

# Development Consent

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Clay Preshaw

**Executive Director, Energy, Resources and Industry Assessments**

Sydney

16 December 2022

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### **SCHEDULE 1**

**Application Number:**

SSD 8804

**Applicant:**

The Trustee for Fraser Earthmoving Construction Pty Ltd

**Consent Authority:**

Minister for Planning

**Site:**

Refer Appendices 1 and 2

**Development:**

Howlong Sand and Gravel Quarry Expansion

## TABLE OF CONTENTS

<b>DEFINITIONS .....</b>	<b>III</b>
<b>PART A ADMINISTRATIVE CONDITIONS .....</b>	<b>5</b>
Obligation to Minimise Harm to the Environment .....	5
Terms of Consent .....	5
Limits of Consent .....	5
Notification of Commencement .....	6
Surrender of Existing Consents or Approvals .....	6
Division 7.1 Contributions to Council .....	6
Planning agreement .....	6
Community Consultative Committee .....	7
Evidence of Consultation .....	7
Staging, Combining and Updating Strategies, Plans or Programs .....	7
Protection of Public Infrastructure .....	7
Demolition .....	7
StructuRal Adequacy .....	7
Operation of Plant and Equipment .....	7
Compliance .....	8
Applicability of Guidelines .....	8
Production Data .....	8
<b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS .....</b>	<b>9</b>
Noise .....	9
Air Quality .....	9
Soil and Water .....	10
Biodiversity and Rehabilitation .....	12
Transport .....	15
Heritage .....	16
Visual .....	16
Waste .....	16
Liquid Storage .....	17
Dangerous Goods .....	17
Bushfire Management .....	17
<b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....</b>	<b>18</b>
Environmental Management .....	18
Revision of Strategies, Plans and Programs .....	18
Reporting and Auditing .....	19
Access to Information .....	20
<b>APPENDIX 1: SCHEDULE OF LAND .....</b>	<b>21</b>
<b>APPENDIX 2: SITE BOUDNARY AND LOT NUMBES .....</b>	<b>22</b>
<b>APPENDIX 3: DEVELOPMENT LAYOUT .....</b>	<b>23</b>
<b>APPENDIX 4: HAULAGE ROUTE .....</b>	<b>24</b>
<b>APPENDIX 5: CONCEPT DESIGN ACCESS ROAD INTERSECTION .....</b>	<b>25</b>
<b>APPENDIX 6: CONCEPTUAL REHABILITATION PLAN .....</b>	<b>26</b>

## DEFINITIONS

<b>Aboriginal object / Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>AEP</b>	Annual Exceedance Probability
<b>AHD</b>	Australian Height Datum
<b>Annual Review</b>	The review required by condition C9
<b>Applicant</b>	The Trustee for Fraser Earthmoving Construction Pty Ltd, or any person carrying out any development under this consent
<b>Approved extraction area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCD</b>	Biodiversity Conservation Division within the Department
<b>BCT</b>	Biodiversity Conservation Trust
<b>Calendar year</b>	A period of 12 months from 1 January to 31 December
<b>CCC</b>	Community Consultative Committee required by condition A19
<b>Conditions of this consent</b>	Conditions contained in Schedule 2
<b>Construction</b>	All physical works to enable quarrying operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	Federation Council
<b>Date of commencement</b>	The date notified to the Department by the Applicant under condition A14 for the commencement of construction or quarrying operations.
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The deconstruction or demolition and removal of works installed as part of the development
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the document/s listed in condition A2, as modified by the conditions of this consent.
<b>Development Layout</b>	The plan in Appendix 3
<b>DPE Water</b>	Water Group within the Department
<b>EIS</b>	The Environmental Impact Statement titled " <i>Howlong Sand and Gravel Expansion Project</i> ", prepared by C.R.W Corkery & Co Pty Limited dated March 2020, submitted with the application for consent for the development, including the Applicants Response to Submissions dated February 2022, and additional information provided by the Applicant dated August 2022, September 2022 and November 2022.
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPBC Act</b>	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>GPS</b>	Global Positioning System

<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
<b>Laden heavy vehicle</b>	Heavy vehicle transporting quarry products or pre-mixed concrete from the site and/or heavy vehicle transporting rehabilitation materials, aggregates or blending agents to the site
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
<b>Material harm</b>	<p>Is harm that:</p> <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval’</p>
<b>MEG</b>	Department of Regional NSW – Mining, Exploration and Geoscience
<b>Minimise</b>	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
<b>Minister</b>	NSW Minister for Planning, or delegate
<b>Minor</b>	Not very large, important or serious
<b>Negligible</b>	Small and unimportant, such as to be not worth considering
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Public infrastructure</b>	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc
<b>Quarrying operations</b>	The extraction, processing, stockpiling and transportation of extractive materials on the site and the associated removal of vegetation, topsoil and overburden
<b>Quarry products</b>	Includes all saleable quarry products, but excludes wastes and rehabilitation material
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Registered Aboriginal Parties</b>	As described in the <i>National Parks and Wildlife Regulation 2019</i>
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Residence</b>	Existing or approved dwelling at the date of grant of this consent
<b>RFS</b>	NSW Rural Fire Service
<b>Site</b>	The Project Area shown in Appendix 2
<b>TfNSW</b>	Transport for NSW
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

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

#### LIMITS OF CONSENT

##### Identification of Approved Extraction Area

- A5. One month before the date of commencement, or other timeframe agreed by the Planning Secretary:
- (a) a registered surveyor must be engaged to mark out the boundaries of the approved areas of extraction within the site (as set out in Appendix 2); and
  - (b) the Planning Secretary must be provided with a survey plan of such boundaries and their GPS coordinates.
- A6. The boundaries of the approved areas of extraction within the site must be clearly marked in a manner that allows them to be easily identified at all times during the carrying out of quarrying operations.

##### Quarrying Operations

- A7. Quarrying operations may be carried out on the site for a period of 30 years from the date of the commencement of the development.

**Note:** Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to quarrying operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of quarrying operations until the rehabilitation of the site and other requirements have been carried out to the required standard.

- A8. Extraction must not be undertaken below a level of 119 metres AHD.

