

Department of Planning, Housing and Infrastructure

Mr Stephen Barry
Planning Director Independent Planning Commission
Via email: [REDACTED]

2 July 2024

Eagleton Quarry Project (SSD-7332)
Response to Request for Advice - Recommended Conditions of Consent

Dear Mr Barry

I refer to your letter dated 27 June 2024, seeking the Department's advice on the proposed conditions of consent for the Eagleton Quarry Project (the project) for consideration of the NSW Independent Planning Commission (Commission), should it approve the project.

As requested by the Commission, the Department has considered workability, enforceability and any potential unintended consequences of the proposed conditions. The Department's responses to the Commission's questions regarding the recommended conditions, and proposed revisions to those conditions are presented in the tables in Attachment A and Attachment B respectively.

If you have any questions, please contact me on [REDACTED] or [REDACTED].

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Jessie Evans
Director Energy and Resource Assessments

Department of Planning, Housing and Infrastructure

Attachment A

Table 1: Department’s response to the Commission’s questions regarding conditions for the Eagleton Quarry Project

| Commission’s question | Department’s response |
|---|---|
| <p>In the Department’s Assessment Report (AR), the Department references the following conditions which are not reflected in the Department’s recommended conditions of consent. Can the Department please provide the following recommended conditions:</p> <ul style="list-style-type: none"> a. Blast Management Plan (referred to in AR Table 6-6); b. requirement for the weighing of haul trucks entering and leaving the quarry (referred to in AR para 110); and c. requirement relating to Historic Heritage for appropriate procedures to be implemented if unexpected historic relics are discovered (referred to in AR Table 6-6). | <p>a.: The AR does not reference a Blast Management Plan in the recommended conditions. In the EIS, the Applicant has committed to preparing a Blast Management Plan (as described in AR Table 6-6). Condition A2 (c) of Schedule 2 requires that the Applicant carries out the development generally in accordance with the EIS. Accordingly, the Department has not included a separate requirement to prepare a Blast Management Plan in the recommended conditions.</p> <p>b.: The Department recommends an amendment to condition B32 as follows: <i>Monitoring of Product Transport</i> B32. <i>The Applicant must keep accurate records of all truck movements to and from the site (including hourly truck movements and the weight of each truck entering and exiting the site) and publish a summary of these records on its website at least every 6 months.</i></p> <p>c.: The Department recommends the following condition be inserted after condition B40: <i>Historic heritage</i> B41. <i>If unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with Section 146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</i></p> |
| <p>2. Should the references throughout the consent to the Building Code of Australia (BCA) be amended to the National Construction Code (NCC)?</p> | <p>Yes, references to the BCA should be replaced with references to the NCC throughout the consent.</p> |
| <p>3. The Commission is considering the imposition of minor reference amendments (see Attachment C). Please confirm the amendments are correct and acceptable to the Department:</p> <ul style="list-style-type: none"> a. Condition A9 – Note amended to refer to Condition A11; b. Condition B26 (now B27) – Amended to refer to Condition B30 | <p>Yes, these amendments are correct and acceptable, noting that they may change again now due to the insertion of B41 as discussed above.</p> |

