

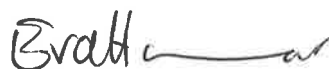
Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, 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 development



Erica van den Honert
Acting Executive Director
Infrastructure

Sydney

17 October

2019

SCHEDULE 1

Application Number:	SSD 7089
Applicant:	Eurobodalla Shire Council
Consent Authority:	Minister for Planning
Site:	Parts of Lot 3 DP 438839 and Lot 2 DP 1168581 and an unnamed lot bounded by Bullockys Hut Road and Big Rock Road, Bodalla
Development:	<p>Construction and operation of an off-stream water storage facility of approximately 3000 ML capacity and associated infrastructure including:</p> <ul style="list-style-type: none">- Tuross River raw water intake and pumping station- pipelines including connection to existing Tuross River borefield and Southern Water Treatment Plant- substations, access road and fencing <p>Construction activities including:</p> <ul style="list-style-type: none">- clearing approximately 55 ha of native vegetation- extraction and processing of approximately 487,000 m³ of material within the storage inundation area for use on-site, primarily for storage embankment construction- importation of approximately 163,000 m³ of rock, gravel, sand and clay for construction works- concrete batching- temporary coffer dam on the Tuross River for river intake construction

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DEFINITIONS

AHD	Australian Height Datum
Applicant	Eurobodalla Shire Council, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Construction Boundary	The boundaries shown in Figure 1 of Appendix 1 which comprise a water storage facility construction boundary and perimeter road construction boundary
Council	Eurobodalla Shire Council
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment (DPIE)
Development	The development described in the EIS and response to submissions (Submissions Report and Addendum Submissions Report)
Development layout	The plans at Appendix 1 of this consent
DPC	Department of Premier and Cabinet
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled <i>Eurobodalla Southern Water Supply Storage Environmental Impact Statement</i> , prepared by SMEC dated 27/8/2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
EESG	DPIE Environment, Energy and Science Group
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in their social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
FSL	Full Supply Level of the water storage
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement.
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent.
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act

Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
MOL	Minimum Operating Level
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
NRAR	NSW Natural Resources Access Regulator
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	former NSW Office of Environment and Heritage (now DPIE EESG)
OEMP	Operational Environmental Management Plan
Operation	The operation of the water storage and associated infrastructure upon completion of construction excluding pre-commissioning activities
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW).
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act: <i>Eurobodalla Southern Storage Submissions Report</i> , prepared by SMEC dated 1/04/2019 and <i>Eurobodalla Southern Storage Addendum Submissions Report</i> , prepared by SMEC dated 24/05/2019.
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in the EIS and Response to Submissions
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WTP	Water Treatment Plant

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and response to submissions;
 - (d) in accordance with the Development Layout in **Appendix 1**; and
 - (e) in accordance with the revised management and mitigation measures in **Appendix 2**.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)** and the revised management and mitigation measures in **Appendix 2**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and the revised management and mitigation measures, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.
- A6. Clearing of vegetation is not permitted outside the construction boundaries shown in **Appendix 1**.
- A7. The volume of water extracted from the Tuross River and Tuross River borefield must be in accordance with surface and groundwater access licences.
- A8. Water extraction from the Tuross River intake must only occur at flow levels specified in the water access licence or when river flows are at or above 20ML/day at the reference point, whichever is highest.
- A9. The full supply water level must not exceed 47.7m AHD.

NOTIFICATION OF COMMENCEMENT

- A10. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A11. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A12. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A13. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A14. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A15. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A16. Before the commencement of construction, the Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- A17. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

- A18. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A19. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.
- A20. The development must comply with Dam Safety Committee guidance.

COMPLIANCE

- A21. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT

- A22. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A23. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A24. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

BIODIVERSITY

Water Intake

- B1. The water intake must be designed to reduce the potential uptake of fish by ensuring the flow velocity 8 cm from the intake screen is no greater than 0.1 m/sec, using intake screens with apertures no larger than 3 mm and/or other measures as agreed in consultation with DPIE Fisheries.

Construction Flora and Fauna Management

- B2. No more than 54.61 ha of native vegetation is to be cleared.
- B3. Prior to clearing of native vegetation, the Applicant must prepare a **Construction Flora and Fauna Management Plan** (CFFMP) in consultation with DPIE Fisheries and to the satisfaction of the Planning Secretary.
- B4. The CFFMP must form part of the CEMP required by **Condition C2** and, in addition to the general management plan requirements listed in **Condition C1**, the CFFMP must include the following:
- (a) measures to ensure biodiversity values not intended to be impacted are delineated by mapping of 'no-go areas' and the installation of on-site measures such as temporary exclusion fencing prior to clearing;
 - (b) measures to minimise the risk of introducing weed species via construction vehicles, plant and equipment and control of pest and weed species existing at the site;
 - (c) method of vegetation removal and measures to minimise impacts outside the water storage facility construction boundary and within the perimeter road construction boundary as a result of the equipment used for clearing and general access for heavy vehicles and construction plant and equipment;
 - (d) options to reuse cleared vegetation, in preference to burning, such as relocation of hollow logs for habitat and mulch for use in areas to be revegetated within the site and use elsewhere within the local area;
 - (e) measures to minimise the impacts on fauna within the site including the installation of nest boxes prior to clearing, relocation of fauna to adjacent habitat (including any fish during dewatering of the cofferdam), staged clearing and timing of clearing outside breeding seasons; and
 - (f) details on rehabilitation and revegetation including:
 - (i) use of locally indigenous plant species including collection of seed prior to clearing for this purpose;
 - (ii) for construction areas outside the full supply level including the construction compounds, on-site quarry areas and the new storage access road batters;
 - (iii) for the construction area at the existing water treatment plant (WTP) including for the bed and banks of the Tuross River affected by the temporary cofferdam.
- B5. Prior to removing/clearing any vegetation or any demolition, pre-clearing surveys and inspections for threatened species must be undertaken. The surveys and inspections, and any subsequent relocation of species and associated management measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist.
- B6. The Applicant must:
- (a) not commence any clearing work until the CFFMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CFFMP approved by the Planning Secretary for the duration of works.

Biodiversity Offsets

- B7. Before any clearing or construction works, the Applicant must submit a **Biodiversity Offset Strategy** to the Planning Secretary for approval.
- B8. Within 24 months of approval of the Biodiversity Offset Strategy, or another timeframe agreed to by the Planning Secretary, the Applicant must prepare and implement a **Biodiversity Offset Package** which outlines how the retirement of credits will be achieved in accordance with the NSW Biodiversity Offsets Policy for Major Projects, i.e. by:
- (a) acquiring or retiring credits under the BioBanking scheme established under the then *Threatened Species Conservation Act 1995*;
 - (b) making payments into an offset fund that has been established by the NSW Government; or
 - (c) providing suitable supplementary measures.
- B9. Before commencement of operation of the water storage, the Applicant must retire the biodiversity credits of a number and class specified in **Tables 1 and 2**.

B10. The retirement of credits must be determined in accordance with the OEH's *Framework for Biodiversity Assessment (FBA)* and the *BioBanking Assessment Methodology 2014 (BBAM)*.

