Development Consent

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

As delegate of the Minister for Planning and Public Spaces I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Jessie Evans

Director, Energy and Resource Assessments

Energy, Resources and Industry

Sydney 8 August 2024

SCHEDULE 1

Application Number:	SSD-52984213
Applicant:	Boral Resources (NSW) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	The land defined in Appendix 1
Development:	Stockton Dry Sand Extraction Project

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the *National Parks and Wildlife Act 1974*
AHD	Australian Height Datum
Annual Review	The review required by condition C10
Applicant	Identified as such in Schedule 1, or any person carrying out any part of the development approved under this consent
Approved disturbance area	The area identified as such on the Development Layout in Appendix 2
ASS	Acid sulfate soils
BCS	Biodiversity & Conservation Science Group of the New South Wales Department of Climate Change, Energy, the Environment and Water
Calendar year	A period of 12 months from 1 January to 31 December
Classified Road	As defined by the *Roads Act 1993*
Conditions of this consent	Conditions contained in Schedule 2
Construction	All physical works to enable quarrying activities to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent Does not include pre-construction works or temporary facilities
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders during development of post approval documents. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project.
Council	Port Stephens Council
Date of commencement	The date notified to the Department by the Applicant under condition A14
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
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent.
Development Layout	The plan/s in Appendix 2 of this consent
DCCEEW Water Group	Water Group of the New South Wales Department of Climate Change, Energy, the Environment and Water
EIS	The Environmental Impact Statement titled *Stockton Quarry Dry Sand Extraction Project – Environmental Impact Statement*, prepared by Arnold Planning, dated August 2023, submitted with the application for consent for the development, including the Applicant's response to submissions, and additional information provided by the Applicant on 11 July 2024 and 8 August 2024 in support of the application.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

EPA	New South Wales Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPL	Environment Protection Licence
Extractive materials	Extractive material means sand, gravel, clay, soil, rock, stone or similar substances but does not include turf
Feasible	Means what is possible and practical in the circumstances
Heritage NSW	Heritage NSW within the New South Wales Department of Climate Change, Energy, the Environment and Water
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 quarry products or materials to or from the site
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Local road	Any road that is not defined as a classified road under the *Roads Act 1993*
Material harm	Is harm to the environment that: • 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
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
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
NCC	National Construction Code
Negligible	Small and unimportant, such as to be not worth considering
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NPWS	National Parks and Wildlife Service
Operation	The carrying out of the development (whether in full or in part) upon the completion of construction, unless otherwise agreed by the Planning Secretary
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Pre-construction works	Works undertaken prior to construction and/or operation that may be required for the development, including surveys, acquisitions, fencing, investigative or geotechnical drilling or excavation, preliminary vegetation clearance, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided

Preliminary vegetation clearance	Clearing of vegetation for the drilling program to be undertaken prior to the extraction of quarrying products as described in the documents listed in condition A2(c)
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Produced water	Any form of groundwater that is actively extracted from a borehole, well or excavation excluding incidental groundwater mixed with drilling fluids
Public infrastructure	Linear and related infrastructure that provides services to the public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Quarry closure	Decommissioning and final rehabilitation of the site following the cessation of quarrying operations
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, excluding drilling
Quarrying products	Includes all saleable extractive material and organic filter cakes, but excludes other wastes and rehabilitation material
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	As described in the *National Parks and Wildlife Regulation 2019*
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	New South Wales Rural Fire Service
Site	The land defined in Appendix 1
Temporary facilities	Temporary facilities used for the construction, upgrading and/or decommissioning of the development, including but not limited to temporary site offices and compounds, materials storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
Threatened Species	As defined under the *Biodiversity Conservation Act 2016* and/or the *Environment Protection and Biodiversity Conservation Act 1999*
Waste	Has the same meaning as the definition of the term in the Dictionary to the *Protection of the Environment Operations Act 1997*
WCL	Worimi Conservation Lands Board of Management
Worimi Conservation Lands	The gazetted Worimi National Park, Worimi State Conservation area and Worimi Regional Park

SUMMARY OF REQUIREMENTS

Reports and notifications that must be provided to the Planning Secretary under the conditions of this consent are listed in the table below. The table is for information purposes only.

Condition Number	Report	Notification/Timing	Purpose
Part A – Administrative Conditions			
A5	Survey plan of disturbance area	Within 1 month of commencing quarrying operations	Information
A14	Notification of commencement of development; construction; quarrying operations; cessation or suspension	Prior to commencing relevant stage	Information
Part B – Specific Environmental Conditions			
B7 and B8	Evidence of biodiversity credit retirement	Prior to impacting biodiversity values in each extraction stage	Information
B9	Pre-clearance evidence of biodiversity credit requirement	Prior to commencing preliminary vegetation clearance	Information
B13	Biodiversity management plan	Prior to construction or quarrying activities impacting biodiversity values	Approval
B26	Maximum extraction depth management plan	Prior to commencing quarrying operations	Approval
B35	Water management plan	Prior to commencing quarrying operations	Approval
B35	Endorsement of suitably qualified and experienced person preparing the water management plan	Prior to commencing preparation of the management plan	Endorsement
B47	Rehabilitation management plan	Submit for approval within 12 months, implemented within 18 months	Approval
B47	Endorsement of suitably qualified and experienced person preparing the rehabilitation management plan	Prior to commencing preparation of the management plan	Endorsement
B49	Rehabilitation bond	Within 6 months of the approval of the rehabilitation management plan	Approval
Part C – Environmental Management, Reporting and Auditing			
C1	Environmental management Strategy	Prior to commencing construction or quarrying operations	Approval
C7	Notification of an incident	Within 24 hours of becoming aware	Information
C9	Notification of non-compliance	Within 7 days of becoming aware	Information
C10	Annual review	Annually, by the end of March	Information

SCHEDULE 2

PART A. ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria established under 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 pre-construction works or the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

A2. The Applicant may only 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; and

(d) generally in accordance with the Development Layout in Appendix 2.

