

Project Approval

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

I, the Minister for Planning, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979* ("the Act") determine the project referred to in Schedule 1 by granting approval subject to the conditions set out in Schedule 2.

These conditions are required to:

- a) prevent, minimise, and/or offset adverse environmental impacts associated with the project;
- b) set standards and performance measures for acceptable environmental performance of the project;
- c) provide for regular monitoring and reporting on the project; and
- d) provide for the ongoing environmental management of the project.

SIGNED

S75W mod (05_0193 MOD 1) approved by Minister on 23 May 2007

S75W mod (05_0193 MOD 2) approved under delegation by Deputy Director General
Development Assessments and Systems Performance on 7 July 2011

S75 mod (05_0193 MOD 3) approved under delegation by A/Director, Infrastructure Projects on 9
January 2013

Frank Sartor MP
Minister for Planning

Sydney,

2006

File No. N98/00140

SCHEDULE 1

Major Project No:	05_0193
Proponent:	Minister for Natural Resources
Approval Authority:	Minister for Planning
Land:	See Appendix 1
Project:	Hexham Swamp Rehabilitation Project
Major Project:	The proposal is classified as a Major Project under section 75B(2)(b) of the <i>Environmental Planning and Assessment Act 1979</i>

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SCHEDULE 2

In this approval, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act 1979</i>
AEMR	Annual Environmental Management Report
Ancillary Facility	temporary construction facility, for example, an office and amenities compound, batch plant (concrete or bitumen), materials storage compound
construction	includes all work in respect of the Project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing site compounds (in locations meeting the criteria of the conditions), or other activities determined by the Director-General to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc.)
Council	Newcastle City Council
Committee	the Committee as described in condition 46
DEC	NSW Department of Environment and Conservation (incorporating the Environment Protection Authority and National Parks and Wildlife Service)
Department	NSW Department of Planning
Director-General	Director-General of the NSW Department of Planning, or delegate
dust	any solid material that may become suspended in air
EA	Environmental Assessment for the Hexham Swamp Rehabilitation Project prepared by WBM Oceanics Australia, as described in the documents listed under condition 1 (a) of this approval
EMR	Environmental Management Report
Minister	NSW Minister for Planning, or delegate
operation	any activity that results in the manipulation, or intended manipulation, by opening or closing, of one or more floodgates at the mouth of Ironbark Creek.
project	the project to which this approval applies, the scope of which is described in the documents listed under condition 1 of this approval
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RTA	NSW Roads and Traffic Authority
Proponent	NSW Minister for Natural Resources
publicly available	available for public inspection by a member of the general public for example, by publishing on an internet site or at a display centre
site	the land to which this approval applies
utility	any infrastructure or service associated with water supply, sewerage, electricity supply, telecommunications or gas supply

GENERAL

Scope of Project

1. The Proponent must carry out the project generally in accordance with:
 - (a) the Environmental Assessment (EA) for the project comprising:
 - (i) Environmental Assessment Supplement Hexham Swamp Rehabilitation Project, prepared by WBM Oceanics Australia and dated April 2006;
 - (ii) Environmental Assessment Supplement Hexham Swamp Rehabilitation Project; Volumes 1 and 2, prepared by WBM Oceanics Australia and dated August 2005 – but only to the extent that the EA in relation to Requirements refer or relate to matters other than the Wallsair Land or Wallsair Pty Ltd;
 - (b) the Submissions Report prepared by the ~~Central~~ Hunter Central Rivers Catchment Management Authority and dated 24 August 2006 but only to the extent that the Submissions Report in relation to Requirements refer or relate to matters other than the Wallsair Land or Wallsair Pty Ltd;
 - (c) the e-mail to the Department dated 18 October 2006 and letter to the Department dated 1 November 2006 from Hunter Central Rivers Catchment Management Authority in relation to altering the timing of mitigative works, but only to the extent that the e-mail and letter (including the attachments thereto) in relation to Requirements refer or relate to matters other than the Wallsair Land or Wallsair Pty Ltd; and
 - (d) the modification request submitted to the Department on 27 March 2007 by the Proponent, and accompanied by a letter from WBM to the Proponent, dated 14 March 2007;
 - (e) the modification request submitted to the Department on 9 May 2011 by the Proponent;
 - (f) the modification request submitted to the Department on 22 August 2012 by the Proponent; and
 - (g) the conditions of this approval but only to the extent that the conditions in relation to Requirements refer or relate to matters other than the Wallsair Land or Wallsair Pty Ltd.
- 1A In condition 1:
 - (a) "Requirements" means any matter to be performed or undertaken by the Proponent or for which the Proponent is responsible;
 - (b) "Wallsair Land" means the land at 59 Creek Road, Maryland being Lot 102 DP 606506 including the Wallsair airstrip and any other part or parts of that land.
2. In the event of an inconsistency between:
 - (h) the conditions of this approval and the documents listed under 1 (a) to 1 (e), the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (i) any document listed under condition 1 (a) to 1 (e), the most recent document shall prevail to the extent of the inconsistency.

