

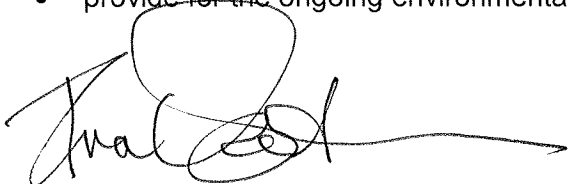
Project Approval

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

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

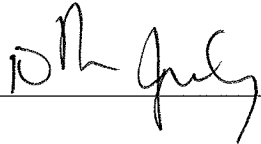
These conditions:

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



Frank Sartor MP
Minister for Planning

Sydney



2008

File No: 9036929

SCHEDULE 1

Application No:	06_0224
Proponent:	NSW Roads and Traffic Authority
Approval Authority:	Minister for Planning
Land:	Land generally to the east of Kempsey, Frederickton and land generally to the west of Clybucca, connecting the existing Pacific Highway between approximately seven kilometres south of Kempsey to approximately 34 kilometres north of the town at Eungai Rail, within the Kempsey and Nambucca local government areas.
Project:	The construction and operation of an approximately 41 kilometre dual carriageway, comprising three interchanges and a bypass of Kempsey and Frederickton, referred to as the Pacific Highway Upgrade-‘Kempsey to Eungai’ Project
Major Project:	The proposal is declared a major project under section 75B(1)(b) of the <i>Environmental Planning and Assessment Act 1979</i> , by virtue of an Order made by the Minister for Planning and Gazetted on 5 December 2006.
Critical Infrastructure:	The proposal is declared to be critical infrastructure under section 75C of the <i>Environmental Planning and Assessment Act 1979</i> , by virtue of an Order made by the Minister for Planning and Gazetted on 5 December 2006.

KEY TO CONDITIONS

1. ADMINISTRATIVE CONDITIONS	4
Terms of Approval	4
Limits of Approval	4
2. SPECIFIC ENVIRONMENTAL CONDITIONS	4
Flooding and Hydrological Impacts	4
Ecological Impacts	5
Noise Impacts	7
Heritage Impacts	8
Community Infrastructure and Services	9
Air Quality Impacts	9
Soil and Water Quality Impacts	9
3. ENVIRONMENTAL MONITORING AND AUDITING	10
Ecological Monitoring	10
Noise Auditing	10
4. COMPLIANCE MONITORING AND TRACKING	11
Compliance Tracking Program	11
5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT	11
Community Liaison Group	11
Complaints and Enquiries	12
Provision of Electronic Information	12
6. ENVIRONMENTAL MANAGEMENT	12
Environmental Representative	12
Urban Design and Landscaping Management Plan	13
Construction Environmental Management Plan	13
Operation Environmental Management Plan	15

SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Ancillary Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, testing laboratory or material stockpile areas.
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 ancillary facilities in the Conditions), or other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services / utilities, etc.).
DECC	NSW Department of Environment and Climate Change, incorporating the Environment Protection Authority (EPA)
Department, the	NSW Department of Planning
Director-General, the	Director-General of the NSW Department of Planning (or delegate)
Director-General's Approval	A written approval from the Director-General (or delegate). Where the Director-General's Approval is required under a condition, the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may require additional information if the approval request is considered incomplete. When further information is required the time taken for the Proponent to respond in writing will be added to the one month period.
DPI	NSW Department of Primary Industries
DWE	NSW Department of Water and Energy
EPL	Environmental Protection Licence
Minister, the	Minister for Planning
Operation	Means the operation of the project, but does not include commissioning trials of equipment or temporary use of parts of the project during construction.
Project	The project the subject of Major Projects Application 06_0224.
Proponent	NSW Roads and Traffic Authority.
Publicly Available	Available for inspection in hard copy and/or electronic format by a member of the general public (for example available on the project website as well as at a local display site).
Reasonable and feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided.
Relevant Council(s)	Kempsey Shire Council and/or Nambucca Shire Council as applicable
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church).
Stages	Stages refer to the division of a project into multiple contract packages for construction purposes, and/or the construction or operation of the overall project in discrete sections.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
 - a) Major Projects Application 06_0224;
 - b) *Kempsey to Eungai – Upgrading the Pacific Highway: Environmental Assessment* (Volumes 1 and 2), prepared by Parsons Brinckerhoff Australia Pty Limited and dated July 2007;
 - c) *Kempsey to Eungai – Upgrading the Pacific Highway: Submissions Report*, prepared by Parsons Brinckerhoff Australia Pty Ltd and dated March 2008, including the Statement of Commitments contained therein; and
 - d) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
 - a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence.
- 1.4 The Proponent may build and operate the project in stages with commensurate staging of compliance with the conditions of this approval. Where the project is to be staged, the Proponent shall submit details of the staging prior to construction to the Director-General, including details of how compliance with the conditions of this approval will be ensured across and between the stages of the project.

