

IN THE LAND AND
ENVIRONMENT COURT
OF NEW SOUTH WALES

No. 10406 of 2006

BLACKTOWN CITY COUNCIL

Applicant

MINISTER FOR PLANNING

First Respondent

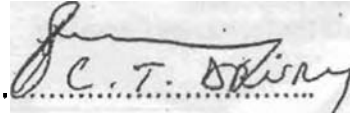
RINKER AUSTRALIA PTY LIMITED
(ACN 099 732 297)

Second Respondent

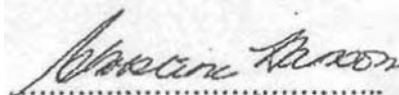
CONSENT ORDERS

The Court orders that:

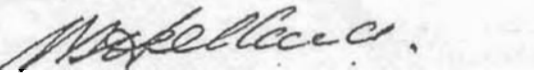
1. The Appeal is upheld.
2. Project Application No 05-0051 submitted by Rinker Australia Pty Ltd for the construction of a Regional Distribution Centre on Lot 5 DP255515, Part Lot 1 DP582388, Part Lot 3 DP 1042577, Part Lot 2 DP582388, Lot 1 DP607084, Part VIDE GAZ No 145 of 30/10/1942, Part GovGaz.577/1859 Folio 1500 comprising the Main Western Railway Line Corridor, Part Lot 15 DP806053 and Council's road reserve of North Parade, Rooty Hill is determined by approval of the application subject to the conditions annexed and marked with the letter "A".
3. The exhibits are returned.


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Solicitor for the Applicant


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Christine Hanson
Solicitor for the First Respondent


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Patrick Synon
Solicitor for the Second Respondent



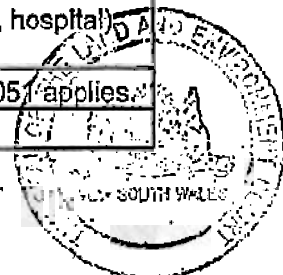
KEY TO CONDITIONS

1. ADMINISTRATIVE CONDITIONS	3
Terms of Approval	3
Limits of Approval	3
Management Plans/Monitoring Programs	3
Utilities and Services	3
2. SPECIFIC ENVIRONMENTAL CONDITIONS	4
Noise	4
Air Quality	6
Traffic and Transport	6
Flora and Fauna	9
Surface Water	10
Visual Amenity Impacts	11
Waste	12
Heritage	12
Dangerous Goods	12
Fire Safety	12
3. ENVIRONMENTAL MONITORING AND AUDITING	12
Operational Monitoring Plan	12
Noise Audit	13
Independent Environmental Auditing	14
4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT	14
Complaints Procedure	14
Community Communication Strategy	15
5. ENVIRONMENTAL MANAGEMENT	15
Environmental Representative	15
Construction Environmental Management Plan	16
Operation Environmental Management Plan	17
6. ENVIRONMENTAL REPORTING	19
Incident Reporting	19
Annual Performance Reporting	19



DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Conditions of Approval	The Minister's Conditions of Approval for the Project.
Construction	Includes any activity requiring a Construction Certificate, significant excavation work, road works, demolition, or any construction related activity as described in Major Projects Application 05 0051.
Council	Blacktown City Council
DEC	Department of Environment and Conservation
Department, the	Department of Planning.
Director-General, the	
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 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.
DNR	Department of Natural Resources
EAR	<i>Environmental Assessment Report, Proposed Regional Distribution Centre, Rooty Hill</i> (National Environmental Consulting Services 2005).
EPA	Environment Protection Authority as part of the Department of Environment and Conservation
Minister, the	Minister for Planning.
Operation	Commissioning of any stage of works as described in the Major Projects Application 05 0051.
Project	The project described in Section 5 of the EAR Main Volume.
Proponent	Rinker Australia Pty Limited (Readymix)
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
Statement of Commitments	The revised Statement of Commitments in Attachment 1 to this Schedule.
RTA	Roads and Traffic Authority
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church).
Site	Land to which Major Projects Application 05 0051 applies.
Structure	Residence, farm shed or other building.



1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- Project Application 05_0051;
 - Environmental Assessment Report for the Proposed Regional Distribution Centre, Rooty Hill*, volumes 1-3, prepared by National Environmental Consulting Services, dated October 2005;
 - Response to Issues Raised in Submissions to EAR*, prepared by National Environmental Consulting Services, dated February 2006;
 - the final Statement of Commitments, submitted by the Proponent to the Department on 17 March 2006; and
 - the conditions of this approval.
- 1.2 If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
- any reports, plans or correspondence that are submitted by the Proponent in accordance with this approval; and
 - the implementation of any actions or measures contained in those reports, plans or correspondence submitted by the Proponent.

Limits of Approval

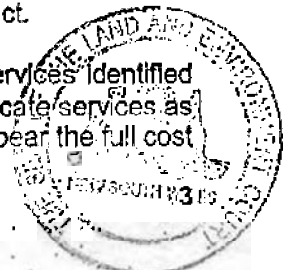
- 1.4 The Proponent shall not distribute more than four million tonnes of construction materials (excluding concrete) a year from the site.
- 1.5 The production capacity of the concrete batching plant shall not exceed 200,000 cubic metres per year.
- 1.6 Apart from the delivery of materials for use in the concrete batching plant, and special products, the Proponent shall only receive construction materials, being aggregates and sand, at the site by rail, unless otherwise approved by the Director-General on a case-by-case basis. The Director-General's approval to receive materials at the site other than by rail shall only be granted with adequate demonstration by the Proponent that exceptional circumstances exist.
- 1.7 This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.

Management Plans/Monitoring Programs

- 1.8 With the approval of the Director-General, the Proponent may prepare and submit any management plan or monitoring program required by this approval on a progressive basis. Where a management plan or monitoring program is required before carrying out the project, or any stage of project, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.

