

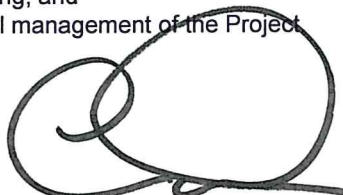
Project Approval

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

As delegate of the Minister for Planning under delegation executed on 27 February 2013, I approve the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

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



Chris Wilson
Executive Director
Development Assessment Systems and Approvals

Sydney

29 JUNE

2014

SCHEDULE 1

Application No:	10_0185
Proponent:	Northbank Enterprise Hub Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 1001 DP 1127780, Tomago Road, Tomago, Port Stephens Local Government Area
Project:	Northbank Enterprise Hub Industrial and Business Park

DEFINITIONS

AEP	Annual Exceedance Probability - the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage, i.e. 1%, 2%, 5%.
AHD	Australian Height Datum
ARI	Average Recurrence Interval
Construction	The carrying out of works including bulk earthworks, filling, drainage, utilities and road infrastructure
CMA	Hunter-Central Rivers Catchment Management Authority
CNMA	Construction Noise Management Area
Council	Port Stephens Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
DECC	Department of Environment & Climate Change (now OEH)
DPI	Department of Primary Industries
EA	Environmental Assessment titled <i>Northbank Enterprise Hub Pty Ltd Proposed Industrial and Business Park</i> , dated 24 August 2012
EEC	Endangered ecological community as defined under the <i>Threatened Species Conservation Act 1995</i>
EMP	Environmental Management Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
ENM	Excavated Natural Material as defined in the <i>Protection of the Environment Operations Act 1997</i>
EPA	Environmental Protection Authority
EPL	Environment Protection Licence
Evening	The period from 6pm to 10pm
Existing At Risk Properties	During the 1% Annual Exceedance Probability, those habitable buildings which are not currently inundated by flood waters that may become inundated as a direct result of the Project; and habitable buildings which are inundated by flood waters, including the Project's contribution, up to a total of 0.5m in depth
Feasible	Feasible relates to engineering considerations and what is practical to build
GPT	Gross Pollutant Trap
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement such as shared associations in pastoral landscapes as well as associations linked with the mission period
Heritage Council	The Heritage Council constituted by the <i>Heritage Act 1977</i> or its delegate
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>
HWC	Hunter Water Corporation
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the Project
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water in the Department of Primary Industries
NPWS	National Parks and Wildlife Service in the OEH
OEH	NSW Office of Environment and Heritage
RAP	Remediation Action Plan
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project	Northbank Enterprise Hub Industrial Subdivision, as described in the EA and involving subdivision and development of the site in stages; bulk earthworks, installation of infrastructure including drainage, internal roads, intersections, utilities, open spaces and provision of a biodiversity offset package
Proponent	Northbank Enterprise Hub Pty Ltd or its successors

PWCS	Port Waratah Coal Services, being the owner of Lot 1002 in DP 1127780, or any future owner or legal representative of this land
PWCS offset land	Lot 1002 in DP 1127780, being the lot located to the south east of the subject site
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Remediation work	Works in accordance with the approved Remediation Action Plan
Retained Freshwater Wetland	The 12.5 hectare area of Freshwater Wetland EEC located within the south-eastern part of the site (refer to Table 2 and Appendix 4).
RTS	<p>Response to Submissions, including documents titled:</p> <ul style="list-style-type: none"> • <i>Response to Submissions Northbank Enterprise Hub Pty Ltd Proposed Industrial and Business Park</i> dated 12 December 2012 prepared by ADW Johnson • <i>Northbank Enterprise Hub</i> dated 7 February 2013 prepared by ADW Johnson • <i>Northbank Enterprise Hub (MP 10_0185)</i> dated 14 February 2013 prepared by ADW Johnson • <i>Northbank Enterprise Hub Newcastle Port Corporation Access Rights to Navigational Marker</i> dated 5 March 2013 prepared by ADW Johnson • <i>Northbank Enterprise Hub</i> dated 5 March 2013 prepared by ADW Johnson • <i>Northbank Enterprise Hub – Regional Flooding</i> dated 26 March 2013 prepared by ADW Johnson • <i>Northbank Enterprise Hub – Regional Flooding to Five (5) Adjoining Properties</i> dated 6 May 2013 prepared by Northbank Enterprise Hub Pty Ltd • <i>Northbank Enterprise Hub Pty Ltd – Regional Flooding Submissions</i> dated 7 May 2013 prepared by Northbank Enterprise Hub Pty Ltd • <i>Northbank Enterprise Hub – Flood Impact Assessment</i> dated 11 November 2013 prepared by BMT WBM
RMS	Roads and Maritime Services Division in the Department of Transport
Secretary	Secretary of the Department (or delegate)
Site	The land referred to in Schedule 1
Stage	The areas shown on Figure 1 in Appendix 2 or as amended by an approved Staging Plan under this Project Approval
Stage 1	The area shown by the purple dotted line on Figure 1 in Appendix 2
Statement of Commitments	The Proponent's Statement of Commitments in Appendix 1
VENM	Virgin Excavated Natural Material, as defined in the POEO Act

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Project.

Terms of Approval

2. The Proponent shall carry out the Project generally in accordance with the:
 - (a) EA and RTS;
 - (b) Statement of Commitments (see Appendix 1);
 - (c) site plans (see Appendices 2 - 6); and
 - (d) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Limits of Approval

5. This approval shall lapse within 5 years of the date of this approval, unless any part of the Project is physically commenced (within the meaning of section 95 of the EP&A Act) on or before that day, in accordance with any approval or development consent, on the land to which the approval or consent relates.
6. Prior to the commencement of construction of the Project, the Proponent shall obtain a licence for the Project from the OEH under Section 256 of the *Water Management Act 2000*.

Note: If a licence is limited to a particular Stage of the Project, the Proponent may need to obtain further licences for any subsequent Stages, prior to the commencement of construction of the relevant Stage, in consultation with OEH.

7. Nothing in this approval authorises the construction of the fishing pontoon and floating gangway as shown in the EA.

Structural Adequacy

8. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Operation of Plant and Equipment

9. The Proponent shall ensure that all plant and equipment used on the site is maintained and operated in an efficient manner, and in accordance with relevant Australian Standards.

Protection of Public Infrastructure

10. Prior to commencement of construction, the Proponent shall:
 - (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) in consultation with Council and the RMS; and
 - (b) submit a copy of this report to the Secretary and Council.
11. The Proponent shall:
 - (a) repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the Project; and

- (b) relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the Project.
12. The Proponent shall relocate the 132kV overhead powerline located on the site in accordance with the requirements of Ausgrid and at no cost to Ausgrid.

Management Plans/Monitoring Programs

13. With the approval of the Secretary, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

Section 94A Contributions

14. Prior to the issue of a subdivision certificate for each lot the Proponent shall pay Council 1% of the Capital Investment Value for the relevant lot up to a total of \$3,000,000 for the entire Project, as a contribution towards the provision of infrastructure and services, in accordance with *Port Stephens Section 94A Development Contributions Plan* and to the satisfaction of Council.

Notes:

- *The Proponent shall ensure that each development lot is subdivided upon completion of construction.*
- *The Proponent shall provide a Cost Summary Report prepared in accordance with Port Stephens Section 94A Development Contributions Plan, for the purposes of calculating the contributions payable, at the request of Council.*
- *This contribution is subject to indexation by the Implicit Price Deflator, as published by the Australian Bureau of Statistics.*

Regional Contributions

15. Prior to the commencement of construction of each Stage of the Project, the Proponent shall pay contributions towards regional infrastructure. The following contributions shall be paid to the satisfaction of the Secretary:
- (a) \$29,000 per developable hectare paid to the Department; or
 - (b) in accordance with a Special Infrastructure Contribution (SIC).

