose of this condition:

- *lopping is the reduction of, or the pollarding (trimming branch spread) of a tree by more than 10%;*
- *a tree is defined as vegetation:*
 - *that exceeds a height of 3 metres above ground, or in the case of cabbage palm trees that exceed 0.5 metres in height as measured from the top to the base of the tree; or*
 - *with a circumference exceeding 0.3 metres at 1 metre above the ground; or*
 - *identified as a species of mangroves, which are protected regardless of their size.*

Ecological Monitoring Program

3. The Proponent shall prepare and implement an Ecological Monitoring Program for the project to the satisfaction of the Director-General. This plan must:
 - (a) be prepared in consultation with DPI and be submitted to the Director-General for approval prior to undertaking any development on the site;
 - (b) include a protocol for monitoring and evaluating the impact of the project on:
 - seagrasses;
 - threatened and protected species (including Hairy Pipefish);
 - mangroves;
 - SEPP 14 wetlands; and
 - terrestrial ecology; and
 - (c) include a protocol for the investigation, notification and mitigation of any identified impacts.

SOIL AND WATER

Discharges

4. The Proponent shall:
 - (a) not discharge any water from the project or ancillary operational areas, except as may be expressly provided for by an EPL;
 - (b) not use saline water for dust suppression, or for any other use outside the ponds, on the stockpile and processing site.

Batter Stability

5. Prior to undertaking any dredging operations, the Proponent shall undertake a dredge area batter slope geotechnical assessment in consultation with DWE and to the satisfaction of the Director General. The assessment shall:
 - (a) determine the nature of the batter material, its cohesive ability and stability under tidal and storm influence; and
 - (b) describe measures required to ensure the batters remain self supporting, particularly adjacent to Oaky Island.

Pond Lining and Pipeline Integrity

6. Prior to undertaking any dredging operations, the Proponent shall provide certification from a suitably qualified engineering expert, whose appointment has been approved by the Director-General, demonstrating that:
 - (a) Pond 1 and Pond 2 have been designed and constructed to achieve an in-situ coefficient of permeability of at least 1×10^{-9} m/s; and
 - (b) the dredge and return water pipelines have been designed and constructed using best practice techniques in a manner that will ensure the risk of pipeline leakage or rupture is minimal,to the satisfaction of the Director-General.

Soil and Water Management

7. The Proponent shall prepare and implement a Soil and Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - (a) be prepared in consultation with DWE and DECC, and be submitted to the Director-General for approval prior to undertaking any development on the site; and
 - (b) include:
 - an Erosion and Sediment Control Plan;
 - a Surface Water Monitoring Program;
 - a Groundwater Monitoring Program; and
 - an Acid Sulfate Soil Management Plan.
8. The Erosion and Sediment Control Plan must:
 - (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004* (Landcom);
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) describe what process would be implemented to maintain these structures over time.
9. The Surface Water Monitoring Program must include:
 - (a) baseline data on surface water quality in Wallis Lake;
 - (b) surface water impact assessment criteria;
 - (c) measures to be implemented to prevent and/or minimise impact on surface water quality;
 - (d) a program to monitor surface water quality;
 - (e) a program to monitor bank and bed stability in Wallis Lake and Wallamba Broadwater;
 - (f) a program for the regular (at least monthly) monitoring of the integrity of the dredge and return water pipelines;
 - (g) a protocol for the investigation, notification and mitigation of identified exceedances of the surface water impact assessment criteria; and
 - (h) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.
10. The Groundwater Monitoring Program must include:
 - (a) baseline data on groundwater levels and quality in the vicinity of the ponds;
 - (b) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
 - (c) a program to monitor groundwater levels and quality; and
 - (d) a protocol for the investigation, notification and mitigation of identified exceedances of the groundwater impact assessment criteria.
11. The Acid Sulfate Soil Management Plan must:
 - (a) be consistent with the *NSW Acid Sulphate Soil Advisory Committee's Acid Sulfate Soil Manual*; and
 - (b) define procedures for managing the potential acid sulfate soils on the site, including sample testing and procedures.

NOISE

Impact Assessment Criteria

12. The Proponent shall ensure that the noise generated by the project at any privately-owned residence does not exceed the noise impact assessment criteria specified in Table 1 for the residential location nearest to that residence.