Note: *If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014*

Table 1 *Ecosystem credit requirements*

Plant community type	Area to be impacted ha	Credits required
Spotted Gum - White Stringybark - Burrawang shrubby open forest on hinterland foothills, northern South East Corner Bioregion (SR643)	37.56	1,967
Grey Myrtle - Lilly Pilly dry rainforest in dry gullies of the Sydney Basin Bioregion and South East Corner Bioregion (SR551)	9.57	571
River Peppermint - Rough-barked Apple - River Oak herb/grass forest of coastal lowlands, southern Sydney Basin Bioregion and South East Corner Bioregion (SR608)	0.22	14
Coast Grey Box - Mountain Grey Gum - stringybark moist shrubby open forest in coastal gullies, southern South East Corner (SR533)	0.07	4
River Peppermint - Rough-barked Apple moist open forest on sheltered sites, southern South East Corner Bioregion (SR609)	7.19	383

Table 2 *Species credit requirements*

Species	Area to be impacted ha	Credits required
<i>Correa baeuerlenii</i>	0.07	16
<i>Genoplesium vernale</i>	37.56	2,926
<i>Persicaria elatior</i>	0.07	13
<i>Galium australe</i>	0.22	15
<i>Myotis macropus</i>	0.22	5
<i>Heleioporus australiacus</i>	54.39	707
<i>Cercartetus nanus</i>	54.39	1,088
<i>Phascolarctos cinereus</i>	0.22	6
<i>Isodon obesulus obesulus</i>	0.07	2

Operational Flora and Fauna Management

B11. The OEMP required under **Condition C5**, must include details on:

- (a) management and maintenance of revegetated areas until vegetation is established;
- (b) fauna habitat maintenance and nestbox maintenance and monitoring; and
- (c) control of pest and weed species.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

B12. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Department upon request.

Construction Soil and Water Management Plan

- B13. Prior to commencement of any surface disturbance the Applicant must prepare a Construction Soil and Water Management Plan as part of the CEMP required by **Condition C2**. The Construction Soil and Water Management Plan must be prepared by a suitable qualified person(s) in consultation with the EPA and include:
- (a) guidelines and procedures to reuse dirty water collected in sediment basins with reuse prioritised over discharge to receiving waters;
 - (b) an assessment of cumulative risks associated with sediment pond settling agents;
 - (c) discharge criteria based on an assessment of potential impacts against the NSW Water Quality Objectives (WQO) for receiving waters;
 - (d) identification and implementation of mitigation measures to avoid pollution including, but not limited to, dosing procedures, discharge procedures, direct ecotoxicology testing;
 - (e) a detailed **Erosion and Sediment Control Plan** prepared in consultation with DPIE Fisheries and Water (in addition to the EPA); and
 - (f) evidence of consultation with the EPA and DPIE Fisheries and Water.
- B14. Erosion and sediment control measures must:
- (a) be in accordance with the relevant requirements of *Managing Urban Stormwater: Soils and Construction* Volume 1 (Landcom, 2004) and mitigation measures outlined in the *Policy and guidelines for fish habitat conservation and management* (DPI 2013); and
 - (b) have sediment basins sized to a 90th or 95th percentile 5-day rainfall depth or as otherwise agreed with the EPA during the preparation of the Erosion and Sediment Control Plan referred to in **Condition B13(e)**.

Pollution

- B15. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.
- B16. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- B17. In the event of an inconsistency between the requirements **Conditions B16(a)** and **B16(b)**, the most stringent requirement must prevail to the extent of the inconsistency.

Stormwater Management

- B18. The Applicant must:
- (a) design and manage stormwater runoff from access roads so that it does not result in erosion and pollution of receiving waters;
 - (b) maintain erosion control measures downstream of the spillway, storage outlet works and at the river intake; and
 - (c) use natural materials, such as rock rip rap, for erosion and river bank protection.
- B19. Stormwater design must be in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997).

Flooding and Bushfire

- B20. The CEMP required by **Condition C2** and OEMP required by **Condition C5** must include emergency response procedures in the event of flooding or bushfire.

Water Storage Emergency

- B21. Prior to the commencement of operation, the Applicant must prepare a **Water Storage Emergency Plan** complying with the *State Emergency and Rescue Management Act 1989*.

Water Management

- B22. Prior to the commencement of operation, the Applicant must prepare a **Water Management Plan** for the Planning Secretary's approval. The Water Management Plan must form part of the OEMP required by **Condition C4**. The Water Management Plan must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with DPIE Water and Fisheries;
 - (c) detail the water access licence requirements for the development;

- (d) include details of existing baseline river water quality and groundwater quality and levels;
- (e) set out water and groundwater quality and river flow objectives;
- (f) detail criteria and triggers for:
 - (i) transfer of water from the river intake to the water storage;
 - (ii) transfer of groundwater from the borefield to the water storage;
 - (iii) transfer of groundwater from the borefield directly to the WTP;
 - (iv) transfer of water from the storage to the WTP including draw-off level;
 - (v) discharge of water from the storage outlet works to the unnamed stream;
 - (vi) operation of the water storage thermal mixing system;
 - (vii) operation of the water storage spillway;
- (g) contain a program (including sampling locations, parameters, frequency and duration) to monitor:
 - (i) changes to channel morphology in the vicinity of the river raw water intake;
 - (ii) water quality and river flows at the raw water intake;
 - (iii) water storage surface levels;
 - (iv) water quality within the storage water column;
 - (v) the effectiveness of the thermal mixing system;
 - (vi) water quality of storage water transferred to the WTP;
 - (vii) seepage through the water storage embankment;
 - (viii) groundwater levels at the borefield near the WTP;
 - (ix) groundwater levels and groundwater quality along the unnamed stream channel downstream of water storage embankment, including baseline monitoring;
- (h) identify mitigation and management measures to address impacts such as:
 - (i) exceedance of water quality criteria; and
 - (ii) drawdown at existing bores.

B23. The Applicant must:

- (a) not commence operation until the Water Management Plan required by **Condition B22** is approved by the Planning Secretary; and
- (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

B24. Within one month after the water storage has been operational for 12 months and annually thereafter during operation, or another time period as agreed by the Planning Secretary, the applicant must submit a **Site Water Balance Report** to the Planning Secretary and NRAR. The Site Water Balance Report must identify all water sources entering and leaving the water storage where practical and as agreed with NRAR.

AIR QUALITY

Dust Minimisation

B25. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B26. During construction, the Applicant must ensure that:

- (a) unsealed roads used for truck access and exposed surfaces and stockpiles within the construction area are regularly watered to suppress dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) measures are implemented to minimise dust from exposed surfaces following vegetation clearing and until transfer of storage water to the WTP.

Air Quality Discharges

B27. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B28. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development. The plan must form part of the CEMP required by **Condition C2** and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) include a Road Safety Audit for the Eurobodalla Road/Nerrigundah Mountain Road intersection in accordance with the relevant Austroads guidelines;
 - (c) detail the measures that are to be implemented to ensure road safety during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements; and
 - (e) include procedures for notifying residents of the duration and times when heavy vehicles are accessing the site via particular routes and in particular Waincourt Road.
- B29. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan is prepared in accordance with **Condition B28**; and
 - (b) implement the most recent version of the Construction Traffic Management Plan for the duration of construction.