Department of Planning, Housing and Infrastructure

| Commission's question | Department's response |
|---|--|
| <p>c. Condition B43 (now B45) – Note amended to refer to Appendix 5; and d. Condition B44 (now B46) – Amended to refer to Condition B45.</p> | |
| <p>4. AR para 92 notes that the Department has recommended a condition of consent requiring the Pacific Highway/Italia Road intersection to be upgraded to the satisfaction of TfNSW and Council, whereas only TfNSW is referred to at recommended condition B33(a) (now B35(a)) – Can the Department confirm if this condition should be amended to also include Council, noting Council's correspondence to the Department dated 23 April 2024 infers Council does not wish to be included?</p> | <p>Council requested that the intersection should be upgraded to the satisfaction of TfNSW. Accordingly, the condition should not be amended to include Council.</p> |
| <p>5. The Commission is concerned that condition A18 as recommended (now A19) allows for changes to plans, strategies or programs without any consultation. Can the Department provide advice as to how this condition works in practice?</p> | <p>This is a standard condition that is included within all recent SSD consents for extractive industry proposals. The condition provides flexibility for proponents to undertake minor updates to management plans, strategies or programs where the update would not have a material effect on how the relevant document is implemented (e.g. updates to agency names, changes to company logos, etc.). The Department typically requires agency consultation is undertaken for more substantial revisions that would have implications for environmental outcomes.</p> |
| <p>6. Recommended condition B9 (now B10) requiring property inspections and recommended condition B11 (now B12) requiring property investigations have differing catchment distances, with B9 nominating 1km and B11 nominating 2km. Can the Department provide comment on the intent of having different distances for each condition? The Commission is considering an amendment to condition B9 (now B10) to require a 2km radius.</p> | <p>The differing catchment distances between inspections (1km radius) and investigations (2km radius) is intentional. The 1km radius has been proposed to capture a reasonable and feasible number of properties (approximately 40) for which the proponent may be required to commission an inspection, irrespective of any blasting impacts associated with the project. The 2km radius has been proposed to ensure that the proponent remains accountable for potential blasting-related impacts to all properties within 2km of the proposed extraction area. This is a standard and well accepted condition found within all contemporary quarry and mining development consents.</p> |
| <p>7. Can the Department clarify if an amendment to condition B43 (now B45) is required to set a timeframe for the establishment of the Biodiversity Stewardship Site. Also does the intent for the</p> | <p>No, an amendment to condition B45 is not required to set a timeframe for the establishment of the Biodiversity Stewardship Site. Condition B43 requires that the Applicant must retire the biodiversity credits in Table 5 prior to commencing</p> |

Department of Planning, Housing and Infrastructure

| Commission's question | Department's response |
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| <p>Biodiversity Stewardship Site to be maintained in perpetuity need to be included in this condition or is it covered elsewhere through the biodiversity legislation?</p> | <p>vegetation clearing. Accordingly, the Biodiversity Stewardship Site required under condition B45 must be established before vegetation clearing can commence.</p> |
| <p>8. Condition B48 (now B50) states that the Applicant must rehabilitate the site consistent with the rehabilitation strategy set out in the EIS and the conceptual rehabilitation plan in Appendix 6 of the consent. Noting that these plans have already been prepared, can the Department provide comment on how the rehabilitation objectives set out in those documents would be applied and enforced?</p> | <p>The rehabilitation objectives in Condition B50 and associated rehabilitation strategy set out the broad objectives to be achieved for the site following the completion of operations. The rehabilitation management plan required under condition B52 would define the specific criteria that would be used to demonstrate the site has been rehabilitated appropriately and in accordance with the rehabilitation objectives. It would also set out the specific measures to be implemented to achieve the criteria and objectives. The Department would hold the rehabilitation bond required under Condition B54 until such time as the Applicant is able to demonstrate that the rehabilitation objectives have been met. If the Applicant is unable to complete the rehabilitation, the funds available under the rehabilitation bond would be made available to complete the necessary works to achieve the rehabilitation objectives.</p> |

Attachment B

Table 2: Department’s response to the Commission’s proposed revised conditions for the Eagleton Quarry Project

