

Appendix A

Final Statement of
Commitments

SCHEDULE 1: DESCRIPTION OF ACTIVITY

The Activity is the Keepit Dam Upgrade as described in the Environmental Assessment (EA) for the Keepit Dam Upgrade prepared by Parsons Brinckerhoff, for State Water Corporation (State Water) dated December 2007.

Schedule 2: Final STATEMENT OF COMMITMENTS - ACTIVITY

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DEFINITIONS

Activity	The activity described in Schedule 1
Ancillary Facility	Temporary facility for Construction that does not form part of the Activity. Examples are an office and amenities compound, batch plant (concrete or bitumen), materials storage compound
Building	A residence, farm shed or other building.
Construction	Includes all work in respect of the Activity other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing site compounds (in locations meeting the criteria of the Conditions), or other activities determined by the EMR to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, relocation of recreational facilities).
Department, the	Department of Planning
Director-General, the	Director-General of the Department (or delegate)
Director-General's Agreement	Written advice from the Director-General (or delegate)
Director-General's Approval	A written approval from the Director-General (or delegate) Where the Director-General's Approval is required under a Condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for State Water 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 115C of the <i>Environmental Planning and Assessment Act 1979</i> .
Final Statement of Commitments	The Final Statement of Commitments for the Activity (this document)
Environmental Assessment	Means the Keepit Dam Upgrade Environmental Assessment dated December 2007
Minister, the	Minister for Planning
Operation	Means the Operation of the Activity, but does not include commissioning, trials of equipment or facilities or temporary use of parts of the Activity during Construction.
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display

	centre)
Reasonable and Feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. The term Feasible relates to engineering considerations and what is practical to build. The term Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
Relevant Councils	Either or both of Gunnedah Shire Council and Tamworth Regional Council, as appropriate.
Relevant Government Departments	A government department with a licensing or approval role for the Activity's Construction or Operation. Generally one or more of the DECC (including Environment Protection Authority and National Parks and Wildlife Service functions), Department of Natural Resources, Department of Primary Industries (including NSW Fisheries and NSW Agriculture functions), NSW Heritage Office and the Department of Planning.
River	Has the meaning given under the <i>Water Management Act 2002</i> . In summary, this is "any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved".
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church)
Stages	Stages refers to the: <ul style="list-style-type: none"> ▪ division of an Activity into multiple contract packages; and/or ▪ Construction or Operation of an Activity in discrete sections.

ABBREVIATIONS

ARI	Average Recurrence Interval
ASS	Acid Sulfate Soils
CLG	Community Liaison Group
CMS	Construction Method Statement
CEMP	Construction Environmental Management Plan
CFEMP	Construction Framework Environmental Management Plan
dB(A)	Decibel, "A" weighted scale
DECC	Department of Environment and Climate Change. Also includes the Environment Protection Authority and the National Parks and Wildlife Service
DEWHA	Department of Environment, Water, Heritage and the Arts
DoP	Department of Planning
DNR	Department of Natural Resources
DPI	Department of Primary Industries
EA	Environmental Assessment
EMP	Environmental Management Plan
EMR	Environmental Management Representative
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
ICLR	Independent Community Liaison Representative
L_{A90}	The noise level exceeded for 90% of a monitoring period, also referred to as the background noise level
L_{Aeq} (9hour)	Equivalent continuous (constant) sound pressure level over a 9 hour period from 10pm to 7am
L_{Aeq} (15 hour)	Equivalent continuous (constant) sound pressure level over a 15 hour period from 7am to 10pm
L_{Aeq} (15 mins)	Equivalent sound pressure level over a 15 minute interval
L_{A1} (1 minute)	Sound pressure level exceeded for 1 per cent of the time measured over a 1 minute interval
L_{A10} (15 mins)	Sound pressure level exceeded for 10 per cent of the time over a 15 minute period
OEMP	Operation Environmental Management Plan
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RTA	Roads and Traffic Authority

REPORTING REQUIREMENTS

The table below lists all the reports required by this Final Statement of Commitments to be provided to the Director-General. The table also identifies whether the report requires approval from the Director-General.

Commitment	Report to be provided to the Director-General	Does the report require Director-General approval?
Administrative Commitments		
3	Advise Construction and Operation commencing	No
7	Staging Report	No
8	Pre-Construction Compliance Report	No
9	Pre-Operation Compliance Report	No
10	Construction Compliance Reports	No
11	Environmental Impact Audit Report - Construction	No
12	Environmental Impact Audit Report - Operation	No
Environmental Management		
13	Construction Environmental Management Plan	Yes
14	Operation Environmental Management Plan	Yes
15	Request for EMR Approval	Yes
Communication and Consultation		
21.4	Request to dissolve CLG	Yes

ADMINISTRATION

The Activity

1. The Activity will be carried out consistent with:
 - a) the description of the Activity contained in Chapter 4 of the Keepit Dam Upgrade EA dated December 2007
 - b) the procedures, safeguards and mitigation measures identified in the Keepit Dam Upgrade EA, and
 - c) this Final Statement of Commitments.
2. This Final Statement of Commitments does not relieve State Water of its obligations under any other Act.

Compliance

General

3. The Director-General and the Relevant Councils will be notified in writing of the start of the Activity's Construction and Operation. Such notification will be provided at least four weeks before the relevant start date unless otherwise agreed to by the Director-General.
4. State Water will ensure (as Reasonably practical) compliance with all of its commitments and to implement any measures arising from the EA.
5. State Water will (as Reasonably practical) bring to the Director-General's attention any matter that may require further assessment by the Director-General.
6. State Water will ensure (as Reasonably practical) compliance with any requirements of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted to satisfy this Final Statement of Commitments; and
 - b) the implementation of any actions or measures contained in such reports, plans or correspondence.