Public Access

- B30. The Applicant must ensure that public access is managed to prevent erosion or damage to native vegetation by restricting access through site fencing to pedestrians.

NOISE

Hours of Work

- B31. The Applicant must comply with the hours detailed in **Table 3**, unless otherwise agreed in writing by the Planning Secretary.

Table 3 Hours of Work

Activity	Day	Time
Earthworks and construction (other than blasting)	Monday – Friday	7 am to 6 pm
	Saturday not permitted on public holidays	8 am to 1 pm
Blasting	Monday – Friday not permitted on public holidays	9 am to 3 pm
Operation	Monday – Sunday	24 hours

- B32. Works outside of the hours identified in **Condition B31** may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers; or
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.

Construction Noise Limits

- B33. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in **Appendix 2**.

Construction Noise and Vibration

- B34. The Applicant must prepare a **Construction Noise and Vibration Management Plan** for the development. The Plan must form part of a CEMP in accordance with **Condition C2** and must:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);

- (c) describe the measures to be implemented to manage high noise generating works such as blasting, in close proximity to sensitive receivers; and
- (d) include strategies that have been developed with the affected sensitive receivers for managing high noise generating works.

B35. The Applicant must:

- (a) not commence construction of any relevant stage until the Construction Noise and Vibration Management Plan is prepared in accordance with **Condition B34**; and
- (b) implement the most recent version of the Construction Noise and Vibration Management Plan for the duration of construction.

Blasting Limits

B36. The overpressure level from blasting operations must not:

- (a) exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
- (b) exceed 120dB (Lin Peak) at any time.

B37. The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut-off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

B38. Ground vibration peak particle velocity from the blasting operations at the premises must not:

- (a) exceed 5 mm/s for more than 5% of the total number of blasts over a period of 12 months; and
- (b) exceed 10 mm/s at any time

when measured at any point within one metre of any affected residential boundary or other noise sensitive location.

B39. The hours for blasting operations specified in **Condition B31** may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

HERITAGE

Unexpected Finds

B40. If any item or object of Aboriginal heritage significance is identified on site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) the EESG must be contacted immediately.

B41. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

B42. If any unexpected archaeological relics are uncovered:

- (a) all work in the immediate vicinity of the find must cease immediately;
- (b) the Heritage Division DPC must be notified;
- (c) a suitably qualified and experienced archaeologist must record and assess the significance of the find with the results reported to the Planning Secretary and the Heritage Division DPC; and
- (d) where required by Heritage Division DPC, a Management Strategy is to be developed and implemented in consultation with the Heritage Division DPC.

B43. Work in the immediate vicinity of the find may only recommence on the advice of the archaeologist.

WASTE MANAGEMENT

B44. The CEMP required under **Condition C2** must detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations.

STATUTORY REQUIREMENTS

- B45. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B46. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of the EPA.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to **paragraph (b)** above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (f) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (g) a protocol for periodic review of the plan.

Note: *the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of **Condition C1**.
- C3. As part of the CEMP required under **Condition C2** of this consent, the Applicant must include the following:
- (a) Construction Flora and Fauna Management Plan (see **Condition B3**)
 - (b) Construction Soil and Water Management Plan (see **Condition B13**);
 - (c) emergency response procedures in the event of flooding or bushfire (as required under **Condition B20**);
 - (d) Construction Traffic Management Plan (see **Condition B28**); and
 - (e) Construction Noise and Vibration Management Plan (see **Condition B34**).

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C4. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of **Condition C1**.
- C5. As part of the OEMP required under **Condition C4** of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (c) include the following environmental management plans:

- (i) flora and fauna management (as required under **Condition B11**)
- (ii) emergency response procedures in the event of flooding or bushfire (as required under **Condition B20**);
- (iii) Water Management Plan (see **Condition B22**).

C6. The Applicant must:

- (a) not commence operation until the OEMP is prepared; and
- (b) operate the development in accordance with the OEMP (as revised from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C7. Within three months of:

- (a) the submission of an incident report under **Condition C9**;
- (b) the approval of any modification of the conditions of this Consent; or
- (c) the issue of a direction of the Planning Secretary under **Condition A2(b)** which requires a review,

the strategies, plans and programs required under this consent must be reviewed and submitted to the Planning Secretary.

C8. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C9. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in **Appendix 3**.

Non-Compliance Notification

C10. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

C11. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

C13. Construction Compliance Reports and a Pre-Operational Compliance Report of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) or any revision as in force from time to time.

C14. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

ACCESS TO INFORMATION

C15. At least 48 hours before the commencement of construction until the completion of all works under this consent, including rehabilitation, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **Condition A2** of this consent and the final layout plans for the development;
 - (ii) all current statutory approvals for the development;
 - (iii) all strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;

- (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) contact details to enquire about the development or to make a complaint;
 - (vii) the Compliance Reporting of the development;
 - (viii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

