

Activity Approval

Section 115B of the *Environmental Planning & Assessment Act 1979*

1. I, the Minister for Infrastructure and Planning approve under s.115B of the *Environmental Planning and Assessment Act 1997* the Activity referred to in Schedule 1, subject to the conditions in Schedule 2.



Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Dated this

24th

day of

September

2004

G91/00641

SCHEDULE 1: DESCRIPTION OF ACTIVITY

The Activity is the Pacific Highway Upgrade Coopernook to Moorland as described in the:

1. environmental impact statement (EIS) for the Pacific Highway Upgrade Coopernook to Moorland prepared by Connell Wagner Pty Ltd, dated February 2000; as modified by the
2. Representations Report for the Coopernook to Moorland Upgrade prepared by the Roads and Traffic Authority dated January 2001; as modified by the
3. Roads and Traffic Authority letter to the Department of Infrastructure, Planning and Natural Resources dated 16 July 2003, referenced "Pacific Highway Upgrading Program. Coopernook to Moorland Project. Comments on draft Condition of Approval No. 22".

SCHEDULE 2: CONDITIONS OF APPROVAL – PACIFIC HIGHWAY UPGRADE COOPERNOOK TO MOORLAND

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DEFINITIONS

Activity	The activity described in Schedule 1 of the Approval.
Approved Activity Area	The footprint of the Activity covered by the Conditions of Approval.
Conditions of Approval	The Minister's Conditions of Approval for the Activity
Construction	All work but does not include survey, acquisitions, fencing, test drilling/test excavations, building/road dilapidation surveys, minor clearing (except where endangered ecological communities or threatened flora or fauna species would be affected), establishing site compounds (in locations meeting the criteria of the Conditions of Approval), or other activities certified by the EMR to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc.).
Department, the	Department of Infrastructure, Planning and Natural Resources
Directly Affected Landowner	Property owner identified in either or all the EIS, Representations Report or CEMP to require a mitigation measure to ameliorate an identified impact to their property.
Director-General, the	Director-General of the Department or delegate
Director-General's Agreement	The phrase "agreed to by the Director-General" in these Conditions of Approval means provision of written advice from the Director-General.
Director-General's Approval	A written approval from the Director-General (or delegate). Where the Director-General's approval is required under a Condition of Approval the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
Director-General's Report	The report of the Director-General of the Department
EIS	Environmental Impact Statement (EIS) <i>Pacific Highway Upgrade Cooperook to Moorland</i> prepared for the RTA by Connell Wagner and dated February 2000.
Minister, the	Minister for Infrastructure and Planning
Operation	Means the Operation of the Activity, but does not include commissioning trials of equipment or temporary use of parts of the Activity during Construction.

Proponent	Roads and Traffic Authority
Publicly available	Easily accessed by a member of the general public (for example available on request at a display centre)
Reasonable and feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
Relevant Councils	Greater Taree City Council
Relevant Government Department.	These are to be identified by the Proponent. They will generally be selected from NSW Agriculture, the DEC, NSW Fisheries, the Heritage Office, the DIPNR and the NPWS.
Representations Report	<i>Representations Report Coopernook to Moorland Upgrade</i> prepared by RTA Environmental Technology for the RTA and dated January 2001
River	Has the meaning given under the <i>Water Management Act 2002</i> . In summary this is “any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved”.
Sensitive Receiver	Residence, school, health care facility (e.g. nursing home, hospital) and religious facility (e.g. church)
Structure	Any fixed, artificial object including residences, farm sheds, fences, dams, cable support structures, etc.

The following acronyms and abbreviations are used in this section:

ANZECC	Australian and New Zealand Environment and Conservation Council
ARI	Average Recurrence Interval
ASS	Acid Sulfate Soils
CEMP	Construction Environmental Management Plan
CLG	Community Liaison Group
dB(A)	Decibel, "A" weighted scale
DEC	Department of Environment and Conservation
DIPNR	Department of Infrastructure, Planning and Natural Resources
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMR	Environmental Management Representative
EP& A Act	Environmental Planning and Assessment Act 1979
GTCC	Greater Taree City Council
LALC	Local Aboriginal Land Council
L _{A90}	The noise level exceeded for 90% of a monitoring period, also referred to as the background noise level
L _{Aeq 9hour}	Equivalent continuous (constant) sound level over a 9 hour period from 10pm to 7am
L _{Aeq (15 hour)}	Equivalent continuous (constant) sound level over a 15 hour period from 7am to 10pm
L _{Aeq (15 mins)}	Equivalent sound pressure level over a 15 minute interval
L _{A1(1 minute)}	Sound pressure level exceeded for 1 per cent of the time measured over a 1 minute interval
L _{A10 (15 mins)}	Sound pressure level exceeded for 10 per cent of the time over a 15 minute period
NPWS	National Parks and Wildlife Service
NVMP	Construction Noise and Vibration Management Sub Plan
OEMP	Operation Environmental Management Plan
PAD	Potential Archaeological Deposit
RTA	Roads and Traffic Authority

ADMINISTRATIVE

General

1. The Activity must be carried out consistent with the:
 - (a) procedures, safeguards and mitigation measures identified in the EIS as modified by the Representations Report;
 - (b) these Conditions.

These Conditions prevail in the event of any inconsistency with the requirements for the Construction and Operation of the Activity arising out of the documents described in (a) above.

These conditions do not relieve the Proponent of the obligation to obtain all other approvals and licences from all relevant authorities required under any other Act. The Proponent must comply with the terms and conditions of such approvals and licences.

2. The Proponent may elect to construct the Activity in separate construction contracts provided these are consistent with the approved Activity. Where separate construction contracts are proposed, the Proponent must submit a Staging Report to the Director-General at least four weeks before Construction commences (or within any other time agreed to by the Director-General). The Staging Report must:
 - (a) describe the construction contracts; and
 - (b) identify how the Conditions of Approval will be addressed in each construction contract.

