

# Project Approval

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

As delegate for the Minister for Planning and Infrastructure, I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

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



Richard Pearson  
Deputy Director-General  
Development Assessment & Systems Performance

Sydney

5 August

2012

### SCHEDULE 1

<b>Application Number:</b>	10_0039
<b>Proponent:</b>	Midal Cables International Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 11 DP 270328 (formerly Lots 5 & 6 DP 270328), Part Lot 301 DP 634536 and Part Lot 3232 DP 618103
<b>Project:</b>	Tomago Cable Manufacturing Project

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## DEFINITIONS

AHD	Australian Height Datum
BCA	Building Code of Australia
Council	Port Stephens Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure
Development	see definition of project
Director-General	Director-General of the Department of Planning and Infrastructure, or his nominee
EA	The Environmental Assessment titled <i>Midal Cables International Pty Limited – Tomago Aluminium Rod and Conductor Manufacturing Facility – Environmental Assessment</i> (Volumes 1&2), dated February 2012 and prepared by GHD Pty Ltd and Response to Submissions Report titled <i>Midal Cables International - Tomago Aluminium Rod and Conductor Manufacturing Project – Submissions Response Report</i> , dated April 2012 and prepared by GHD Pty Ltd
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Haul road	The private fenced haul road built specifically as part of the project to transfer molten aluminium from the Tomago Aluminium Smelter to the site and shown in Appendix A
HWC	Hunter Water Corporation
Land	The whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Minister	Minister for Planning and Infrastructure, or delegate
Minister for Environment and Heritage	The Minister for Environment and Heritage who administers the TSC Act
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NSW RFS	The NSW Rural Fire Service
NOW	NSW Office of Water - Department of Primary Industries
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project	The development as described in the EA
Proponent	Midal Cables International Pty Ltd, or its successors in title
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
Registered Biobanking Agreement site	Land relating to a Biobanking Agreement registered by the Director-General of the OEH under the TSC Act
RMS	Roads and Maritime Services
Site	The land referred to in Schedule 1 and shown in Appendix A
Statement of Commitments	The Proponent's commitments for the project in Appendix B
TSC Act	<i>Threatened Species Conservation Act 1995</i>

## **SCHEDULE 2 ADMINISTRATIVE CONDITIONS**

### **Obligation to Minimise Harm to the Environment**

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

### **Terms of Approval**

2. The Proponent shall carry out the project generally in accordance with the:
  - (a) EA;
  - (b) project site layout plans (see Appendix A);
  - (c) statement of commitments (see Appendix B); and
  - (d) conditions of this approval.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - (a) any audits, reports, plans, programs, strategies, studies or correspondence that are submitted in accordance with this approval; and
  - (b) the implementation of any actions or measures contained in these audits, reports, plans, programs, strategies, studies or correspondence submitted by the Proponent.

### **Limits of Approval**

5. The Proponent shall not:
  - (a) receive more than 50,000 tonnes of molten aluminium a year at the site from the Tomago Aluminium Smelter; and
  - (b) dispatch more than 50,000 tonnes of aluminium a year from the site.

### **Management Plans/Monitoring Programs**

6. With the approval of the Director-General, the Proponent may:
  - (a) submit any management plan or monitoring program required by this approval on a progressive basis; and
  - (b) combine any management plan or program required by this approval with any similar management plan or program that have been approved under previous consents or approvals.

### **Structural Adequacy**

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

#### *Notes:*

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

### **Demolition**

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

### **Protection of Public Infrastructure**

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

### **Dilapidation Reporting**

10. Prior to commencement of construction, the Proponent shall prepare a dilapidation report of the road infrastructure on School Drive (including roads, gutters etc) in consultation with Council, and submit a copy of this report to Council and the Director-General.
11. Prior to the commencement of operations, the Proponent shall conduct a review of the condition of road infrastructure on School Drive with officers from Council and provide any repairs deemed a result of the construction of the project to Council's design requirements, to the satisfaction of the Director-General. All repairs must be completed prior the commencement of operations.

### **Operation of Plant and Equipment**

12. The Proponent shall ensure that all plant and equipment used for the project is:
  - (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

### **Section 94 Contributions**

13. Prior to the commencement of operation, the Proponent shall pay contributions to a maximum amount of \$110,000 in accordance with the *Port Stephens Council Section 94A Development Contributions Plan 2006*, in consultation with Council, and to the satisfaction of the Director-General.

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

### **SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS**

#### **AIR QUALITY**

##### **Odour**

1. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

##### **Operating Conditions**

2. The Proponent shall:
  - (a) implement best practice air quality management during construction and operation including all reasonable and feasible measures to minimise odour, fume and dust emissions generated by the project; and
  - (b) minimise any visible air pollution generated by the project,to the satisfaction of the Director-General.