Staging Report

7. State Water may elect to construct the Activity in discrete work packages or defined stages provided that such stages or work packages are consistent with this Final Statement of Commitments. Where discrete work packages or defined stages are proposed, a *Staging Report* will be submitted to the Director-General at least four weeks before Construction commences (or within any other time agreed to by the Director-General). The *Staging Report* will:
 - a) describe the work packages or defined stages; and
 - b) identify how this Final Statement of Commitments will be addressed in each work package or defined stage.

Pre-Construction Compliance Report

8. A *Pre-Construction Compliance Report* will be submitted to the Director-General at least four weeks before Construction commences (or within any other time agreed to by the Director-General).

The *Pre-Construction Compliance Report* will include:

- a) details of how the Commitments required to be addressed before Construction were complied with;
- b) the time when each relevant commitment was complied with, including dates of submission of any required reports and/or approval dates; and
- c) details of any approvals or licences required to be issued by any Relevant Government Departments and/or Councils before Construction commences.

Pre-Operation Compliance Report

9. A *Pre-Operation Compliance Report* will be submitted to the Director-General at least four weeks before Operation (or within any other time agreed to by the Director-General).

The *Pre-Operation Compliance Report* will include:

- a) details of how the Commitments required to be addressed before Operation were complied with;
- b) the time when each relevant Commitment was complied with, including dates of submission of any required reports and/or approval dates; and
- c) details of any approvals or licences issued by any Relevant Government Departments and/or Council for the Activity's Operation.

Construction Compliance Reports

10. The Director-General, Relevant Councils, and any other government departments nominated by the Director-General will be provided with *Construction Compliance Reports*. The EMR will review the *Construction Compliance Reports* before they are submitted to the Director-General and bring to the Director-General's attention any shortcomings.

The first *Construction Compliance Report* will report on the first six months of Construction and be submitted a maximum six weeks after expiry of that period. The second, and subsequent, *Construction Compliance Reports* will be submitted at maximum intervals of six months from the date of submission of the first *Construction Compliance Report* (or at any other time interval agreed to by the Director-General) for the duration of Construction.

The *Construction Compliance Reports* will include information on:

- a) compliance with the CEMP and this Final Statement of Commitments;
- b) compliance with any approvals or licences issued by Relevant Government Departments and Relevant Councils for the Construction phase of the Activity;
- c) the implementation and effectiveness of environmental controls. The assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP;

- d) environmental monitoring results, presented as a results summary and analysis;
- e) the number and details of any complaints, including a summary of main areas of complaint, action taken, response given and intended strategies to reduce recurring complaints;
- f) details of any review and amendments to the CEMP resulting from Construction during the reporting period; and
- g) any other matter relating to compliance with this Final Statement of Commitments or as requested by the Director-General.

The *Construction Compliance Reports* will also be made Publicly Available.

Environmental Impact Audits

Environmental Impact Audit Report - Construction

11. An *Environmental Impact Audit Report - Construction* will be prepared and submitted to the Director-General a maximum three months after Construction is complete (or at any other time interval agreed to by the Director-General). The *Environmental Impact Audit Report - Construction* will also be submitted to the Relevant Councils and other government departments upon the request of the Director-General.

The *Environmental Impact Audit Report - Construction* will:

- a) identify the major environmental controls used during Construction and assess their effectiveness;
- b) summarise the main environmental management plans and processes implemented during Construction and assess their effectiveness;
- c) identify any innovations in Construction methodology used to improve environmental management; and
- d) discuss the lessons learnt during Construction, including recommendations for future Activities.

Environmental Impact Audit Report - Operation

12. An *Environmental Impact Audit Report - Operation* will be submitted to the Director-General a maximum 24 months after the Activity begins Operation and at any additional periods that the Director-General may require. The *Environmental Impact Audit Report - Operation* will also be submitted to the Relevant Councils and other government departments upon the request of the Director-General.

The *Environmental Impact Audit Report - Operation* will:

- a) be certified by an independent person at State Water's expense. The certifier will be advised to the Director-General before the *Environmental Impact Audit Report - Operation* is prepared;
- b) assess the effectiveness of implemented mitigation measures and safeguards;
- c) assess compliance with the systems for Operation maintenance and monitoring;
- d) discuss the results of consultation with the local community particularly any feedback or complaints; and

- e) be made Publicly Available.

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

13. A Construction Environmental Management Plan (CEMP) will be prepared and implemented in accordance with this Final Statement of Commitments. The CEMP will be prepared in accordance with the Department of Planning (DoP) *Guideline for the Preparation of Environmental Management Plans*. The Director-General's Approval will be obtained for the CEMP before Construction commences or within any other time agreed to by the Director-General. The CEMP will be reviewed by the EMR before State Water seeks the Director-General's approval for the CEMP. The EMR will bring to the Director-General's attention any shortcomings.

The mitigation measures identified in the EA will be incorporated into the CEMP.