Compliance

General

3. The Proponent must notify in writing the Director-General, relevant government departments and GTCC of the Activity's Construction commencement and also the Activity's Operation. Notification of these activities must be provided at least four weeks before the relevant commencement date unless otherwise agreed to by the Director-General.
4. It is the responsibility of the Proponent to ensure compliance with all Conditions of Approval and to implement any measures arising from the Conditions of Approval.
5. The Proponent must comply with any requirements of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted to satisfy these Conditions of Approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Pre-Construction Compliance Report

6. The Proponent must submit a *Pre-Construction Compliance Report* to the Director-General at least four weeks (or within any other time agreed to by the Director-General) before Construction commences.

The *Pre-Construction Compliance Report* must include:

- (a) details of how the conditions required to be addressed before Construction were complied with;
- (b) the time when each condition was complied with. This may include dates of submissions of any required reports and/or approval dates;
- (c) details of any approvals or licences issued by relevant government departments.

Pre-Operation Compliance Report

7. The Proponent must submit a *Pre-Operation Compliance Report* to the Director-General at least four weeks (or within any other time agreed to by the Director-General) before Operation commences.

The *Pre-Operation Compliance Report* must include:

- (a) details of how the conditions required to be addressed before Operation were complied with;
- (b) the time when each condition was complied with. This may include dates of submissions of any required reports and/or approval dates;
- (c) details of any approvals or licences issued by relevant government departments.

Construction Compliance Reports

8. The Proponent must provide the Director-General, Relevant Councils and any other government department nominated by the Director-General with Construction Compliance Reports. The EMR must review the Construction Compliance Reports before they are submitted to the Director-General and bring to the Director-General's attention any errors.

The first Construction Compliance Report must be submitted a maximum six months after Construction commences and subsequent reports at intervals of a maximum six months (or at any other time interval agreed to by the Director-General) for the duration of Construction.

The Construction Compliance Reports must include information on:

- (a) compliance with the CEMP and the Conditions of Approval;
- (b) compliance with any approvals or licences issued by Relevant Government Departments for the Construction phase of the Activity;
- (c) the implementation and effectiveness of environmental controls. The assessment of effectiveness should be based on a comparison of actual impacts against identified performance criteria;
- (d) environmental monitoring results, presented as a results summary and analysis;
- (e) the number and details of any complaints, including a summary of main areas of complaint, action taken, response given and intended strategies to reduce complaints of a similar nature;

- (f) details of any review and amendments to the CEMP resulting from Construction during the six months; and
- (g) any other matter relating to compliance with the Conditions of Approval or as requested by the Director-General.

The Construction Compliance Reports must also be made Publicly Available.

Environmental Impact Audits

Environmental Impact Audit Report - Construction

9. An *Environmental Impact Audit Report - Construction* must be prepared and submitted to the Director-General a maximum three months after commissioning the Activity. The Report must also be submitted to any other relevant government department upon the request of the Director-General. The Report must:
- (a) identify the major environmental controls used during Construction and assess their effectiveness;
 - (b) summarise the main management plans and processes implemented during Construction and assess the effectiveness of the outcomes;
 - (c) identify any innovations in construction methodology used to improve environmental management; and
 - (d) discuss the lessons learnt during Construction, including recommendations for future projects.

Environmental Impact Audit Report - Operation

10. An *Environmental Impact Audit Report - Operation* must be submitted to the Director-General a maximum 24 months after commissioning the Activity and at any additional periods that the Director-General may require. The Report must also be submitted to relevant government departments upon the request of the Director-General.

The Report must:

- (a) be certified by an independent person at the Proponent's expense. The certifier must be advised to the Director-General before the Environmental Impact Audit Report – Operation is prepared;
- (b) compare the Operation impact predictions made in the EIS, Representations Report and any supplementary studies with the actual impacts;
- (c) assess the suitability of implemented mitigation measures and safeguards;
- (d) assess compliance with the systems for Operation maintenance and monitoring;
- (e) discuss the results of consultation with the local community particularly any feedback or complaints; and
- (f) be made Publicly Available.

The Proponent must comply with all requirements of the Director-General concerning any measure arising from, or recommendations in, the Report.

Environmental Management Representative

11. The Proponent must request the Director-General's approval for the appointment of an Environmental Management Representative (EMR) at least three months before Construction commences (or within any other time agreed to by the Director-General). In its request the Proponent must provide the following information, the:
 - (a) qualifications and experience of the EMR including demonstration of general compliance with AS/NZS ISO 14012:1996 *Guidelines for Environmental Auditing : Qualification Criteria for Environmental Auditors* (or update);
 - (b) role and responsibility of the EMR;
 - (c) authority and independence (from the Proponent or its contractors) of the EMR including details of the Proponent's internal reporting structure; and
 - (d) resourcing of the EMR role. The EMR must be available:
 - i for sufficient time to undertake the EMR role This timing shall be agreed between the Proponent and the EMR and advised to the Department in the request for approval;
 - ii at any other time requested by the Department; and
 - iii during any Construction activities identified in the CEMP to require the EMR's attendance.
12. The Director-General may at anytime immediately revoke the approval of an EMR appointment by providing written notice to the Proponent. Interim arrangements for EMR responsibility following the cancellation notice must be agreed in writing between the Department and the Proponent.
13. The Department may at anytime conduct an audit of any actions undertaken by the EMR and any approvals issued by the EMR. The Proponent:
 - (a) must facilitate and assist the Department in any such audit; and
 - (b) ensure that this requirement is included as a condition in the appointment of the EMR.
14. The EMR is authorised to:
 - (a) consider and advise the Department and the Proponent on matters specified in these Conditions of Approval and compliance with such;
 - (b) certify that work does not fall within the definition of Construction where clarification is requested by the Proponent;
 - (c) certify the CEMP;
 - (d) certify the OEMP;
 - (e) review the Proponent's induction and training program for all Construction personnel and monitor its implementation;
 - (f) periodically monitor the Proponent's activities to evaluate the compliance of Construction activities with the CEMP. Periodic monitoring must involve site inspections of active work sites at least fortnightly;
 - (g) provide a written report to the Proponent of non-conformances with the CEMP. Non conformances must be managed as identified in the CEMP;
 - (h) direct the Proponent to stop work immediately if, in the view of the EMR, an unacceptable impact on the environment is occurring or is likely to occur. The stop work direction may

be limited to specific activities causing an impact if the EMR can easily identify those activities. The EMR may also require that the Proponent initiate reasonable actions to avoid or minimise adverse impacts;

- (i) review corrective and preventative actions to ensure the implementation of recommendations made from audits and site inspections; and
- (j) certify that minor revisions to the CEMP are consistent with the approved CEMP; and
- (k) provide regular (as agreed with the Department) reports to the Department on matters relevant to the carrying out the EMR role including notifying the Director-General of any stop work notices.

