

**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT, DESIGNATED AND INTEGRATED DEVELOPMENT
UNDER SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning and Administration), under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedules 2 to 5.

The reasons for the imposition of conditions are to:

- a) minimise any adverse environmental impacts associated with the development;
- b) provide environmental criteria which define acceptable levels of performance;
- c) provide for environmental monitoring, reporting, and independent review; and
- d) ensure consistency of the development with the existing development consent applying to the site.

Diane Beamer, MP
**Minister Assisting the Minister for
Infrastructure and Planning
(Planning and Administration)**

Sydney,

2003

File No. P00/00102

SCHEDULE 1

Development Application:	DA No. 260-8-2002-i, lodged with the Department of Planning on 13 August 2002;
Applicant:	The Austral Brick Company Pty Ltd ("the Applicant");
Consent Authority:	The Minister for Infrastructure and Planning;
Land:	Lot 2, DP 120673 and Lot 1, DP 843901 Old Wallgrove Road, Horsley Park, Fairfield City local government area;
Proposed Development:	Stage 1, being the operation of an extractive industry on Lot 2 DP 120673, including the development of the Eastern Pit, to a maximum extraction rate of 150,000 tonnes per annum.

State Significant Development	The proposed development is within a class of development classified as State Significant development by virtue of a declaration made by the Minister for Urban Affairs and Planning on 3 August 1999 under section 76A of the <i>Environmental Planning and Assessment Act</i> ;
Integrated Development	<p>The proposed development is classified as integrated development, under Section 91 of the <i>Environmental Planning and Assessment Act 1979</i>, because it requires additional approvals from the:</p> <ul style="list-style-type: none"> • NPWS under the <i>National Parks and Wildlife Act 1974</i>; • EPA under the <i>Protection of the Environment Operations Act 1997</i>; • DSNR under the <i>Rivers and Foreshore Improvement Act 1948</i>; and • Fairfield City Council under the <i>Roads Act 1993</i>.
Designated Development	The proposed development would involve clay/shale extraction above the threshold in Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> . Consequently it is classified as designated development under clause 4 of the <i>Environmental Planning and Assessment Regulation 2000</i> .
BCA Classification:	This consent does not provide for construction of any buildings or structures.

Note:

- 1) To find out when this consent becomes effective, see Section 83 of the Act;
- 2) To find out when this consent is liable to lapse, see Section 95 of the Act;
- 3) To find out about appeal rights, see Section 97 of the Act.

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SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	The Austral Brick Company Pty Ltd
BCA	Building Code of Australia
Construction	any activity related to the construction of internal roads and the underpass beneath Old Wallgrove Road, including clearing, fencing, erosion and sediment controls and water management systems.
Council	Fairfield City Council
DA	Development Application
Department	NSW Department of Urban and Transport Planning
Director-General	Director-General of the NSW Department of Urban and Transport Planning, or delegate
DSNR	Department of Sustainable Natural Resources
dust	any solid material that may become suspended in air or deposited
Eastern Pit	clay/shale extraction pit located to the east of the unnamed tributary to Ropes Creek on Lot 2 DP 120673, as indicated on Figure 1 in Schedule 3 of this consent.
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
GTA	General Terms of Approval
Minister	Minister for Infrastructure and Planning, or delegate
NPWS	National Parks and Wildlife Service
operation	any activity that results in the production, or intended production, of quantities of quarry products to be transported to existing Austral brick plants including clearing, stripping, extraction, topsoil formation into bunds and revegetation of the buffer zones.
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
Riparian zone	the area within 40 metres of the top of the bank or shore of Ropes Creek and its unnamed tributary
RTA	NSW Roads and Traffic Authority
SCA	Sydney Catchment Authority
Site, project site, subject site	the land to which this consent applies
Stage 1	Construction and operation of the Eastern Pit, to a maximum extraction rate of 150,000 tonnes per annum.
Stage 2	Construction and operation the Western Pit, to a maximum extraction rate from both the Eastern and Western Pits of 500,000 tonnes per annum.
Stage 3	Expansion of operations in the Western Pit to a maximum extraction rate of 650,000 tonnes per annum.
Western Pit	clay/shale extraction pit located to the west of the unnamed tributary to Ropes Creek on Lot 2 DP 120673, as indicated on Figure 1 in Schedule 3 of this consent.