##### **Discharge Limits**

3. Unless otherwise specified by the Director-General, the Proponent shall:
  - (a) comply with all monitoring (points) requirements and pollutant discharge concentrations as specified by the EPA in the EPL; and
  - (b) ensure that the stack discharge design requirements comply with the EPL.

##### **Greenhouse Gas**

4. The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Director-General.
5. The Proponent shall prepare and implement an Energy Efficiency Plan on the project to the satisfaction of the Director-General. This plan must:
  - (a) be submitted to the Director-General for approval prior to the commencement of operations;
  - (b) describe the measures that would be implemented to minimise energy use on the site;
  - (c) explore the possibility of using renewable energy use to generate power; and
  - (d) include a program to monitor the effectiveness of these measures, and a protocol to periodically review the plan.

##### **Air Quality Management Plan**

6. The Proponent shall prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Director-General. This plan must:
  - (a) be prepared by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General prior to operations;
  - (c) detail the emissions points and air quality impact assessment criteria;
  - (d) describe in detail the measures that would be implemented on site to manage the air quality and greenhouse gas impacts of the project to ensure compliance with this approval and other relevant statutory controls;
  - (e) include a program for monitoring the air quality impacts of the project; and
  - (f) identify what remedial action would be taken in the event that a non-compliance is identified.

#### **TRAFFIC**

##### **Vehicle Routes**

7. The Proponent shall ensure that at all times, all heavy vehicles associated with the project, with the exception of those delivering molten aluminium to the site via the haul road, travel to the site via Tomago Road, onto McIntyre Road, via the western entrance of School Drive and onto the Private Road and site access.
8. The Proponent shall ensure that at all times, all heavy vehicles associated with the project, with the exception of those delivering molten aluminium to the site via the haul road, use the reverse of the route specified in Condition 8 of this Schedule (above) to egress from the site.

## Design of Roads, Access and Parking

9. The Proponent shall ensure that:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the project are constructed and maintained in accordance with the latest versions of AS 2890.1 and AS 2890.2;
  - (b) the Private Road and site access are constructed to comply with AUSTROADS 'Guideline to Road Design';
  - (c) the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is in accordance with AUSTROADS; and
  - (d) the construction zone of land cleared for the haul road is no more than 19 metres wide (i.e. a 9m wide road with an additional 5m easement each side), except where the haul road passes through areas of high value habitat for the New Holland Mouse where the construction zone of land cleared for the haul road shall be no more than 14 metres wide (i.e. a 9m wide road with an additional 5m easement on the southern side).

## Vehicle Queuing and Parking

10. The Proponent shall ensure that:
- (a) the project does not result in any vehicles queuing or parking on the public road network;
  - (b) all vehicles are wholly contained on site before being required to stop;
  - (c) all loading and unloading of materials is carried out on site;
  - (d) turning areas are kept clear of obstacles, including parked cars, at all times;
  - (e) all trucks entering or leaving the site with loads have their loads covered;
  - (f) trucks associated with the project do not track dirt onto the public road network; and
  - (g) public roads used by these trucks are kept clean.

## Traffic Management Plan

11. The Proponent shall prepare and implement a Traffic Management Plan for the project, to the satisfaction of the Director-General. The Plan shall:
- (a) be prepared in consultation with RMS and Council by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General prior to the commencement of construction;
  - (c) detail the access and parking arrangements for the site during construction and operation;
  - (d) detail the measures to ensure that vehicles associated with the project do not queue or park on the public road network during construction and operation;
  - (e) detail the measures to control traffic movements from the site and ensure traffic safety during construction;
  - (f) detail the measures to promote car-pooling and other shared transport initiatives during construction and operation; and
  - (g) detail the measures to ensure that workers use any vehicle routes to access the site specified in this approval.

## BIODIVERSITY

12. The Proponent shall enter into a Biobanking Agreement with the Minister for Environment and Heritage, in accordance with Part 7A of the TSC Act, to implement the Biodiversity Offset Strategy described in the EA to satisfaction of the Director-General. The agreement must:
- (a) be prepared in consultation with and submitted to the OEH;
  - (b) be finalised prior to any construction works or disturbance associated with the haul road on Lot 301 DP 634536 or Lot 3232 DP 618103;
  - (c) be consistent with the relevant OEH guidelines;
  - (d) include the retirement of 33 ecosystem credits for clearing 0.68 hectares of Smooth-barked Apple Red Bloodwood (*Angophora costata* and *Corymbia gummifera*), or as otherwise agreed to by OEH, on a registered Biobanking Agreement site;
  - (e) include the retirement of any species credits identified as necessary under Condition 14 of this Schedule, on a registered Biobanking Agreement site; and
  - (f) describe the arrangements for the long-term protection and conservation of the Biobanking Agreement site/s.