DEVELOPMENT LAYOUT PLANS



Figure 1: Water Storage Facility and Perimeter Road Construction Boundaries

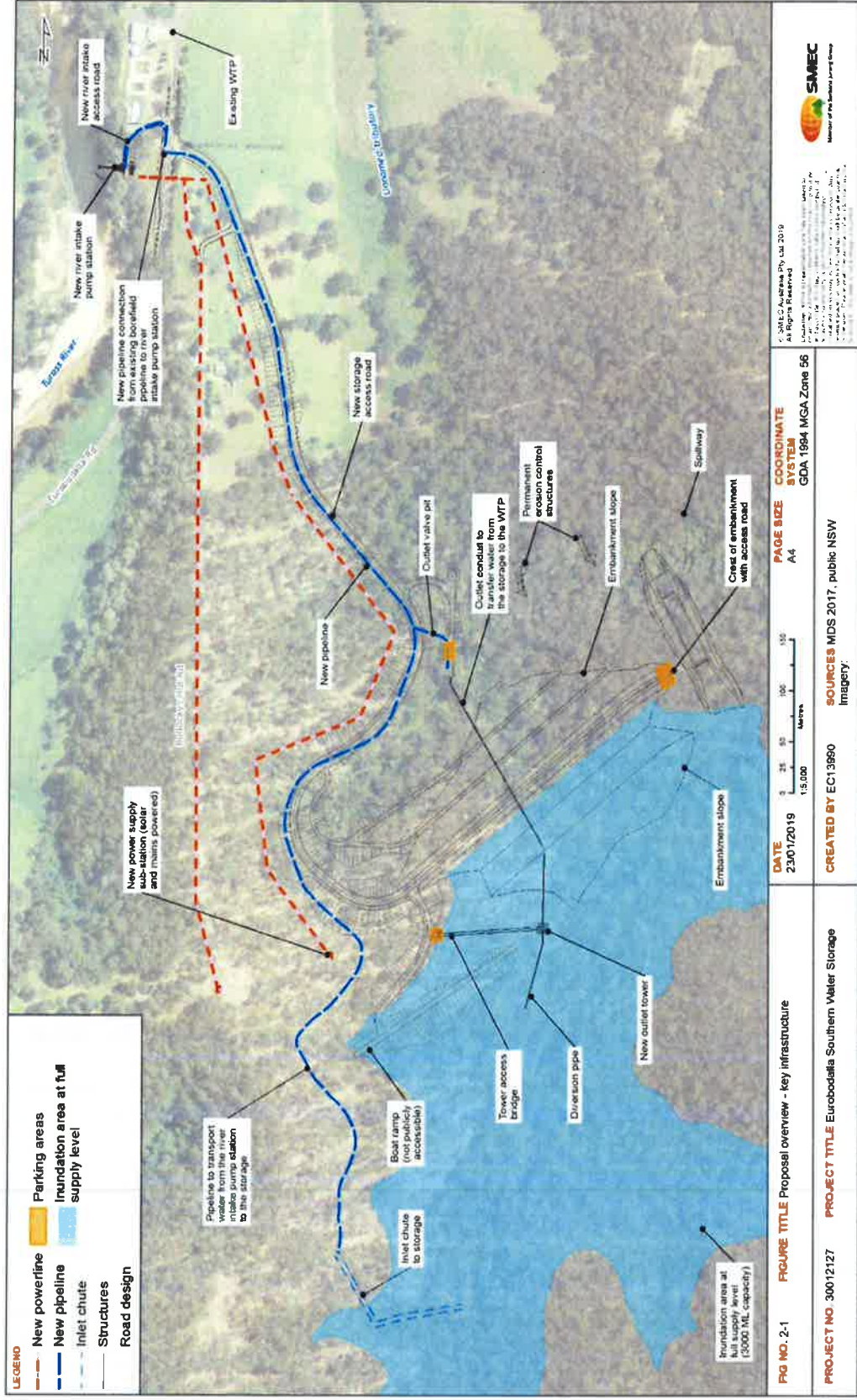


Figure 2: Proposal Overview

APPENDIX 2 APPLICANT'S REVISED MANAGEMENT AND MITIGATION MEASURES

No.	Issue	Environmental safeguards
1. Environmental management		
1.1	CEMP	A CEMP would be prepared to detail the approach to environmental management during construction, as described in Section 20.1.1 and in accordance with the conditions of approval.
1.2	CEMP	<p>The CEMP would include a number of sub plans identified in the safeguards and management measures and include:</p> <ul style="list-style-type: none"> • Traffic management plan • Flora and fauna management plan • Aboriginal heritage management plan • Noise and vibration management sub plan • Construction erosion and sediment control plan • Air quality management plan • Bush fire management plan • Landscape management plan.
1.3	CEMP Review	<p>DPI Fisheries requests the opportunity to review and provide comment on the: Construction Environmental Management Plan; Erosion and Sediment Control Plan; and Flora and Fauna Management Plan.</p> <p>DPI Fisheries to be provided with advance notice of the submission of the CEMP for review, as a one week turnaround is required for the Principal Contractor to meet the delivery timeframe.</p>
1.4	OEMP	<p>An OEMP would be prepared to describe operational safeguards and management measures identified. The plan would provide a framework for establishing how these measures would be implemented and who would be responsible for their implementation.</p> <p>The plan would be prepared prior to operation and must be reviewed and certified by Council prior to the commencement of any operational work. The OEMP would be a working document, subject to ongoing change and updated as necessary to respond to specific requirements.</p> <p>The OEMP would include:</p> <ul style="list-style-type: none"> • a description of activities to be undertaken during operation • an environmental risk analysis to identify the key environmental performance issues associated with the operation phase • statutory and other obligations that the proponent is required to fulfil during operation, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies • overall environmental policies, guidelines and principles to be applied to operation • roles and responsibilities for relevant employees involved in operation, including relevant environmental training and induction requirements • details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions would be taken to address identified potential adverse environmental impacts.
2. Water resources and geomorphology		
2.1	Flooding	A Hydrology and Consequence Assessment would be carried out to inform the detailed design. Consideration of mitigation measures would be carried out in consultation with the relevant local authorities (e.g. NSW State Emergency Service) to ensure that flood related outcomes are consistent with floodplain risk management. This would be detailed in the Dam Safety Emergency Plan.

No.	Issue	Environmental safeguards
2.2	Flooding	<p>Construction planning would consider flood risk for all compounds and work sites.</p> <p>The site layout and staging of construction activities would avoid or minimise obstruction of overland flow paths and limit the extent of flow diversion required.</p>
2.3	Hydrology	Measures to further avoid and minimise the construction footprint will be investigated during detailed design and implemented where practicable and feasible.
2.4	Hydrology	Additional assessment of scour potential would be undertaken as necessary during the detailed design. This would include the development of appropriate mitigation measures.
2.5	Hydrology	Works within or near watercourses would be undertaken with consideration given to the DPI Water's guidelines for controlled activities.
2.6	Water quality	Water quality control systems would be incorporated into the detailed design to ensure that relevant WQOs can be met during water discharge.
2.7	Water quality	<p>The current WQMSP will be revised (as necessary) and implemented during construction and operation of the proposal. The plan will specify:</p> <ul style="list-style-type: none"> • sampling locations relevant to assessing potential impacts and / or the effectiveness of control measures • the frequency of monitoring and sampling and the triggers for event-based monitoring / sampling • the monitoring and sampling methodology in accordance with relevant guidelines, and the parameters to be monitored and sampled • general and reactive management and mitigation processes • procedures addressing relevant matters specified in relevant legislation and guidelines.
2.8	Water quality	Erosion and sediment mitigation measures would be installed and maintained for the duration of the construction period.
2.9	Water quality	Discharges would be monitored to ensure compliance with WQOs and discharge criteria in the environment protection licence.
2.10	Water quality	During construction a coffer dam will be in place to cater for medium level events and a sediment and erosion control plan in place to minimise risks of sediment-laden water escaping from the site.
2.11	Water quality	<p>Several temporary sediment basins (suited to Type D dispersive soils) are proposed to be located in the main storage construction footprint. The location of the basins is down-gradient of ground disturbance areas. These would be operated as 'wet basins' which are designed to retain sediment laden water for extended periods allowing adequate time for the gravitational settlement of fine sediment particles. These basins would rely on chemical dosing to assist flocculation; the basins would not be drained until suitable water quality is obtained. Discharge from the sediment basins to the environment would only occur during:</p> <ul style="list-style-type: none"> • Uncontrolled discharges following significant wet weather events leading to basin overflow via spillway (incidental frequency) • Controlled discharges following treatment of sediment basin water (periodic frequency).
2.12	Water quality	The coffer dam would be constructed early in the program, upslope of the main embankment and is designed to capture and divert stormwater runoff (up to approximately 32 megalitre capacity, suited for flood capacity design criteria of 1 in 10 Annual Exceedance Probability) for the duration of construction. The