SCHEDULE 3 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction and operation of the development, and rehabilitation of the project site.

TERMS OF APPROVAL

2. ¹The Applicant shall carry out the development in accordance with:
 - a) development application No. DA-260-8-2002-i, lodged with the Department of Planning on 13 August 2002;
 - b) *The Austral Brick Company Pty Limited - Clay/Shale Extraction Proposal Lot 2, DP120673, Horsley Park – Environmental Impact Statement* (one volume), dated 5 August 2002 and prepared by R.W. Corkery & Co Pty Limited (R. W. Corkery);
 - c) *The Austral Brick Company Pty Limited - Clay/Shale Extraction Proposal Lot 2, DP120673, Horsley Park – Specialist Consultant Studies* (one volume) dated August 2002 and prepared by R.W. Corkery & Co Pty Limited (R. W. Corkery);
 - d) *The Austral Brick Company Pty Limited – Additional Information Requested by PlanningNSW and Responses to Submissions by Other Government Agencies and the Community Group for Clay/Shale Extraction Proposal Lot 2, DP 120673, Horsley Park* (one volume) dated December 2002 and prepared by R.W. Corkery & Co Pty Limited (R. W. Corkery); and,
 - e) the conditions of this consent.
3. If there is any inconsistency between the above, either the conditions of this consent or the most recent document shall prevail to the extent of the inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

LIMIT OF APPROVAL

5. This consent provides approval for Stage 1 of the development as follows:
 - a) clay/shale extraction from the Eastern Pit on Lot 2, DP 120673, as identified on Figure 1 in Schedule 3 of the consent;
 - b) transport of product to Austral Plant 3 via the Old Wallgrove Road underpass;
 - c) transport of product to Austral Plant 1 and 2, via an internal road, Old Wallgrove Road and Wallgrove Road via an underpass beneath the Western Sydney Orbital;
 - d) a maximum clay/shale extraction rate of 150,000 tonnes per annum.

¹ Incorporates EPA GTA

STAGED DEVELOPMENT

6. The Applicant shall obtain further approval from the Minister to expand the operation to include:
 - Construction and operation of the Western Pit, to a maximum extraction rate from both the Eastern and Western Pits of 500,000 tonnes per annum (Stage 2).
 - Expansion of operations in the Western Pit, to a maximum extraction rate of 650,000 tonnes per annum (Stage 3).

To obtain approval for Stages 2 and 3 of the development, the Applicant shall prepare documentation to the satisfaction of the Director-General which includes, but is not limited to, the following:

- an assessment report of the environmental impact associated with the development, having regard for the relevant environmental legislation and policy at the time the report is prepared;
- a report of the environmental performance of the development to date; and
- an impact assessment for the flood bund on the eastern side of Ropes Creek on the flood behaviour within Ropes Creek (Stage 2 only).

The form and content of the documentation shall be determined by the Director-General, in consultation with EPA, DSNR, NPWS, SCA, Fairfield City Council and any other body nominated by the Director-General.

PROVISION OF DOCUMENTS

7. The Applicant shall make the following documents available to the public upon request at the project site and Council, and shall post all documents on its website, within 14 days of approval of the documents by the Director-General or relevant agency:
 - a) this consent and the existing consent for Plant 3;
 - b) any licences or approvals for the development obtained from Government agencies; and
 - c) all documents required under this consent, including environmental management plans, AEMRs, and Independent Audits.

The Applicant shall ensure the internet site address is publicised and freely available.

TUNNEL CONSTRUCTION

8. The Applicant shall design and construct the tunnel beneath Old Wallgrove Road to the satisfaction of Fairfield City Council.
9. The Applicant shall bear all costs associated with the construction of the tunnel beneath Old Wallgrove Road.
10. The Applicant shall maintain public access along Old Wallgrove Road, during construction of the tunnel.