Limits of Approval

- 1.5 This approval shall lapse ten years after the date on which it is granted, unless the works the subject of any related project approval are physically commenced on or before that date.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Flooding and Hydrological Impacts

- 2.1 The Proponent shall subsidise any new or necessary update(s) to the relevant Kempsey Shire Council, Nambucca Shire Council and State Emergency Service plans and documents to reflect changes in flooding levels, flows and characteristics as a result of the project.
- 2.2 The Proponent shall undertake further flood modelling during detailed design to ensure that the project is designed and constructed with the aim of not exceeding the afflux and flood-flow velocity performance criteria specified for the Macleay River Floodplain in Section 10 of the *Kempsey to Eungai – Upgrading the Pacific Highway: Environmental Assessment* and Section 2.2.8 of the *Kempsey to Eungai – Upgrading the Pacific Highway: Submissions Report*, referred to in condition 1.1 of this approval.
- 2.3 Should modelling required by condition 2.2 identify changes to drainage patterns along the existing Pacific Highway that are directly attributable to the project, the Proponent shall alter or install drainage structures on the existing Pacific Highway to preserve or maintain current hydrological flow paths and flood regimes upstream of the existing highway.

- 2.4 The Proponent shall employ a suitably qualified and experienced independent hydrological engineer approved by the Director-General prior to commencement of construction to assist affected property owners in negotiating reasonable and feasible mitigation measures.
- 2.5 Prior to commencement of construction, the Proponent shall submit a hydrological mitigation report to the Department detailing all reasonable and feasible flood mitigation measures for all properties where flood impacts are predicted to increase as a result of the project. The report shall:
- a) identify all properties likely to have an increased flooding impact and detail the predicted increased flooding impact;
 - b) identify the at residence and/or general property protection measures to be employed to mitigate the predicted increased flooding impact;
 - c) identify measures to be employed for directly impacted commercial/agricultural properties to assist in the protection of critical farm infrastructure and evacuation of stock during flood events;
 - d) identify measures to be implemented to minimise scour and dissipate energy at locations where flood velocities are predicted to increase as a result of the project and cause localised soil erosion and/or pasture damage;
 - e) detail construction methods and landscaping treatments for the Frederickton levee;
 - f) be developed in consultation with the relevant branches of Kempsey Shire Council, DECC, State Emergency Service and directly-affected property owners; and
 - g) identify operational and maintenance responsibilities for items a) to e) inclusive.

The Proponent shall not commence construction of the project on or within areas likely to alter flood conditions on the Macleay River floodplain until such time as works identified in the hydrological mitigation report have been completed unless otherwise agreed by the Director-General.