| Condition No. | Commission’s Intended Outcome | Revised Condition ¹ | Workability | Enforceability | Unintended Consequences | | | | | | | | | | | | |
|--|---|---|------------------------------------|---------------------------------------|---|--|----------------------|--|--|--|----------|--|--|---|---|---------------------------------------|---|
| Definitions Table | To ensure the truck movements specified within condition A9 are clearly defined as a one-way vehicle movement. | A one-way truck trip from one point to another excluding the return journey | The revised condition is workable. | The revised condition is enforceable. | The Department is not aware of any unintended consequences. | | | | | | | | | | | | |
| A10 | Amendment to (a) to clarify that it relates to the Italia Road/Pacific Highway intersection only and is not confused with the first turn out of the quarry. Addition of (b) to ensure the quarry trucks do not use Italia Road to the west of the access road, as per the Applicant’s Traffic Addendum dated 8 March 2024 that states “Quarry vehicles will only be turning left in and right out at the intersection” to address the impacts of road safety and efficiency at the intersection of the proposed right of carriageway and Italia Road due to the Project. | Transport Operations A10. The Applicant must: (a) ensure that all trucks travelling southbound from the quarry first turn left (i.e. northbound) <u>from Italia Road</u> onto the Pacific Highway and utilise the Taren Road Interchange to perform a U-turn <u>and do not turn right (i.e. southbound) from Italia Road onto the Pacific Highway; and</u> (b) <u>ensure at the intersection of Italia Road and the new right of carriageway that:</u> (i) <u>no trucks turn left from the right of carriageway onto Italia Road; and</u> (ii) <u>no trucks turn right from Italia Road onto the right of carriageway.</u> | The revised condition is workable. | The revised condition is enforceable. | The Department is not aware of any unintended consequences. | | | | | | | | | | | | |
| A11 | To align with EPA’s recommended hours of operation provided in their correspondence dated 20 March 2024. | Hours of Operation A11. The Applicant must comply with the operating hours set out in Table 1. Table 1: Operating hours <table border="1" data-bbox="804 1087 1516 1816"> <thead> <tr> <th>Activity</th> <th>Permissible Operating Hours</th> </tr> </thead> <tbody> <tr> <td>Site establishment and construction</td> <td> <ul style="list-style-type: none"> 7 am to 6 pm <u>5 pm</u> Monday to Friday 8 am to 1 pm <u>4 pm</u> Saturday At no time on Sundays or public holidays </td> </tr> <tr> <td>Quarrying operations</td> <td> <ul style="list-style-type: none"> 7 am to 6 pm <u>5 pm</u> Monday to Friday 7 am <u>8 am</u> to 4 pm Saturday At no time on Sundays or public holidays </td> </tr> <tr> <td>Loading and dispatch of product trucks</td> <td> <ul style="list-style-type: none"> 5 am to 6 pm Monday to Friday 5 am to 4 pm Saturday At no time on Sundays or public holidays </td> </tr> <tr> <td>Blasting</td> <td> <ul style="list-style-type: none"> 9 am to 4 pm Monday to Friday At no time on Saturdays, Sundays or public holidays </td> </tr> <tr> <td>Maintenance and environmental management</td> <td> <ul style="list-style-type: none"> 24 hours per day, 7 days per week provided that these activities are not audible at any privately-owned residence if outside of the operational hours </td> </tr> </tbody> </table> | Activity | Permissible Operating Hours | Site establishment and construction | <ul style="list-style-type: none"> 7 am to 6 pm <u>5 pm</u> Monday to Friday 8 am to 1 pm <u>4 pm</u> Saturday At no time on Sundays or public holidays | Quarrying operations | <ul style="list-style-type: none"> 7 am to 6 pm <u>5 pm</u> Monday to Friday 7 am <u>8 am</u> to 4 pm Saturday At no time on Sundays or public holidays | Loading and dispatch of product trucks | <ul style="list-style-type: none"> 5 am to 6 pm Monday to Friday 5 am to 4 pm Saturday At no time on Sundays or public holidays | Blasting | <ul style="list-style-type: none"> 9 am to 4 pm Monday to Friday At no time on Saturdays, Sundays or public holidays | Maintenance and environmental management | <ul style="list-style-type: none"> 24 hours per day, 7 days per week provided that these activities are not audible at any privately-owned residence if outside of the operational hours | The Department acknowledges the EPA’s recommended hours of operations in correspondence dated 20 March 2024. However, subsequent to receiving this correspondence, the Department provided draft recommended conditions of consent to EPA for review. The draft conditions were as per the Department’s recommended conditions. EPA did not object to the proposed operating hours in the draft recommended conditions. Accordingly, the Department considers the operating hours in the recommended conditions are appropriate and reflect the hours assessed in relevant technical assessments, including the revised noise impact assessment (Spectrum Acoustics, November 2023). On this basis, the Department recommends that the operating hours are not revised. | The revised condition is enforceable. | The Department is not aware of any unintended consequences. |
| Activity | Permissible Operating Hours | | | | | | | | | | | | | | | | |
| Site establishment and construction | <ul style="list-style-type: none"> 7 am to 6 pm <u>5 pm</u> Monday to Friday 8 am to 1 pm <u>4 pm</u> Saturday At no time on Sundays or public holidays | | | | | | | | | | | | | | | | |
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| Maintenance and environmental management | <ul style="list-style-type: none"> 24 hours per day, 7 days per week provided that these activities are not audible at any privately-owned residence if outside of the operational hours | | | | | | | | | | | | | | | | |