Utilities and Services

- 1.9 Prior to the commencement of construction, the Proponent shall identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or likely to be affected by the construction and operation of the project.
- 1.10 The Proponent shall consult with the relevant utility provider(s) for those services identified under condition 1.9 and make reasonable arrangements to adjust and/or relocate services as may be required as a result of undertaking the project. The Proponent shall bear the full cost



associated with providing utilities and services to the site, and restoring any public infrastructure that may be damaged as a result of the project.

- 1.11 Prior to the commencement of construction works that may affect services/utilities, the Proponent shall provide documentary evidence to the Director-General that the reasonable requirements of the relevant utility provider(s) have been met.
- 1.12 Prior to the commencement of construction of the project, the Proponent shall undertake a Final Hazard Analysis based on the detailed design of the project and with a particular focus on risks associated with the Sydney to Newcastle Natural Gas Pipeline. The Final Hazard Analysis shall be undertaken in accordance with *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis* (DUAP, 1997) and *AS2885 Pipelines - Gas and Liquid Petroleum - Operation and Maintenance*. The Final Hazard Analysis shall be submitted for the approval of the Director-General prior to the commencement of construction works.
- 1.12A Prior to the issue of a construction certificate, the Proponent is to pay \$177,644.00 to Blacktown City Council for infrastructure enhancement within Blacktown local government area.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Noise

- 2.1 The Proponent shall minimise noise emissions from plant and equipment operated on the site in relation to the project by installing and maintaining, wherever reasonable and practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms with alternative measures, such as flashing lights.
- 2.1A In order to minimise sleep disturbance, the Proponent shall operate all shunting to and from the project by groups of rigidly-connected wagons (rakes) or other appropriate technology approved by the Director-General.

Construction

- 2.2 The Proponent shall only undertake construction activities associated with the project, that are audible at any residential receptor, between the following hours:
 - a) 7:00 am to 6:00 pm, Mondays to Fridays, Inclusive; .
 - b) 8:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

Operation

- 2.3 The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 1, at those locations and during those periods indicated.

Table 1: Noise Criteria

Location	Morning Shoulder (6am – 7am Monday to Saturday and 6am – 8am Sundays and Public Holidays)	Day 7am – 6pm Monday to Saturday and 8am – 6pm Sundays and Public Holidays	Evening 6pm – 10pm Monday to Sunday	Night 10pm – 7am Monday to Saturday and 10pm – 8am Sunday	
	L _{Aeq} (15 minute) (dB(A))	L _{Aeq} (15 minute) (dB(A))	L _{Aeq} (15 minute) (dB(A))	L _{Aeq} (35 minute) (dB(A))	L _A (1 minute) (dB(A))
Any residences in Station Street	39	44	44	39	53
Any Residences in Crawford	40	40	39	39	53



Road					
Any residences in Mavis Street	35	35	35	35	53
Nurrunginy Reserve	When the Reserve is in use – $L_{Aeq} 50$ dB(A)				
Co'obee Centre	When the Centre is in use – $L_{Aeq} 50$ dB(A)				
Blacktown Olympic Park (active recreation areas)	When active recreational areas of the Park are in use – $L_{Aeq} 55$ dB(A)				

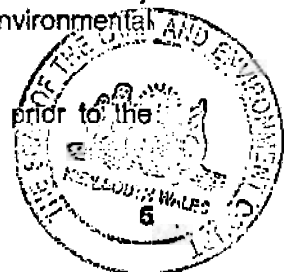
- 2.4 For the purpose of assessment of noise contributions specified under condition 2.3 of this approval, noise from the project shall be
- measured at the most affected point on or within the residential boundary, or at the most affected point within 30 metres of the dwelling (where the dwelling is more than 30 metres from the boundary) to determine compliance with $L_{Aeq(15 \text{ minute})}$ noise limits; or
 - measured at 1 metre from the dwelling façade to determine compliance with $L_{A1(1 \text{ minute})}$ noise limits.
- 2.5 Notwithstanding condition 2.4 of this approval, should direct measurement of noise from the project be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the EPA's *Industrial Noise Policy*). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method. Section 4 of the *Industrial Noise Policy* shall also apply to the measured noise levels, where applicable.
- 2.6 Noise emission limits specified under condition 2.3 apply under the following meteorological conditions:
- wind speed up to 2ms^{-1} at 10 metres above ground level; or
 - temperature inversion conditions of up to $3^{\circ}\text{C}/100\text{m}$ and wind speed up to 2ms^{-1} at 10 metres above the ground.

Operational Noise Management Protocol

- 2.7 Prior to the commencement of operations at the site, the Proponent shall prepare and implement an Operational Noise Management Protocol for the project. The Protocol shall include, but not necessarily be limited to:
- a principal requirement to satisfy the limits specified in condition 2.3 of this approval at all times, including to the extent that is reasonable and practical, acoustic considerations in the detailed design of the project;
 - a system that allows for periodic assessment and reasonable implementation of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimise noise impacts over the life of the proposal;
 - a system of regular auditing to ensure the effective implementation and maintenance of mitigation measures required to achieve the noise limits specified in condition 2.3 of this approval. Acoustic auditing shall be conducted by an appropriate and recognised acoustic engineer, who is independent of, or not associated with, any organisation that has been involved with the acoustic assessment of the application (the subject of this approval), or involved in any supervision or designs associated with the construction of the project.

The Protocol shall be incorporated into the Operational Environmental Management Plan, required under condition 5.4 and condition 5.5 of this approval. The results of any assessment and auditing under the Protocol shall be reported in the Annual Environmental Management Report (refer to condition 6.3 of this approval).

A copy of the Protocol shall be submitted to DEC and the Director-General prior to the commencement of operations at the site.