ROAD CROSSING ABOVE THE UNNAMED TRIBUTARY TO ROPES CREEK

11. The Applicant shall design and construct the road crossing above the unnamed tributary to Ropes Creek in accordance with the requirements of the NSW Fisheries *Policy and Guidelines for Bridges, Roads, Culverts, Causeways and Similar Structures*, and to the satisfaction of the DSNR.

Note: The Applicant is required to obtain a Part 3A Permit from the Department of Land and Water Conservation pursuant to Part 3A of the Rivers and Foreshore Improvement Act 1948, prior to the commencement of any works in the riparian zone of Ropes Creek and its unnamed tributary.

DISPUTE RESOLUTION

12. In the event that a dispute arises between the Applicant and a public authority other than the Department, in relation to the requirements applicable under this consent, the Applicant shall refer the matter to the Director-General, and if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the Environmental Planning and Assessment Act 1979 provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

PARTICIPATION IN CUMULATIVE AND REGIONAL STUDIES

13. The Applicant shall provide all existing relevant information to assist the Director-General in any cumulative/regional studies related to extractive industry development.

REHABILITATION BOND

14. The Applicant shall provide a Rehabilitation Bond in the sum of \$500,000 in the form of an insurance bond or bank guarantee acceptable to the Director-General from any bank licensed pursuant to the *Banking Act 1959 (Cth)*, prior to commencement of operations on Lot 2 DP120673. The Rehabilitation Bond shall be made in favour of the Minister administering the *Environmental Planning & Assessment Act 1979* to ensure completion of the rehabilitation and landscaping works at the site. The sum of the Rehabilitation Bond is calculated based on \$2.00 per square metre for a maximum exposed area of 25 ha. Should progressive AEMRs or Independent Environmental Audits determine that the exposed, non-rehabilitated, area on the site is greater than 25 ha, the Director-General may direct the Applicant to increase the value of the Rehabilitation Bond at the rate of \$2.00 per square metre.

The Director-General may at any time, and without notice to the Applicant, demand all or part of the monies available under the Rehabilitation Bond if, in the Director-General's opinion, the Applicant has failed to make satisfactory progress on the rehabilitation and landscaping of the site. The Director-General shall apply the monies to ensure that the actions specified in the documents listed in condition 2 and/or any approved Environmental Management Strategy/Plan are achieved.

The Rehabilitation Bond can be released progressively at the discretion of the Director-General, if the Director-General is satisfied that the completed area has been certified by a qualified landscape and rehabilitation consultant to be successfully rehabilitated in accordance with the conditions of this consent and/or any approved Environmental Management Strategy/Plan.

Note: A separate Rehabilitation Bond shall be provided to DSNR for works undertaken in the riparian zone, as a requirement of the Part 3A Permit.

STATUTORY REQUIREMENTS

15. The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Act, the Local Government Act 1993, Protection of the Environment Operations Act 1997, Rivers and Foreshores Improvement Act 1948, Water Act 1912, National Parks and Wildlife Act 1974, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the Council, EPA, DSNR, NPWS, RTA, NSW Agriculture, and SCA, are fully met.

**SCHEDULE 4
SPECIFIC ENVIRONMENTAL CONDITIONS**

AIR QUALITY IMPACTS

Impact Assessment Criteria

1. The Applicant shall ensure that air pollution generated by the development does not exceed the criteria listed in Tables 1, 2 and 3 at any privately owned dwelling:

Table 1: Long term impact assessment criteria for particulate matter

POLLUTANT	AVERAGING PERIOD	CRITERION
Total Suspended Particulate Matter (TSP)	Annual	90µg/m ³
Particulate matter < 10µm (PM ₁₀)	Annual	30 µg/m ³

Table 2: Short term impact assessment criterion for particulate matter

POLLUTANT	AVERAGING PERIOD	CRITERION
Particulate matter < 10µm (PM ₁₀)	24 hr average	50µg/m ³

Table 3: Long term impact assessment criteria for deposited dust

POLLUTANT	AVERAGING PERIOD	MAXIMUM INCREASE IN DEPOSITED DUST LEVEL	MAXIMUM TOTAL DEPOSITED DUST LEVEL
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods of Sampling and Analysis of Ambient Air – Determination of Particulates – Deposited Matter – Gravimetric method.