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report, or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and

(b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of any inconsistency, ambiguity, or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity, or conflict.

LIMITS OF CONSENT

Identification of Approved Extraction Area

A5. One month before the commencement of quarrying operations, or other timeframe agreed by the Planning Secretary:

(a) a registered surveyor must be engaged to mark out the boundaries of the approved disturbance area within the site (as set out in Figure 1 in Appendix 2);

(b) the Planning Secretary must be provided with a survey plan of such boundaries and their GPS coordinates.

A6. The boundaries of the approved disturbance area within the site must be clearly marked in a manner that allows them to be easily identified at all times during the carrying out of quarrying operations.

Extraction Depth

A7. A 0.7 metre buffer must be maintained above the 99^{th} percentile groundwater level as calculated in the EIS and updated during the life of the development.

A8. Extractive materials must not be extracted below 3.7 m AHD.

Quarrying Operations

A9. Quarrying operations may be carried out on the site, within the approved disturbance area, until 31 December 2034.

Note: Under this consent, the site must be decommissioned and rehabilitated. 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.

Quarry Product Extraction and Transport

A10. Quarrying operations may only extract or transport quarrying products in accordance with the limits set out in Table 1.

Table 1: Quarrying products extraction and transportation limits

	Until 31 December 2028	1 January 2029 to 31 December 2034
Quarrying products extracted from the approved disturbance area in any calendar year	A maximum of 750,000 tonnes	A maximum of 500,000 tonnes
Quarrying products transported from the site in any calendar year	A maximum of 750,000 tonnes	A maximum of 500,000 tonnes

Note: The transportation of quarrying products from the site incorporates any products extracted from the land described in Appendix 1.

A11. A maximum of 70,000 tonnes of quarrying products may be imported to the site in any calendar year.

Hours of Operation

A12. Quarrying operations may only be undertaken during the hours set out in Table 2.

Table 2: Operating hours

Activity	Permissible Hours
Construction work	• 7 am to 6 pm Monday to Friday • 8 am to 1 pm Saturday • At no time on Sundays or public holidays
Quarrying operations including loading and dispatch of laden trucks	• 6:15 am to 6 pm Monday to Friday • 6:15 am to 3 pm Saturday • At no time on Sundays or public holidays
Maintenance, security, office work, cleaning, etc	May be conducted at any time, provided that these activities are not audible at any residence on privately-owned land

A13. The following activities may be carried out outside the hours specified in Table 2.

(a) delivery or dispatch of materials as requested by Police or other public authorities; and

(b) emergency work to avoid the loss of lives, property or to prevent environmental harm.

In such circumstances, the Department must be notified prior to undertaking the activities, or as soon as is practical thereafter.

NOTIFICATION OF COMMENCEMENT

A14. The Department must be notified, in writing, of the date of commencement of each of the following phases of the development:

(a) commencement of development under the consent;

(b) commencement of construction under the consent;

(c) commencement of quarrying operations under the consent;

(d) cessation of quarrying operations (i.e. quarry closure); and

(e) any period of suspension of quarrying operations (i.e. care and maintenance).

The notification must be provided at least two weeks before the commencement of each stage and no more than three months before the commencement of each stage.

A15. If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

CONTRIBUTIONS TO COUNCIL

A16. Under section 7.11 of the EP&A Act, an annual financial contribution must be paid to Council towards the maintenance of local roads used to haul quarry products to and from the site to a classified road, where Council is the roads authority under the *Roads Act 1993.* The contribution must:

(a) be calculated in accordance with Council's Local Infrastructure Contributions Plan 2024 or its latest version;

(b) be paid to Council within one month of the date notified for the commencement of quarrying operations and in the same month each year; and

(c) be reported in the Annual Review required by condition C10.

EVIDENCE OF CONSULTATION

A17. Where conditions of this consent require consultation with an identified party, consultation must be undertaken with the relevant party prior to submitting the subject document to the Planning Secretary for approval. Documentary evidence and a tabulated summary of the consultation must be submitted with the subject document via the Major Projects Website, including:

(a) dates of the consultation with the identified party, copies of the identified party's response, and a summary of the issues raised;

(b) the outcome of that consultation, including how the issues have been addressed in the subject document; and

(c) details of any disagreement remaining between the party consulted and the Applicant, and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A18. With the approval of the Planning Secretary, any strategy, plan or program required by this consent may be:

(a) prepared and submitted 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) combined (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and

(c) updated (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).

A19. 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.

A20. 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.

PAYMENT OF REASONABLE COSTS

A21. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced, and independent expert(s) to review the adequacy of any strategy, plan, program, or report required under this consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

A22. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development (excluding damage to roads caused as a result of general road usage); and

(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

A23. All demolition must be carried out in accordance with Australian Standard *AS 2601-2001: The Demolition of Structures* (Standards Australia, 2001), or its latest version.

STRUCTURAL ADEQUACY

A24. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

Notes: Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for building works. The EP&A Regulation (Development Certification and Fire Safety) 2021 sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

A25. All plant and equipment used on site, or in connection with the development, must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

COMPLIANCE

A26. 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

A27. 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 at the date of this consent.

A28. Notwithstanding condition A27, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.

PRODUCTION DATA

A29. From the commencement of quarrying operations, calendar year quarry production data must be provided in the Annual Review each year.

PART B. SPECIFIC ENVIRONMENTAL CONDITIONS

ABORIGINAL CULTURAL HERITAGE

Unexpected Finds Protocol

B1. If a suspected Aboriginal object, is discovered on the site:

(a) the suspected Aboriginal object must not be directly or indirectly harmed; and

(b) a qualified expert must confirm whether it is an Aboriginal object and determine the presence or absence of other Aboriginal objects in the vicinity.

B2. Confirmed Aboriginal objects must be managed in consultation with the Registered Aboriginal Parties.

