

Notice of Modification

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

As delegate of the Minister for Planning and Public Spaces, the Independent Planning Commission modifies the development consent referred to in Schedule 1, as set out in Schedule 2.



Dianne Leeson (Chair)
Member of the Commission



Peter Cochrane
Member of the Commission

Sydney

16 November 2020

SCHEDULE 1

The Development Consent for the Dunmore Lakes Sand Extraction Project (DA 195-8-2004) granted by the Minister for Planning and Infrastructure on 29 June 2005.

SCHEDULE 2

1. In Schedule 1 under the heading "Land":
 - a. delete the "and"; and
 - b. delete the comma after "Lot 1 in DP 213575" and insert:
; and
Lot 501 DP 1174897 and Lot 51 DP 1012246
2. In Schedule 1 under the heading "Proposed Development" delete "and 4", and insert ", 4, 5A and 5B".
3. In the list of definitions, delete "Development", "DPI Fisheries", "DRG", "EIS", "RMS" and "Secretary" and insert in alphabetical order:

Aboriginal object / Aboriginal place	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Approved disturbance area	The area identified as such on the development layout plans, as modified by the conditions of this consent
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCT	Biodiversity Conservation Trust
Conditions of this consent	Conditions contained in Schedules 2 to 5
Construction	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
Decommissioning	The deconstruction or demolition and removal of works installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Development	The development described in the documents listed in condition 2(c) of Schedule 2
Development Layout Plans	The plans in Appendix 1
DPIE Crown Lands	Crown Lands Group within the Department
EA Mod 1	Modification application Mod 1 and the accompanying Environmental Assessment titled <i>Dunmore Lakes Sand Project (DA 195-8-2004) – Modification 1</i> dated 26 April 2016

EA Mod 2	Modification application Mod 2 and the accompanying Environmental Assessment titled <i>Dunmore Lakes Sand Extraction Project Modification 2 Environmental Assessment</i> dated April 2019 and associated Response to Submissions dated June 2019
EIS	Environmental Impact Statement for the <i>Dunmore Lakes Sand Extraction Proposal, Stages 2, 3 and 4: Environmental Impact Statement, Volumes 1 & 2</i> , dated August 2004 and supplementary information titled <i>Dunmore Lakes Sand Extraction Proposal, Stages 2, 3 and 4: Response to EIS Issues</i> , dated February 2005
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Feasible	Means what is possible and practical in the circumstances
Financial year	A period of 12 months from 1 July to 30 June
Fisheries NSW	Fisheries Branch of the Primary Industries Group within the Department
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
Heritage Item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: <ul style="list-style-type: none"> • the <i>National Parks and Wildlife Act 1974</i>; • the State Heritage Register under the <i>Heritage Act 1977</i>; • a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; • a Local Environmental Plan under the EP&A Act; • the World Heritage List; • the National Heritage List or Commonwealth Heritage List under the EPBC Act; or • anything identified as a heritage item under the conditions of this consent.
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Laden trucks	Trucks transporting materials or products to or from the site
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or • 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) This definition excludes "harm" that is authorised under either this consent or any other statutory approval
MEG	Regional NSW - Mining, Exploration and Geoscience
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	NSW Minister for Planning and Public Spaces, or delegate
Modification 2	The modification described in EA Mod 2
Negligible	Small and unimportant, such as to be not worth considering
Noise sensitive areas	Areas where quarrying operations are being carried out that have potential to lead to increased noise at privately-owned residences, such as elevated areas or areas near the boundary of the site
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent

Planning Secretary POEO Act Public infrastructure	Secretary of the Department, or nominee <i>Protection of the Environment Operations Act 1997</i> 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
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation, topsoil and overburden
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Registered Aboriginal Parties for the project who were determined in accordance with the <i>National Parks and Wildlife Regulation 2019</i>
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Residence	Existing or approved dwelling at the date of grant of this consent
RFS	NSW Rural Fire Service
Riparian Area	The transitional zone between a terrestrial environment (land) and an aquatic environment (such as a river or watercourse).
SEE Mod 3	Modification application Mod 3 and the accompanying Statement of Environmental Effects titled <i>Dunmore Sand and Soil: DA195-8-2004 Proposed Modification 3</i> dated 24 June 2019, associated Response to Submissions dated 31 October 2019 and responses to information requests dated 21 January 2020 and 11 February 2020
TfNSW	Transport for NSW
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

4. Delete all references to "Secretary" and replace with "Planning Secretary".
5. Delete all references to "RMS" and replace with "TfNSW".
6. Delete all references to "DRG" and replace with "MEG".
7. Delete condition 1 of Schedule 2 and replace with:
 1. 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.
8. Delete condition 2 of Schedule 2, including the note and replace with:
 2. The Applicant must carry out the development:
 - a) in compliance with the conditions of this consent;
 - b) in accordance with all written directions of the Planning Secretary;
 - c) generally in accordance with the EIS, EA Mod 1, SEE Mod 3 and EA Mod 2; and
 - d) generally in accordance with the Development Layout in Appendix 1.

Note: The Development Layout Plan is included in Appendix 1.
9. In condition 3 of Schedule 2 delete all occurrences of "condition 2(a)" and replace with "condition 2(c)".
10. In paragraph (b) of condition 4 of Schedule 2, after the semi colon insert "and".
11. Delete condition 5 of Schedule 2, including the note and replace with:
 3. Quarrying operations may be carried out on the site until 15 May 2031.

Notes:

- *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.*
- *Any on-going use of the site for processing and blending activities after quarrying operations cease would be the subject of a separate application.*

12. In condition 6 of Schedule 2 delete “per” and replace with “each financial”.
13. In the first note to condition 7 of Schedule 2, delete “Part 4A” and replace with “Part 6”.
14. In condition 8 of Schedule 2 after “AS 2601-2001: The Demolition of Structures” insert “(Standards Australia, 2001)”.
15. In condition 9 of Schedule 2, delete “The Applicant must” and replace with “Unless the Applicant and the applicable authority agree otherwise, the Applicant must”.
16. Following condition 9 of Schedule 2, insert:

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by the Road Pavement Dilapidation Report required by condition 53B of Schedule 3 of this consent.
17. Following condition 10 of Schedule 2, insert:

Notification of Commencement

11. The Department must be notified in writing of the date of commencement of any of the following phases of the development, at least two weeks before that date:
 - a) construction activities associated with Modification 2;
 - b) quarrying operations in each of Stages 5A and 5B;
 - c) cessation of quarrying operations (i.e. quarry closure); and
 - d) any period of suspension of quarrying operations (i.e. care and maintenance, or commercial activities).

