

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 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.

Hon Kristina Keneally MP
Minister for Planning

Mod 1 – Red Type

Sydney

2009

File No: S06/00519

SCHEDULE 1

Application No:	06_0271
Proponent:	EnergyAustralia NSW Pty Limited
Approval Authority:	Minister for Planning
Land:	Lots 1 and 2 DP 800003, 708 Portland Road, Wallerawang, Lithgow local government area
Project:	Construction and operation of the Pipers Flat Rail Coal Unloader.
Major Project:	The project is declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is development of a kind described in clause 23 of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i>

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Council	Lithgow City Council
Department	Department of Planning and Environment
DoI Lands and Water	Department of Industry Lands and Water Division
Dust	Any solid material that may become suspended in air or deposited
EA	<ul style="list-style-type: none"> • <i>Western Rail Coal Unloader: Environmental Assessment</i>, prepared by Sinclair Knight Merz Pty Ltd and dated April 2007; • <i>Western Rail Coal Unloader: Environmental Assessment, Submissions Report</i>, prepared by Sinclair Knight Merz and dated August 2007; • supplementary information provided under correspondence from Delta Electricity to the Department of Planning, dated 10 April 2008, and accompanied by: <ul style="list-style-type: none"> i) <i>Western Rail Coal Unloader: Submissions Report – Conveyor Options Assessment</i>, prepared by Sinclair Knight Merz and dated 12 February 2008; ii) <i>Western Rail Coal Unloader: Submissions Report – Sleep Disturbance Assessment</i>, prepared by Sinclair Knight Merz and dated March 2008; • <i>Western Rail Coal Unloader: Submissions Report – Portland Noise Assessment</i>, prepared by Sinclair Knight Merz and dated 6 March 2008; and • <i>Pipers Flat Rail Coal Unloader Section 75W Modification Project Approval 06_0271 Environmental Assessment</i> dated August 2018, as modified by the Response to Submissions dated October 2018.
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Minister, the	Minister for Planning
OEH	Office of Environment and Heritage
Proponent	EnergyAustralia NSW Pty Limited
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
RMS	Roads and Maritime Services
Site	Land to which Major Projects Application 06_0271 applies.
TfNSW	Transport for NSW

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project:
 - a) generally in accordance with the EA, and
 - b) in accordance with the conditions of this approval.
- 1.2 If there is any inconsistency between the documents in condition 1.1 above, the most recent document prevails to the extent of the inconsistency. However, the conditions of this approval prevail to the extent of any inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Secretary 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.

Limits of Approval

- 1.4 This project approval shall lapse on 28 June 2022, unless the works subject of this approval are physically commenced on or before that time.
- 1.5 Subject to compliance with conditions 2.13 and 2.14 of this approval, the project shall receive no more than 5 million tonnes per annum of coal.

Statutory Requirements

- 1.6 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Air Quality Impacts

Meteorological Monitoring Station

- 2.1 The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the Site, in accordance with:
 - a) AM-1 Guide to Siting of Sampling Units (AS 2922-1987).
 - b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987).
 - c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications.

The meteorological monitoring station shall be installed at or near the project and the Proponent shall use the meteorological monitoring station to undertake the monitoring required under condition 3.1 of this approval. This condition does not preclude the Proponent from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, or individual or shared use of an existing monitoring station representative of the project, provided the outcomes of this condition are achieved.

Note: as at the date of this approval, the Proponent maintains a meteorological monitoring station at the Mount Piper Power Station that satisfies the requirements of condition 2.1.