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

COMMUNICATION AND CONSULTATION

Advertisement of Activities

15. Before Construction commences, and then at maximum three monthly intervals, the Proponent must advertise in relevant newspapers the: nature of the works proposed for the next three months; areas in which these works are proposed; Construction hours; and a contact telephone number.

The Proponent must ensure that the local community and businesses are advised (by means such as newsletters, leaflets, newspaper advertisements, community notice boards, etc.) of the Activity's progress. Information to be provided must include:

- (a) details of any traffic disruptions and controls;
 - (b) construction of temporary detours; and
 - (c) work approved to be undertaken outside the normal Construction hours, in particular noisy works, before such works are undertaken.
16. The Proponent must establish an Activity internet site before Construction commences and maintain the internet site a maximum 12 months after the Activity commences Operation. This internet site must contain:
- (a) periodic updates of work progress, consultation activities and a planned work schedules. The site must indicate the date of the last update and the frequency of the internet site updates;
 - (b) a description of relevant approval authorities and their areas of responsibility;
 - (c) a list of reports and plans that are publicly available under this Approval and the executive summaries of those reports;
 - (d) contact names and phone numbers of the Activity communications staff; and
 - (e) the 24 hour toll-free complaints contact telephone number.

Updates of work progress, construction activities and planned work schedules must be provided where significant changes in noise or traffic impacts are expected.

Community Liaison Group

17. A Community Liaison Group (CLG) must be formed and hold its first meeting before Construction commences. The CLG must be formed and operate in a manner consistent with the Guidelines provided in Attachment 1. It should include the EMR, representatives from the Proponent and its contractor, relevant community and business groups, community representatives and GTCC. The Director-General must be advised of the CLG membership following its formation.

Issues for discussion may include, but not be limited to detailed design, the construction environmental management plan and associated sub plans, Construction activities and any other issue considered relevant by the CLG.

The CLG may make comments and recommendations about the design and implementation of the Activity, which must be considered by the Proponent. The Proponent must report back to the CLG on its considerations. In the event of any dispute between the CLG and the Proponent, the Proponent's decision shall be considered final provided it is consistent with these Conditions of Approval.

Complaints Management System

18. The Proponent must implement a Complaints Management System before Construction commences. The System must include:
 - (a) the name and contact details of the person(s) responsible for implementing and maintaining the Complaints Management System;
 - (b) adequate resources including people, communication facilities, transport etc.;
 - (c) a 24 hour, toll free telephone number listed with a telephone company and advertised. This telephone number must enable any member of the public to reach a person who can arrange a response to their complaint;
 - (d) a system to receive, log, track and respond to complaints within the specified timeframe. When a complaint cannot be responded to immediately, a follow-up verbal response on what action is proposed must be provided to the complainant within two hours during night-time works and 24 hours at other times;
 - (e) a process for the provision of a written response to the complainant within 10 days, if the complaint cannot be resolved by the initial or follow-up verbal response;
 - (f) a mediation system for complaints that are unable to be resolved. Where external or independent mediation is required, the mediator must be approved by the Director-General.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation, must be included in the six-monthly *Construction Compliance Report* and must be made available to the Director-General on request.

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

19. A Construction Environmental Management Plan (CEMP) must be prepared and implemented in accordance with the Conditions of Approval, all relevant Acts and Regulations and accepted best practice management procedures. The Proponent must obtain the Director-General's Approval for the CEMP before Construction commences or within any other time agreed to by the Director-

General. The CEMP must be certified by the EMR to comply with the Conditions of Approval before the Proponent seeks the Director-General's approval for the CEMP.

The CEMP must:

- (a) identify the Construction activities associated with all Construction sites, including staging and timing of the proposed works;
- (b) cover any relevant environmental elements identified by the Proponent, or its contractor, from their environmental due diligence investigations;
- (c) contain the Construction Sub Plans required by the Conditions of Approval;
- (d) be prepared following consultation with relevant government departments and GTCC;
- (e) be publicly available;
- (f) include a community consultation and notification strategy (including local community, Relevant Government Departments, GTCC), and complaint handling procedures;
- (g) include environmental management details such as:
 - i identification of statutory obligations which the Proponent is required to fulfil during Construction, including all approvals and licences;
 - ii an environmental management structure indicating the responsibility, authority and accountability for personnel relevant to the CEMP;
 - iii the role of the EMR;
 - iv details of the Construction personnel induction and training program;
 - v emergency response procedures;
- (h) include implementation details such as:
 - i identification of relevant environmental elements;
 - ii measures to avoid and/or control environmental impacts;
 - iii the tools to be used to implement the CEMP such as plans, schedules and work instructions;
- (i) include monitoring and review details such as:
 - i performance monitoring methods for all environmental elements;
 - ii auditing and corrective actions procedures;
 - iii CEMP review procedures.

The Proponent must ensure that the mitigation measures identified in the EIS, Representations Report and in these Conditions are incorporated into the CEMP.

Operation Environmental Management Plan

20. The Proponent must ensure that systems for Operation maintenance and monitoring are in place before opening the Activity to traffic. Those systems must be subject to consultation with relevant government departments and GTCC. The systems must be consistent with the Conditions of this Approval, all relevant Sub Plans, all relevant Acts and Regulations and accepted best practice management. The Proponent must obtain the approval of the Director-General for the systems before Operation commences or within any other time agreed to by the Director-General. The systems must be certified by the EMR to comply with the Conditions of Approval before the Proponent seeks the Director-General's approval.