Staging of Works

3. Prior to the commencement of operation of each stage of the project (that is, the staged opening of the floodgates as generally described in section 2.4 of the document listed under condition 1 (a) (ii)), the Proponent must submit for the approval of the Director-General, a report concerning the performance and compliance of the previous stage(s) and in particular, whether the changes to the site and its surrounds are occurring as predicted in the EA and monitoring programme (refer condition 40). Each report must address, but not necessarily be limited to:
 - (a) an assessment of the project's performance and compliance with the conditions of this approval, having regard to the reporting requirements of the Annual Environmental Management Report(s) (refer to condition 56 of this approval);

- (b) details of the project's consistency with the objectives of the Kooragang Nature Reserve and Hexham Swamp Nature Reserve Plan of Management and any estuary management plan for the Hunter River;
- (c) an assessment of the implementation and compliance with the environmental management plans required under this approval;
- (d) an assessment of the project's compliance with all other relevant licences, permits or approvals; and
- (e) results of consultation with the Committee established under condition 46 in relation to the matters listed under parts (a) to (d), inclusive.

The Director-General may require the Proponent to address certain matters in relation to the environmental performance of the project in response to the review of the report and any comments received from relevant government agencies. Any action required to be undertaken must be completed within such period as the Director-General may agree.

The Proponent must not commence operation of the relevant stage of the project until it has received the Director-General's written approval of the report and/ or any remedial action measures taken (or to be taken).

Provision of Documents

- 4. Where practicable, the Proponent must provide all documents and reports required to be submitted to the Director-General under this approval in an appropriate electronic format. Provision of documents and reports to other parties, as required under this approval, must be in a format acceptable to those parties and must aim to minimise resource consumption.
- 5. Nothing in this approval prevents the Proponent from combining reporting requirements under this approval with identical or similar reporting requirements for submission to another relevant party. Reporting requirements must only be combined with the prior agreement of the Director-General of the Department of Planning and the Director-General (or equivalent) of the other relevant party.

COMPLIANCE

- 6. The Proponent is responsible for the works the subject of this approval and the environmental impacts that result from those works.
- 7. The Proponent must put in place an environmental management system governing the conduct of all persons on the site, including contractors, subcontractors and visitors.
- 8. At least two weeks prior to the commencement of each of construction and operation of the project, or within such period otherwise agreed by the Director-General, the Proponent must submit a report certifying, to the satisfaction of the Director-General, that it has complied with all applicable conditions of this approval prior to that event and must include the following:
 - (a) details of how the conditions of approval required to be addressed before construction or operation were complied with;
 - (b) the time when each relevant condition of approval was complied with, including dates of submission of any required reports and/or approval dates; and
 - (c) details of any approvals or licences required to be issued by a government agency before construction or operation commences.

Where either construction or operation is to be undertaken in stages, the Proponent may, subject to the agreement of the Director-General, stage the submission of certification consistent with the staging of activities relating to that event.

9. Notwithstanding condition 8 of this approval, the Director-General may require an update report on compliance with all, or any part, of the conditions of this approval. Any such update must meet the requirements of the Director-General and be submitted within such period as the Director-General may require.
10. The Proponent must meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this approval, and general consistency with the documents listed under condition 1 of this approval. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this approval, within such time as the Director-General may require.

ENVIRONMENTAL PERFORMANCE

Water Quality

Flood Impacts

11. Prior to the commencement of operation of the project, the Proponent must establish and implement a programme outlining the care, control and maintenance procedures for the floodgates at Ironbark Creek and the roles and responsibilities of relevant parties in relation to this. The programme must be prepared having regard to the requirements of the Department of Natural Resources *Lower Hunter River Flood Procedures Manual* (2000), or its latest edition. A copy of the programme is to be provided to the Director-General and made publicly available.
12. The project must not result in a significant change to the direction, velocity, volume or flow of floodwaters over that which existed immediately prior to the commencement of construction of the project to ensure that the risk of flooding to urban areas is not increased.