Residential Location	<i>L</i>_{Aeq (15 min)} dB(A)
B – Erica Place	43
C – Taree Street (western end)	48
D – Taree Street (near park)	48
E – Sunset Place (Wallis Lake end)	48
F – Rest Point Drive (Wallis Lake end)	43
G – Tuncurry Lakes Resort	43

Table 1: Noise Impact Assessment Criteria

However, if the Proponent has a written negotiated noise agreement with any landowner and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits in Table 1 at that landowner's residence in accordance with the negotiated noise agreement.

Notes:

- Noise from the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy
- The residential locations listed in Table 1 are as assessed in Appendix A to the EA 'Noise Impact Assessment Wallis Lake Dredging Project'.

Continuous Improvement

13. The Proponent shall:
- implement all reasonable and feasible best practice noise mitigation measures;
 - investigate ways to reduce the noise generated by the project; and
 - report on these investigations and the implementation and effectiveness of these measures in the AEMR,
- to the satisfaction of the Director-General.

Noise Monitoring Program

14. The Proponent shall prepare and implement a Noise Monitoring Program for the dredging component of the project to the satisfaction of the Director-General. This program must:
- be submitted to the Director-General for approval prior to undertaking any dredging operations; and
 - include details of how the noise performance of the dredging component of the project would be monitored, and include a noise monitoring protocol for evaluating compliance with the relevant noise limits in this approval.

AIR QUALITY

Impact Assessment Criteria

15. The Proponent shall ensure that dust generated by the project does not cause additional exceedances of the criteria listed in Table 2 at any privately-owned land.

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Table 2: Long Term Impact Assessment Criteria for Deposited Dust

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Operating Conditions

16. Trucks entering and leaving the premises that are carrying loads of sand or dust-generating materials must have their loads covered at all times, except during loading and unloading.

REHABILITATION MANAGEMENT

Rehabilitation Strategy

17. The Proponent shall prepare and implement a Rehabilitation Strategy to the satisfaction of the Director-General. This plan must:
 - (a) be prepared in consultation with DPI and DECC, and be submitted to the Director-General for approval prior to undertaking any dredging operations;
 - (b) set completion criteria and timing for the rehabilitation of the site;
 - (c) describe the short, medium, and long-term measures that would be implemented to rehabilitate the site, including the:
 - dredge area;
 - dredge pipeline route; and
 - stockpiling and processing site, including providing for the rehabilitation of the site to pre-existing levels; and
 - (d) describe how the performance of these measures would be monitored over time.

Note: The strategy must provide for the prompt rehabilitation of the site (including the dredge area, pipeline route and stockpiling and processing site) following the completion of the dredging operations.

Rehabilitation Bond

18. The Proponent shall lodge a rehabilitation bond for the project with DPI to ensure the Rehabilitation Strategy is implemented. The sum of the bond shall be calculated at \$30,000 for every hectare of seagrass impacted by the project. The Proponent shall provide evidence to the Department of payment of the bond prior to the commencement of dredging operations.

Notes:

- *If the rehabilitation strategy is implemented to the satisfaction of the Director-General and DPI, the DPI will release the rehabilitation bond.*
- *If the rehabilitation strategy is not implemented to the satisfaction of the Director-General and DPI, the DPI will call in all or part of the bond, and arrange for the satisfactory implementation of the relevant works.*

TRAFFIC

19. Prior to transport of extractive materials from the stockpile and processing area, the Proponent shall ensure access from Grey Gum Road to the stockpile and processing area is sealed to the satisfaction of Council.

VISUAL IMPACT

Visual Amenity

20. The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.

Lighting Emissions

21. The Proponent shall:
- (a) take all practicable measures to minimise off-site lighting impacts from the project; and
 - (b) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting* to the satisfaction of the Director-General.

WASTE MANAGEMENT

Waste Minimisation

22. The Proponent shall minimise waste generated by the project to the satisfaction of the Director-General.

EMERGENCY AND HAZARDS MANAGEMENT

Dangerous Goods

23. The Proponent shall ensure that the storage, handling, and transport of dangerous goods and hazardous materials are conducted in accordance with the relevant *Australian Standards*, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

Safety

24. The Proponent shall secure the project to ensure public safety to the satisfaction of the Director-General.

Bushfire Management

25. The Proponent shall:
- (a) ensure that the project is suitably equipped to respond to any fires on-site; and
 - (b) assist the Rural Fire Service and emergency services if there is a fire on-site.