Air Quality

- 2.8 The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises dust emissions from the site, as specified in paragraph 4.1 of the final Statement of Commitments submitted by the Proponent to the Department on 17 March 2006, including:
- all dust control systems for transfer, load out and unloading points, as well as materials handling activities shall be designed and operated to comply with a solid particles emission limit of 20 mgm^{-3} as required by Part 4 of the *Protection of the Environment (Clean Air) Regulation 2002*;
 - all storage bins shall be enclosed; water spray systems shall be installed to service all stockpiles;
 - all paved trafficable areas shall be swept as required by a permanently stationed street sweeper to minimise dust; and
 - the application of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA), where reasonable and practicable, to minimise dust impacts during construction and operation of the project.
- 2.9 All trafficable areas and vehicle manoeuvring areas on the site shall be maintained in a condition that will minimise the generation or emission of wind blown or traffic generated dust from the site at all times.
- 2.10 Heavy vehicles entering and leaving the site that are carrying loads shall be covered at all times, except during loading and unloading activities.

Traffic and Transport

Internal Roads and Parking

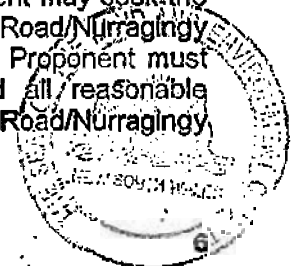
- 2.11 The Proponent shall take reasonable measures to ensure that heavy vehicles accessing the site shall not queue within the adjacent local road network.
- 2.12 The Proponent shall take reasonable measures to ensure that vehicles used for the construction and/or operation of the project shall not park on local roads in the vicinity of the project at any time.
- 2.13 The Proponent shall design and construct all internal roads, including associated loading bays, car parking facilities, driveways, ramp grades, turn paths, sight distances and aisle widths, in accordance with relevant RTA and Council codes, including AS 2890.1 – 2004 and AS 2890.2 – 2002.
- 2.14 The Proponent shall clearly mark all visitor, disabled, ambulance and service vehicle parking areas.

Train Operations

- 2.15 The Proponent shall seek approval from Rail Corporation New South Wales for the allocation of freight train paths into and out of the site from the Main Western Line.

Access

- 2.16 The Proponent shall negotiate with the owner of the OneSteel site to use that land for access to the southern sections of the project site for the construction of the Angus Creek road bridge. Should the Proponent and the owner of the OneSteel site be unable, after reasonable attempts, to negotiate for access through that site, the Proponent may seek the Director-General's agreement to access the project site via the Knox Road/Nurragingy Reserve access point. In seeking the Director-General's agreement, the Proponent must demonstrate to the Director-General's satisfaction that it has applied all reasonable endeavours to negotiate an outcome that avoids the use of the Knox Road/Nurragingy Reserve access point.



Note: The environmental impacts associated with the use of both access points have been assessed and are considered to be acceptable in both cases. However, the use of the OneSteel site for construction access is considered to pose reduced residual environmental impacts, and is therefore the preferred outcome. If the Knox Road/ Nurragingy Reserve access is utilised, residual environmental and public safety impacts must be comprehensively managed, as required under the conditions of this consent.

- 2.17 In the event that the Director-General agrees under condition 2.16 to site access for the construction of the project via the Knox Road/ Nurragingy Reserve access point, the Proponent shall limit vehicles using that access point to 40 vehicle movements per day (20 round trips per day) until the completion of the Angus Creek road bridge. Once the road bridge has been constructed, access to the site during construction shall be restricted to via Kellogg Road.
- 2.18 In the event that the Director-General agrees under condition 2.16 to site access for the construction of the project via the Knox Road/ Nurragingy Reserve access point, the Proponent shall develop, in consultation with Council, a **Construction Access Management Program** to comprehensively mitigate and manage impacts associated with construction access via Knox Road/ Nurragingy Reserve. The Program shall include, but not necessarily be limited to:
- scheduling of vehicle movements to avoid peak public usage times within the Reserve;
 - vehicle access, speed, route and manoeuvring requirements to apply to traffic passing through the Reserve to ensure public safety, minimisation of dust generation, minimisation of traffic noise impacts and the protection of flora and fauna;
 - arrangements for surveys of existing road infrastructure standards within Knox Road/ Nurragingy Reserve before and after use of the infrastructure for site access;
 - arrangements for funding and implementation of ameliorative works should surveys of road infrastructure indicate a deterioration in the standard of the infrastructure as a result of construction vehicle access;
 - consideration of pavement strengthening/ repairs of the access route and the structural stability of the causeway over Eastern Creek, prior to use;
 - consideration of widening and/ or appropriate traffic management to ensure safe passing opportunities; and
 - the cost of the works required as part of the Program to be borne by the Proponent.

The Proponent shall submit the Program to the Director-General for approval prior to the use of the Knox Road/ Nurragingy Reserve access point.

- 2.19 Access to the site during operation of the project shall be via Kellogg Road and Woodstock Avenue. Access to the site via the existing and realigned North Parade shall be for maintenance purposes or emergency access only.

Road Improvements

- 2.20 Prior to the commencement of operation of the project, the Proponent shall upgrade the intersection of Kellogg Road and Woodstock Avenue by constructing a one-lane roundabout capable of accommodating B-double vehicles, or by installing traffic signals, in accordance with the relevant standards. The Proponent shall carry-out and pay 100% of the cost of the design and construction works for the roundabout (or traffic signalisation) and, if any, the full cost of any land acquisition necessary in order to carry out the works.
- 2.20A Subject to condition 2.20, prior to the commencement of construction of the project, the Proponent shall develop, in consultation with Council and the Roads and Traffic Authority, a schedule for the implementation of road upgrades, relocations and replacements necessary for the implementation of the project, as specified under this approval and the EAR and as amended by the conditions of this approval. The schedule shall include, but not necessarily be limited to:



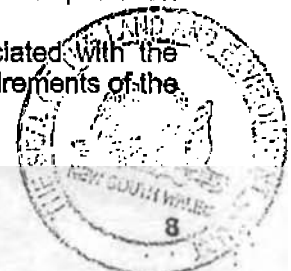
- a) timing and coordination of the road works recommended in section 7.10 of the EAR for the project, having regard to the timing for implementation of the project, Council's operational requirements with respect to North Parade and coordination of all road works to minimise conflict with other road users;
- b) provision for the finalisation of detailed design of road works, in consultation with Council and the RTA, and in accordance with relevant design guides and criteria specified by those parties;
- c) design of operational access routes to the site to cater for B-Double vehicles where appropriate and in accordance with *RTA Road Design Guide* and the *AUSTROADS Pavement Design Guide*;
- d) arrangements for the funding of road works by or on behalf of the Proponent, equivalent to the full cost of the North Parade works, and equivalent to percentage of road traffic contributed by the project to site access routes; and
- e) with respect to Kellogg Road:
 - i) an independent assessment of the condition of the pavement and the pavement life for the travel lanes in Kellogg Road shall be undertaken by a road pavement specialist;
 - ii) the required pavement works and cost to upgrade the road pavement for the current traffic volumes using travel lanes in Kellogg Road over the design life (typically 20 years) shall be determined;
 - iii) the required pavement works and cost to upgrade the road pavement for the current traffic volumes plus traffic generated by the project using travel lanes over the design life (typically 20 years or the same design life as adopted for (ii)) shall be determined; and
 - iv) the Proponent shall pay the difference in costs for the works required under ii) and iii) above;
- f) provision for the appointment of an independent civil or traffic engineer to certify the adequacy of road works design (consistent with this condition) and the adequacy of the works once constructed.

In the event of any dispute with respect to the scope or content of the schedule for implementation of road upgrades, relocations and replacements, or the detailed design of the road works, the dispute shall be referred to the Director-General, whose determination of the dispute shall be final and binding on all parties.

Transport Noise Management Strategy

2.21 Prior to the commencement of operations, the Proponent shall prepare and implement a **Traffic Noise Management Strategy** for the project. The Strategy shall be designed to ensure best practice noise management strategies for vehicle movements associated with the project to minimise noise generated by heavy vehicles movements. The Strategy shall include, but not necessarily be limited to, the following:

- a) measures to ensure that the commitments for minimising/managing traffic noise as identified in the EAR and supporting information submitted to the Department for the project are effectively implemented. This shall include the incorporation of these requirements in contractual agreements made by the Proponent;
- b) a program of driver training to ensure that drivers are aware of route restrictions applicable to the project and to ensure that noisy vehicle practices are not undertaken during approach or departure from the site, including the restriction/prohibition on the use of compression engine brakes;
- c) a scheme of fleet selection and maintenance that reflects best noise practice/technology as far as practicable;
- d) measures to ensure the flexible scheduling of movements to reduce impacts on residential areas during sensitive times of the day and night;
- e) communication and management strategies for heavy vehicles associated with the project (including those not owned by the Proponent) to ensure the requirements of the Strategy are met;



- f) a community consultation program, including a complaints line for the community to report movements that do not abide by the Strategy (refer to condition 4.2 and condition 4.4 of this approval);
- g) the incorporation of an audit and monitoring program for the Strategy to determine compliance with the Strategy by heavy vehicles associated with the project and to evaluate the effectiveness of strategy in minimising traffic noise (refer to condition 3.1c) of this approval).

The Proponent shall not commence operations until the Director-General has approved the Traffic Noise Management Strategy. The Strategy shall be incorporated into the Operational Environmental Management Plan for the project (refer to condition 5.4 and condition 5.5 of this approval).

- 2.21A The number of on-site car and truck parking spaces to be provided for the project shall be in accordance with sections 5.4.3, 5.4.4 and 5.4.6 of the EAR, as follows:
- a) truck parking: 50 spaces (truck and dog configuration);
 - b) car parking: a total of 310 spaces on the project site and Humes site, as follows:
 - i) project site: 121 spaces;
 - ii) Regional office and laboratory: 189 spaces, of which 84 are to be allocated to the project site staff and visitors and 105 are to be allocated to the staff and visitors to the existing Humes site;
 - c) all car parking spaces shall be marked/ signposted in accordance with the above allocations. All visitor spaces shall be located conveniently in relation to the various administrative offices on the site and shall be clearly marked and signposted;
 - d) all car and truck parking spaces shall be sealed in a hardstanding material and drained in accordance with the approved stormwater management plan for the project;
 - e) the design and dimensions of all truck and car parking spaces, together with all associated access roads and manoeuvring areas, shall be in accordance with AS2890.2(2002);
 - f) a detailed car and truck parking plan, at a scale of 1:200, and incorporating the above requirements, shall be submitted for the approval of the Director-General prior to the commencement of any works.
- 2.21B The Proponent shall ensure that the relocated part of North Parade is constructed and made available for use as early as possible in the construction process for the project.

Flora and Fauna

- 2.22 The Proponent shall minimise any clearing of vegetation in carrying out of the project, consistent with a Vegetation Management Plan developed to the satisfaction of the DNR and DEC under condition 2.24 of this approval.
- 2.23 Prior to the commencement of any earthworks or vegetation clearing at the site, vegetation to be protected is to be fenced off with clearly visible, durable, and appropriately signposted exclusion fencing in accordance with any specific requirements identified in the Vegetation Management Plan prepared under condition 2.24.
- 2.24 Prior to the commencement of any construction activities, the Proponent shall prepare and implement to the satisfaction of the DNR and DEC, a **Vegetation Management Plan** in accordance with the DNR's guidelines *How to Prepare a Vegetation Management Plan – Version 4* and *Watercourse and Riparian Zone Rehabilitation Requirements* as well as DEC's *Recovering Bushland on the Cumberland Plain*. The Plan shall include drawings that clearly show vegetation to be retained/removed, plant material to be used for rehabilitation, densities and species mix for areas to be rehabilitated, establishment methods, sequencing of tasks, maintenance and performance monitoring. Site rehabilitation and maintenance is to be carried out in accordance with the Plan, and the DNR is to be advised of the person responsible for any seed or vegetative propagation prior to the commencement of that propagation.