Tidal Inundation Impacts

13. Prior to the commencement of operation of the project, the Proponent must undertake the following works in order to mitigate the effects of saline intrusion on private property:
 - (a) construction of the Marsden Street bund as described in section 2.5.1 of the document listed under condition 1 (a) (ii);
 - (b) installation of one-way tidal flapgates at Ironbark Creek, Dark Creek and The Wetlands Centre as described in section 2.5.10 of the document listed under condition 1 (a) (ii); and
 - (c) construction of the BAL bund as described in section 2.5.2 of the document listed under condition 1 (a) (ii)
14. The Proponent must design, construct, operate and maintain the project to ensure that as a direct result of the project, access is not restricted on:
 - (a) the existing access track within The Wetlands Centre which lies adjacent to Canoe Channel and includes part of a TransGrid access track (located on Lot 5 DP 233520, Lot 2 DP 1043133 and Lot 1 DP 1069498);
 - (b) the existing maintenance track for the Chichester Water Main Pipeline;
 - (c) the existing access track servicing the Main Northern Rail Line; and
 - (d) the existing access track servicing TransGrid powerlines adjacent to Ironbark Creek.
15. The Proponent must design, construct, operate and maintain the project to prevent the intrusion of saline tidal waters onto private lands located on the western side of the abandoned Richmond-Pelaw railway line embankment.
16. The Proponent must design, construct, operate and maintain the project to ensure that it does not result in a reduction in water quality or increase in salinity within the 2HD pond

(located on Lot 200 DP 867471) from that which exists immediately prior to the commencement of construction of the project.

In the event that modelling and monitoring required under this approval indicates a credible risk to the hydrology and/ or water quality of the 2HD pond such that the pond's habitat and breeding values for the Green and Golden Bell Frog may be adversely affected, the Proponent must install one-way flapgates within the channel which drains from the 2HD pond to Hexham Swamp, or another method as agreed by the Director-General, to ensure that saline intrusion does not occur.

17. Deleted

18. In order to mitigate the effects of saline intrusion on private property, the Proponent may also undertake minor filling of Lot 20 DP 16703, Lots A & B DP 350274 and Lot 28 DP 864756 as described in sections 2.5.8 and 2.5.9 of the document listed under condition 1 (a) (ii).

Groundwater

19. The Proponent must modify the operation of the floodgates if Newcastle City Council's groundwater monitoring programme indicates the movement of contaminants in groundwater from the former Astra Street landfill site as a result of inundation and associated increase in groundwater level. Floodgate operation must be modified so that contaminant movement is not exacerbated and to allow Newcastle City Council to conduct appropriate remedial works.
20. Within two months after the installation of any bores required under this approval, the Proponent must submit a plan to the Newcastle office of the Department of Natural Resources identifying the location of the bores.
21. All drilling and bore construction required under this approval must be undertaken by a person(s) with a relevant New South Wales class licence.
22. The Proponent must design, construct, operate and maintain the project to ensure that it does not result in a reduction in the water quality for licensed bore 20BL 135899 from that which exists immediately prior to the commencement of construction of the project.

Soil Quality

23. All bund walls permitted under this approval must be constructed using Virgin Excavated Natural Material (VENM) except for that portion identified in the document listed under condition 1 (d) which may be constructed as described in that document.

Note: Eighty metres of a 290 metre bund surrounding Broadcast Australia's radio towers will be constructed using concrete rather than VENM.

24. All bund walls constructed under this approval are to be suitably landscaped to avoid erosion for the life of the project. Such landscaping must be in accordance with the approved erosion and sediment control plan, as required under condition 52 (a).
25. Bunds walls must be constructed such that where detailed design identifies that one side is required to be steeper than the other, that steeper side must be located on the guy-anchor block side (that is, not on the creek side).

Acid Sulphate Soils

26. Prior to the commencement of any works that will disturb the soils/ sediments on site, the Proponent must undertake acid sulphate soil (ASS) testing at those areas of the site. ASS testing shall be consistent with the NSW State Government's *Acid Sulfate Soils Manual* (ASSMAC 1998).

27. Should testing indicate that any acid sulphate soils (potential or actual) may be disturbed, the Proponent must prepare and implement an **Acid Sulphate Soils (ASS) Management Plan**. This Plan must detail measures to be implemented in relation to the management and handling of any acid sulphate soils identified as a result of the tests required as part of the above condition. The Plan must be prepared in accordance with the NSW State Government's *Acid Sulfate Soils Manual* (ASSMAC 1998).

Flora and Fauna

28. The Proponent must design, construct, operate and maintain the project to ensure that it does not adversely affect any Green and Golden Bell Frog populations or habitats within and in areas adjacent to the project site, notably the 2HD ponds.
29. The Proponent must undertake the project in a manner that minimises or prevents the spread of noxious weeds, particularly alligator weed, water hyacinth and pampas grass.

Health

30. Any controlled grazing of the site must be consistent with the Hexham Swamp Rehabilitation Project Environmental Management System for the site, and must aim to minimise the potential for grazing to create mosquito breeding opportunities.
31. The Proponent must undertake the project in a manner that minimises the impact on human health and comfort levels brought about by changes to the mosquito population arising from the operation of the project.
32. The Proponent must prepare and implement a Mosquito Management Plan throughout the life of the project, including a monitoring programme, having regard to the plan and monitoring programme described in the EA.