- 2.6 The Proponent shall prepare a schedule of flood mitigation measures for each directly-affected property in consultation with the property owner. The schedule shall be provided to the relevant property owner(s) no later than two months prior to the implementation of the mitigation works, unless otherwise agreed by the Director-General. A copy of each schedule of flood mitigation measures shall be provided to Council and the Department prior to the implementation / construction of the mitigation measures on the property.
- 2.7 In the event that the Proponent and the relevant property owner cannot agree on reasonable and feasible flood mitigation measures to be applied to a property within one month of the first consultation on the measures (as required under condition 2.6), either party may refer the matter to the Director-General for resolution.

Ecological Impacts

Design Requirements

- 2.8 The Proponent shall, in consultation with the DECC and DPI (Fisheries), design, construct and maintain reasonable and feasible fauna management measures to:
- a) facilitate safe fauna movements across the project; and
 - b) encourage fauna movements across the project at the key crossing locations referred to in 2.8 a).

Translocation and Offsets

- 2.9 The Proponent shall, in consultation with DECC:
- a) investigate the potential for the translocation of *Maundia triglochinos* plants impacted by the project.
 - b) if investigation under 2.9 a) reveals translocation of *Maundia triglochinos* is reasonable and feasible, the Proponent shall prepare and implement a *Maundia triglochinos* translocation plan for plants impacted by the project.
 - c) consider including appropriate compensatory habitat for the *Maundia triglochinos* in the Biodiversity Offsets Package referred to in Condition 2.11 should the information

obtained during the investigation referred to in Condition 2.9 a) find that translocation is not reasonable and feasible.

- 2.10 The Proponent shall develop and submit for the approval of the Director-General, a **Biodiversity Offset Strategy**. The Strategy shall provide a framework for developing the Biodiversity Offsets Package required by Condition 2.11 and shall be developed in consultation with the DECC. The Strategy shall:
- a) include a minimum requirement to provide 382 hectares of native vegetation to offset direct and indirect impacts of the proposal
 - b) identify the extent and types of habitat/vegetation communities that would be lost or degraded as a result of the project;
 - c) describe the quality of the habitat/vegetation communities identified in point a);
 - d) identify the objectives and outcomes to be met by the final Biodiversity Offset Package;
 - e) consider the biodiversity management measures or activities identified in the documents set out in condition 1.1 or elsewhere in these Conditions of Approval, including:
 - i. fauna crossing structures and associated fauna fencing to be installed as part of the project.
 - ii. revegetation measures.
 - iii. translocation plans.
 - iv. any other fauna mitigation measures such as nest boxes and frog breeding ponds.
 - v. any ongoing biodiversity or threatened species monitoring requirements.
 - f) provide details of available compensatory habitat in the region to offset the loss of Freshwater Wetlands, Swamp Sclerophyll Forest, Swamp Oak Floodplain Forest, River Flat Eucalypt Forest and Mahogany Dry Sclerophyll Forest and habitat for threatened fauna species as a result of the project. This may include other non land based management measures or actions to deliver a beneficial outcome for the region;
 - g) provide a decision-making framework to be used in selecting the priority ranking of compensatory habitat options available in the region; and
 - h) consider the linkage between compensatory measures and floodplain natural resource management.

Unless otherwise agreed, the Biodiversity Offset Strategy shall be submitted to the Director-General for approval no later than 6 weeks prior to the commencement of any construction that would result in the disturbance of Endangered Ecological Communities or threatened fauna species' habitat or not later than 12 months from the date of this approval. To avoid any doubt, disturbance of Endangered Ecological Communities or threatened fauna habitat cannot commence until the Director-General has approved the strategy.

Nothing in this condition or this approval precludes the Proponent from implementing a suitable offsets package which addresses impacts from multiple Pacific Highway Upgrade Projects (including the Kempsey-Eungai Upgrade) within the North Coast Bio-region (Manning-Macleay sub region). Any such agreement made with the Department of Environment and Climate Change must be made in consultation with the Department and approved by the Director-General.