The CEMP will:

- a. incorporate the mitigation measures identified in this Final Statement of Commitments for:
 - i Flora and Fauna
 - ii Heritage
 - iii Noise and Vibration
 - iv Soil and Water Quality Management
 - v Air Quality
 - vi Greenhouse Gases and Sustainable Energy
 - vii Traffic
 - viii Visual Impact and Landscaping
 - ix Hazards and Risk Management
 - x Waste Management and Recycling
 - xi Utilities and Services

as relevant to the Pre-construction and Construction phases of the Activity, and state how they will be implemented;

- b. include a Construction program, identifying Construction activities and their location and timing;
- c. cover any relevant environmental elements identified by State Water, or its contractor, from their environmental due diligence investigations;
- d. contain the Construction Sub Plans required by this Final Statement of Commitments;
- e. be prepared following consultation with Relevant Councils and Relevant Government Departments;
- f. be Publicly Available;
- g. include a community consultation and notification strategy (including local community, Relevant Councils and Relevant Government Departments), and Construction complaints management system;
- h. include environmental management details such as:
 - i identification of statutory obligations which State Water is required to fulfil during Construction, including all approvals and licences;

- ii an environmental management structure indicating the responsibility, authority and accountability for personnel relevant to the CEMP;
- iii the role of the EMR and identification of Construction activities requiring EMR attendance;
- iv details of the Construction personnel induction and training program;
- v emergency response procedures;
- i. include implementation details such as:
 - i identification of relevant environmental elements;
 - ii measures to avoid and/or control environmental impacts;
 - iii the tools to be used to implement the CEMP such as plans, schedules and work instructions;
- j. include monitoring and review details such as:
 - i performance criteria;
 - ii performance monitoring methods;
 - iii auditing and corrective actions procedures;
 - iv CEMP review procedures.

Operation Environmental Management Plan

14. An Operation Environmental Management Plan (OEMP) will be prepared and implemented in accordance with this Final Statement of Commitments and all relevant Acts and Regulations. The OEMP will be prepared in accordance with the DoP's *Guideline for the Preparation of Environmental Management Plans*. The approval of the Director-General will be obtained for the OEMP before Operation commences or within any other time agreed to by the Director-General.

The OEMP will:

- a. identify the Operation activities;
- b. incorporate monitoring and reporting measures identified in this Final Statement of Commitments for:
 - i implementing and managing the elements of the Biodiversity Offset Strategy; and
 - ii optimising the performance of the multi-level offtake (This is subject to confirmation of the cost effectiveness of multi-level offtake.)

as relevant to Operation phase of the Activity, and state how they will be implemented;

- c. cover relevant environmental elements identified by State Water either from its environmental due diligence investigations or required to satisfy any other licence or approval;
- d. be prepared in consultation with Relevant Government Departments and Relevant Councils;
- e. be made Publicly Available;
- f. identify the statutory obligations which State Water is required to fulfil during the Activity's Operation, including all approvals and licences.

Environmental Management Representative

15. The Director-General's Approval will be sought for the appointment of an Environmental Management Representative (EMR) at least eight weeks before Construction commences (or within any other time agreed to by the Director-General). The following information will be provided to the Director-General:
- a. qualifications and experience of the EMR including demonstration of general compliance with relevant Australian Standards for environmental auditors;
 - b. authority and independence (from State Water or its contractors) of the EMR including details of State Water's internal reporting structure; and
 - c. resourcing of the EMR role. The EMR will be available:
 - i for sufficient time to undertake the EMR role. This timing shall be agreed between State Water and the EMR and advised to the Director-General in the request for approval;
 - ii at any other time requested by the Director-General;
 - iii during any Construction activities identified in the CEMP to require the EMR's attendance; and
 - iv for the duration of Construction.

16. The Director-General may at any time immediately revoke the approval of an EMR appointment by providing written notice to State Water. Interim arrangements for EMR responsibility following the revocation will be agreed in writing between the Director-General and State Water.
17. The Director-General may at any time conduct an audit of any actions undertaken by the EMR. State Water will (as Reasonably practical):
 - a. facilitate and assist the Director-General in any such audit; and
 - b. include in the conditions of the EMR's appointment the need to facilitate and assist the Director-General in any such audit.
18. The EMR is authorised to :
 - a. consider and advise the Director-General and State Water on matters specified in this Final Statement of Commitments and compliance with such;
 - b. determine whether work falls within the definition of Construction where clarification is requested by State Water;
 - c. review the CEMP;
 - d. periodically monitor State Water's activities to evaluate compliance with the CEMP. Periodic monitoring will involve site inspections of active work sites at least fortnightly;
 - e. provide a written report to State Water of any non-compliance with the CEMP observed or identified by the EMR. Non compliance will be managed as identified in the CEMP;
 - f. issue a recommendation to State Water to stop work immediately if in the view of the EMR an unacceptable impact on the environment is occurring or is likely to occur. The stop work recommendation may be limited to specific activities causing an impact if the EMR can easily identify those activities. The EMR may also recommend that State Water initiate reasonable actions to avoid or minimise adverse impacts;
 - g. review corrective and preventative actions to monitor the implementation of recommendations made from audits and site inspections;
 - h. certify that minor revisions to the CEMP are consistent with the approved CEMP; and
 - i. provide regular (as agreed with the Director-General) reports to the Director-General on matters relevant to carrying out the EMR role including notifying the Director-General of any stop work recommendations.

The EMR will immediately advise State Water and the Director-General of any incidents relevant to these Commitments resulting from Construction that were not dealt with expediently or adequately by State Water.