Air Quality

Odour

33. The Proponent must not cause or permit the emission of offensive odours beyond the boundary of the site. For the purposes of this condition, "offensive odour" has the same meaning as defined under section 129 of the *Protection of the Environment Operations Act 1997*.

Dust

34. The Proponent must undertake the project in a manner that minimises or prevents the emission of dust from the site, including wind-blown and traffic-generated dust, including ensuring that all vehicles entering or leaving the site and carrying a load that may generate dust emissions, are covered at all times, except during loading and unloading.

Noise

35. Construction activities associated with the project, including the arrival and departure of vehicles delivering or removing materials from the site, must only be carried out between the hours of:
- (a) 0700 and 1800, Monday to Friday;
 - (b) 0800 and 1300 on Saturdays; and
 - (c) at no time on a Sunday or public holiday,
- or as otherwise approved in writing by the Director-General.
36. All construction works undertaken on site must be undertaken in accordance with the EPA's *Environmental Noise Control Manual* and must not give rise to an 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997* and accompanying Regulations.

37. The Proponent must minimise noise emissions from plant and equipment operated on the site in relation to the project by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms on vehicles with alternative silent measures, such as flashing lights.

Traffic and Transport

38. The Proponent must undertake all works affecting any public road, its associated road reserve and any public infrastructure in that road reserve, to meet any reasonable requirements that may be specified by Council.

Waste Generation and Management

39. All wastes generated on site as a result of the project must be classified in accordance with the EPA's publication *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept the waste.

ENVIRONMENTAL MONITORING

40. Prior to the commencement of operation of the project, the Proponent must prepare and implement an **Environmental Monitoring Programme** to monitor and assess the impact of the project on the surrounding environment, including but not limited to impacts on: wetland hydraulics; water quality; groundwater; aquatic fauna, including macrobenthos and fish; vegetation; birds and amphibians. The Programme must be prepared in consultation with the Committee (refer condition 46) and having regard to the monitoring programme identified in the document listed under condition 1 (a). The Programme must include, but not necessarily be limited to:
- (a) identification of predictions relating to each issue about what changes will occur to the site and its surrounds as a result of the operation of each stage of the project;
 - (b) details of a pilot study, where relevant, to enable the preparation of a focussed monitoring programme;
 - (c) locations at which monitoring will be undertaken, including a map showing locations. As a minimum, monitoring locations must include sites on either side of the floodgates and where relevant, control and reference sites;
 - (d) identification of the parameters/ pollutants to be monitored at each location;
 - (e) procedures and protocols for the sampling and analysis methodology to be undertaken for the monitoring, including sample design, statistical analyses and reporting. Procedures must be consistent with any relevant government publication and/ or Australian Standard;
 - (f) a programme for periodic monitoring of the parameters/ pollutants at each of the monitoring locations. As a minimum, monitoring must occur on at least one occasion prior to the commencement of operation of each stage of the project; and
 - (g) identification of the parameters for each issue that would determine whether the restoration of Hexham Swamp has been a success and/ or has reached the required outcome.

The Monitoring Programme must be submitted for the approval of the Director-General at least two months prior to the commencement of operation of the project, or as otherwise agreed by the Director-General.

Note: The Monitoring Programme must be capable of testing *a priori* predictions about what will occur at Hexham Swamp and its surrounds as a result of opening the floodgates at Ironbark Creek. The Programme must also be capable of determining whether the restoration of Hexham Swamp, as a result of opening the floodgates, has been a success and/ or has reached the required outcome, for example, the Swamp is similar to other reference sites.

- 40A Upon collection of at least 3 years of operational data, the Proponent shall determine, in consultation with the Committee, an **adaptive monitoring regime**, for the further monitoring of the impact of the project on the surrounding environment, and the performance of the project. This regime is to identify the key parameters/pollutants and monitoring sites, that will identify any changes or stabilisation of the wetland in the future, based on the previous results obtained from the 3 years of monitoring already undertaken.

UTILITIES AND PUBLIC WORKS

41. The Proponent must identify (including, but not limited to the position and level of service) all public utility services on the site and roadway, nature strip, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or are likely to be affected by any activity associated with the project.
42. The Proponent must consult with the relevant provider of the utilities identified in condition 41 and make arrangements to adjust and/or relocate their services as required. The cost of any such adjustment and/or relocation of services must be borne by the Proponent.
43. Any damage caused to public infrastructure as a result of the project must be repaired to the satisfaction of Council or relevant utility provider and within such period as specified by the Council or relevant utility provider.
44. The sites for Ancillary Facilities must satisfy the following criteria unless otherwise approved through the Environmental Management Plan (EMP) required under condition 51:
 - (a) be located within the project site;
 - (b) have ready access to the road network;
 - (c) be located to minimise the need for heavy vehicles to travel through residential areas;
 - (d) be sited on relatively level land;
 - (e) not require vegetation clearing beyond that already required for the project; and
 - (f) not affect the land use of adjacent properties.