- 2.11 Within 12 months of the approval of the Biodiversity Offset Strategy, or as otherwise agreed by the Director-General, the Proponent shall submit the **Biodiversity Offset Package** for the approval of the Director-General. The Package shall be developed in consultation with the DECC and:
- a) shall detail the final suite of biodiversity offset measures selected in accordance with the Strategy; and
 - b) include a program (timeline) to achieve the implementation of the final suite of measures. Where possible, this should include purchase of land, development of agreements with identified land management authorities (e.g. DECC, local council etc.) for long term management and funding of offsets and mitigation measures, and installation of identified mitigation measures.

Noise Impacts

Construction and Blasting Restrictions

- 2.12 The Proponent shall only undertake construction works associated with the project, other than blasting, during the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - b) 8:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.
- 2.13 Notwithstanding condition 2.12, construction works associated with the project, other than blasting, may be undertaken outside the hours specified under that condition in the following circumstances:
- a) the works do not cause construction noise to be audible at any sensitive receiver; or
 - b) for the delivery of materials required by the police or other authorities for safety reasons; or
 - c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
 - d) as approved through the process outlined in condition 2.14 of this approval.
- 2.14 The hours of construction activities specified under condition 2.12 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction shall be:
- a) considered on a case-by-case or activity-specific basis;
 - b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
 - c) accompanied by written evidence to the Director-General that appropriate consultation with potentially affected sensitive receivers and notification of relevant Council(s) has been and will be undertaken and all reasonable and feasible mitigation measures have been put in place; and
 - d) accompanied with evidence of consultation with DECC on the proposed variation in construction times.
- 2.15 Blasting associated with the construction of the project is only permitted during the following hours:
- a) 9:00 am to 5:00 pm, Mondays to Fridays, inclusive;
 - b) 9:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

- 2.16 The Proponent shall consult with affected educational institutions and ensure that noise-generating construction works in the vicinity of the institutions are not timetabled during examination periods, unless other arrangements acceptable to the affected institutions are made at no cost to the affected institutions.

Construction and Blasting Limits

- 2.17 The construction noise objective for the project is to manage noise from construction (as measured by a $L_{A10(15\text{minute})}$ descriptor) so that it does not exceed the background L_{A90} noise level by:
- a) more than 20 dB(A) for a construction period of equal to or less than four weeks;
 - b) more than 10 dB(A) for a construction period of greater than four weeks, but not exceeding 26 weeks; and
 - c) more than 5 dB(A) for a construction period greater than 26 weeks.

Any activities that could exceed the construction noise objectives specified under this condition shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan specified under condition 6.5c) of this approval. If the noise

from construction is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) shall be added to the measured construction noise level when comparing the measured noise with the construction noise objectives. The Proponent shall implement all reasonable and feasible noise mitigation measures with the aim of achieving the construction noise objective.

- 2.18 The Proponent shall ensure that air blast overpressure generated by blasting associated with the project does not exceed the criteria specified in Table 1 when measured at the most-affected residence or other sensitive receiver.

Table 1 - Airblast Overpressure Criteria

Airblast Overpressure (dB(Lin Peak))	Allowable Exceedance
115	5% of total number of blasts over a 12 month period
120	Never

- 2.19 The Proponent shall ensure that ground vibration generated by blasting associated with the project does not exceed the criteria specified in Table 2 when measured at the most affected residence or other sensitive receiver.

Table 2 – Peak Particle Velocity Criteria

Peak Particle Velocity (mms⁻¹)	Allowable Exceedance
5	5% of total number of blasts over a 12 month period
10	Never

Operational Noise

- 2.20 Unless otherwise agreed to by the Director-General, the Proponent shall submit for the approval of the Director-General a review of the operational noise mitigation measures for the project within six months of commencing construction. The Review shall take into account the detailed design of the project and shall be prepared in consultation with the DECC. Consideration of operational noise mitigation measures shall include, but not necessarily be limited to, those operational noise mitigation measures specified in section 16.5 of the document referred to in condition 1.1b) of this approval.