No.	Issue	Environmental safeguards
		coffer dam is designed to facilitate up-gradient 'clean water' diversion through the site.
2.13	Water quality	Discharge of water temporarily stored in sediment basins and/or the coffer dam to the Tuross River would, where practicable, be avoided or minimised through practical reuse such as for on-site dust suppression, irrigation, or discharged to vegetated swales, which would act as a natural filter.
2.14	Water quality	Sediment basins would discharge soon after rainfall events, avoiding discharges during periods of low flows. Treatment of sediment basins would commence soon after rainfall events using chemical dosing (coagulants and/or flocculants) using either an automatic or manual chemical dosing system. Prior to treatment, jar testing would be used to determine the chemical dosing requirements of the sediment basins.
2.15	Water quality	The water quality of 'clean water' would be maintained through implementation of appropriate erosion and sediment controls and staged vegetation clearing in upslope areas. The coffer dam outlet will connect to the diversion pipe constructed through the base of the embankment, diverting 'clean' flow through the site to the outlet works.
2.16	Water quality	Discharges would not occur during the construction of in-stream features within the Tuross River (i.e. intake pump structures). Temporary in stream structures (i.e. temporary coffer dam) would be constructed in accordance with the NSW DPI policy and guidelines and dewatering activities designed to avoid re-enter the waterway.
2.17	Water quality	<p>Water quality impacts from uncontrolled discharges (i.e. significant wet weather) would be reduced by ensuring adequate size, location and operation & maintenance requirements of the temporary sediment basins. This includes:</p> <ul style="list-style-type: none"> • Sizing of the basins would account for a minimum of 5-day rainfall depth, 80th percentile rain events in accordance with published guidelines for extended construction period (> 6 months) • A series of Progressive Erosion and Sediment Control Plans (PESCP) would be prepared which detail construction sediment basin location and sizing with respect to each individual construction stage • Nomination of an environmental representative on site to complete audits and monitor PESCPs. Independent audits would be carried out by a soil conservationist or accredited erosion and sediment control professional • Operation and maintenance of sediment basins would refer to available guidance within the industry practice (e.g. Blue Book, 2004 and IECA, 2018).
2.18	Water quality	The storage would have continuous de-stratification equipment in place to ensure that water is consistently mixed to avoid issues of de-oxygenated water.
2.19	Water quality	Discharge by either the spillway or outlet works (if it occurs) would have erosion protection (i.e. stabilised outlets consisting of rock rip rap) to reduce water velocities and minimise the risk of additional erosion downstream of the storage.
2.20	Water quality monitoring	<p>Water quality impacts from controlled discharges would also be reduced by adequate selection, dosing and management of chemical coagulants and flocculants. This includes:</p> <ul style="list-style-type: none"> • Consideration would be given to the selection of suitable chemical coagulants and/or flocculants by the contractor's environmental representative. Reference would be made to Safety Data Sheets for

No.	Issue	Environmental safeguards
		<p>chemical specific ecotoxicity information. The use of biodegradable products and/or non-hazardous would be considered first preference.</p> <ul style="list-style-type: none"> • Chemical dosing and operation of discharges from sediment basins would be managed by suitably qualified and experienced persons. A detailed plan for management, storage and use of chemical coagulants and/or flocculants would be prepared as part of PESCPs. • Operation and maintenance of sediment basins would refer to available guidance within the industry practice (e.g. Blue Book, 2004 and IECA, 2018).
2.21	Sand slug Tuross River	Council will review the need for mitigation works and management of the channel, in particular the movement of the sand slug, to ensure it does not encroach on and impact the pumping infrastructure based on previous experience associated with the operation of original intake pump station that had been in operation since the 1950's.
2.22	Inlet Screen	DPI recommends that self-cleaning meshed screens are installed around the inlet structure to mitigate the uptake of fish and minimise the uptake of larvae and eggs.
2.23	Water flows	Water extraction will be in accordance with the Tuross River WSP
2.24	Temporary structures	<p>Temporary in stream structures will be constructed in accordance with the NSW DPI policy guideline and will:</p> <ul style="list-style-type: none"> • avoid spanning the full width of the waterway channel • be inserted during low-flow periods with management plans being submitted to NSW DPI detailing how high flow events will be managed. <p>Dewatering of temporary in-stream structure should follow the following guidelines:</p> <ul style="list-style-type: none"> • NSW DPI is to be notified 7 days prior to any dewatering activities to organise potential fish rescue activities. A separate s.37 permit may be required from NSW DPI to relocate fish. • water is to be pumped a minimum of 30 m away from the waterway and should preferentially not re-enter the waterway. If water is to re-enter the waterway, ANZECC water quality guidelines need to be adhered to with the proponent being required to submit a detailed water quality monitoring program.
3. Biodiversity		
3.1	Biodiversity - construction	<p>A Flora and Fauna Management Plan will be prepared and implemented as part of the CEMP. It will include, but not be limited to:</p> <ul style="list-style-type: none"> • plans showing areas to be cleared and areas to be protected, including exclusion zones, protected habitat features and revegetation areas • pre-clearing survey requirements • procedures for unexpected threatened species finds and fauna handling • procedures addressing relevant matters specified in the <i>Policy and guidelines for fish habitat conservation and management</i> (DPI Fisheries, 2013).
3.2	Biodiversity - construction	Measures to further avoid and minimise the construction footprint and native vegetation or habitat removal will be investigated during detailed design and implemented where practicable and feasible.
3.3	Biodiversity - construction	<p>Biodiversity offset requirements would be finalised during detailed design based on the revised construction footprint.</p> <p>A Biodiversity Offset Strategy would be developed during detailed design to address the obligations identified in the EIS.</p>

No.	Issue	Environmental safeguards
3.4	Threatened flora/ EEC management	As part of the Flora and Fauna Management Plan, a management sub-plan will be produced to establish pre-construction and construction mitigation measures to minimise the impacts on River plains EEC.
3.5	Threatened flora/ EEC management	Monitoring water quality during construction will be evaluated for potential impacts to on threatened species and EEC, and corrective measures applied in consultation with Council.
3.6	Impacts on retained native vegetation adjoining the construction footprint	Pre-clearing surveys are to ensure exclusion zones (at the construction footprint boundary) are established prior to vegetation clearing.
3.7	Establishment and spread of invasive species and pathogens	<p>The Flora and Fauna Management Plan will include a Weed and Pathogens Management Sub-plan which will include, but not be limited to:</p> <ul style="list-style-type: none"> weed management controls for construction and post-construction (if required) protocols to prevent introduction or spread of <i>Phytophthora cinnamomi</i> protocol to manage vehicle cleaning in accordance to reduce the potential for spread of noxious weeds, plant pathogens or animal diseases into retained forested habitats.
3.8	Impact on native fauna and their habitat	<p>The Flora and Fauna Management Plan is to describe a process for:</p> <ul style="list-style-type: none"> pre-clearing surveys supervision of vegetation clearing by a suitably qualified fauna ecologist/spotter fauna handling including the capture of any injured fauna or fauna that does not naturally relocate, and identifying suitable services for the treatment of injured fauna, for example a local vet or local wildlife carer identifying opportunities for further minimisation of native vegetation removal when developing construction methodologies, in order to retain the maximum amount of habitat for native fauna possible.
3.9	Impact on native fauna and their habitat	<p>The Flora and Fauna Management Plan will:</p> <ul style="list-style-type: none"> identify hollow-bearing trees for retention and establish exclusion zones which will be mapped and clearly marked out on site prior to construction commencing outline a staged approach to habitat removal of hollow-bearing trees and other established/ prominent trees that cannot be retained include a nest box strategy would be implemented prior to vegetation removal.
3.10	Impact on fish passage	Ensure that fish passage is not blocked during construction. If blockage cannot be avoided, gain a permit from Fisheries prior to undertaking any activities that will cause blockage.
3.11	Aquatic biodiversity	Monitoring protocols, if required, will be approved by NSW DPI and must rigorous experimental designs to allow for thorough statistical analysis, including adequate numbers of control sites, replication and consideration of temporal changes where relevant.
3.12	Temporary structures	<p>Temporary in stream structures will be constructed in accordance with the NSW DPI policy guideline and will:</p> <ul style="list-style-type: none"> avoid spanning the full width of the waterway channel