Notes:

- *If the draft Hunter Special Infrastructure Contributions Schedule 2011 (SIC) is determined under Section 94EE of the EP&A Act (or 116O of the amended EP&A Act) prior to the Proponent making a contribution, the Proponent shall pay contributions in accordance with the SIC*
- *Equivalent works in kind as listed on the SIC may be carried out in accordance with the SIC in lieu of the relevant monetary contributions, subject to the approval of RMS.*

Statutory Requirements

16. The Proponent must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the Project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.
17. Prior to the construction of any utility works, the Proponent shall obtain relevant approvals from service providers, including Transgrid, HWC and Council.
18. Prior to the commencement of any activities with the potential to intercept or extract groundwater the Proponent shall obtain a licence from the NOW.

Dispute Resolution

19. In the event that a dispute arises between the Proponent and a public authority, other than the Department, in relation to the reasonableness of any requirements by a public authority arising from the conditions of this approval, the matter can be referred by either party to the Secretary for resolution.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

DESIGN AND SUBDIVISION WORKS

Staging Plan

1. Prior to the commencement of any construction works, the Proponent shall prepare and submit a Staging Plan for the Project, to the satisfaction of the Secretary. The plan shall:
 - (a) be prepared in consultation with Council and relevant utility and service providers;
 - (b) describe how the implementation of the approved Project would be staged to ensure it is carried out in an orderly and economic way;
 - (c) describe how the development of the Project will be integrated with the adjacent Redlake Enterprise Project (MP 07_0086);
 - (d) include conceptual design for the provision of services, utilities and infrastructure to the site;
 - (e) include detailed plans for Stage 1 including services, utilities, drainage and roads;
 - (f) identify the infrastructure upgrades that are required to facilitate the orderly and economic development of the Project and describe what arrangements would be put in place to ensure these upgrades are implemented in a timely manner and maintained;
 - (g) detail, in the context of the proposed development stages, the timing for construction of the central and western signalised intersections on Tomago Road; and
 - (h) show the likely sequence of development applications that will be lodged to develop the Site.

The Secretary may require the Proponent to address certain matters identified in the Staging Plan. The Proponent must comply with any such requirements of the Secretary given as part of the Staging Plan approval.

Notes:

- *The Proponent may amend the Staging Plan as desired, with the approval of the Secretary.*
- *The Staging Plan is intended to broadly describe the development sequence for the site and include a concept design for integrated infrastructure for all stages. It is not required to provide detailed design for latter Stages.*

Services

2. Prior to the issue of any Subdivision Certificate for the Project, the Proponent shall ensure that all civil works for the relevant Stage are completed and that each lot is connected to services, drainage and utilities.

Easements and Rights of Way

3. Prior to the commencement of any construction that affects the land listed below, the Proponent shall obtain written agreement from:
 - (a) the registered owner of Lot 1 DP 534526 to vary or modify the easements set out in Book 3275 No. 440 registered on Folio Identifier 1001/1127780;
 - (b) the registered owner of Lot 1002 DP DP1127780 to vary or modify the easements set out in Book 1884 No. 537 and Book 1930 No. 271; and
 - (c) any other benefitting parties of the easements registered on Folio identifier 1001/1127780 to vary or modify the relevant easements.

All costs associated with the preparation and registration of any covenant or restriction on title, whether directly or indirectly, will be borne solely by the Proponent.

4. Easements for services, drainage, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must:
 - (a) be created over those lots pursuant to the *Conveyancing Act, 1919*; and
 - (b) be to the satisfaction of Council or the Principal Certifying Authority.

Note: Any easements in the easement plan must nominate Council, or other relevant Authority (i.e. HWC, Transgrid) as the authority to release, vary or modify the easement. The form of the easement must be in accordance with Council's standard recitals for terms of easements, or the standard form for easements accepted by Land and Property Information.

5. The Proponent shall maintain a right of way or legal access from Tomago Road to the adjacent PWCS offset land, in consultation with PWCS and to the satisfaction of the Secretary.

FLOODING

Localised Flood Management

6. The Proponent shall not fill a 3 metre wide area along the western boundary of the Site to minimise flooding impacts on adjacent properties, as shown on Figure 1 in Appendix 2.

7. Prior to the commencement of any construction works, the Proponent shall, to the satisfaction of the Secretary:
 - (a) consult with the landowners in Table 1 to agree on the mitigation or compensation measures to be implemented to mitigate flood impacts;
 - (b) implement appropriate mitigation or compensation measures in accordance with Best Practice and commensurate with the Project's direct level of contribution to the increased flood levels at these properties prior to the commencement of construction; and
 - (c) provide a copy of the landowner agreement/s to the Secretary.

If the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution, whose decision shall be final.

Table 1: Flood affected adjacent properties

Lot	DP
44	1109816
45	1109816
13	236073
1	229927
2	229927

Notes:

- To identify the land referred to in Table 1; see Figure 3 in Appendix 2;
- Best practice for calculating compensation is provided in the *Floodplain Risk Management Guideline (Residential Flood Damage)* developed by the NSW Department of Natural Resources, March 2006.

Regional Flood Management

Staged Implementation of Project

8. The Proponent shall not commence construction beyond the area defined as Stage 1 as shown on Figure 1 in Appendix 2, until the Secretary is satisfied that:
 - (a) an appropriately qualified and experienced expert has verified the predicted regional flood level increases for each Stage of the Project, as required under condition 9;
 - (b) the Landowner Consultation Plan required under condition 11 has been prepared and implemented;
 - (c) the Proponent has provided evidence as required under condition 13 of the monetary compensation paid to the landowners of the 'Existing At Risk Properties'; and
 - (d) the Proponent has referred any disputes to the Secretary for resolution as required under condition 14.

Verification

9. The Proponent shall appoint an appropriately qualified and experienced expert to verify, to the satisfaction of the Secretary and in consultation with OEH, Newcastle and Port Stephens Councils, the predicted regional flood level increase for each Stage of the Project, other than Stage 1. The Proponent shall verify any actual or predicted regional flood impacts associated with Stage 1 and each completed and proposed stage to be developed.
10. Where the verification process, including through floor level surveys, establishes that the Project will directly increase flood levels to 'Existing At Risk Properties' during the 1% Annual Exceedance Probability (AEP), the Proponent shall provide monetary compensation to those landowners.

For the purpose of this condition, 'Existing At Risk Properties' are: in the 1% AEP, those habitable buildings which are not currently inundated by flood waters that may become inundated as a direct result of the Project; and habitable buildings which are inundated by flood waters, including the Project's contribution, up to a total of 0.5m in depth.

Consultation

11. The Proponent shall, at least 12 months prior to the commencement of any works beyond Stage 1, prepare and implement a Landowner Consultation Plan to explain the predicted regional flood level increase of each Stage of the Project, other than Stage 1, and the process for compensating landowners for this increase. This plan shall:
 - (a) identify all landowners of the 'Existing At Risk Properties';
 - (b) detail the consultation process to inform landowners of the:
 - i. existing flood levels on their land (utilising Council's Flood Information Certificates);

- ii. incremental flood level increase as a direct result of the Project;
- iii. process for calculating compensation and the timing of payment;
- iv. availability for landowners to consult with the Proponent's representative and the Secretary; and
- v. the dispute resolution process available to landowners.

Compensation

12. The Proponent shall appoint an appropriately qualified and experienced expert approved by the Secretary to calculate the monetary compensation payable to affected landowners in accordance with best practice and commensurate with the Project's level of contribution to increased flood levels.