The systems must address at least the following:

- (a) identification of the statutory and other obligations which the Proponent is required to fulfil, including all licences/approvals and consultations/agreements required from authorities

- and other stakeholders, and key legislation and policies which control the Proponent's Operation of the Activity;
- (b) identification of parameters to be monitored during Operation of the Activity which have the potential for cumulative effects to occur;
 - (c) monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental performance of the Activity during its Operation, including description of potential site impacts, performance criteria, specific tests and monitoring requirements, protocols (eg. frequency and location) and procedures to follow;
 - (d) steps the Proponent intends to take to ensure compliance with all plans and procedures. For example, in the event of a spill, how the Proponent shall ensure that all material spilled is removed as soon as practicable and within at least 24 hours;
 - (e) consultation requirements, including relevant government agencies, the local community and Councils, and complaints handling procedures; and
 - (f) strategies for managing the main environmental impacts including, but not limited to: noise; water quality; erosion and sedimentation; access and traffic; waste/resource management/removal/disposal; hydrology and flooding; visual screening; landscaping and rehabilitation; hazards and risks; and energy use, resource use and recycling.

Specific requirements for some of the main environmental system elements referred to in (f) must be as detailed under the Conditions of this approval and/or as required under any licence or approval. The arrangements must be publicly available.

SOCIAL AND ECONOMIC ISSUES

Economic Impacts

21. Before Construction commences, the proponent must initiate consultations with the CLG and GTCC to develop appropriate signage and treatment for Pacific Highway traffic on three "gateway" points: the junctions of the old and new highway to the north and south of Moorland South; and at the intersection of Hannam Vale Road with the highway. The signage policy must be developed to minimise the economic impact of the bypass by indicating the range of services available in Moorland South and Moorland North, taking into account the RTA's standard signposting policy.

Property and Land Use

22. Subject to landowner agreement, building condition surveys must be conducted on all structures within:
- (a) 300 metres of blasting;
 - (b) 50 metres of Construction activities that generate vibration impacts; or
 - (c) any other criteria nominated by the EMR.

Building condition surveys must be undertaken at least four weeks before Construction occurs within the distance limits described in this condition.

The owners of all properties on which building condition surveys are to be undertaken must be advised at least 14 days before the surveys commence of the survey scope and methodology and the process for making a property damage claim. A copy of the survey must be given to each affected owner at least three weeks before Construction commences in the section of road affecting the property. A register of all properties meeting the criteria must be maintained by the

Proponent indicating whether the owner accepted or refused the survey offer. A copy of the register must be provided to the Director-General upon request.

23. The Proponent must ensure that accesses to properties are maintained throughout Construction. The Proponent must ensure that any legal property access affected by the Activity is reinstated to an equivalent standard or that alternate arrangements are negotiated with the relevant landowner(s).
24. The Proponent must consult on a regular basis with any directly affected landowners regarding any practical and cost-effective measures to minimise impacts. Agreed measures must be implemented according to a program agreed between the landowner and the Proponent. The Proponent must minimise impacts on Class II agricultural land to ensure the ongoing viability of this type of agricultural land taking into account the Activity.

Traffic and Access

25. Road dilapidation reports must be prepared for all roads (except the Pacific Highway) likely to be used by Construction traffic before Construction commences and after Construction is complete. Copies of the reports must be provided to GTCC. Any damage resulting from the Construction of the Activity, aside from that resulting from normal wear and tear, must be repaired at the cost of the Proponent.

All sections of reclassified road for which GTCC become responsible must be brought to standards negotiated between the Proponent and GTCC. The Proponent must negotiate with GTCC regarding contributions to costs for maintenance.

Note:

Nothing in this Condition shall be taken as restricting the Proponent from negotiating an alternative arrangement for damage to local roads with GTCC.

26. The Proponent must prepare a Construction Traffic Management Sub Plan as part of the CEMP in consultation with GTCC. The Sub Plan must include:
 - (a) identification of all public roads to be used by Construction traffic, in particular roads used to transport earthworks and pavement materials;
 - (b) the timing and duration of the use of these roads.;
 - (c) impacts on existing traffic (including pedestrians, vehicles, cyclists and disabled persons) including the staging of Construction works to minimise lane closures during peak periods and traffic delays;
 - (d) access to Construction sites;
 - (e) truck ingress and egress routes, entry and exit locations and the nature of loads;
 - (f) temporary and interim traffic arrangements including intersection and property access;
 - (g) strategies to minimise Construction heavy vehicles travelling and/or queuing on local roads;
 - (h) a response plan for any Construction traffic incident; and
 - (i) monitoring, review and amendment mechanisms.
27. The Proponent must consult with all relevant landowners whose property will be severed by the Activity to determine suitable locations and sizes for the underpasses to allow for access. The

underpasses must be self-draining (especially during prolonged wet periods), be designed and constructed to avoid erosion and cater for the use required by the landowner.

28. The Proponent must ensure that the rest areas are fenced so that road users cannot readily access adjacent private property.