*Note: This condition is linked to Condition 14 of this Schedule (below) which may require the retirement of species credits to account for offsetting any orchid species identified by the surveys required under Condition 13 of this Schedule.*

13. Prior to any construction works or disturbance associated with the haul road on Lot 301 DP 634539 or Lot 3232 DP 618103, the Proponent shall:

- (a) carry out additional surveys focusing on the area adjoining the powerline easement on the western boundary of the site to the satisfaction of the OEH for the following orchid species:
    - *Diuris arenaria*; and
    - *Diuris praecox*; and
  - (b) ensure the surveys are undertaken during the specific flowering times of these species; and
  - (c) submit the survey results to both the Director-General and the OEH within two weeks of their completion.
14. Should the surveys required by Condition 13 of this Schedule identify *Diuris arenaria* and/or *Diuris praecox*, the Proponent shall make an adjustment to the 'Biobanking Agreement' required by Condition 12 of the Schedule, including the retirement of species credits, to the satisfaction of the Director-General. The adjustment shall be finalised prior to any construction works or disturbance associated with the haul road on Lot 301 DP 634536 or Lot 3232 DP 618103.

*Note: The requirements of this Condition are waived in the event that no orchids are identified by the surveys required under Condition 13 of this Schedule.*

15. The Proponent shall prepare and implement a Flora and Fauna Management Plan for native flora and fauna located on the parts of the haul road on Lot 301 DP 634536 and Lot 3232 DP 618103, to the satisfaction of the Director-General. The Plan shall:
- (a) be prepared in consultation with the OEH and EPA by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General, prior to any construction works or disturbance associated with the haul road on Lot 301 DP 634536 or Lot 3232 DP 618103;
  - (c) describe in detail the measures that would be implemented to minimise the impacts of the project on native flora and fauna during construction and operation including measures to restrict the haul road construction zone footprint; and
  - (d) describe in detail the measures that would be implemented to clear fauna from the site prior to construction of the haul road including tree felling of hollow bearing trees and a fauna trapping program.

#### **Landscaping and Vegetation Management Plan**

16. The Proponent shall prepare and implement a Landscaping and Vegetation Management Plan for the project. This plan must:
- (a) be prepared by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General prior to the commencement of construction;
  - (c) detail any landscaping treatments at the site, with particular attention to minimising the visibility of the site/s from residences and public vantage points;
  - (d) ensure that all landscaping at the site complies with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*;
  - (e) include actions to revegetate, regenerate and improve vegetation condition on the site including measures to undertake replacement plantings of supplementary koala habitat where possible; and
  - (f) describe the on-going maintenance and monitoring regime for landscaping and vegetation management on the site.

#### **SOIL AND WATER**

##### **Discharge Limits**

17. Except as may be expressly provided in an EPL for the project, the Proponent shall comply with Section 120 of the POEO Act.

##### **Bunding**

18. The Proponent shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Environmental Protection Manual: Technical Bulletin Bunding and Spill Management*.

##### **Erosion and Sediment Control**

19. During the construction of the project, the Proponent shall implement suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline*.