¹ Additions in bold and underline. Deletions in strikethrough

| Condition No. | Commission's Intended Outcome | Revised Condition ¹ | Workability | Enforceability | Unintended Consequences |
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| B4 | This amendment is to ensure regular noise monitoring for the life of the development at the Eagleton Ridge site to ensure noise compliance is being met at the highly sensitive receiver. | <p>Noise Operating Conditions</p> <p>B4. The Applicant must:</p> <ul style="list-style-type: none"> (a) take all reasonable steps to minimise all noise from construction, operational and road transport activities, including low frequency noise and other audible characteristics; (b) maintain the existing ridgeline along the southern boundary of the site as an acoustic barrier to the quarrying operations to a height of no less than relative level 57.5 m until the final year of quarrying operations; (c) conduct noise monitoring and assessment prior to removal of the ridgeline in the final year of quarrying operations, to determine the appropriate temporary noise barrier location and design to ensure noise criteria in Condition B1 are met; (d) operate a comprehensive noise management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent; (e) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions; (f) engage a suitably qualified and experienced person(s) to carry out regular attended noise monitoring (at least quarterly, unless otherwise agreed with the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent, <u>(including, but not limited to at Lot 6 DP247953 (currently known as Eagleton Ridge Disability Services) unless otherwise agreed by the landowner);</u> (g) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent; and (h) develop and implement a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events. | The revised condition is workable. | The revised condition is enforceable. | The Department is not aware of any unintended consequences. |
| New Condition (new B5) | The addition of this condition is to ensure the offers the Applicant stated they have made to Eagleton Ridge are made to ensure the impact of blasting is reduced as far as reasonably possible of the highly sensitive receiver (if accepted by the landowner). | <p>Noise Operating Conditions</p> <p><u>B5. Prior to the commencement of quarrying operations, the Applicant must offer, and implement if accepted by the landowner, the following to the landowner of Lot 6 DP247953 (currently known as Eagleton Ridge Disability Services):</u></p> <ul style="list-style-type: none"> (a) <u>covering of the costs to take the residents of the property off site (e.g., on a day trip) during all blasts for the first 12 months of blasting; and</u> (b) <u>have a suitably qualified and experienced person(s) at this property conducting noise and vibration monitoring during all blasts for the first 12 months of blasting.</u> | <p>The Department considers the revised condition may be difficult to regulate given the lack of clarity regarding potential costs associated with taking the residents of the Eagleton Ridge Disability Services 'off site' during all blasts.</p> <p>The specific actions required of the proponent are not clear, nor are the possible locations or durations of potential off-site trips.</p> | <p>The Department considers the revised condition may be difficult to regulate given the lack of clarity regarding potential costs associated with taking the residents of the Eagleton Ridge Disability Services 'off site' during all blasts.</p> <p>The specific actions required of the proponent are not clear, nor are the possible locations or durations of potential off-site trips.</p> <p>The Department also considers that this condition is not warranted given no exceedances of relevant blasting</p> | The specific prerequisites for the commencement of quarrying operations are unclear. This may have the unintended consequence of indefinitely delaying the commencement of quarrying operations. E.g. the timeframes by which an offer and an any response to that offer, must be made are not defined. |