Staging, Combining and Updating Strategies, Plans or Programs

12. 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);
 - 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); and
 - d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining quarrying consent or approval, in common ownership or management.
13. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.
14. 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.

Application of Existing Strategies, Plans or Programs

15. The Applicant must continue to apply existing management strategies, plans or monitoring programs required under this consent prior to the approval of Modification 2, until the approval of a similar plan, strategy or program following the approval of Modification 2.

Compliance

16. 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

17. 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 inclusion (or later update) in the condition.
18. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Crown Land

19. The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown Land or Crown Roads.
18. In condition 1 of Schedule 3:
 - a. after “date of this consent” insert “and prior to the commencement of extraction operations in each of Stage 5A and Stage 5B”;
 - b. in paragraph a) after “approved limits of extraction” insert “for Stages 2, 3, 4, 5A and 5B (as set out conceptually in Appendix 1 and as amended by the conditions of this consent)”;
 - c. in paragraph b) after “boundaries” insert “and their GPS coordinates”; and
 - d. delete the note to the condition.
19. Delete the heading “General Limits on Extraction and Processing” above condition 2 of Schedule 3 and replace with “Stages 2 – 4 Extraction Areas”.
20. In condition 2 of Schedule 3, after “boundary” insert “for Stages 2 - 4”.
21. In the note to condition 8 of Schedule 3, after “under the” insert “former”.
22. Following condition 12 of Schedule 3 insert:

Stage 5 Extraction Areas

- 22A. The Applicant must not undertake quarrying operations within 3 metres of the project boundary for Stage 5A adjacent to Riverside Drive or the project boundary for Stage 5B adjacent to the private property at 79 Fig Hill Lane.
- 22B. The Applicant is not permitted to undertake any vegetation clearance, construction or extraction activities within lands zoned as E3 under the *Shellharbour Local Environment Plan 2013*. In this regard, the Applicant must adjust its final flood bund design and extraction footprint for Stage 5B and the location of ancillary infrastructure (including water management infrastructure) to be a minimum of 3 metres from land zoned E3.
23. Delete condition 13 of Schedule 3, including the heading, table and note and replace with:

Operational Noise Criteria

13. Except for the carrying out of approved construction works, the Applicant must ensure that the noise generated by the development does not exceed the criteria specified in Table 1.

Table 1: Noise impact assessment criteria dB(A)

Residential Location	Shoulder L _{Aeq} (15 mins)	Day L _{Aeq} (15 mins)	Evening L _{Aeq} (15 mins)	Night L _{Aeq} (15 mins)
Dunmore Village residences – 31 Shellharbour Road	47	49	44	41
R20	47	49	44	38
R3, R11, R12, R13, R14, R15, R16, R17, R18,	48	48	43	38

79 Fig Hill Lane				
R19	46	47	43	38
R4, R5, R6, R7, R8, R9, R10	43	47	43	38
Renton (183 James Road Dunmore)	46	46	43	37
All other residences	35	40	35	35

13A. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).

13B. The noise criteria in Table 1 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.

24. In condition 14 of Schedule 3, in the fourth row of Table 2 in the column titled "Activity", after "Shellharbour Road" insert "and Riverside Drive".
25. In condition 15 of Schedule 3:
- in paragraph a) after "the delivery" insert "or dispatch";
 - in paragraph a) after "other" insert "public"; and
 - in the last sentence, delete "EPA" and replace with "the Department".
26. Following condition 15 of Schedule 3 insert:

Construction Hours

15A. Approved construction works must be undertaken during standard construction hours (7 am to 6 pm, Monday to Friday and 8 am to 1 pm on Saturdays), unless the Planning Secretary agrees otherwise.

27. Delete conditions 16, 17 and 18, including the headings and replace with:

Noise Operating Conditions

16. The Applicant must:
- take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
 - implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas;
 - operate a noise management system to guide day to day planning of quarrying operations and implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;
 - carry out regular attended noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
 - regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

17. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - describe the noise management system and measures to be implemented to ensure:
 - compliance with the noise criteria and operating conditions in this consent;

- leading practice management is being employed;
 - noise impacts of the development are minimised during noise-enhancing meteorological conditions;
- c) include a protocol for distinguishing noise emissions of the development from other nearby or neighbouring developments; and
- d) include a monitoring program that:
- is capable of evaluating the performance of the development against the construction and operational noise criteria;
 - monitors noise at the nearest and/or most affected residences or other representative monitoring locations set out in the Noise Management Plan;
 - adequately supports the noise management system; and
 - includes a protocol for identifying any noise-related exceedance, incident or non-compliance and notifying the Department and relevant stakeholders of any such event.

18. The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.

23. Delete conditions 19 and 20 of Schedule 3, including headings, tables and notes and replace with:

Air Quality Criteria

19. 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

Pollutant	averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³
	24 hour	^b 50 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³
	24 hour	^b 25 µg/m ³
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³

Notes:

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

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

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

20. 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

20A. The Applicant must:

- a) take all reasonable steps to:
 - minimise odour, fume and particulate matter (including PM₁₀ and PM_{2.5}) emissions of the development;
 - minimise visible off-site air pollution generated by the development; and
 - minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
- b) operate an air quality management system to guide the day to day planning of quarrying operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
- c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
- d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions in this consent; and

- e) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Air Quality Management Plan

- 20B. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - describe the measures to be implemented to ensure:
 - compliance with the air quality criteria and operating conditions in this consent;
 - leading practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site); and
 - air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
 - describe the air quality management system; and
 - include an air quality monitoring program that:
 - is capable of evaluating the performance of the development against the air quality criteria;
 - adequately supports the air quality management system; and
 - includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and notifying the Department and relevant stakeholders of any such event.
- 20C. The Applicant must implement the Air Quality Management Plan as approved by the Planning Secretary.