Odour

- 2.2 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

Dust Generation

- 2.3 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.
- 2.4 The Proponent shall take all practicable measures to ensure that all vehicles entering or leaving the site, carrying a load that may generate dust, are covered at all times, except during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, to the maximum extent practicable.
- 2.5 The Proponent shall control dust emissions on all internal roads, trafficable areas and manoeuvring areas to minimise the potential for dust generation by sealing, or otherwise treating surfaces in a manner acceptable to the **Secretary**.
- 2.6 The Proponent shall design, construct, operate and maintain the project in a manner that minimises the potential generation of fugitive dust emissions from plant and equipment through the application of all reasonable and feasible measures. Measures to be undertaken shall include, but are not necessarily limited to:
- floor sweep system for the collection of dust from the unloading facility;
 - spray dust suppression system for minimising dust generation at the interface of the coal bin opening and rail wagon;
 - dust extraction and ventilation system for the unloading facility; and
 - physical enclosure of the conveyor system.

Noise and Vibration Impacts

Vibration Impacts

- 2.7 The Proponent shall design, construct, operate and maintain the project to meet the requirements of *Assessing Vibration: A Technical Guideline* (DECC, 2006).

Construction Noise

- 2.8 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:
- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - 8:00 am to 1:00 pm on Saturdays; and
 - 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.

- 2.9 The hours of construction activities specified under condition 2.8 of this approval may be varied with the prior written approval of the **Secretary**. Any request to alter the hours of construction specified under condition 2.8 shall be:
- considered on a case-by-case basis;
 - accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
 - accompanied by written evidence of the **EPA's** agreement with the proposed variation in construction times, after providing any information necessary for the **EPA** to

reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

Operation Noise

- 2.10 The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 1, at those locations and during those periods indicated. The maximum allowable noise contributions apply under wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level), or under temperature inversion conditions of up to 3 °C/ 100 metres.

Table 1 - Maximum Allowable Noise Contribution

Location	Day	Evening	Night	
	7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays	6:00pm to 10:00pm on any day	10:00pm to 7:00am Mondays to Saturdays 10:00pm to 8:00am Sundays and public holidays	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
All receivers	35	35	35	45

To avoid any doubt, the noise limits specified under this condition apply to all operational aspects of the project, including rail noise generated on the rail loop.

- 2.11 For the purpose of assessment of noise contributions specified under condition 2.10 of this approval, noise from the project shall be assessed in accordance with the provisions and procedures in the *Noise Policy for Industry* (EPA 2016).

Notwithstanding, should direct measurement of noise from the project be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (see Section 7 of the *Noise Policy for Industry*) Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Secretary prior to the implementation of the assessment method.

Rail-Related Noise

- 2.12 Prior to the commencement of operation of the project, the Proponent shall investigate operational and physical mitigation options that may be applied to the branch line connections to the Wallerawang to Mudgee rail line to ensure that the noise criteria (particularly the L_{A1}(1-minute) criterion) are met at all times. Operational and physical mitigation options may include, for example, prohibition on the use of locomotive horns, acoustic barriers or other similar treatments. The Proponent shall prepare and submit a report on these investigations to the Secretary and the EPA prior to the commencement of operation of the project, including commitments to the implementation of appropriate operational and/ or physical mitigation options. The Proponent shall implement any reasonable and feasible operational and/ or physical mitigation option(s) within such timeframe as the Secretary may agree or required.
- 2.13 Within six months of the project first reaching a coal throughput of two million tonnes per annum, the Proponent shall undertake investigations, in consultation with relevant rail operators and rail infrastructure owners, into options for addressing rail noise in and around the road crossing at Williwa Street. The investigation shall include consideration of general locomotive noise as well as horn-related noise impacts. The Proponent shall submit a report on this investigation to the Secretary and the EPA within one month of its completion, including any commitment to the implementation of reasonable and feasible noise mitigation and management options identified through the investigations.
- 2.14 The project shall not exceed a capacity throughput of 5 million tonnes per annum until such time as the reasonable and feasible noise mitigation and management options identified

through the investigations required under condition 2.13, if any, are implemented to the **Secretary** satisfaction. In determining appropriate noise mitigation and management options, and which options are reasonable and feasible, reference shall be made to *the Rail Infrastructure Noise Guideline (EPA 2013)*.