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| | | | The Department also considers that this condition is not warranted given no exceedances of relevant blasting criteria have been predicted for the project. | criteria have been predicted for the project. | |
| B9 (now B10) | The condition as recommended places the onus on the landowner to approach the Applicant. Our main concern is that the landowners covered by this condition as recommended would be unaware that they are able to request a property inspection. The intent of this change is to ensure all landowners referred to in this condition are provided with the opportunity for a property inspection. | <p>Property Inspections</p> <p>B10. Prior to the commencement of quarrying operations, if the Applicant must offer to receives a written request from the owner of any privately-owned land within 1 kilometre of any approved extraction area on the site, for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within 2 months of receiving this request <u>any property owner accepting this offer</u> the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:</p> <p>(i) establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and</p> <p>(ii) identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and</p> <p>(b) give the landowner a copy of the new or updated property inspection report.</p> | <p>This is a standard condition that is included within all contemporary SSD consents for mining and extractive industry proposals. The Department aims to ensure consistency in standard conditions across SSD consents. It is recommended that this condition is not revised.</p> <p>Further, the revised condition may be unworkable. Under the revised condition, the Applicant must offer a property inspection to all private landowners within 1km of any approved extraction area prior to commencing quarrying operations. However, it is unclear whether the commencement of quarrying operations would also be contingent on any property owner(s) accepting the offer of a property inspection, the inspection(s) being completed, and the landowner(s) being provided with a copy of the property inspection report(s).</p> | | An unintended consequence of the revised condition may be an inability to commence quarrying operations due to logistical challenges and delays associated with completing multiple property inspections on privately-owned land. |
| B32 (now B33) | To include the 6 monthly requirement for publishing truck movement summaries as the minimum. | <p>Monitoring of Product Transport</p> <p><u>B33. The Applicant must keep accurate records of all laden truck movements to and from the site (including hourly truck movements) and publish a summary of these records on its website at least every 6 months.</u></p> | The revised condition is workable. | The revised condition is enforceable. | The Department is not aware of any unintended consequences. |
| New Condition (new B34) | To provide certainty that the intersection upgrade on which the Project is reliant on to adequately mitigate traffic impacts, is moving forward prior to the Applicant commencing the Project. | <p><u>Transport Route</u></p> <p><u>B34. Prior to the commencement of construction, the Applicant must obtain development consent for the upgrade of the intersection at the junction of the Pacific Highway and Italia Road required by condition B35(a).</u></p> | The Department recommends against the inclusion of this new condition. The applicant for the Eagleton Quarry Project (SSD-7332) is not the applicant seeking development consent for the upgrade of the intersection at the junction of the Pacific Highway and Italia Road. Further, the requirement to upgrade the Italia Road / Pacific Highway intersection is driven by impacts associated | The new condition is not enforceable given the applicant for the Eagleton Quarry Project (SSD-7332) is not the applicant for the Italia Road / Pacific Highway intersection. | The condition is not able to be met given the applicant for the Eagleton Quarry Project (SSD-7332) is not the applicant for the Italia Road / Pacific Highway intersection. |

