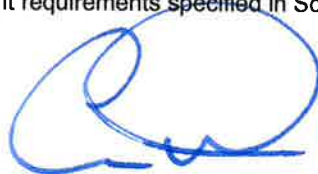


Concept Approval

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

As delegate of the Minister for Planning and Infrastructure, under delegation dated 27 February 2013, I determine:

- (a) pursuant to section 75O of the Act, to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2; and
- (b) under section 75P(1)(b) of the Act, development the subject of the concept plan, excluding those components required to service the early release Precincts of Kembla Grange, Sheaffes/Wongawilli and West Horsley, that is no longer a project which Part 3A applies by operation of Schedule 6A to the Act and that is:
 - By operation of an environmental planning instrument (EPI), permissible with development consent, is subject to Part 4 of the Act; and/or
 - By operation of the EPI, permissible without development consent, is subject to Part 5 of the Act; and/or
 - That is specified in an EPI as exempt development is subject to Section 76 of the Act;
- (c) under section 75P(2) of the Act:
 - Where development is subject to Part 4 of the Act (other than complying development), that development is subject to the further environmental assessment requirements specified in Schedule 3 of this approval; and
 - Where development is subject to Part 5 of the Act, the development is subject to the further environmental assessment requirements specified in Schedule 3 of this approval.



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

14 JUNE

2013

SCHEDULE 1

Application No.:	MP09_0189
Proponent:	Sydney Water Corporation
Approval Authority:	Minister for Planning and Infrastructure
Land:	Drinking water and wastewater infrastructure to service the West Dapto Urban Release Area and Adjacent Growth Areas
Project:	Water and Wastewater Servicing of the West Dapto Urban Release Area and Adjacent Growth Areas, comprising: <ul style="list-style-type: none">• the construction and operation of drinking and wastewater pipelines, pumping stations, drinking water reservoirs and associated infrastructure; and• upgrades to the Wollongong and Shellharbour sewage treatment plants.

DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
ARTC	Australian Rail Track Corporation
Concept Area	The land to which concept application MP09_0189 applies.
Concept Plan	The concept plan that is the subject of this approval.
Concept Plan Approval	Approval granted for the Concept Plan in accordance with Section 75O of the <i>Environmental Planning and Assessment Act, 1979</i> .
Department, the	Department of Planning and Infrastructure.
Director General, the	Director General of the Department of Planning and Infrastructure (or nominee).
Director General's approval, agreement or satisfaction	A written approval from the Director General (or delegate). Where the Director General's approval, agreement or satisfaction is required under a condition of this approval, the Director General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Proponent to respond in writing will be added to the one month period.
DPI	Department of Primary Industry, including as relevant NSW Office of Water, NSW Agriculture, NSW Fisheries and /or Crown Lands
EA	Environmental Assessment - <i>Water and wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas – Environmental Assessment</i> prepared by Sydney Water Corporation September 2012.
EPA	Environment Protection Authority
Minister, the	Minister for Planning and Infrastructure
OEH	Office of Environment and Heritage
Proponent	Sydney Water Corporation
Proposal	Development as described in the concept plan (including development to be assessed under Part 4 and Part 5 of the <i>Environmental Planning and Assessment Act, 1979</i>).
RailCorp	Rail Corporation NSW
Related Project Approvals	Approval granted for the Project Plan in accordance with Section 75J of the <i>Environmental Planning and Assessment Act, 1979</i>
Relevant Council(s)	Wollongong City Council or Shellharbour Council as relevant
RMS	Roads and Maritime Services
Submissions Response Report	<i>Water and wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Submissions Response Report</i> , SW 260 02/13, dated February 2013, prepared by Sydney Water Corporation.

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SCHEDULE 2

1. TERMS OF CONCEPT PLAN APPROVAL

- 1.1. The Proponent shall carry out the project generally in accordance with: Major Project Application 09_0189;
 - (a) the Water and wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Environmental Assessment, SW92 11/11, dated September 2012, prepared by Sydney Water Corporation;
 - (b) the Water and wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Submissions Response Report, SW 260 02/13, dated February 2013, prepared by Sydney Water Corporation;
 - (c) Updated Appendix 1 of Appendix G: Non Aboriginal Heritage Assessment, Volume 3 of EA, dated 11 March 2013, prepared by Sydney Water Corporation; and
 - (d) the terms of this approval.
- 1.2. If there is any inconsistency between any document or plan referred to in 1.1, the most recent document or plan shall prevail to the extent of the inconsistency. However conditions of the approval prevail to the extent of any inconsistency with any plan or document referred to in condition 1.1.
- 1.3. If there is any inconsistency between this concept plan approval and any related project approvals (being those approvals subject to the requirements of this Concept Plan), this Concept Plan approval shall prevail to the extent of the inconsistency.
- 1.4. The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted in accordance with this Concept Plan approval or any related approvals; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.
- 1.5. The Proponent may, with the Director-General's agreement, elect to meet the conditions of approval of multiple projects associated with this Concept Plan in a single, consolidated manner (including through a consolidated plan or other document). In this case, the Proponent shall clearly demonstrate how the requirements of each project approval, as well as the requirements of this Concept Plan approval have been addressed in the consolidated plan or document.
- 1.6. The Proponent may, with the Director-General's agreement, prepare and submit any management plan, strategy, monitoring program or the like required by this approval on a progressive basis. Where any such document is required by this approval or subsequent project approvals before carrying out any project or stage of any project, the document may be prepared and submitted in relation to either discrete components of the project or for a specified period of time.

Limits of Approval

- 1.7. This Concept Plan approval does not apply to activities legally operating at the site in accordance with other project approvals at the date of this Concept Plan approval.
- 1.8. To avoid any doubt, this Concept Plan approval does not permit the construction or operation of any project, which will be subject to separate approval(s) under the Act. Construction or operation cannot commence on any development associated with this concept plan unless a separate planning approval has been granted in relation to that project.

Statutory Requirements

- 1.9. This Concept Plan approval does not remove any obligation to obtain, renew, or comply with licences, permits or approvals as required by law associated with any project subject to this Concept Plan approval.

Heritage

- 1.10. There shall be no impact on the following items of historic heritage identified in the EA:
- (a) item 64, Marshall Mount Homestead, garden and outbuildings; and
 - (b) item 140, Mark's Villa.