Soil and Water Impacts

- 2.15 Except as may be expressively provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.16 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction 4th Edition March 2004*.
- 2.17 The facility and associated infrastructure shall be designed and employ surface water management techniques such that existing run-off volumes along creeks and existing drainage lines from the site are maintained at similar levels post-construction and do not result in run-off to the existing rail corridor.
- 2.18 Fill material to be used on site shall consist of virgin excavated natural material only, consistent with the criteria for virgin excavated natural material in the **EPA's Environmental Guidelines: Assessment, Classification & Management of Liquid and Non Liquid Wastes (2004)**. Such material shall only be sourced from excavation areas that are not contaminated and do not contain sulfide ores or soils.
- 2.19 The Proponent shall consult with **Dol Lands and Water** and **WaterNSW** during the detailed design of all crossings of watercourses (**including Pipers Flat Creek, Thompsons Creek, Irondale Creek and Winters Creek**) and works within riparian zones, and shall take into account issues raised by those agencies in finalising detailed designs.
- 2.20 Prior to the commencement of construction of the project, the Proponent shall demonstrate, to the satisfaction of **Dol Lands and Water**, that the final detailed design of the project will not generate a significant increase in flood afflux on neighbouring properties and in scour through and downstream of culvert structures.

Waste Generation and Management

- 2.21 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.22 The Proponent shall maximise the treatment, reuse and/ or recycling on the site of any waste oils, excavated soils, slurries, dusts and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.
- 2.23 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2.24 The Proponent shall ensure that all liquid and / or non-liquid waste generated and / or stored on the site is assessed and classified in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (DEC, 2004)*, or any future guideline that may supersede that document.

Hazards and Risk

- 2.25 The Proponent shall demolish all relevant structures strictly in accordance with *Australian Standard 2601-1991: The Demolition of Structures*, as in force at 1 July 1993.

Interaction with Existing Rail Infrastructure

- 2.26 Prior to the commencement of construction the Proponent shall prepare detailed Work Method Statements for the proposed construction work to the satisfaction of TfNSW.
- 2.27 In the event that any unforeseen risks to the existing rail infrastructure become apparent, the Proponent shall develop measures to attenuate that risk to the satisfaction of the TfNSW.
- 2.28 No infrastructure or equipment shall be placed, installed or impinge upon the existing rail corridor, including the land beneath the existing rail corridor and in the air space above the existing corridor, without prior authorisation from the TfNSW.
- 2.29 Physical access to the existing rail corridor for the purpose of construction works shall only occur with prior authorisation from the TfNSW.

Traffic and Transport Impacts

- 2.30 Prior to **oversize vehicles accessing the site**, the Proponent shall upgrade the intersection of the site access road and Pipers Flat Road to the satisfaction of the RMS and Council. As part of this upgrade works the Proponent shall, in consultation with the RMS and Council, undertake an Intersection Treatment Study to determine the most appropriate intersection treatment for the intersection of the site access road and Pipers Flat Road. The Study shall give specific consideration to queuing treatments, the need for auxiliary lanes, and other relevant matters as required by the RMS and Council. The study shall be submitted to the RMS and Council for review prior to the commencement of any upgrade of the intersection.
- 2.31 In the event that the Proponent needs to use spoil trucks on the public road network, the Proponent shall, upon determining the haulage route(s), commission an independent, qualified person or team to undertake a **Road Dilapidation Report** in consultation with Council and the RMS. The report shall assess the current condition of the roads and detail mechanisms to restore any damage that may result due to traffic and transport related to the construction and ongoing operation of the project. The Report shall be submitted to the Council and the RMS for review prior to the commencement of haulage.