Notes:

- *Best practice for calculating compensation is provided in the Floodplain Risk Management Guideline (Residential Flood Damage) developed by the NSW Department of Natural Resources, March 2006;*
- *Nothing in this condition requires the Proponent to provide any other form of compensation or mitigation to the affected landowner(s);*
- *Any monetary compensation payable by the Proponent will be provided in a one-off payment only related to each property.*

13. The Proponent shall provide evidence of the monetary compensation paid to the landowners of 'Existing At Risk Properties'.

Dispute Resolution

14. If the Proponent is unable to reach agreement with any landowner, the Proponent or the landowner may refer the matter to the Secretary for resolution whose decision shall be final. The Secretary will endeavour to resolve the dispute within 14 days.

Note: The Secretary may engage an independent expert to assist in resolving any dispute.

Access to Information

15. Prior to the commencement of construction of any Stage of the Project, the Proponent shall provide the results of flood modelling undertaken for the Project to Newcastle and Port Stephens Councils.
16. The Proponent shall provide the results of the flood verification studies, including floor level surveys, required by condition 9 to Newcastle Council, prior to the commencement of construction of each Stage of the Project, other than Stage 1, or prior to any further cumulative flood modelling commissioned by Newcastle Council, whichever is sooner.

Regional Flood Warning System

17. The Proponent shall provide a maximum of \$350,000 in funding to Newcastle City Council for the purposes of further developing and completing the Flood Warning System for Newcastle. The funding shall be used to address certain specific 'Flood Prediction and Warning' actions identified under the Implementation Action Plan of the Newcastle City-Wide Floodplain Risk Management Study and Plan (2012), such as items Wa.2 b) and c) referred to in Table 8-1, to the satisfaction of Newcastle City Council. The Proponent shall provide the funding prior to the commencement of construction of Stage 1 of the Project or as otherwise agreed to by Newcastle City Council.

SOIL

Imported Soil

18. The Proponent shall:
- (a) ensure that only VENM or ENM or other material approved in writing by the EPA is used as fill on 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.
19. Within 1 month of the completion of construction of each Stage of the Project, the Proponent shall provide to Council:
- (a) verification of the compaction from a qualified Geotechnical Engineer and a registered NATA laboratory;
 - (b) a location plan indicating filled areas in relation to road and lot boundaries; and
 - (c) certification of finished levels from a Registered Surveyor

Bunding and Storage of Liquids

20. The Proponent shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

Erosion and Sediment Control

21. The Proponent shall prepare and implement an Erosion and Sediment Control Plan for each Stage of the Project, to the satisfaction of the Secretary. The plan must:
- (a) be submitted to the Secretary for approval at least one month prior to the commencement of construction of each Stage;
 - (b) be consistent with the requirements of Landcom's (2004) *Managing Urban Stormwater: Soils and Construction* or its latest version;
 - (c) describe what measures would be implemented to minimise soil erosion and the transport of sediment downstream, including the location, function and capacity of any erosion and sediment control structures; and
 - (d) describe what measures would be implemented maintain these structures over time.

Acid Sulphate Soils Management

22. The Proponent shall prepare and implement an Acid Sulphate Soils (ASS) Management Plan for each Stage of the Project to the satisfaction of the Secretary. This Plan must:
- (a) be approved by the Secretary prior to the commencement of construction of each Stage;
 - (b) be prepared in consultation with Council by a suitably qualified and experienced expert approved by the Secretary;
 - (c) be prepared in accordance the NSW State Government's *Acid Sulphate Soils Manual* (ASSMAC 1998);
 - (d) detail the protocols to be put in place and followed in the event that ASS is encountered;
 - (e) detail how the ASS will be tested, handled and stockpiled;
 - (f) detail measures to prevent erosion and sedimentation of ASS;
 - (g) include management and monitoring measures, in accordance with DECC's *ASS Remediation Guidelines for Coastal Floodplains in NSW* to ensure acid affected groundwater is not released to the adjacent wetlands;
 - (h) ensure that bunds are constructed in accordance with ASSMAC 1998; and
 - (i) outline how the ASS will be disposed of off-site (e.g. at a licensed facility), if required.

STORMWATER

Discharges

23. The Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Design

24. Prior to the commencement of any construction works, the Proponent shall design and implement a detailed stormwater drainage system to the satisfaction of the Secretary. The stormwater drainage system shall:
- (a) be designed by a suitably qualified and experienced expert approved by the Secretary;
 - (b) be approved by the Secretary prior to the commencement of any construction works;
 - (c) be prepared in consultation with Council, OEH/NPWS and PWCS;
 - (d) be prepared in accordance with Landcom's *Managing Urban Stormwater* and HCCREMS *Water Sensitive Urban Design Solutions for Catchments Above Wetlands*;
 - (e) demonstrate in detail how the system will meet the following design objectives:
 - i. that post development flows will not exceed pre-development flows for a range of average recurrence intervals (ARIs) from 1 year up to and including the 100 year ARI;
 - ii. that the drainage channels have capacity to accommodate post development flows under a range of tidal conditions;
 - iii. that the drainage system adequately conveys flows from the development to avoid nuisance flooding on adjacent land, including details of how this would be verified once operational and the mitigation measures that would be implemented if monitoring demonstrates that neighbouring land is being adversely impacted by altered drainage;
 - iv. that the biofiltration system will be free draining up to the 3 month ARI event, demonstrated using a suitable modelling tool such as MUSIC or equivalent.
 - v. drainage from roadways to be conveyed by a conventional pit and pipe system;
 - (f) adopt best practice Stormwater Quality Improvement Devices (SQIDs) generally in accordance with Water by Design's *Construction and Establishment Guidelines: Swales, Bio-retention Systems and Wetlands*, Council's *Urban Stormwater and Rural Water Quality Management Plan* and ANZECC Guidelines;
 - (g) describe the methods and agreed mechanisms, including detailed plans and contingencies, for controlled release of stormwater to the adjacent wetlands;
 - (h) details of any stormwater treatment and control infrastructure to be maintained, including measures to ensure access is available to any relevant authority; and
 - (i) include results of modelling undertaken to determine the current pre-development dry season flow and low flow discharges (as defined by *WSUD Solutions for Catchments Above Wetlands*, HCCREMS 2007) from the proposed development area into the adjacent wetlands. The model is to be calibrated to include as a minimum the existing groundwater monitoring and stormwater runoff monitoring outlined in the EA.

Maintenance

25. All stormwater and water quality structures shall be dedicated to Council as drainage reserve (excluding the rehabilitated freshwater wetland in the southern part of the Site). Details for dedication to Council shall be approved by Council prior to the issue of a Subdivision Certificate.
26. The Proponent shall maintain all stormwater infrastructure for a period of 5 years following dedication to Council.
27. Operation and maintenance manuals for the stormwater infrastructure shall be prepared and provided to Council prior to dedication of the stormwater infrastructure. The manuals shall be prepared by a suitably qualified expert, in consultation with Council.
28. Prior to the issue of a Subdivision Certificate for each Stage, the Proponent shall undertake a CCTV inspection of a sample of the stormwater system to demonstrate that the standard is acceptable to Council. Any defects identified by inspection are to be repaired to the satisfaction of Council. The areas chosen for inspection shall be determined in consultation with and to the satisfaction of Council.

RAMSAR, SEPP 14 AND RETAINED FRESHWATER WETLANDS

Setbacks to Wetlands

29. The Proponent shall ensure that:
 - (a) a minimum buffer of 380m is maintained between any site works and the RAMSAR listed wetlands, shown on Figure 1 in Appendix 4 as the 'Freshwater Wetland offset area'; and
 - (b) the Swamp Oak Forest EEC located within the site, and shown on Figure 1 in Appendix 4, is retained at all times.