24. In condition 21 of Schedule 3, delete “beyond the boundary of” and replace with “from”.

25. Delete the note under the heading “Surface and ground water” and replace with:

Water Supply

- 21A. The Applicant must ensure that it has sufficient water for all stages of the development prior to the take of water occurring, and if necessary, adjust the scale of the development to match its available water supply.
- 21B. 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.

26. In condition 23 of Schedule 3, delete all occurrences of “Table 6” and replace with “Table 4”.

27. In condition 24 of Schedule 3, delete all occurrences of “Table 7” and replace with “Table 5”.

28. In condition 25 of Schedule 3, delete “Tables 6 and 7” and replace with “Tables 4 and 5”.

29. In condition 27 of Schedule 3, after “development” insert “, unless otherwise approved in writing by the Planning Secretary”.

30. Following condition 29 of Schedule 3, insert the following:

Stage 5 Flood Mitigation

- 29A. Prior to undertaking any development in Stage 5A, the Applicant must provide the Planning Secretary with the detailed design of the Stage 5A flood mitigation bunds which demonstrates that the bunds can prevent inundation of the Stage 5A pond by floodwaters associated with the 1 in 100 year ARI flood level.
- 29B. Prior to undertaking any development in Stage 5B, the Applicant must provide the Planning Secretary with the detailed design of the Stage 5B flood mitigation bunds which demonstrates that the bunds can prevent inundation of the Stage 5B pond and carparking area by floodwaters associated with the probable maximum flood event. Any increase in the height of the bunds required to achieve this outcome must be accompanied by an

appropriate increase in width to ensure the stability and visual aesthetics of the bunds in the landscape, to the satisfaction of the Secretary.

- 29C. The Applicant must retain and maintain the flood bunds around the Stage 5B area to prevent interactions with the probable maximum flood, unless otherwise agreed in writing by the Planning Secretary.

Upon receiving a written request from the Applicant seeking to remove the bunds, the Planning Secretary will determine whether the flood bunds should be removed and the Stage 5B pond rehabilitated and integrated into the Minnamurra River floodplain. If the water quality in the pond meets relevant ANZECC Guidelines, water quality standards imposed under any EPL and does not represent a material environmental risk to the Minnamurra River floodplain, the Planning Secretary will provide a written approval stipulating the timing and rehabilitation requirements associated with the removal of the bunds.

Alternatively, with the written approval of the Planning Secretary, the Applicant may satisfy its maintenance obligations under this condition through the establishment of a suitable funding agreement with an appropriate public authority. This public authority would then be responsible for the oversight and carriage of these works.

- 29D. The Applicant must undertake regular monitoring of the stability of flood bunds throughout the extraction, rehabilitation and closure phases of the Stage 5 quarry operations.

31. Delete conditions 30, 31,32, 33,34 and 35 of Schedule 3, including the headings and replace with:

Soil and Water Management Plan

30. The Applicant must prepare a Soil and 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 and DPIE Water; and
- c) include a:
 - (i) **Site Water Balance** that includes details of:
 - predicted annual inflows to and outflows from the site;
 - sources and security of water supply for the life of the development (including authorised entitlements and licences);
 - water storage capacity, use and management on the site;
 - licenced discharges points and limits; and
 - reporting of annual water extraction and maximum instantaneous pumping rates to the Department; and
 - procedures for the annual preparation of an updated site water balance; and
 - (ii) **Erosion and Sediment Control Plan** that:
 - is consistent with the requirements of *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) and *Volume 2E: Mines and Quarries* (DECC, 2008);
 - identifies activities that could cause soil erosion, generate sediment or affect flooding;
 - includes a program to review the adequacy of existing flood protection works;
 - describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
 - describes the location, function, and capacity of erosion and sediment control structures and flood management structures; and
 - describes what measures would be implemented to maintain (or if necessary decommission) the structures over time;
 - (iii) **Surface Water Management Plan**, that includes:
 - detailed baseline data on surface water flows and quality in watercourses, water bodies, wetlands and/or fish habitat that could potentially be affected by the development;
 - 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 evaluate:

- any surface water discharges;
 - bank and bed stability;
 - the effectiveness of the water management system;
 - impacts on water supply for other water users; and
 - surface water flows and quality in watercourses, waterbodies, wetlands and/or fish habitats that could potentially be impacted by the development;
 - water quality objectives and performance measures, including trigger levels for investigating and responding to potentially adverse impacts; and
 - a protocol for identifying and investigating any exceedances of the water quality objectives and for notifying the Department and relevant stakeholders of these events;
- (iv) **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, flows and quality for groundwater resources and groundwater dependent ecosystems potentially impacted by the development;
 - a detailed description of the groundwater management system;
 - a program to monitor and evaluate:
 - water loss/seepage from water storages into the groundwater system, including from any final void;
 - groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;
 - impacts on groundwater supply for other water users;
 - impacts on groundwater dependent ecosystems;
 - the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development; and
 - the effectiveness of the groundwater management system;
 - groundwater impact assessment criteria and performance measures, including trigger levels for investigating and responding to potentially adverse groundwater impacts (or trends) associated with the development on regional and local aquifers and/or the groundwater supply for other water users such as licensed privately-owned groundwater bores;
 - 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.

31. The Applicant must implement the Soil and Water Management Plan approved by the Planning Secretary.
32. The Applicant must not commence quarrying operations in Stage 5 until the Soil and Water Management Plan is approved by the Planning Secretary.

Stage 5 Acid Sulfate Soils Management

33. Prior to commencing extraction in Stage 5, the Applicant must prepare an Acid Sulfate Soils Management Plan for Stage 5 operations, to the satisfaction of the Planning Secretary. The plan must:
- a) be prepared in consultation with EPA and by a suitably qualified person whose appointment has been approved by the Planning Secretary;
 - b) describe the measures that would be implemented to limit the risk of acid sulfate soils being mobilised during Stage 5 operations;
 - c) describe the measures that would be implemented to limit the risk of acid sulfate soils being imported with VENM; and
 - d) include a Trigger Action Response Plan with a hierarchy of actions to avoid, mitigate and manage acid sulfate soils impacts.