For the purpose of this condition, the Proponent is only required to consider reasonable and feasible noise mitigation measures to meet the noise criteria stipulated in *Environmental Criteria for Road Traffic Noise* (EPA, 1999) and the *Environmental Noise Management Manual* (RTA, 2001).

Heritage Impacts

Aboriginal Heritage

- 2.21 Unless otherwise agreed with the Kempsey Local Aboriginal Land Council, the Dunghatti Elders and DECC, the Proponent shall salvage any identified artefacts from sites KE14, KE15, KE16 and KE42 in consultation with the DECC, Kempsey Local Aboriginal Land Council and Dunghutti Elders group prior to the commencement of construction works that may impact on those sites.
- 2.22 Unless otherwise agreed with the Kempsey Local Aboriginal Land Council, the Dunghatti Elders and DECC, the Proponent shall undertake subsurface testing for sites KE PAD 1 to 12 inclusive, and salvage any artefacts of significance identified at those sites in consultation with the DECC, Kempsey Aboriginal Land Council and Dunghutti Elders group prior to the commencement of construction works that may impact on those sites. The approach to salvage shall be in accordance with a methodology developed in consultation with the Kempsey Local Aboriginal Land Council, the Dunghatti Elders and DECC.

Non-Aboriginal Heritage

- 2.23 An archival record shall be prepared by an appropriately qualified heritage expert for sites KEH3, KEH6, KEH7 and Ferry Lane Memorial Avenue (KEH1) prior to commencement of construction works that may affect those items. A copy of the record shall be provided to Kempsey Shire Council.

Community Infrastructure and Services

- 2.24 The Proponent shall replace the boat ramp, access road, parking and amenities removed as part of the Frederickton Levee construction. The replacement facilities shall be located and constructed in consultation with Kempsey Shire Council and the NSW Maritime Authority
- 2.25 The Proponent shall consult directly affected property owners (as defined in Chapter 15 of the document referred to under condition 1.1b)) of this approval) in relation to the design and location of reasonable and feasible measures to permit movement of livestock and agricultural machinery between the parts of their properties that may be separated by the project. Those measures shall be installed and function so that farm operations are not disrupted by either construction or operation of the project.

Air Quality Impacts

- 2.26 The Proponent shall construct the project in a manner that minimises dust emissions associated with construction works, including wind-blown and traffic-generated dust.

Soil and Water Quality Impacts

- 2.27 The Proponent shall take all reasonable and feasible measures to minimise soil erosion and the discharge of sediments and pollutants from the project during construction and operation in accordance with *Managing Urban Stormwater: Soils and Construction* (Department of Housing and Landcom, 2004);
- 2.28 Where available and of appropriate chemical and biological quality for its proposed purpose, the Proponent shall use stormwater, recycled water or other water sources in preference to potable water for construction, including concrete mixing and dust control.

Ancillary Construction Facilities

- 2.29 The Proponent shall ensure that ancillary facilities are located so as to satisfy the following criteria, unless otherwise approved by the Director-General:
- a) be located within or directly adjacent to the project;
 - 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) be separated from nearest residences by at least 200 metres (or at least 250 metres for a temporary batch plant);
 - f) not be within 100 metres of, or drain directly to, a wetland listed under *State Environmental Planning Policy No. 14 – Coastal Wetlands*;
 - g) be located above the 20 year ARI flood level in other areas unless a contingency plan to manage flooding is prepared and implemented;
 - h) not require vegetation clearing beyond that already required for the project;
 - i) not impact on heritage sites beyond those already impacted by the project; and
 - j) not affect the land use of adjacent properties.

The location of the Ancillary Facilities shall be identified in the Construction Environmental Plan required under condition 6.4 and include consideration against the above criteria. Where the above criteria cannot be met for any proposed Ancillary Facility, the Proponent shall demonstrate to the Director-General that there will be no adverse impact from that facility's construction or operation.