PRODUCTION DATA

26. The Proponent shall:
- (a) provide annual production data to the DPI using the standard form for that purpose; and
 - (b) include a copy of this data in the AEMR.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in Schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, then the Proponent shall notify the Director-General and the affected landowners and existing tenants accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria.

INDEPENDENT REVIEW

2. If a landowner considers that the project operations are exceeding the impact assessment criteria in Schedule 3, then he/she may ask the Proponent in writing for an independent review of the impacts of the project on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to determine whether the project is complying with the relevant criteria in Schedule 3, and identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and
 - (c) give the Director-General and landowner a copy of the independent review.
3. If the independent review determines that the project operations are complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.
 4. If the independent review determines that the project operations are not complying with the relevant criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:
 - (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and
 - (b) conduct further monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in schedule 3to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the project operations are complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.

If the Proponent is unable to finalise an agreement with the landowner, then the Proponent or landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 5).

5. If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 5).

SCHEDULE 5 ENVIRONMENTAL MANAGEMENT AND MONITORING CONDITIONS

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
 - (a) be prepared in consultation with the relevant agencies, and be submitted to the Director-General for approval prior to undertaking any dredging operations;
 - (b) provide the strategic context for environmental management of the project;
 - (c) identify the statutory requirements that apply to the project;
 - (d) describe in general how the environmental performance of the project would be monitored and managed;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the life of the project;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to emergencies, including flood-related emergencies; and
 - (f) describe the role, responsibility, authority, and accountability of the key personnel involved in the environmental management of the project.

ENVIRONMENTAL MONITORING PROGRAM

2. The Proponent shall prepare an Environmental Monitoring Program for the project to the satisfaction of the Director-General. This program must be submitted to the Director-General within 6 months of the date of this approval, and consolidate the various monitoring requirements in Schedule 3 of this approval into a single document.

INCIDENT REPORTING

3. Within 24 hours of detecting the occurrence of an incident that causes (or may cause) material harm to the environment, the Proponent shall notify the Department and other relevant agencies of the incident.
4. Within 21 days of notifying the Department and other relevant agencies of such an incident, the Proponent shall provide the Department and these agencies with a written report that:
 - (a) describes the date, time, and nature of the incident;
 - (b) identifies the cause (or likely cause) of the incident;
 - (c) describes what action has been taken to date; and
 - (d) describes the proposed measures to address the incident.

ANNUAL REPORTING

5. Within 12 months of the date of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and relevant agencies. This report must:
 - (a) identify the standards and performance measures that apply to the project;
 - (b) describe the works carried out in the last 12 months;
 - (c) describe the works that will be carried out in the next 12 months;
 - (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (e) include a summary of the monitoring results for the project during the past year;
 - (f) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and
 - predictions in the EA;
 - (g) identify any trends in the monitoring results over the life of the project;
 - (h) identify any exceedance or non-compliance during the previous year; and
 - (i) describe what actions were, or are being, taken to ensure compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 2 years of the commencement of dredging operations, and thereafter as directed by the Director-General, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements in this approval and any associated EPL (including any strategy, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate; and
 - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor and include an expert in the field of aquatic and terrestrial ecology.

7. Within 1 month of completion of each Independent Environmental Audit, the Proponent shall submit a copy of the audit report to the Director-General and relevant agencies, with a response to any of the recommendations in the audit report.
8. Following each Independent Environmental Audit, the Proponent shall review and if necessary revise each of the environmental management and monitoring strategies/plans/programs in Schedules 3 and 5, to the satisfaction of the Director-General. The revised strategies/plans/programs shall be submitted to the Director-General within 3 months of completing the audit.

ACCESS TO INFORMATION

9. Within 3 months of the approval of any strategy/plan/ program required under this approval (or any subsequent revision of these strategies/plans/ programs), or the completion of the audits or AEMRs required under this approval, the Proponent shall:
 - (a) provide a copy of the relevant document/s to the relevant agencies and to members of the public upon request; and
 - (b) ensure that a copy of the relevant document/s is made publicly available on its website and/or at the site.
10. During the project, the Proponent shall:
 - (a) make a summary of monitoring results required under this approval publicly available on its website and/or at the site; and
 - (b) update these results on a regular basis.