## Soil and Water Management Plan

20. The Proponent shall prepare and implement a Soil and Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
  - (a) be prepared in consultation with Council, HWC and NOW by a suitably qualified and experienced expert (or experts) whose appointment has been endorsed by the Director-General;
  - (b) be approved by the Director-General prior to the commencement of construction;
  - (c) include a Site Water Balance for the project;
  - (a) include a Groundwater Management Plan;
  - (b) include a Contamination Management Plan;
  - (c) include a Acid Sulphate Soils Management Plan;
  - (d) include a Stormwater Management Plan; and
  - (e) include a Wastewater, Recycled Water Re-use and Infiltration Management Plan.
21. The Groundwater Management Plan must:
  - (a) detail the controls that would be implemented during construction and operation to minimise the impacts of the project on groundwater quality;
  - (b) detail the groundwater quality monitoring program during construction and operation of the project;
  - (c) detail the measures that would be undertaken to verify the actual changes in groundwater elevation as a result of the project against the predictions in the EA;
  - (d) detail the groundwater quality impact assessment criteria;
  - (e) include procedures for reporting the monitoring results against the criteria;
  - (f) detail the remedial actions to be taken in the event that a non-compliance, exceedance or problem trend is identified; and
  - (g) a description of how the effectiveness of actions would be monitored over time.
22. The Contamination Management Plan must:
  - (a) outline the preliminary investigations that have been undertaken to test for the presence of contamination;
  - (b) detail the protocols to be put in place and followed in the event that contaminated soil or water is encountered during construction;
  - (c) detail how excavated soil will be tested, handled and stockpiled;
  - (d) detail the measures that will be employed to prevent erosion and sedimentation of contaminated soil; and, if necessary,
  - (e) outline how contaminated soil and water will be classified in accordance with the EPA's *Waste Classification Guideline* and, if not suitable for re-use, disposed of off-site (e.g. at a licensed facility).
23. The ASS Management Plan must:
  - (a) outline the preliminary investigations that have been undertaken to test for the presence of ASS in accordance with the NSW State Government's *Acid Sulphate Soils Manual* (ASSMAC 1998);
  - (b) detail the protocols to be put in place and followed in the event that ASS is encountered;
  - (c) detail how the ASS will be tested, handled and stockpiled;
  - (d) detail measures to prevent erosion and sedimentation of ASS; and, if necessary
  - (e) outline how the ASS will be disposed of off-site (e.g. at a licensed facility).
24. The Stormwater Management Plan must:
  - (a) include detailed plans of the stormwater management system for the site, including any rainwater harvesting or stormwater detention infrastructure;
  - (b) be consistent with the EPA's *Managing Urban Stormwater: Harvesting and Reuse* guideline;
  - (c) demonstrate that post development flows will not exceed predevelopment flows for a range of ARI from 1 year up to and including the 100 year ARI;
  - (d) describe how stormwater would be pre-treated to the requirements of Council's *Urban Stormwater & Rural Water Quality Management Plan*;
  - (e) describe the procedures for the installation, inspection and maintenance of the stormwater system for the life of the project;
  - (f) include a stormwater quality monitoring program for the on-going operation of the project;
  - (g) detail the remedial actions to be taken in the event that a non-compliance or exceedance of the relevant standards is identified; and
  - (h) a description of how the effectiveness of actions would be monitored over time.
25. The Wastewater and Irrigation Management Plan must:
  - (a) include the final design of the sewerage and subsurface irrigation system which must:
    - be designed to comply with the relevant Australian Standard/s;
    - if relevant, be designed to comply with the *Australian guidelines for water recycling: managing health and environmental risks (phase1) - 2006*;
    - be designed to treat wastewater to comply with the EPA's *Environmental Guidelines Use of Effluent by Irrigation* and the relevant Council guidelines/standards;

- (b) include measures to minimise groundwater and soil degradation, nutrient and salt accumulation and impacts on retained vegetation and site ecology;
- (c) include details of the management of any solid waste including methods to monitor and dispose of the waste in accordance with the relevant guidelines;
- (d) include:
  - the wastewater, soil and groundwater quality impact assessment criteria for the sewerage and irrigation systems;
  - details of the wastewater, groundwater, soil and vegetation monitoring program;
  - procedures for reporting the monitoring results against the criteria,
  - contingency measures to address exceedances of pollutant triggers and problems with the sewerage or irrigation systems;
  - a description of how the effectiveness of actions and measures would be monitored over time; and
  - measures to maintain the sewerage and irrigation systems for the life of the project.

*Note: the requirements of the 'Australian guidelines for water recycling: managing health and environmental risks (phase1)- 2006' would only be considered relevant to the design of the sewerage system for the project if it is proposed to reuse recycled wastewater in the process stream or as a 'third pipe' for indoor use.*

## HAZARDS AND RISK

### General

- 26. The Proponent must ensure that all molten aluminium is transported to the site from the Tomago Aluminium Smelter and using the haul road.

### Pre-construction

- 27. The Proponent shall prepare the studies set out under subsections 28(a) to 28(b) (the pre-construction studies) below. Construction, other than of preliminary works that are outside the scope of the hazard studies, shall not commence until study recommendations have been considered and, where appropriate, acted upon.
  - (a) FIRE SAFETY STUDY  
A Fire Safety Study for the proposed project. This study shall cover the relevant aspects of the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the New South Wales Government's *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*. The study shall meet the requirements of Fire and Rescue NSW and NSW RFS.
  - (b) FINAL HAZARD ANALYSIS  
A Final Hazard Analysis of the proposed project, consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*.

### Pre-commissioning

- 28. Prior to commissioning, the Proponent shall develop and implement the plans and systems set out under subsections 29(a) to 29(b) below.
  - (a) EMERGENCY PLAN  
A comprehensive Emergency Plan and detailed emergency procedures for the proposed project. The plan shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'* and the NSW RFS's *'Guidelines for the Preparation of an Emergency /Evacuation Plan'*.
  - (b) SAFETY MANAGEMENT SYSTEM  
A comprehensive Safety Management System, covering all on-site operations and associated transport activities involving hazardous materials. The Safety Management System shall be consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

### Pre-startup

- 29. Prior to startup, the Proponent shall submit to the Director-General a report detailing compliance with Conditions 28 and 29 (above) of this Schedule, one month prior to the commencement of operation of the project.

## Ongoing Hazard Auditing

30. Twelve (12) months after the commencement of operations of the project and every three years thereafter, the Proponent shall carry out a comprehensive Hazard Audit of the proposed project consistent with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*.

The audit shall be carried out by a qualified person or team, independent of the project.