The location of the Ancillary Facilities must be identified in the EMP and must include an analysis against the above criteria. Where these criteria cannot be met the EMP must demonstrate there will be no adverse impacts from the Ancillary Facility's construction or operation.

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

45. Subject to confidentiality, the Proponent must make all documents required under this approval publicly available on request.

Community Consultative Committee

46. The Proponent must continue operation of its Community Consultative Committee (currently referred to as the Hexham Swamp Project Committee) to oversee the environmental performance of the project. The Committee must:
 - (a) be comprised of at least those representatives currently sitting on the Committee, or as otherwise agreed with the Director-General;
 - (b) be chaired by a chairperson, whose appointment has been approved by the Director-General;
 - (c) meet at least twice a year;
 - (d) review the Proponent's performance with respect to environmental management and community relations;
 - (e) undertake regular inspections of the site; and

- (f) review community concerns or complaints about the project with respect to environmental management and community relations.

Note: The Committee is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies within this approval. At the date of this approval, the Committee is currently represented by members of the community, Department of Primary Industries (Fisheries), Department of Natural Resources, DEC, Commonwealth Department of the Environment and Heritage, Newcastle City Council, Hunter Water Corporation, Hunter Central Rivers Catchment Management Authority, Landcare, commercial fisherman, Kooragang Wetlands Rehabilitation Project and the Port Stephens and Wallsend Members of State Parliament.

47. The Proponent must, at its own expense:
- (a) ensure that at least one of its representatives attend the Committee meetings;
 - (b) provide the Committee with regular information on the environmental performance and management of the project;
 - (c) provide meeting facilities for the Committee, if necessary;
 - (d) arrange site inspections for the Committee, if necessary;
 - (e) take minutes of the Committee meetings;
 - (f) make these minutes publicly available;
 - (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or community relations; and
 - (h) provide a copy of the minutes of each Committee meeting, including a response to any recommendations from the Committee, to the Director-General within one month of the meeting being held.

Complaints Procedure

48. Prior to the commencement of any physical works associated with the project, the Proponent must ensure that the following are available for community complaints:
- (a) a 24-hour telephone number on which complaints about the project may be registered;
 - (b) a postal address to which written complaints may be sent; and
 - (c) an email address to which electronic complaints may be transmitted.

The telephone number, postal address and e-mail address must be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of each stage of the project. These details must also be provided on the Proponent's internet site. The telephone number, postal address and email address must be maintained throughout the life of the project.

49. The Proponent must record details of all complaints received through the means listed under condition 48 of this approval in an up-to-date Complaints Register. The Register must record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (eg. telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant;
 - (f) the date and time any action was taken in response to the complaint; and
 - (g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

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

ENVIRONMENTAL MANAGEMENT

Environmental Representative

50. Prior to the commencement of construction of the project, the Proponent must nominate a suitably qualified and experienced Environmental Representative(s) whose appointment is to receive prior approval of the Director-General. The Proponent must employ the Environmental Representative(s) throughout the life of the project. The Environmental Representative must be:
- (a) the primary contact point in relation to the environmental performance of the project;
 - (b) responsible for preparing, implementing and updating all Management Plans and Monitoring Programmes required under this approval;
 - (c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;
 - (d) responsible for receiving and responding to complaints in accordance with condition 48 of this approval; and
 - (e) given the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to recommend to the Director-General that relevant actions be ceased should an adverse impact on the environment be likely to occur.

The Proponent must notify and seek the approval of the Director-General of any changes to that appointment that may occur from time to time.

Environmental Management Plan (EMP)

51. The Proponent must prepare and implement an **Environmental Management Plan** to outline environmental management practices and procedures to be followed throughout the life of the project. The Plan must be prepared in accordance with the Department's publication *Guideline for the Preparation of Environmental Management Plans 2004*, or its latest revision and having regard to the Hexham Swamp Plan of Management identified in Appendix L of the EA.

The EMP must be submitted for the approval of the Director-General no later than one month prior to the commencement of any works the subject of this approval, or within such period as otherwise agreed by the Director-General. Notwithstanding, where any work is to be undertaken in stages, the Proponent may, subject to the agreement of the Director-General, stage the submission of the EMP consistent with the staging of activities relating to that work.

No work associated with this approval may commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Proponent must make the Plan publicly available as soon as practicable.