Wetland Management and Monitoring Plan

30. The Proponent shall prepare and implement a Wetland Management and Monitoring Plan prior to the commencement of construction of each Stage of the Project to ensure that the integrity of the RAMSAR, PWCS offset land and Retained Freshwater wetlands are maintained. The Plan shall:
 - (a) be prepared by a suitably qualified and experienced expert approved by the Secretary;
 - (b) be prepared in consultation with the OEH/NPWS, PWCS and NOW and shall be to the satisfaction of the Secretary;
 - (c) be updated prior to commencement of each Stage, unless otherwise agreed by the Secretary;
 - (d) describe how impacts from the Project would be managed to ensure the wetlands are not impacted, such as by alterations to hydrology, flooding, surface and groundwater run-off (including water quality), Acid Sulphate Soils and sedimentation / erosion impacts;
 - (e) consider the hydrological management and monitoring regime as part of Condition 24 of Schedule 3 (Stormwater Drainage System Design);
 - (f) include procedures to maintain appropriate saline and/or freshwater flow regimes to the PWCS offset land, the RAMSAR wetlands and the Retained Freshwater Wetland;
 - (g) include a detailed monitoring program for the quantity and quality of all water to be discharged from the site, including but not limited to the PWCS offset land, the RAMSAR wetlands and the Retained Freshwater Wetland. The program shall provide details on:
 - i. monitoring frequency and duration;
 - ii. consideration of volume discharged during dry season flow and low flow discharges;
 - iii. post-development storage levels in the 'Overflow Wetland Rehabilitation Area';
 - iv. groundwater levels and quality on the site (ie, groundwater level fluctuation, based on seasonal and regular tidal cycles), including regular reviews of water level data to assess trends;
 - (h) describe the relevant impact assessment criteria including trigger levels for investigation of any adverse impacts; and
 - (i) detail a response protocol for any exceedances of the impact assessment criteria, including measures to mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

BIODIVERSITY

Offset Strategy

31. Prior to the commencement of construction works associated with the Project, the Proponent shall implement the biodiversity offset strategy summarised in Table 2 and shown in Appendix 4, to the satisfaction of the Secretary.

Table 2: Biodiversity Offset Strategy

Offset Area	Offset Type	Area (ha)	Location
South-eastern part of the site	Freshwater Wetland EEC	12.5	On-site
Southern boundary of the site	Swamp Oak Forest EEC	3.4	On-site
Southern boundary of the site	Swamp Oak Forest EEC (rehabilitation)	1.1	On-site
Shark Creek (Tindale) Offset (located adjacent to Pine Brush State Forest, north-east of Grafton, NSW)	Paperbark Swamp Forest EEC, Freshwater Wetland EEC, Red Gum - Swamp Box Forest EEC, Swamp Oak Forest EEC and Red Mahogany Forest (Upper NSW North Coast Bioregion)	250.8	Off-site

32. The offset strategy shall be developed and implemented in accordance with:
 - (a) DECC's *Biobanking Assessment Methodology and Credit Calculator Operational Manual*; and
 - (b) OEH's *NSW OEH Interim policy on assessing and offsetting biodiversity impacts of Part 3A, State Significant Development (SSD) and State Significant Infrastructure projects 2011*.
33. Prior to commencement of any construction works the Proponent shall:
 - (a) engage a registered surveyor to survey and permanently mark the boundaries of the offset areas shown in Table 2;
 - (b) submit a survey plan of these boundaries to the Secretary and OEH; and
 - (c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows staff, the landowner and inspecting officers to clearly identify those boundaries.

Long Term Security of Offsets

34. Within 12 months of the date of this approval, the Proponent shall enter into an agreement to secure the offset strategy in perpetuity, to the satisfaction of the OEH and the Secretary. The agreement shall:
 - (a) be either a Conservation Agreement under Part 4, Division 12 of the *National Parks and Wildlife Act 1974*, or a Biobanking Agreement under Part 7A of the *Threatened Species Conservation Act 1995*;
 - (b) provide for the long term protection and conservation of the offset strategy;
 - (c) describe the obligations of the Proponent for protection and enhancement of the areas included in the offset strategy, as required under the conditions of this approval; and
 - (d) ensure protection of the land in perpetuity.

Biodiversity Management Plan

35. The Proponent shall prepare and implement a Biodiversity Management Plan for the Biodiversity Offset Areas shown in Table 2, to the satisfaction of the Secretary. The Plan shall:
 - (a) be prepared by a suitably qualified and experienced expert in consultation with the OEH/NPWS;
 - (b) be approved by the Secretary prior to the commencement of any construction works associated with the Project;
 - (c) detail measures for the protection and enhancement of the areas included in the offset strategy, including measures to rehabilitate retained vegetation and measures to integrate management with the adjacent offset land for the Redlake Enterprise Project (MP 07_0086);
 - (d) include a detailed weed condition map as a baseline from which site rehabilitation/management can be measured;
 - (e) detail how the nest boxes required under Condition 38 will be managed;
 - (f) include a Noxious Weed Management Plan;
 - (g) include pre-clearing fauna surveys and procedures for fauna relocation, to be carried out by an ecologist; and
 - (h) detail reporting procedures.

Nest Boxes

36. Prior to the commencement of any construction works, the Proponent shall install and maintain a minimum of 40 suitably sized nest boxes for micro-chiropteran bats and 20 large sized nest boxes to be attached to trees within the retained Swamp-Oak Forest vegetation in the southern part of the site, as shown on Figure 1 in Appendix 4, or on the adjacent PWCS offset land (with the agreement of PWCS).

ABORIGINAL CULTURAL HERITAGE

Aboriginal Heritage Management Plan

37. The Proponent shall prepare and implement an Aboriginal Heritage Management Plan (AHMP) for the Project to the satisfaction of the Secretary. The Plan must:
- (a) be submitted to the Secretary for approval prior to any surface disturbing work;
 - (b) be prepared by a suitably qualified person in consultation with the OEH and registered Aboriginal parties;
 - (c) set out a strategy to implement the Statement of Commitments relating to Aboriginal cultural heritage, including but not limited to, a protocol to trigger the requirement for a sub-surface investigation of the sites identified in McCardle Cultural Heritage Pty Ltd's *Aboriginal Impact Heritage Assessment* dated July 2012;
 - (d) detail the involvement and responsibilities of all stakeholders, including the registered Aboriginal parties;
 - (e) detail all impact management and mitigation strategies including monitoring programs, further investigations, procedures for recording unexpected or unrecorded sites;
 - (f) include a keeping place agreement for salvaged Aboriginal objects;
 - (g) include a Cultural Awareness Program for all personnel involved in surface disturbing work;
 - (h) describe the procedures for continued consultation with Aboriginal stakeholders; and
 - (i) include contingency procedures should non-compliance with the Plan occur.

Consultation with registered Aboriginal Parties

38. The Proponent must consult with all registered Aboriginal parties in the ongoing management of Aboriginal cultural heritage values of the site. Evidence of this consultation must be collated and submitted to the Secretary.

Aboriginal Site Impact Recording

39. The Proponent must prepare an Aboriginal Site Impact Recording (ASIR) for each Aboriginal site impacted by the Project. The ASIR must be submitted to the Aboriginal Heritage Information Management System Registrar no later than 3 months after the corresponding site is impacted.