Issue Specific Commitments

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Objective	Commitment		Timing
Communication and consultation			
Inform the local community of upcoming Construction activities	19.1	<ul style="list-style-type: none"> a) Advertisements will be placed in relevant local newspapers to advertise the: nature of the works proposed for the next three months; b) areas in which these works are proposed; c) Construction hours; d) and a contact telephone number. 	Before Construction commences, and then at maximum three monthly intervals during Construction
	19.2	<p>The local community and businesses will be advised of Construction activities that could cause disruption. Methods to disseminate this information will be identified in the CEMP. Information to be provided will include:</p> <ul style="list-style-type: none"> a) details of any traffic disruptions and controls; b) construction of temporary detours; and c) work approved to be undertaken outside standard Construction hours, in particular noisy works, before such works are undertaken. 	During Construction
Make Construction information Publicly Accessible	20.1	<p>An Activity internet site will be established. This internet site will contain:</p> <ul style="list-style-type: none"> a) periodic updates of work progress, consultation activities and planned work schedules. The site will indicate the date of the last update and the frequency of the internet site updates; b) a description of relevant approval authorities and their areas of responsibility; c) a list of reports and plans that are Publicly Available under this Approval and details of how these can be accessed; d) contact names and phone numbers of relevant communications staff; and e) the 24 hour toll-free complaints contact telephone number. 	Before Construction commences

Objective	Commitment		Timing
	20.2	The Activity internet site will be maintained until Construction ends. Updates of work progress, Construction activities and planned work schedules will be provided where significant changes in noise or traffic impacts are expected.	During Construction
Community Liaison Group			
Engage and consult with community representatives during Construction	21.1	A Community Liaison Group (CLG) will be formed and hold its first meeting prior to construction commencing. The CLG will include the EMR and representatives from State Water and its head contractor. Community representatives will be identified and selected from relevant community and business groups, individual members of the community adjoining the Activity and representatives from Relevant Councils.	During detailed design
	21.2	<p>State Water will, at its own expense (as Reasonably practical):</p> <ul style="list-style-type: none"> a) maintain the CLG for the duration of Construction unless otherwise approved by the Director-General; b) provide a chairperson for the CLG. The chairperson will be independent of State Water and may be elected from the CLG membership; c) nominate two representatives to attend all CLG meetings; d) provide to the CLG regular information on the progress of Construction and related environmental performance; e) promptly provide to the CLG information that the CLG Chair may reasonably request concerning the Activity's environmental performance; f) provide access for site inspections by the CLG; g) provide meeting facilities for the CLG, and take notes of CLG meetings. These meeting notes will be available to CLG members within 14 days of the meeting and should be endorsed by the Chair; 	During detailed design and Construction

Objective	Commitment		Timing
		h) where reasonably required by the Chair, arrange consultant(s) to explain technical information to the CLG; and i) where reasonably required by the Chair, invite representatives from relevant government departments or other individuals to attend CLG meetings.	
	21.3	Issues for discussion by the CLG include the dissemination of information to the community, design issues related to the Commitments or mitigation measures, the CEMP and Construction activities. The CLG may make comments about these issues which will be considered by State Water. State Water will (as Reasonably practical) report back to the CLG on its considerations of the comments.	During detailed design and Construction
	21.4	State Water may review a CLG's membership and/or the need for the CLG at any time during detailed design and Construction. The Director-General's approval will be sought to dissolve a CLG. Any request for dissolution will demonstrate why the CLG is no longer required.	During detailed design and Construction
	21.5	In the event of any dispute between the CLG and State Water, State Water's decision is final provided it is consistent with this Final Statement of Commitments.	During detailed design and Construction
Consult property owners directly affected by the mitigation measures	22.1	The owners of properties affected by implementing mitigation measures will be consulted. Mitigation measures will be implemented according to a program derived from that consultation if consistent with this Final Statement of Commitments.	During Construction
Construction Complaints Management System			
Have a system for managing community complaints regarding Construction	23.1	A <i>Construction Complaints Management System</i> will be prepared and implemented before Construction commences. The <i>Construction Complaints Management System</i> will be consistent with AS 4269 "Complaints Handling" and include: a) a 24 hour, toll free telephone number listed with a telephone company and advertised; b) a system to receive, record, track and respond to complaints within a	Before Construction commences

Objective	Commitment		Timing
		<p>specified timeframe. When a complaint cannot be responded to immediately, a follow-up verbal response on what action is proposed will be provided to the complainant within two hours during night-time works and 24 hours at other times;</p> <p>c) a process for the provision of a written response to the complainant within 10 days, if the complaint cannot be resolved by the initial or follow-up verbal response; and</p> <p>d) a mediation system for complaints unable to be resolved.</p>	
	23.2	The <i>Construction Complaints Management System</i> will be maintained for the duration of Construction.	During Construction
	23.3	Information on all complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation, will be included in the Construction Compliance Reports and will be made available to the Director-General on request.	During Construction
Biodiversity			
Objective	Commitment		Timing
Construction			
Manage and minimise Construction impacts to flora and fauna	24.1	<p>A Flora and Fauna Management Sub Plan will be prepared as part of the CEMP. The Sub Plan will be prepared in consultation with the DECC, DPI (Fisheries) and Relevant Councils and include:</p> <p>a) plans showing:</p> <ul style="list-style-type: none"> i. terrestrial vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans will also identify vegetation adjoining the Activity where this contains important habitat areas and/or threatened species, populations or ecological communities; ii. aquatic vegetation communities; important habitat areas; 	Before Construction commences

Objective	Commitment	Timing
	<p>locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans will also identify vegetation adjoining the Activity where this contains important habitat areas and/or threatened species, populations or ecological communities;</p> <p>b) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the Activity. These will include:</p> <ul style="list-style-type: none"> i. procedures for vegetation clearing, soil management and managing other habitat damage (terrestrial and aquatic) during Construction; ii. methods to protect vegetation both retained within, and also adjoining, the Activity from damage during Construction; iii. a habitat tree management program including fauna recovery procedures and habitat maintenance (e.g. relocating hollows or installing nesting boxes); iv. methods to minimise damage to aquatic habitats; v. where possible, and where consistent with DECC requirements, strategies for re-using in rehabilitation works individuals of any threatened plant species that would otherwise be destroyed by the Activity; vi. performance criteria against which to measure the success of the methods <p>c) rehabilitation details including:</p> <ul style="list-style-type: none"> i. identification of locally native species to be used in rehabilitation and landscaping works, including flora species suitable as a food resource for threatened fauna species; ii. methods to remediate affected aquatic habitats or fish passages; iii. the source of all seed or tube stock to be used in rehabilitation and landscaping works including the identification of seed sources within the Activity. Seed of locally native species within the Activity should be collected before Construction commences 	