No.	Issue	Environmental safeguards
		<ul style="list-style-type: none"> be inserted during low-flow periods with management plans being submitted to NSW DPI detailing how high flow events will be managed <p>Dewatering of temporary in-stream structures should follow the following guidelines:</p> <ul style="list-style-type: none"> NSW DPI is to be notified seven days prior to any dewatering activities in order to organise potential fish rescue activities. A separate s.37 permit may be required from NSW DPI to relocate fish water is to be pumped a minimum of 30 m away from the waterway and should preferentially not re-enter the waterway. If water is to re-enter the waterway, ANZECC water quality guidelines need to be adhered to with the proponent being required to submit a detailed water quality monitoring program.
3.13	Removal of large woody debris	<p>Should any large woody debris be required to be removed the following management guidelines would be followed in accordance with the removal of large woody debris from NSW rivers and streams Prime Fact 11 (DPI 2005b):</p> <ul style="list-style-type: none"> lopping (trimming) should be considered as a first option; instream realignment should be considered as the next option; if realignment is unfeasible, relocation within the river channel is preferable to removal; removal should be considered as a last resort; and removal/relocation of snags would be undertaken so as to cause the least disturbance to the bed or nearby sensitive aquatic habitat. An aquatic ecologist shall be present on site when working with snags that require lopping, realignment, relocation and/or removal.
4. Socio-economic		
4.1	Anxiety and uncertainty over property impacts and changes	<p>A Community and Stakeholder Engagement (CSE) Plan will be prepared for the proposal and be inclusive of:</p> <ul style="list-style-type: none"> a Construction Communications Plan, identifying when communication would occur, to whom, the method of communication and timing. outlining the dedicated service and scope of assistance to be provided to landowners, residents and businesses with the effects of property acquisition and the relocation process. This would be prepared with reference to the NSW Government Land Acquisition Reform 2016.
4.2	Proposal communications	<p>The Construction Communications Plan will be prepared and will include (as a minimum):</p> <ul style="list-style-type: none"> mechanisms to provide details and timing of proposed activities to affected residents, businesses and community facilities, including, but not limited to, changed traffic and access conditions, vegetation clearing contact name and number for complaints a complaints-handling procedure and register.
4.3	Property acquisition and relocation issues	<p>Council would:</p> <ul style="list-style-type: none"> identify and categorise affected landowners, residents and businesses and the nature of assistance that may be required establish communication protocols, including an acquisition hotline, requirements for English as a second language assistance with negotiations and communications.
4.4	Business and industry impacts	<p>On-going communication and consultation will occur with local business owners located close to construction works about the timing, duration and likely impact of construction activities and to identify appropriate measures to manage potential impacts. A project hotline will be established as a direct contact for businesses to consult with.</p>

No.	Issue	Environmental safeguards
4.5	Community values and amenity	Local residents would be notified at least five days prior to works commencing and would be kept regularly informed of construction activities during the construction process.
4.6	Impact of noise on local amenity	The affected community will be consulted regarding the proposed noise mitigation measures for construction.
4.7	Visual impacts - operation	Further opportunities to increase landscaping opportunities to minimise the visual impact of the proposal would be explored during detailed design.
5. Aboriginal heritage		
5.1	General Aboriginal impacts	A construction Aboriginal heritage management plan will be prepared for the project. The plan would provide details of management measures and procedures to be carried out during construction to minimise and manage impacts on Aboriginal heritage, and includes an unexpected finds procedure.
5.2	Awareness of Aboriginal heritage and legislative obligations	<p>Aboriginal cultural awareness training for all relevant staff and contractors would be carried out prior to commencing work onsite.</p> <p>All relevant staff, contractors and subcontractors will be made aware of their statutory obligations for heritage under the <i>National Parks and Wildlife Act 1974</i>.</p>
6. Historic heritage		
6.1	General historic heritage impact	<p>While impacts to historic heritage items are considered unlikely, the following protocol for unexpected finds would be undertaken in accordance with the requirements of the NSW Heritage Manual (OEH, 1996):</p> <ul style="list-style-type: none"> • should an item of historic heritage be identified, works in the vicinity of the find would cease. The Heritage Division (NSW Office of Environment and Heritage) would be contacted prior to further work being carried out in the vicinity of the find.
7. Traffic and transport		
7.1	Construction traffic impacts	<p>A Construction Traffic Management Plan (TMP) would be prepared prior to construction and would be included in the CEMP.</p> <p>The TMP would:</p> <ul style="list-style-type: none"> • identify the traffic management requirements during construction • describe the general approach and procedures to be adopted when producing specific traffic control plan • identify designated parking areas for construction workforce. • determine temporary speed restrictions to ensure safe driving environment around work zones, including on unsealed roads, and at major intersections (e.g. Nerrigundah Mountain Road and Eurobodalla Road) • identify any high-risk periods (such as during school bus operations), and whether delivery to site, and material haulage can be undertaken outside of these hours • identify opportunities to stagger heavy vehicle arrivals to site (e.g. use of minimum headways between arriving haul trucks), to avoid the potential for heavy vehicle convoys arriving on site • identify and provide temporary works, such as for site access, turn-around bays, parking areas for heavy vehicle dwelling, and minor site distance clearing around local road intersection sites (e.g. at the access points to the construction site) • provide temporary warning and advisory signposting, such as during periods of material haulage, and at major intersections (e.g. Nerrigundah Mountain Road and Eurobodalla Road), where there will be increased traffic activity