34. Deleted

35. Deleted

32. Delete condition 36 of Schedule 3, including the heading and replace with:

METEOROLOGICAL MONITORING

36. Prior to the commencement of construction within the Stage 5 areas and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in close proximity to the site that:
- complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
 - is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

33. Delete the heading “Flora and Fauna” and replace with “Biodiversity”.

34. Following condition 37 of Schedule 3 insert:

Stage 5 Biodiversity Offsets

- 37A. Prior to any clearing of vegetation in Stage 5B, or other timeframe agreed by the Planning Secretary, the Applicant must retire the biodiversity credits listed in Table 6. The retirement of credits must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

Table 6: Stage 5 Biodiversity credit requirements

Credit Type	Credits Required
Ecosystem Credits	
Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions (PCT659 – Bangalay – Old-man Banksia open forest on coastal sands, Sydney Basin Bioregion and South East Corner Bioregion)	71
Species Credits	
Southern Myotis (<i>Myotis Macropus</i>)	19
Masked Owl (<i>Tyto novaehollandiae</i>)	71
Barking Owl (<i>Ninox connivens</i>)	71

35. Delete conditions 38, 39, 40 and 41 of Schedule 3 and replace with:

Flora and Fauna Management Plan

38. Prior to undertaking any vegetation clearing associated with Modification 2, the Applicant must update the Flora and Fauna Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by suitably qualified ecologist and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - be prepared in consultation with Shellharbour Council, Kiama Council and Fisheries NSW;
 - describe the short, medium and long-term measures to be undertaken to manage remnant vegetation and fauna habitat on the site;
 - describe the measures to be implemented within the approved disturbance areas to:
 - minimise the amount of clearing where practicable (eg through adaptive management of ancillary infrastructure) and delineate the areas of vegetation to be cleared;
 - ensure that clearing is undertaken progressively;
 - minimise impacts on fauna, including undertaking pre-clearance surveys;
 - provide for the reasonable salvage, transplanting and/or propagation of threatened flora found during pre-clearance surveys, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee et al., 2004); and
 - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
 - describe the measures to be implemented on the site to:
 - minimise impacts to threatened ecological communities listed under the BC Act and contribute to conservation strategies for these communities;

- (ii) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber, hollow-bearing trees and downstream fish habitats;
 - (iii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors including through the revegetation of appropriate canopy, sub-canopy, understorey and ground strata within the wetland vegetation to be established around the pond verges;
 - (iv) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows in the final landform and promote the use of these introduced habitat features by threatened fauna species;
 - (v) manage any potential conflicts with Aboriginal heritage values;
 - (vi) protect vegetation and fauna habitat outside of the approved disturbance areas;
 - (vii) manage the collection and propagation of seed from the local area;
 - (viii) control noxious weeds, including measures to avoid and mitigate the spread of noxious weeds;
 - (ix) control feral pests with consideration of actions identified in relevant threat abatement plans;
 - (x) control erosion;
 - (xi) manage any grazing and agriculture;
 - (xii) control access to vegetated or revegetated areas; and
 - (xiii) manage bushfire hazards;
- f) include a seasonally based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and identify any improvements that could be implemented to improve biodiversity outcomes;
- g) include a Compensatory Habitat Management Plan that:
- (i) describes the compensatory habitat proposal;
 - (ii) justifies why the proposed area(s) is suitable for the compensatory habitat proposal, including how the area will integrate with existing habitat areas on and near the site;
 - (iii) establishes baseline data for the existing habitat in the proposed area(s);
 - (iv) describes how the compensatory habitat proposal would be implemented;
 - (v) sets completion criteria for the compensatory habitat proposal; and
 - (vi) describes how the performance of the compensatory habitat proposal would be monitored over time;
- h) include detailed performance and completion criteria for evaluating the performance of the compensatory habitat and offset requirements of conditions 37 and 37A and rehabilitation of the site, including triggers for remedial action, where these performance or completion criteria are not met; and
- i) include details of who would be responsible for monitoring, reviewing, and implementing the plan.
39. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.

HERITAGE

Protection of Heritage Items

40. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside of the approved disturbance areas, beyond those impacts predicted in the documents listed in condition 2(c) of Schedule 2.

Heritage Management Plan

41. Prior to undertaking any development in Stage 5, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:
- a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
 - b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW;
 - c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;
 - d) describe the procedures and management measures to be implemented on the site to:
 - (i) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;

- (ii) protect, monitor and manage identified non-Aboriginal heritage, Aboriginal objects and Aboriginal places (including any archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance areas, including 52-5-0907 (DLS Boral AFT 1) and 52-5-0908 (DLS Boral AFT 2) in accordance with the commitments made in the documents listed in condition 2(c) of Schedule 2;
 - (iii) protect non-Aboriginal heritage, Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;
 - (iv) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
 - (v) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and
 - (vi) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;
- e) include a strategy for the care, control and storage of Aboriginal objects salvaged on site, both during the life of the development and in the long term;
 - f) include a protocol for managing interactions with the curtilage of the State heritage listed Dunmore House and identifying how this area would be rehabilitated to ensure the Dunmore House curtilage is restored without impacting the integrity or heritage values of the site; and
 - g) describe the measures to be implemented on the site to manage interactions with the Flora and Fauna Management Plan.

41A. The Applicant must implement the Heritage Management Plan approved by the Planning Secretary.

36. In condition 42 of Schedule 3, delete "EIS" and replace with "documents listed in condition 2(c) of Schedule 2".

37. Delete conditions 43, 44, 45, 46 and 47 of Schedule 3, including the headings and replace with:

Rehabilitation Management Plan

43. Prior to commencing quarrying operations in Stage 5, the Applicant must update the Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary: This plan must:
- a) be prepared:
 - (i) by suitably qualified consultants, including a specialist hydrologist, wetlands ecologist and landscape architect, whose appointments have been approved by the Planning Secretary;
 - (ii) in consultation with Shellharbour Council, Kiama Council, BCD and the Department; and
 - (iii) in accordance with extant guidelines including the *Constructed Wetlands Manual, Volumes 1 & 2* and the *Shellharbour Visual Management Plan User Manual*;
 - b) provide detailed plans of the final landform based on current backfill estimates;
 - c) set detailed performance indicators and completion criteria for the rehabilitation of all areas disturbed by the development;
 - d) describe the measures that would be implemented to achieve the criteria in paragraph (c) and triggers for remedial actions;
 - e) include detailed design plans and scheduling for progressive rehabilitation to be initiated, undertaken and/or completed in the next 5 years;
 - f) include a program to monitor, independently audit and report on progress against the criteria in paragraph (c) and the effectiveness of the measures in paragraph (d); and
 - g) include any Riparian Area Management Plan/s prepared in accordance with condition 45 for those Riparian Areas to be disturbed/rehabilitated in the next 5 years.
44. The Applicant must implement the Rehabilitation Management Plan as approved by the Planning Secretary.