Objective	Commitment		Timing
		<ul style="list-style-type: none"> to provide seed stock for revegetation; iv. methods to re-use topsoil (and where relevant subsoils) and cleared vegetation; v. measures for the management and maintenance of all preserved, planted and rehabilitated vegetation (including aquatic vegetation); d) a Weed Management Strategy including: <ul style="list-style-type: none"> i. identification of weeds within the Activity and adjoining areas; ii. weed eradication methods and protocols for the use of herbicides; iii. methods to treat and re-use weed infested topsoil; iv. strategies to control the spread of weeds during Construction; e) a program for reporting on the effectiveness of terrestrial and aquatic flora and fauna management measures against the identified performance criteria. Management methods will be reviewed where found to be ineffective. 	
Biodiversity Offset Strategy			
Offset the biodiversity impacts of the Activity	25.1	A Biodiversity Offset Strategy will be designed for the Activity in accordance with the principles in Section 5 of the Environmental Assessment and Section 5.1.6 of the submissions report.	Prior to clearing threatened species
	25.2	The Biodiversity Offset Strategy will be developed in conjunction with the NSW State Department of Environment and Climate Change and the Commonwealth Department of the Environment, Water, Heritage and the Arts with details provided to the NSW Director General of the Department of Planning.	Prior to clearing threatened species
	25.3	State Water will implement the biodiversity offset developed from the methodology formulated from commitment 25.1 and 25.2	Prior to clearing threatened species
	25.4	No clearing of threatened species will be conducted prior to receiving any approval from the Commonwealth Minister under the EPBC Act for the biodiversity offset.	Prior to clearing threatened species

Objective	Commitment		Timing
	25.5	The Director-General will be provided with annual reports on the implementation and management of the elements of the Biodiversity Offset Strategy as part of the OEMP for a period of five years following completion of Construction.	During Operation
Fish Passage			
Improve fish passage in the Namoi River	26.1	State Water in consultation with DPI will further develop the concept of fish passage at Mollee, Gunidgera and Weeta weirs in lieu of fish passage at Keepit and Split Rock dams.	As part of State Water's Dam Upgrade Program
	26.2	If demonstrated to be viable and cost effective, State Water, subject to the availability of funding will implement fish passage at Mollee, Gunidgera and Weeta weirs	As part of State Water's Dam Upgrade Program
Indigenous Heritage Management			
Manage and minimise Construction impacts to Indigenous heritage items	27.1	<p>An Indigenous Heritage Management Sub Plan will be prepared as part of the CEMP. The Sub Plan will be prepared in consultation with all relevant Aboriginal groups and the DECC and include:</p> <ul style="list-style-type: none"> a) details of the archaeological investigations to be undertaken and any associated licences or approvals required; b) procedures to be implemented if previously unidentified Aboriginal objects are discovered during Construction. If such objects are discovered all work likely to affect the object(s) will cease immediately and the DECC informed in accordance with the <i>National Parks and Wildlife Act 1974</i>; c) an education program for Construction personnel on their obligations for Aboriginal cultural materials; and d) the following specific measures to avoid impacts to the Aboriginal stone procurement source #20-5-21: <ul style="list-style-type: none"> i. fencing off the crest area of the ridge on which the site is situated; ii. avoiding excavation of ridge deposits for fill in the boat ramp 	Before Construction commences

Objective	Commitment		Timing
		saddle dam wall; and iii. archaeological salvage of the Aboriginal stone procurement site #20-5-21 if impact cannot be avoided.	
Historical Relics			
Manage and minimise Construction impacts to historical relics	28.1	A Historical Heritage Management Sub Plan will be prepared as part of the CEMP. The Sub Plan will be prepared in consultation with the Heritage Office and include: <ul style="list-style-type: none"> a) procedures to be implemented if previously unidentified historical relics are discovered during Construction; b) an education program for Construction personnel on their obligations for historic relics; and c) the following specific measures in relation to the main dam wall, subject to detailed design: <ul style="list-style-type: none"> i. use of materials that are sympathetic to those that are present in the existing main dam wall; ii. reuse of the existing spillway gate lifting gear; iii. the removal and refurbishment, if possible, of the gantry crane on top of the existing main dam wall and its replacement (if possible) on top of the raised main dam wall; iv. the removal and secure storage of historic items located on the top of the existing main dam wall, including the metal dedication and commemorative plaques and the metal 'Water Conservation and Irrigation Commission, NSW', insignia, and their relocation to similar locations on top of the raised main dam wall; and v. archival recording of the existing main dam wall in accordance with best practice outlined in the NSW Heritage Office (1998) guidelines 'How to Prepare Archival Records of Heritage Items' before Construction work begins. 	Before Construction commences