FLORA AND FAUNA

29. As part of the CEMP, the Proponent must prepare a Flora and Fauna Management Sub Plan in consultation with relevant government departments and GTCC. The Sub Plan must include:

- (a) methods to manage impacts on flora and fauna (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the Activity;
- (b) performance goals against which to measure the success of the methods;
- (c) ecological details including:
 - i plans showing: vegetation communities highlighting important fauna habitat areas and threatened species locations; areas to be cleared; and a clearing program. The plans must cover the Approved Activity Area and extend to vegetation in adjoining areas where this is both contiguous with the Construction footprint and contains important fauna habitat areas and/or threatened species;
 - ii procedures for vegetation clearing and soil management during Construction;
 - iii strategies for minimising vegetation clearance within the Approved Activity Area and protection of vegetated areas outside that area;
 - iv a habitat tree management program including fauna recovery procedures, potential for relocation of hollow bearing trees, compensatory management measures (such as replacement of lost hollows with nesting boxes);
 - v where possible, strategies for re-using individuals or populations of any threatened plant species directly affected by the Activity in rehabilitation works;
- (d) rehabilitation details including:
 - i identification of the locally native species to be used in rehabilitation and landscaping works, including flora species suitable as a food resource for threatened fauna species;
 - ii the source of all seed or tubestock to be used in rehabilitation and landscaping works including the identification of seed sources within the Approved Activity Area. Seed of locally native species within the Approved Activity Area should be collected before Construction commences to provide seed stock for revegetation;
 - iii methods to re-use topsoil and cleared vegetation;
 - iv methods to ensure topsoils, and where relevant subsoils, are stripped, stored and placed back in their original sequence;
 - v measures to re-use surplus vegetation such as donation to community groups or distribution to the local community;
 - vi a program for the active management and maintenance of all preserved, planted and rehabilitated vegetation (including aquatic vegetation) including watering regimes, fencing, replacement of vegetation that may have died and weed management;
- (e) a Weed Management Strategy including:
 - i weed identification;
 - ii weed eradication methods and protocols for the use of herbicides;
 - iii methods to treat and re-use weed infested topsoil;

- (f) a program for reporting on the effectiveness of terrestrial and aquatic flora and fauna management measures against performance goals. Management methods must be reviewed where found to be ineffective.
30. The source of seeds or planting material and the location and number of plantings of *Allocasuarina littoralis* must be determined in consultation with the DEC before construction commences.
 31. The design of a fauna walkway along Pipe Clay Creek and the location of fauna exclusion fencing on the Activity must be determined in consultation with DEC. The effectiveness of the fauna walkway and fauna exclusion fencing must be monitored for a maximum 12 months after Operation commences in consultation with the DEC.
 32. The following must be undertaken in consultation with the DEC to minimise effects on the endangered ecological community 'Lowland Rainforest on Floodplain':
 - (a) consultation with an ecologist acceptable to DEC on construction and rehabilitation management measures in the vicinity of the community;
 - (b) sourcing and planting locally native rainforest species for landscaping works adjacent and within the road reserve between Pipe Clay Creek and the Rest Area, linking to Holey Flat Creek; and
 - (c) relocation of the power line near Pipe Clay Creek to minimise impacts to the community.
 33. If during the course of Construction, the Proponent becomes aware of the presence of threatened species not identified and assessed in the EIS or Representations Report and which are likely to be affected, the Proponent must:
 - (a) immediately cease all work likely to affect the threatened species;
 - (b) inform the Director-General of the DEC and/or Director of NSW Fisheries as relevant; and
 - (c) not recommence work likely to affect the threatened species until receiving advice from the DEC and/or NSW Fisheries to do so.

URBAN DESIGN AND LANDSCAPING

Urban Design and Landscape Report

34. The Proponent must prepare an *Urban Design and Landscape Report* before Construction commences and in consultation with GTCC and the CLG. The Report must present an integrated urban design concept for the Activity, applying all design principles established in the EIS, Representations Report and Conditions of Approval. The Proponent must obtain the approval of the Director-General for the Report before Construction commences or within any other time agreed to by the Director-General. The Report must include the design treatments for the:
 - (a) three "gateways" located within the Activity;
 - (b) location and identification of existing and proposed vegetation;
 - (c) built elements including retaining walls, bridges and noise walls;
 - (d) pedestrian and cycle elements including footpaths and paving, pedestrian crossings and fixtures (e.g. tree guards, seating, lighting, fencing and signage);

The Report must also include the following information:

- (e) graphics for key elements such as sections, sketches, perspective views etc.;
- (f) a schedule of species to be used in landscaping. The derivation of the schedule must be explained including its relationship with the Activity's ecological studies;
- (g) details of the timing and progressive implementation of landscape works considering related environmental controls such as erosion and sedimentation controls and drainage; and
- (h) procedures and methods to monitor and maintain landscaped or rehabilitated areas both inside and outside the road reserve.

Maintenance

35. All landscape or rehabilitation works outside the road reserve must be monitored and maintained at the Proponent's expense for a period of three years following completion of any landscaping stage or as otherwise identified in the Urban Design and Landscape Report. The Proponent must implement any required remedial measures to maintain landscaping works to their design standard.

NOISE AND VIBRATION

Construction Noise and Vibration Management Sub Plan

36. The Proponent must prepare a detailed Construction Noise and Vibration Management Sub Plan as part of the CEMP. The Sub Plan must be prepared in consultation with the DEC, GTCC and the CLG and include:
- (a) identification of each work area, site compound and Construction depot;
 - (b) identification of the specific activities that will be carried out and associated noise sources for each work area, site compound and Construction depot;
 - (c) identification of all potentially affected sensitive receivers;
 - (d) the Construction noise objective specified in the Conditions of Approval;
 - (e) the Construction vibration criteria specified in the Conditions of Approval;
 - (f) determination of appropriate noise and vibration objectives for each identified sensitive receiver;
 - (g) noise and vibration monitoring, reporting and response procedures;
 - (h) assessment of potential noise and vibration from the proposed Construction methods including noise from Construction vehicles and any traffic diversions;
 - (i) analysis of feasible noise mitigation measures such as;
 - i maximising the offset distance between noisy plant items and sensitive receivers;
 - ii Construction timetabling, in particular for works outside standard hours, to minimise noise impacts. This may include time and duration restrictions and respite periods;
 - iii avoiding using noisy plant simultaneously and/or close together, adjacent to sensitive receivers;
 - iv orienting equipment away from sensitive receivers;
 - v carrying out loading and unloading away from sensitive receivers;
 - vi use of dampened tips on rock breakers;
 - vii use of portable enclosures around mobile and fixed plant where noise impacts are likely to be unacceptable;
 - viii using noise source controls, such as the use of residential class mufflers, to reduce noise from all plant and equipment including bulldozers, cranes, graders, excavators and trucks. Examples of appropriate noise source controls are provided in Section 5 of the RTA *Environmental Noise Management Manual*;