Riparian Area Management Plan

45. The Applicant must prepare a Riparian Area Management Plan in consultation with BCD and to the satisfaction of the Planning Secretary. For works involving:
- a) disturbance within 3m of an existing Riparian Area, the plan must:
 - describe the broader extraction staging and justify the need for extraction in the Riparian Area;
 - describe in detail the methods and timing for extraction within the Riparian Area;
 - provide for construction and stabilisation of appropriate diversion channels to divert the waterbody around the disturbance area, unless otherwise approved by BCD and the Planning Secretary; and
 - describe the methods for rehabilitation of the Riparian Area and diversion channels; and
 - b) construction/rehabilitation of Riparian Areas, the plan must:
 - detail proposed channel/bed designs, including scour protection measures;
 - include hydraulic modelling supporting the proposed design;
 - where applicable, include measures to replicate pre-existing tidal-estuarine conditions;
 - include detailed plans for rehabilitation and revegetation of the Riparian Area using locally endemic species;
 - describe measures for the protection, enhancement and integration with adjacent threatened communities, including *Freshwater Wetlands on Coastal Floodplains*, *Swamp Oak Floodplain Forest* and *Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions*.

46. The Applicant must implement the Riparian Area Management Plan as approved by the Planning Secretary.

47. Deleted

38. Delete conditions 48 and 49 of Schedule 3 and replace with:

48. Within 6 months of the approval of Modification 2, the Applicant must lodge an updated Conservation and Rehabilitation Bond with the Department to ensure that the biodiversity offset, compensatory habitat and rehabilitation requirements of the site are implemented in accordance with the performance and completion criteria set out in the Flora and Fauna Management Plan, Rehabilitation Management Plan and the relevant conditions of this consent. The sum of the bond must be an amount agreed by the Planning Secretary and determined by:
- a) calculating the full cost of implementing the biodiversity offset and compensatory habitat requirements of the consent at third party rates (other than land acquisition costs);
 - b) calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
 - c) employing a suitably qualified, independent and experienced person to verify the calculated costs.
49. The calculation of the Conservation and Rehabilitation Bond must be submitted to the Department for approval at least 2 months prior to the lodgement of the bond.
- 49A. The Conservation and Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:
- a) any update or revision to the Flora and Fauna, Rehabilitation or Riparian Area Management Plans;
 - b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the biodiversity or rehabilitation requirements have been made; or
 - c) in response to a request by the Planning Secretary.
- 49B. If the biodiversity offset, compensatory habitat and rehabilitation requirements are 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.
- 49C. If the Biodiversity Offset Strategy or rehabilitation 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.

39. In condition 50 of Schedule 3:

- a. renumber paragraphs (a) to (d) as paragraphs (b) to (e); and
- b. insert the following paragraph in alphabetical order:

- (a) be prepared in consultation with Shellharbour Council, Kiama Council and the CCC;

40. In condition 53 of Schedule 3, delete “proposal” and replace with “development”.

41. Following condition 53 of Schedule 3, insert the following:

Stage 5 Access

- 53A. Prior to any heavy vehicle access to the Stage 5 extraction areas, the Applicant must construct a channelised right turn intersection with appropriate line marking from Riverside Drive to the Stage 5A extraction area, to the satisfaction of the relevant roads authority and in accordance with the AustRoads *Guide to Road Design Part 4: Intersections and Crossings –General*.

Road Pavement Dilapidation Report

- 53B. Prior to the construction of the intersection upgrade described in Condition 53A, the Applicant must:
- a) undertake a pre-construction road pavement survey for the section of Riverside Drive that would be subject to heavy vehicle movements associated with the development;
 - b) identify the likely risk of road pavement failure on Riverside Drive associated with the development;
 - c) prepare a post-dilapidation survey of the section of Riverside Drive that would be subject to heavy vehicle movements associated with the development within 1 month of the completion of VENM haulage to the Stage 5 area, or other timeframe agreed by the applicable roads authority; and
 - d) rehabilitate and/or make good any development-related damage identified in the post-dilapidation survey prepared under paragraph (c) within 3 months of completing the post-dilapidation survey, or other timing as may be agreed by the applicable roads authority, to the satisfaction of the applicable roads authority.
- 53C. If there is a dispute about the scope of any remedial works or the implementation of works required under condition 53B, then either party may refer the matter to the Planning Secretary for resolution.

Works within the Road Reserve

- 53D. Prior to the construction of the pipeline within the within the Princes Highway road reserve (including within the culvert), the Applicant must enter into a legally binding agreement with TfNSW, for the construction, operation and decommissioning of the pipeline. The Applicant must pay for the drafting and execution of this legally binding agreement.
- 53E. The applicant must obtain a Section 138 consent under the *Roads Act 1993* from TfNSW for works associated within the pipeline within the Princes Highway road reserve.

42. Delete conditions 55 and 56 of Schedule 3, including the headings and replace with:

Transport Operating Conditions

55. The Applicant must:
- a) keep accurate records of all laden truck movements and rail transport to and from the site (including time of arrival and dispatch);
 - b) ensure that all laden trucks and trains entering or exiting the site have their loads covered;
 - c) ensure that all laden trucks exiting the site are cleaned of material that may fall from vehicles, before leaving the site;
 - 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 trucks used to transport quarry products from the development so they can be easily identified by other road users.