SCHEDULE 3

2. FUTURE ASSESSMENT REQUIREMENTS

2.1. Under section 75P(2)(c) of the Act, the following environmental assessment requirements apply with respect to any future development that is subject to Part 4 (other than complying development) or Part 5 of the Act for subsequent project stages:

General requirements

- (a) demonstrate that the project is generally consistent with the requirements of this Concept Plan Approval and generally consistent with the scope and intent of the Concept Plan and environmental impacts outlined in the documents under condition 1.1 of this approval;
- (b) include a detailed project description, including construction, operation, maintenance, and staging; and the design and location of ancillary infrastructure (including access roads and temporary construction compounds) and its relationship to the approved concept and approved project stages;
- (c) include details of the consultation process and outcomes with relevant stakeholders, including (but not limited to):
 - (i) government authorities, the Department, OEH, EPA, DPI, RMS and relevant Councils;
 - (ii) service and infrastructure providers;
 - (iii) adjoining and affected landowners and the public; and
- (d) address relevant statutory matters and Issue-Specific Requirements for construction and operation and the identification of relevant avoidance, mitigation and management issues to minimise impacts.

Specific requirements

- (e) A review of the **flora and fauna** impacts which includes:
 - (i) measures to offset impacts to flora and fauna. Measures to be considered shall include, but not be limited to, land offsets, management and/or rehabilitation measures and research program (including funding of such relative to projects' impacts). The provision of measures to offset impacts shall consider the *NSW OEH Interim Policy on assessing and offsetting biodiversity impacts of Part 3A, State Significant Development (SSD) and State Significant Infrastructure (SSI) projects* (OEH, 2011), any superseding government policy and priority actions identified by the OEH. Any inconsistency with the relevant documents shall be identified and the proposed approach justified, demonstrating how the proposed offset measures maintain or improve biodiversity for the relevant species, populations or communities in the region;
 - (ii) quantified impacts to flora and fauna species, communities and populations, including location of infrastructure within riparian areas with reference to the *Riparian Corridor Management Study* (DIPNR 2004);
 - (iii) revise and update any proposed mitigation and management measures to reflect accepted best practice at that time, including consideration of any relevant recovery plans.
- (f) a review of local **flooding** for the purposes of final infrastructure placement, taking into account subsequent development and any relevant flood studies subsequent to the concept approval.
- (g) a review of the **Aboriginal heritage** assessment to reflect any changes to the proposal or proposed mitigation. The revised assessment shall:
 - (i) detail the proposed mitigation and management measures, including an evaluation of the effectiveness of the measures, for identified items of Aboriginal heritage; and

- (ii) demonstrate effective consultation with Aboriginal communities in developing and selecting final mitigation measures and protocols.
- (h) A review of the **non-Aboriginal heritage** assessment where impacts are identified on non-Aboriginal heritage to include:
 - (i) a statement of heritage impact for each item that will be impacted;
 - (ii) an archaeological assessment for any potential archaeological sites; and
 - (iii) detail the proposed mitigation and management measures for identified items.
- (i) a review of **creek crossings**, including justification of proposed construction methods, associated impacts and mitigation.
- (j) a review of the **construction noise and vibration** assessment taking into account development which occurs subsequent to this approval resulting in changes to identified noise mitigation and management measures to be adopted. The assessment shall be undertaken in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) or relevant government policy at the time. Where work hours outside of standard construction hours are proposed, clear justification and detailed assessment of these work hours must be provided, including alternatives considered, mitigation measures proposed and details of construction practices, work methods, compound design, etc.

Sewage Treatment Plant Upgrades

- (k) Details of proposed upgrade(s) including the proposed technology, construction requirements, interruptions to existing operation/services and measures to manage impacts, including:
 - (i) a description of alternatives to the selected technology including consideration of outfall configuration;
 - (ii) justification for any decision to not use Best Available Technology Economically Achievable (BATEA) taking into account environmental, economic and social considerations;
 - (iii) confirmation that the effluent discharge (during wet and dry weather) resulting from any upgrade(s) to Wollongong Water Recycling Plant and/or Shellharbour Wastewater Treatment Plant will be no greater than predictions made in the document listed under condition 1.1(b);
 - (iv) consideration of dry and wet weather effluent storage requirements;
 - (v) measures to prevent or minimise sewage discharge or overflows and subsequent impacts to nearby watercourse, groundwater and water bodies shall be addressed; and
 - (vi) a review of the human health impacts arising from the operation of the wastewater infrastructure including overflows and effluent disposal where changes resulting from the project are expected. The assessment shall be undertaken in accordance with the *Guidelines for Managing Risk in Recreational Waters* (NHMRC, 2008) or relevant government policy at the time.
- (l) Demonstration that air quality and odour levels for any upgraded treatment plant(s) will meet relevant goals. Where an air quality and/or odour impact assessment is required, it shall be prepared in accordance with *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (DECC 2005b), *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2001a) and *Technical Notes: Draft policy: Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2001b).

3. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

3.1. Prior to the commencement of construction of any project related to this Concept Plan Approval, a Community Communication Strategy shall be prepared and implemented to provide mechanisms to facilitate communication between the Proponent (and its contractor(s)), the Environmental Representative required by condition 3.9, the Relevant Council(s) and community stakeholders (particularly adjoining landowners) on the construction environmental management of the project. The Strategy shall be prepared to the satisfaction of the Director-General, and include, but not be limited to:

- (a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners;
- (b) procedures and mechanisms for the regular distribution of information to community stakeholders on construction progress and matters associated with environmental management;
- (c) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the project;
- (d) procedures and mechanisms through which the Proponent can respond to enquiries or feedback from the community stakeholders in relation to the environmental management and delivery of the project;
- (e) procedures and mechanisms that would be implemented to resolve issues/disputes that may arise between parties on the matters relating to environmental management and the delivery of the project. This may include the use of an appropriately qualified and experienced independent mediator; and
- (f) ongoing consultation throughout the life of the project.

Issues that shall be addressed through the Community Communication Strategy include (but are not necessarily limited to) finalisation of pipeline alignment and associated infrastructure and the finalisation of measures to mitigate and/or minimise human amenity and environmental impacts, consistent with the management measures proposed in the documents referred to in condition 1 and the requirements of this approval.

The Proponent shall maintain and implement the strategy throughout construction of the Project. The Strategy shall be approved by the Director General prior to the commencement of construction, or as otherwise agreed by the Direct General.

Complaints and Enquiries Procedure

3.2. Prior to the commencement of construction of any project related to this Concept Plan Approval, or as otherwise agreed by the Director-General, the Proponent shall ensure that the following are available for community enquiries and complaints for the duration of construction:

- (a) a 24-hour telephone number(s) on which complaints and enquires about construction may be registered;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquires may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

The telephone number, postal address and email address shall be published in newspaper(s) circulating in the area of the project on at least one occasion prior to the commencement of construction; at six-monthly intervals during construction; and prior to the commencement of operation. This information shall also be provided on the website (or dedicated pages) required by this approval. At a minimum, the telephone number shall also be displayed on a sign near the entrance to each construction site, in a position that is clearly visible to the public.