No.	Issue	Environmental safeguards
		<ul style="list-style-type: none"> • where practical, program deliveries of construction plant and materials (such as over-mass and over-dimension vehicles) outside peak traffic periods • identify steps to minimise construction traffic, such as car-pooling by construction staff to site • regularly review and modify the TMP (such as at changes of construction stages), to ensure the TMP remains valid and appropriate • document communication protocols amongst heavy vehicle operators, such as when approaching higher risk areas. This could be through the establishment of a call point system, whereby call point signage is erected on the approach to higher risk areas, such as the intersection of Nerrigundah Mountain Road and Eurobodalla Road, or the single lane Tuross River (Tyrone) bridge, and access points to the construction site • maintain access to private properties (and liaise with property owners), particularly that off Bullockys Hut Road, which may be used as a site access • identify a contact person (and phone number) for liaison and complaints, by project stakeholders and the community. <p>Consultation with various stakeholders will also be undertaken in the development and periodic review of the Construction TMP, including:</p> <ul style="list-style-type: none"> • ensuring all relevant requirements from emergency service providers are included, including from NSW Rural Fire Service, NSW Ambulance Service and NSW Police • consultation with the respective road authorities including Roads and Maritime Services and Eurobodalla Shire Council • consultation with other relevant parties including school bus operators • periodic notification of construction activities and changes in traffic control arrangements would be publicly notified, including through local newspapers, community noticeboards, and through a letter box drop off for residents in proximity to the construction site as appropriate. <p>Detailed traffic control plans would be developed for each construction phase. These would include:</p> <ul style="list-style-type: none"> • provision for emergency services passage through construction zones. • Only accredited traffic controllers would be permitted to prepare and implement traffic control plans.
7.2	Impacts to local roads during construction	<p>Council will undertake a photographic inspection of local roads, and undertake a pre-dilapidation survey of local road pavements before construction commences, in order to document the state and condition of local roads.</p> <p>Periodic surveys will be undertaken during construction activities to identify any road damage, with road damage to local roads being repaired by Council as soon as practical.</p> <p>The construction contractor will also monitor the incidence of mud tracking off the construction site and onto local roads, and will sweep or clean local roads to minimise mud tracking. The contractor will preferably install controls to minimise the incidence of mud-tracking in the first instance, such as by use of grids at site access points.</p> <p>Construction personnel will also be encouraged to report road hazards and road damage</p>
7.3	Impacts to local roads during operation	<p>Council will develop a traffic plan to show the new storage access road for maintenance purposes which will be provided to the rural fire service.</p>
8. Noise and vibration		

No.	Issue	Environmental safeguards
8.1	Construction noise and vibration	<p>A Construction Noise and Vibration Management Plan (NVMP) will be prepared and implemented as part of the CEMP. The NVMP will generally follow the approach in ICNG (DECC, 2009a) and will consider the following as a minimum:</p> <ul style="list-style-type: none"> • identify nearby residences and other sensitive land uses • develop noise management levels consistent with the ICNG • assess the potential impact from the proposed construction methods • where management levels are exceeded examine feasible and reasonable noise mitigation and develop associated noise monitoring program • develop reactive and proactive strategies for dealing with any noise complaints • identify a site contact person to follow up complaints.
8.2	Construction hours	<ul style="list-style-type: none"> • where feasible and reasonable, works would be undertaken within ICNG recommended working hours • where works are required to be undertaken outside of recommended working hours, an Out of Hours procedure as described in the NVMP must be followed and all appropriate approvals would be obtained prior to works, and all affected receivers would be notified of the works • noisy activities that cannot be undertaken during standard construction hours would be scheduled as early as possible during the evening and/or night-time periods • any out of hours works would comply with the Roads and Maritime Construction Noise Guidelines.
8.3	Construction noise and vibration	<p>All relevant noise and vibration management measures would be incorporated into site inductions for all employees, contractors and sub-contractors. The environmental component may be covered in toolboxes and should include:</p> <ul style="list-style-type: none"> • relevant licences and approval conditions • permissible hours of work • location of nearest sensitive receivers • construction employee parking areas • designated loading/unloading areas and procedures • site opening/closing times.
8.4	Construction noise and vibration	<p>The environmental induction program would include specific noise and vibration issues awareness training including, but not limited to, the following:</p> <ul style="list-style-type: none"> • avoiding use of radios during work outside normal hours • avoiding shouting and slamming doors • where practical, operating machines at low speed or power and switching off when not being used rather than left idling for prolonged periods • minimising reversing • avoiding dropping materials from height and avoiding metal to metal contact.
8.5	Construction noise and vibration	<p>All plant and equipment is to be maintained to ensure optimum running conditions, with periodic monitoring.</p>
8.6	Construction noise and vibration	<p>Consider construction compound layout so that primary noise sources are at a maximum distance from sensitive receivers (primarily residential receivers), with solid structures (sheds and containers) placed between sensitive receivers and noise sources (and as close to the noise sources as is practical).</p>
8.7	Construction noise and vibration	<ul style="list-style-type: none"> • locate compressors, generators, pumps and any other fixed plant as far from residences as possible and behind site structures. • alternatives to reversing alarms would be considered for site compound equipment subject to OHS compliance requirements and risk assessments.

No.	Issue	Environmental safeguards
		<ul style="list-style-type: none"> avoid and limit the use of engine compression brakes at night and in residential areas delivery times would be scheduled, where feasible, to the recommended construction hours to minimise noise impacts from heavy vehicle movements.
8.8	Construction noise and vibration	<ul style="list-style-type: none"> use quieter and less noise/vibration emitting construction methods, where feasible and reasonable plant and equipment would be selected to ensure only necessary size and power plant and equipment are used plant used intermittently would be throttled down or shut off when not in use simultaneous operation of noisy plant within discernible range of a sensitive receiver is to be limited/avoided where possible the offset distance between noisy plant and adjacent sensitive receivers is to be maximised where practicable. noise-emitting plant to be directed away from sensitive receivers where possible. stage work to limit high noise impacts to sensitive receivers.
8.9	Construction noise and vibration	<p>The following approach would be adopted with regard to noise monitoring procedures during the construction works:</p> <ul style="list-style-type: none"> where potential noise impacts are predicted to be 20 to 30 dB(A) above the RBL, the potential construction noise nuisance is considered to be moderate. Noise monitoring would be carried out to confirm predicted noise impacts within two weeks of commencement of construction. Feasible and reasonable noise reduction measures would be investigated, where necessary. where potential noise impacts are predicted to be more than 30 dB(A) above the RBL, the potential construction noise nuisance is considered to be high. All feasible and reasonable noise control measures would be implemented prior to the commencement of the noisy activity.
8.10	Blasting noise	<p>A blast management plan will be developed prior to construction. The blast management plan will include:</p> <ul style="list-style-type: none"> limiting criteria identified blast sensitive receivers performance indicators monitoring protocols roles and responsibilities blasting controls protocols for community consultation, incidents and complaints contingency protocols reporting requirements.
8.11	Blasting vibration	<p>The blast management plan will consider the following with regard to overpressure and ground vibration:</p> <ul style="list-style-type: none"> restriction of blasting to between the hours of 9.00am to 5.00pm Monday to Fridays, except Public Holidays blast monitoring and inspection including: <ul style="list-style-type: none"> blast monitoring at key sensitive sites trial blasts to assist in the development of "site laws" based on monitoring data.
9. Soils, contamination and spoil management		