3. ENVIRONMENTAL MONITORING AND AUDITING

Ecological Monitoring

- 3.1 Prior to the commencement of construction, the Proponent shall develop and implement a **Monitoring Program** to target the effectiveness of the mitigation measures identified in Condition 2.10(d) for the listed threatened species directly impacted by the project. The program shall include (but not necessarily be limited to) the monitoring of *Maundia triglochinos*, Green-thighed Frog, Glossy Black Cockatoo and the Brush-tailed Phascogale. The Program shall be developed in consultation with the DECC and suitably qualified ecologist(s) and shall include but not necessarily be limited to:
- a) the monitoring of threatened species in and adjacent to the project footprint. The methodology shall be decided in consultation with DECC;
 - b) an adaptive monitoring program to assess the effectiveness of the mitigation measures identified in Condition 2.10 (d) and allow their modification if necessary. The monitoring program shall include targets against which effectiveness will be measured;
 - c) monitoring shall be undertaken during construction (for construction-related impacts) and from opening of the project to traffic (for operation/ongoing impacts) until such time as the effectiveness of mitigation measures can be demonstrated to have been achieved over a minimum of three successive monitoring periods, or as otherwise agreed by the Director-General in consultation with DECC;
 - d) provision for the assessment of the data to identify changes to habitat usage and if this can be attributed to the project;
 - e) details of the contingency measures that would be implemented in the event of changes to habitat usage patterns directly attributable to the construction or operation of the project; and
 - f) provision for annual reporting of monitoring results to the Director-General and the DECC, or as otherwise agreed by those agencies.

The Program shall be submitted to the Director-General prior to the commencement of construction and shall be updated to incorporate the monitoring methodology for threatened species, once agreed to, in accordance with condition of this approval.

Noise Auditing

- 3.2 No later than one year after commencement of operation of the project, or as otherwise agreed by the Director-General, the Proponent shall undertake operational noise monitoring to confirm the predicted noise performance of the project against actual performance and prepare an Operational Noise Report. The Report shall include, but not necessarily be limited to:
- a) noise monitoring to assess compliance with the operational noise outcomes predicted in the documents specified under condition 1.1 of this approval;
 - b) a review of the operational noise levels and in terms of criteria and noise goals established in the *Environmental Criteria for Road Traffic Noise* (EPA 1999) and the *Environmental Noise Management Manual* (RTA, 2001);
 - c) methodology, location and frequency of noise monitoring, to be undertaken in accordance with the *Environmental Noise Management Manual* (RTA, 2001);
 - d) identification of monitoring sites at which background noise and project noise levels can be ascertained, with specific reference to locations indicative of impacts on sensitive receivers;
 - e) details of any complaints and enquiries received in relation to operational noise generated by the project between the date of commencement of operation of the project and the date the report was prepared;
 - f) any required recalibrations of the noise model taking into consideration factors such as noise monitoring undertaken and actual traffic numbers and proportions; and
 - g) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of all reasonable and feasible mitigation measures; and
 - h) any additional noise mitigation measures required and timetables for implementation.

- 3.3 Within 60 days, or as otherwise agreed by the Director-General, of completing the operational noise monitoring referred to under condition 3.2 of this approval, the Proponent shall provide the Director-General and the DECC with a copy of the Operational Noise Report. If the Report identifies any non-compliance with the noise objectives specified in the *Environmental Criteria for Road Traffic Noise* (EPA 1999), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

4. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- 4.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction. The Program shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval (specified under condition 1.1c);
 - b) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of the project;
 - c) provisions for periodic reporting of compliance status to the Director-General during construction;
 - d) a program for independent environmental auditing in accordance with *ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
 - e) mechanisms for recording incidents during construction and actions taken in response to those incidents;
 - f) provisions for reporting environmental incidents to the Director-General during construction; and
 - g) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

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

Community Liaison Group

- 5.2 The Proponent shall establish and maintain a Community Liaison Group for the duration of construction of the project. Membership of the Group shall comprise representatives of the Proponent, the Environmental Representative, Council officers representing the relevant Council(s) through which the project passes and community representatives (equal to or greater in number than Proponent representatives), identified and drawn from relevant community and business groups, individual members of the community adjoining the project. The first meeting of the Group shall be held prior to the commencement of construction, unless otherwise agreed by the Director-General. The Proponent may review the Group's members and/or the need for the Group at any time during construction.