##### Extraction and Transport Limits

- A9. The Applicant must not transport more than 30,000 tonnes of quarry products from the site by road in any calendar year until the road upgrades required under condition B40 have been completed.
- A10. Following commissioning of the road upgrades required under condition B40, the Applicant must not transport more than 300,000 tonnes of quarry products by road from the site in any calendar year.
- A11. Total heavy vehicle movements at the site (i.e. arrivals and dispatches) must not exceed:
- (a) 4 movements per hour between 8:30 am and 9:30 am, and 3 pm and 4 pm during school days;
  - (b) at all other times between 7:00 am and 10:00 pm 10 movements per hour; and
  - (c) 80 movements per day.

**Note:** Heavy vehicle movements to and from the site are also controlled by the operating hours specified in condition A12 and provisions in condition B42.

## Hours of Operation

A12. The Applicant must comply with the operating hours set out in Table 1.

**Table 1: Operating hours**

<b>Activity</b>	<b>Permissible Operating Hours</b>
Construction work	<ul style="list-style-type: none"><li>• 7 am to 6 pm Monday to Friday</li><li>• 8 am to 1 pm Saturday</li><li>• At no time on Sundays or public holidays</li></ul>
Quarrying operations	<ul style="list-style-type: none"><li>• 7 am to 6 pm Monday to Saturday</li><li>• At no time on Sundays or public holidays</li></ul>
Road transportation	<ul style="list-style-type: none"><li>• 7 am to 10 pm Monday to Friday</li><li>• 7 am to 12 pm Saturday</li><li>• At no time on Sundays or public holidays</li><li>• No road haulage between 24 December and 1 January, inclusive</li><li>• Minimise haulage through Howlong between 8:30 am and 9:30 am and 2:30 pm 3:30 pm during school days</li></ul>

A13. The following activities may be carried out outside the hours specified in Table 1.

- delivery or dispatch of materials as requested by Police or other public authorities; and
- emergency work to avoid the loss of lives, property or to prevent environmental harm.

In such circumstances, the Applicant must notify the Department and affected residents prior to undertaking the activities, or as soon as is practical thereafter.

## NOTIFICATION OF COMMENCEMENT

A14. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:

- commencement of development under this consent;
- commencement of quarrying operations;
- cessation of quarrying operations; and
- any period of suspension of quarrying operations.

## SURRENDER OF EXISTING CONSENTS OR APPROVALS

A15. Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent for the Howlong Sand and Gravel Quarry, issued by the former Corowa Council in accordance with the EP&A Regulation.

A16. Upon the commencement of development under this consent, and before the surrender of the existing development consent required under condition A15, the conditions of this consent prevail to the extent of any inconsistency with the conditions of the existing consent.

**Note:** *This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

## DIVISION 7.1 CONTRIBUTIONS TO COUNCIL

A17. Under section 7.11 of the EP&A Act, financial contributions must be paid to Council towards the maintenance of local roads used for haulage of quarry products. The contributions must be determined in accordance with the relevant council local infrastructure contribution plan (including any updated or revised version of these plans) for local roads within the relevant local government area, or as otherwise agreed by the relevant council.

## PLANNING AGREEMENT

A18. Within six months of the date of commencement of development or other timeframe agreed by the Planning Secretary, the Applicant must enter into a Planning Agreement with Council in accordance with:

- Division 7.1 of Part 7 of the EP&A Act; and
- the terms of the Applicant's offer that was publicly exhibited by Council from the 27 July to 24 August 2022.

## COMMUNITY CONSULTATIVE COMMITTEE

A19. Within 6 months from the date of commencement of development, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019) or latest version.

**Notes:**

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

## EVIDENCE OF CONSULTATION

A20. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document; and
- (b) provide details of the consultation undertaken including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A21. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A22. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

## PROTECTION OF PUBLIC INFRASTRUCTURE

A23. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

**Note:** *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by conditions A17 and A18 of this consent.*

## DEMOLITION

A24. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

## STRUCTURAL ADEQUACY

A25. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Notes:**

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*

## OPERATION OF PLANT AND EQUIPMENT

A26. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

## **COMPLIANCE**

A27. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## **APPLICABILITY OF GUIDELINES**

A28. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A29. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **PRODUCTION DATA**

A30. Each year, from the commencement of quarrying operations, the Applicant must provide calendar year quarry production data to MEG by no later than 30 January.

A31. The data must be provided using the relevant standard form and a copy of the data must be included in the Annual Review (required under condition C9).

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE

#### Operational Noise Criteria

- B1. The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.

**Table 2:** Operational noise criteria dB(A)

<b>Noise Assessment Location</b>	<b>Day</b> <i>L<sub>Aeq</sub> (15 min)</i>	<b>Evening</b> <i>L<sub>Aeq</sub> (15 min)</i>
All non-project related privately owned residences	40	35

- B2. Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).
- B3. The noise criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

#### Noise Operating Conditions

- B4. The Applicant must:
- (a) take all reasonable steps to minimise all noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
  - (b) operate a noise management system commensurate with the risk of impact, such as using a combination of predictive meteorological forecasting and noise monitoring data to:
    - (i) guide the day to day planning of quarrying operations, and the implementation of proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent; and
    - (ii) modify or stop operations on the site to ensure compliance with the relevant conditions of this consent;
  - (c) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions; when the noise criteria in this consent do not apply; and
  - (d) carry out regular attended noise monitoring (at least every three months, unless otherwise agreed with or directed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent.

### AIR QUALITY

#### Odour

- B5. The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

#### Air Quality Criteria

- B6. The Applicant must ensure that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 3 at any residence on privately-owned land.

