

Project Approval

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

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Sam Haddad
Director-General
Department of Planning

Sydney *18th March* 2011

SCHEDULE 1

Application No.:	MP 09_0233
Proponent:	Pacific National Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 300 in DP 1117342 and land generally located adjacent to the existing Main Northern Railway between chainage 211.000 km and 213.700 km on the Main Northern Railway.
Project:	Construction and operation of a train support facility to service and provision rail locomotives and wagons. Facilities to include the following components: • five rail tracks; • locomotive workshop; • administration facilities; • locomotive maintenance facilities; • ancillary facilities; • fuel storage; and • associated roads and services.

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DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Ancillary Facility	Temporary facility for construction , including for example an office and amenities compound, construction compound, grout mixing plant, materials storage compound or maintenance workshop.
BCA	Building Code of Australia
Construction	All pre-operation activities associated with the project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys or other activities determined by the Environmental Representative (ER) to have minimal environmental impact such as minor access roads, commissioning activities, minor adjustments to services / utilities, grouting, establishing temporary construction sites, or minor clearing (where the ER is satisfied that threatened species, populations or ecological communities would not be affected)
Council	Cessnock City Council
Department, the	NSW Department of Planning (formerly DIPNR)
DECCW	NSW Department of Environment, Climate Change and Water (formerly DECC and EPA)
Director-General, the	Director-General of the NSW Department of Planning (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 require additional information if the approval request is considered incomplete. When further information is required the time taken for the Proponent to respond in writing will be added to the one month period.
DSEWPC	Department of Sustainability, Environment, Water, Population and Communities (formerly DEWHA)
DWE	Department of Water and Environment
Environmental Assessment	Environmental Assessment prepared for the project by Monteath & Powys, dated August 2010, in support of Major Project Application 09_0233
EEC	Endangered Ecological Community
EPL	Environmental Protection Licence
Feasible and Reasonable	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. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided
Minister, the	Minister for Planning
NoW	NSW Office of Water (part of DECCW)
NSW Heritage Office	NSW Department of Planning (Heritage Branch)
NSW I&I	NSW Department of Industry and Investment
Operation	Means the operation of the project, but does not include commissioning trials of equipment or temporary use of parts of the project during construction

Project	The project that is the subject of Major Project Application 09_0233
Proponent	Pacific National Pty Ltd
Publicly Available	Available for inspection in hard copy and/or electronic format by a member of the general public (for example, available on the project website)
RTA	NSW Roads and Traffic Authority
Relevant Roads Authority	NSW RTA and/or Cessnock Council
Site	Land to which this approval applies
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church), day care facility
Statement of Commitments (SoC)	Consolidated list of procedures, safeguards and mitigation measures to be undertaken as part of the project, identified in Section 5 of the Submissions/Preferred Project Report
Stages	The construction and operation of the project in discrete phases/activities/components which make up the whole and which in themselves are consistent with the Project Approval
Submissions/Preferred Project Report	Submissions/Preferred Project Report for the project prepared by Monteath & Powys Pty Ltd for Major Project Application 09_0233, dated December 2010

SCHEDULE 2
PART A – ADMINISTRATIVE CONDITIONS

Terms of Approval

A1. The Proponent shall carry out the project generally in accordance with the:

- a) Major Project Application 09_0233;
- b) *Pacific National Train Support Facility at Greta – Environmental Assessment*, prepared by Monteath & Powys Pty Ltd and dated 23 August 2010, revision 4;
- c) *Pacific National Train Support Facility at Greta – Submissions & Preferred Project Report*, prepared by Monteath & Powys Pty Ltd and dated December 2010;
- d) *Greta Train Support Facility EPBC Act Biodiversity Offsets Assessment*, prepared by GHD and dated February 2010; and
- e) the conditions of this approval.

A2. In the event of an inconsistency between:

- a) the conditions of this approval and any document listed from conditions A1a) to A1d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- b) any of the documents listed from conditions A1a) to A1d) inclusive, the most recent document shall prevail to the extent of the inconsistency.

A3. The Proponent shall comply with the reasonable requirements of the Director-General arising from the Department's assessment of:

- a) any reports, plans or correspondence that are submitted in accordance with this approval; and
- b) the implementation of any actions or measures contained in the reports, plans or correspondence referred to in condition A3a).

A4. The Proponent may elect to construct the Project in stages provided that these are consistent with the conditions of approval. Where the project is to be staged, the Proponent shall submit details of the staging to the Director-General, including details of how compliance with the conditions of this approval will be ensured across and between the stages of the project. The Report shall be submitted to the Director-General at least four weeks before construction commences, or as agreed by the Director-General.

Limits of Approval

A5. This approval shall lapse ten years after the date on which it is granted, unless the works that are the subject of this approval are physically commenced on or before that time.

A6. Nothing in this approval permits development on the areas identified in letter titled *Greta Provisioning Facility Response to DWEWPaC letter*, prepared by GHD Pty Ltd and dated 2 February 2010 as "Area 3 and Area 4 – Retain for possible future use."