3.3. The Proponent shall record details of all complaints. Information recorded shall include, but not necessarily be limited to:

- (a) the date and time 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 record of complaints shall be made available to the Director-General for inspection upon request.

Note: If the Proponent has a corporate system for managing complaints which would be adopted for the development and which substantially addresses the matters raised in condition 3.3, this may be submitted in fulfilment of this condition.

- 3.4. The Proponent shall provide an initial response to any complaint made relation to the project during construction or operation, within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in accordance with condition 3.3. Any subsequent detailed response or action is to be provided within two weeks of the original complaint, or as otherwise agreed by the complainant.

Provision of Electronic Information

- 3.5. Prior to the commencement of construction of any project related to this concept approval, or as otherwise agreed by the Director-General, the Proponent shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the project, for the duration of construction and for 12 months following completion of the project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:
- (a) information on the current implementation status of the project;
 - (b) a copy of, or a link to the Department website for, the documents referred to under condition 1.1 of this Concept Plan Approval, and any documentation supporting modifications to this approval that may be granted from time to time;
 - (c) a copy of, or a link to the Department website for, this approval and any future modification to this approval;
 - (d) a description of the current environmental approval, licence or permit required and obtained in relation to the project;
 - (e) a list of each current strategy, plan, program or other document required under this approval;
 - (f) a description of the outcomes of compliance tracking in accordance with condition 3.6 of this approval, including a list of the documents prepared under that condition; and
 - (g) details of contact point(s) to which community complaints and enquiries may be directed, including a telephone number, a postal address and an email address.

COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- 3.6. Prior to the commencement of construction of any project related to this Concept Plan Approval, the Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval during the construction and operation of any project related to this Concept Plan Approval and shall include, but not necessarily be limited to:
- (a) provisions for the periodic reporting of compliance status to the Director-General including at least prior to the commencement of construction of the project (Pre-Construction Compliance Report), prior to the commencement of operation of the project (Pre-Operation Compliance Report), including prior to each stage, where works are being staged, and within two years of operation commencement;

- (b) provisions for periodic review of the compliance status of the project against the requirements of this approval;
- (c) a programme for independent environmental auditing in accordance with AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing, for construction and operation;
- (d) mechanisms for recording environmental incidents during construction and actions taken in response to those incidents;
- (e) provisions for reporting environmental incidents to the Director-General and relevant public authorities;
- (f) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management; and
- (g) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

Incident Reporting

- 3.7. The Proponent shall notify the Director General of any incident with actual or potentially significant offsite impacts on people or the biophysical environment within 24 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director General within seven days of the date on which the incident occurred.
- 3.8. The Proponent shall meet the requirements of the Director General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 3.7 of this Concept Plan Approval, within such period as the Director General may require.

ENVIRONMENTAL REPRESENTATIVE

- 3.9. Prior to the commencement of construction of any project related to this approval, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) that is independent of the design and construction personnel. The Proponent shall employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:
 - (a) be the principal point of advice in relation to the environmental performance of the project;
 - (b) monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Proponent upon the achievement of these plans/ programs;
 - (c) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and other licences and consents related to the environmental performance and impacts of the project;
 - (d) ensure that environmental auditing is undertaken in accordance with the project's Environmental Management System(s);
 - (e) be given the authority to approve/ reject minor amendments to the Construction Environmental Management Plan. What constitutes a "minor" amendment shall be clearly explained in the Construction Environmental Management Plan required under condition E5;
 - (f) be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions cease immediately should an adverse impact on the environment be likely to occur; and
 - (g) be consulted in responding to the community concerning the environmental performance of the project where the resolution of points of conflict between the Proponent and the community is required.

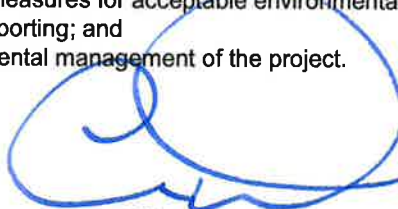
Project Approval

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

As delegate of the Minister for Planning and Infrastructure, under delegation dated 27 February 2013, I approve the Project Application referred to in Schedule A, subject to the conditions in Schedules B to F.

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.



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

14 JUNE

2013

SCHEDULE A

Application No.:	MP09_0189
Proponent:	Sydney Water Corporation
Approval Authority:	Minister for Planning
Land:	Land to which MP09_0189 applies
Project:	<p>Drinking water and wastewater infrastructure to service the West Dapto Urban Release Area and Adjacent Growth Areas precincts of Kembla Grange, Sheaffes/Wongawilli and West Horsley, comprising:</p> <ul style="list-style-type: none">• the construction and operation of drinking and wastewater pipelines, pumping stations, drinking water reservoirs and associated infrastructure.

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DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Ancillary Construction Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, testing laboratory or bulk material stockpile area.
CEMP	Construction Environmental Management Plan
Conditions of Approval	The Minister's conditions of approval for the project
Construction	Includes all work in respect of the project other than: <ul style="list-style-type: none"> a) survey, acquisitions, building/road dilapidation surveys; b) investigative drilling, excavation or salvage c) minor clearing or translocation of native vegetation; d) establishing ancillary facilities/construction work sites (in locations meeting the criteria identified in the Conditions of Approval); e) installation of environmental impact mitigation measures, fencing, enabling works; f) other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc.) <p><i>Note – work where heritage, threatened species, populations or endangered ecological communities would be affected is classified as construction, unless otherwise approved by the Director General in consultation with the Office of Environment and Heritage and/or the Heritage Council of NSW.</i></p>
Department, the	Department of Planning and Infrastructure.
Director General, the	Director General of the Department of Planning and Infrastructure (or nominee).
Director General's approval, agreement or satisfaction	A written approval from the Director General (or delegate). Where the Director General's approval, agreement or satisfaction is required under a condition of this approval, the Director General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Proponent to respond in writing will be added to the one month period.
Director General's Report	The report provided to the Minister by the Director General of the Department under section 75I of the EP&A Act
DPI	Department of Primary Industries includes the divisions of NSW Office of Water (NOW), Fisheries NSW, Agriculture NSW and Crown Lands.
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence, issued under the <i>Protection of the Environment Operations Act 1997</i>
Feasible and Reasonable	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the New South Wales and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account mitigation benefits and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
Minister, the	Minister for Planning and Infrastructure
NOW	NSW Office of Water
OEH	Office of Environment and Heritage, including the heritage branch which provides advice on historical heritage, under delegation from the NSW Heritage Council.
OEMP	Operation Environmental Management Plan
Proponent	Sydney Water Corporation
Project	Development to which Major Projects Application 09_0189 applies
Project Area	The land to which project application MP09_0189 applies.
Project Plan Approval	Approval granted for the Project Plan in accordance with Section 75J of the <i>Environmental Planning and Assessment Act, 1979</i>

Public Authority	As defined in Part 1, Section 4 of the <i>Environmental Planning and Assessment Act 1979</i> .
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
Related Approvals	Approval granted for the Concept Plan in accordance with Section 75O of the <i>Environmental Planning and Assessment Act, 1979</i> .
Relevant Councils	Wollongong City Council and Shellharbour City Council, as relevant
Relevant Roads Authority	Wollongong City Council, Shellharbour City Council, or the NSW Roads and Maritime Services, as relevant.