52. As part of the EMP for the project, required under condition 51 of this approval, the Proponent must include, but not be limited to the following Sub-Management Plans:
- (a) an **Erosion and Sedimentation Control Management Plan** to detail measures to minimise erosion and the discharge of sediment and other pollutants to land and/ or water during works associated with the project. The Plan must include, but not necessarily be limited to:
 - (i) demonstration of best practice methods to be applied for the on-site control of run-off, sediments and other pollutants including specification of performance criteria for erosion, sediment and pollution control devices, including diversionary works, discharge points etc;

- (ii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements and guidelines provided in Landcom's publication *Managing Urban Stormwater: Soils and Construction* (2004);
 - (iii) description of procedures to ensure that the measures implemented to control sediment and erosion on site are maintained in working order at all times;
 - (iv) description of landscaping and other measures to be used to stabilise the bunds; and
 - (v) details of an erosion monitoring programme throughout the life of the project, particularly in relation to the creek banks, including measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site;
- (b) a **Noise Management Plan** to detail measures to minimise noise emissions associated with the construction of the project. The Plan must include, but not necessarily be limited to:
- (i) identification of all major sources of noise that may be emitted as a result of the construction of the project;
 - (ii) specification of the noise criteria as it applies to a particular activity;
 - (iii) identification and implementation of best practice management techniques for minimisation of noise emissions;
 - (iv) procedures for the monitoring of noise emissions; and
 - (v) description of the procedures to be undertaken if any non-compliance is detected;
- (c) a **Traffic Management Plan** to outline measures to minimise potential conflicts between different user groups arising as a result of the project. The Plan must be prepared in consultation with the RTA and Council and must include, but not necessarily be limited to:
- (i) details of traffic routes to be used by heavy vehicles associated with the project;
 - (ii) procedures for informing the public where any road access will be restricted as a result of the project;
 - (iii) minimum requirements for vehicle maintenance to address noise and exhaust emissions, particularly along roads in close proximity to residences;
 - (iv) speed limits to be observed along routes to and from the site and within the site; and
 - (v) details of the expected behavioural requirements for vehicles drivers travelling to and from the site and within the site.

53. The Proponent, *in consultation with the Committee*, must undertake an annual review of the Environmental Management Plan (EMP), having regard to the outcomes of the *AEMR EMR* required under condition 56. The review must ensure that the EMP is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the EMP. The Proponent must notify the Director-General of the completion of each review, and must supply a copy of the updated EMP to the Director-General on request.

ENVIRONMENTAL REPORTING

Incident Reporting

54. The Proponent must notify the Director-General and any relevant Government authority of any incident with actual or potential significant off-site impacts on people or the biophysical environment within twenty-four hours after the occurrence of the incident ("initial notification"). The Proponent must provide written details ("written report") of the incident to the Director-General and any relevant Government authority within seven days of the date on which the incident occurred.
55. The Proponent must meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 54 of this approval, within such period as the Director-General may require.

Annual Reporting

56. The Proponent must, throughout the life of the project, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report (AEMR)** annually for the first three (3) years of operation, and subject to conditions 40 and 40A, at intervals of no more than three (3) years (36 months) to ensure ongoing analysis of monitoring information is used to determine the environmental impacts and performance of the project. The AEMR must review the performance of the project against the Environmental Management Plan (refer to condition 51 of this approval), the conditions of this approval and any other licences and approvals relating to the project. The AEMR must include, but not necessarily be limited to:
- (a) details of compliance with the conditions of this project;
 - (b) results of all environmental monitoring required under this approval, including interpretations and discussion of these results;
 - (c) a comparison of the environmental impacts and performance of the project against the environmental impacts and performance predicted in the EA and as modified by the conditions of this approval;
 - (d) a list of all occasions in the preceding **monitoring** period when environmental performance goals for the project have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;
 - (e) identification of trends in monitoring data over the life of the project to date;
 - (f) a copy of the Complaints Register (refer to condition 49 of this approval) for the preceding **monitoring** period (exclusive of personal details), and details of how these complaints were addressed and resolved;
 - (g) a list of variations obtained to approvals applicable to the project and to the site during the preceding **monitoring** period; and;
 - (h) environmental management targets and strategies for the following **monitoring** period, taking into account identified trends in monitoring results.

The Proponent must submit a copy of each EMR prepared to the Director-General, DEC and the Committee. Each EMR must be made publicly available upon request.