APPENDIX 1 PROJECT SITE AND LAYOUT

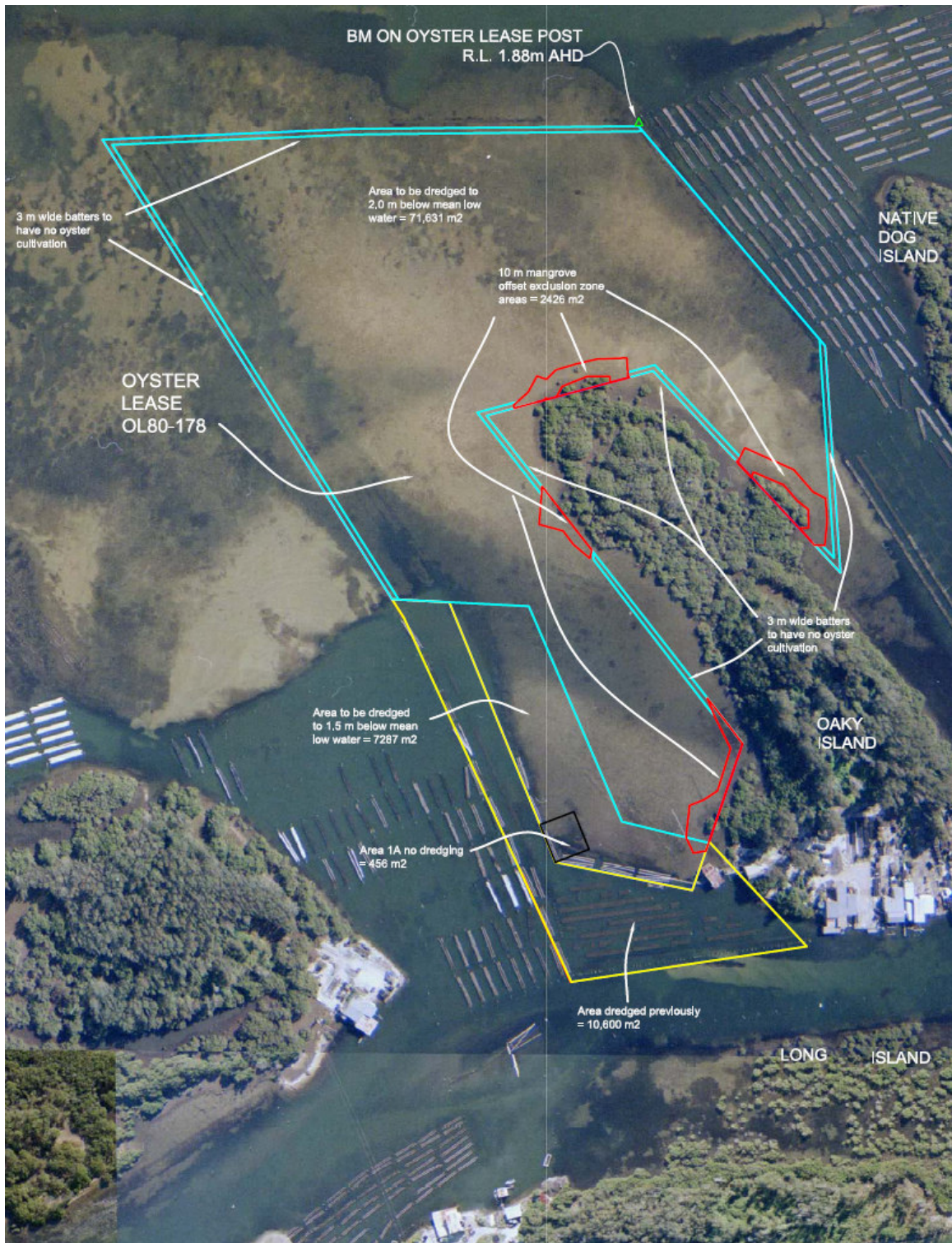


Map Not to Scale 

LEGEND

 SEPP 14 Wetland # 590 Boundary	 Oyster Lease	 Settling Pond 1
 Dredge Pipeline Route	 Booster Pump	 Settling Pond 2
 Return Waters Pipeline Route	 Transfer Pipeline	 Stockpile Site Boundary
 Stockpile Site		