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| | | | with the proposed road haulage of quarry products. Condition B33(a) of the Department's recommended conditions requires that this intersection upgrade is constructed prior to the commencement of quarry product haulage. | | |
| B33 (now B35) | Amendment to (b) to include all components of the construction works under DA 16-2021-160-1 and amendment to (c) as a correction requested by the Applicant. | <p>Transport Route</p> <p>B35. Prior to transporting any quarry products from the site on public roads, the Applicant must:</p> <p>(a) ensure <u>that</u> the intersection at the junction of The Pacific Highway and Italia Road is upgraded to the satisfaction of TfNSW;</p> <p>(b) ensure <u>that</u> the new right-of-carriageway across Lot 1 DP245116 and Lot 2 DP1158962 between Italia Road and Barleigh Ranch Way, <u>and the part of Barleigh Ranch Way between the new right of carriageway and the old right of carriageway,</u> are constructed in accordance with Council Development Application 16-2021-160-1 to the satisfaction of Council;</p> <p>(c) upgrade and extend Barleigh Ranch Way between the junction of the new <u>old</u> right-of carriageway and the quarry site access point in accordance with the EIS and the latest Austroads standards to the satisfaction of Council; and</p> <p>(d) design and construct the site access haul road bridge crossing over Seven Mile Creek in consultation with DPI Fisheries and in accordance with:</p> <ul style="list-style-type: none"> (i) the guidance series for "Controlled Activities- Guidelines for Watercourse Crossings on Waterfront Land" (DPI Water 2012); (ii) "Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings" (DPI Fisheries 2003); and (iii) "Policy and Guidelines for Fish Habitat Conservation and Management" (DPI Fisheries 2013). | The revised condition is workable. | The revised condition is enforceable. | The Department is not aware of any unintended consequences. |
| B35 (now B37) | <p>Amendment to (c)(iv) to:</p> <ul style="list-style-type: none"> - ensure the Applicant assesses the need for signage at intersections and/or regulation measures to ensure strict compliance with the designated transport routes, which then also gets reviewed by TfNSW and Council; and - to ensure the traffic impacts on koalas are mitigated further through the use of road signs, as recommended by Council. | <p>Traffic Management Plan</p> <p>B37. The Applicant must prepare a Traffic Management Plan for the development. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s;</p> <p>(b) be prepared in consultation with TfNSW and Council;</p> <p>(c) include details of:</p> <ul style="list-style-type: none"> (i) construction related traffic management measures; (ii) all transport routes and traffic types to be used for development-related traffic, including identification of bridge load restrictions; (iii) processes in place for the control of truck movements entering and exiting the site; (iv) measures to be implemented to: <ul style="list-style-type: none"> • ensure compliance with the traffic operating conditions and other traffic related conditions of this consent, including but not limited to: | <p>The Department considers that signage requirements at intersections would form key components of the detailed design and construction of these intersections, which would be undertaken to the satisfaction of the relevant road authority. Accordingly, including the requirement for the installation of road signage at intersections within the Traffic Management Plan is considered unnecessary.</p> <p>Further, given the quarry would supply quarry products to a</p> | The revised condition is enforceable. | The Department is not aware of any unintended consequences. |

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| | | <ul style="list-style-type: none"> - <u>installation of any necessary road signage at intersections; and</u> - <u>implementation of any regulation and/or tracking measures;</u> • manage the traffic impacts from contractors and subcontractors; • minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school bus operations; • minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles exiting the site; • <u>warn users of the possibility of encountering koalas;</u> • monitor driver behaviour; and • participate in transport management investigations initiated by Council; <p>(d) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:</p> <ul style="list-style-type: none"> (i) adhere to posted speed limits or other required travelling speeds; (ii) adhere to designated transport routes and travel times; and (iii) implement safe and quiet driving practices, including restriction on the use of compression braking; <p>(e) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.</p> | <p>variety of contractors, it may be difficult for the Applicant to effectively implement 'regulation and/or tracking measures' for all quarry product haulage trucks.</p> | | |
| <p>B45 (now B47)</p> | <p>To ensure the underpass is designed adequately to fulfil its purpose through engagement of an expert and the relevant guidelines/policies.</p> <p><i>Can the Department include any specific guidelines or policies within this condition, if relevant?</i></p> | <p>Biodiversity Management Plan</p> <p>B47. The Applicant must prepare a Biodiversity Management Plan for the development. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced person/s; (b) be prepared in consultation with BCS and Council; (c) describe the short, medium, and long-term measures to be undertaken to: <ul style="list-style-type: none"> (i) implement the Biodiversity Offset Strategy; and (ii) manage the remnant vegetation and fauna habitat on the site; (d) include a detailed description of the measures to be implemented on the site to: <ul style="list-style-type: none"> (i) enhance the quality of existing vegetation, vegetation connectivity and fauna habitat, including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata; (ii) <u>ensure the Koala underpass required by condition B44(b) is designed in accordance with relevant policies and guidelines and in consultation with a koala expert;</u> (iii) maximise the salvage of resources within the approved disturbance area, including tree hollows, vegetative and soil resources, for beneficial reuse on site, including fauna habitat enhancement; (iv) minimise impacts on tree hollows where reasonable and feasible; | <p>The Department recommends the revised condition is amended to remove 'designed in accordance with relevant policies and guidelines' given this aspect of the condition would be open to interpretation. Without specifying the policy or guideline, the expectations regarding the design of the Koala underpass are unclear.</p> | <p>The Department recommends the revised condition is amended to remove 'designed in accordance with relevant policies and guidelines' given this aspect of the condition would be open to interpretation. Without specifying the policy or guideline, the expectations regarding the design of the Koala underpass are unclear.</p> | <p>The Department is not aware of any unintended consequences.</p> |