**Table 3:** Air quality criteria

<b>Pollutant</b>	<b>Averaging period</b>	<b>Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>

**Notes:**

<sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

<sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

<sup>c</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

- B7. The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

#### **Air Quality Operating Conditions**

- B8. The Applicant must:
- (a) take all reasonable steps to:
    - (i) minimise odour, fume, greenhouse gas and dust (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development;
    - (ii) minimise any visible off-site air pollution generated by the development; and
    - (iii) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
  - (b) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 3 above);
  - (c) carry out routine air quality monitoring or as directed by the Planning Secretary, to determine whether the development is complying with the relevant conditions in this consent. All monitoring must be in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2022); and
  - (d) regularly assess meteorological and air quality monitoring data to:
    - (i) guide the day-to-day planning of quarrying operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent; and
    - (ii) relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

#### **SOIL AND WATER**

##### **Flood Management - Operations**

- B9. The Applicant must ensure it appropriately evacuates the site of personal and equipment and restrict access to the site prior to flooding events which would cause water to overtop the access road.
- B10. Prior to quarrying operations under this consent or as otherwise agreed by the Planning Secretary, the Applicant must engage a suitably qualified person approved by the Planning Secretary to undertake the detailed design of the flood mitigation levees shown conceptually in Appendices 3 and 6, to demonstrate that the levees can prevent inundation of the approved areas of extraction from:
- (a) a minimum 1% AEP flood event; or
  - (b) a flood event as directed by the Planning Secretary, in accordance with condition B12.

The detailed design must be submitted to the Planning Secretary.

- B11. The Applicant must construct the flood mitigation levees in accordance with the detailed design submitted in accordance with condition B10, prior to extraction occurring in the relevant approved area of extraction (i.e. west (Stages 1 – 3) and east (Stage 4)). The Applicant must regularly monitor and maintain the stability of the flood mitigation levee throughout the extraction, rehabilitation and closure phases. Appropriate levee maintenance records must also be kept.

##### **Levee Heights**

- B12. Within 12 months of the date of commencement of development under this consent, or as otherwise agreed by the Planning Secretary, the Applicant must engage a suitably experienced and qualified flooding engineer/hydrologist, approved by the Planning Secretary, to finalise a Levee Flood Modelling Report that:
- (a) is prepared in consultation with Council and BCD flooding group;
  - (b) takes into consideration the *NSW Flood Development Manual* (2005) and *NSW Flood Plain Risk Guidelines*;
  - (c) considers relevant hydrological, meteorological, flood and climate data;
  - (d) predicts the risks and consequence of flooding inundation to the extraction areas over:
    - (i) the project's operational life; and
    - (ii) at least 100 years for the final landform;
  - (e) predicts impacts on nearby buildings and infrastructure of raising the final levee heights within the operational and final landform under several scenarios up to preventing a 0.1% AEP inundating the pits; and
  - (f) makes recommendations on the operational and final landform levee heights taking into account clauses (a) to (e) above.

The report must be submitted to the Planning Secretary within one month of its completion. The Planning Secretary may direct an increase in the levee heights, if the report recommends the levee heights require an increase.

### **Waterway Setbacks**

B13. Quarrying operations must be setback a minimum 100 m from the Murray River and 50 m from its anabranches.

*Note: Other non-quarrying operations such as remediation, revegetation and environmental management may take place within these areas.*

### **Water Supply**

B14. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development, within the limits of consent set out in Part A of Schedule 2, to match its available water supply.

B15. The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.

*Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development.*

### **Compensatory Water Supply**

B16. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with DPE Water, and to the satisfaction of the Planning Secretary.

B17. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

B18. If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or 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 Planning Secretary for resolution.

B19. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.

*Note: The Water Management Plan (see condition B22) is required to include trigger levels for investigating potentially adverse impacts on water supplies.*

### **Water Discharges**

B20. The Applicant must design and operate the project to avoid discharging water from the extraction pits. However, the Applicant may undertake controlled discharge of water if it is for the purpose of maintaining pit wall and levee stability or to prevent imminent uncontrolled discharge that may harm the environment.

B21. The Applicant must ensure that all surface water discharges from the site comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.

### **Water Management Plan**

B22. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with EPA, DPE Water and Council; and
- (c) include a:
  - (i) **Site Water Balance** that:
    - includes details of:
      - sources and security of water supply;
      - water use and management on the site;
      - any off-site discharges or water transfers;
      - reporting procedures, including the annual preparation of a site water balance; and
    - minimises clean and potable water use on the site;
  - (ii) **Surface Water Management Plan**, that includes:
    - detailed baseline data on surface water flows, water quality, riparian condition and geomorphic stability in watercourses and/or water bodies that could potentially be affected by the development;

- surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts, and surface water management performance measures;
  - a detailed description of the surface water management system on the site, including the:
    - clean water diversion system;
    - erosion and sediment controls;
    - dirty water management system; and
    - water storages;
  - a program to monitor and report on:
    - any surface water discharges;
    - stream stability, riparian condition and geomorphic processes in receiving watercourses;
    - the effectiveness of the water management system;
    - surface water flows and quality in watercourses and/or waterbodies that could potentially be impacted by the development; and
  - a protocol for identifying and investigating any exceedances of the surface water impact assessment criteria and for notifying the Department and relevant stakeholders of these events.
- (iii) **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development, including groundwater supply for other water users and groundwater dependent ecosystems;
  - a detailed description of the groundwater management system;
  - groundwater performance criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
  - a program to monitor and report on:
    - groundwater levels, yield and quality of groundwater resources potentially impacted by the development;
    - groundwater inflows into the extraction areas;
    - impacts of the development on groundwater dependent ecosystems; and
    - impacts of the development on groundwater supply for other water users;
  - a protocol for identifying and investigating any exceedances of the groundwater performance criteria and for notifying the Department and relevant stakeholders of these events; and
  - a protocol to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the extraction areas including details to monitor and verify water take.

B23. The Applicant must not commence quarrying operations until the Water Management Plan is approved by the Planning Secretary.

B24. The Applicant must implement the approved Water Management Plan.

## **BIODIVERSITY AND REHABILITATION**

### **Rehabilitation Objectives**

B25. The Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must be consistent with the rehabilitation strategy set out in the EIS and the conceptual plan in Appendix 6 and must comply with the objectives in Table 4.