Unexpected finds protocols

40. The Proponent must provide fair and reasonable opportunities for registered Aboriginal parties to monitor any initial ground disturbing work within the Low Dune area (Survey Unit 2) of the site. In the event that additional Aboriginal objects are uncovered, the objects must be managed and recorded in accordance with Section 85A and 89A of the *National Parks and Wildlife Act 1974*.
41. If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Regional Operations Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

HERITAGE

Gunner Heritage Park

42. The Proponent shall establish a public park in the area referred to as 'Gunner Heritage Park' as shown on the figure in Appendix 3, at the relevant Stage of the Project, at no cost to Council.
43. The Proponent shall consult with Council and agree on the responsibility for the long-term maintenance of Gunner Heritage Park.

Heritage Management Plan

44. The Proponent shall prepare and implement a Heritage Management Plan for the Project to the satisfaction of the Secretary. The Plan must:
- (a) be submitted to the Secretary for approval prior to the commencement of construction;
 - (b) be prepared by a suitably qualified person in consultation with Council and the Heritage Council;
 - (c) set out a strategy to implement the Statement of Commitments relating to Tomago House and Chapel, and World War Two heritage items;
 - (d) make provision for the appointment of an Excavation Director who satisfies the Heritage Council's *Criteria for the Assessment of Excavation Directors* to direct any excavation relating to the World War Two heritage items;
 - (e) make provision for the appointment of a Conservator who is experienced in in-situ conservation to direct the conservation of heritage fabric that is to be buried;
 - (f) make provisions to prepare and implement a Heritage Interpretation Strategy within 3 years of the commencement of construction; and
 - (g) include the detail of an application under the *Heritage Act 1977* to extend the heritage curtilage for Tomago House and Chapel as shown on the plan in Appendix 6.

Curtilage Management Plan

45. Prior to the construction of any works within 100 metres of the edge of the heritage curtilage area as shown in Appendix 6, the Proponent shall prepare a Curtilage Management Plan in consultation with Council, the National Trust and the Heritage Council. The Plan shall identify appropriate development within the heritage curtilage area identified on the plan in Appendix 6.

Unexpected finds protocol

46. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

TRAFFIC AND TRANSPORT

Intersection Upgrades

47. Prior to the commencement of any construction works, the Proponent shall, to the satisfaction of the Secretary, detail the proposed timing for the construction of the central and western signalised intersections on Tomago Road. In establishing the timing, the Proponent shall:
- (a) conduct detailed traffic analysis including details of existing traffic and future construction traffic for each Stage, in consultation with Council and to the satisfaction of RMS; and
 - (b) consider the development stages as described in the Staging Plan required by Condition 1 of Schedule 3.
48. The Proponent shall design and construct the central and western signalised intersections on Tomago Road in consultation with Council, to the satisfaction of RMS and generally in accordance with:
- i. the intersection layout shown in the EA;
 - ii. *Austroads Guide to Road Design 2009* (with RTA supplements);
 - iii. *RTA's Traffic Signal Design 2008*; and
 - iv. a Works Authorisation Deed with RMS.

Road Works

49. Access for public roads shall comply with section 4.1.3(1) of *Planning for Bush Fire Protection 2006*.
50. Engineering plans for the internal roads, footpath, cycle lanes and other civil works such as street lighting within the road reserve must be prepared and designed by a suitably qualified professional in accordance with Council's *Infrastructure Design Specification – AUS Spec* and the requirements of Council. The plans must be submitted to and approved by Council prior to commencement of construction.
51. Prior to the commencement of any road construction, the Proponent shall demonstrate to the satisfaction of the Secretary that the specific requirements of Council have been addressed.
52. The Proponent shall consult with the local bus companies, prior to the commencement of construction of each Stage to determine the requirement for bus facilities along the Tomago Road site frontage and/or internal to the site. The Proponent shall design and construct any required bus facilities, to the satisfaction of the Secretary, prior to completion of each Stage.

Note: The proposed road widths shall be constructed to allow potential bus routes through the Project precinct.

53. The Proponent shall provide public on-street parking adjacent to Riverside Park and Gunner Heritage Park, to the satisfaction of Council.
54. All road works associated with the Project shall be at no cost to RMS or Council.
55. Where new lots, new public and/or new private roads are created the street address numbers and road names (where relevant) shall be approved by Council in accordance with Council's *Road Naming Policy* and application form. Road names shall be included on the final plan of subdivision.
56. Details of lot and street addressing shall be submitted to Council's GIS Services Team and approved prior to application for any Subdivision Certificate.

Construction Traffic Management Plan

57. The Proponent shall prepare and implement a Construction Traffic Management Plan for each Stage of the Project. The Plan shall:
- be prepared by a suitably qualified expert in consultation with Council and the RMS, and be approved by the Secretary prior to the commencement of construction of each Stage of the Project;
 - include a Vehicle Movement Plan and a Traffic Control Plan;
 - provide details of the construction traffic routes which have been agreed to with Council and proposed access arrangements;
 - include a Driver Code of Conduct that details the traffic management measures to be implemented during construction and operation to:
 - minimise the impacts of the Project on the local and regional road network;
 - minimise conflicts with other road users; and
 - ensure truck drivers use those routes specified in the EA.
 - describes the measures that will be implemented to ensure:
 - the nominated heavy vehicle route is used;
 - drivers adhere to the code of conduct; and
 - compliance with the relevant conditions of this approval.
 - include a program to monitor the effectiveness of these measures; and
 - if necessary, detail procedures for notifying residents of any potential disruptions to routes and access.

Roads

58. Prior to the commencement of construction of any roads on Site, the Proponent shall provide Council with detailed civil construction plans in a suitable format and to the satisfaction of Council.
59. On completion of construction of any roads on Site, the Proponent shall provide works-as-executed plans to Council and/or RMS, in a format specified by Council and to the satisfaction of Council.

NOISE

Limits

60. The Proponent shall ensure that the noise generated by the Project does not exceed the criteria in Table 3.

Table 3: Construction Noise Criteria(dB(A))

Location	Day
	L _{Aeq} (15 min)
At any residence or other noise sensitive receiver	58
Tomago House when functions are taking place	40

Notes:

- The Proponent shall consult with Tomago House to ensure that works do not adversely impact functions held at the premises.
- Noise generated by the Project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Hours of Work

61. The Proponent shall comply with the construction hours detailed in Table 4, unless otherwise agreed to in writing by the Secretary.

Table 4: Construction Hours

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday – within the Construction Noise Management Area	8:00am to 1:00pm
	Saturday – all other areas	8:00am to 6:00pm
	Sunday and Public Holidays	Nil

Construction Noise Management Plan

62. The Proponent shall prepare and implement a Construction Noise Management Plan (CNMP) with a particular focus on management of construction activities being carried out within the "Construction Noise Management Areas" identified in Appendix 5. The CNMP shall be prepared to the satisfaction of the Secretary. The plan must:
- (a) be prepared and implemented by a suitably qualified and experienced person whose appointment has been approved by the Secretary;
 - (b) be submitted for approval by the Secretary prior to commencement of construction; and
 - (c) describe the measures that will be implemented to ensure:
 - i. best management practice is being employed on site; and
 - ii. the noise impacts of the Project are minimised during any meteorological conditions when the noise criteria in this approval do not apply;
 - iii. compliance with the relevant conditions of this approval; and
 - iv. include a protocol to monitor and manage construction noise impacts on Tomago House when functions are being held at the premises, to be prepared in consultation with the National Trust (refer also to Condition 60).

AIR QUALITY

63. The Proponent shall carry out all reasonable and feasible mitigation and management measures to minimise dust generated by the Project, including the use of a water cart(s). These measures shall be described in the Construction Environmental Management Plan required by Condition 1 Schedule 4.
64. During construction, the Proponent shall ensure that:
- (a) all trucks entering or leaving the site with loads have their loads covered;
 - (b) trucks associated with the Project do not track dirt onto the public road network; and
 - (c) public roads used by these trucks are kept clean.