Note: Objects confirmed to be Aboriginal objects must be recorded in AHIMS.

Discovery of Suspected Human Remains

B3. If any suspected human remains are discovered in, on or under the land:

(a) all work at the location must cease immediately;

(b) the area must be secured to avoid further harm to the remains;

(c) local police and Heritage NSW must be notified as soon as practicable, and details of the remains and their location provided; and

(d) work must not recommence at the location unless authorised in writing by the Planning Secretary.

Determination of Traditional Ancestral Remains

B4. Any human remains determined to be a traditional Aboriginal ancestral burial must be managed in consultation with the Registered Aboriginal Parties and Heritage NSW.

AIR QUALITY

B5. All reasonable and feasible mitigation measures must be implemented to prevent the generation of dust from the development.

B6. Trucks entering or leaving the site carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

BIODIVERSITY

B7. The biodiversity credits specified in Table 3 and Table 4 must be retired in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*, including the application of any ancillary rules published under clause 6.5 of the *Biodiversity Conservation Regulation 2017*.

Table 3: Biodiversity credit requirements – Ecosystem credits

Credit Type	Credits Required											
Ecosystem Credits	Total		Stage 1		Stage 2		Stage 3		Stage 4		Stage 5	
	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits
PCT1644 – Coast Tea Tree/ Old Man Banksia coastal shrubland	2.7	31	2.59	30	0	0	0	0	0	0	0	0
PCT 1646 – Smooth barked Apple/ Blackbutt/Old Man Banksia woodland	27.8	540	7.34	156	2.39	44	5.5	91	6.31	120	5.95	125

Table 4: Biodiversity credit requirements – Species credits

Credit Type	Credits Required					
Species Credits	Total	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Squirrel Glider	700	260	42	85	145	156
Mahony's Toadlet	297	227	64	0	0	0

Staged Retirement of Biodiversity Credits

B8. Prior to undertaking any construction or operation activities that would impact on biodiversity values within the:

(a) stage 1 impact area (as shown on Figure 3 in Appendix 4), the Stage 1 biodiversity credits as specified in Table 3 and Table 4 must be retired;

(b) stage 2 impact area (as shown on Figure 3 in Appendix 4), the Stage 2 biodiversity credits as specified in Table 3 and Table 4 must be retired;

(c) stage 3 impact area (as shown on Figure 3 in Appendix 4), the Stage 3 biodiversity credits as specified in Table 3 and Table 4 must be retired;

(d) stage 4 impact area (as shown on Figure 3 in Appendix 4), the Stage 4 biodiversity credits as specified in Table 3 and Table 4 must be retired;

(e) stage 5 impact area (as shown on Figure 3 in Appendix 4), the Stage 5 biodiversity credits as specified in Table 3 and Table 4 must be retired;

B9. The Planning Secretary must be provided with evidence that confirms that the correct number and class of credits has been retired prior to the development impacting the biodiversity values associated with each stage identified by the plan included in on Figure 3 in Appendix 4.

Preliminary vegetation clearance

B10. Prior to the commencement of any preliminary vegetation clearance, the biodiversity credits specified in Table 5 must be retired in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*, including the application of any ancillary rules published under clause 6.5 of the *Biodiversity Conservation Regulation 2017*.

Table 5: Preliminary vegetation clearance - Biodiversity credit requirements – Ecosystem and Species credits

Credit Type	Credits required	
Ecosystem Credits	**Area (ha)**	**Credits**
PCT1644 – Coast Tea Tree/ Old Man Banksia coastal shrubland	0.08	1
PCT 1646 – Smooth barked Apple/ Blackbutt/Old Man Banksia woodland	0.39	4
Species credits		**Credits**
Squirrel Glider	-	12
Mahony’s Toadlet	-	6

B11. The Planning Secretary must be provided with evidence that confirms that the correct number and class of credits has been retired prior to the commencement of preliminary vegetation clearance.

B12. Preliminary vegetation clearance must be undertaken in accordance with the due diligence checklist submitted with the documents listed in condition A2(c).

Biodiversity Management Plan

B13. A **biodiversity management plan** must be prepared for the development. The plan must:

(a) be submitted to the Planning Secretary for approval within six months of the commencement of development under this consent;

(b) be prepared:
  (i) by a suitably qualified and experienced person/s;
  (ii) in consultation with the BCS;
  (iii) with reference to any relevant Biodiversity Management Plan guidance material provided by the BCS;

(c) be consistent with the commitments included in the documents listed in condition A2(c);

(d) include a description of the measures and timeframes that would be implemented for:
  (i) minimising clearing and avoiding unnecessary disturbance of vegetation by the development;
  (ii) minimising the impacts to flora and fauna on site and implementing fauna recovery and management protocols;
  (iii) maximising the salvage of vegetative and soil resources, including tree hollows, within the approved disturbance area for beneficial reuse on site, including the enhancement of rehabilitation of the site; and
  (iv) controlling weeds, feral pests, and pathogens;

(e) include a program to monitor and report on the effectiveness of avoidance, minimisation and mitigation measures;

(f) include an incidental threatened species finds protocol to identify the avoidance and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and

(g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B14. Construction and quarrying operation must not impact biodiversity values within the approved disturbance area must not commence until the biodiversity management plan is approved by the Planning Secretary.

B15. The biodiversity management plan must be implemented, as approved by the Planning Secretary, prior to construction and quarrying operations impacting on biodiversity values within the approved disturbance area.

GREENHOUSE GAS

B16. All reasonable and feasible mitigation and management measures must be implemented to improve the energy efficiency of the development and to reduce greenhouse gas emissions of the development.

HAZARDS AND SAFETY

B17. All reasonable and feasible measures must be implemented to secure the development to ensure public safety.

B18. Chemicals, fuels and oils used on-site must be kept in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or *Storing and Handling of Liquids: Environment Protection- Participants Manual* (EPA, 2007) or its latest version.