**Table 4: Rehabilitation objectives**

Feature	Objective
<i>All areas of the site affected by the development</i>	<ul style="list-style-type: none"> <li>• Safe</li> <li>• Hydraulically and geotechnically stable</li> <li>• Non-polluting</li> <li>• Fit for the intended post-quarrying operations land use(s)</li> <li>• Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land</li> </ul>
<i>Surface infrastructure areas</i>	<ul style="list-style-type: none"> <li>• All infrastructure decommissioned and removed, unless otherwise agreed by the Planning Secretary</li> </ul>
<i>Quarry walls, pit floor and Levees</i>	<ul style="list-style-type: none"> <li>• Long term stable</li> <li>• Landscaped and vegetated using native species described in Section 2.13.5 of the EIS.</li> <li>• Designed and managed to withstand flooding</li> </ul>
<i>Final voids</i>	<ul style="list-style-type: none"> <li>• Minimise the size, depth and slope of the batters of the final voids</li> <li>• Managed to protect water quality and reduce salinity impacts</li> </ul>

### Rehabilitation Management Plan

- B26. Within 12 months of the date of commencement of development under this consent, the Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared:
    - by suitably qualified and experience persons, with relevant experience in final landform hydrology and ecology and are approved by the Planning Secretary; and
    - in consultation with Federation Council, DPE - Water and the Department;
  - provide detailed plans of the final landform, that demonstrates that the project will be consistent with the objectives in Table 4;
  - include detailed plans for scheduling of the progressive rehabilitation;
  - include provisions for groundwater model validation to demonstrate how the hydrological impacts of the final voids will be managed, for ongoing take and to mitigate the impacts predicted in the EIS;
  - set detailed performance indicators and completion criteria for the rehabilitation of all areas disturbed by the development that will achieve the objectives detailed in Table 4;
  - describe the measures needed to achieve the criteria in clause (e) and triggers for remedial actions; and
  - include a program to monitor, independently audit and report on progress against the criteria in paragraph (e) and the effectiveness of the measures in paragraph (f).
- B27. The Applicant must implement the Rehabilitation Management Plan as approved by the Planning Secretary.

### Progressive Rehabilitation

- B28. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

**Note:** *It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.*

### Rehabilitation Bond

- B29. Within 6 months of the approval of the Rehabilitation Management Plan, the Applicant must lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is undertaken in accordance with the performance and completion criteria set out in the plan and the relevant conditions of this consent. The sum of the bond must be an amount agreed to by the Planning Secretary and determined by:
- calculating the cost of rehabilitating all existing and immediately proposed disturbed areas of the site (taking into account likely surface disturbance over the next 3 years of quarrying operations); and
  - employing a suitably qualified, independent and experienced person to verify the calculated costs.
- B30. The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 1 month prior to the proposed lodgement of the bond.

- B31. The Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:
- any update or revision to the Rehabilitation Management Plan;
  - completion of an Independent Environmental Audit in which recommendations relating to rehabilitation have been made; or
  - in response to a request by the Planning Secretary,
- B32. If rehabilitation of this site is completed generally in accordance with the relevant performance and completion criteria, to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.
- B33. If rehabilitation of the site is not completed generally in accordance with the relevant performance and completion criteria, the Planning Secretary will call in all, or part of, the bond, and arrange for the completion of the relevant works.

### Biodiversity Offset Strategy

- B34. The Applicant must retire the biodiversity credits specified in Table 5 prior to commencing vegetation clearing.
- The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offset Scheme of the BC Act<sup>1</sup>.

**Table 3: Biodiversity credit requirements**

<b>Credit Type</b>	<b>Credits Required</b>
<b>Ecosystem Credits</b>	
<i>PCT 5: River Red Gum herbaceous-grassy very tall open forest wetland on inner floodplains in the lower slopes sub-region of the NSW South Western Slopes Bioregion and the eastern Riverina Bioregion</i>	1

<sup>1</sup> The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.

### Revegetation Area

- B35. The Applicant must commence planting of the Native Revegetation area shown in Appendix 6 within three months of approval of the Biodiversity Management Plan, unless otherwise agreed by the Planning Secretary. The Native Revegetation area must be implemented within the timeframes and completion criteria set within Biodiversity Management Plan and maintained as required throughout the project life.

### Biodiversity Management Plan

- B36. The Applicant must prepare a Biodiversity Management Plan for the development that must:
- be prepared by suitably qualified and experienced person/s, approved by the Planning Secretary;
  - be prepared in consultation with BCD, DPE Water and Council;
  - describe the short, medium, and long-term completion criteria to:
    - revegetate the Native Revegetation areas shown in Appendix 6 with species as detailed in in Section 2.13.5 of the EIS,
    - manage the Native Revegetation Area, remnant vegetation and fauna habitat on the site; and
  - include a detailed description of the management measures to be implemented on the site to:
    - enhance the quality of existing vegetation, vegetation connectivity and fauna habitat, including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;
    - achieve the successful completion of the Native Revegetation Area, including replacement replanting;
    - maximise the salvage of resources, including tree hollows and soil resources, for beneficial reuse;
    - minimise impacts on groundwater dependent ecosystems, and riparian vegetation and tree hollows where reasonable and feasible;
    - minimise impacts on fauna, including undertaking pre-clearance surveys;
    - manage potential indirect impacts on threatened plant and animal species, endangered ecological communities and groundwater dependent ecosystems; and
    - control unrestricted access, weeds and feral pests, with consideration of actions identified in relevant threat abatement plans;

- (e) include a program to monitor and report on the effectiveness of the above completion criteria and management measures, taking into consideration the seasons, and any progressive improvements that could be implemented to improve biodiversity outcomes;
- (f) include remedial actions when the monitoring shows the completion criteria are not being met or when management measures are not being effectively implemented; and
- (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B37. The Applicant must not commence construction or quarrying operations until the Biodiversity Management Plan is approved by the Planning Secretary.

B38. The Applicant must implement the approved Biodiversity Management Plan.

## TRANSPORT

### Monitoring of Product Transport

B39. The Applicant must keep accurate records of all laden and unladen heavy vehicle movements to and from the site (including hourly heavy vehicle movements) and provide a summary of these records every 3 months to Council or as otherwise agreed by the Planning Secretary.