Land Stabilisation Works

65. The Proponent shall:
- (a) carry out land stabilisation works progressively, that is, as soon as practicable following delivery of fill material during each Stage; and
 - (b) fully stabilise all of the land surface within each Stage upon completion of each Stage, to the satisfaction of the Secretary.

Tomago Aluminium Company Buffer Zone

66. The Proponent shall ensure that the requirements of the Tomago Aluminium Company (TAC) Buffer Zone established by DA 4908/90 are implemented with respect to the type of industries permitted on the site, to the satisfaction of the Secretary.

CONTAMINATION

Remediation Action Plan

67. Prior to undertaking any construction works the Proponent shall remediate the site in accordance with the EA, to the satisfaction of the Secretary.
68. The Proponent must prepare a Remediation Action Plan (RAP) prior to the commencement of any remediation work. The RAP must be endorsed by a suitably qualified expert and:
- (a) identify the nature and extent of contamination on the site;
 - (b) justify validation criteria for the remediation of the site;
 - (c) include a remediation strategy;
 - (d) set out the timing and staging of all remediation work; and
 - (e) include a site validation plan.

Asbestos Removal

69. The Proponent shall implement procedures to identify and handle asbestos waste. These procedures should be in accordance with National Occupational Health and Safety Commission (Safe Work Australia's) *Code of Practice & Guidance Notes for the Management & Control of Asbestos in Work Places*, relevant guidelines and legislation from WorkCover NSW and the POEO Regulation.

Validation Report

70. Prior to commencing construction or importing any fill material to the site, the Proponent shall prepare and submit to the Secretary a Validation Report for the corresponding Stage. The Validation Report must be endorsed by a suitably qualified expert and include:
- (a) a description of the extent and nature of the remediation carried out for the Stage;
 - (b) the results of validation sampling; and
 - (c) a statement that the remediated areas are suitable for the intended land use.

LANDSCAPING

Landscape Master Plan

71. The Proponent must revise the Landscape Master Plan, dated 20 August 2012 and prepared by Terras Landscape Architects in consultation with Council and the National Trust to the satisfaction of the Secretary prior to the commencement of construction. The revised Landscape Master Plan must specify:
- (a) early planting of advanced plants:
 - i. within the Tomago House buffer zone shown in Appendix 5; and
 - ii. along the northern and western site boundaries, where practical, to minimise the visual impacts of the Project;
 - (b) predominantly endemic species; and
 - (c) landscape maintenance.
72. The Proponent must implement the revised Landscape Master Plan, to the satisfaction of Council.

UTILITIES

73. Water, electricity and gas services must comply with section 4.1.3 *Planning for Bush Fire Protection 2006*.
74. Prior to the issue of any subdivision certificate for the Project, the Proponent must provide documentary evidence to Council from the relevant service authorities demonstrating that satisfactory arrangements have been made for the supply (including any necessary easements) of electricity, water and sewerage services to the subdivision.

WASTE

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

SCHEDULE 4
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

1. The Proponent shall prepare and implement a Construction Environmental Management Plan for each Stage of the Project, to the satisfaction of the Secretary. The Plan must:
 - (a) be approved in writing by the Secretary prior to the commencement of each Stage of the Project;
 - (b) identify the statutory consents and approvals that apply to the Stage;
 - (c) provide the strategic framework for environmental management of the Stage;
 - (d) consolidate all relevant management plans and monitoring programs required in the conditions of approval;
 - (e) describe the environmental management practices and procedures to be followed during construction works associated with the Stage;
 - (f) describe all activities to be undertaken on the site during construction of the Stage and how this relates to other Stages;
 - (g) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - (h) describe the roles and responsibilities for all relevant employees involved in construction works associated with the Stage; and
 - (i) include arrangements for community consultation, procedures for disputes, complaints handling, non-compliances, incidents and emergencies.

Management Plan Requirements

2. The Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - i. the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - ii. any relevant limits or performance measures/criteria; and
 - iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Project or any management measures;
 - (c) a description of the measures that will be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - i. impacts and environmental performance of the Project; and
 - ii. effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the Project over time;
 - (g) a protocol for managing and reporting any:
 - i. incidents;
 - ii. complaints;
 - iii. non-compliances with statutory requirements; and
 - iv. exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Revision of Strategies, Plans & Programs

3. Within 3 months of the submission of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or annual reports required under this approval, the Proponent shall:
 - (a) provide a copy of the relevant documents/data to the relevant agencies; and
 - (b) make the documents publicly available in an appropriate electronic format on the Proponent's web site, should one exist. If a web site does not exist, the documents are to be made available upon request.

REPORTING

Incident Reporting

4. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Secretary and any other relevant agencies of the incident.

5. Within 7 days of the detection of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident.

Annual Reporting

6. Within 12 months of the commencement of construction of Stage 1 and annually thereafter, unless the Secretary agrees otherwise, the Proponent shall submit an Annual Report (AR) to the Secretary and relevant agencies. The AR shall:
 - (a) be conducted by a suitably qualified and independent team, including specialists in flooding, drainage and wetland management, whose appointment has been endorsed by the Secretary;
 - (b) be submitted within 3 months of the period being assessed by the AR;
 - (c) identify the standards and performance measures that apply to the Project;
 - (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (e) include a summary of the monitoring results for the Project during the past year;
 - (f) include an analysis of these monitoring results against the relevant:
 - i. impact assessment criteria;
 - ii. monitoring results from previous years; and
 - iii. predictions in the EA;
 - (g) identify any trends in the monitoring results over the life of the Project;
 - (h) identify any discrepancies between the predicted and actual impacts of the Project, and analyse the potential cause of any significant discrepancies;
 - (i) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; and
 - (j) identify continuous improvement measures.

AUDITING

Compliance Audit

7. Within one month of the completion of construction of each Stage, the Proponent shall submit works as executed plans to the Department for all development associated with the Stage. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.
8. The Secretary may require an update on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the reasonable requirements of the Secretary and be submitted within such period as the Secretary may agree.

ACCESS TO INFORMATION

9. The Proponent shall:
 - (a) make the following information publicly available on its website:
 - i. the EA/RTS;
 - ii. current statutory consents and approvals for the Project;
 - iii. approved strategies, plans or programs;
 - iv. a summary of the monitoring results of the Project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval;
 - v. a complaints register, updated on a quarterly basis;
 - vi. copies of annual reports (over the last 5 years);
 - vii. any other matter required by the Secretary; and
 - (b) keep this information up-to-date, to the satisfaction of the Secretary.