Operating Conditions

2. ²The Applicant shall ensure that activities occurring at the site must be carried out in a manner that prevents and/or minimises emissions of air pollution from the development.
3. ³Trucks entering and leaving the site that are carrying loads must be covered at all times, except during loading and unloading.

Monitoring

4. ⁴The Applicant shall establish air quality monitoring stations at a minimum of four locations approved by the EPA, and to the satisfaction of the Director General, prior to construction. These stations shall monitor the dust deposition rate and concentrations of PM₁₀. The number of stations may be reviewed in consultation with the EPA throughout the life of the approved operation.

² Incorporates an EPA GTA

³ Incorporates an EPA GTA

⁴ Incorporates an EPA GTA

5. ⁵The Applicant shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Table 4. The Applicant must use the specified units of measure, averaging period, frequency and sampling method noted in Table 4.

Table 4: Air Quality Monitoring – Sampling Method and Frequency

Pollutant	Units of measure	Averaging Period	Frequency	Sampling Method
Particulate matter – PM ₁₀	µg/m ³	24 hour, annual	1 day in 6 or continuous, or as otherwise approved by EPA	AM-18 or AS3580.9.8 - 2001
Particulate Matter (deposited matter)	g/m ² /month	Month, annual	continuous	AM-19

SOIL AND LAND MANAGEMENT

6. The Applicant shall ensure that extraction is undertaken in accordance with the extraction plan and sequence in the EIS.
7. The Applicant shall minimise the removal of trees and other vegetation from the project site, and restrict any clearance to the areas occupied by quarrying activities, and those areas necessary for fire control.
8. The Applicant shall minimise the impact to the structure of the soils in the riparian zone by avoiding, where possible, the unsuitable compaction of the soil by proof rolling or other methods.

SURFACE WATER QUALITY

Impact Assessment Criteria

9. ⁶The Applicant shall ensure that any discharges to water or land comply with the criteria listed in Table 5.

Table 5: Criteria for discharges to Ropes Creek

Pollutant	Units of measure	100% concentration limit
Dissolved oxygen	% saturation	85 - 110
Turbidity	NTU	25
Total suspended solids	mg/L	50
Total phosphorous	mg/L	0.035
Total nitrogen	mg/L	0.7
Conductivity	µS/cm	200
pH	pH	6.5 – 8.0

Notes:

1. The values specified in the above table may be replaced with different values if after appropriate monitoring of Ropes Creek and consideration of downstream users and the ANZECC (2000) Guidelines, other limits are considered by the EPA to be appropriate.
2. This condition does not authorise the pollution of waters by any other pollutants.

⁵ Incorporates an EPA GTA

⁶ Incorporates an EPA GTA

10. The Applicant shall establish a set of surface water impact assessment criteria for the surface water monitoring locations determined by the EPA, to the satisfaction of the EPA and the Director-General, prior to the commencement of operations.
11. ⁷The Applicant shall establish appropriate volume discharge limits for discharges to water or land to the satisfaction of the EPA and the Director-General, prior to the commencement of operation.

Operating Conditions

12. ⁸Except as may be expressly provided by an EPL under the *Protection of the Environment Operations Act 1997* in relation of the development, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* in connection with the carrying out of the development.
13. ⁹The Applicant shall design and construct all discharge outlet structures from any stormwater treatment ponds, detention pond outlets, stormwater basins or water quality control ponds in accordance with the DSNR guideline *Stormwater Outlet Structures to Streams*, and to the satisfaction of the DSNR.
14. ¹⁰The Applicant shall inspect Ropes Creek and its unnamed tributary for stability and erosion after flood events. If creek erosion or instability is detected, the Applicant shall seek advice from DSNR, and undertake any necessary works to the satisfaction of DSNR.
15. The Applicant shall carry out the development in a way that prevents and/or minimises the potential surface water impacts of the development.