The cost of any restorative work described in the Report or recommended by Council or the RMS after review of the Report, shall be funded by the Proponent. Such work shall be undertaken at a time as agreed upon between the Proponent, the Council and the RMS. In the event of a dispute between the parties with respect to the extent of restorative work that may be required under this condition, any party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

- 2.32 Notwithstanding condition 2.31 of this approval, the Proponent may seek the Secretary's approval to not comply with the requirements of that condition for limited or exceptional circumstances that will not produce a significant degradation in the quality of the public road network.

Heritage Impacts

- 2.33 **At least 3 months prior to the commencement of construction, the Proponent shall undertake a program of archaeological subsurface testing for potential archaeological deposits (PADs) that may be directly impacted by the project, in consultation with OEH and the Aboriginal community, and to the satisfaction of the Secretary. The program must:**
- a) re-evaluate PADs 3, 4, 5 and 6 and assess the nature and significance of any Aboriginal cultural material present at each location; and
 - b) include a suitable test excavation method and salvage actions based on the results of the re-evaluation.

Note: the PADs referred to in this condition are shown in Figure 1 of Appendix 2.

Ecological Impacts

- 2.34 The Proponent shall undertake a pre-clearing survey to identify any hollow-bearing trees and threatened species likely to occur in the works corridor, including but not necessarily limited to Capertree Stringback. The Proponent shall minimise the need to remove any of the hollow-bearing trees potentially affected by the construction of the conveyor or associated service track and shall undertake all practicable measures to ensure the retention of threatened flora species.
- 2.34A Prior to any vegetation clearing in the rail loop alignment and coal conveyor corridor, the Proponent shall, in consultation with OEH:
- (a) undertake targeted threatened flora species surveys, during appropriate survey periods; and
 - (b) quantify the area (hectares) of each plant community type identified to be cleared for all project components,
- to the satisfaction of the Secretary.
- 2.35 The Proponent shall erect temporary fencing around potentially affected hollow-bearing trees and threatened flora species that are to be protected during construction activities. Orange mesh is to be attached to the fencing. Fences are to be maintained for the duration of site clearing, preparation and construction works.
- 2.36 The Proponent shall, in consultation with the OEH, determine suitable conveyor route crossing areas to facilitate the safe movement of local fauna. Suitable provision for these areas shall be incorporated into the conveyor design as necessary. As a general guide, crossing areas shall be determined based on the most likely fauna pathways.
- 2.37 The Proponent shall develop and implement, in consultation with **Dol Lands and Water and WaterNSW**, a program to reinstate riparian vegetation along Pipers Flat Creek and its tributaries. Revegetation and reinstatement works shall commence prior to the commencement of construction of the project, and shall be completed to the satisfaction of **Dol Lands and Water WaterNSW** prior to the project reaching a coal throughput of two million tonnes per annum. This condition only applies to land owner by the Proponent.
- 2.38 **Within 12 months of the commencement of construction**, the Proponent shall provide a compensatory habitat package consisting of no fewer than two hectares of compensatory habitat for each hectare of vegetation removed as part of the project or as otherwise agreed to by the OEH, **and to the satisfaction of the Secretary**. Specifications for the compensatory habitat, including location, composition, quality and management of the habitat, shall be determined in consultation with the OEH and subject to the approval of the OEH. As a general guide, the value of lost habitat due to the project should be satisfactorily offset such that it maintains or improves biodiversity values in the local area.

Visual Amenity Impacts

- 2.39 The Proponent shall use building materials and treatments which visually complement the surrounding bushland.
- 2.40 The Proponent shall ensure that all external lighting associated with the project is mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadway. The lighting shall be the minimum level of illumination necessary and shall comply with *AS 4282(INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*.
- 2.41 Prior to the commencement of construction of the project, the Proponent shall determine design and landscaping plans for the site and building façades that will be implemented to minimise the visual impact of the project and associated infrastructure on relevant local visual receptors. The design and landscaping details shall be developed in consultation with Council, and shall give specific consideration to the minimisation of visual impact from both

Pipers Flat Road and existing residential receivers. If tree planting is intended, locally endemic native species shall be used for this purpose.