- 2.25 All rehabilitated and revegetated areas of the site shall be maintained and monitored for a period of at least five years after final planting, or where other revegetation methods are used, five years from when plants are of tube stock size and are at the densities specified in the Vegetation Management Plan. Maintenance shall include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, protection from any mowing or slashing on adjacent land, mulching and any other requirements necessary for achieving successful vegetation establishment.
- 2.26 Immediately after completion of initial planting/seeding and every year thereafter for the duration of the maintenance period the Proponent shall submit to the Department a monitoring report addressing the performance criteria as specified in the Vegetation Management Plan, and comment on the stability and condition of any stream works. With each monitoring report, the person responsible for implementing the Vegetation Management Plan must certify in writing that plantings (including follow-up plantings) have been carried out using stock propagated from seed or plant material collected only from native plants from the local botanical provenance.

Compensatory Habitat Package

- 2.27 Prior to the commencement of any part of the construction works that will result in the removal of the endangered ecological communities of the Cumberland Plain Woodland or River-Flat Eucalypt Forest a compensatory habitat package shall be established in consultation with the DEC. The package shall include one or more of the following compensatory measures:
- provision of no less than 3 hectares of compensatory habitat comprising of Cumberland Plain Woodland or River-Flat Eucalypt Forest, whether new or restored, for every 1 hectare of "Core Habitat" or "Support to Core" habitat impacted; or
 - equivalent financial contribution to a rehabilitation project in the Blacktown local government area; or
 - any other form of compensatory habitat agreed by the DEC.

In the event of any dispute with respect to the scope or content of the compensatory habitat package, the dispute shall be referred to the Director-General, whose determination of the dispute shall be final and binding on all parties.

- 2.28 Nothing in this approval precludes the inclusion of on-site rehabilitation works referred to under conditions 2.24 to 2.26, in consultation with the DEC, from inclusion as part of the compensatory habitat package required under condition 2.27.

Aquatic Ecology

- 2.28A The Proponent shall monitor aquatic ecology in Angus and Eastern Creeks as outlined in the Statement of Commitments, and shall expand this monitoring program to:
- ensure that baseline data is collected, including commencement of sampling not less than six months before commencement of construction and the use of control sites;
 - include monitoring of water quality and aquatic ecology at four locations within Nurraging Reserve;
 - not include the site sampled on Eastern Creek ("E01" - in Technical Report 4 of the EAR) as a monitoring site, but use at least two other locations; and
 - make provision for monitoring in relation to wet and dry periods.

Surface Water

- 2.29 Except as may be expressly provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.
- 2.30 The Proponent shall ensure that all proposed works within, or connected to Angus Creek are designed, constructed, operated and maintained in compliance with the DNR's Draft



Guidelines – Watercourse Crossing Design & Construction and NSW Fisheries' Why do Fish Need to Cross the Road? – Fish Passage Requirements for Waterway Crossings (2004) and Policy and Guidelines for Fish Friendly Waterway Crossings (2004).

- 2.31 The Proponent shall generally design, construct and maintain all stormwater management infrastructure on the site having regard to:
- a) restriction of future stormwater flows from the site to existing flow levels or better and utilising Council's *On-Site Stormwater Detention Policy* dated February 2005 as a guide;
 - b) management of all stormwater to minimise the discharge of sediments and other pollutants from the site. This shall include the use of gross pollutant traps to screen captured stormwater prior to discharge;
 - c) Landcom's *Managing Urban Stormwater: Soils and Construction*, 4th edition March 2004;
 - d) compliance with the relevant provisions in the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems 1994*;
 - e) prevention of the drainage of stormwater onto neighbouring properties and adjoining roadways;
 - f) prevention of overloading Council's stormwater infrastructure by site discharges during heavy rainfall events;
 - g) Council's *Stormwater Quality Control Policy* dated 1 June 2005; and
 - h) current water-sensitive design best-practice guidelines, such as *Sensitive Urban Design Technical Guidelines for Western Sydney* (Upper Parramatta River Catchment Trust) dated May 2004.

Prior to the commencement of construction of the project, the Proponent shall submit to the Director-General, certification from a qualified, independent civil engineer that the stormwater management systems for the site have been designed generally in accordance with the above requirements, or equivalent outcomes as may be endorsed by the independent civil engineer and agreed by the Director-General.

- 2.32 The Proponent shall obtain Rail Corporation New South Wales endorsement for any on site drainage works to ensure that the project does not result in the flooding of the Main West Railway Line.
- 2.32A All stormwater management measures located within the 1% AEP extent of inundation shall be designed and constructed to have minimal impact on the 1% AEP flood regime.

Visual Amenity Impacts

- 2.33 The Proponent shall ensure that all external lighting associated with the project is mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadway. The lighting shall be the minimum level of illumination necessary and shall comply with AS 4282(INT) 1997 – *Control of Obtrusive Effects of Outdoor Lighting*.
- 2.34 Prior to the commencement of site preparation activities associated with the project, the Proponent shall submit for the approval of the Director-General, a detailed Landscape Plan for the whole of the project (including the proposed administrative building) prepared by a qualified landscape architect, and consistent with the Landscape Master Plan detailed in the EAR, as amended by any requirement specified elsewhere in this approval. The Plan shall include (provided it is consistent with and not in derogation of the Vegetation Management Plan in condition 2.24) the following:
- a) species that are predominantly endemic to the locality (that is from the River-Flat Eucalypt Forest and Cumberland Plain Woodland communities) and including details of, but not limited to, the number and type of species, the pot sizes, details of mulching, and staking;
 - b) planting to visually screen the project as far as practicable when viewed from nearby residential properties and public areas. Particular attention shall be given to screening



- the project, where practicable, from lines of site towards the Nurragingy Reserve and Blacktown Olympic Park; and
- c) the setback to the road frontages (of at least 7.1 metres) shall be comprehensively landscaped.