Objective	Commitment	Timing
Construction Noise and Vibration		
Manage and minimise the noise and vibration impacts of the Activity	<p>29.1 A Construction Noise and Vibration Management Sub Plan will be prepared as part of the CEMP. The Sub Plan will be prepared in consultation with the Relevant Councils and the CLG and include:</p> <ul style="list-style-type: none"> a) an education program for Construction personnel about noise minimisation; b) identification of each Construction activity, including Ancillary Facilities, and their associated noise sources; c) identification of all potentially affected Sensitive Receivers; d) the Construction noise objective specified in this Final Statement of Commitments; e) the Construction vibration criteria specified in this Final Statement of Commitments; f) determination of appropriate noise and vibration objectives for each identified Sensitive Receiver; g) noise and vibration monitoring, reporting and response procedures; h) assessment of potential noise and vibration from each Construction activity including noise from Construction vehicles and any traffic diversions; i) a description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during Construction; j) justification for any activities outside the Construction hours specified in this Final Statement of Commitments. This includes identifying areas where Construction noise would not be audible at any Sensitive Receiver; k) procedures for notifying residents of Construction activities that are likely to affect their noise and vibration amenity; and l) contingency plans to be implemented in the event of non-compliances and/or noise complaints. 	Before Construction commences

Objective	Commitment		Timing
Construction Hours			
Minimise noise and vibration disturbance to the local community	30.1	<p>Construction will be restricted to between the hours of 7:00 am to 6:00 pm (Monday to Friday), 8:00 am to 1:00 pm (Saturday) and at no time on Sundays and public holidays except:</p> <ul style="list-style-type: none"> a) for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or b) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or c) where the work is identified in the Construction Noise and Vibration Management Sub Plan and approved as part of the CEMP. 	During Construction
	30.2	Local residents will be informed of the timing and duration of work approved under item (c) at least 48 hours before that work commences.	During Construction
Construction Noise Objective			
Manage Construction noise impacts to the local community	31.1	<p>The Construction noise objective for the Activity is to manage noise from Construction activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the background L_{A90} noise level by more than 5 dB(A).</p> <p>Background noise levels are those identified in the Construction Noise and Vibration Management Sub Plan.</p> <p>Any activities that have the potential for noise emissions that exceed the objective will be identified and managed in accordance with the Construction Noise and Vibration Management Sub Plan. All Reasonable and Feasible noise mitigation and management measures will be implemented with the aim of achieving the Construction noise objective.</p>	During Construction
	31.2	If the noise from a Construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) will be added to the measured Construction noise level when comparing the measured noise with the Construction noise objective.	During Construction

Objective	Commitment		Timing
Construction Noise Management			
Manage Construction noise impacts to the local community	32.1	Public address systems used at any Construction site will not be used outside the Construction hours detailed in this Final Statement of Commitments unless otherwise approved through the Construction Noise and Vibration Management Sub Plan. Public address systems will be designed to minimise noise spillage off-site.	During Construction
	32.2	No rock breaking, rock hammering, and any similar activities will be undertaken unless otherwise identified in the Construction Noise and Vibration Management Sub Plan, and approved as part of the CEMP.	During Construction
	32.3	Where Reasonable and Feasible, noise mitigation measures will be erected at the start of Construction (or at other times during Construction) to minimise Construction noise impacts.	During Construction
Blasting			
Minimise blasting annoyance to the local community	33.1	Blasting will only be undertaken between the hours of 9.00am and 3.00pm, Monday to Friday, and 9.00am to 12pm on Saturday, except where the work is identified in the Construction Noise and Vibration Management Sub Plan and approved as part of the CEMP.	During Construction
Achieve industry standards for minimising blasting annoyance	33.2	The vibration level due to blasting activities will meet the requirements of any relevant DECC Licence. The guideline "Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration" prepared by the Australian and New Zealand Environment and Conservation Council (ANZECC) would generally apply to blasting.	During Construction
Prepare site-specific blast designs	33.3	Blasting trials will be undertaken if blasting is to be used. Results from the trials will be used to determine site-specific blast designs that will enable the performance criteria specified in the Construction Noise and Vibration Sub Plan to be satisfied.	During detailed design
Manage blasting annoyance to the local community	33.4	All Reasonable attempts will be made to advise occupants of residences located within 500 metres of a blast, of blasting. The advice will be provided at least 48 hours before a blast and include a schedule of blast time(s) and a telephone number and contact name.	During Construction

Objective	Commitment		Timing
Manage risk associated with blasting	33.5	Prior to the storage and use of explosives on site, a risk assessment of the magazine location will be undertaken and the type and quantity of explosives expected to be stored. The assessment will be undertaken in accordance with the guidelines in SEPP 33 – Hazardous and Offensive Development. The results of the assessment will be outlined in the CEMP.	Before Construction commences
Ensure integrity of dam wall	33.6	Qualified person to determine the appropriate criteria, design and review that all blasts to ensure no damage to the main dam wall structure.	Before Construction commences
Physical Issues			
Soil and Water Quality Management			
Manage and minimise Construction impacts to soil and water	34.1	<p>A Soil and Water Quality Management Sub Plan will be prepared as part of the CEMP. The Sub Plan will be prepared in consultation with the DECC, Department of Natural Resources and Relevant Councils. The Sub Plan will:</p> <ul style="list-style-type: none"> a) where relevant, be consistent with the Department of Housing’s guideline “Managing Urban Stormwater - Soils and Construction” and the RTA’s “Guidelines for the Control of Erosion and Sedimentation in Roadworks”; b) identify the Construction activities that could cause soil erosion or discharge sediment or water pollutants from the site; c) describe management methods to minimise soil erosion or discharge of sediment or water pollutants from the site including; <ul style="list-style-type: none"> i. a strategy to minimise the area of bare surfaces during construction; ii. placing sediment fences or bunding or other erosion prevention devices between construction work areas and waterbodies to prevent sediment runoff; iii. using a floating silt curtain or other techniques to prevent sediment dispersal for works occurring below the waterline of Lake Keepit; iv. revegetation of disturbed areas following the completion of 	Before Construction commences