## NOISE

### Operational Limits

31. The Proponent shall ensure that the noise generated by the operation of the project does not exceed the noise criteria in Table 4 at any identified receiver.

*Table 4: Noise impact assessment criteria dB(A)*

Location	Day	Evening	Night	
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)
<b>Receiver 1</b> 5 Graham Drive	35	35	35	45
<b>Receiver 2</b> 41 School Drive	38	38	38	49
<b>Receiver 3</b> 29 School Drive	36	36	36	51
<b>Receiver 4</b> 423 Tomago Road	35	35	35	45
<b>Receiver 5</b> Tomago Detention Centre	35	35	35	45
All other residential receivers	35	35	35	45

- Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
- Noise criteria and receiver locations are based on the information contained within the Noise Impact Assessment in the EA.
- Where it can be demonstrated that direct measurement of noise from the Project is impractical, the EPA and Department may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

32. In the event that non-compliance is identified with the noise impact assessment criteria in Table 4 of this approval, the Proponent shall undertake suitable remedial action to reduce noise emissions from the site in consultation with the EPA, to the satisfaction of the Director-General.

### Operating Hours

33. The Proponent shall comply with the operating hours in Table 5 for the site, unless otherwise agreed in writing by the EPA.

*Table 5: Operating hours*

Activity	Day	Time
Construction	Monday - Friday	7.00am to 6.00pm
	Saturday	8.00am to 1.00pm
	Sunday and Public Holidays	Nil
Operation	All days	24 hours

## **WASTE**

34. The Proponent shall ensure that all waste generated by the project is classified in accordance with the EPA's *Waste Classification Guidelines* and disposed of to a facility that may lawfully accept the waste.
35. The Proponent shall not receive any waste at the site, except as may be expressly provided in an EPL for the project.

### **Wastewater Management**

36. The Proponent shall ensure that:
  - (a) the quantity of effluent/solids applied to the irrigation zone/s does not exceed the capacity of the soil in these areas to absorb the effluent/solids;
  - (b) the application of effluent/solids to the irrigation zone/s does not cause surface run-off from these areas; and
  - (c) spray from the application of effluent/solids to the irrigation zone/s does not drift beyond the boundary of the irrigation zone/s to which it has been applied.

### **Waste Management Plan**

37. The Proponent shall prepare and implement a Waste Management Plan for the project to the satisfaction of the Director-General. This Plan shall:
  - (a) be prepared by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General prior to the commencement of operations;
  - (c) detail the type and quantity of waste to be generated by demolition, construction, transition and operational phases of the project;
  - (d) detail the materials to be reused or recycled, either on or off site; and
  - (e) detail the procedures for handling, storage, collection of recycling and disposal of waste (e.g. at a licensed facility).

## **HERITAGE**

38. The Proponent shall conduct heritage education inductions for all construction personnel and contractors working at the site in consultation with suitable representatives of the local Aboriginal community such as registered Aboriginal parties. Inductions records must be kept and made available to the Director-General upon request.
39. The Proponent shall ensure that the initial ground disturbance works associated with the construction of the haul road are monitored by a suitably qualified and experienced archaeologist and suitable representatives of the local Aboriginal community such as registered Aboriginal parties, to the satisfaction of the OEH.
40. The Proponent shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. In the event that an Aboriginal cultural object(s) is uncovered, a suitably qualified and experienced archaeologist, suitable representatives of the local Aboriginal community such as registered Aboriginal parties and the OEH must be contacted to determine the significance of the object(s). In addition, in the event that human remains are uncovered onsite, NSW Police are to be notified. Works shall not resume in the designated area until consent in writing from the NSW Police and/or the OEH has been obtained.

## **VISUAL AMENITY**

### **Lighting**

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

### **Signage**

42. The Proponent shall not install any advertising signs on site without the written approval of the Director-General.

## **SECURITY**

43. The Proponent shall:
- (a) install and maintain a perimeter security fence and security gates on the site; and
  - (b) ensure that the security gates on site are locked whenever the site is unattended.

## **FIRE MANAGEMENT**

44. The Proponent shall:
- (a) implement suitable measures to minimise the risk of fire on site;
  - (b) extinguish any fires on site promptly; and
  - (c) maintain adequate fire-fighting capacity on site.

## **Services**

45. The Proponent shall ensure that all water, electricity and gas infrastructure at the site complies with Section 4.2.7 of the NSW RFS's *Planning for Bush Fire Protection 2006*.

**SCHEDULE 4**  
**ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

**ENVIRONMENTAL MANAGEMENT**

**Construction Environmental Management Plan**

1. The Proponent shall prepare and implement a Construction Environmental Management Plan for the project to the satisfaction of the Director-General. The Plan must:
  - (a) be submitted to and approved by the Director-General prior to the commencement of construction or demolition;
  - (b) identify the statutory approvals that apply to the project;
  - (c) consolidate all relevant management plans and monitoring programs required in the conditions of this approval;
  - (d) outline all environmental management practices and procedures to be followed during construction and demolition works associated with the project;
  - (e) describe all activities to be undertaken on the site during construction of the project, including a clear indication of construction stages;
  - (f) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - (g) describe of the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the project; and
  - (h) include arrangements for community consultation and complaints handling procedures during construction and demolition.