No.	Issue	Environmental safeguards
9.1	Erosion and sedimentation	<p>A construction erosion and sediment control plan (ESCP) will be prepared for the proposal in accordance with the principles and practices detailed in <i>Managing Urban Stormwater: Soils and Construction</i> (the Bluebook) (Landcom, 2004), Volume 2D: Main Road construction (DECC 2008).</p> <p>The ESCP would form part of the CEMP and would be supported by a qualified and experienced soil conservationist.</p>
9.2	Erosion and sedimentation	<p>The ESCP will contain as a minimum the following elements:</p> <ul style="list-style-type: none"> • site specific ESCMP, including detailed consideration of staging and management at ancillary sites, in accordance with the Blue Book • identification of site conditions or construction activities that could potentially result in erosion and associated sediment runoff • methods to minimise potential adverse impacts of construction activities on the water quality within surrounding waterways • details of measures to minimise any adverse impacts of sedimentation on the surrounding environment • details of measures to minimise soil erosion caused by all construction works including clearing, grubbing and earthworks • details of measures to make site personnel aware of the requirements of the SWMP by providing information within induction, toolbox and training sessions • details of the roles and responsibilities of personnel responsible for implementing the SWMP • details of measures for the inspection and maintenance of construction phase water treatment devices and structures • details of water quality monitoring.
9.3	Waterway crossings	<ul style="list-style-type: none"> • watercourse crossings, including temporary work platforms, waterway crossings and/or coffer dams, shall be designed and constructed in consultation with the Department of Primary Industries (DPI) (Fisheries) and the NSW Office of Water.
9.4	Management of contaminated waste	<ul style="list-style-type: none"> • additional assessment will be undertaken for soils requiring off-site disposal to ensure the correct waste classification is determined. Excavated material that is not suitable for on-site reuse or recycling, such as contaminated material should be transported to a site legally able to accept that material. • a classification system will be used to control the excavation, stockpiling and disposal of all potentially contaminated materials. Soils should be classified (where possible) in-situ prior to excavation or when stockpiled during excavation, depending on available time and room for stockpile areas. Any unexpected finds should follow the same procedures. • if groundwater is encountered during construction, it will be managed and disposed of in accordance with legislation.
9.5	Risk of spills and leaks	<ul style="list-style-type: none"> • vehicles and machinery will be properly maintained to minimise the risk of fuel/oil leaks. Routine inspections of all construction vehicles and equipment should be undertaken for evidence of fuel/oil leaks • all fuels, chemicals and hazardous liquids will be stored within an impervious bunded area in accordance with Australian standards and EPA guidelines • any on-site refuelling will occur in a designated area with impervious surfaces.
9.6	Construction dewatering	<p>Any dewatering activities will be undertaken in accordance with the <i>Technical Guideline: Environmental management of construction site dewatering</i> (RTA, 2011b) in a manner that prevents pollution of waters.</p>

No.	Issue	Environmental safeguards
9.7	Waste management	A waste management plan would be developed as part of the CEMP and will take into account the waste hierarchy.
9.8	Waste management	Waste management will be incorporated into the operational management plan.
10. Bushfire planning and management		
10.1	Bushfire	<p>A Hazard and Risk Management Plan (HRMP) will be prepared and implemented as part of the CEMP. The Rural Fire Service will be consulted to determine the appropriate level of management measures and the catchment perimeter roads for construction and operation will be accessible for the Rural Fire Service. The HRMP will include, but not be limited to:</p> <ul style="list-style-type: none"> • details of hazards and risks associated with the activity including bushfire management • measures to be implemented during construction and operation of the storage facility to minimise these risks • record keeping arrangements, including information on the materials present on the site, material safety data sheets, and personnel trained and authorised to use such materials • a monitoring program to assess performance in managing the identified risks • contingency measures to be implemented in the event of unexpected hazards or risks arising, including emergency situations. <p>The HRMP will be prepared in accordance with relevant guidelines and standards, including relevant Safe Work Australia Codes of Practice, and EPA, Rural Fire Service or Office of Environment and Heritage publications.</p>
11. Greenhouse gas and climate change		
11.1	Greenhouse gas emissions	Equipment will be properly maintained to ensure it is operating efficiently.
11.2	Impacts to the proposal as a result of climate change	Opportunities to increase the resilience of the water storage facility to the impacts of climate change would be investigated during detailed design where possible, as new information about the impact of climate change on performance of materials (and drainage structures becomes available. The review would aim to identify materials that are less susceptible to degradation impacts of climate change.
11.3	Impacts of the proposal on climate change	<p>The construction contractor is to include consideration of the following as a minimum to minimise the potential for GHG emissions:</p> <ul style="list-style-type: none"> • preferential use of local materials (where feasible and practicable) to reduce quantities of fuel consumption associated with material transportation • delivery of materials with full loads where feasible • ensure that all plant and vehicles are maintained regularly to maintain fuel efficiency • seek opportunities to reduce the quantity of construction materials used through innovative design and construction methodologies • where reasonable and feasible, procure recycled content road construction and maintenance materials such as recycled aggregates in road pavement and surfacing (including crushed concrete, granulated blast furnace slag, glass, slate waste and fly ash). This measure forms part of RMS' implementation of the NSW Government's 'Waste Reduction and Purchasing Policy' (WRAPP).

No.	Issue	Environmental safeguards
12. Air quality		
12.1	Air quality	Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager.
12.2	Air quality	<p>A Dust Management Plan will be prepared and implemented as part of the CEMP. The DMP will include, but not be limited to:</p> <ul style="list-style-type: none"> • potential sources of air pollution and dust • air quality management objectives consistent with any relevant published EPA and/or OEH guidelines • mitigation and suppression measures to be implemented • methods to manage work during strong winds or other adverse weather conditions • a progressive rehabilitation strategy for exposed surfaces.
13.3	Air quality	Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.
13. Landscape character and visual impact		
13.1	Landscape character and visual impact	<p>A Landscape Management Plan (LMP) will be prepared during the detailed design phase of the project and implemented as part of the CEMP.</p> <p>The LMP will present an integrated landscape and urban design for the project, providing practical detail on the application of design principles and objectives identified in the environmental assessment. The Plan will include design treatments for:</p> <ul style="list-style-type: none"> • location and identification of existing vegetation and proposed landscaped areas, including species to be used, density and size • hydromulch seed mix designs and locations • built elements including any retaining walls and bridge walls • fixtures such as lighting, fencing and signs • details of the staging of landscape works taking account of related environmental controls such as erosion and sedimentation controls and drainage • procedures for monitoring and maintaining landscaped or rehabilitated areas.
13.2	Visual impacts of construction activities	<p>To reduce the potential visual impact of construction activities:</p> <ul style="list-style-type: none"> • work sites will be left tidy at the end of each work day • where appropriate, fencing with material attached (e.g. shade cloth) will be provided around the construction compound to screen views from adjoining properties • lighting for night-time work will comply with relevant Australian Standards, including AS4282-1997 (<i>Control of the obtrusive effects of outdoor lighting</i>).
13.3	Operational	Vegetation will be maintained to reduce visual impacts from the road
13.4	Potential cumulative construction traffic impacts	The Construction TMP for the proposal will be prepared with consideration for other nearby road upgrade project traffic management plans if still being implemented. A coordinated approach to traffic management between the nearby projects will be adopted to minimise travel time and congestion impacts on road users.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under **Condition C9** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the Applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