Appendix 1 – Land Description

#	Title Details	Street Address	Interest to be Acquired for Project
1	Lot 1 DP 90465	Hexham Swamp Nature Reserve	
2	Lot 129 DP 725084	Hexham Swamp Nature Reserve	
3	Lot 322 DP 592513	107 Marsden St, Shortland, 2307	Easement in gross
4	Lot 1 DP 1048213	280 Minmi Road, Fletcher 2287	Easement for inundation
5	Lot 2 DP 1024376	282A Minmi Road, Fletcher 2287	Easement for inundation
6	Lot 74 DP 573628	29 Alister Street, Shortland 2307	Easement in gross
7	Lot 58 DP 755232	17 / 272 Maitland Road, Sandgate 2304	Freehold
8	Lot 59 DP 755232	16 / 272 Maitland Road, Sandgate 2304	Freehold
9	Lot 60 DP 755232	15 / 272 Maitland Road, Sandgate 2304	Freehold
10	Lot 94 DP 184589	4 / 272 Maitland Road, Sandgate 2304	Freehold
11	Lot 127 DP 755232	5 / 272 Maitland Road, Sandgate 2304	Freehold
12	Lot 68 DP 755232	7 / 272 Maitland Road, Sandgate 2304	Freehold
13	Lot 67 DP 755232	8 / 272 Maitland Road, Sandgate 2304	Freehold and easement
14	Lot 66 DP 755232	9 / 272 Maitland Road, Sandgate 2304	Freehold and easement
15	Lot 71 DP 755232	10 / 272 Maitland Road, Sandgate 2304	Freehold
16	Lot 64 DP 755232	11 / 272 Maitland Road, Sandgate 2304	Freehold
17	Lot 63 DP 755232	12 / 272 Maitland Road, Sandgate 2304	Freehold
18	Lot 62 DP 755232	13 / 272 Maitland Road, Sandgate 2304	Freehold
19	Lot 61 DP 755232	14 / 272 Maitland Road, Sandgate 2304	Freehold
20	Lot 1 DP 41394	6 / 272 Maitland Road, Sandgate 2304	Freehold and easement
21	Lot 95 DP 184589	3 / 272 Maitland Road, Sandgate 2304	Freehold and easement
22	Lot 96 DP 184589	2 / 272 Maitland Road, Sandgate 2304	Freehold and easement
23	Lot 97 DP 184589	1 / 272 Maitland Road, Sandgate 2304	Freehold and easement
24	Lot 28 DP 16703	202 Marsden Street, Shortland 2307	Easement in gross
25	Lot 20 DP 16703	172 Marsden Street Shortland 2307	Easement in gross
26	Lot 23 DP 16703	184 Marsden Street Shortland 2307	Easement in gross
27	Lot 11 DP 1044935	290 – 290B Minmi Rd, Maryland 2287	Easement for inundation
28	Lot 25 DP 659461	190 Marsden Street Shortland 2307	Easement in gross
29	Lot 441 DP 524581	49 Milne Street Shortland 2307	Easement in gross
30	Lot 1 DP 500143	55 Marsden Road Shortland 2307	Easement in gross
31	Lot 2 DP 874409	31 Sparke Street Hexham 2322	Easement in gross
32	Lot 3 DP 874409	21 Sparke Street Hexham 2322	Easement in gross
33	Lot 27 DP 16703	198 Marsden Street Shortland 2307	Easement in gross
34	Lot 1 DP 529512	186 Marsden Street Shortland 2307	Easement in gross
35	Lot 2 DP 529512	188 Marsden Road Shortland 2307	Easement in gross
36	Lot 2 DP 1048213	2/155 King Street, Shortland 2307	Freehold
37	Lot 10 DP 1044935	290B Minmi Road, Fletcher 2287	Freehold
38	Lot 5 DP 199322	1 / 8 Railway St, Hexham 2322	Freehold