3. ENVIRONMENTAL MONITORING AND AUDITING

Meteorological Monitoring

3.1 From the commencement of construction of the project, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 2.1 of this approval, each of the parameters listed in Table 2, utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in Table 2.

Table 2 – Meteorological Monitoring

Parameter	Units of Measure	Sampling Method
Temperature at two metres	°C	AM-4
Temperature at ten metres	°C	AM-4
Wind speed at ten metres	ms ⁻¹	AM-2 and AM-4
Wind direction at ten metres	°	AM-2 and AM-4
Sigma theta at ten metres	°	AM-2 and AM-4
Solar radiation	Wm ⁻²	AM-4

Ambient Dust Monitoring

3.2 Prior to the commencement of operation of the project, the Proponent shall develop and submit for the approval of the **Secretary** and the **EPA**, an **Ambient Dust Monitoring Program**, to outline how the ambient dust impacts of the project will be monitored. The Program shall include, but not necessarily be limited to:

- a) identification of an integrated air quality monitoring network, developed in consultation the **EPA** and having regard to potential other dust sources in the region;
- b) locations, frequencies and methods for monitoring total suspended particles, PM₁₀ and deposited particulate matter;
- c) a framework for identifying actual and potential dust impacts, and for applying proactive and reactive mitigation and management measures to address those impacts;
- d) provision for independent review and auditing of the Program; and
- e) mechanisms for updating the Program as may be required from time to time.

3.3 Following one full year of data collection in accordance with an approved Ambient Dust Monitoring Program (refer to condition 3.2), the Proponent shall undertake a model validation study to review TSP, PM₁₀ and dust deposition levels to assess compliance with the dust impact predictions made in the documents referred to under condition 1.1 and with applicable ambient air quality goals. The model validation study shall be undertaken in accordance with *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA 2016)*, and any specific requirements of the **EPA**.

3.4 Within 28 days of conducting the dust validation study referred to under condition 3.3 of this approval, the Proponent shall provide the **Secretary** and the **EPA** with a copy of the report. If the dust validation study identifies significant deviance from the predictions made in the documents referred to under condition 1.1 or any exceedance with ambient air quality goals, the Proponent shall detail what additional measures would be implemented to further mitigate dust impacts. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the **Secretary**.

Noise Monitoring

3.5 Within 90 days of the commencement of operation of the project, or as may be agreed by the **Secretary**, and during a period in which the project is operating under design loads and

normal operating conditions, the Proponent shall undertake a program to confirm the noise emission performance of the project. The program shall meet the requirements of the EPA, and shall include, but not necessarily be limited to:

- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Noise Policy for Industry (EPA 2016)*, to assess compliance with condition 2.10 of this approval;
- b) methodologies, locations and frequencies for noise monitoring (including at sites assessed in the EA);
- c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained; and
- d) details of any entries in the Complaints Register (condition 5.3 of this approval) relating to noise impacts.

A report providing the results of the program shall be submitted to the Secretary and the EPA with 28 days of completion of the testing required under a).

- 3.6 In the event that the program undertaken to satisfy condition 3.5 of the approval indicates that the operation of the project, under design loads and normal operating conditions, will lead to greater noise impacts than permitted under condition 2.10 of this approval, then the Proponent shall provide details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. Details of the remedial measures and a timetable for implementation shall be submitted to the Secretary for approval within such period as the Secretary may require, and be accompanied by evidence that the EPA is satisfied that the remedial measures are acceptable.

Auditing

- 3.7 Twelve months after the commencement of operation of the project, and every three years thereafter, or as otherwise agreed or required by the Secretary, the Proponent shall commission an independent, qualified person or team to undertake an Environmental Audit of the project. The independent person or team shall be approved by the Secretary prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for the approval of the Secretary within one month of the completion of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
 - b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
 - c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval; and
 - d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.

The Secretary may require the Proponent to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Secretary may require. The Environmental Audit Report shall be made available for public inspection on request.