Statutory Requirements

A7. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals as required by any other legislation. The Proponent shall ensure that all licences, permits and approvals are obtained as required by law and maintained as required with respect to the project.

PART B – GENERAL ENVIRONMENTAL CONDITIONS

Spoil and Waste Management

- B1. All waste and fill materials, whether imported or generated on site, shall be managed in accordance with the Spoil and Fill Management Plan required under condition C31g) of this approval.
- B2. All waste and fill materials removed from the site shall only be directed to either a site or a waste management facility lawfully permitted to accept the materials.

Soils, Water Quality and Hydrological Impacts

- B3. Prior to the commencement of construction, the Proponent shall provide evidence to the NSW Office of Water of all groundwater monitoring bores that currently existing on the site. Additional bores shall only be installed with the approval of the NSW Office of Water.
- B4. The Proponent shall consult with DECCW (including the NSW Office of Water) and NSW I&I during the detailed design of all crossings of watercourses and works within riparian areas, and shall take into account issues raised by those agencies in finalising detailed designs.

Hazards and Risks

- B5. During both the construction and operation of the proposal, the Proponent shall store and handle all chemicals, fuels and oils in appropriately bunded areas with impervious flooring and in accordance with:
- a) all relevant Australian Standards;
 - b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the EPA's *Environment Protection Manual Technical Bulletin Bunding and Spill Management*.

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

Mine subsidence

- B6. The Proponent shall design and construct the project in consultation with NSW Industry & Investment and the Mine Subsidence Board and shall comply with any feasible and reasonable requirements raised by these agencies.

Urban Design

- B7. The Proponent shall take all practicable measures to mitigate off-site lighting impacts from the project site and ensure all external lighting associated with the project complies with *Australian Standard AS4282-1997 – Control of the Obstructive Effects of Outdoor Lighting*.

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Provision of Electronic Information

- B8. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall establish and maintain a website for the provision of electronic information associated with the project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on this website or dedicated pages, including, but not necessarily limited to:

- a) a copy of the documents referred to under condition A1 of this approval, and any documentation supporting modifications to this approval that may be granted;
- b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;
- c) a copy of each strategy, review and plan required under this project approval; and
- d) the outcomes of compliance tracking and monitoring in accordance with the requirements of this project approval.

B9. The Proponent shall, subject to confidentiality, make all documents required under this approval publicly available.

Complaints and Enquiries Procedures

B10. Prior to the commencement of construction, the Proponent shall ensure that the following are available for community enquiries and complaints for the duration of construction:

- a) a 24 hour 1800 contact number(s) on which complaints and enquiries about construction and operational activities may be registered;
- b) a postal address to which written complaints and enquiries may be sent;
- c) an email address to which electronic complaints and enquiries may be transmitted; and
- d) a mediation process for complaints unable to be resolved.

The telephone number, postal address and email address shall be published in a newspaper circulating in the local area prior to the commencement of and during construction of the project. The above details shall also be provided on the website required by condition B8 of this approval.

B11. The Proponent must prepare and implement a Construction Complaints Management System consistent with *AS 4269 Complaints Handling* prior to the commencement of construction activities and maintain the System for the duration of construction.

Information relating to the Construction Complaints System shall be made available to the Director-General on request.

Community Consultation

B12. The Proponent shall prepare and implement a Community Communication Strategy to provide mechanisms to facilitate communication from the Proponent and ER to the community stakeholders (particularly adjoining landowners) on construction progress and management. The Strategy shall include, but not be limited to:

- a) identification of stakeholders to be consulted as part of the Strategy;
- b) procedures and mechanisms for the regular dissemination of information to community stakeholders and users of the local and regional road network on construction progress and matters associated with environmental management;
- c) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the projects;
- d) procedures and mechanisms through which the Proponent can respond to any enquiries or feedback from the community stakeholders in relation to the environmental management and delivery of the project; and
- e) procedures and mechanisms to be implemented to resolve any issues/disputes that arise between parties on the matters relating to environmental management and the project delivery.

Issues that shall be addressed through the Community Communication Strategy, including but are not necessarily limited to: traffic management, including access and construction vehicle management), landscaping/urban design matters, and noise and vibration mitigation and management including construction hours and blasting schedules.

The Proponent shall maintain and implement the Strategy throughout construction. The Strategy shall be approved by the Director-General prior to the commencement of construction.

COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

B13. The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval. The Program must be submitted to the Director-General for approval prior to the commencement of construction and operate for a minimum of one year following commencement of operation, subject to the Director-General's review of the outcomes of the Operational Performance Audit Report referred to in condition D7. The Program must include:

- a) provisions for periodic review of the compliance status of the project against the requirements of this approval, detailed in the documents referred to in condition A1b) of this approval;
- b) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of the project;
- c) provisions for periodic reporting of compliance status to the Director-General during construction;
- d) a program for independent environmental auditing in accordance with *ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Auditing*;
- e) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or regular site inspections during the course of construction;
- f) mechanisms for recording environmental incidents during construction and actions taken in response to those incidents;
- g) provisions for reporting environmental incidents to the Director-General during construction; and
- h) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

PART C – CONSTRUCTION

Construction Hours

C1. Construction activities associated with the project shall only be undertaken during the following hours:

- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive;
- b) 8:00am to 1:00pm on Saturdays; and
- c) at no time on Sundays or public holidays.

Activities resulting in impulsive or tonal noise emission (such as rock breaking, rock hammering, sheet piling, pile driving) shall be limited to 8:00am to 12:00pm, Monday to Saturday and 1:00pm to 5:00pm Monday to Friday. The Proponent shall not undertake such activities for more than three continuous hours and must provide a minimum one-hour respite period between each three hour block.

- C2. Construction outside the hours stipulated in condition C1 of this approval is permitted in the following circumstances:
- a) the works do not cause construction noise that exceed the project noise levels developed in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); or
 - b) the Proponent has demonstrated to the Director-General and the DECCW that there is a justified need for the works and the extended hours are supported by the affected community in accordance with the requirements of section 2.3 of the *Interim Construction Noise Guideline* (DECC, 2009); or
 - c) where a negotiated agreement has been reached with affected receivers, where the prescribed noise levels cannot be achieved. In the formation of the negotiated agreement, the receiver shall be provided an explanation of the scope and timeframe of works, the predicted noise impacts and how these are likely to affect the receiver and be provided the option to terminate the agreement on request. Negotiated agreements shall be made available to the Director-General upon request; or
 - d) for the delivery of materials required by the police or other authorities for safety reasons; or where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
 - e) works subject to an approved Environment Protection Licence (EPL); or
 - f) works outside the EPL approved through the out of hours works protocol outlined in condition C31vi)b).
- C3. As part of the Community Communication Strategy as required under condition B12 of this approval, the Proponent shall consult with affected educational institutions in order to minimise noise generating construction works in the vicinity of affected buildings during examination periods as much as reasonably practicable, unless other reasonable arrangements acceptable to the affected institutions are made at no cost to the affected institutions.

Construction Noise, Vibration and Blasting

- C4. Wherever practical, piling activities shall be completed using bored piles.
- C5. The Proponent shall implement all feasible and reasonable noise mitigation measures with the aim of achieving construction noise management levels as derived in accordance with the *Interim Construction Noise Guideline* (DECC, 2009). Any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan required under condition C31vi)b) of this approval.
- C6. Blasting associated with the project shall only be undertaken during the following hours:
- a) 9:00am to 5:00pm, Mondays to Fridays, inclusive;
 - b) 9:00am to 1:00pm on Saturdays; and
 - c) at no time on Sundays or public holidays.
- This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons to avoid loss of life, property loss and/or to prevent environmental harm.
- C7. The Proponent shall implement all feasible and reasonable mitigation measures with the aim of achieving the following construction vibration goals:
- a) for structural damage vibration, the vibration limits set out in the *German Standard DIN 4150 Part 3 - 1999 Structural Vibration in Buildings – Effects on Structures*; or

- b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (DEC, 2006).

The Proponent shall ensure that blasting is carried out in a manner that ensures the safe use of adjoining property and infrastructure and in accordance with any Environmental Protection Licence applying to the project.

Ecological Impacts

- C8. To minimise impacts on listed threatened species and ecological communities, the Proponent shall not clear more than 19.8 hectares of vegetation within the proposed development footprint as represented on Figure 1 – Vegetation, job number 22-15502, in the Greta Provisioning Facility EPBC Act Biodiversity Offsets Assessment, prepared by GHD Pty Ltd and dated February 2011.
- C9. The Proponent shall minimise the clearing of native vegetation with the objective of minimising impacts to threatened species and Endangered Ecological Communities to the greatest extent practicable.
- C10. The Proponent shall undertake a pre-clearing survey to confirm the location of hollow-bearing trees and threatened flora species identified in and adjacent to the site and shall suitably identify and protect for the duration of construction, hollow-bearing trees, threatened flora species and Endangered Ecological Communities not subject to direct project impacts.
- C11. The Proponent shall install nest boxes and relocated hollows to offset the loss of tree hollows/habitat. Structures to replace hollows shall be installed prior to or during the early stages of clearing, other than minor clearing (except where threatened species, populations or communities would be impacted).

The location and/or guiding criteria for the selection of locations for the above nest boxes and relocated hollows shall be specified in the Construction Flora and Fauna Management Plan.