**Environmental Management Plan**

2. The Proponent shall prepare and implement an Environmental Management Plan for the project to the satisfaction of the Director-General. This strategy must:
  - (a) be submitted to and approved by the Director-General prior to the commencement of operations;
  - (b) be prepared by a suitably qualified and experienced expert;
  - (c) provide the strategic framework for environmental management of the project;
  - (d) identify the statutory requirements that apply to the project;
  - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.
  - (f) describe in detail the management measures that would be implemented to address environmental issues;
  - (g) describe in general how the environmental performance of the project would be monitored and managed;
  - (h) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the project;
    - respond to any non-compliances; and
    - respond to emergencies;
  - (i) include a clear plan depicting all the monitoring currently being carried out within and around the site; and
  - (j) include copies of the various strategies and plans that are required under the conditions of this project once they have been approved.

**ANNUAL PERFORMANCE REPORTING**

3. One (1) year from the date of this approval and annually thereafter, unless otherwise agreed to by the Director-General, the Proponent shall submit an Annual Environmental Management Report (AEMR) to the Director-General and relevant agencies. The AEMR shall:
  - (a) be prepared by a suitably qualified and experienced expert;
  - (b) be submitted to the Director-General for approval within 3 months of the period being assessed by the AEMR;
  - (c) identify the standards and performance measures that apply to the project;
  - (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
  - (e) include a summary of the monitoring results for the project during the past year;
  - (f) include an analysis of these monitoring results against the relevant:
    - impact assessment criteria;
    - monitoring results from previous years; and
    - predictions in the EA;
  - (g) identify any trends in the monitoring results over the life of the project;

- (h) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- (i) identify any non-compliance over the last year; and
- (j) describe the actions would be taken over the next year to improve the environmental performance of the project and rectify any non-compliance (including a timeframe for the implementation of these actions).

#### **INDEPENDENT AUDIT**

4. Every three (3) years from the date of this approval, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
  - (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
  - (b) be undertaken in consultation with the EPA and Council;
  - (c) include an assessment of the noise and air quality performance of the project;
  - (d) assess the environmental performance of the project and undertake any works necessary to determine whether it is complying with the relevant standards, performance measures, and statutory requirements;
  - (e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
  - (f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.
5. Within six (6) weeks of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.

#### **Revision of Plans & Programs**

- (a) Within three (3) months of the submission of any:
  - (a) audit required under this approval;
  - (b) incident report under condition 8 of this schedule; or
  - (c) annual review under condition 5 of this schedule,

The Proponent shall review, and if necessary revise the plans and programs required under this approval to the satisfaction of the Director-General.