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 include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the project and each of its components;
 - b) provisions for periodic reporting of compliance status to the Secretary;

- c) a program for independent environmental auditing of the proposal, in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*; and
- d) 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.

Complaints Procedure

- 5.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a) a telephone number on which complaints about construction and operational activities at the site may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 5.3 The Proponent shall record details of all complaints received through the means listed under condition 5.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the **Secretary** upon request.

Provision of Electronic Information

- 5.4 The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or 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) 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

Construction Environmental Management Plan

- 6.1 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 consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) or its latest version and shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken on the site during construction 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. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;
 - iii) measures to monitor and control noise emissions during construction works;
 - iv) measures to minimise and manage impacts on native ecology, including minimisation of vegetation clearing, methods for vegetation clearing and soil disturbance, topsoil, seed and vegetative material re-use initiatives to be employed, and measures and monitoring to be undertaken to control weed spread and feral pests;
 - v) measures to monitor and control air emissions during construction to ensure that air emissions are both minimised and in compliance with the requirements of this approval and the Environment Protection Licence for the site;
- d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
- e) the additional studies listed under condition 6.2 of this approval; and
- f) complaints handling procedures during construction.

The Plan shall be submitted for the approval of the **Secretary** 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 **Secretary**. Construction works shall not commence until written approval has been received from the **Secretary**.

- 6.2 As part of the Construction Environmental Management Plan for the project, required under condition 6.1 of this approval, the Proponent shall prepare and implement the following:
- a) a **Construction Noise Management Plan** determined in consultation with the **EPA** to minimise noise emissions during site preparation, construction and demolition works associated with the project. The Plan shall include, but not necessarily be limited to:
 - i) identification of the specific activities that will be carried out and associated noise sources at the construction site;
 - ii) identification of all potentially affected sensitive receivers;
 - iii) the construction noise objectives identified in the document referred to under condition **1.1a**);
 - iv) assessment of potential noise from the proposed construction methods (including noise from construction traffic) against the objectives described in the document referred to under condition **1.1a**);
 - v) where the objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
 - vi) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction; and
 - vii) procedures for notifying residents of construction activities that are likely to effect their noise amenity.
 - b) an **Erosion and Sedimentation Management Plan** in accordance with **Landcom's Managing Urban Stormwater – Soils and Construction 4th Edition, March 2004** determined in consultation with the **DoI Lands and Water**, and **WaterNSW** to detail

measures to minimise erosion during site preparation, construction and demolition works associated with the project. The Plan shall include, but not necessarily be limited to:

- i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
 - ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the project, with specific measures outlined for minimising bank sedimentation and erosion;
 - iii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements of the Regional Erosion and Sediment Control Policy and Code of Practice adopted by Council;
 - iv) design specifications for diversionary works, banks and sediment basins;
 - v) an erosion monitoring program during construction works associated with the project; and
 - vi) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.
- c) a **Construction Traffic Management Plan** to outline management of traffic conflicts that may be generated during construction of the project. The Plan shall address the requirements of Council and the **RMS** and shall include, but not necessarily be limited to:
- i) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;
 - ii) detailed consideration of measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised;
 - iii) detailed consideration of alternative routes (where necessary);
 - iv) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.

Operation Environmental Management Plan

6.3 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) **or its latest version** and shall include, but not necessarily be limited to:

- a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project, including all approvals, licences, approvals and consultations;
- b) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;
- c) overall environmental policies and principles to be applied to the operation of the project;
- d) standards and performance measures to be applied to the project, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
- e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;
- f) the additional studies listed under condition 6.4 of this approval; and
- g) the environmental monitoring requirements required under this approval.