- C12. Prior to commencement of construction, or unless otherwise agreed to by the Director-General, the Proponent shall develop and submit a Biodiversity Offset Package for the approval of the Director-General. The package shall detail how the ecological values lost as a result of the Project will be offset, and the final offset measures that will be used to meet the offset requirements, and ensure that the principles identified in the DECCW's *Principles for the Use of Biodiversity Offsets in NSW* (2008) and DEWHA's *Draft Policy Statement: Use of Environmental Offsets under the Environment Protection and Biodiversity Conservation Act 1999* will be addressed. The Biodiversity Offset Package shall be developed in consultation with the DECCW and DSEWPC and shall include, but not necessarily be limited to:
- a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final design of the project;
 - b) the objectives and biodiversity outcomes to be achieved, including those to achieve a neutral or net beneficial outcome for all threatened species and endangered ecological communities;
 - c) details of final land offsets that will be obtained and managed to ensure that the objectives and outcomes identified in b) are achieved;
 - d) details of other biodiversity offset measures that will be implemented to offset any residual habitat/community loss and how these measures will ensure that the objectives and outcomes identified in b) are achieved;

- e) details of the proposed long term management of any offset sites and the long term funding for management actions;
- f) the proposed monitoring requirements for land offsets and other biodiversity offset measures proposed to ensure that objectives and outcomes identified in b) are being achieved, including:
 - (i) the monitoring of the condition of target species and ecological communities at offset locations;
 - (ii) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;
 - (iii) contingency procedures or corrective actions to be followed should monitoring indicate that the identified objectives and outcomes are not being achieved; and
 - (iv) provisions for the annual reporting of the monitoring results as determined in consultation with the DECCW; and
- g) progress to date of the implementation of the provisions of the Package and timing and responsibilities for the implementation of outstanding provisions of the Package.

Any land offsets must be enduring and be secured by transfer to the DECCW estate or an alternative conservation mechanism which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures must be provided to collectively deliver an improved or maintained biodiversity outcome for the region.

- C13. The Proponent shall minimise impacts to riparian areas and rehabilitate riparian areas in consultation with NSW I&I. Watercourse crossings and culverts (both permanent and temporary) shall be designed and constructed to be consistent with the *Guidelines for Controlled Activities Watercourse Crossings* (DWE, 2008).

Transport and Traffic Impacts

Road Condition Reports

- C14. Road condition reports shall be prepared prior to commencement of construction for all roads identified in the Traffic and Site Access Management Strategy, which are likely to be used by construction traffic, or as otherwise agreed with the relevant roads authority. A copy of the relevant report shall be provided to the relevant roads authority.

A post-construction road condition report shall be prepared at the completion of the construction works. This report is to ascertain whether any road damage which can be attributed to construction works and shall be submitted to the relevant roads authority and is to compare the post-construction dilapidation report with the pre-construction dilapidation report, identifying the nature and costs of damage (if any) which has occurred during and as a result of construction of the project.

Any damage directly attributable to construction of the project, aside from that resulting from normal wear and tear, shall be repaired at the cost of the Proponent.

Car Parking

- C15. All vehicles to be used during construction must be parked within the project site area. No parking is to occur outside the project site, on local streets.

Traffic and Access

- C16. As part of the Construction Environmental Management Plan for the project required under condition C30 of this approval, the Proponent shall prepare and implement a

Traffic and Site Access Management Strategy (TSAMS) to detail how traffic impacts of the project will be managed. The Plan shall be prepared in consultation with the RTA and Council and shall include, but not be limited to:

- a) the identification of haulage routes to and from the construction site, and details of any necessary route enhancements and route or timing restrictions;
- b) the identification of construction vehicle volumes (construction personnel and heavy vehicle movements) and detailing measures to minimise peak time congestion and intersection impacts at local and arterial roads, including truck queuing particularly during bulk earthworks;
- c) the identification of construction activities that would result in the disruption of traffic and the arrangements for traffic management; and
- d) incorporation of traffic management measures as agreed with the RTA.

An independent audit of the TSAMS shall be conducted within the first three months of construction of the project, and forwarded to the RTA for review.

In preparation of the TSAMS, the Proponent shall consult with the Australian Rail Track Corporation and relevant construction personnel to the Maitland to Minimbah Third Track and Hunter Expressway projects and adopt a coordinated and cooperative approach to the management of common or cumulative impacts from these developments.

- C17. The Proponent shall, in consultation with Council and the RTA, install signage on Mansfield Street, to assist drivers in recognising Mansfield Street as a residential area and encouraging drivers to adhere to the speed limit. Signage installation shall be completed prior to the commencement of construction.

Soil and Water Management

- C18. The Proponent shall install and maintain for the duration of Construction works associated with the project, sedimentation and erosion control measures consistent with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004).

Air Quality Impacts

- C19. The Proponent shall construct and operate the project with the objective of meeting air quality goals for PM₁₀ as prescribed in the *National Environment Protection (Ambient Air Quality) Measure*.
- C20. The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust, on the receiving environment. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, such that emissions of visible dust are, where possible, eliminated. The Proponent may consider the implementation of the following dust mitigation measures:
- a) covering of truck loads, except during loading and unloading;
 - b) road sweeping, vehicle speed limits, truck washes and shaker grids at site exits;
 - c) the sealing of trafficable areas and areas susceptible to windblown dust impacts, including the use of stockpile veneers and the water of dusty areas; and
 - d) the cessation of relevant works, as appropriate.