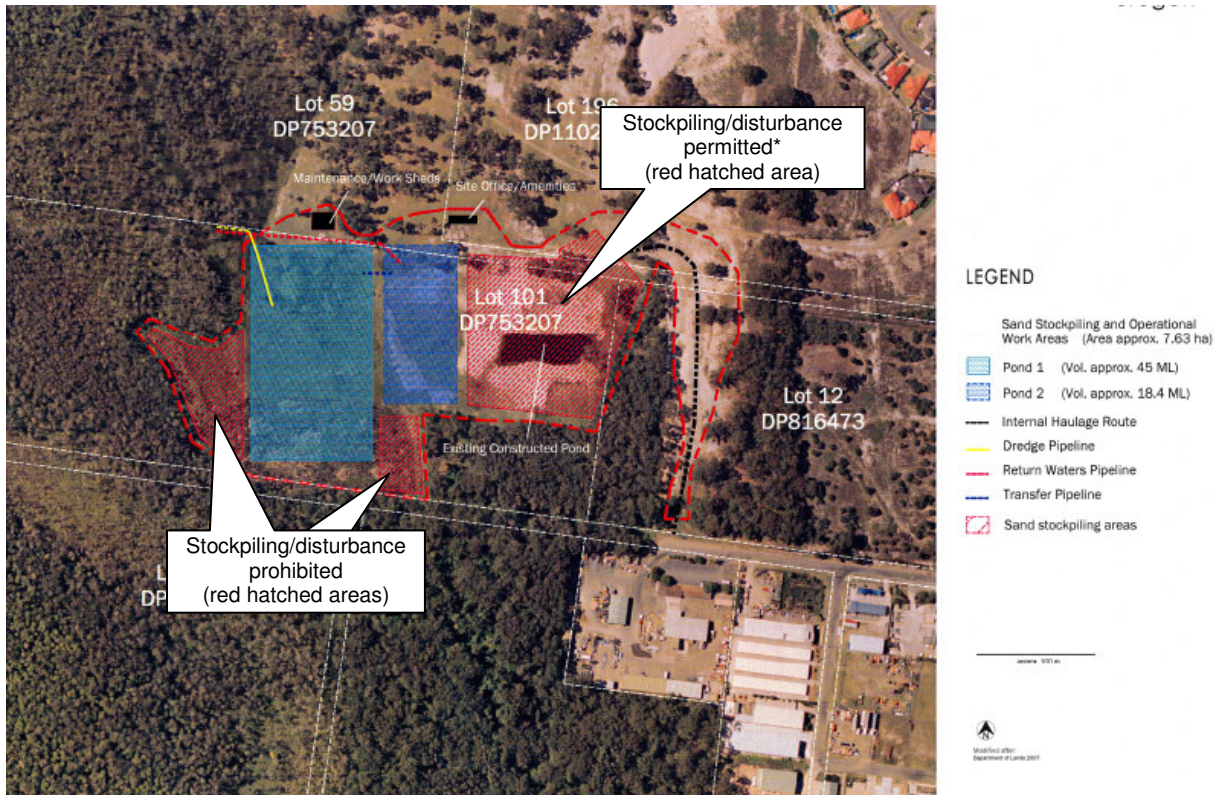
APPENDIX 2 DREDGING PLAN



100 metres



APPENDIX 3 STOCKPILING AND PROCESSING SITE LAYOUT



* Subject to restriction on clearing in condition 2 of schedule 3

APPENDIX 4 STATEMENT OF COMMITMENTS

Table 4.1 - Statement of Commitments

Issue	Commitment
Hydrodynamics and sediment transport	<ul style="list-style-type: none"> Entire dredge area to be marked (buoys) to ensure dredge is kept within confines of lease area. Maximum dredge depth of 2.0 m below mean low water in this area of the lease. Area of reduced depth (1.5 m) dredging to be marked (buoys). Maximum dredge depth of 1.5 m below mean low water in this area of the lease. Hydro-survey on completion of dredging to confirm dredge extents and volume calculation for royalty payment to Department of Lands.
Flooding	<ul style="list-style-type: none"> An emergency management plan would be prepared that details warning and emergency procedures for personnel and plant. This plan would form part of the EMS for the project. Threats from flooding would be monitored by daily weather checks and warnings from the Bureau of Meteorology. During flood events where the water level increases to a height greater than 150 mm above normal high tide slack water, the dredging would be suspended until such time as water receded to a depth suitable for operations.
Water Quality Management (Wallamba River)	<ul style="list-style-type: none"> Dredge log to be kept detailing observations of turbidity in and around dredge head. Dredging to cease upon turbidity being observed and investigations and remedial actions taken if necessary to prevent further leakages/turbidity events. Proposed that discharge waters to be released only when pH is between 6.5 – 8.5 and turbidity is < 30 NTU. Pipeline to be monitored daily and joints checked for wear and potential leaks. Dredging to cease if leaks detected and not re-commence until leaks rectified. All fittings would be banded on the refuelling barge so that any spills would be isolated and prevented from entering the estuary. All refuelling barges/vehicles will be fitted with EPA-approved spill kits.
Water Quality Management (Stockpile Site)	<ul style="list-style-type: none"> Measurements of pH and turbidity in discharge pond to be recorded prior to release of waters.