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

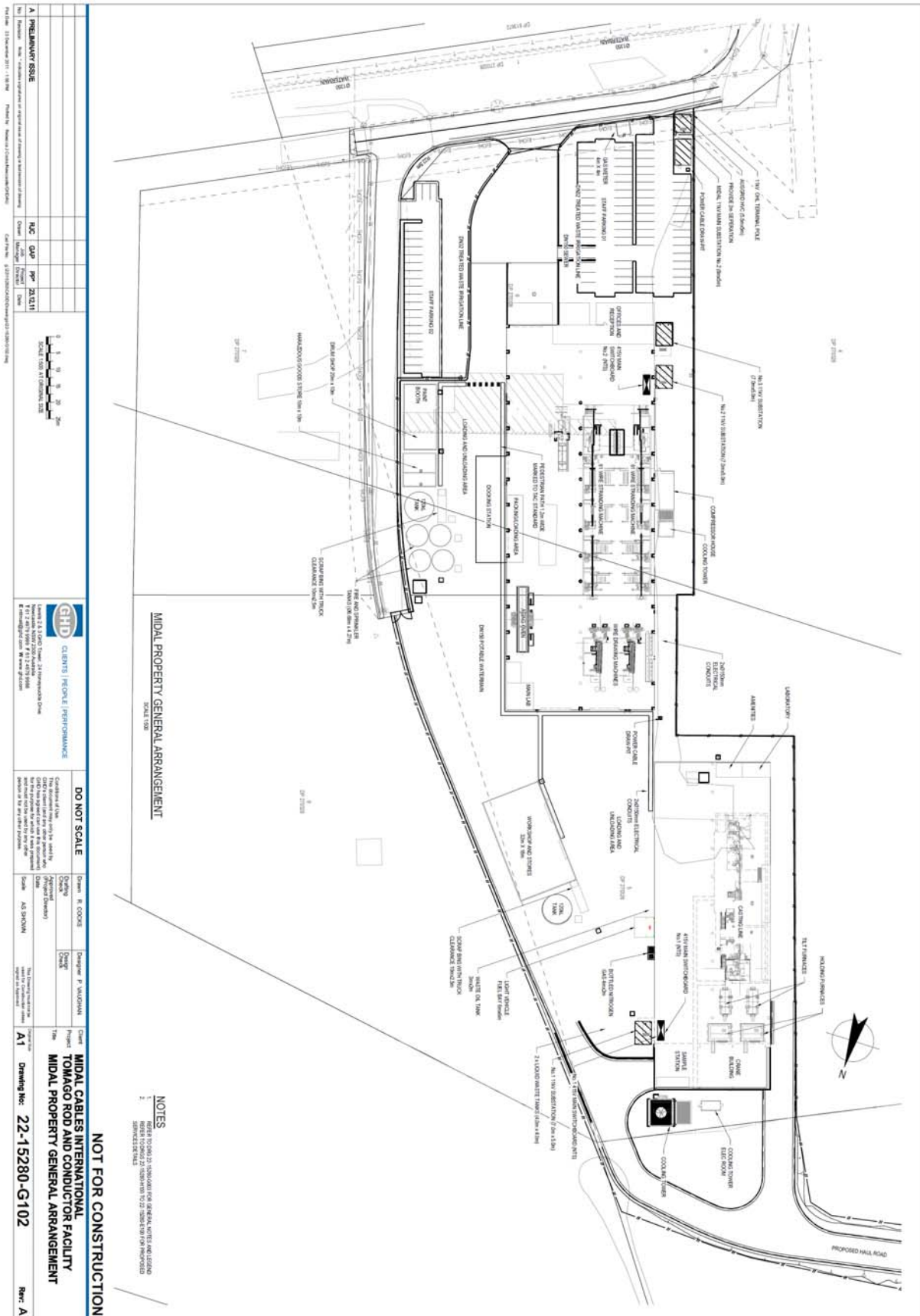
#### **Incident Reporting**

6. Upon detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) material harm to the environment, the Proponent shall immediately (or as soon as practical thereafter) notify the Department and other relevant agencies of the exceedance/incident. Within seven (7) days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

#### **ACCESS TO INFORMATION**

7. Within three (3) months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or annual reports required under this approval, the Proponent shall:
    - (a) provide a copy of the relevant documents/data to the relevant agencies; and
    - (b) make the documents publically available in an appropriate electronic format on the Proponent's website, should one exist. If a web site does not exist, the documents are to be made available upon request.
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# APPENDIX A SITE LAYOUT PLANS







**APPENDIX B  
STATEMENT OF COMMITMENTS**

Issue	Commitments
General management plans	Prepare and implement a CEMP as outlined in Section 20.1.2 of the Environmental Assessment.
	Prepare and implement an OEMP as outlined in Section 20.1.3 of the Environmental Assessment.
Air quality	<p>Measures to reduce the potential for air quality impacts would be incorporated into the design of the facility as described in Section 8.5 of the Environmental Assessment.</p> <p>The specifications provided to prospective equipment suppliers would dictate the technical and environmental performance the equipment would be expected to meet, based on Midal's operational requirements and the conditions of approval for the project.</p> <p>The cooling towers would comply with the <i>Public Health (Microbial Control) Regulation 2006</i> and The NSW Code of Practice for the Control of Legionnaires' Disease 2004. These would be read in conjunction with the Australian/New Zealand Standard AS/NZS 3666 Parts 1, 2, and 3: Air-handling and water systems of buildings – Microbial control.</p> <p>A dust management plan would be prepared as part of the CEMP detailing measures for the control of dust generation.</p>
Site water and groundwater	<p>A Spoil and Fill Management Plan would be incorporated into the CEMP and would include the control measures outlined in Section 9.3.</p> <p>Although no adverse impacts are expected on groundwater, a Groundwater Monitoring Plan would be prepared prior to construction.</p>