SCHEDULE B ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. The proponent shall implement management and mitigation measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the project in accordance with the commitments made in documents listed under condition B2, except as amended by this approval. In the event or likelihood of unforeseen environmental harm, the proponent shall implement all feasible and reasonable measures to prevent or minimise environmental harm.

TERMS OF APPROVAL

- B2. The Proponent shall carry out the project generally in accordance with the:
- (a) Project Application MP 09_0189;
 - (b) the *Water and Wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Environmental Assessment*, SW92 11/11, dated September 2012, prepared by Sydney Water Corporation;
 - (c) the *Water and Wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Submissions Response Report*, SW 260 02/13, dated February 2013, prepared by Sydney Water Corporation;
 - (d) Updated Appendix 1 of Appendix G: Non Aboriginal Heritage Assessment, Volume 3 of EA, dated 11 March 2013, prepared by Sydney Water Corporation; and
 - (e) conditions of this approval.
- B3. If there is any inconsistency between any document or plan referred to in B2, the most recent document or plan shall prevail to the extent of the inconsistency. However conditions of the approval prevail to the extent of any inconsistency with any plan or document referred to in condition B2.
- B4. The Proponent shall comply with the reasonable requirements(s) of the Director-General arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.
- B5. Subject to confidentiality, the Proponent shall make all documents required under this approval publicly available.

LIMITS OF APPROVAL

- B6. This approval shall lapse five (5) years after the date on which it is granted, unless works subject of this approval are physically commenced on or before that date.

STATUTORY REQUIREMENTS

- B7. The Proponent shall ensure that all licences, permits and approvals are obtained as required by law and maintained as required throughout the life of the project. No condition of this approval removes any obligation for the Proponent to obtain, renew or comply with any licences, permits or approvals required by any other legislation.

STAGING

- B8. The Proponent may elect to construct and/ or operate the project in stages. Where staging is proposed, the Proponent shall submit a Staging Report to the Director-General prior to the commencement of the first proposed stage. The Staging Report shall provide details of:
- (a) how the project would be staged, including general details of works associated with each stage and the general timing of when each stage would commence; and
 - (b) details of the relevant conditions of approval, which would apply to each stage and how these shall be complied with across and between the stages of the project.

Where staging of the project is proposed, these conditions of approval are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).

The Proponent shall ensure that an updated Staging Report (or advice that no changes to staging are proposed) is submitted to the Director-General prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.

The Proponent shall ensure that all plans, sub-plans and other management documents required by the conditions of this approval and relevant to each stage (as identified in the Staging Report) are submitted to the Director-General no later than one month prior to the commencement of the relevant stages, unless otherwise agreed by the Director-General.

STAGE SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM

- B9. With the approval of the Director-General, the Proponent may:
- (a) submit any strategy, plan or program required by this consent on a progressive basis; and
 - (b) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required.

Notes:

- *While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.*

COMPLIANCE

- B10. The Proponent shall:
- (a) ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities; and
 - (b) be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.
- B11. In the event of a dispute between the Proponent and a Public Authority, in relation to an applicable requirement in this approval or relevant matter relating to the project, either party may refer the matter to the Director-General for resolution. The Director-General's determination of any such dispute shall be final and binding on the parties.

SCHEDULE C ENVIRONMENTAL PERFORMANCE

AIR QUALITY

- C1. The project shall be constructed in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust and tracking of material onto public roads. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should visible dust emissions occur at any time, the Proponent shall identify and implement all feasible and reasonable dust mitigation measures, including cessation of causal works, as appropriate, such that visible dust emissions cease.

BIODIVERSITY

- C2. No clearing of Illawarra Lowland Grassy Woodland is permitted at the Avondale Reservoir site without the written approval of the Director-General. If refinement of the reservoir design and construction methods indicates that clearing of Illawarra Lowland Grassy Woodland cannot be avoided, the proponent shall demonstrate, to the satisfaction of the Director-General, in consultation with the OEH, that all feasible and reasonable options to avoid clearing have been considered and that residual clearing has been minimised to the greatest extent practicable. Offset measures shall be identified and provided before any clearing of Illawarra Lowland Grassy Woodland occurs at this location.
- C3. The proponent shall include in the Rehabilitation and Landscape Plan, required by condition E7, measures to offset the impacts of clearing 0.15 ha of Illawarra Lowland Grassy Woodland resulting from the wastewater pipeline construction. Demonstration of how the measures meet the objective of maintain or improve shall be provided and consideration of the efficacy of the measures proposed.
- C4. The proponent shall continue to consult with Wollongong City Council with regards to the proposed road network along which the water pipeline will be located with the aim of encouraging vegetation avoidance wherever possible. Impacts of vegetation clearing shall be offset with measures to be undertaken included in the Rehabilitation and Landscape Plan required by condition E7 unless biodiversity certification of the WDURA and AGA is implemented and the impacts accounted for through this process. Should biodiversity certification be implemented, the proponent shall demonstrate, to the satisfaction of the Director General, that the impacts have been appropriately addressed.

SOIL, WATER QUALITY AND HYDROLOGY

- C5. Except as may be provided by an EPL, the project shall be constructed and operated to comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.

Watercourse Crossings and Riparian Corridors

- C6. All crossings of Category 1 watercourses, dynamic watercourses, highly erodible soils and key fish habitats shall be under-bored unless otherwise agreed by the Director-General in consultation with the NOW and Fisheries NSW as appropriate
- C7. All watercourse beds and banks impacted during construction shall, as a minimum, be rehabilitated to their pre-construction condition, or, where it is consistent with the project objectives, improved to more closely reflect the pre-disturbance state.
- C8. The project shall minimise impacts on riparian corridors to the greatest extent practicable. Where disturbance is unavoidable, these shall be rehabilitated to their pre-construction

condition, including ground, shrub and canopy strata, where appropriate. All seed and plant material shall be sourced from species of local provenance where practicable.

Construction Soil and Water Management

- C9. Soil and water management measures consistent with *Managing Urban Stormwater - Soils and Construction Vols 1* (Landcom, 2004) shall be employed during the construction to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.