The Proponent shall maintain the abovementioned landscaping works in a healthy and tidy state throughout the life of the project.

- 2.35 This approval does not permit the display of any advertisement, or the erection of any advertising structure, on the site. This condition does not apply for any advertisement or structure that cannot be seen from the nearest public space, or any signage specified elsewhere in this approval.

Waste

- 2.36 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal or any waste generated by the project to be disposed of at the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

Note: The above condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

Heritage

- 2.37 Should any Aboriginal relics be uncovered during any of the construction activities, all construction work in the vicinity of the relic shall cease and the Proponent shall contact Department of Environment and Conservation and the Local Aboriginal Land Council as soon as practicable. The Proponent shall meet the requirements of the DEC with respect to the treatment, management and/or preservation of any such relic.

Dangerous Goods

- 2.38 All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance the requirements of the DEC's Environmental Protection Manual *Technical Bulletin Bunding and Spill Management*.

Fire Safety

- 2.39 The Proponent shall ensure that all operations and activities occurring at the site are carried out in a manner that prevents and/or minimises the risk of fire.
- 2.40 The Proponent shall provide appropriate fire-fighting equipment at the site, and shall ensure appropriate volumes of emergency supplies of water (for fire fighting purposes), is provided at the site at all times during operations to ensure an appropriate response to any fire event.

3. ENVIRONMENTAL MONITORING AND AUDITING

Operational Monitoring Plan

- 3.1 Prior to the commencement of operation of the project, the Proponent shall prepare and implement an **Operational Monitoring Plan** for activities associated with the project. The Monitoring Plan shall include, but not be necessarily be limited to, the following components:
- a) a **Noise Monitoring Program**. The program shall monitor noise levels during operational activities. The Monitoring Plan shall include, but not be necessarily be limited to, the following components:
- i) Identification of noise monitoring locations;
 - ii) scheduling of noise monitoring, with reference to day, evening and night-time periods;
 - iii) provisions and procedures for determining $L_{Aeq}(15 \text{ minute})$, $L_{A90}(15 \text{ minute})$ and $L_{A1}(1 \text{ minute})$ noise levels;



- iv) review and assessment mechanisms to establish and address noise impacts on residential receptors;
 - v) such monitoring shall be undertaken by an appropriate and recognised acoustic engineer, who is independent of, or not associated with, any organisation that has been involved with the acoustic assessment of the application (the subject of this approval), or involved in any supervision or designs associated with the construction of the project.
- b) an **Ambient Dust Monitoring Program**. The program shall provide for continuous monitoring of ambient dust concentrations (PM₁₀) at no fewer than two locations at and around the site, as approved by the Director-General. The monitoring shall employ the sampling and analysis methods specified under AM-18 or AS3580.9.8 and results of this monitoring shall be recorded in μgm^{-3} .
- c) a **Transport Monitoring Program** to monitor traffic movements and driver behaviour of heavy vehicles associated with the project. This program shall be applied to all heavy vehicles associated with the project. The Program shall include, but not necessarily be limited to:
- i) details on the monitoring program, such as the frequency and methodology of the monitoring program. This program shall include (but not be limited to) the 'spot' auditing of transport movements and driver behaviours at various operational times;
 - ii) a regular internal review of results from the monitoring program to assess the performance of the transport management measures and to ensure compliance with the requirements of this approval; and
 - iii) a protocol for implementing contingency measures should any non-compliance be detected.

The Operational Monitoring Program shall be approved by the Director General prior to the commencement of any activities associated with the project and shall be incorporated into the Operational Environmental Management Plan for the project (refer to condition 5.4 of this approval).

Note: The results of the monitoring program required in condition 3.1 of this approval may be incorporated into the Annual Environmental Management Report, required by condition 6.3 of this approval.

- 3.2 The Proponent shall review the Operational Monitoring Program referred to under condition 3.1 on a six-monthly basis, and may, with the agreement of the Director-General, alter the frequency and/ or scope of monitoring provided:
- a) pollutant/ parameter monitoring has been undertaken for a period of no less than six months (measured from the commencement of operation of the project);
 - b) there has been no exceedence of any limit placed on the subject pollutant or parameter, through this consent or any Environment Protection Licence under the *Protection of the Environment Operations Act 1997* within the preceding six-month period;
 - c) there has been no reasonable complaint received from the public in relation to the subject pollutant/ parameter within the preceding six-month period (refer to condition 4.3 of this approval); and
 - d) the DEC raises no objection to the proposed alteration to the frequency of pollutant/ parameter monitoring.

Noise Audit

- 3.3 Within 90 days of commencement of operations associated with the project and during a period in which the project is operating under normal operating conditions, the Proponent shall conduct a **Noise Audit** of its operations. This Audit shall:
- a) be undertaken by an appropriate and recognised acoustic engineer, who is independent of, or not associated with, any organisation that has been involved with



- the acoustic assessment of the application (the subject of this approval), or involved in any supervision or designs associated with the construction of the project;
- b) assess whether the project is complying with the criteria specified in condition 2.3 of this approval;
 - c) identify what additional measures could be implemented to ensure compliance should any non-compliance be detected; and
 - d) provide details of any complaints received relating to noise generated by the project, and action taken to respond to those complaints.

3.4 Within 28 days of conducting the Audit referred to under condition 3.3 of this approval, the Proponent shall provide the Director-General and the DEC with a copy of the Noise Audit report. If the Noise Audit identifies any non-compliance with the noise limits imposed under this approval, the Proponent shall detail within 30 days what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General. These ameliorative measures must be completed, if practicable, within 30 days of submission of the Noise Audit to the Director-General and a second noise audit shall be conducted demonstrating acoustic compliance. If it is not practicable to complete the ameliorative measures within the 30 day period they should be undertaken in accordance with a timetable approved by the Director-General and the DEC.

Independent Environmental Auditing

- 3.5 The Proponent shall commission an independent person or team to undertake an Environmental Audit of the project at six months, and at two years after the commencement of operation of the project, and then as may be directed by the Director-General. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
 - b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
 - c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval; and
 - d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.