#	Title Details	Street Address	Interest to be Acquired for Project
39	Lot 4 DP 199322	2 / 8 Railway St, Hexham 2322	Freehold
40	Lot 3 DP 199322	3 / 8 Railway St, Hexham 2322	Freehold
41	Lot 2 DP 584500	4 / 8 Railway St, Hexham 2322	Freehold
42	Lot 2 DP 199322	5 / 8 Railway St, Hexham 2322	Freehold
43	Lot 1 DP 199322	6 / 8 Railway St, Hexham 2322	Freehold
44	Lot 1 DP 742036	1 / 14 Railway St, Hexham 2322	Freehold
45	Lot 2 DP 742036	2 / 14 Railway St, Hexham 2322	Freehold
46	Lot 302 DP 1023342	1 / 55 King Street, Shortland 2307	Freehold
47	Lot 21 DP 1024373	288B Minmi Rd Fletcher 2287	Freehold
48	Lot 455 DP 998893	288C Minmi Road, Fletcher 2287	Freehold
49	Lot 21 DP 836450	284A Minmi Rd Fletcher 2287	Freehold
50	Lot 12 DP 1037030	99 Hardes Av, Maryland 2287	Freehold
51	Lot 1 DP 611441	83 King St, Shortland 2307	Consent to inundate
52	Lot 2 DP 611518	4 / 4A Anderson Drive, Tarro 2322	Consent to inundate
53	Lot A DP 339943	4 / 2 Aden Street Shortland 2307	Consent to inundate
54	Lot 1 DP 408005	5 / 2 Aden Street Shortland 2307	Consent to inundate
55	Lot 210 DP 832198	293 Maryland Drive, Maryland 2287	Consent to inundate
56	Lot B DP 339943	3 / 2 Aden Street Shortland 2307	Consent to inundate
57	Lot A DP 400052	2 / 2 Aden Street Shortland 2307	Consent to inundate
58	Lot 1 DP 805274	81 King St, Shortland 2307	Consent to inundate
59	Lot 2 DP 535220	1 / 2 Aden Street Shortland 2307	Consent to inundate
60	Lot 3 DP 171105	50A Sparke Street Hexham, 2322	Consent to inundate
61	Lot 4 DP 171105	50A Sparke Street Hexham, 2322	Consent to inundate
62	Lot 1 DP 163423	6 / 2 Aden Street Shortland 2307	Consent to inundate
63	Lot 2 DP 716666	111A Marsden Street Shortland 2307	Easement in gross
64	Lot B DP 350274	170 Marsden Street Shortland 2307	Easement in gross
65	Lot 45 DP 1064180	17 Hardes Avenue, Maryland 2287	Easement for inundation
66	Lot 262 DP 517002	196 Marsden Street Shortland 2307	Easement in gross
67	Lot 421 DP 998816	12 Railway St, Hexham 2322	Freehold / easement
68	Lot 1 DP 584500	10 Railway St, Hexham 2322	Freehold / easement
69	Lot 1 DP 874409	41 Sparke Street, Hexham 2322	Freehold / easement
70	Lot 1 DP 1065599	176A Marsden Street Shortland 2307	Easement for inundation
71	Lot 2 DP 1065599	176A Marsden Street Shortland 2307	Freehold
72	Lot 35 DP 663814	45 Marsden Street Shortland 2307	Easement in gross
73	Lot 24 DP 599877	14 Minmi Rd, Wallsend 2287	Consent to inundate
74	Lot 45 DP 218633	18 Coral Sea Av, Shortland 2307	Consent to inundate
75	Lot 54 DP 755232	2 / 2 Astra Street Shortland 2307	Consent to inundate
76	Lot B DP 340105	144 Sandgate Rd, Wallsend 2287	Consent to inundate
77	Lot 12 DP 246123	1 / 18 Coral Sea Av, Shortland 2307	Consent to inundate

#	Title Details	Street Address	Interest to be Acquired for Project
78	Lot 28 DP 253998	39 Alister St, Shortland 2307	Consent to inundate
79	Lot 107 DP 593379	156A Marsden Street, Shortland 2307	Consent to inundate
80	Lot 3 DP 1043133	Astra St, Shortland 2307	Consent to inundate
81	Lot 25 DP 599877	40 Creek Rd, Maryland 2287	Easement
82	Lot 302 DP 1063967	206A Marsden Street Shortland 2307	Easement in gross
83	Lot 29 DP 16703	204 Marsden Street Shortland 2307	Easement in gross
84	Lot A DP 350274	168 Marsden Street Shortland 2307	Easement in gross
85	Lot 1101 DP 570856	16 Old Maitland Road, Sandgate 2304	Easement in gross
86	Lot 325 DP 709247	83 Marsden Street Shortland 2307	Easement in gross
87	Lot 5 DP 233520	2 / 434 Sandgate Rd, Shortland 2307	Consent to inundate
88	Lot 2 DP 1043133	3 / 434 Sandgate Rd, Shortland 2307	Consent to inundate
89	Lot 1 DP 1069498	434 Sandgate Rd, Shortland 2307	Consent to inundate
90	Crown reservation around Ironbark Ck		Consent to inundate
91	Lot 7014 DP 1052281	6 Railway Street, Hexham 2322	Consent to inundate
92	Lot 51 DP 593732	142 Sandgate Rd, Birmingham Gardens 2287	Easement in gross
93	Lot 712 DP 1075020	31 Whistler Pde Maryland 2287	Easement in gross
94	Lot 1100 DP 570856	22 Old Maitland Road, Sandgate 2304	Easement in gross
95	Lot 99 DP 184589	22 Old Maitland Road, Sandgate 2304	Easement in gross
96	Lot 98 DP 184589	22 Old Maitland Road, Sandgate 2304	Easement in gross
97	Lot 200 DP 867471	10 Old Maitland Rd, Sandgate 2304	Easement in gross
98	Lot 62 DP 590003	57 Marsden St, Shortland 2307	Easement in gross
99	Lot 28 DP 864756	33 Hardes Avenue, Maryland 2287	Easement to inundate
100	Lot 1 DP 502669	105 Marsden Road Shortland 2307	Easement in gross
101	Lot 102 DP 606506	59 Creek Rd, Maryland 2287	Easement in gross
102	Conveyancing Book 319 No 833		Freehold
103	Pt 25 DP 755232		Freehold