### Road Upgrades

B40. The Applicant must design and construct the new quarry access road intersection with the Riverina Highway, shown conceptually in Appendix 5, to include:

- (a) a sealed Basic Right Turn (BAR) and Basic Left Turn (BAL) in accordance with the *Austrroads Guide to Road Design* for a B-Double route as amended by the supplements adopted by TfNSW. The lanes on Riverina Highway shall be designed and constructed at 3.5 metres in width as a minimum; and
- (b) the access driveway to the Riverina Highway as a 'Rural Property Access' type treatment in accordance with the *Austrroads Guide to Road Design* with a minimum width of at least 6 metres, to accommodate 2 way movement to the property boundary and be sealed for at least 30 metres from the edge of seal of the highway.

B41. The Applicant is required to enter into a Works Authorisation Deed (WAD) with TfNSW before finalising the design or undertaking any construction work within or connecting to the road reserve of the Riverina Highway.

### Transport Operating Conditions

B42. The Applicant must:

- (a) adhere to the approved haulage route shown in Appendix 4, unless otherwise agreed by the Planning Secretary in consultation with Council.
- (b) ensure that all laden heavy vehicles entering or exiting the site have their loads covered;
- (c) ensure that no heavy vehicle or other heavy vehicles arrive at the site prior to 6:30 am;
- (d) take all reasonable steps to minimise traffic safety issues and disruption to local road users; and
- (e) take all reasonable steps to ensure that appropriate signage is displayed on all heavy vehicles used to transport quarry products from the development so they can be easily identified by other road users.

### Traffic Management Plan

B43. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s approved by the Planning Secretary;
- (b) be prepared in consultation with TfNSW and Council;
- (c) include details of:
  - (i) all transport routes and traffic types to be used for development-related traffic, including identification of bridge load restrictions;
  - (ii) processes in place for the control of heavy vehicle movements entering and exiting the site;
  - (iii) measures to be implemented to:
    - comply with the traffic operating conditions and other traffic related conditions of this consent;
    - manage the traffic impacts from contractors and subcontractors;
    - minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school operations including school buses;
    - minimise the tracking of material onto the surface of public roads from vehicles exiting the site;
    - monitor driver behaviour; and
    - participate in transport management investigations initiated by Council;

- (d) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
  - (i) adhere to posted speed limits or other required travelling speeds;
  - (ii) adhere to designated transport routes and travel times; and
  - (iii) implement safe and quiet driving practices; and
- (e) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

B44. The Applicant must not commence construction or quarrying operations until the Traffic Management Plan is approved by the Planning Secretary.

B45. The Applicant must implement the approved Traffic Management Plan.

## HERITAGE

### Protection of Aboriginal Heritage

B46. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified Aboriginal object located outside the approved disturbance areas, beyond those predicted in the document/s listed in condition A2(c).

B47. If any previously unknown Aboriginal object or Aboriginal place is discovered on the site, or suspected to be on the site:

- (a) all work in the immediate vicinity of the object or place must cease immediately;
- (b) a 10 metre buffer area around the object or place must be cordoned off; and
- (c) Heritage NSW and the Department must be contacted immediately.

B48. Work in the immediate vicinity of any newly discovered Aboriginal object or place may only recommence if:

- (a) the potential Aboriginal object or place is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal place; or
- (b) the Planning Secretary is satisfied as to the measures to be implemented in respect of the Aboriginal object or place and makes a written direction in that regard.

B49. The Applicant must ensure:

- (a) that all known Aboriginal objects or Aboriginal places on the site are properly recorded, those records are kept up to date and are reported to the Aboriginal Heritage Information Management System;
- (b) ensure all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or places, and that suitable records are kept of these inductions; and
- (c) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.

## VISUAL

B50. The Applicant must:

- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
- (b) ensure that all external lighting associated with the development complies with relevant Australian Standards including *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*;
- (c) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape; and
- (d) take all reasonable steps to shield views of quarrying operations and associated equipment from users of public roads and privately-owned residences.

## WASTE

B51. The Applicant must:

- (a) manage on-site sewage treatment and disposal in accordance with the requirements of an applicable EPL and/or Council approval;
- (b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
- (c) minimise the waste generated by the development;
- (d) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
- (e) monitor and report on waste minimisation and management in the Annual Review referred to in condition C9.

B52. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

## **LIQUID STORAGE**

B53. The Applicant must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

## **DANGEROUS GOODS**

B54. The Applicant must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the latest version of the Australian Standards, particularly *AS 1940-2004 The storage and handling of flammable and combustible liquids* (Standards Australia, 2004) and *AS/NZS 1596:2014 The storage and handling of LP Gas* (Standards Australia, 2014), and the *Australian Dangerous Goods Code*. All dangerous goods must be located outside the flood plain, as described in the EIS.

## **BUSHFIRE MANAGEMENT**

B55. The Applicant must:

- (a) ensure that the development provides for asset protection in accordance with the relevant requirements in *the Planning for Bushfire Protection* (RFS, 2019) guideline and ensure that there is suitable equipment to respond to any fires on the site; and
- (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

- C1. An Environmental Management Strategy must be prepared for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) set out the procedures to be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive record, handle and respond to complaints;
    - (iii) resolve any disputes that may arise during the course of the development;
    - (iv) respond to any non-compliance and any incident;
    - (v) respond to emergencies; and
  - (e) include:
    - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
    - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.
- C2. The Applicant must not commence construction or quarrying operations until the Environmental Management Strategy is approved by the Planning Secretary.
- C3. The Applicant must implement the approved Environmental Management Strategy.

#### Management Plan Requirements

- C4. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) a summary of relevant background or baseline data;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to condition A2(c);
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - (i) incident, non-compliance or exceedance of the impact assessment criteria or performance criteria;
    - (ii) complaint; or
    - (iii) failure to comply with statutory requirements; and
  - (h) a protocol for periodic review of the plan.

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

### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of an incident report under condition C7;
  - (b) the submission of an Annual Review under condition C9;

- (c) the submission of an Independent Environmental Audit under condition C11;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

- C6. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary and submitted to the Planning Secretary for approval within six weeks of the review.

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

## REPORTING AND AUDITING

### Incident Notification

- C7. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing through the Department's Major Projects website and identify the development (including the development application number and name) and set out the location and nature of the incident.