The Proponent shall evaluate other dust control mitigations measures, including barriers, internal storage of fine construction materials and exhaust emission

controls. These management measures shall be incorporated into the Construction Dust Management Plan.

Heritage Impacts

- C21. Prior to the commencement of pre-construction activities in the Area A: Row of Miners' Cottages (identified in Figure 10 of the Director-General's Assessment Report) the Proponent must undertake an archaeological excavation program in accordance with the Department's *Archaeological Assessments Guideline* (1996) using a methodology prepared in consultation with the Department of Planning (Heritage Branch), and to the satisfaction of the Director-General. This work should be undertaken by an archaeological heritage consultant approved by the Director-General.

Works in Area A may commence once the above works are completed and the Director-General notified.

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

Property Impacts

- C22. The Proponent shall identify utilities and services potentially affected by construction to determine requirements for diversion, protection and/or support. Alterations to services shall be determined by negotiation with the service providers. The Proponent shall in consultation with service providers ensure that potential disruption to services resulting from the activity are minimised and advised to customers prior to any disruption.
- C23. The Proponent shall ensure that:
- a) access to all properties is maintained during construction and operation, where feasible and reasonable unless otherwise agreed by the relevant property owner or occupier; and
 - b) any access physically affected by the Project is reinstated to at least an equivalent standard, unless agreed with the property owner.
- C24. The Proponent shall construct the project in a manner that minimises indirect and direct impacts to properties and property infrastructure, including landscaping, fencing, walls, dams, bores and the like. The Proponent, in consultation with the property owner, shall arrange and fund the repair of damage to a standard comparable to that in existence prior to the damage. Should reinstatement of property not be achievable, the Proponent shall compensate the property owner for the value of the infrastructure and associated costs and losses.
- C25. Prior to the commencement of construction, or each part of the project that may impact on surrounding properties, including those within 450m of blasting, the Proponent shall:
- a) arrange for a risk assessment by appropriately qualified and experienced geotechnical and construction engineering practitioners, and undertake inspections of properties at risk from damage, in accordance with AS 4349.1 *'Inspection of Buildings'*;
 - b) contact the owners of all properties on which property inspections are to be conducted at least two weeks before the inspection, or as otherwise agreed by

- the affected property owner, and advise of the scope and methodology for the inspection, and of the process for making a property damage claim;
- c) provide a copy of the property inspection report to the owner of each property inspected at least one week prior to construction that could affect the property; and
- d) maintain a register of all properties inspected by the Proponent, indicating whether the owner accepted or refused the property inspection offer, and a provide a copy of the register to the Director-General upon request.

Urban Design and Landscaping

- C26. The Proponent shall, prior to the commencement of construction, or unless otherwise agreed by the Director-General, prepare and implement an Urban Design and Landscape Plan.

In preparing the Plan, the Proponent shall consult with, as relevant, the Department, Council and local residents.

The Plan shall be prepared by appropriately qualified person(s) and detail the urban design initiatives and landscaping measures to minimise, mitigate and/or offset the impacts of the project (including acoustic barriers and embankments/cuttings) on property and other land use (such as open space) within and external to the project site, visual amenity and local vistas and heritage values. Landscaping measures shall utilise locally native species and be consistent with the ecological protection and restoration requirements of this approval.

The Plan shall include, but not necessarily be limited to:

- a) identification of design objectives and standards based on local environmental values, future land release form and function, sustainable design and maintenance, transport and land use integration, passenger and community safety and security, and relevant design and guidelines; and
- b) final design details of the proposed external materials and finishes, including schedules of a sample board of materials and colours of all buildings and structures on the site.

- C27. The Proponent shall make available locally native species for any resident likely to experience a significant visual impact from the Project for screening, including impacts identified in condition C26 of this approval.

Construction Ancillary Facilities

- C28. Prior to the establishment of any temporary ancillary facilities for construction within and external of the site, the Proponent shall obtain the Director-General's approval for the management of the facilities. In obtaining approval, the Proponent shall submit an assessment of the facilities, which provides:

- a) the location of construction site compounds;
- b) details of the surrounding environment and potential environmental impacts associated with the facilities, including but not limited to noise, vibration, air quality, traffic, heritage, hazards and hydrological impacts;
- c) details of the mitigation, monitoring and management procedures specific to the facilities that would be implemented and an assessment of the adequacy of the mitigation measures. This shall include restrictions on the hours of use or exclusion of certain activities; and
- d) identification of the timing for the completion of activities and how the facilities will be decommissioned (including any necessary rehabilitation).