APPENDIX 1
PROPONENT'S STATEMENT OF COMMITMENTS

APPENDIX 2: SITE PLANS

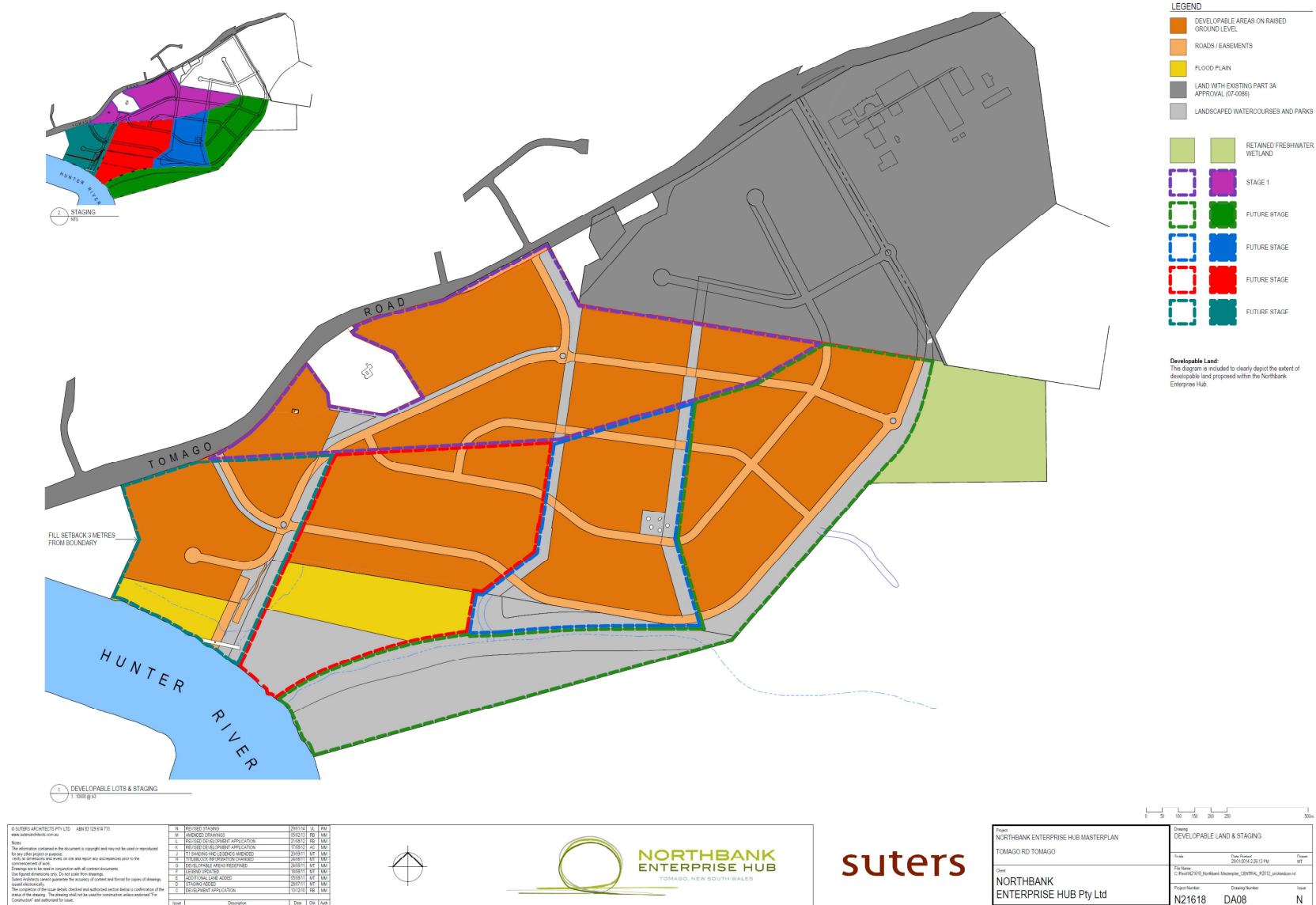


Figure 1: Project Stages (Stage 1 shown by purple dotted line)



Figure 2: Site Layout and Intersections



Figure 3: Flood affected adjacent properties (western site boundary)

APPENDIX 3 GUNNER HERITAGE PARK



APPENDIX 4 OFFSET AREAS

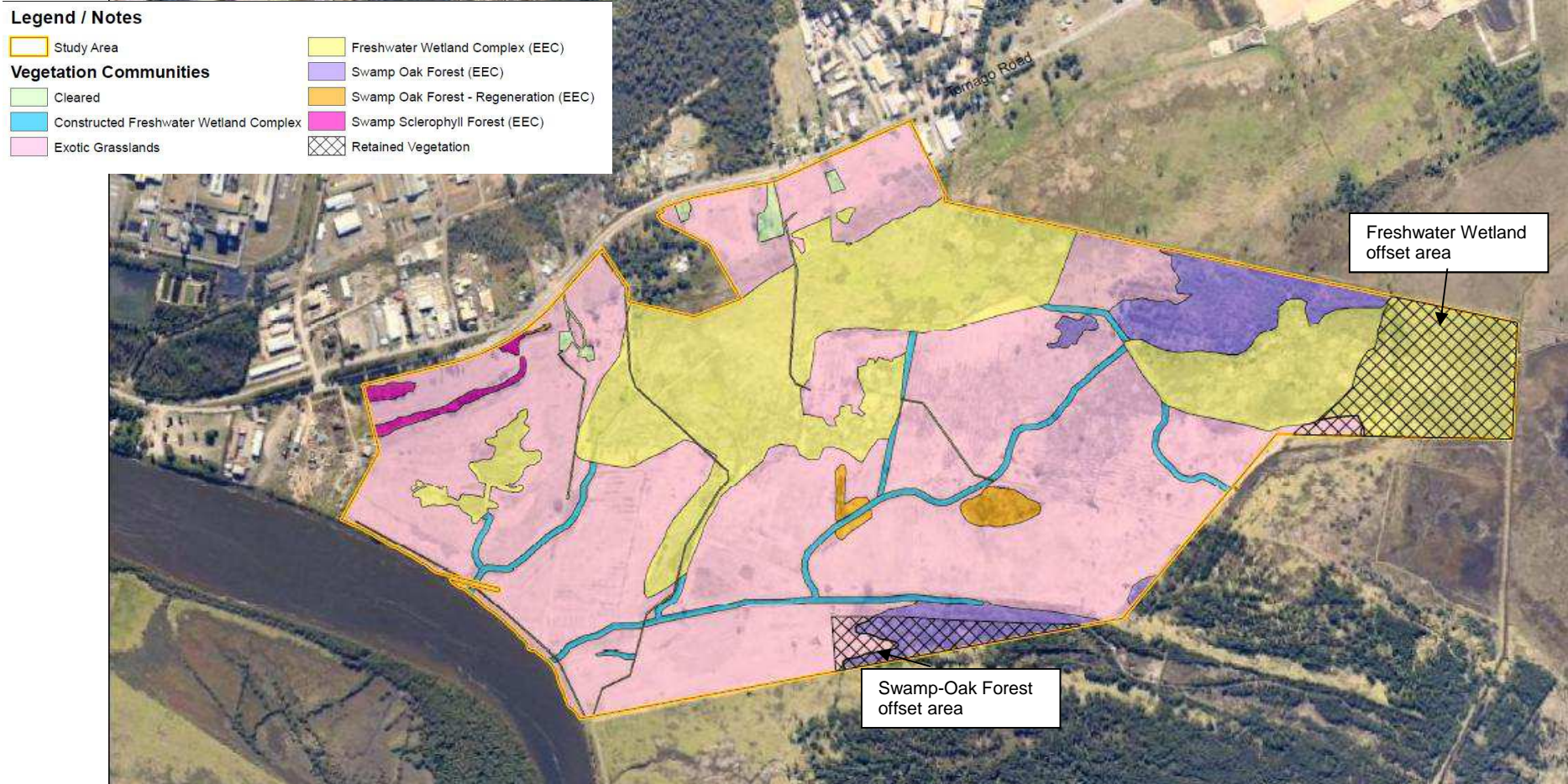


Figure 1: Offset area – 12.5 hectares of Freshwater Wetland and 3.4 hectares of Swamp-Oak Forest (on-site)