An Environmental Audit Report shall be submitted to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Proponent to any of the recommendations contained in the Report.

The Director-General may require the Proponent to undertake reasonable works to address the findings or recommendations presented in the Report in relation to compliance with this approval. Any such works shall be completed within such time as the Director-General may require.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

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

Complaints Procedure

- 4.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complainants for the life of the project (including construction and operation):



- a) a telephone number on which complaints about construction and operational activities at the site may be registered;
- b) a postal address to which written complaints may be sent; and
- c) an email address to which electronic complaints may be transmitted.

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

- 4.3 The Proponent shall record details of all complaints received through the means listed under condition 4.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

Community Communication Strategy

- 4.4 Prior to the commencement of any works associated with the project at the site, the Proponent shall prepare and implement a **Community Communication Strategy** for the project. This strategy shall be designed to enable the Proponent to respond to any enquiries from the local community and/or adjoining landowners and to provide mechanisms to inform the local community and adjoining landowners as to the operational environmental performance of the facility. The Strategy shall include, but does not necessarily be limited to:
- a) mechanisms through which the Proponent can report to the local community and adjoining landowners on the operations of the project and its environmental performance;
 - b) mechanisms through which the community and/or adjoining landowners can provide feedback to the Proponent in relation to the environmental management of the project; and
 - c) mechanisms through which the Proponent can respond to any enquires or feedback from the community and/or adjoining landowners in relation to the environmental performance of operations at the project.

The Strategy shall be approved by the Director General prior to the commencement of construction of the project.

5. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 5.1 Prior to the commencement of site preparation works, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) whose appointment is to receive prior approval of the Director General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director General, during the operations at the site. The Environmental Representative shall be:
- a) the primary contact point in relation to the environmental performance of the project;
 - b) responsible for all Management Plans and Monitoring Programs required under this approval;
 - c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;



- d) responsible for receiving and responding to complaints in accordance with condition 4.2 of this approval; and
- e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Proponent shall notify the Director General of any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan

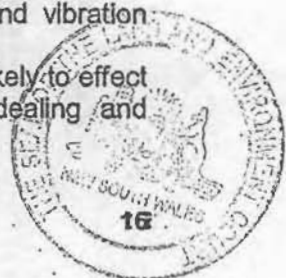
5.2 The Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the site preparation and construction activities during each stage of the project. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) the Management Plans listed under condition 5.3 of this approval;
- b) the environmental management and mitigation measures outlined in the EAR and supporting information submitted to the Department (as referenced in condition 1.1), as well as the final Statement of Commitments submitted by the Proponent to the Department on 17 March 2006; and
- c) complaints handling procedures during construction.

The Plan shall be approved by the Director-General prior to the commencement of any site preparation and construction works associated with the project subject to this approval, or within such period otherwise agreed by the Director-General. Construction works associated with any stage of the project subject to this approval shall not commence until written approval has been received from the Director-General for that stage.

5.3 As part of the Construction Environmental Management Plan for the project, required under condition 5.2 of this approval, the Proponent shall prepare and implement the following Management Plans:

- a) a **Soil and Water Management Plan** to detail measures to minimise dust, erosion and the discharge of sediment and other pollutants to lands and/or waters during construction works associated with the project. The Plan shall be prepared in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction*, 4th edition, March 2004.
- b) a **Noise Management Plan** to detail measures to minimise noise generated during construction activities associated with the project. The Plan shall include, but not necessarily be limited to:
 - i) identification of each work area, site compound and access route (both private and public), and the identification of the specific activities that will be carried out and associated noise sources at these sites;
 - ii) identification of all potentially affected sensitive receivers, and the specification of the noise and vibration criteria for the proposed works (as identified in the documentation listed in condition 1.1);
 - iii) demonstration that the construction methods (including construction traffic noise) will meet the objectives of the EA and noise criteria. This shall include an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts where the objectives are predicted to be exceeded;
 - iv) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria;
 - v) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing and responding to noise complaints;



- vi) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and;
 - vii) if any non-compliance is detected, a description of what procedures would be followed to ensure compliance.
- c) a **Traffic Management Plan** to outline management of traffic conflicts associated with the construction of the project. The Plan shall include, but not necessarily be limited to:
- i) details of traffic routes used by construction vehicles;
 - ii) the number and type of vehicles to be used in the construction of the project, and their movements to, from and within the site per day;
 - iii) minimum requirements for vehicle maintenance to address noise and exhaust emissions;
 - iv) speed limits to be observed along routes to and from the sites and within the site; and
 - v) behaviour requirements for vehicle drivers to and from the site and within the site.
- d) a **Dust Management Plan** to outline measures to minimise and manage any impacts from the construction of the project on local air quality. The Plan shall include, but not necessarily be limited to:
- i) Identification of all major sources of dust that may occur as a result of the construction of the project;
 - ii) description of the procedures to manage the emission of dust from the sources identified;
 - iii) Identification of the locations where monitoring of dust emissions is to be undertaken;
 - iv) procedures for the monitoring of dust emissions from the project, in accordance with any requirements of the DEC;
 - v) protocols for regular maintenance of the construction plant and equipment to minimise the potential for dust emissions;
 - vi) a principal requirement to satisfy the relevant goals specified under condition 2.8 of this approval at all times;
 - vii) a system that allows for periodic assessment and reasonable implementation of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimise dust impacts during the construction of the project;
 - viii) a system for regular auditing to ensure the effective implementation and maintenance of mitigation measures required to achieve the air quality goals specified under condition 2.8 of this approval;
 - ix) pro-active and reactive management and response mechanisms for particulate emissions, with specific reference to measures to be implemented and actions to be taken in a timely manner to minimise and prevent reasonably foreseeable elevated air quality impacts on surrounding land uses as a consequence of meteorological conditions during construction of the project or the specific construction works being undertaken at any particular time; and
 - x) description of procedures to be undertaken if any non-compliance is detected.