B19. The storage, handling, and transport of dangerous goods for the development must be carried out in accordance with the relevant Australian Standards, including but not limited to *AS1940* and *AS1596*, and the *Australian Code for the Transport of Dangerous Goods by Road and Rail.*

B20. The development must comply with the relevant asset protection and property access requirements in Planning for Bushfire Protection (RFS, 2019) and the RFS Standards for Asset Protection Zones.

Note: The relevant asset protection requirements are included in Appendix 4 of Planning for Bushfire Protection (RFS, 2019). Table 7.4a in Planning for Bushfire Protection (RFS, 2019) outlines property access requirements.

METEOROLOGICAL MONITORING

B21. Prior to the commencement of construction and for the life of the development, a suitable meteorological station must be operating in close proximity to the site that:

(a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007) and Ambient Air Monitoring Guidance Note (EPA, 2022) or their latest versions; and

(b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017) or its latest version,

unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

NOISE

Operational Noise Criteria

B22. Noise generated by the development must not exceed 35 dB(A) $L_{Aeq\ (15minute)}$ at the nearest residential receiver.

B23. The noise generated by the development can exceed 35 dB(A) $L_{Aeq\ (15minute)}$ 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.

B24. 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). The noise enhancing meteorological conditions determined by monitoring at the meteorological station required under condition B21 and as defined in Part D of the *NSW Noise Policy for Industry* (EPA, 2017) apply to the noise criterion in condition B22.

Noise Operating Conditions

B25. All reasonable and feasible mitigation and management measures must be implemented for the development to minimise:

(a) noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development; and

(b) the noise impacts of the development during noise-enhancing meteorological conditions; when noise criteria in this consent do not apply (see Appendix 5).

SOIL AND WATER

Extraction depth

B26. A **maximum extraction depth management plan** must be prepared for the development. The plan must:

(a) be prepared and submitted to the Planning Secretary for approval prior to the commencement of quarrying operations;

(b) include the results of the drilling program described in the EIS;

(c) include a survey plan of the approved disturbance area which accurately maps the current topography and sand resource that can be extracted down to 3.7 m AHD;

(d) include a contour map of the 99th percentile groundwater level at the site;

(e) include a maximum extraction depth program for quarrying operations, including:
  (i) a methodology to ensure sand extraction remains 0.7 m above the 99th percentile groundwater level; and
  (ii) a trigger action response plan to ensure compliance with conditions A7 and A8;

(f) include protocols to:
  (i) review and update the 99th percentile groundwater level at the site; and
  (ii) demonstrate in the annual review required by condition C10 that quarrying operations remained above the 99th percentile groundwater level and include an extraction plan down to 3.7 m AHD for the following year.

B27. Quarrying operations within the approved disturbance area must not commence until the maximum extraction depth management plan is approved by the Planning Secretary.

B28. The maximum extraction depth management plan, as approved by the Planning Secretary, must be implemented prior to the commencement of quarrying operations in the approved disturbance area.

B29. The maximum extraction depth management plan must be reviewed and updated every two years or immediately following any non-compliance with conditions A7 or A8.

B30. Any areas within the extraction stages as shown on Figure 2 of Appendix 3 that are below 3.7 m AHD must be backfilled prior to the commencement of quarrying operations within the approved disturbance area in accordance with an approved water management plan required by condition B35, unless otherwise agreed by the Planning Secretary.

Water Supply

B31. Sufficient water must be available for all stages of the development, and if necessary, the scale of the development must be adjusted to match its available water supply.

B32. A report on water extracted from the site each year, including water take under each water licence must be included in the Annual Review.

Note: Water licences under the Water Act 1912 and/or the Water Management Act 2000 must be obtained for the extraction of groundwater by the development.

B33. Groundwater on the site must not be interfered with unless associated with the construction and use of groundwater monitoring bores or water supply wells.

Water Management Performance Measures

B34. The development must comply with the performance measures in Table 6.

Table 6: Water management performance measures

Feature	Performance measure
Water management – general	• Minimise the use of clean potable water on the site • Maximise water recycling, reuse opportunities • Design, install, operate, and maintain water management systems in a proper and efficient manner • Identify, minimise and mitigate risks to the receiving environment and downstream water users
Alluvial waters	• Negligible impacts to alluvial aquifers as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including: o negligible change in groundwater levels o negligible change in groundwater quality o negligible impact to other groundwater users o negligible impact to groundwater dependent ecosystems

Feature	Performance measure
	• Maintain appropriate setbacks in accordance with the Aquifer Interference Policy (DPI, 2012) and *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016*
Water Use	• Annual take of groundwater and surface water (exempt and licensed) is measured and reported against entitlements and/or licenses held
Erosion and Sediment control works	• Design, install and maintain erosion and sediment controls in accordance with the guidance series *Managing Urban Stormwater: Soils and Construction* including *Volume 1: Blue Book (Landcom, 2004), Volume 2A: Installation of Services (DECC, 2008), Volume 2C: Unsealed Roads (DECC,2008), Volume 2D: Main Road Construction (DECC, 2008) and Volume 2E: Mines and Quarries (DECC, 2008)*
Chemical and hydrocarbon storage	• Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard

Water Management Plan

B35. A **water management plan** must be prepared for the development. The plan must:

(a) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;

(b) be prepared:
   (i) by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
   (ii) be prepared with consideration of the 2022 DPE Guidelines for Groundwater Documentation for SSD/SSI Projects - Technical guideline;
   (iii) be prepared in consultation with the DCCEEW Water Group and Hunter Water;

(c) describe the measures to be implemented to ensure that the development complies with the water management performance measures (see Table 6);

(d) include a:
   (i) **site water balance** that includes details of:
   - sources and security of water supply for the life of the development (including authorised entitlements and licences);
   - water storage capacity;
   - water use and management on the site; and
   - reporting procedures, including the annual preparation of a site water balance.