Dust Management

- C10. The Project shall be constructed in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust and tracking of material onto public roads. 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 feasible and reasonable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

HAZARDS AND RISK

- C11. Dangerous goods, as defined by the Australian Dangerous Goods Code, shall be stored and handled strictly in accordance with:

- (a) all relevant Australian standards;
- (b) for liquids, a minimum bund volume requirement of 110 per cent of the volume of the largest single stored volume within the bund; and
- (c) the *Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin* (Environment Protection Authority, 1997).

In the event of an inconsistency between the requirements listed from (a) to (c) above, the most stringent requirements shall prevail to the extent of the inconsistency.

ANCILLARY CONSTRUCTION FACILITIES

- C12. Unless otherwise approved by the Director General, the location of Ancillary Construction Facilities shall:

- (a) be located more than 50 metres from a waterway;
- (b) be located within or adjacent to land where the project is being carried out;
- (c) have ready access to the road network;
- (d) be located to minimise the need for heavy vehicles to travel through residential areas;
- (e) be sited on relatively level land;
- (f) be separated from nearest residences by at least 200 metres (or at least 300 metres for a temporary batching plant);
- (g) not require vegetation clearing beyond that already required by the project;
- (h) not impact on heritage items (including areas of archaeological sensitivity) beyond those already impacted by the project;
- (i) not unreasonably affect the land use of adjacent properties;
- (j) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented; and

- (k) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours.

Where any of the criteria cannot be met for any proposed ancillary construction facility, the Proponent shall demonstrate to the satisfaction of the Director General that there will be no significant adverse impact from the facility(ies)'s construction or operation. The location of and proposed measures to manage the ancillary construction facilities shall be identified in the CEMP required by condition E5.

- C13. The Director General's approval is not required for minor ancillary construction facilities (e.g. lunch sheds, office sheds, and portable toilet facilities, etc.) that do not comply with the criteria set out in condition C12 of this approval and which:

- (a) are located within an active construction zone within the approved project footprint; and
- (b) have been assessed by the Environmental Representative to have:
 - (i) minimal amenity impacts to surrounding residences, with consideration to matters such as noise and vibration impacts, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) minimal environmental impact in respect to waste management, and no impacts on flora and fauna, soil and water, and heritage beyond those approved for the project; and
- (c) have environmental and amenity impacts that can be managed through the implementation of environmental measures detailed in a Construction Environment Management Plan for the project.

All Ancillary Construction Facilities shall be rehabilitated to at least their pre-construction condition, unless otherwise agreed by the landowner where relevant.

CONSTRUCTION IMPACTS

- C14. Where available, and of appropriate chemical and biological quality, stormwater, recycled water or other water sources shall be used in preference to potable water for construction activities, including concrete mixing and dust control.

WASTE MANAGEMENT

- C15. All waste material removed during construction of the project shall only be directed to waste management facilities or premises lawfully permitted to accept the materials.
- C16. Waste generated outside the project area shall not be received at the project area for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by an Environment Protection Licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- C17. All liquid and/or non-liquid waste generated by the project shall be assessed and classified in accordance with *Waste Classification Guidelines* (Department of Environment, Climate Change and Water, 2009), or any superseding document.

NOISE AND VIBRATION

- C18. Nothing in this approval permits blasting during construction or operation.
- C19. Wherever practical, piling activities shall be undertaken using quieter alternative methods than impact or percussion piling, such as bored piles or vibrated piles.
- C20. Where feasible and reasonable, operation noise mitigation measures shall be implemented at the start of construction (or at other times during construction) where they may be effective in managing construction noise impacts.

Construction Hours

- C21. Construction activities associated with the project shall be undertaken during the following standard construction hours:
- (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; and
 - (b) 8:00am to 1:00pm Saturdays; and
 - (c) at no time on Sundays or public holidays.
- C22. Construction works outside of the standard construction hours identified in condition C21 may be undertaken in the following circumstances:
- (a) construction works that generate noise that is:
 - (i) no more than 5 dB(A) above rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009); and
 - (ii) no more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) at other sensitive receivers; or
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm;
 - (d) works approved through an EPL, or
 - (e) works as approved through the out-of-hours work protocol outlined in condition E6(c).
- C23. Except as expressly permitted by an EPL, activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, pile driving) shall only be undertaken:
- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
 - (b) between the hours of 8:00 am to 1:00 pm Saturday; and
 - (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.
- For the purposes of this condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this condition.
- C24. The Project shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CEMP.
- Note: The Interim Construction Noise Guideline identifies 'particularly annoying' activities that require the addition of 5dB(A) to the predicted level before comparing to the construction NML.*
- C25. The Project shall be constructed with the aim of achieving the following construction vibration goals:
- (a) for structural damage to heritage structures, the vibration limits set out in the *German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures*;
 - (b) for damage to other buildings and/or structures, the vibration limits set out in the British Standard BS 7385-1:1990 – *Evaluation and measurement for vibration in buildings. Guide for measurement of vibration and evaluation of their effects on buildings*; and
 - (c) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006).

TRANSPORT AND ACCESS

- C26. Construction vehicles (including staff vehicles) associated with the project shall be managed to:
- (a) minimise parking or queuing on public roads;
 - (b) minimise idling and queuing in local residential streets where practicable; and
 - (c) minimise the use of local roads (through residential streets and town centres) to gain access to construction sites and compounds.
- C27. The project shall be designed with the objective of minimising adverse changes to existing access arrangements and transport services, including school bus services. Any need to alter public transport services or their routes shall be discussed with the provider and suitable alternative arrangements agreed.
- C28. All landowners or residents whose access will be affected during construction shall be notified a minimum of 48 hours in advance. Access to a property that is physically affected by the project shall be reinstated to an equivalent standard, in consultation with the property owner.

Road Dilapidation

- C29. Upon determining the haulage route(s) for construction vehicles associated with the project, and prior to construction, an independent and qualified person or team shall undertake a Road Dilapidation Report. The report shall assess the current condition of the road. The Report shall be submitted to the relevant road authority for review and comment prior to the commencement of haulage.
- Following completion of construction, a subsequent report shall be prepared to identify any damage that can be attributed to the construction of the project and describe measures to restore any damage caused by construction of the project. The Report shall be submitted to the relevant road authority for review and comment.
- Measures proposed to restore or reinstate roads affected by the project shall be implemented in a timely manner, in accordance with the reasonable requirements of the relevant road authority, and at the full expense of the Proponent.