Issues for discussion by the Group include: dissemination of information to the community, design issues related to the Conditions or mitigation measures, the CEMP and construction activities. Comments made by the Group regarding these issues must be considered by the Proponent.

- 5.3 With respect to the Community Liaison Group referred to under condition 5.2 of this approval, the Proponent is required to:
- a) provide meeting facilities for the Group and arrange for documentation of meetings;
 - b) arrange for a Chairperson for the Group, who may be an independent third-party or may be a non-Proponent member of the Group;

- c) provide regular information on the progress of construction and related environmental performance;
- d) provide any information that the Group may reasonably request concerning the project's environmental performance;
- e) provide for site inspections by the Group;
- f) where reasonably requested by the Group, arrange consultant(s) and/ or expert(s) to present and explain technical information to the Group; and
- g) where reasonably requested by the Group, invite representatives from relevant Government agencies or other individuals to attend Group meetings from time to time.

Complaints and Enquiries

- 5.4 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community enquiries and complaints for the duration of construction:
- a) a telephone number on which complaints and enquiries about the project may be registered.
 - 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.

The telephone number, the postal address and the email address shall be published in a newspaper circulating in the local area prior to the commencement of construction and prior to the commencement of operation. This information shall also be provided on the Proponent's website.

- 5.5 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Construction Complaints Management System** consistent with AS 4269: *Complaints Handling* and maintain the System for the duration of construction. Information on all complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation, shall be included in the construction compliance reports referred to under condition 4.1c) and made available to the Director-General on request.

Provision of Electronic Information

- 5.6 Prior to the commencement of construction, the Proponent shall dedicated pages within its project website, for the provision of electronic information associated with the project. The Proponent shall, publish and maintain up-to-date information on these dedicated pages including, but not necessarily limited to:
- a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this approval that may be granted from time to time;
 - b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;
 - c) subject to confidentiality requirements, a copy of each strategy, plan and program required under this approval; and
 - d) the outcomes of compliance tracking in accordance with condition 4.1 of this approval.

6. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 6.1 Prior to the commencement of construction of the project or each stage of the project, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General, a suitably qualified and experienced Environmental Representative(s) independent of the project design and construction personnel. The Proponent shall employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:
- a) be the principal point of advice in relation to all questions and complaints concerning the environmental performance of the project;

- b) monitor the implementation of all environmental management plans and monitoring programs required by the conditions of this approval;
- c) monitor the outcome of all environmental management plans and advise the Proponent upon the achievement of all project environmental outcomes;
- d) ensure that environmental auditing is undertaken in accordance with all relevant project Environmental Management Systems;
- e) have responsibility for considering and advising the Proponent 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; and
- f) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur

Ferry Lane Management Plan

- 6.2 Prior to the commencement of any construction activities that may impact on Ferry Lane, the Proponent shall prepare a **Ferry Lane Management Plan** in consultation with the Department's Heritage Branch, Kempsey Shire Council, Kempsey Returned Services League (RSL) sub branch and adjoining property owners in order to ensure ongoing integrated management of the site. The Plan shall include, but not necessarily be limited to:
- a) an integrated plan for the public interpretation of the memorial avenue, including signage, memorial and interpretive walking tracks between the two separated portions of the avenue;
 - b) procedures for construction of the project within the vicinity of the site to ensure preservation of historic features wherever possible;
 - c) mechanisms to improve the condition of existing plantings which may include the pruning, removal of weeds and unwanted vegetation and the identification and planting of suitable replacement trees;
 - d) an appropriate plan of management for the site including long-term replacement and maintenance program;
 - e) protocols and procedures for future works that may be proposed by the Proponent as part of this project within the vicinity of the site; and
 - f) Details of long-term management and responsible parties.