Objective	Commitment		Timing
		<p>construction;</p> <p>d) describe the location and capacity of erosion and sediment control measures;</p> <p>e) identify the timing and conditions under which Construction stage controls will be decommissioned;</p> <p>f) include contingency plans to be implemented for events such as fuel spills; and</p> <p>g) identify how the effectiveness of the sediment and erosion control system will be monitored, reviewed and updated.</p>	
	34.2	<p>An appropriately qualified soil scientist or person with similar expertise in soil and water management will be consulted according to a schedule identified in the Soil and Water Management Sub Plan to:</p> <p>a) undertake inspections of temporary and permanent erosion and sedimentation control devices;</p> <p>b) ensure that the most appropriate controls are being implemented;</p> <p>c) check that controls are being maintained in an efficient condition; and</p> <p>d) check that controls meet the requirements of any relevant approval and/or licence condition.</p> <p>The results of these inspections and any follow-up actions will be reported in the Construction Compliance Reports.</p>	During Construction
Air Quality			
Manage and minimise Construction impacts to air quality	35.1	<p>A Dust Management Sub Plan will be prepared as part of the CEMP. The Sub Plan will identify:</p> <p>a) potential sources of dust;</p> <p>b) dust management objectives consistent with DECC guidelines;</p> <p>c) a monitoring program to assess compliance with the identified</p>	Before Construction commences

Objective	Commitment	Timing
	<p>objectives. Monitoring for dust deposition and particulate concentration will be undertaken according to the DECC Guideline "Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales";</p> <ul style="list-style-type: none"> d) disturbed areas would be stabilised immediately to prevent or minimise wind-blown dust; e) mitigation measures to be implemented, including measures during weather conditions where high level dust episodes are probable (such as strong winds in dry weather); f) a progressive rehabilitation strategy for exposed surfaces with the aim of minimising exposed surfaces; g) nearest potentially affected receptors would be notified prior to blast events; h) PM10 24-hour concentration would be monitored during each blast event, the extent and frequency of which will be outlined; i) rumble grids and/or wheel wash facilities at the site exit onto sealed roads to remove mud and dust from vehicles. Alternatively, roads would be swept to remove dirt and mud; and j) pre-construction baseline levels measured to establish the existing ambient air profiles and evaluate the effectiveness of the site-specific ameliorative measures. 	
	<p>35.2 Construction vehicles using public roads will be maintained to prevent any loss of load, whether dust, liquid or soils. Facilities will be provided at exit points of all Construction sites/compounds to minimise tracking mud, dirt or other material onto a public road or footpath. In the event of any spillage, the spilled material will be removed as soon as practicable within the same working day as the spillage.</p>	During Construction

Objective	Commitment		Timing
	35.3	All plant and equipment used in connection with the Activity will be: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.	During Construction
Energy efficiency			
Reduce energy use	36.1	Procedures to minimise energy use will be implemented to promote reduction of greenhouse gases.	During detailed design
	36.2	Awareness programs will be conducted for all site personnel regarding energy conservation methods.	During Construction
	36.3	Energy audits will be conducted during Construction to identify and address energy wastage.	During Construction
Cold Water Pollution			
Mitigate the impacts of Keepit Dam on downstream water quality	37.1	Subject to the availability of funding, State Water will implement the preferred multi-level offtake structure.	As part of State Water's Dam Upgrade Program
	37.2	State Water will undertake water quality monitoring to support the operation of the multi-level offtake, in accordance with the operating protocol and Namoi Water Supply Works Approval.	As part of State Water's Dam Upgrade Program
Social and Economic Issues			
Property Damage, Acquisition and Compensation			
Identify Construction damage to property	38.1	Subject to landowner agreement, property inspections will be conducted on all Structures (other than structures owned by State Water) within: a) 200 metres of blasting; b) 50 metres of Construction activities that generate vibration impacts; c) any other locations identified by State Water; and d) any other locations identified by the EMR.	During Construction

Objective	Commitment		Timing
		<p>The property inspections will be undertaken consistent with AS 4349.1 "Inspection of Buildings".</p> <p>Property inspections need not be undertaken if a risk assessment indicates Structures will not be affected. The risk assessment will be undertaken before Construction commences by a suitably experienced and qualified person.</p> <p>The owners of all properties on which property inspections are to be conducted will be advised at least two weeks before the inspection of its scope and methodology and of the process for making a property damage claim. A copy of the property inspection report will be given to the owner of each property inspected at least three weeks before Construction that could affect the property commences.</p> <p>A register of all properties inspected will be maintained by State Water indicating whether the owner accepted or refused the property inspection offer. A copy of the register will be provided to the Director-General upon request.</p>	
Rectify Construction damage to property	38.2	State Water, where liable, will rectify any property or building damage caused directly or indirectly (for example from vibration) by the Activity's Construction at no cost to the property owner(s). Alternatively State Water may negotiate just compensation for the property damage with the property owner.	During Construction
Compensate for Operational damage to property	38.3	State Water, where liable, will rectify any property or building damage caused directly or indirectly (for example from vibration or from groundwater change) by the Activity's Operation at no cost to the property owner(s). Alternatively State Water may negotiate just compensation for the damage with the property owner.	During Operation
Manage Construction and Operational impacts to State Park	38.4	<p>A Master Plan will be prepared for affected areas in the State Park in conjunction with State Parks. The Plan will be prepared at the cost of State Water and their implementation agreed between State Water and State Park. The Master Plan will contain measures as appropriate to:</p> <p>a) relocate facilities and services that would be either directly or</p>	During planning assessment and detailed design