   (ii) **erosion and sediment control plan**;

   (iii) **acid sulfate soils management plan** that:
   - is consistent with the Commonwealth Department of Agriculture and Water Resources National acid sulfate soils guidance: Guidance for the dewatering of acid sulfate soils in shallow groundwater environments (Shand et al, 2018);
   - includes:
     - detailed baseline data for ASS groundwater quality indicators from monitoring sites within 200 m of the approved disturbance area;
     - a monitoring program for ASS groundwater quality indicators in the groundwater table and produced water; and
     - trigger action response plan for ASS groundwater quality indicators, including a stop pumping action;
     - a protocol for the management of contaminated groundwater;
   - provides detailed mitigation measures for the management of exposed ASS.

   (iv) **groundwater management plan** that includes:
   - detailed baseline data of groundwater levels, yield and quality for groundwater resources and groundwater dependent ecosystems potentially impacted by the development;
   - a detailed description of the groundwater management system;

- groundwater performance criteria, including trigger levels for identifying and investigating potentially adverse groundwater impacts (or trends) associated with the development;
- clear and transparent drawdown limits and trigger levels at the boundary of the site and the Worimi Conservation Lands, including a cease pumping trigger level;
- a program to monitor and evaluate:
  - compliance with the performance measures listed in Table 6 and the performance criteria in the plan;
  - groundwater levels across the site and identify any unauthorised groundwater interference;
  - impacts on groundwater dependent ecosystems; and
  - impacts of the project on the North Stockton Catchment Area;
- a trigger action response plan to respond to any exceedances of the relevant performance measures and groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development;
- a process to notify DCCEEW Water Group, Hunter Water, NPWS and WCL if groundwater triggers are exceeded;
- a protocol for providing Hunter Water with groundwater monitoring data; and

(v) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition C10.

B36. Quarrying operations within the approved disturbance area must not commence until the water management plan is approved by the Planning Secretary.

B37. The water management plan, as approved by the Planning Secretary, must be implemented prior to the commencement of quarrying operations within the approved disturbance area.

TRANSPORT

Monitoring of Product Transport

B38. Accurate records of all laden truck movements to and from the site (including site check-in time and dispatch) must be kept. A summary of these records must be published in the annual review required by condition C10.

Transport Operating Conditions

B39. Trucks entering or leaving the site that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

B40. All reasonable management measures must be implemented to minimise traffic safety issues and disruption to local road users.

B41. Appropriate signage must be displayed on all trucks used to transport quarry products from the development so they can be easily identified by other road users.

B42. Trucks slowing on the Nelson Bay Road off ramp to the intersection with Cox's Lane must not use engine or compression braking systems.

B43. Trucks travelling to or from the site must not use Cox's Lane between Nelson Bay Road and Fullerton Cove Road.

B44. A **Drivers' Code of Conduct** must be prepared for the development. The code must:

(a) be prepared prior to the commencement of quarrying operations;

(b) include procedures to ensure that drivers:
(i) adhere to posted speed limits or other required travelling speeds;
(ii) adhere to designated transport routes and travel times; and
(iii) implement safe and quiet driving practices, including restriction on the use of compression braking; and
(iv) do not travel in convoys.

(c) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

(d) be implemented prior to the commencement of construction and quarrying operations.

B45. Compliance with the Drivers' Code of Conduct must be monitored and reported in the Annual Review required by condition C10.

REHABILITATION

Rehabilitation Objectives

B46. The site must be rehabilitated to the satisfaction of the Planning Secretary. Rehabilitation must comply with the objectives in Table 7.

Table 7: Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	• Safe and non-polluting • Hydraulically and geotechnically stable • Fit for the intended post-quarrying land use(s) • Establish final landform and post quarrying land use/s as soon as practicable after the cessation of quarrying impacts • Quarrying products imported to the site are removed, to the greatest extent practicable
Infrastructure	• All infrastructure decommissioned and removed, unless otherwise agreed by the Planning Secretary
Areas proposed for revegetation	• Vegetation composition of rehabilitation contains species commensurate with native vegetation communities surrounding the site • Vegetation structure of rehabilitation is similar to that of native vegetation communities surrounding the site • Levels of ecosystem function have been established that demonstrate the rehabilitation is self-sustaining • Vegetation composition and landform capable of supporting threatened fauna and flora species, to the greatest extent practicable
Final landform	• Final landform is a minimum of 1.0 m above the 99^{th} percentile groundwater level • Final landform integrated with surrounding natural landforms and other quarry rehabilitated landforms, to the greatest extent practicable • Maximise surface water drainage to the natural environment i.e. free draining • Risk of groundwater inundation is consistent with, or better than the pre-disturbance landform
Rehabilitation materials	• Materials from approved disturbance area are recovered, managed and reused as rehabilitation resources, to the greatest extent possible
Water	• Groundwater quality is consistent with, or better than the pre-disturbance water quality
Community	• Ensure public safety • Minimise adverse socio-economic effects associated with quarry closure

Rehabilitation Management Plan

B47. A **rehabilitation management plan** must be prepared for the development. The plan must:

(a) be submitted to the Planning Secretary for approval within twelve months of the commencement of quarrying operations within the approved disturbance area;

(b) be prepared:
   (i) by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
   (ii) be prepared in consultation with the DCCEEW Water Group, BCS, Council, NPWS and the WCL;

(c) include a stakeholder engagement plan to guide rehabilitation and quarry closure planning processes and outcomes;

(d) align with strategic rehabilitation and quarry closure objectives and address the principles of the *Strategic Framework for Mine Closure* (AMZMEC and MCA, 2000);

(e) describe how rehabilitation will be integrated into the quarry planning process;

(f) include a strategic plan for the refinement and improvement of the final landform over time;

(g) include an overview of the risks to achieving successful rehabilitation and the strategies to be implemented to address the identified risks;

(h) include detailed quarry plans and scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years;

(i) include detailed completion criteria for each rehabilitation objective included in Table 7;

(j) describe the measures to be implemented on site to achieve the completion criteria;

(k) describe the performance indicators to be implemented to ensure compliance with each completion criteria and the rehabilitation objectives in Table 7 and triggers for remedial action;

(l) include a program to monitor, audit and report on progress against the performance indicators and effectiveness of the measures implemented to achieve the completion criteria;

(m) describe an adaptive management process that will be implemented if monitoring indicates that the measures implemented to achieve the completion criteria are not effective and/or progress against the completion criteria is not consistent with the plan;

(n) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B48. The rehabilitation management plan, as approved by the Planning Secretary, must be implemented within 18 months of commencing quarrying operations within the approved disturbance area.