Traffic Management Plan

56. Prior to undertaking any construction transportation activities relating to Modification 2, 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 suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - b) be prepared in consultation with TfNSW, Shellharbour Council and Kiama Council;
 - c) include details of all transport routes and traffic types to be used for development-related traffic;
 - d) describe the processes in place for the control of truck movements entering and exiting the site;
 - e) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users associated with quarry operations;
 - f) detail the specific protocols to be observed for the construction of ancillary site infrastructure and site preparation works, including hours of operation, traffic controls and mitigation measures to ensure traffic on Riverside Drive is not significantly impeded by site traffic during construction;
 - g) 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
 - (iii) implement safe and quiet driving practices;
 - h) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct;
 - i) propose measures to minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles exiting the site;
 - j) propose measures (such as the installation of inclinometers) to monitor and detect any ground movement adjacent to the Princes Highway as a result of the extraction in Stage 5B; and
 - k) outline the procedures that would be implemented to respond to and address any material ground movements detected under paragraph (j) and demonstrate the long-term stability and safety of stage 5B extraction area on the Princess Highway road reserve.

56A. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.

43. In condition 59 of Schedule 3, after "boundaries)" insert "of Stages 2 – 4".

44. Delete condition 64 of Schedule 3 and replace with:

64. The Applicant must
- a) manage on-site sewage treatment and disposal in accordance with the requirements of an applicable EPL, and to the satisfaction of EPA and Shellharbour Council;
 - b) minimise the waste generated by the development;
 - c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
 - d) report on waste minimisation and management in the Annual Review.

45. In condition 67A of Schedule 3, delete "applicant" and replace with "Applicant".

46. In condition 68 of Schedule 3, delete "The Applicant must implement the approved management plan as approved from time to time by the Secretary."

47. Following condition 68 of Schedule 3, insert:

68A. The Applicant must implement the Waste Management Plan as approved by the Planning Secretary.

48. Delete condition 69 of Schedule 3, including the heading and replace with:

BUSHFIRE MANAGEMENT

69. The Applicant must:
- a) ensure that the development:
 - (i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline; and
 - (ii) 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.

70. Delete Schedule 4, including the headings and replace with:

SCHEDULE 4 ADDITIONAL PROCEDURES

ADDITIONAL MITIGATION UPON REQUEST

1. Upon receiving a written request from the owner of any residence on the land listed in Table 7, the Applicant must implement additional noise mitigation measures (such as double-glazing, insulation and/or air conditioning) at the residence in consultation with the landowner.

Table 7: Land subject to additional mitigation upon request

Mitigation Basis	Land
Noise	79 Fig Hill Lane, Dunmore

Note: To interpret the land referred to in Table 7, see the applicable figure in Appendix 3.

These measures must be reasonable and feasible, consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2014), proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development.

2. If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

NOTIFICATION OF LANDOWNERS/TENANTS

3. Within one month of the date of this consent, the Applicant must notify in writing the owner of the residences on the land listed in Table 7 that they are entitled to ask the Applicant to install additional mitigation measures at the residence.
4. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, the Applicant must:
 - a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017); and
 - b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Planning Secretary.

NOTIFICATION OF EXCEEDANCES

5. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise or air quality criterion in Schedule 3 of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.

6. For any exceedance of any air quality criterion in Schedule 3 of this consent, the Applicant must also provide to any affected land owners and/or tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017).

INDEPENDENT REVIEW

7. If a landowner considers the development to be exceeding any relevant noise or air quality criterion in Schedule 3 of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
 8. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
 9. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
 - a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
 - (i) consult with the landowner to determine their concerns;
 - (ii) conduct monitoring to determine whether the development is complying with the relevant criterion in Schedule 3 of this consent; and
 - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and
 - b) give the Planning Secretary and landowner a copy of the independent review; and
 - c) comply with any written requests made by the Planning Secretary to implement any findings of the review.
71. In condition 1 of Schedule 5:
- a. in the fourth bullet point of paragraph e) after "non-compliance" insert "and any incident";
 - b. in the first bullet point of paragraph f) delete "copies of" and replace with "references to"; and
 - c. delete "The Applicant must implement any Environmental Management Strategy as approved from time to time by the Secretary."
72. Following condition 1 of Schedule 5 insert the following:
- 1A. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.
73. In condition 2 of Schedule 5:
- a. renumber paragraphs c) to h) as paragraphs d) to i);
 - b. following paragraph b) insert:
 - c) any relevant commitments or recommendations identified in the document/s listed in condition 2(c) of Schedule 2;
 - c. in paragraph d), delete "/" and replace with insert " and ".
 - d. in paragraph f), after "consequences" insert "and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible".
74. Delete conditions 3 and 4 of Schedule 5, including the heading and replace with:
- Revision of Strategies, Plans & Programs**
3. Within 3 months of:
 - a) the submission of an incident report under condition 7 below;
 - b) the submission of an Annual Review under condition 9 below;
 - c) the submission of an audit report under condition 10 below; and
 - d) the approval of any modifications to this consent (unless the conditions require otherwise),the Applicant must review the suitability of existing strategies, plans, and programs required under this consent.
 4. 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 the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

75. Delete condition 7 of Schedule 5 and replace with:

Incident Notification

7. 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

7A. 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.

76. In condition 9 of Schedule 5:

- a. in the fourth bullet point of paragraph b) delete "condition 2(a)" and replace with "condition 2(c)";
- b. in paragraph c):
 - delete "over the last year" and replace with "or incident which occurred in the previous financial year", and
 - delete "ensure compliance" and replace with "rectify the non-compliance and avoid reoccurrence".
- c. renumber paragraphs c) to f) as paragraphs d) to g);
- d. insert the following after paragraph b):
 - d) evaluate and report on:
 - the effectiveness of the noise and air quality management systems; and
 - compliance with the performance measures, criteria and operating conditions of this consent;
- e. after the words "submitted to" insert "the Planning Secretary and"