HERITAGE

- C30. This approval does not allow the Proponent to destroy, modify or otherwise physically affect human remains, with the exception of Item 2, Settler's Cemetery (Kembla Grange Cemetery) where the proponent is able to demonstrate, to the satisfaction of the Director General (under condition C35) that impacts to burials within the cemetery cannot be avoided.
- C31. The Proponent shall not destroy, modify or otherwise physically affect:
- (a) item 18, 'Brisbane Grove' Homestead, Garden and Dairy; and
 - (b) the non-Aboriginal sites identified as being not impacted in the document listed under condition B2(d).
- C32. Impacts to Aboriginal heritage identified in Tables 25 and 26 of Appendix F in the document listed under condition B2(b) shall be minimised to the greatest extent practicable through both detailed design and construction. Where impacts are unavoidable, works shall be undertaken in accordance with condition C36 and the actions to manage construction Aboriginal heritage required by condition E6(b).
- C33. Impacts to non-Aboriginal heritage identified in the document listed under condition B2(d) shall be minimised to the greatest extent practicable through both detailed design and construction. Where identified impacts are unavoidable, works shall be undertaken in

accordance with condition C35 and the actions to manage construction non-Aboriginal Heritage required by condition E6(c).

- C34. Undertake archival recording of the heritage items identified for archival recording in the document listed under condition B2(d) in accordance with the NSW Heritage Council guidelines.
- C35. Prior to the commencement of pre-construction and construction activities affecting the non-Aboriginal archaeological items 2 (the Settler's Cemetery /Kembla Grange Cemetery) 20 (the chapel, West Dapto Catholic Cemetery), 182, 183, 184, 185, 186 and 187 the Proponent must:
- (a) Undertake an Historic archaeological investigation program in accordance with the Heritage Council's *Archaeological Assessments Guideline* (1996) and *Skeletal Remains* (1998) using a methodology prepared, in consultation with the OEH (Heritage Branch), and to the satisfaction of the Director-General. This work should be undertaken by an archaeological heritage consultant approved by the Director-General. The nomination for the Excavation Director shall demonstrate ability to comply with the Heritage Council's Criteria for the *Assessment of Excavation Directors* (July 2011)
 - (b) Report on the results of the non-Aboriginal archaeological investigation program, including recommendations (such as for further archaeological work), in consultation with the Heritage Branch OEH and to the satisfaction of the Director General and shall include, but not necessarily be limited to:
 - (i) consideration of measures to avoid or minimise disturbance to archaeology, where archaeology of non-Aboriginal archaeological significance is found to be present;
 - (ii) where it cannot be avoided, recommendations for any further investigations for archaeology of historical archaeological significance; and
 - (iii) management and mitigation measures to ensure there are no additional impacts due to pre-construction and construction activities.
 - (c) Undertake any further archaeological excavation works recommended by the results of the non-Aboriginal archaeological investigation program.

Within twelve months of completing the above work, unless otherwise agreed by the Director General, the Proponent shall submit a report containing the findings of the excavations, including artefact analysis, and the identification of a final repository for finds, prepared in consultation with the OEH (Heritage branch) and to the satisfaction of the Director-General.

Note: other Acts/ regulations such as the Coroner's Act, the Public Health Act and Public Health Regulations may apply in relation to human remains.

- C36. Prior to the commencement of pre-construction and construction activities affecting the Aboriginal archaeological sites identified in Table 25 and Table 26 of Appendix F in the document listed under condition B2(b), the Proponent must:
- (a) undertake an Aboriginal archaeological investigation program using a methodology prepared, in consultation with the OEH (Aboriginal heritage) and the Registered Aboriginal Stakeholders, and to the satisfaction of the Director-General.
 - (b) report on the results of the Aboriginal archaeological investigation program, including recommendations (such as for further archaeological work), in consultation with the Registered Aboriginal Stakeholders, the OEH and to the satisfaction of the Director General, and shall include, but not necessarily be limited to:
 - (i) consideration of measures to avoid or minimise disturbance to Aboriginal objects where objects of moderate to high significance are found to be present;
 - (ii) where it cannot be avoided, recommendations for any further investigations; and

- (iii) management and mitigation measures to ensure there are no additional impacts due to pre-construction and construction activities.
- (c) Undertake any further archaeological excavation works recommended by the results of the Aboriginal archaeological investigation program.

Within twelve months of completing the above work, unless otherwise agreed by the Director General, the Proponent shall submit a report containing the findings of the excavations, including artefact analysis, and the identification of final storage place for Aboriginal objects, prepared in consultation with the Registered Aboriginal Stakeholders, the OEH (Aboriginal objects) and to the satisfaction of the Director-General.

SCHEDULE D COMMUNITY INFORMATION, REPORTING AND AUDITING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

D1. Prior to the commencement of construction, a Community Communication Strategy shall be prepared and implemented to provide mechanisms to facilitate communication between the Proponent (and its contractor(s)), the Environmental Representative required by condition 3.9, the Relevant Council(s) and community stakeholders (particularly adjoining landowners) on the construction environmental management of the project. The Strategy shall be prepared to the satisfaction of the Director-General, and include, but not be limited to:

- (a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners;
- (b) procedures and mechanisms for the regular distribution of information to community stakeholders on construction progress and matters associated with environmental management;
- (c) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the project;
- (d) procedures and mechanisms through which the Proponent can respond to enquiries or feedback from the community stakeholders in relation to the environmental management and delivery of the project;
- (e) procedures and mechanisms that would be implemented to resolve issues/disputes that may arise between parties on the matters relating to environmental management and the delivery of the project. This may include the use of an appropriately qualified and experienced independent mediator; and
- (f) ongoing consultation throughout the life of the project.

Issues that shall be addressed through the Community Communication Strategy include (but are not necessarily limited to) finalisation of pipeline alignment and associated infrastructure and measures to mitigate and/or minimise human amenity and environmental impacts, consistent with the management measures proposed in the documents referred to in condition 1 and the requirements of this approval.

The Proponent shall maintain and implement the strategy throughout construction of the Project. The Strategy shall be approved by the Director General prior to the commencement of construction, or as otherwise agreed by the Direct General.

Complaints and Enquiries Procedure

D2. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall ensure that the following are available for community enquiries and complaints for the duration of construction:

- (a) a 24-hour telephone number(s) on which complaints and enquires about construction may be registered;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquires may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

The telephone number, postal address and email address shall be published in newspaper(s) circulating in the area of the project on at least one occasion prior to the commencement of construction; at six-monthly intervals during construction; and prior to the commencement of operation. This information shall also be provided on the website (or dedicated pages) required by this approval. At a minimum, the telephone number shall also be displayed on a sign near the entrance to each construction site, in a position that is clearly visible to the public.

- D3. The Proponent shall record details of all complaints. Information recorded shall include, but not necessarily be limited to:
- (a) the date and time 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 record of complaints shall be made available to the Director-General for inspection upon request.

Note: If the Proponent has a corporate system for managing complaints which would be adopted for the development and which substantially addresses the matters raised in condition 3.3, this may be submitted in fulfilment of this condition.