Objective	Commitment		Timing
		<p>indirectly affected by Construction such as the sailing club and boat ramp and impacts to caravans in The Gums Caravan Park and other identified facilities; and</p> <p>b) identify all other actions including reinstatement of facilities and services affected, impact offsets including any compensation negotiated, emergency management facilities and plans, land tenure issues and overall strategic approach.</p>	
Land acquisition	38.5	<p>Any such acquisition will be undertaken in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (NSW). The <i>Land Acquisition (Just Terms Compensation) Act</i> encourages the purchase of land by negotiation (similar to a private sale) and for State Water, the starting point is always through negotiation. However if these negotiations are unable to be concluded, or if the landowner objects, then State Water may acquire the land through compulsory acquisition.</p> <p>Compulsory acquisition requires a recommendation from the Minister for Water and Energy. The amount of payment for land acquired either through negotiation or compulsory acquisition is based on the market value of the property, including any improvements, as if unaffected by the proposal. In case of acquisition either through negotiation or compulsory means, the payment for land would be assessed in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. Any:</p> <p>a) payment of compensation (or promise thereof); or</p> <p>b) rehabilitation, repair or acquisition of land (or promise thereof) by State Water to one landholder does not oblige it to pay compensation to, or rehabilitate, repair or acquire the land of, another landholder.</p>	During planning assessment and detailed design

Objective	Commitment		Timing
Traffic			
Monitor and rectify Construction damage to roads	39.1	Road dilapidation reports will be prepared before Construction commences for all public roads likely to be used by Construction traffic. Copies of the reports will be provided to the relevant roads authority.	Before Construction commences
	39.2	Road dilapidation reports will be prepared after Construction is complete for all public roads likely to be used by Construction traffic. Copies of the reports will be provided to the relevant roads authority. Any damage resulting from Construction, except that resulting from normal wear and tear, will be repaired at State Water's cost. Alternatively State Water may negotiate an alternative arrangement for road damage with the relevant roads authority.	Before Construction commences
Manage and minimise Construction impacts to traffic	39.3	<p>A Construction Traffic Management Sub Plan will be prepared as part of the CEMP. The Sub Plan will be prepared in consultation with the relevant roads authority and include:</p> <ul style="list-style-type: none"> c) identification of all roads to be used by Construction traffic, in particular roads proposed to transport large quantities of Construction materials. The expected timing and duration of road usage will be stated; d) management methods to ensure Construction traffic uses identified roads; e) identification of all roads that may be partially or completely closed during Construction and the expected timing and duration of these closures. Consideration will be given to programming Construction works to minimise road closures during peak hours and/or holiday periods; f) impacts on all types of existing traffic including pedestrians, vehicles, cyclists, and disabled persons; g) temporary traffic arrangements including property access; h) access to Construction sites including entry and exit locations and 	Post Construction

Objective	Commitment		Timing
		measures to prevent Construction vehicles queuing on public roads; i) a response plan for any Construction traffic incident; and j) monitoring, review and amendment mechanisms.	
Visual Impact and Landscaping			
Minimise the visual impacts of the Activity	40.1	<p>A Visual Impact, Landscaping and Revegetation Sub Plan will be prepared as part of the CEMP. The Sub Plan will be prepared in consultation with the CLG and Lake Keepit State Park Trust. The Sub Plan will present an integrated landscaping and revegetation design for the Activity and will be consistent with the Master Plan prepared in Statement of Commitment 39.4. The Sub Plan will include design treatments for:</p> <ul style="list-style-type: none"> a) location and identification of existing vegetation and proposed landscaped and revegetation areas; and b) fixtures such as lighting, fencing and signs. <p>The Sub Plan will also include the following information:</p> <ul style="list-style-type: none"> a) graphics for key elements such as sections, sketches and perspective views; b) a schedule of species to be used in landscaping. The derivation of the schedule will be explained including its relationship with the Activity's ecological studies; c) details of the timing and progressive implementation of landscape works considering related environmental controls such as erosion and sedimentation controls and drainage; and d) procedures and methods to monitor and maintain landscaped or rehabilitated areas. 	Before Construction commences

Objective	Commitment	Timing
Hazards and Risk Management		
Manage and minimise Construction hazards and risks	41.1 A Hazards and Risk Management Sub Plan will be prepared as part of the CEMP. The Sub Plan will include: <ul style="list-style-type: none"> a) details of the hazards and risks associated with the Activity during Construction; and b) mitigation measures including contingency plans. 	Before Construction commences
Waste Management and Recycling		
Manage and minimise Construction waste and maximise recycling of waste	42.1 A Waste Management and Re-use Sub Plan will be prepared as part of the CEMP. The Sub Plan will address the management of wastes during Construction in accordance with the NSW Government's Waste Reduction and Purchasing Policy. The Sub Plan will identify requirements for: <ul style="list-style-type: none"> a) the application of the waste minimisation hierarchy principles of avoid/reduce/re-use/recycle/dispose; b) waste handling and storage; c) disposal of wastes. Specific details will be provided for cleared vegetation, contaminated materials, glass, metals and plastics, hydrocarbons (lubricants and fuels) and sanitary wastes; and d) any waste material that is unable to be re-used, re-processed or recycled will be disposed at a facility approved to receive that type of waste. 	Before Construction commences
Utilities and Services		
Manage and minimise Construction impacts on utilities and services	43.1 Utilities and services (hereafter "services") potentially affected by Construction will be identified to determine requirements for diversion, protection and/or support. Alterations to services will be determined by negotiation between State Water and the service providers. State Water in consultation with service providers will ensure that disruption to services resulting from the Activity are minimised and advised to customers.	During detailed design