- ix selection of plant and equipment based on noise emission levels;
 - x use of alternative construction methods;
 - xi alternative arrangements with affected residents such as temporary relocation;
 - xii selecting site access points and roads as far as possible away from sensitive receivers; and
 - xiii use of spotters, Closed Circuit Television Monitors and 'smart' reversing alarms in place of traditional reversing alarms.
- (j) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during Construction;
 - (k) justification for any activities outside the Construction hours specified in the Conditions of Approval. This includes identifying areas where Construction noise would not be audible at any sensitive receiver;
 - (l) a description of the approval process to be followed where Construction is required outside the Construction hours specified in the Conditions of Approval for traffic management reasons;
 - (m) procedures for notifying residents of Construction activities that are likely to affect their noise and vibration amenity;
 - (n) contingency plans to be implemented in the event of non-compliances and/or noise complaints; and
 - (o) education of Construction personnel about noise minimisation.

Construction Hours

37. Construction activity must be restricted to between the hours of 7:00 am to 6:00 pm (Monday to Friday), 8:00 am to 1:00 pm (Saturday) and at no time on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (a) the delivery of materials is required outside these hours by the Police or other authorities for safety reasons;
- (b) it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
- (c) the work is approved through the Construction Noise and Vibration Management Sub Plan.

Local residents must be informed of the timing and duration of work approved under item (c) at least 48 hours prior to commencement of that work.

Construction Noise Objective

38. The Construction noise objective for the Activity is to manage noise from Construction activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) to not exceed the background L_{A90} noise level by more than 5dB(A) at any residence or other sensitive receiver. Background noise levels are those identified in the EIS or Representations Report or otherwise identified in the Construction Noise and Vibration Management Sub Plan. The Proponent must implement all feasible noise mitigation and management measures with the aim of achieving the Construction noise objective.

Any potential activities that may cause noise emissions that exceed the objective must be identified and managed in accordance with the Construction Noise and Vibration Management Sub Plan.

If the noise from a Construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured Construction noise level when comparing the measured noise with the Construction noise objective.

Construction Noise Management

39. The Proponent must ensure that public address systems are not used on any Construction site outside the Construction hours detailed in the Conditions of Approval unless otherwise specified and approved in the Construction Noise and Vibration Management Sub Plan. Any public address system must be designed to minimise noise spillage off-site.
40. The Proponent must schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Sub Plan:
 - (a) 9 am to 12 pm and 2 pm to 5 pm Monday to Friday; and
 - (b) 9 am to 12 pm, Saturday
41. The Proponent must ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required their use must be approved in the Construction Noise and Vibration Management Sub Plan.
42. The Proponent must consult with GTCC and directly affected landowners and, where reasonable and feasible, erect Operation noise mitigation measures at the start of Construction (or at other times during Construction) to minimise Construction noise impacts.
43. The Proponent must consult with education institutions and minimise the impact of noise generating Construction works in their vicinity. The Proponent must ensure that Construction works audible at an institution are not timetabled during important events, such as examination periods, unless arrangements acceptable to the affected institutions are made at no cost to the affected institutions.
44. The Proponent must consider the selection of mechanical joints in the design of the bridges to minimise noise impacts associated with those joints.

Vibration and Blasting

Vibration

45. Vibration caused by Construction and received at any residence or structure outside the Approved Activity Area must:
 - (a) for structural damage vibration be limited to German Standard DIN 4150 Part 3 *Structural Vibration in Buildings. Effects on Structures*; and
 - (b) for human exposure to vibration be limited to the evaluation criteria presented in British Standard BS 6472- *Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Sub Plan.

Blasting

46. Blasting must only be undertaken between the hours of 9:00 am and 3:00 pm, Monday to Friday, and 9:00 am to 12:00 pm on Saturday.
47. The vibration level due to blasting activities must meet the requirements of any relevant DEC Licence. In general, the Guideline entitled *Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration* prepared by the Australian and New Zealand Environment and Conservation Council (ANZECC) shall be applicable.
48. The Proponent must undertake blasting trials if blasting is to be used. Results from the trials must be used to determine site-specific blast designs that will enable the performance criteria specified in the Construction Noise and Vibration Sub Plan to be satisfied.
49. The Proponent must make all reasonable attempts to advise occupants of residences located within 500 metres of a blast, of the blast. The advice must be provided at least 48 hours before a blast and include a schedule of blast time(s) and a telephone number and contact name.

Operation Noise Management

Operational Noise Criteria

50. The sound pressure level due to road traffic noise emissions when measured one metre from the façade of a residential building or any other sensitive receiver must be designed to meet the operational noise criteria for either redevelopment of an existing arterial road or a new arterial road. These are:
 - (a) existing arterial road
 - i $L_{Aeq15\text{ hour}}$ 60 dB(A) (7:00 am to 10:00 pm); and
 - ii $L_{Aeq9\text{ hour}}$ 55 dB(A) (10:00 pm to 7:00 am).
 - (b) new arterial road:
 - i $L_{Aeq15\text{ hour}}$ 55 dB(A) (7:00 am to 10:00 pm); and
 - ii $L_{Aeq9\text{ hour}}$ 50 dB(A) (10:00 pm to 7:00 am).

Generally the criteria for an existing arterial road apply except between stations 24200 and 26600 (EIS Figure 5.3). The applicable operation noise criteria must be identified in the Operation Noise Management Report.

51. The Proponent must provide noise treatment for all vacant land adjacent to the Activity which contains "existing noise sensitive development" as defined in Practice Note II of the RTA's *Environmental Noise Management Manual*.