- D4. The Proponent shall provide an initial response to any complaint made relation to the project during construction or operation, within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in accordance with condition 3.3. Any subsequent detailed response or action is to be provided within two weeks of the original complaint, or as otherwise agreed by the complainant.

Provision of Electronic Information

- D5. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the project, for the duration of construction and for 12 months following completion of the project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:
- (a) information on the current implementation status of the project;
 - (b) a copy of, or a link to the Department website for, the documents referred to under condition B2 of this Concept Plan Approval, and any documentation supporting modifications to this approval that may be granted from time to time;
 - (c) a copy of, or a link to the Department website for, this approval and any future modification to this approval;
 - (d) a description of the current environmental approval, licence or permit required and obtained in relation to the project;
 - (e) a list of each current strategy, plan, program or other document required under this approval;
 - (f) a description of the outcomes of compliance tracking in accordance with condition 3.6 of this approval, including a list of the documents prepared under that condition; and
 - (g) details of contact point(s) to which community complaints and enquiries may be directed, including a telephone number, a postal address and an email address.

SCHEDULE E CONSTRUCTION ENVIRONMENTAL MANAGEMENT

LAND CONTAMINATION

- E1. Appropriate studies and assessments shall be undertaken prior to construction to identify and manage any localised contaminated soils. Soils shall be analysed for a broad range of potential contaminants to provide an indication of potential waste classification against the *Waste Classification Guidelines – Part 1* (DECCW 2009) for off-site disposal purposes and to determine mitigation measures required. Should contaminated soil be encountered, consideration of the provisions of SEPP 55 – Remediation of Land and any relevant guidelines made or approved under the *Contaminated Land Management Act 1997* is required.

BORING

- E2. The Proponent must address management of drilling slurry for all directional drilling sites as part of the Construction Environmental Management Plan (CEMP) required by condition E5 including monitoring of cutting fluid returns and actions to be taken in the event of losses in drilling fluid.

BIODIVERSITY

- E3. Following the completion of construction, the Proponent shall confirm the extent of vegetation impacts was commensurate with and not greater than that identified in Table C1. If clearing is greater than assess in Table C1 the Proponent shall consult with OEH and demonstrate how the offset package will be modified to offset the value of actual biodiversity loss.
- E4. Hollow-bearing trees shall be protected where feasible and reasonable. Where impacts cannot be avoided specialist advice from a qualified ecologist shall be sought prior to and during vegetation removal to mark any hollow-bearing trees, check for fauna prior to removal and undertake any necessary fauna rescue.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- E5. The Proponent shall prepare and implement a Construction Environmental Management Plan for the project in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources 2004). No construction associated with the project shall commence until written approval of this plan has been received from the Director-General or his nominee. The Plan must:
- (a) be submitted to the Director-General for approval no later than one (1) month prior to the commencement of construction or demolition or within such period otherwise agreed by the Director-General;
 - (b) include actions to manage:
 - (i) soil and water;
 - (ii) flora and fauna;
 - (iii) Aboriginal and non-Aboriginal heritage;
 - (iv) noise and vibration; and
 - (v) traffic and access.

Note: The guideline provides guidance for preparing environmental management documents for projects of varying scale. The proponent may choose to structure its documentation as appropriate however the content should be consistent with that outlined in the guideline. An existing Construction Environmental Management Plan may be used where that plan meets the requirements of this condition

E6. As well as the general requirements of an EMP as outlined in condition E5, the following shall be addressed:

(a) **Soil and Water**

- (i) identification of management measures consistent with *Managing Urban Stormwater - Soils and Construction Vols 1* (Landcom, 2004) to be employed during construction to minimise soil erosion, discharge of sediment and other pollutants to land and/or waters, spoil and fill material management; dewatering and disposal procedures; and measures to be implemented following rainfall
- (ii) all watercourse crossings (vehicle access and pipeline crossings) shall be designed by a suitably qualified person and the design and measures shall generally be prepared and implemented in accordance with the NOW's *Guidelines for Controlled Activities*, (NSW Fisheries, 2004) and *Why Do Fish Cross Need to Cross the Road? Fish Passage Requirements for Waterway Crossings* (NSW Fisheries, 2004));

(b) **Aboriginal Heritage**

- (i) actions to manage identified Aboriginal objects directly and indirectly impacted by construction, developed in consultation with registered Aboriginal stakeholders prior to any archaeological or salvage works commencing, including but not limited to:
 - management measures and strategies for protection, monitoring, salvage, archival recording and/or conservation of sites and items that will be directly or indirectly impacted during construction;
 - procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works, assessment of significance and determination of appropriate management measures, involvement of a suitably qualified archaeologist and consultation with the Department and registered Aboriginal stakeholders, actions required to enable construction to recommence and notification to the OEH, in accordance with section 89A of the *National Parks and Wildlife Act 1974*, and the department;;
 - procedures for dealing with human remains, including cessation of works in the vicinity of the remains and notification of relevant stakeholders, including NSW Police, the department and the OEH;
 - training and induction processes for construction personnel on site identification, protection and conservation of Aboriginal cultural heritage;.
 - procedures for ongoing stakeholder consultation and involvement for the duration of the project; and
 - procedures for monitoring and reporting effectiveness of management measures, including reporting of non-compliance.

(c) **Non-Aboriginal Heritage**

- (i) actions to manage identified non-Aboriginal items directly and indirectly impacted by construction, developed in consultation with the Heritage Branch, OEH prior to any archaeological works commencing, including but not limited to:
 - management measures and strategies for protection, excavation, archival recording and/or conservation of sites and items that will be directly or indirectly impacted during construction;
 - procedures for monitoring and reporting on effectiveness of management measures, including reporting of non-compliance;
 - procedures for dealing with previously unidentified heritage items (excluding human remains) including cessation of works, assessment of significance and determination of appropriate management measures, including involvement of

a suitable qualified archaeologist and consultation with the Department and actions required to enable construction to recommence and notification of the Heritage Council of NSW, in accordance with Section 146 of the *NSW Heritage Act 1977*, and the department;

- procedures for dealing with human remains, including cessation of works in the vicinity of the remains and notification of relevant stakeholders, including NSW Police, the department and the OEH; and
- training and induction processes for construction personnel on site identification, protection and conservation of heritage.

(d) Noise and Vibration

- (i) measures identified shall be developed and implemented in accordance with the *Interim Construction Noise Guidelines* (DECC, 2009); and
- (ii) include an out-of-hours work (OOHW) protocol for the assessment, management and approval of works outside of standard construction hours as defined in condition C21, including a risk assessment process under which the Environmental Representative may approve out-of-hour construction activities deemed to be of low environmental risk and refer high risk works for the Director General's approval. The OOHW protocol shall detail standard assessment, mitigation and notification requirements for high and low risk out-of-hour works, and detail a standard protocol for referring applications to the Director General.