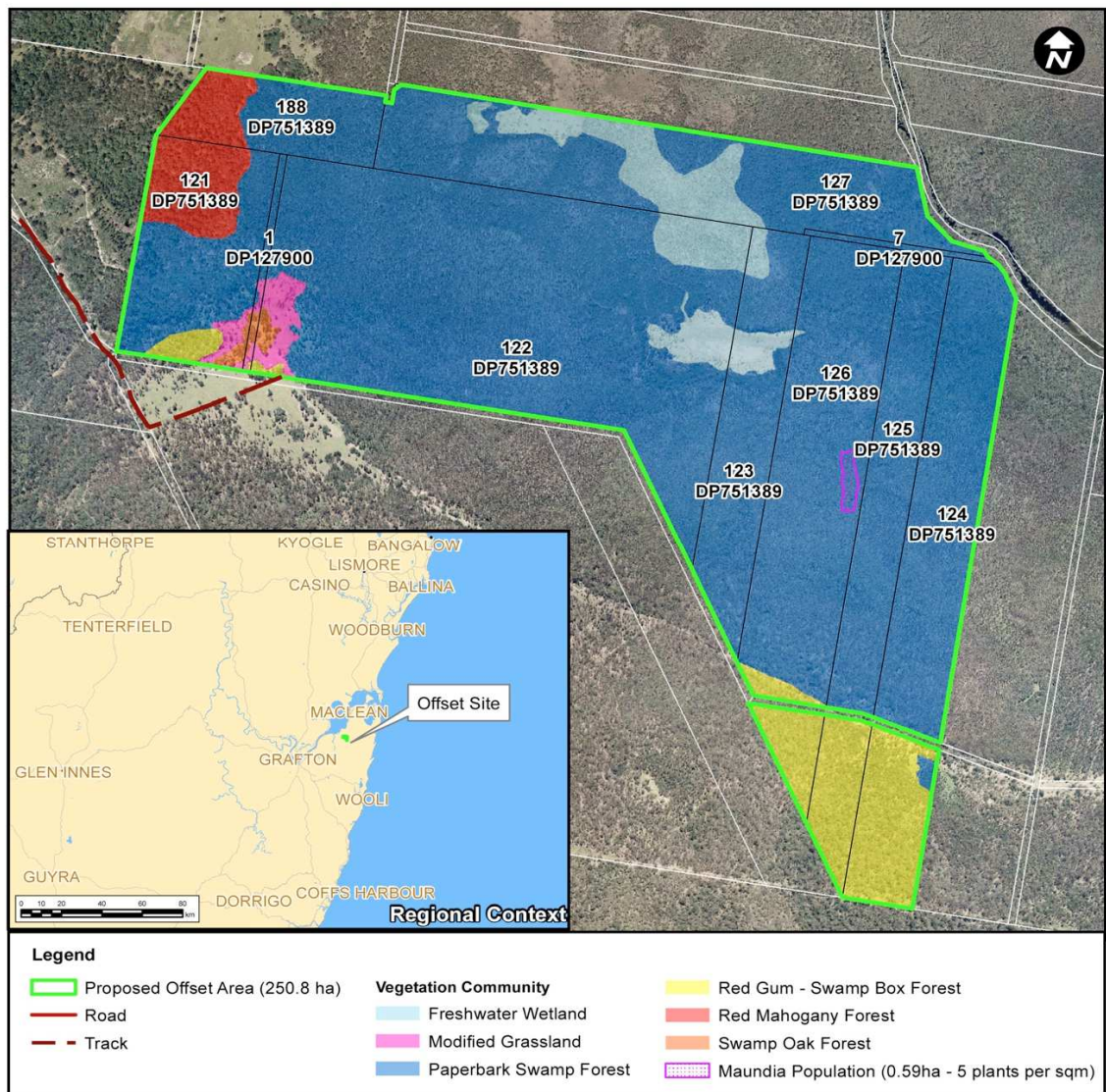
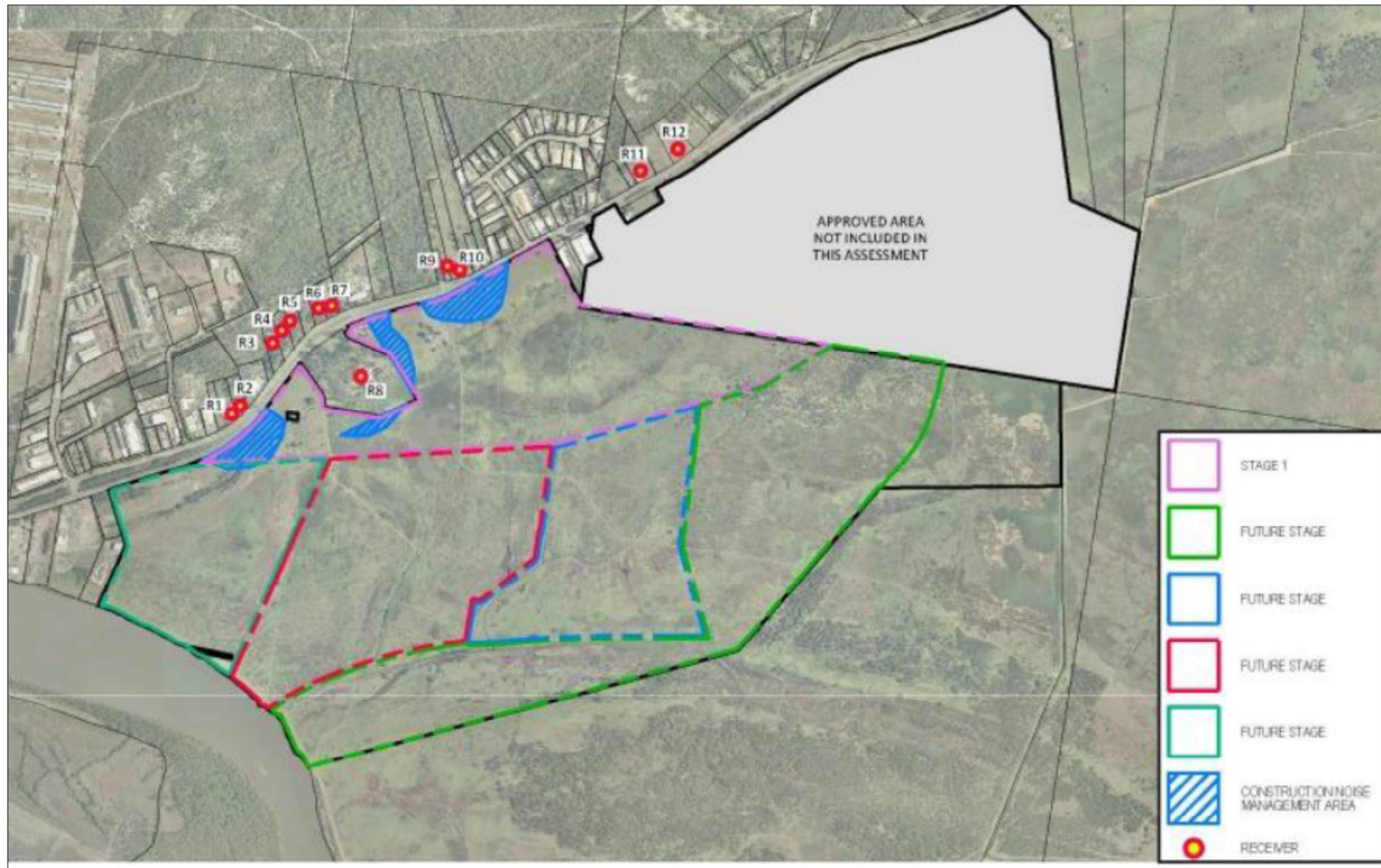


Figure 2: Offset area – 250 hectares, located adjacent to Pine Brush State Forest, north-east of Grafton NSW (off-site)

APPENDIX 5 CONSTRUCTION NOISE MANAGEMENT AREAS



APPENDIX 6
GREEN BUFFER AND EXTENDED HERITAGE CURTILAGE OF TOMAGO HOUSE, CHAPEL AND STABLES