Operation Noise Management Report

52. The Proponent must prepare an *Operation Noise Management Report* detailing its investigation of reasonable and feasible operation noise mitigation methods. The Proponent must obtain the approval of the Director-General for the Report before Construction commences or within any other time agreed to by the Director-General. The report and investigation must be conducted in accordance with the NSW Government's *Environmental Criteria for Road Traffic Noise* and the RTA's *Environmental Noise Management Manual*. The report must include:

- (a) identification of Operation noise criteria in accordance with the Conditions of Approval;
- (b) identification of sensitive receivers;
- (c) predictions of noise levels at all sensitive receivers;
- (d) details of specific physical and managerial measures that could be used to control noise on this Activity;
- (e) details of reasonable and feasible noise mitigation measures. To assist in the decision of reasonable and feasible noise mitigation options for road traffic noise a Barrier Sensitivity Analysis must be conducted and presented in the report in accordance with Practice Note IV of the RTA *Environmental Noise Management Manual* for the entire Activity. The importance applied to aesthetic impacts (visual, shadowing etc.) and noise mitigation along the Activity must be determined in consultation with the CLG and directly affected residents;
- (f) the urban design issues relating to noise control measures;
- (g) identification of which noise mitigation measures will be implemented, including their location and type and when they are to be constructed; and
- (h) details of noise monitoring, reporting and response procedures.

Operation Noise Monitoring

53. Monitoring of Operation noise must be undertaken in accordance with Practice Note VIII of the RTA's *Environmental Noise Management Manual*. The Proponent must assess the adequacy of the implemented traffic noise mitigation measures between six months and one year after opening the Activity. Should the assessment indicate traffic noise levels exceeding those predicted in the *Operation Noise Management Report*, the Proponent must:
- (a) immediately advise the Director-General; and
 - (b) investigate and implement further reasonable and feasible mitigation measures in accordance with the NSW Government's *Environmental Criteria for Road Traffic Noise* and RTA's *Environmental Noise Management Manual*. The selection of these measures must be undertaken in consultation with directly affected landowners and/or occupiers and be consistent with the *Operation Noise Management Report*.

PHYSICAL ISSUES

Hydrology and Flooding

Inundation Levels

54. The Activity must be designed to "not worsen" the existing flooding characteristics in any river upstream or downstream of the Activity elements unless otherwise agreed with affected landholders and in consultation with DIPNR and GTCC. "Not worsen" shall be defined as:
- (a) impacts equal to or less than the predicted flood impacts shown on Figure 6.2 of the EIS; and
 - (b) a maximum increase in inundation time of one hour for any rainfall event.

Bridge and Culvert Design

55. The Proponent must consult the DEC and NSW Fisheries about the design of bridge and culvert construction. In undertaking bridge and culvert design and construction, the Proponent must:

- (a) investigate designing bridge structures suitable for fauna use in consultation with the DEC;
- (b) not construct earth or rock fill platforms for driving piles unless otherwise agreed by NSW Fisheries;
- (c) locate bridge abutments away from the edge of a river unless otherwise agreed by NSW Fisheries;
- (d) ensure that there is no drop or 'waterfall' effect at the discharge from a structure;
- (e) set the base of a culvert into (rather than on) the floodplain so that natural sediments can cover the bottom, providing a less alien habitat for fish passage; and
- (f) provide a 'low flow channel' in the main flow cell of a box culvert to facilitate fish passage during periods of low flow in important (as defined by NSW Fisheries Guidelines) fish streams.

Groundwater

56. The Proponent must investigate the potential for the Activity to cause changes in the groundwater table before any major earthworks (defined as a cut or fill area with depth or height exceeding five metres). Where a potential for change is identified the Proponent must develop measures to safeguard and/or mitigate impacts and procedures to monitor changes in consultation with the DIPNR. The monitoring program must be implemented before any Construction activity which could potentially affect groundwater commences.

Soil and Water Management

Soil and Water Management Sub Plan

57. As part of the Construction EMP, the Proponent must prepare a Soil and Water Management Sub Plan in consultation with relevant government departments and GTCC. The Sub Plan must:
- (a) where relevant, be consistent with the Department of Housing's guideline *Managing Urban Stormwater - Soils and Construction*, the RTA's *Guidelines for the Control of Erosion and Sedimentation in Roadworks* and the DIPNR *Constructed Wetlands Manual*;
 - (b) identify the Construction activities that could cause soil erosion or discharge sediment or water pollutants from the site;
 - (c) describe the management methods to minimise soil erosion or discharge of sediment or water pollutants from the site including a strategy to minimise the area of bare surfaces during Construction (such as progressive site rehabilitation);
 - (d) describe the location and capacity of all erosion and sediment control measures;
 - (e) identify the timing and conditions under which Construction stage controls will be decommissioned;
 - (f) include contingency plans to be implemented for events such as fuel spills; and
 - (g) identify how the effectiveness of the sediment and erosion control system will be monitored, reviewed and updated.
58. An appropriately qualified soil conservationist must be consulted according to a schedule identified in the Soil and Water Management Sub Plan to:
- (a) undertake inspections of temporary and permanent erosion and sedimentation control devices;
 - (b) ensure that the most appropriate controls are being implemented;
 - (c) check that controls are being maintained in an efficient condition; and
 - (d) check that controls meet the requirements of any relevant approval/licence condition(s).

The results of these inspections and any follow-up actions must be reported in the *Construction Compliance Reports* required by the Conditions of Approval.

Operation Stage Control Measures

59. All Operation stage controls for stormwater drainage and water pollution must be located, designed, constructed, operated and maintained to meet the requirements of relevant government departments, including the DEC and GTCC. All controls, including wetland filters, grass filter strips and gross pollutant traps must be inspected regularly and maintained in a functional condition for the life of the Activity.
60. The Proponent must provide appropriate detention systems for containment of spills and materials arising from accidents that are consistent with the RTA's *Code of Practice for Water Management – Road Development and Management*.

Acid Sulfate Soils Management

61. As part of the CEMP the Proponent must prepare an Acid Sulfate Soil Management Sub Plan in consultation with relevant government departments. The Sub Plan must:
 - (a) be consistent with the *Acid Sulfate Soils Manual* (ASSMC, 1998);
 - (b) include a Contingency Plan to deal with the unexpected discovery of actual or potential acid sulphate soils; and
 - (c) include a water quality monitoring program.