### Non-Compliance Notification

- C8. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing through the Department's Major Projects website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

### Annual Review

- C9. By the end of March in each year after the commencement of development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this consent;
    - (iii) monitoring results of previous years; and
    - (iv) relevant predictions in the documents listed condition A2;
    - (v) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
  - (c) evaluate and report on:
    - (i) the effectiveness of the noise and air quality management systems; and
    - (ii) compliance with the performance measures, criteria and operating conditions in this consent;
  - (d) identify any trends in the monitoring data over the life of the development;
  - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.
- C10. Copies of the Annual Review must be submitted to Council and DPE Water and made available to the CCC and any interested person upon request.

### Independent Environmental Audit

- C11. Within one year of the commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- (a) be led and conducted by a suitably qualified, experienced and independent team of experts, including a flooding engineer/hydrologist, whose appointment has been endorsed by the Planning Secretary;

- (b) be carried out in consultation with the relevant agencies and the CCC;
- (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and EPL for the development (including any assessment, strategy, plan or program required under these approvals);
- (d) review the integrity and stability of the flood mitigation levees required by conditions B10 and B11;
- (e) review the adequacy of any approved strategy, plan or program required under this consent and the other abovementioned approvals;
- (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under this consent and the other abovementioned approvals; and
- (g) be conducted and reported to the satisfaction of the Planning Secretary.

C12. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

**Note:** *The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.*

### **Monitoring and Environmental Audits**

C13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

C14. Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in PART B of this consent, providing that these representative monitoring locations are set out in the respective management plan/s.

### **ACCESS TO INFORMATION**

C15. Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
  - (i) the document/s listed in A2;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) minutes of CCC meetings;
  - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vii) a summary of the current stage and progress of the development;
  - (viii) contact details to enquire about the development or to make a complaint;
  - (ix) a complaints register, updated monthly;
  - (x) the Annual Reviews of the development;
  - (xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant’s response to the recommendations in any audit report;
  - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

**APPENDIX 1: SCHEDULE OF LAND**

<b>Lot</b>	<b>DP</b>
1	DP1039973
1	DP798291
1	DP741037
173	DP753744
174	DP753744
174A	DP753744
231	DP753744
3	DP113703
4	DP113703