Rehabilitation Bond

B49. Within 6 months of the approval of the rehabilitation management plan, a Rehabilitation Bond must be lodged with the Department to ensure that the rehabilitation of the site is undertaken in accordance with the performance and completion criteria set out in the plan and the relevant conditions of this consent. The sum of the bond must be an amount agreed to by the Planning Secretary and determined by:

(a) calculating the cost of rehabilitating all existing and immediately proposed disturbed areas of the site (taking into account likely surface disturbance over the next 3 years of quarrying operations); and

(b) employing a suitably qualified, independent and experienced person to verify the calculated costs.

B50. The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 1 month prior to the proposed lodgement of the bond.

B51. The 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 Rehabilitation Management Plan;

(b) completion of an Independent Environmental Audit in which recommendations relating to rehabilitation have been made; or

(c) a request by the Planning Secretary,

B52. If rehabilitation of this site is completed generally in accordance with the relevant performance and completion criteria, to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.

B53. If rehabilitation of the site is not completed generally in accordance with the relevant performance and completion criteria, the Planning Secretary will call in all, or part of, the bond, and arrange for the completion of the relevant works.

WASTE

B54. All reasonable mitigation and management measures must be implemented to minimise the waste generated by the development.

B55. All waste generated by the development must be classified in accordance with the *Waste Classification Guidelines* (EPA, 2014) and disposed of at appropriately licensed waster facilities;

B56. No waste must be received, stored, treated, processed, re-processed or disposed of on the site except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.

PART C. ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

C1. An **environmental management strategy** must be prepared for the development. The strategy must:

(a) be submitted for approval to the Planning Secretary prior to commencing quarrying operations within the approved disturbance area;

(b) provide the strategic framework for environmental management of the development;

(c) provide clear plans of the development area and all monitoring to be carried out for the development;

(d) identify the statutory approvals that apply to the development;

(e) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

(f) include an environmental risk assessment and a description of the measures that will be implemented to:
- (i) comply with statutory requirements, limits, or performance measures and criteria;
- (ii) manage the predicted impacts identified in the documents listed in condition A2(c); and
- (iii) manage any other environmental risk or impact which has been subsequently identified after the documents in condition A2(c) were submitted;

(g) include a monitoring and evaluation protocol for the measures identified in the environmental risk assessment that supports the analysis and evaluation of the measures effectiveness with results and records that are reliable, reproducible and traceable;

(h) a process to review the environmental risk assessment to:
- (i) implement the evaluation results; and
- (ii) identify any additional unexpected environmental risks and the measures that will be implemented to manage them;

(i) set out the procedures (including timeframes) to be implemented to:
- (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
- (ii) receive record, handle and respond to complaints;
- (iii) resolve any disputes that may arise during the course of the development;
- (iv) respond to any non-compliance and any incident; and
- (v) respond to emergencies.

C2. Construction or quarrying operations within the approved disturbance area must not commence until the environmental management strategy is approved by the Planning Secretary.

C3. The environmental management strategy, as approved by the Planning Secretary, must be implemented prior to the commencement of construction or quarrying operations within the approved disturbance area.

MANAGEMENT PLAN REQUIREMENTS

C4. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

(a) a summary of relevant background or baseline data;

(b) details of:
- (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
- (ii) any relevant limits or performance measures and criteria; and
- (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

(c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);

(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;

(e) a program to monitor and report on the:
- (i) impacts and environmental performance of the development; and
- (ii) effectiveness of the management measures set out pursuant to condition C4(c)C5(c);

(f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;

(g) a program to investigate and implement ways to improve the environmental performance of the development over time;

(h) a protocol for managing and reporting any:

    - (i) incident, non-compliance or exceedance of the impact assessment criteria or performance criteria;
    - (ii) complaint; or
    - (iii) failure to comply with statutory requirements;
- (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
- (j) a protocol for periodic review of the plan.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C5. Within three months of:

- (a) the submission of an incident report under condition C7 or a non-compliance under condition C9;
- (b) the submission of an Annual Review under condition C10;
- (c) the submission of an Independent Environmental Audit under condition C11;
- (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or
- (e) notification of a change in development phase under condition A14;

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

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

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

REPORTING AND AUDITING

Incident Notification

C7. The Department and any other relevant agencies must be notified within 24 hours of an incident occurring. The notification must be made using the Department's Major Projects website and address details of the incident including:

- (a) date, time and location of the incident;
- (b) a brief description of what occurred and why it has been classified as an incident;
- (c) a description of what immediate steps were taken in relation to the incident; and
- (d) identifying a contact person for further communication regarding the incident.

C8. The Department must be provided with a subsequent incident report in accordance with Appendix 6.

Non-compliance notification

C9. Within seven days of becoming aware of a non-compliance occurring, the Department must be notified. The notification must:

- (a) be in writing and submitted via the Department's Major Projects Website;
- (b) identify the development (including the development application number and name);
- (c) set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known); and
- (d) set out what actions have been, or will be, undertaken to address the non-compliance.