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

6.4 As part of the Operation Environmental Management Plan for the project, required under condition 6.3 of this approval, the Proponent shall prepare and implement the following Management Plans:

- a) a **Water Management Plan** to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/ or waters throughout the life of the project. The Plan shall be based on best environmental practice and shall address the requirements of the **WaterNSW, EPA, DoI Lands and Water** and Council. The Plan shall include, but not necessarily be limited to:
- i) consideration of all reasonable and feasible options to avoid discharge to ground and/or ambient waters including methods to minimise the volume of contaminated water and effluent generated, recycling and reusing water and effluent, **including locating the effluent disposal area at least 100 metres from Pipers Flat Creek**;
 - ii) identification of clean and dirty water areas on site maps for different stages of the project and identification of criteria for nomination of areas as clean or dirty;
 - iii) details of water management measures to be implemented for clean and dirty waters;
 - iv) calculations for a water balance for all waters generated on the site including potential volumes of groundwater, stormwater and process water for treatment on-site or off-site, proposed discharges, recycling or reuse;
 - v) details of the remedial actions to be taken by the Proponent and site operators in response to an exceedance of concentration limits or other performance criteria for the on-site or ambient water management controls;
 - vi) characterisation of wastewater qualities and quantities for reuse on-site shall be characterised and irrigation management practices specified;
 - vii) specification of wastewater reuse areas shall be specified on site maps for different stages of the project; and
 - viii) specific details shall be provided in relation to the times, locations, volumes and qualities of water to be irrigated, including how the quality of water to be used for irrigation will be assessed.
- b) a **Noise Management Plan** to detail measures to mitigate and manage noise during operation of the project. The Plan shall include, but not necessarily be limited to:
- i) procedures to ensure that all reasonable and feasible noise mitigation measures are applied during operation of the project;
 - ii) procedures to generate suitable documentation for annual environmental auditing, that demonstrates that the noise limits and noise goals specified under this approval, or best practice noise control operations, are being met;
 - iii) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits and noise goals specified under this approval;
 - iv) identification of activities that will be carried out in relation to the project and the associated noise sources;
 - v) procedures for periodic consideration of noise impacts at the relevant receivers against the noise limits and noise goals specified under this approval;
 - vi) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the site during operation;
 - vii) reactive and pro-active strategies for dealing promptly with any noise complaints, including documentation of a fast response (eg within one hour), the completed action on a complaint, and feedback from the complainant (eg within 24 hours); and
 - viii) noise monitoring and reporting procedures.
- c) a **Dust Management Plan** to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to:
- i) identification of all major sources of dust emissions that may occur as result of the operation of the project;
 - ii) description of the procedures to manage the dust emissions from the sources identified;
 - iii) identification of the locations where monitoring of dust emissions is to be undertaken;

- iv) procedures for monitoring dust emissions from the project, in accordance with the requirements of this approval and the Environment Protection Licence for the project;
 - v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions; and
 - vi) description of procedures to be undertaken if any non-compliance is detected.
- d) a **Landscaping and Ecology Management Plan** to detail measures to mitigate and manage impacts on native ecology during operation of the project, and management of landscaping and vegetation on the site. The Plan shall be based on best environmental practice and shall be developed in consultation as relevant with the **OEH**, **DPI**, **WaterNSW**, **Dol Lands** and **Water and Council**. The plan shall include, but not necessarily be limited to:
- i) a detailed description of measures, including a monitoring program, to be undertaken to control the occurrence of weeds and pests on-site and in adjacent areas, including run-off areas and any creeks that receive run-off;
 - ii) a detailed rehabilitation and landscaping schedule describing areas, methods and maintenance regimes for rehabilitated and landscaped areas;
 - iii) a detailed description of the creek restoration and revegetation methods of riparian zones associated with Irondale Creek, Thompsons Creek and Pipers Flat Creek areas on site, including maintenance regimes; and
 - iv) a program to monitor the health of rehabilitation, landscaping and revegetated riparian zone areas.