APPENDIX 2: SITE BOUNDARY AND LOT NUMBERS

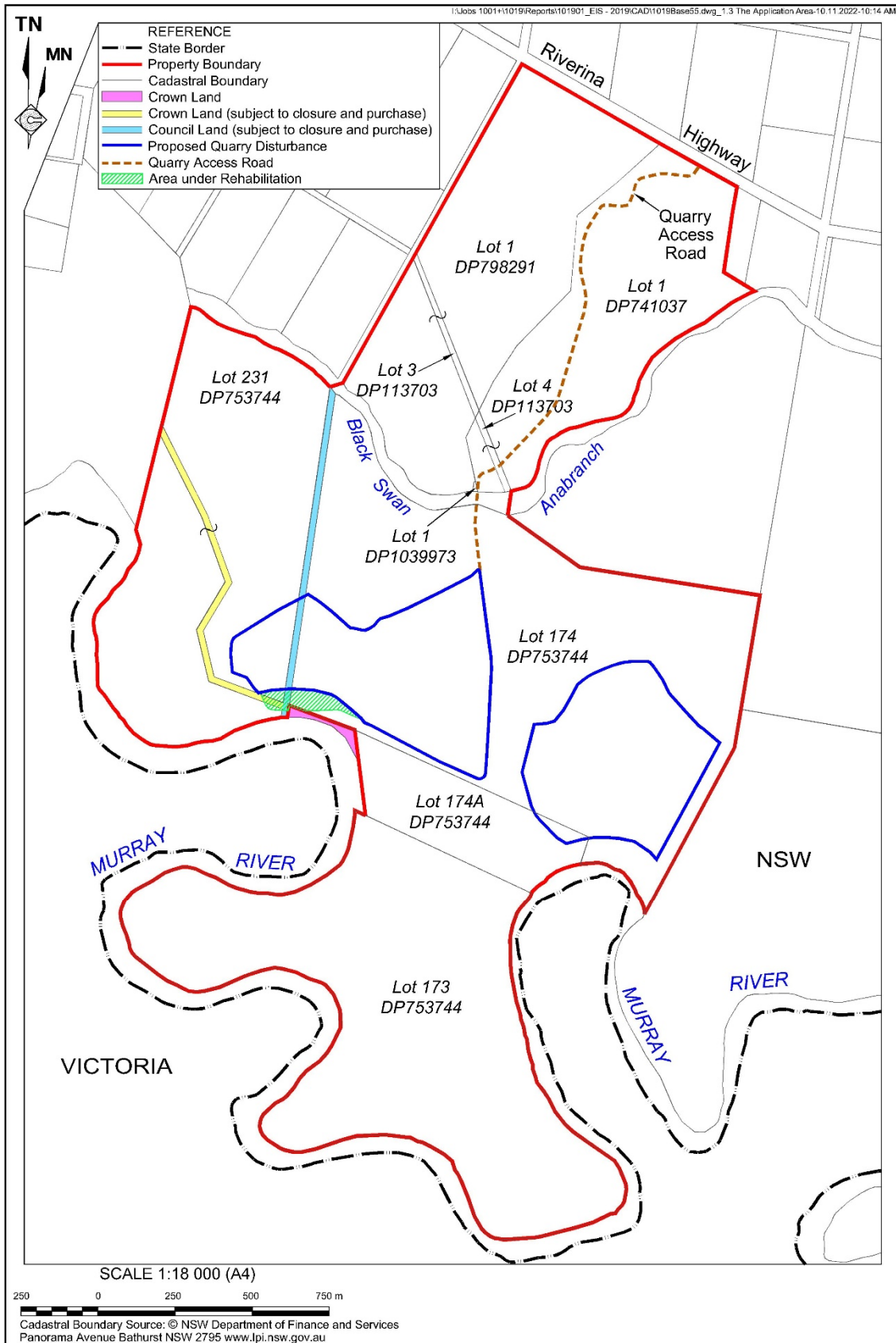
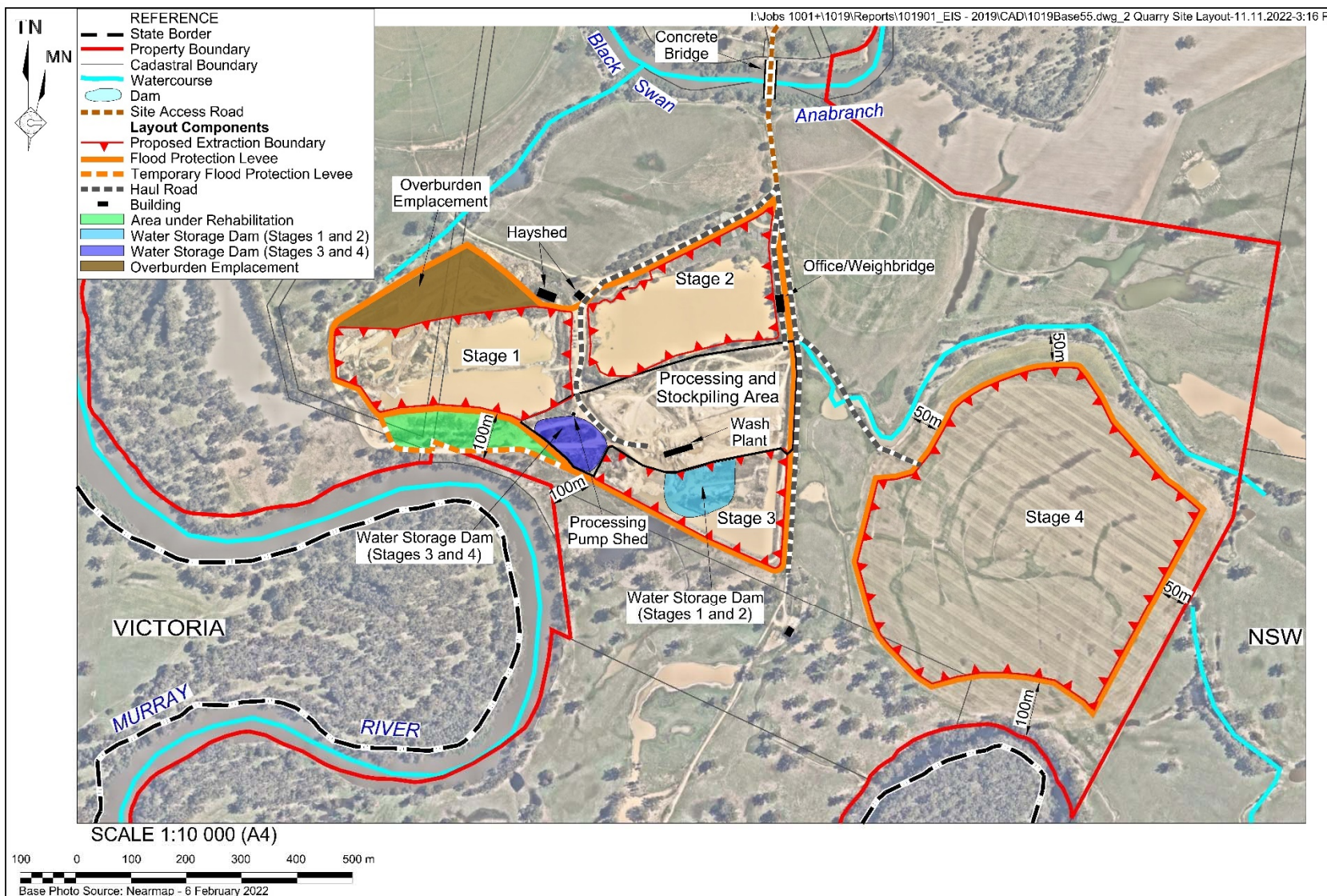