These details may be provided in the Construction Environmental Management Plan required under condition C30 of this approval.

Environmental Management

- C29. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) (and alternate for periods where the ER may not be available (eg holidays)) that is independent of the design and construction personnel. The Proponent shall employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:
- a) be the principal point of advice in relation to the environmental performance of the project;
 - b) provide independent oversight of the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent of the achievement or success or implementation;
 - c) consider and advise the Proponent on its compliance obligations against all matters specified in the conditions of this approval and the Statement of Commitments as referred to under condition A1c) of this approval and all other licences and approvals related to the environmental performance and impacts of the project;
 - d) ensure that environmental auditing is undertaken in accordance with all relevant project Environmental Management Systems; and
 - e) be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

Construction Environmental Management Plan

- C30. The Proponent shall, prior to the commencement of construction, prepare and implement a Construction Environmental Management Plan. The Plan shall outline the environmental management practices and procedures that are to be followed during construction, and shall be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). The CEMP shall include, but not necessarily be limited to:
- a) a description of all relevant activities to be undertaken during construction of the project;
 - b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
 - d) details of how the environmental performance of the construction works will be managed and monitored, and what actions will be taken to address identified adverse environmental impacts.
 - e) complaints handling procedures during construction.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of construction, or within such period otherwise agreed by the Director-General. The Plan may be prepared in stages, however, construction works for each stage shall not commence until written approval has been received from the Director-General.

- C31. As part of the Construction Environmental Management Plan for the project required under condition C30 of this approval, the Proponent shall prepare and implement:

- a) a **Construction Traffic and Management Plan** (including a Traffic and Site Access Management Strategy) to manage the construction traffic and access impacts of the project. The Plan shall be prepared in consultation with the RTA, Council and emergency services and include, but not necessarily limited to:
 - i) standards and performance measures to minimise traffic impacts and to ensure the safety of road users;
 - ii) measures to manage traffic impacts, including the clear delineation of construction traffic and haulage routes and details of on site vehicle queuing and parking areas;
 - iii) a Traffic and Site Access Management Strategy required under condition C16 of this approval;
 - iv) a Construction Vehicle Code of Conduct to set driver behaviour controls to minimise impacts on land uses along construction traffic and haulage routes;
 - v) a monitoring and reporting program that ensures compliance with maximum vehicle movements numbers identified in condition C16 and the requirements of this condition and how any non-compliance would be rectified; and
 - vi) mechanism for review of the TSAMS from time to time as the project evolves and in consideration of changes in traffic or access over the entire construction period of the project and the Maitland to Minimbah Third Track and Hunter Expressway Projects.

- b) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts would be minimised and managed. The Plan shall be developed in consultation with the DECCW and the ARTC, and include, but not necessarily be limited to:
 - i) identification of construction noise and vibration objectives to manage noise and vibration from construction activities;
 - ii) details of and an indicative schedule for construction activities, including blasting;
 - iii) identification of noise and/or vibration generating construction activities that may affect surrounding infrastructure and land uses;
 - iv) a detailed description of the reasonable and feasible actions and measures to be implemented to ensure compliance with the relevant noise and vibration criteria/objectives;
 - v) procedures for notifying receivers of construction activities that are likely to affect their amenity, as well as procedures for dealing with and responding to 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, the locations where monitoring would take place, how the results of this monitoring would be recorded and reported, and if any exceedance is detected, how any non-compliance would be rectified; and
 - vii) preparation of an out-of-hours work protocol for works not otherwise subject to an Environmental Protection Licence, for the assessment, management and approval of works outside of the standard construction hours as defined in condition C2 of this approval, to be approved by the nominated Environmental Representative for the project.

- c) a **Construction Aboriginal Heritage Management Plan** to detail how construction impacts on Aboriginal heritage will be minimised and managed. The Plan shall be developed in consultation with registered stakeholders and DECCW and shall incorporate the recommendations as presented in the

documents referred to under A1 of this approval, and shall include, but not necessarily limited to:

- i) details of management measures to be carried out in relation to already recorded sites and potential Aboriginal deposits (including further archaeological investigations and/or salvage measures);
 - ii) provide a detailed methodology and strategies for salvage (surface and subsurface), conservation and monitoring of Aboriginal sites associated with the project;
 - iii) outline the roles and responsibilities for managing Aboriginal cultural heritage matters for the duration of the project;
 - iv) Aboriginal cultural heritage induction processes for construction personnel;
 - v) procedures for ongoing Aboriginal stakeholder consultation and involvement;
 - vi) procedures for dealing with human remains (including halting of works in the vicinity and notification of the NSW Police, the Director-General, DECCW and registered Aboriginal stakeholders and not-recommencing any works in the area unless authorised by the Director-General and/or the NSW Police); and
 - vii) procedures for dealing with previously unidentified Aboriginal objects excluding human remains (including halting of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures, including when works can re-commence, by a qualified archaeologist in consultation with registered Aboriginal stakeholders, assessment of the consistency of any new Aboriginal heritage impacts against the approved impacts of the project, and registering of the new site in the DECCW AHIMS register).
- d) a **Construction Non-Aboriginal Heritage Management Plan** to detail how construction impacts on non-Aboriginal heritage will be minimised and managed. The Plan shall be developed in consultation with the Department of Planning (Heritage Branch) and include the following:
- i) identification of heritage items and archaeological sites impacted by the project;
 - ii) details of management measures to be implemented to prevent any impact on works to be undertaken in the vicinity of heritage items and sites;
 - iii) protocols for archival recording of items to be modified;
 - iv) procedures for dealing with previously unidentified relics remains (including halting of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence, by a qualified archaeologist in consultation with the Department of Planning (Heritage Branch);
 - v) details of training and induction requirements for contractors and subcontractors on obligations under the *NSW Heritage Act 1977* including site identification, protection and conservation;
 - vi) details of monitoring requirements on heritage structures for construction vibration; and
 - vii) procedures and protocols for engaging specialists to provide heritage and conservation advice.
- e) a **Construction Dust Management Plan** to outline measures to minimise and manage impacts from the construction of the project on local and regional air quality. The Plan shall be prepared in consultation with DECCW and shall include, but not necessarily be limited to:

- i) identification of all major sources of dust emissions that may occur as a result of the project and relevant regulatory guidelines and compliance criteria;
- ii) description of the procedures to manage the dust emissions from the sources identified;
- iii) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive dust emissions;
- iv) procedures and preparatory measures to be followed in preparation for adverse weather;
- v) details and procedures for monitoring dust emissions from the project; and
- vi) action levels and contingency measures in the event that monitoring results approach or are likely to exceed the relevant compliance criteria or a non-compliance is detected.

The maximum acceptable increase over existing dust deposition is to be in accordance with DEC's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (2005). Monitoring shall be carried out during the construction phase of the Project to assess compliance with goals for dust concentration and deposition rates.

- f) a **Construction Flora and Fauna Management Plan** to detail how construction impacts on terrestrial and aquatic ecology will be minimised and managed. The Plan shall be developed in consultation with DECCW and shall include, but not necessarily be limited to:
 - i) pre-clearing surveys to confirm the location of threatened flora and fauna species and associated habitat features;
 - ii) details of work practices (such as fencing, clearing procedures, and construction worker education) to minimise the potential for damage to native vegetation and native fauna during construction;
 - iii) weed management measures focusing on early identification of invasive weeds and determining effectiveness of management controls;
 - iv) details of how riparian zones affected by the project will be rehabilitated in order to restore a natural functioning watercourse; and
 - v) details of the mitigation measures that would be implemented and the associated procedures for the installation and monitoring of these measures; and if any non-compliance is detected, how any non-compliance would be rectified.
- g) a **Spoil and Fill Management Plan** to detail how excavated and imported materials will be managed throughout construction. The Plan shall be developed in consultation with DECCW and shall include, but not necessarily be limited to:
 - i) how spoil and fill material generated by the project will be sought, handled, stockpiled, reused and disposed;
 - ii) management of spoil and stockpile locations;
 - ii) details of disposal sites and the volumes of spoil to be transported to each site;
 - iii) details of contaminated soil and appropriate management, remediation, disposal and monitoring measures; and
 - iv) a contingency plan to be implemented in the case of unanticipated discovery of contaminated material during construction.

PART D – OPERATIONS

Operational Noise and Vibration

- D1. The operational noise levels of the project shall not exceed that identified in Table 2 below, unless otherwise revised in accordance with the process identified in condition D2a) of this approval.

Table 2 –Operational noise levels for existing residential receivers:

Location	Day 7:00am to 6:00pm on any day	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am on any day	
	L _{Aeq} (15-minute)	L _{Aeq} (15-minute)	L _{Aeq} (15-minute)	L _{A1} (1-minute)
R1 Hunter St, Greta	45	44	37	47
R2 and R2(a) Mansfield St, Illalong	40	40	37	47
R3 Tuckers Lane	37	37	37	51
R4 Scott St, North Rothbury	39	39	35	45
R5 Queen St, Branxton	44	44	37	47
R6 New England Hwy	48	48	38	48
Existing residential receivers	RBL+5	RBL+5	RBL+5	RBL (night) dB(A) +15

Note: For the purpose of this condition, existing residential receivers include all existing development (built and approved) adjacent to the project, and development (including subdivisions) approved prior to the determination of this project.