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

Annual Review

C10. An annual report reviewing the environmental performance of the development must:

- (a) be submitted:
    - (i) to the Department by the end of March each year after the commencement of development, or other timeframe agreed by the Planning Secretary;
    - (ii) to Council and any other interested person upon request;
- (b) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
- (c) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this consent;
    - (iii) monitoring results of previous years; and

    (iv) relevant predictions in the document/s listed in condition A2(c);

(d) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;

(e) evaluate and report on:
    (i) the effectiveness of the noise and air quality management systems; and
    (ii) compliance with the performance measures, criteria and operating conditions of this consent;

(f) identify any trends in the monitoring data over the life of the development;

(g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

(h) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

Independent Environmental Audit

C11. An independent environmental audit must be undertaken for the development. The audit must:

(a) be conducted within one year of commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise;

(b) be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (NSW Government, 2020) or its latest version; and

(c) reported and submitted to the Department in accordance with the *Independent Audit Post Approval Requirements* (NSW Government, 2020) or its latest version.

ACCESS TO INFORMATION

C12. Within one month of the commencement of development under this consent until the completion of all rehabilitation required under this consent, the following information and documents must be:

(a) publicly available on the development website as they are obtained, approved or as otherwise stipulated within the conditions of this consent:
    (i) the documents listed in condition A2(c) of this consent;
    (ii) all current statutory approvals for the development;
    (iii) all approved strategies, plans and programs required under the conditions of this consent;
    (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
    (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
    (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    (vii) a summary of the current phase and progress of the development;
    (viii) contact details to enquire about the development or to make a complaint;
    (ix) a complaints register, updated monthly;
    (x) the Annual Reviews of the development;
    (xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;
    (xii) any other matter required by the Planning Secretary; and

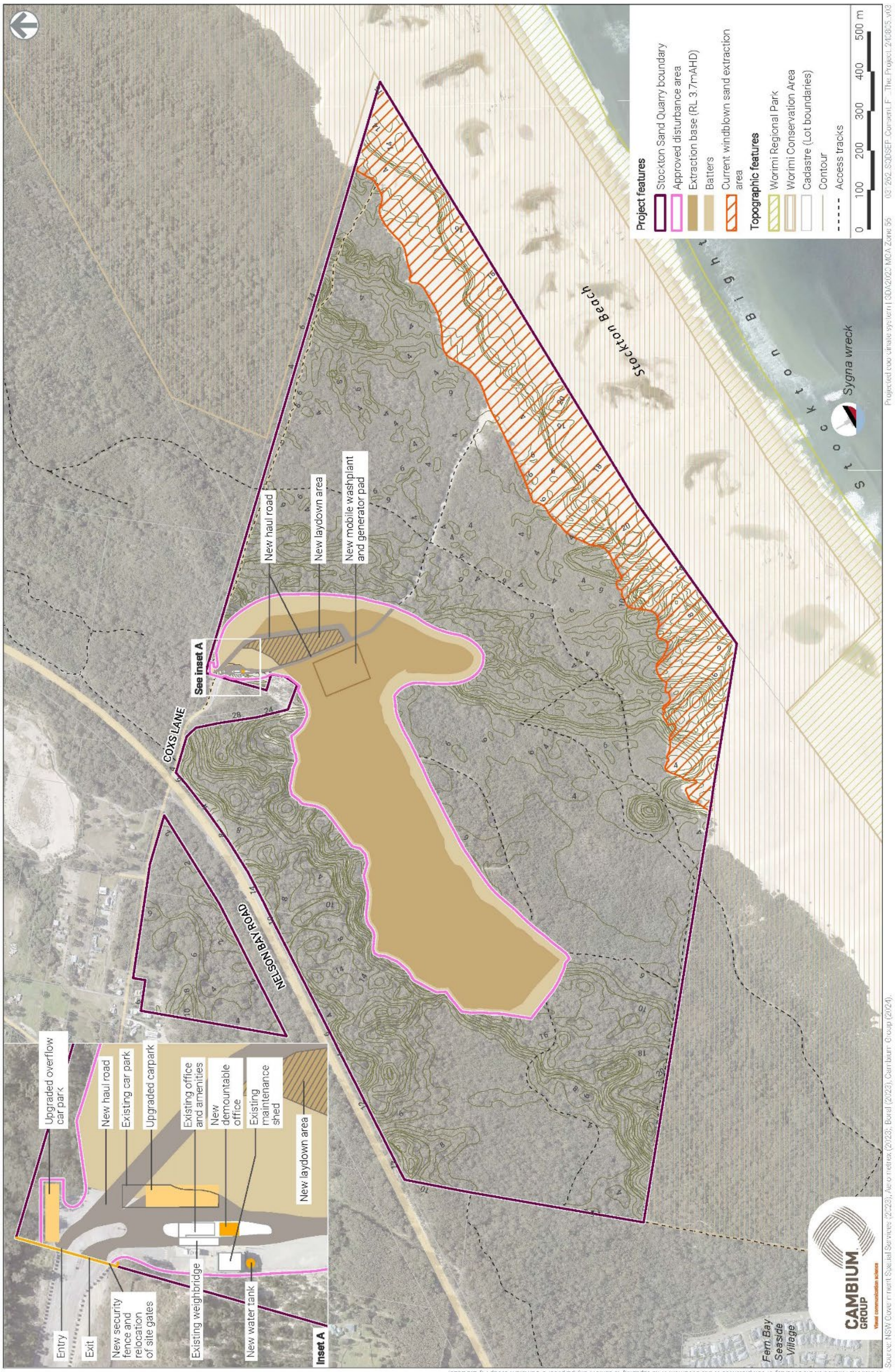
(b) kept such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 – SCHEDULE OF LANDS