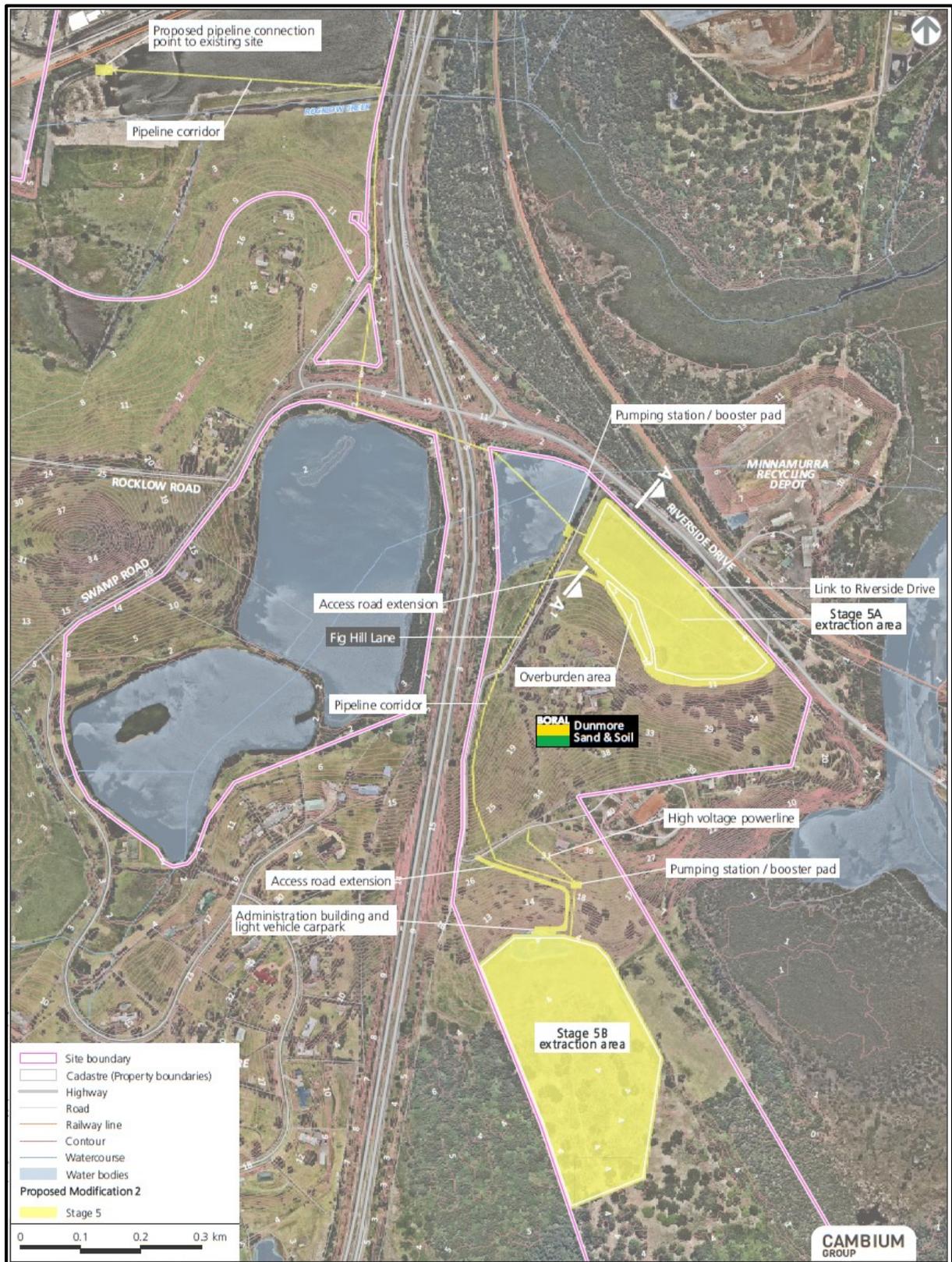
77. In paragraph d) of condition 10 of Schedule 5, delete the second occurrence of "the".

78. In condition 11 of Schedule 5, after the second occurrence of "audit report" insert ", and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary."

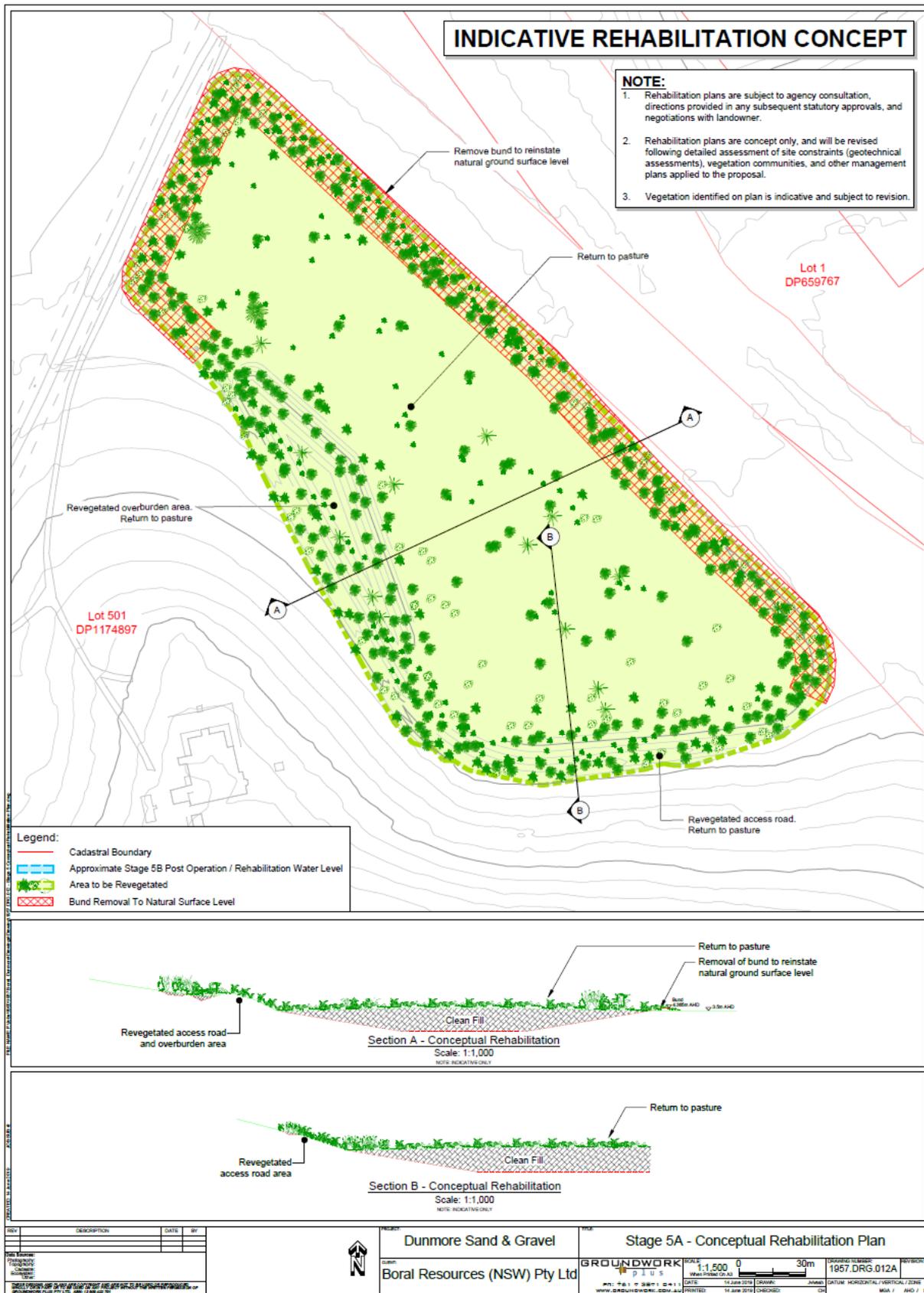
79. In condition 12 of Schedule 5:

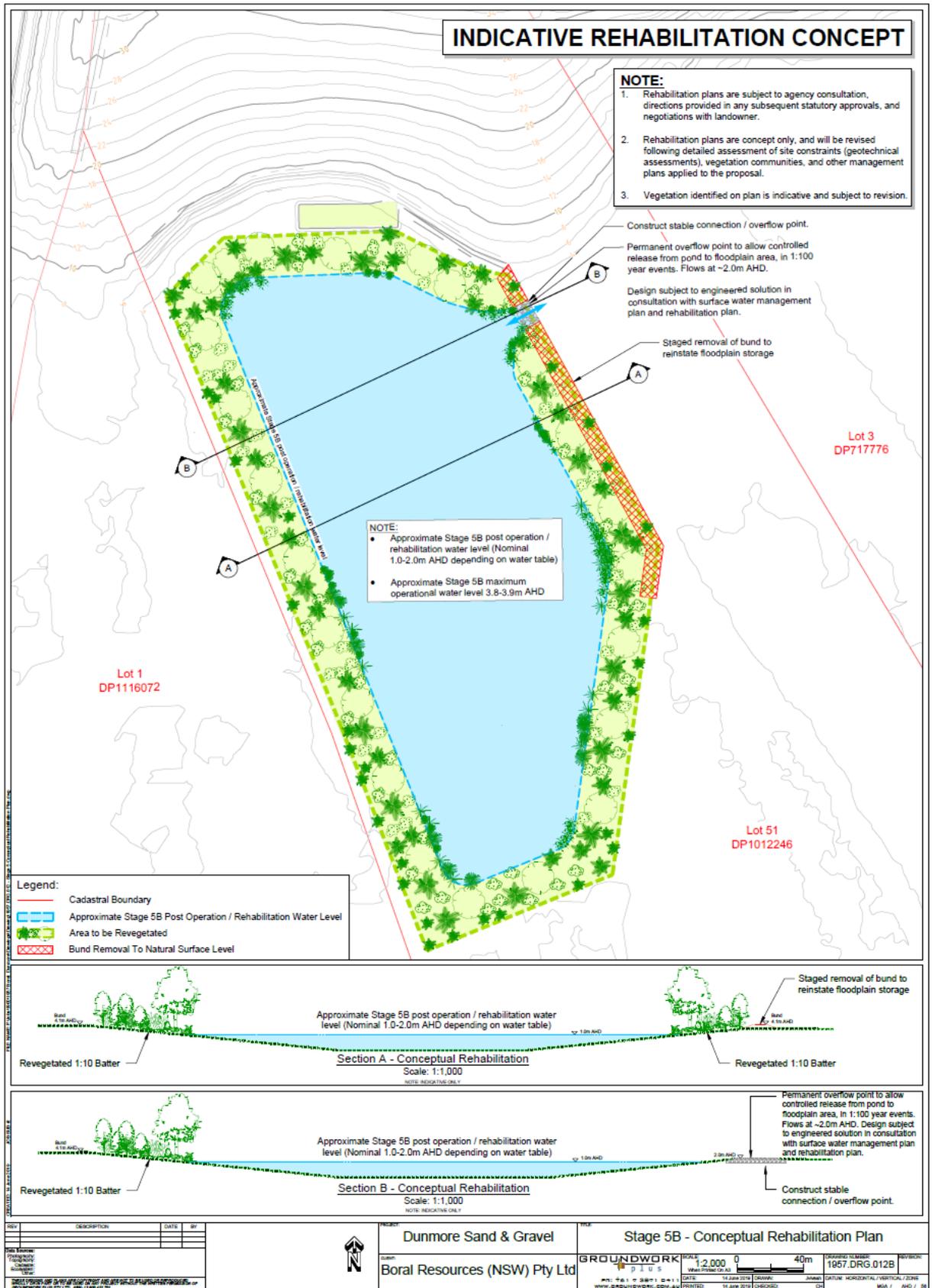
- a. in the first bullet point of paragraph a) delete "condition 2(a)" and replace with "condition 2(c)";
- b. after the fourth bullet point of paragraph a) insert:
 - minutes of CCC meetings;
 - a summary of the current phase and progress of the development;
 - contact details to enquire about the development or to make a complaint;
- c. in the eighth bullet point of paragraph a) delete "quarterly" and replace with "monthly";
- d. in the ninth bullet point of paragraph a) delete "(over the last 5 years)" and replace with "of the development";
- e. in the tenth bullet point of paragraph a) before "any independent environmental audit" insert "reports prepared as part of", and after the last occurrence of "audit" insert "report".

80. After the first figure in Appendix 1, insert the following:



81. After the first figure in Appendix 2, insert the following:





82. Following Appendix 2 insert:

**APPENDIX 3
STAGE 5 NOISE RECEIVER LOCATIONS**



83. Update the Table of Contents to reflect the above.

End of Modification