(e) Traffic and Access

- (i) identification of construction traffic routes and construction traffic volumes (including heavy vehicle/ spoil haulage) on these routes;
- (ii) details of vehicle movements for construction sites and site compounds including parking, dedicated vehicle turning areas, and ingress and egress points;
- (iii) identification of construction activities that could disrupt traffic, public transport, pedestrian, cycle and property access;
- (iv) management measures to minimise traffic impacts, including temporary road work traffic control measures, onsite vehicle queuing and parking areas and management measures to minimise peak time congestion and measures to ensure safe pedestrian and cycle access;
- (v) a response plan which sets out a proposed response to any traffic, construction or other incident; and
- (vi) mechanisms for the monitoring, review and amendment of this plan.

REHABILITATION AND LANDSCAPE PLAN

E7. A Rehabilitation and Landscape Plan shall be prepared and implemented for the project to manage rehabilitation/revegetation of disturbed areas and landscaping or screening of built features. The Plan shall be prepared by an appropriately qualified person(s) in consultation with the relevant landowner(s) or Council. The Plan shall include, but not necessarily be limited to:

- (a) identification of principles, standards and objectives for rehabilitation and landscaping;
- (b) the location of vegetation to be cleared, high risk areas experiencing erosion and waterway crossings that have been identified as sensitive and prone to erode if disturbed;
- (c) proposed rehabilitation or landscaping (including use of indigenous and native species where possible);
- (d) monitoring and maintenance procedures for the rehabilitated or revegetated areas and landscaping including performance indicators, responsibilities, timing and duration and contingencies where rehabilitation of vegetation and landscaping measures fail; and

- (e) provisions for the rectification of any damage caused to property as a result of the construction of the project.

The Plan shall be submitted for the approval of the Director General prior to disturbance of areas requiring rehabilitation or landscaping, unless otherwise agreed by the Director General.

- E8. The Proponent shall ensure that all rehabilitation measures are implemented progressively where possible and in all cases within one month of the cessation of construction activities at the relevant area unless otherwise agreed with the local council or other stakeholders.
- E9. All Ancillary construction facilities sites shall be rehabilitated to at least their pre-construction condition, unless otherwise agreed by the landowner, where relevant.

HERITAGE

Aboriginal

- E10. Prior to the commencement of pre-construction and/or construction activities that will impact the Aboriginal archaeological sites identified in Table 6-22 of the document listed under condition B2(b), the Proponent shall undertake an archaeological salvage program using a methodology prepared in consultation with the registered Aboriginal stakeholders, and to the satisfaction of the Director-General. This work shall be undertaken by an appropriately qualified archaeological heritage consultant.

Within two years of completing the salvage, unless otherwise agreed by the Director General, the Proponent shall submit a report containing the findings of the salvage, including artefact analysis, and the identification of a final repository for any Aboriginal objects, prepared in consultation with the Aboriginal stakeholders and to the satisfaction of the Director-General.

Non-Aboriginal

- E11. Prior to the commencement of pre-construction and/ or construction activities that will impact the non-Aboriginal archaeological sites identified in the document listed under condition B2(b) as items 182, 183, 184, 185, 186 and 186, the Proponent shall undertake an archaeological salvage program using a methodology prepared in consultation with the OEH (Heritage Branch) and to the satisfaction of the Director-General. This work shall be undertaken by an appropriately qualified archaeological heritage consultant.

Within two years of completing the salvage, unless otherwise agreed by the Director General, the Proponent shall submit a report containing the findings of the salvage, including artefact analysis, prepared in consultation with the OEH (Heritage branch) and to the satisfaction of the Director-General.

CONSTRUCTION NOISE AND VIBRATION

- E12. During construction, affected education institutions shall be consulted and reasonable steps taken to ensure that noise generating construction works in the vicinity of affected buildings are not timetabled during examination periods where practicable, unless other reasonable arrangements to the affected institutions are made at no cost to the affected institution.

PROPERTY IMPACTS

- E13. During the detailed design stage of the project, the Proponent shall consult with all landowners of those properties that are to be traversed by the project, for the purposes of ensuring landowner concerns are considered in determining the final project alignment.
- E14. Any damage caused to property as a result of the construction of the project shall be rectified or the property owner compensated, within a reasonable timeframe, with the costs borne by the Proponent. This condition is not intended to limit any claims that the property owner may have against the Proponent.

ENVIRONMENTAL REPRESENTATIVE

- E15. Prior to the commencement of construction of the project, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) that is independent of the design and construction personnel. The Proponent shall employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:
- (a) be the principal point of advice in relation to the environmental performance of the project;
 - (b) monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Proponent upon the achievement of these plans/ programs;
 - (c) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and other licences and consents related to the environmental performance and impacts of the project;
 - (d) ensure that environmental auditing is undertaken in accordance with the project's Environmental Management System(s);
 - (e) be given the authority to approve/ reject minor amendments to the Construction Environmental Management Plan. What constitutes a "minor" amendment shall be clearly explained in the Construction Environmental Management Plan required under condition E5;
 - (f) be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions cease immediately should an adverse impact on the environment be likely to occur; and
 - (g) be consulted in responding to the community concerning the environmental performance of the project where the resolution of points of conflict between the Proponent and the community is required.
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SCHEDULE F OPERATION ENVIRONMENTAL MANAGEMENT

- F1. The Proponent shall prepare and implement (following its approval) an Operation Environmental Management Plan (OEMP). The Plan shall outline the environmental management practices and procedures that are to be followed during operation, and shall be prepared in consultation with relevant agencies and in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:
- (a) details of management and monitoring of environmental performance, including the actions to be taken to address identified potential adverse environmental impacts, including those safeguards and mitigation measures detailed in section 6 of the document listed under condition B2(b) (and any impacts arising from staging of the project construction); and
 - (b) a description of the proposed and/or implemented measures to minimise visual impact of the above- ground project components, including the reservoir site and water pumping stations, such as landscaping and design considerations.

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

The approval of an Operation Environmental Management Plan does not relieve the Proponent of any requirement associated with this project approval. If there is an inconsistency with an approved Operation Environmental Management Plan and the conditions of this project approval, the requirements of this project approval prevail.

- F2. Notwithstanding condition F1, if an existing environmental management system that is administered by the Proponent and prepared in accordance with the *AS/NZS ISO 14000 Environmental Management System* (EMS) series, which addresses and is applicable to this project, then that EMS may be submitted in lieu of the OEMP. Details of the existing EMS must be provided to the Director-General demonstrating its application to this project.
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