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| | | <ul style="list-style-type: none"> (v) minimise impacts on fauna, including undertaking pre-clearance surveys; (vi) manage potential indirect impacts on threatened plant and animal species; (vii) introduce naturally scarce fauna habitat features such as den structures, nest boxes and salvaged tree hollows, and promote the use of these introduced habitat features by threatened fauna species; (viii) monitor and protect vegetation and fauna habitat outside the approved disturbance area, including within riparian corridors and downstream aquatic environments; (ix) establish and/or retain vegetation screening to minimise the visual impacts of the development on surrounding receivers; (x) control weeds and feral pests, with consideration of actions identified in relevant threat abatement plans; (xi) manage the collection and propagation of seed; (xii) control unrestricted access; and (xiii) manage bushfire hazards; (e) include a seasonally-based program to monitor and report on the effectiveness of biodiversity measures, and any progressive improvements that could be implemented to improve biodiversity outcomes; (f) include an adaptive management plan for groundwater dependent ecosystems that: <ul style="list-style-type: none"> (i) is based on a Before After Control Impact (BACI) design to determine baseline conditions and identify any quarrying-related impacts in the vicinity of the site; (ii) provides details of the baseline plot data for groundwater dependent ecosystems, including vegetation composition, structure and health, and any candidate threatened species associated with the community; (iii) provides for the collection of groundwater level monitoring data (monthly) to detect any shallow groundwater drawdown during quarrying operations; (iv) provides details of the offsetting regime that would be implemented in accordance with the Biodiversity Offsets Scheme of the BC Act if a change (partial or full direct impacts) in vegetation is detected and found to be caused by groundwater drawdown associated with the development; and (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan. | | | |
| B50 (now B52) | <p>Addition of (b) to provide Council (at their request) an opportunity to provide comment on the Rehabilitation Management Plan.</p> <p>Addition of (d) to include a commitment to timing of the progressive rehabilitation.</p> | <p>Rehabilitation Management Plan B52. Within 12 months of commencement of development under this consent, the Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced person/s; (b) be prepared in consultation with Council; | The revised condition is workable. | The revised condition is enforceable. | The Department is not aware of any unintended consequences. |

| Condition No. | Commission's Intended Outcome | Revised Condition ¹ | Workability | Enforceability | Unintended Consequences |
|---------------|-------------------------------|--|-------------|----------------|-------------------------|
| | | <ul style="list-style-type: none"> (c) describe the short, medium, and long-term measures to be undertaken to ensure compliance with the rehabilitation objectives in this consent; (d) <u>describe the staging and timing of the progressive rehabilitation required by condition B51;</u> (e) include a conceptual closure plan that considers the hydrological and hydraulic impacts of the final landform; (f) include detailed performance and completion criteria for evaluating the performance of rehabilitation of the site, including triggers for remedial action, where these performance or completion criteria are not met; (g) include a seasonally-based program to monitor and report on the effectiveness of rehabilitation measures, progress against the detailed performance and completion criteria, and any progressive improvements that could be implemented to improve rehabilitation outcomes; (h) monitor and report on the impacts of the development on groundwater dependent ecosystems and riparian vegetation, and identify trigger levels for the remediation of any material impacts to these ecosystems; (i) identify the potential risks to the successful implementation of the final rehabilitation, and include a description of the contingency measures to be implemented to mitigate against these risks; and (j) include details of who would be responsible for monitoring, reviewing, and implementing the plan. | | | |