Issue	Commitments
Noise	<p>The project would be designed and operated to ensure that noise criteria are not exceeded.</p> <p>A construction noise management plan would be prepared as part of the CEMP to detail how construction noise impacts would be minimised, including the measures identified in Section 10.5 of the Environmental Assessment.</p>
Biodiversity	<p>Measures to minimise the impacts of construction on flora and fauna, including those outlined in Section 11.5, would be included in the CEMP.</p> <p>Retire a sufficient quantity of ecosystem credits generated within an approved BioBank as a biodiversity offset for the 0.68 ha of Smooth-barked Apple Red Bloodwood shrubby open forest removed by the project. The biodiversity offset would be consistent with the Interim Offsetting Guidelines for Part 3A Project and would be delivered via the BioBanking Offsets Scheme. The Biodiversity Offsetting Strategy would be prepared within 12 months of the date of approval of the project.</p> <p>Conduct a pre-construction survey for <i>Diuris praecox</i> and <i>Diuris arenaria</i> within the August flowering period specifically for the area adjoining the powerline easement at the western edge of the site. This survey is to determine if these species are present within the impact area. Biodiversity offsetting requirements and/or translocation would apply should these species be impacted by the haul road.</p> <p>If additional threatened species are identified on the site, the Biodiversity Offset Strategy would be revised to ensure potential impacts are adequately offset.</p> <p>Integrate biodiversity mitigation actions involving fauna clearance, House Mouse control, weed management, nest box installation and an ecological burn into the CEMP to minimise the direct and indirect impacts of the project on adjoining biodiversity values.</p> <p>Revegetate the margins of the haul road with <i>Lomandra longifolia</i> to act as a water and nutrient trap thereby minimising indirect impacts on adjoining vegetation through the operational period of the haul road.</p> <p>A fauna clearance program would be conducted during construction of the proposed haul road.</p> <p>Habitat enhancement would be incorporated into the OEMP, including ecological burn, House Mouse control and bush regeneration programs.</p> <p>A groundwater monitoring program, including a trigger response plan, would be undertaken to monitor the impacts of the project on groundwater dependent ecosystems.</p>

Issue	Commitments
Soil and contamination	Measures to minimise soil erosion and contamination, including those outlined in Section 12.3 of the Environmental Assessment, would be included in the CEMP and OEMP documentation
Waste	<p>Measures would be implemented where practicable to minimise, reuse and/or recycle any excavated and scrap material from construction.</p> <p>A Waste Management Plan would be prepared incorporating the measures of control identified in Section 13.3.</p>
Traffic and transport	<p>To minimise impacts during construction on existing road users, truck movements would be confined to the off-peak periods.</p> <p>A construction traffic management plan would be prepared incorporating the measures of control identified in Section 14.4.</p> <p>All heavy vehicle loading and unloading movements would occur within the site and internal access roads and designated loading and unloading zones would be provided for specific site operations.</p> <p>Staff and heavy vehicle movements would be separated by containing all staff vehicle movement to designated off street parking areas on newly constructed private access roads.</p> <p>A separate direct private haulage road would be provided to connect the project with the smelter.</p> <p>To minimise impacts during construction on existing road users, truck movements associated with the delivery of material and removal of fill would be scheduled and where possible avoid commuter peak periods.</p> <p>A project construction traffic management plan would be prepared that incorporates control measures to manage the impact on road users and surrounding property during the construction period.</p>
Bushfire	<p>To minimise potential bushfire risk, asset protection zones would be established as outlined in Section 15.3.1 of Environmental Assessment.</p> <p>Preparation of a site management plan during construction and operation of the project would also be undertaken to assist in reducing bushfire risk.</p>
Hazards analysis	The risk management and mitigation procedures outlined in Section 16.5.3 of the Environmental Assessment would be implemented during operation of the project. Emergency management procedures would be developed to respond to potential fire and explosion scenarios.
Greenhouse gas and climate change	Potential energy efficiency measures including recovering waste heat and utilising renewable energy (as detailed in Section 17.4.1) and avoidance of natural hazards from climate change (as detailed in Section 17.4.2) would be considered in the detailed design phase of the project.

Issue	Commitments
Heritage	<p>An Aboriginal Cultural Heritage Awareness Program would be prepared and all personnel and contractors involved in the construction activities within the site would be inducted into the program. Records would be kept of which staff/contractors have been inducted, and when, for the duration of the project. This program would be developed in collaboration with registered Aboriginal parties.</p> <p>Initial ground disturbance works associated with development of the haul road would be monitored by representatives from the registered Aboriginal parties and an archaeologist would be on call to inspect the site, if required.</p> <p>A work method statement would be prepared prior to monitoring that details a methodology that allows work to continue in the case of low significance finds. The method statement would nominate a suitable location to store such finds.</p> <p>If any Aboriginal cultural objects of unknown significance are uncovered during construction, all works would cease in the immediate vicinity of the find to prevent further impacts to objects. A suitably qualified archaeologist and members of the registered Aboriginal parties would be contacted to determine the significance of the find. Any new sites must be registered in the AHIMS and details of the proposed management of these sites must be provided in the information submitted to AHIMS.</p> <p>If human remains were located during construction, all works would cease in the vicinity of the site and the NSW Police, the Aboriginal community and OEH would be notified.</p> <p>If any Aboriginal objects are uncovered during the project, custodial arrangements would be developed that comply with the provisions of Sections 85A and 89A of the <i>National Parks and Wildlife Act 1974</i>. Records would be kept of the support, or otherwise, from all registered Aboriginal stakeholders, of any decisions regarding final custodial arrangements.</p>