Revision of Strategies, Plans and Programs

- 6.5 The Applicant must review and, if necessary, revise the strategies, plans or programs required under this consent to the satisfaction of the Secretary within 1 month of the:
- submission of an incident report under condition 7.1 of Schedule 2;
 - submission of an audit report under condition 3.7 of Schedule 2; or
 - any modification to the conditions of this approval.

Staging and Updating of Strategies, Plans or Programs

- 6.6 With the approval of the Secretary, the Applicant may submit any strategy, plan or program required by this approval on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this consent are updated on a regular basis, the Proponent may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all the parties referred to under the relevant conditions of this approval.

Notes:

- While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that all development being carried out on site is covered by suitable strategies, plans or programs at all times.
- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

7. ENVIRONMENTAL REPORTING

Incidents

7.1 Incident Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au as soon as practicable after the Applicant becomes aware of an incident. The notification must identify

the project (including the project name and approval number) and set out the location and nature of the incident.

7.2 Non-Compliance Notification

The Department must be notified in writing to compliance@planning.nsw.gov.au within 7 days after the Proponent becomes aware of any non-compliance with the conditions of this approval. The notification must identify the project and the application number for it, set out the condition of approval that the project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

APPENDIX 1 PROJECT LAYOUT

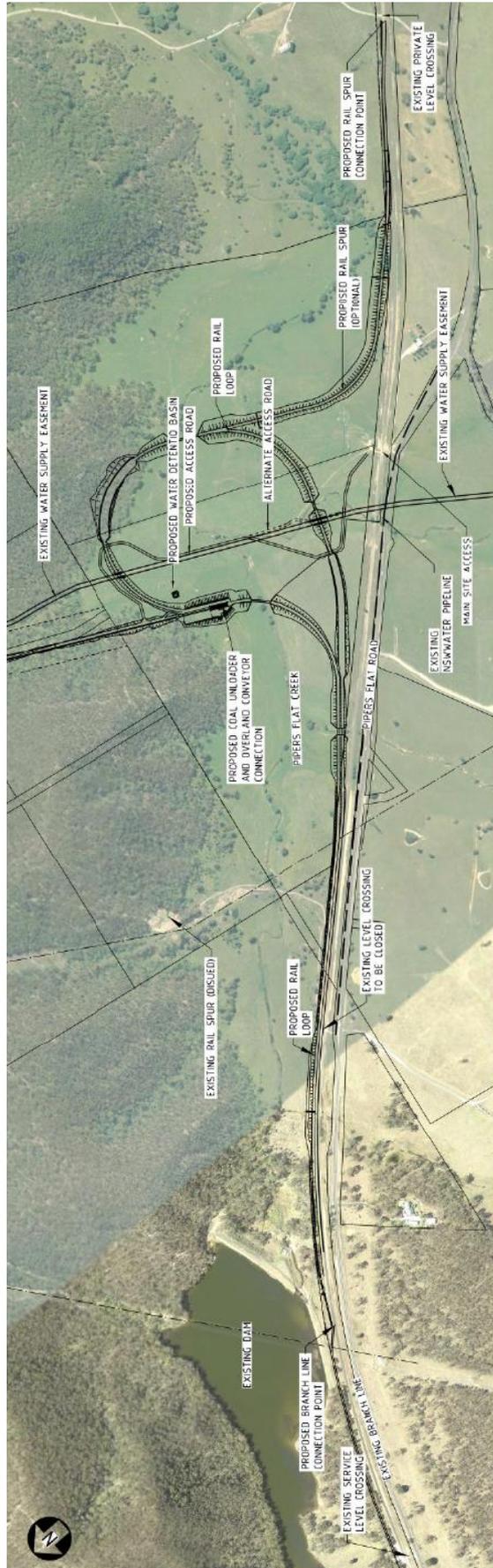


Figure 1: General layout and conceptual configuration of the project

**APPENDIX 2
POTENTIAL ARCHAEOLOGICAL DEPOSITS**



Figure 1: Location of the Identified Potential Archaeological Deposits