Monitoring

16. The Applicant shall prepare and implement a detailed Surface Water Monitoring Program for the development, to the satisfaction of the EPA and the Director-General, prior to the commencement of operations.
17. ¹¹The Applicant shall establish appropriate monitoring locations for discharges to water or land to the satisfaction of the EPA and the Director-General, prior to the commencement of operations.

Management Plan

18. ¹²The Applicant shall prepare and implement a Riverine and Ecological Flow Management Plan with the aim of maintaining the riverine and ecological health of the unnamed tributary to Ropes Creek. The Plan shall be prepared to the satisfaction of the DSNR, prior to the commencement of operations. The Plan is to include:
 - Details of mitigation measures to address the reduction in the natural flow regime of the unnamed tributary. The mitigation measures are to be based on the results of the hydraulic and hydrologic study of the unnamed tributary;
 - Details of a monitoring program to measure the impact of the proposal in terms of riverine and ecological health;
 - Details of measures to report on monitoring results and trends in riverine and ecological health; and

⁷ Incorporates an EPA GTA

⁸ Incorporates an EPA GTA

⁹ Incorporates a DSNR GTA

¹⁰ Incorporates a DSNR GTA

¹¹ Incorporates an EPA GTA

¹² Incorporates a DSNR GTA

- Details of a contingency plan should the monitoring indicate a decrease in riverine or ecological health.

GROUNDWATER

Impact Assessment Criteria

19. The Applicant shall establish a set of groundwater impact assessment criteria for the groundwater monitoring locations determined by the DSNR, to the satisfaction of DSNR and the Director-General, prior to the commencement of operations.

Operating Conditions

20. The Applicant shall carry out the development in a way that prevents and/or minimises the potential groundwater impacts of the development.

Monitoring

21. The Applicant shall conduct monitoring of groundwater levels and groundwater quality at locations approved by DSNR, to the satisfaction of DSNR and the Director-General.
22. The Applicant shall prepare and implement a detailed Groundwater Monitoring Program for the development at least two years prior to the commencement of Stage 2. The Program must be prepared to the satisfaction of the DSNR, SCA and the Director-General, prior to the commencement of operations.

EROSION AND SEDIMENT CONTROL

23. ¹³The Applicant shall prepare and implement a detailed Soil and Water Management Plan for the development. The Plan must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction (3rd edition) (1998)* and the EPL requirements. The Plan is to be prepared in consultation with the EPA, Fairfield Council and the DSNR, and to the satisfaction of the Director-General, prior to the commencement of construction.
24. The Applicant shall undertake maintenance operations only at the designated workshop at the existing Austral Brick Plant 3.
25. The Applicant shall ensure all spills resulting from equipment refuelling operations on site are appropriately removed.
26. ¹⁴The Applicant shall inspect and undertake maintenance as required of all erosion and sediment control measures at the Site on a weekly basis and immediately following any rainfall events to ensure the efficient operation of these devices. This obligation remains until the Site has been fully stabilised.
27. ¹⁵The Applicant shall document all decommissioning of sediment and erosion controls, to the satisfaction of DSNR. Decommissioning must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction (3rd Edition) (1998)*. The timeframes for the decommissioning of the sediment and erosion controls are to be cross-referenced to the implementation of the Vegetation Management Plan.