Urban Design and Landscaping Management Plan

- 6.3 Prior to the commencement of construction of the project, or as otherwise agreed by the Director-General, the Proponent shall prepare an **Urban Design and Landscape Plan** in consultation with relevant Council(s), relevant Government agencies and the Community Liaison Group (refer to condition 5.2 of this approval). The Plan shall include, but not necessarily be limited to:
- a) sections and perspective sketches;
 - b) location and identification of existing and proposed vegetation including use of indigenous and endemic species where possible;
 - c) location of mounds, bunds, structures (noise walls, bridges) or other proposed treatments, finishes of exposed surfaces (including paved areas);
 - d) progressive landscaping strategies incorporating other environmental controls such as erosion and sedimentation controls, drainage, noise mitigation; and
 - e) monitoring and maintenance procedures.

Construction Environmental Management Plan

- 6.4 Prior to the commencement of construction of the project or each stage of the project, the Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in consultation with relevant Government agencies and local councils, and in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) and shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken during construction of the project including an indication of stages of construction, where relevant;
- b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
- e) the additional plans listed under condition 6.5 of this approval; and
- f) complaints handling procedures during construction as set out in condition 5.5 of this approval.

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

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

- a) a **Construction Flora and Fauna Management Plan** to detail how construction impacts on ecology will be minimised and managed. The Plan shall be developed in consultation with the DECC and include, but not necessarily be limited to:
 - i) details of work practices (such as fencing and construction worker education) to minimise the potential for damage to vegetation and native fauna during construction;
 - ii) weed management measures focusing on early identification of invasive weeds and determining effectiveness of management controls;
 - iii) procedures to install and monitor mitigation measures, such as nest boxes, relocated hollows and fauna fencing for effectiveness and maintenance; and
 - iv) an auditing program for construction work practices to ensure that there is no impact on threatened species or their habitats additional to that already permitted.
- b) a **Construction Heritage Management Plan** to detail how construction impacts on Aboriginal and non-Aboriginal heritage will be minimised and managed. The Plan shall be developed in consultation with the Department's Heritage Branch, the DECC, Kempsey Aboriginal Land Council and the Dunghutti Elders group and shall include, but not necessarily be limited to:
 - i) results and recommendations arising from investigations into Potential Archaeological Deposits;
 - ii) a strategy for the salvage and curation of salvaged Aboriginal objects;
 - iii) an education program for construction and project supervision personnel on their obligations for Aboriginal cultural materials;
 - iv) procedures to be implemented if previously unidentified Aboriginal objects and / or Non-Indigenous heritage items are discovered during construction; and
 - v) a program for construction work practices to ensure that there is no impact on heritage items additional to that already permitted
- c) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts would be minimised and managed. The Plan shall be developed in consultation with the DECC and include, but not necessarily be limited to:
 - i) details of construction activities and a schedule for construction works;
 - ii) identification of construction activities that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers, particularly residential areas;

- iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines;
- iv) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and
- v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected.

Operation Environmental Management Plan

6.6 Prior to the commencement of operation of the project, or each stage of the project, the Proponent shall prepare and submit for the approval of the Director-General an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004), and shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken during operation of the project including an indication of stages of operation, where relevant;
- b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage ecological factors, including effectiveness of fauna crossings;
 - ii) measures to monitor and manage noise impacts;
 - iii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters;
- d) a description of the roles and responsibilities for all relevant employees involved in the operation of the project; and
- e) complaints handling procedures during operation.

Nothing in this approval restricts the Proponent from incorporating the above operational environment plan into existing management systems administered by the Proponent.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the project, or within such period otherwise agreed by the Director-General. Operation of the project shall not commence until written approval has been received from the Director-General.