The Proponent must ensure that the plan includes monitoring for acid sulfate soils on excavated material from below a surface elevation of 5 m AHD and monitoring of imported material with a potential to contain acid sulfate soils.

Heritage

Indigenous Heritage

62. As part of the CEMP the Proponent must prepare an Indigenous Heritage Management Sub Plan in consultation with the relevant Local Aboriginal Land Council and DEC. This Sub Plan must include:
 - (a) details of the archaeological investigations to be undertaken and any associated licences or approvals required. This includes a program of test excavation at archaeological site PAD 1;
 - (b) procedures to be implemented if previously unidentified Aboriginal objects are discovered during Construction; and
 - (c) an education program for all personnel on their obligations for Aboriginal cultural materials.

Historical Relics

63. If during the course of Construction the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the site(s) must cease immediately and the Heritage Council notified in accordance with the Heritage Act 1977.

Air Quality

Construction Air Quality Sub Plan

64. A Dust Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must identify:
- (a) potential sources of dust;
 - (b) dust management objectives consistent with DEC guidelines;
 - (c) a monitoring program to assess compliance with the identified objectives. Monitoring for relevant pollutants must be undertaken according to the Ambient Dust Monitoring Table below;
 - (d) mitigation measures to be implemented, including measures during weather conditions where high level dust episodes are probable (such as strong winds on hot, sunny days); and
 - (e) a progressive revegetation strategy for exposed surfaces with the aim of minimising exposed surfaces.

Table – Ambient Dust Monitoring

Pollutant	Units of Measure	Methods Averaging Period	Frequency	Sampling Method*
Dust deposition rate	g/m ² /month	Month Annual	Continuous	AM-19
Siting	-		-	AM-1

*NSW EPA, 2001, Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales

Construction

65. Construction vehicles using public roads must be maintained to prevent any loss of load, whether in the form of dust, liquid or soils. Facilities must be provided at exit points of all Construction sites/compounds to minimise tracking mud, dirt or other material onto a public road or footpath. In the event of any spillage, the Proponent must remove the spilled material as soon as practicable within the working day of the spillage.
66. The Proponent must ensure that all plant and equipment at the site, or used in connection with the Activity, are:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Spoil Disposal

Spoil Management Plan

67. As part of the CEMP the Proponent must prepare a Spoil and Fill Management Sub Plan. The Sub Plan must include:
- (a) details of the volumes of fill required in relation to staging of the Activity;

- (b) how spoil and fill material will be sought, handled, stockpiled, re-used and disposed; and
 - (c) details of re-use/disposal sites and the volumes of spoil to be transported to each site.
68. All material excavated from the Construction must be re-used or recycled where suitable and if cost-effective to do so. The Proponent must ensure that re-use of material generated from Construction is maximised in preference to any import of fill.

Waste Management and Recycling Procedure

Waste Management and Re-use Sub Plan

69. As part of the Construction EMP the Proponent must prepare a Waste Management and Re-use Sub Plan. The Sub Plan must address the management of wastes during Construction in accordance with the NSW Government's *Waste Reduction and Purchasing Policy*. The Sub Plan must identify requirements for:
- (a) the application of the waste minimisation hierarchy principles of avoid-reduce-reuse-recycle-dispose;
 - (b) waste handling and storage;
 - (c) disposal of wastes. Specific details must be provided for cleared vegetation, contaminated materials, glass, metals and plastics, hydrocarbons (lubricants and fuels) and sanitary wastes;
 - (d) any waste material that is unable to be re-used, re-processed or recycled must be disposed at a facility licensed by the DEC to receive that type of waste; and
 - (e) implementation of energy conservation best practice.

Utilities and Services

70. The Proponent must identify the utilities and services (hereafter "services") potentially affected by Construction activities to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the Activity are minimised and advised to customers.

Location of Construction Facilities

71. The sites for Construction compounds and ancillary sites, such as temporary concrete batching plants, must satisfy the following criteria unless otherwise identified in the CEMP:
- (a) be located within the Approved Activity Area;
 - (b) have ready access to the road network;
 - (c) be located to minimise the need for heavy vehicles to travel through residential areas;
 - (d) be sited on relatively level land;
 - (e) be separated from nearest residences by at least 200 m (or at least 250 m for a temporary concrete batching plant);
 - (f) not be within 100 m of, or drain directly to, SEPP 14 wetlands;
 - (g) not be located within 100 m of a river;
 - (h) be located above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
 - (i) have low conservation significance for flora, fauna or heritage and must not require any vegetation clearing beyond that already required for the Activity; and

(j) not affect the land use of adjacent properties.

The location of Construction compounds and ancillary sites must be identified in the CEMP and must include demonstration that the above criteria have been met.

ATTACHMENT 1

Guidelines for the Establishment of the Community Liaison Groups

The Proponent must consider the following when establishing a Community Liaison Group (CLG):

1. At its first meeting, the CLG must consider its interrelationship with any existing community liaison or consultative groups of adjoining or interrelated developments.
2. The members of the CLG must elect a person from the CLG to act as Chair of the CLG.
3. Representatives from relevant government departments or other individuals may be invited to attend meetings as required by the Chair.
4. Where determined necessary by the Chair, an independent note taker would be provided by the Chair at the expense of the Proponent.
5. The Proponent must, at its own expense:
 - (a) nominate two (2) representatives to attend all meetings of the Committee;
 - (b) provide to the CLG regular information on the progress of work and monitoring results;
 - (c) promptly provide to the CLG such other information as the Chair of the CLG may reasonably request concerning the environmental performance of the development;
 - (d) provide access for site inspections by the CLG; and
 - (e) provide meeting facilities for the CLG, and take minutes of CLG meetings. These minutes, once endorsed by the Chair, must be available to CLG members within 14 days of the meeting.
6. Where reasonably required by the Chair the Proponent must arrange for specialist consultant(s) to explain technical information to the CLG.