¹³ Incorporates EPA and DSNR GTA

¹⁴ Incorporates a DSNR GTA

¹⁵ Incorporates a DSNR GTA

TRAFFIC AND TRANSPORT IMPACTS

28. The Applicant shall prepare and implement a Traffic Management Plan to minimise traffic impacts associated with the development. The Plan shall be prepared in consultation with Fairfield City Council and Blacktown City Council, and to the satisfaction of the Director General, prior to the transport of material along Old Wallgrove Road to Austral Brick Plants 1 and 2. The Plan shall include specific measures to minimise the impact of heavy vehicles, including restrictions on times (particularly in relation to peak commuter employee times) and to ensure that sand, clay or soil are not tracked onto transport routes.
29. ¹⁶The Applicant shall ensure that sand, clay or soil is not tracked or spilt on the transport route along Old Wallgrove Road and Wallgrove Road. If any spillage occurs, all costs associated with the removal of the spillage are to be borne by the Applicant.
30. ¹⁷The Applicant shall provide an automatic tyre and vehicle underbody wash facility or other suitable alternative, prior to the transport of raw material to Austral Brick Plants 1 and 2, to prevent vehicles departing the site from carrying clay/shale onto Old Wallgrove Road.
31. In the event that Blacktown City Council prepares a Section 94 Contribution Plan applicable to extraction industries, the Applicant shall negotiate with the Council to determine an appropriate road maintenance levy for the transport of raw material along Old Wallgrove Road.

NOISE IMPACTS

Impact Assessment Criteria

32. ¹⁸The Applicant shall ensure that the noise generated by the development does not exceed the criteria in the EPL at any privately owned dwelling.

Operating Conditions

33. ¹⁹The Applicant shall ensure that all activities at the site (including the transportation of extracted material) must only be carried out between:
 - 6am to 4.30pm Monday to Friday;
 - 6am to 1pm Saturday; and
 - at no time on Sundays and Public Holidays.
34. The Applicant shall carry out the development in a way that prevents and/or minimises the noise generated by the development.
35. ²⁰The Applicant shall ensure that construction and operation of the development does not involve any activity which includes blasting or crushing of any material or any machinery which would produce vibration other than the earth moving equipment and trucks detailed within the EIS.

¹⁶ Incorporates an EPA GTA

¹⁷ Incorporates an EPA GTA

¹⁸ Incorporates an EPA GTA

¹⁹ Incorporates an EPA GTA

²⁰ Incorporates an EPA GTA

Monitoring

36. ²¹The Applicant shall establish noise monitoring stations at locations approved by the EPA, and to the satisfaction of the Director-General, prior to construction.
37. ²²The Applicant shall prepare and implement a detailed Noise Monitoring Program to the satisfaction of the EPA and the Director-General, prior to the commencement of construction. The Program should include details of a monitoring program and management methods for noise control.

FLORA AND FAUNA

38. The Applicant shall establish the 7.5 hectare wildlife refuge as set out in Figure 4.12 of the EIS, prior to commencement of operations.
39. ²³The Applicant shall prepare and implement a Vegetation Management Plan, for the site including the buffer zones, riparian zones along Ropes Creek and its unnamed tributary, the wildlife refuge stated in Condition 38, and the excavation pit areas prior to disturbance. The Plan is to be prepared to the satisfaction of DSNR and the Director-General, prior to the commencement of operations. The Plan is to be prepared in accordance with the DSNR guideline *How to Prepare a Vegetation Management Plan*, and must include:
 - measures to revegetate any disturbance due to the crossing of the unnamed tributary to Ropes Creek, work areas, spoil areas, access tracks and structural footprints in the riparian zone, for a minimum radius of 10 metres measured from the disturbed area;
 - details of the measures to protect, conserve and improve the on-site vegetation;
 - details of strategic vegetation management, outlining timeframes for exclusion of grazing stock, clearing and re-vegetation activities and a map illustrating the Plan. The Plan should aim to maximise scope for new vegetation to establish and restore ecological integrity;
 - details of revegetation and habitat construction works to be undertaken in the wildlife refuge and buffer zones;
 - details of the management of vegetation to maintain and enhance existing visual screenings;
 - details of the procedures for clearing, including details of measures to care for any animals injured or found during clearing activities;
 - details of procedures for the appropriate disposal of cleared vegetation, such that it cannot impact upon or be impacted by flood waters;
 - measures to use local endemic species and local provenance seed for revegetation;
 - details of the methods for strategically placing felled trees between cleared and remnant bushland to provide runways of ground cover for dispersion of animals;
 - measures to monitor and report the progress and success of revegetated areas; and
 - details of the flora and fauna monitoring required under this consent.
40. The Applicant shall maintain any revegetated area for a period of at least two years after final planting. Maintenance must include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control,

²¹ Incorporates an EPA GTA

²² Incorporates an EPA GTA

²³ Incorporates a DSNR GTA

mulching and any other requirements necessary for achieving successful vegetation establishment.