Figure 1: Site Boundary and Lot Numbers

### APPENDIX 3: DEVELOPMENT LAYOUT



APPENDIX 4: TRANSPORT ROUTE



Figure 1: Transport Route

APPENDIX 5: CONCEPT DESIGN ACCESS ROAD INTERSECTION

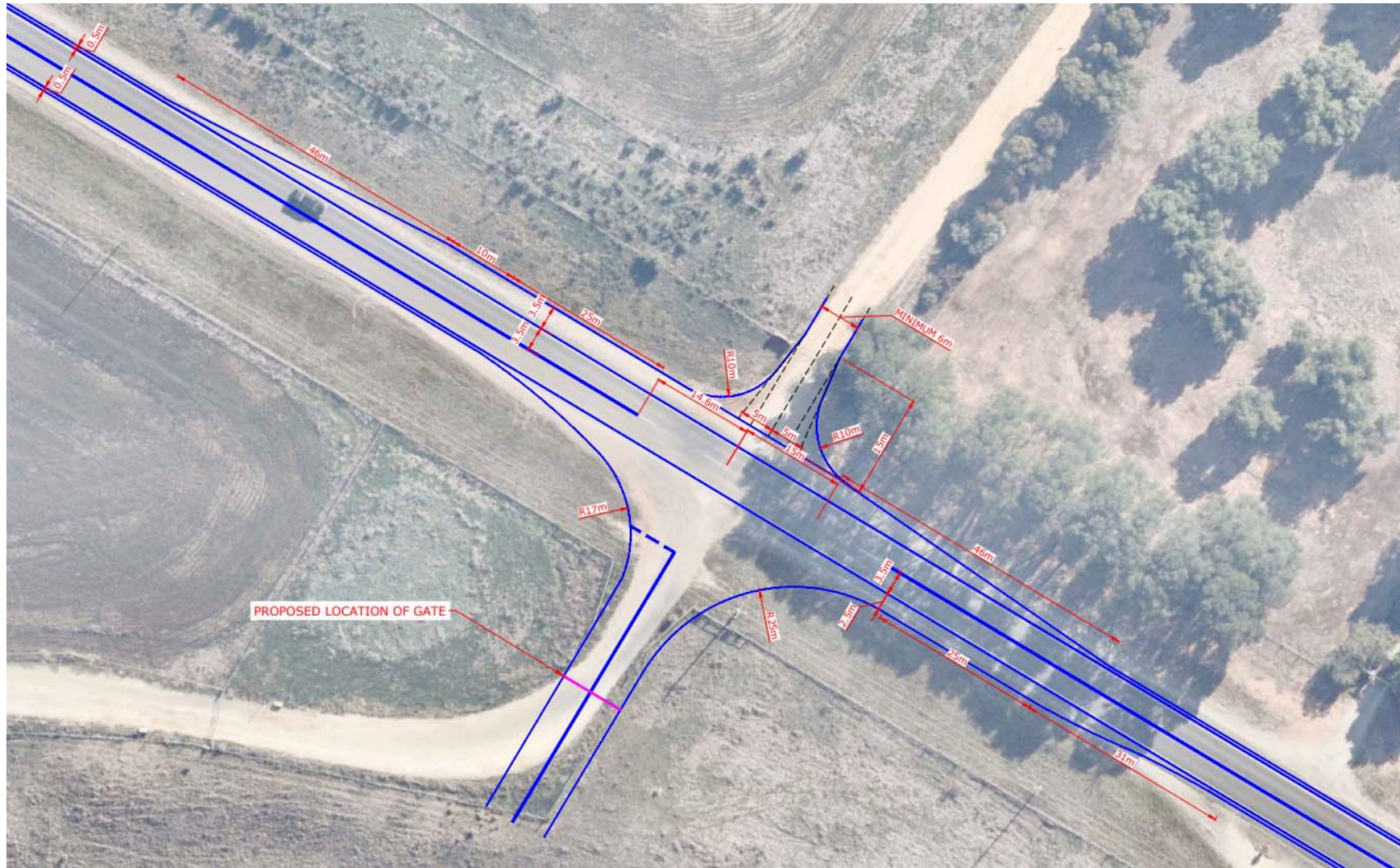


Figure 1: Concept Design of Access Road Intersection

APPENDIX 6: CONCEPTUAL REHABILITATION PLAN

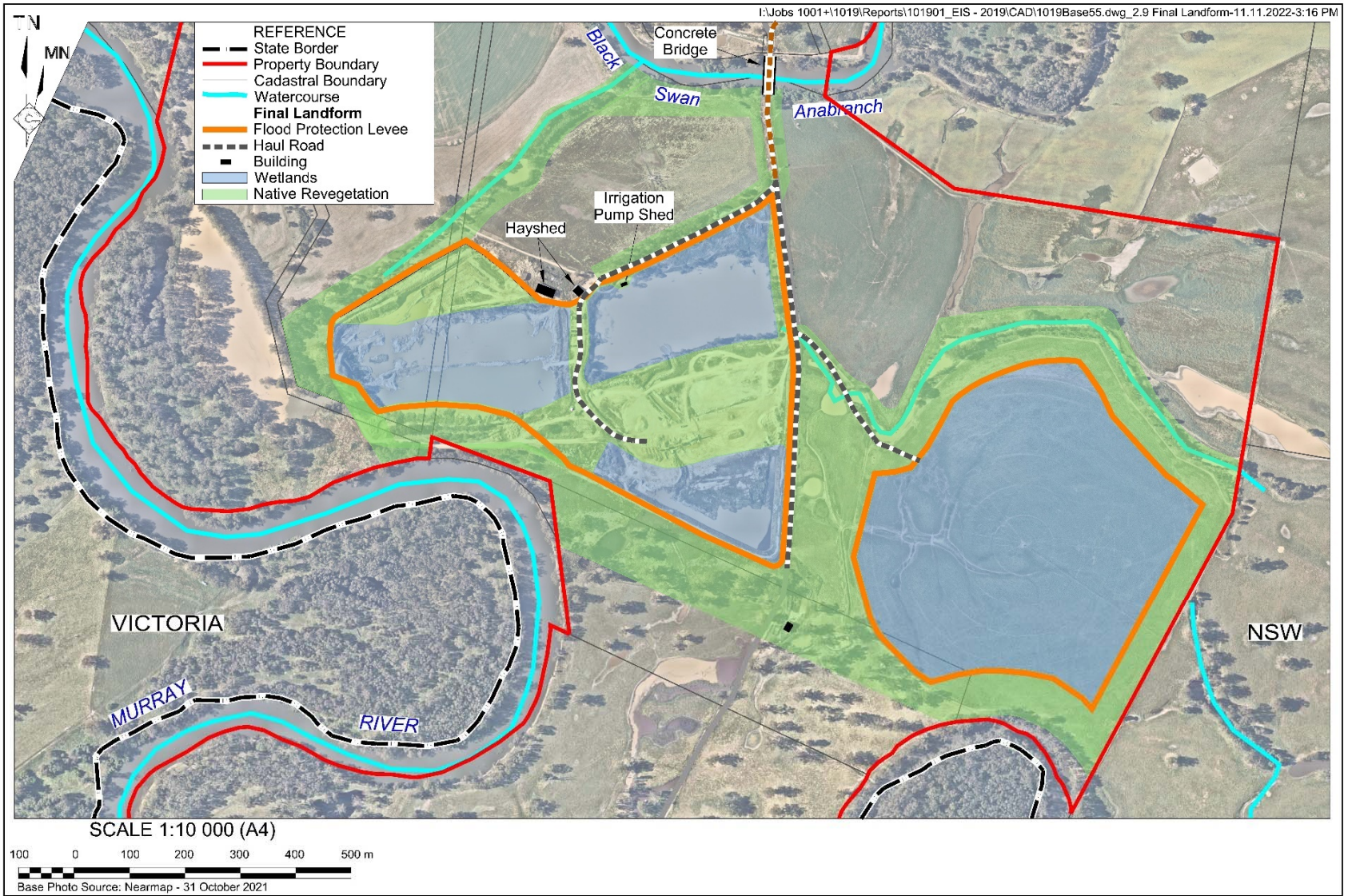


Figure 1: Conceptual Final Landform including native revegetation areas.