Operation Environmental Management Plan

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

- i) the complaints handling procedures (conditions 4.2 and condition 4.3 of this approval);
- ii) the environmental mitigation measures outlined in the EAR (including those outlined in Table 18-1) and supporting information (as referenced in condition 1.1 of this approval);
- iii) the Monitoring Program listed under condition 3.1 of this approval; and
- iv) the Management Plans listed under condition 5.5 of this approval.



The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the project, or within such period otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval of the Plan, the Proponent shall provide a copy of the Plan to the DEC and Council as soon as practicable.

5.5 As part of the Operation Environmental Management Plan for the project, required under condition 5.4 of this approval, the Proponent shall prepare and implement the following Management Plans:

- a) a **Noise Management Plan** to outline monitoring, management procedures and measures to minimise total operational noise emissions from the project. This plan shall include operational noise management, traffic noise management and train noise management. This plan shall also include, but not necessarily be limited to:
 - i) the *Operational Noise Management Protocol*, as outlined in condition 2.7 of this approval;
 - ii) procedures for monitoring the project;
 - iii) a program for handling and responding to noise complaints.
- b) a **Traffic Management Plan** to outline measures to manage all heavy vehicle traffic movements associated with the project to minimise impacts on the local and regional road network. This shall include the Transport Management Strategy, a Transport Code of Conduct for heavy vehicles (including contractors).
- c) a **Soil and Water Management Plan** to detail measures to manage and mitigate the impacts of stormwater runoff from and within the site. The Plan shall be consistent with the South Creek Stormwater Management Plan and shall utilise Council's Stormwater Quality Control Policy dated 1 June 2005 as a guide. The Plan should include, but not necessarily be limited to:
 - i) details of the monitoring requirements of this approval, specifically the requirements of condition 1.1 of this approval; and
 - ii) details of any contingency measures that would be followed to ensure the protection of groundwater and neighbouring waterways should any non-compliance be detected or during an accident or emergency situation at the site that could result in the contamination of surface water or groundwater; and
 - iii) evidence of compliance with the targets in *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC & ARMCANZ, 2000) October 2000.
- d) a **Dust Management Plan** to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to:
 - i) Identification of all major sources of dust that may occur as result of the operation of the project;
 - ii) description of the procedures to manage the emission of dust from the sources identified;
 - iii) Identification of the locations where monitoring of dust emissions is to be undertaken;
 - iv) procedures for the monitoring of dust emissions from the project, in accordance with any requirements of the DEC;
 - v) protocols for regular maintenance of equipment, conveyor systems and materials handling facilities to minimise the potential for dust emissions; and
 - vi) a principal requirement to satisfy the goals satisfied under condition 2.8 of this approval at all times, including to the extent that is reasonable and practical, dust suppression considerations in the detailed design of the project;
 - vii) a system that allows for periodic assessment and reasonable implementation of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) to minimise dust impacts over the life of the project;
 - viii) a system for regular auditing to ensure the effective implementation and maintenance of mitigation measures required to achieve the air quality goals specified under condition 2.8 of this approval;



- ix) pro-active and reactive management and response mechanisms for particulate emissions, with specific reference to measures to be implemented and actions to be taken in a timely manner to minimise and prevent reasonably foreseeable elevated air quality impacts on surrounding land uses as a consequence of meteorological conditions or the specific construction works being undertaken at any particular time; and
 - x) description of procedures to be undertaken if any non-compliance is detected.
- e) a **Vegetation Management Plan** as described in condition 2.24 of this approval.

5.6 The Proponent shall review the Operation Environmental Management Plan on an annual basis, and shall update the Plan as required to keep it up-to-date with environmental management of the project. A current copy of the Plan shall be made available for inspection on request by any member of the public, Council or a Government authority.

6. ENVIRONMENTAL REPORTING

Incident Reporting

- 6.1 The Proponent shall notify the DEC and the Director General of any incident with actual or potential significant adverse off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident ("initial notification"). The Proponent shall provide written details ("written report") of the incident to the DEC and the Director General within seven days of the date on which the incident occurred.
- 6.2 The Proponent shall meet the reasonable 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 6.1 of this approval, within such period as the Director General may require.

Note: Condition 6.2 of this approval does not limit or preclude the DEC from requiring any action to address the cause or impact of any incident, in the context of the DEC's statutory role in relation to the project.

Annual Performance Reporting

- 6.3 The Proponent shall, throughout the life of the project, prepare and submit to the Director-General, an **Annual Environmental Management Report (AEMR)**. The AEMR shall review the performance of the project against the Operation Environmental Management Plan (refer to condition 5.4 and condition 5.5 of this approval), the conditions of this approval and other licences and approvals relating to the project. The AEMR shall include, but not necessarily be limited to:
- a) details of compliance with the conditions of this approval;
 - b) a copy of the Complaints Register (refer to condition 4.3 of this approval) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
 - c) a comparison of the environmental impacts and performance of the project against the environmental impacts and performance predicted in those documents listed under condition 1.1 of this approval;
 - d) results of all environmental monitoring required under this approval and other approvals, including interpretations and discussion by a suitably qualified person; and
 - e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the project have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.
- 6.4 The Proponent shall submit a copy of the AEMR to the Director-General, DEC and Council every year, with:
- i) the first AEMR to be submitted within twelve months after the commencement of operation of the project; and
 - ii) the second and subsequent AEMRs to be submitted concurrently with the DEC's Annual Return.



The Proponent shall make the AEMR available to the public for inspection upon request.

- 6.5 The Director-General may require the Proponent to address certain matters in relation to the environmental performance of the project in response to review of the Annual Environmental Report in relation to compliance with this approval and any comments received from the DEC and/or Council. Any reasonable action required to be undertaken shall be completed within such period as the Director-General may agree.



ATTACHMENT 1



STATEMENT OF COMMITMENT