41. The Applicant shall ensure that no exotic plant species, other than temporary sterile cover crops, are planted within the riparian zone. The Applicant shall ensure that all exotic plant species are to be progressively removed prior to final planting with local native species.

INDIGENOUS HERITAGE

42. The Applicant may destroy the Aboriginal sites “HP2”, “DTAC1”, “DTAC2” and “DTAC3”.

Note: The Applicant is required to obtain consent from the National Parks & Wildlife Service, under Section 90 of the National Parks & Wildlife Act 1974, prior to destroying these sites. A Care and Control Permit application should accompany the Section 90 Application, if requested by the local Aboriginal Communities.

43. If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the NSW Heritage Office, and the relevant local Aboriginal community groups. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.
44. The Applicant shall prepare and implement an Archaeological and Cultural Heritage Management Plan, in consultation with the NPWS and the local aboriginal community groups, and to the satisfaction of the Director-General, prior to the commencement of operations. This Plan shall include:
 - provisions for a consultation protocol for Aboriginal Cultural Heritage Management;
 - mitigation measures to protect the identified aboriginal site “HP1” and associated Potential Archaeological Deposit (PAD);
 - provisions for a qualified archaeologist and a representative(s) from each of the local aboriginal communities to monitor the stripping of topsoil, and to carry out an assessment and retrieval of artefacts prior to the development proceeding; and
 - annual reporting of effectiveness of mitigation measures and monitoring.

WASTE MANAGEMENT IMPACTS

45. The Applicant shall not cause, permit or allow any waste to be received at the site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the site to be disposed of at the site, except as expressly permitted by an EPL under the *Protection of the Environment Operations Act 1997*.

Note: This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the site if it requires an Environment Protection Licence under the Protection of the Environment Operations Act 1997.

VISUAL IMPACT

46. The Applicant shall carry out the development in a way that prevents and/or minimises the visual impacts of the development.

REHABILITATION

47. The Applicant shall prepare a Rehabilitation and Landscape Plan to detail the proposed landform for the eastern pit and the creation and maintenance of the flood and visual bunds. The Plan shall be prepared in consultation with NSW Agriculture and DSNR, and to the satisfaction of the Director-General prior to the commencement of operations. The Plan shall include, but not necessarily be limited to:

- a) details of all landscaping to be undertaken on the site;
- b) maximisation of flora species endemic to the locality in landscaping the site;
- c) details of the progressive rehabilitation of visual and flood bunds and buffer zones;
- d) Details of stream restoration works including:
 - Methods to stabilise the bed and banks of the waterway;
 - Establishment of riparian zones using local native vegetation;
 - Vegetation monitoring, maintenance, and performance criteria; and,
 - Use of an environmentally sympathetic, soft-engineering approach;
- e) procedures for weed control and feral animal control;
- f) details of all backfilling works, including source of materials and the grades and stability of all batters. Batter design should be in accordance with the provisions of DCP No 500 – Extractive Industries, and certification is to be provided by appropriately qualified engineers regarding the stability of all designed batters; and
- g) details of measures to maintain current drainage flows on the site.

48. The Applicant shall rehabilitate the buffer zones, visual and flood bunds and the extraction pits with native plant species.

GEOTECHNICAL ISSUES

49. The Applicant shall undertake a geotechnical investigation to determine the minimum allowable distance between the pipeline and extraction pit and assess the adequacy of the proposed buffer zone. The investigation is to be undertaken in consultation with the SCA, and to the satisfaction of the Director-General, prior to the commencement of Stage 2 of operations.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, MONITORING AUDITING & REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Applicant shall prepare and implement an Environmental Management Strategy for the development, to the satisfaction of the Director-General, prior to the commencement of operations. This strategy must:
 - a) Provide the strategic context for environmental management of the development;
 - b) Identify the statutory requirements that apply to the development;
 - c) Describe in general how the environmental performance of the development would be monitored and managed during the development;
 - d) Describe the detailed procedures that would be implemented to:
 - Keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - Receive, handle, respond to and record complaints;
 - Resolve any disputes that may arise during the course of the development;
 - Respond to any non-compliance;
 - Manage cumulative impacts; and
 - Respond to emergencies
 - e) Describe the role, responsibility, authority, and accountability of all key personnel involved in environmental management of the development.
2. Within 14 days of the Director-General's Approval, the Applicant shall:
 - a) Send copies of the approved strategy to the relevant agencies, Council and the CCC, and
 - b) Ensure the approved strategy is publicly available during the development.