Lot	DP
1	1006399
2	1006399
3	664552

APPENDIX 2 – DEVELOPMENT LAYOUT PLAN

Figure 1 – Development layout

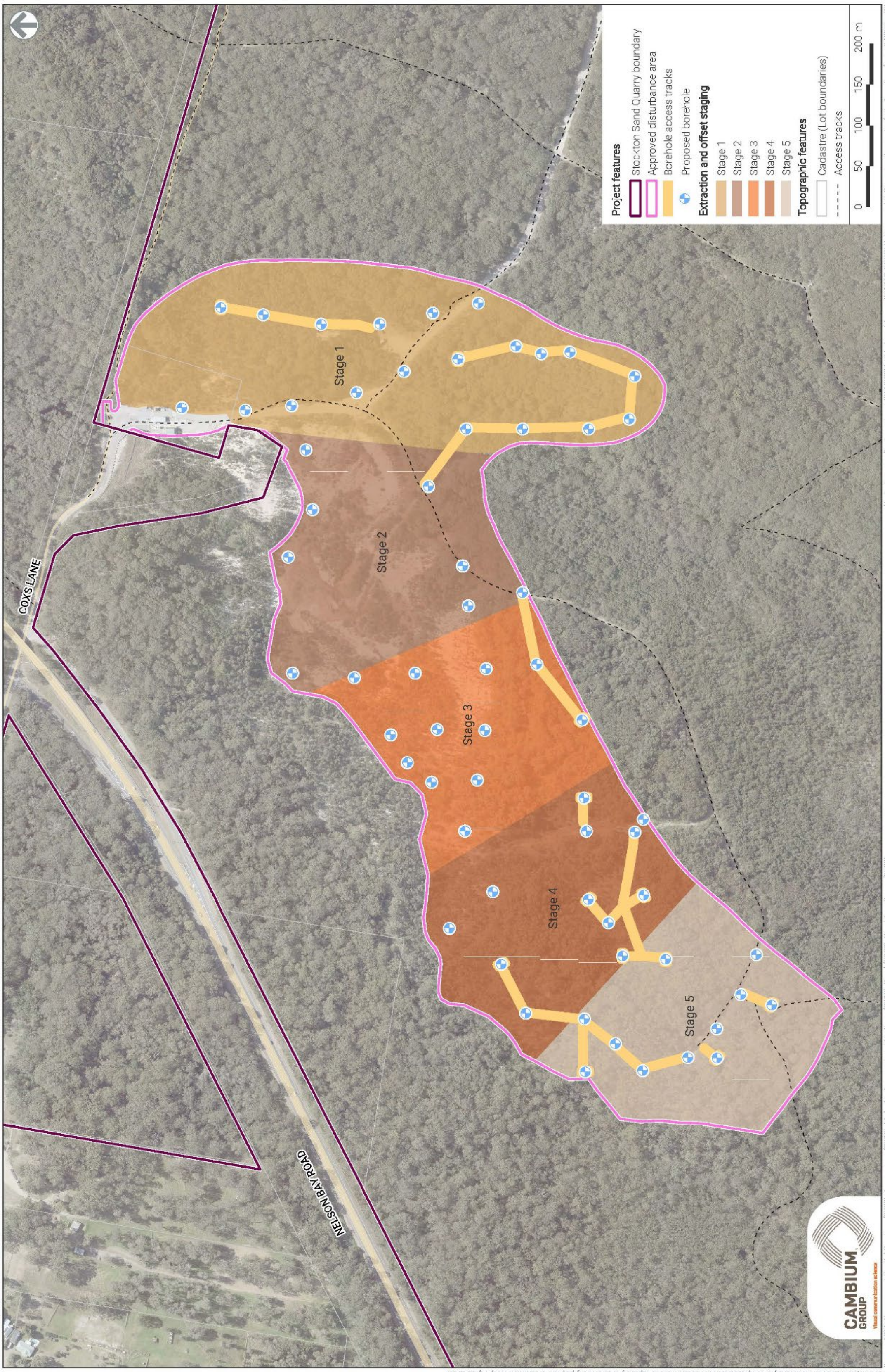


APPENDIX 3 – DEVELOPMENT LAYOUT - STAGED EXTRACTION PLAN

Figure 2 – Staged extraction plan

APPENDIX 4 – STAGED RETIREMENT OF BIODIVERSITY OFFSETS

Figure 3 – Staged retirement of biodiversity offsets



APPENDIX 5 – NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1) The noise criteria in B22 of the conditions are to apply under all meteorological conditions except the following:
   (a) where 3°C/100 metres (m) lapse rates have been assessed, then:
      (i) wind speeds greater than 3 metres/second (m/s) measured at 10m above ground level;
      (ii) temperature inversion conditions between 1.5°C and 3°C/100m and wind speeds greater than 2m/s measured at 10m above ground level; or
      (iii) temperature inversion conditions greater than 3°C/100m.
   (b) where Pasquill Stability Classes have been assessed, then:
      (i) wind speeds greater than 3m/s at 10m above ground level;
      (ii) stability category F temperature inversion conditions and wind speeds greater than 2m/s at 10m above ground level; or
      (iii) stability category G temperature inversion conditions.

Determination of Meteorological Conditions

2) Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station required under condition B21.

Compliance Monitoring

3) Unless otherwise agreed by the Planning Secretary, attended compliance monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (EPA, 2000), in particular the requirements relating to:
   (a) monitoring locations for the collection of representative noise data;
   (b) meteorological conditions during which collection of noise data is not appropriate;
   (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
   (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration,
   (e) modifying factors apart from adjustments for duration,

   with the exception of applying appropriate modifying factors for low frequency noise during compliance testing. This should be undertaken in accordance with Fact Sheet C of *the NSW Noise Policy for Industry* (EPA, 2017).

APPENDIX 6 – INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the Department's Major Projects website.
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition C7 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C9), the Applicant is required to submit a subsequent incident report that:
   (a) identifies how the incident was detected; identifies when the Applicant became aware of the incident;
   (b) identifies any actual or potential non-compliance with conditions of consent;
   (c) identifies further action(s) that will be taken in relation to the incident; and
   (d) a summary of the incident;
   (e) outcomes of an incident investigation, including identification of the cause of the incident;
   (f) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
   (g) details of any communication with other stakeholders regarding the incident.