- D2. The Proponent shall prepare an **Operational Noise and Vibration Review (ONVR)** to confirm noise (air-borne) and vibration control measures that would be implemented for the project. The Review shall be prepared in consultation with the Department, the DECCW, Council, ARTC and the community and shall:
- confirm the operational noise levels in Table 2 or justify for any proposed changes to these levels;
 - predict the operational noise and vibration impacts at adjoining development based on the final design of the project;
 - examine all feasible and reasonable noise and vibration mitigation measures;
 - identify specific physical and other mitigation measures for controlling noise and vibration at the source and at the receiver (if relevant) including location, type and timing for the erection of permanent noise barriers and/or other noise mitigation measures;
 - include a consultation strategy to seek feedback from directly affected property owners (including educational institutions) on the noise and vibration mitigation measures; and
 - procedures for operational noise and vibration complaints management,

including investigation and monitoring (subject to complainant agreement).

The Review is to be independently verified by a noise and vibration practitioner. The scope of the verification exercise undertaken by the noise and vibration practitioner is to be developed by the Proponent in consultation with DECCW. The certification will be undertaken at the Proponent's expense and the practitioner shall be approved by the Director-General. The ONVR and independent review is to be submitted to the Director-General for approval prior to the commencement of construction of physical noise mitigation structures, unless otherwise agreed to by the Director-General.

The Proponent shall implement the identified noise and vibration control measures and make the ONVR publicly available, except for details of specific measures for individual receivers.

- D3. The Proponent shall undertake a noise and vibration compliance assessment to verify the project's compliance with the operational noise and vibration levels referred to in the approved ONVR. This shall be developed in consultation with DECCW and undertaken within three months of the commencement of operation of the project, and at any other time as required by the Director-General. If the assessment indicates an exceedance of the noise and vibration levels identified in condition D1 of this approval, the Proponent shall implement further reasonable and feasible measures (where available) to mitigate these exceedances in consultation with affected property owners and the Department.

The assessment shall meet the requirements of the DECCW, and shall include, but not necessarily be limited to:

- a) a review of the status of land use planning, any land use changes and the background noise environment within areas adjacent to the rail line at the time of the review. Any proposed changes to the noise targets as a result of the review shall be addressed as part of the review;
- b) consideration of the cumulative noise and vibration impacts associated with the Project and the Maitland to Minimbah Third Track Project ;
- c) a co-ordinated monitoring program with the Maitland to Minimbah Third Track Project;
- d) noise and vibration compliance assessment, to assess compliance with condition D1 of this approval;
- e) methodology for the assessment; and
- f) details of any complaints received relating to operational noise and vibration impacts.

A report providing the results of the assessment shall be submitted to the Director-General and the DECCW within 28 days of assessment.

- D4. Operational noise and vibration levels shall be reviewed within 5 years of the date of this approval and at any subsequent time as required by the Director-General. The review shall have regard to the status of land use planning, any land use changes and the background noise environment within areas adjacent to the site at the time of the relevant review. The Proponent shall submit the results of the review to the Director-General. Any proposed changes to the operational noise and vibration levels in the approved ONVR stipulated under condition D1, as a result of the review shall be included in a revised ONVR to be submitted for the approval of the Director-General, in consultation with DECCW.

- D5. The Proponent shall consult with the Department and Council during detailed design of the project to facilitate appropriate rail infrastructure and land use planning responses to potential noise and vibration impacts in areas adjacent to the project.
- D6. The Proponent shall ensure that the vibration resulting from operation of the project at all receivers, where feasible and reasonable, meets the vibration goals for human exposure as presented in *Assessing Vibration: A Technical Guideline* (DECC, 2006) and *German Standard DIN 4150* for structural vibration.

Operational Performance Audit Report

- D7. Within twelve months of commencement of operation, or as otherwise agreed or required by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake an Operational Performance Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Operational Performance Audit Report shall be submitted to the Director-General within one month of the completion of the Audit, unless otherwise agreed by the Director-General. The Audit shall:
- a) assess compliance with the requirements of this approval;
 - b) assess the operational performance of the project against the aims and objectives for the project specified in the documents referred to under condition A1 of this approval;
 - c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition A1 of this approval; and
 - d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.

Operational Environmental Management

- D8. The Proponent shall prepare and implement an Operational Environment Management Plan for the project that details the environmental management framework, practices and procedures to be following during its operation. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) to provide a clear environmental management framework. The Plan shall be prepared in consultation with the relevant government agencies and include, but not necessarily be limited to:
- a) a description of all relevant activities to be undertaken during operation of the project including an indication, where relevant, of stages of operation;
 - b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) details of how the project's environmental performance will be monitored and what actions will be taken to address identified environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage noise impacts;
 - ii) measures to monitor and manage traffic impacts, including scheduling of vehicle movements, traffic volumes and routes, network and intersection impacts and road safety;
 - iii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to surrounding lands and/or waters; and
 - iv) measures to monitor and maintain landscaping until the vegetation has sufficiently been established.
 - d) a description and contact details of the roles and responsibilities for all relevant employees involved in the operation of the project; and
 - e) complaints handling procedures during operation.

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

ENVIRONMENTAL REPORTING

Incident Reporting

- D9. The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 24 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.
- D10. The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition D9 of this approval, within such period as the Director-General may require.