ENVIRONMENTAL MANAGEMENT PLAN

3. The Applicant shall prepare a detailed Environmental Management Plan for the development in consultation with the EPA and DSNR and to the satisfaction of the Director-General, prior to the commencement of operations. This plan must consolidate the various monitoring requirements and environmental management plans in Schedule 4 of this consent into a single document.
4. The Applicant shall regularly review, and if necessary update, this plan in consultation with the Director-General, and notify the EPA, DSNR, Council, CCC, and general public of any changes to the plan.

ANNUAL REPORTING

5. The Applicant shall submit an Annual Environmental Management Report to the Director-General and the relevant agencies. This report must:
 - a) Identify the standards and performance measures that apply to the development;
 - b) Include a detailed summary of the complaints received during the past year; including the Applicant's actions in response to the complaints;

- c) Include a detailed summary of the monitoring results on the development during the past year;
- d) Include a detailed summary of the effectiveness of the management plans outlined in Schedule 4;
- e) Include a detailed analysis of these monitoring results against the relevant:
 - Impact assessment criteria;
 - Monitoring results from previous years; and
 - Predictions in the EIS;
- f) Identify any trends in the monitoring over the life of the development;
- g) Identify any non-compliance during the previous year; and
- h) Describe what actions were, or are being, taken to ensure compliance.

INDEPENDENT AUDITING

6. At the end of year 2 of the development, and every 5 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - a) Be conducted by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Director-General;
 - b) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
 - c) assess the environmental performance of the development, and its effects on the surrounding environment;
 - d) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
 - e) review the effectiveness of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and, if necessary
 - f) recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.

7. Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Director-General, with a detailed response to any of the recommendations contained in the audit report.

COMMUNITY CONSULTATIVE COMMITTEE

8. The Applicant shall establish a Community Consultative Committee (CCC) to oversee the environmental performance of the development. The Applicant shall ensure that one committee is established which meets the requirements of this consent for the site. This committee shall:
 - a) Be comprised of :
 - 1 independent chairperson nominated by the Director-General in consultation with the Council, and agreed to by the Applicant;
 - 2 representatives from the Applicant, including the Environmental Officer;
 - 1 representative from Council;
 - 1 representative from Transgrid; and
 - 2 representatives from the local community;

whose appointment has been approved by the Director-General in consultation with the Council;

- b) Meet at least once every six months; and
- c) Review and provide advice on the environmental performance of the development, including monitoring results, audit reports, compliance reports, AEMRs or complaints.

Note: Representatives from the Department may attend committee meetings. Representatives from relevant government agencies, the local community, the local Aboriginal community, or other individuals may be invited to attend meetings as required by the Chairperson.

9. The Applicant shall, at its own expense:

- a) Ensure that 2 of its representatives attend all the Committee's meetings;
- b) Provide the Committee with regular information on the environmental performance and management of the development;
- c) Provide meeting facilities for the Committee;
- d) Meet all reasonable costs associated with operating the Committee;
- e) Allow the Committee to inspect the site, if necessary;
- f) Take minutes of the Committee's meetings;
- g) Make these minutes available for public inspection at the Council within 14 days of the Committee meeting, or as agreed by the Committee;
- h) Respond to any recommendations the Committee may have in relation to the environmental performance of the development;
- i) Forward a copy of the minutes of each Committee meeting verified by the independent chairperson, and any responses to the Committee's recommendations to the Director-General within 14 days of the Committee meeting.

10. The Applicant shall ensure that the Committee has its first meeting prior to the submission of the Environmental Management Strategy.