Table 4.1 - Statement of Commitments

Issue	Commitment
	<ul style="list-style-type: none"> • Daily inspections of the dredge pipe and return waters pipe by personnel to identify signs of potential breakage. • Lime will be kept on site for the management of return waters. Management of potential acid sulfate soils during the dredging process will be based on ensuring that pH of return waters meets appropriate criteria set in the Conditions of Consent prior to discharge to the Wallamba River. • Appropriately sized silt mesh fencing to be placed around the base of all sand stockpiles to prevent the potential for offsite export of fine fraction material during heavy rainfall events. • Appropriately sized silt mesh fencing to be placed around the base of all fine fraction (extracted from Pond 2) stockpiles to prevent the potential for offsite export of fine fraction material during heavy rainfall events.
Air Quality	<ul style="list-style-type: none"> • Vegetation removal undertaken either during damp conditions or when the winds are not from the southwest. • Cover all loads leaving the site to prevent wind blowing dust from trucks during transit. • Stockpiles to be kept in a moist condition to minimise wind blown and traffic generated dust. • All roads and trafficked areas to be watered to minimise dust generation. • Proposed maximum limit of 24 two way daily traffic movements from the stockpile site.
Aquatic Ecology	<ul style="list-style-type: none"> • 10 m exclusion zone around mangroves on Oaky Island to be marked (buoys). No dredging to occur in this area. • Area 1A as defined in Figure 3.2 to be marked (buoys). No dredging to occur in this area. • Prior to dredging all other seagrass areas to be dredged will be searched for presence of Hairy Pipefish. If found, pipefish will be relocated. • Regeneration of seagrass to be monitored as specified in EMS.
Terrestrial Ecology	<ul style="list-style-type: none"> • Pipeline route to be inspected quarterly to ensure no impacts on surrounding vegetation communities and reported in an annual report for the project. • Pre clearing surveys. • Clearing supervision. • Pipe to be elevated in Wallum Froglet and Eastern Chestnut Mouse habitat.
Noise	<ul style="list-style-type: none"> • Noise from the dredge will be attenuated so that the sound power level is limited to 97 dB(A).

Table 4.1 - Statement of Commitments

Issue	Commitment
	<ul style="list-style-type: none"> • Three-sided, 3 m high noise walls be erected around the return waters pump and the booster pump (shown in the noise map) to reduce noise levels to the appropriate environmental noise goal. • Noise walls to be erected prior to commissioning of pumps. • Plant and equipment will be maintained in good working order to reduce noise emissions. • Dredge and stockpile operations to be restricted to proposed operating hours. Booster Pump 3 will be soundproofed with a barrier to direct noise away from Lakeside Village.
Landuse	<ul style="list-style-type: none"> • Dredging will not occur should it be determined that poor water quality is having an impact on adjacent oyster harvesting areas, based on data collected during routine water quality and meat quality testing undertaken during September. • The pipeline route would be flagged to notify all boat traffic of the presence of the pipeline.
Indigenous Cultural Heritage	<ul style="list-style-type: none"> • Should any items of indigenous cultural heritage be uncovered during the project, work in the area would cease immediately and the area cordoned off. A representative of the Forster LALC and a NPWS representative would be contacted to provide advice regarding appropriate action.
Traffic/Transportation/Road Use	<ul style="list-style-type: none"> • Upper limit of 24 two way daily traffic movements from the site. • No truck haulage outside of normal working hours. • Avoid compression braking in proximity of residences. • Cover loads, ensure all tailgates are secured to eliminate rattling noises. • Site access to Grey Gum Road to be sealed.
Monitoring	<ul style="list-style-type: none"> • Environmental Management Strategy prepared incorporating details of all proposed safeguards and mitigation measures. • Twelve monthly Audit Report or AEMR to Department of Planning reviewing all facets of the operation.

Note: Any reference to Figure 3.2 in the above Statement of Commitments is a reference to the Dredging Plan provided in Appendix 2 of this Approval.

**APPENDIX 5
INDEPENDENT DISPUTE RESOLUTION PROCESS**

