

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

I, the Minister for Planning, pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*, determine the development application referred to in Schedule 1 by granting development consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- (a) prevent, minimise, and/or offset adverse environmental impacts;
- (b) require regular monitoring and reporting; and
- (c) provide for the on-going environmental management of the development.

As modified by MOD 1 approved on 11 June 2007 in red text.

As modified by MOD 2 approved on 11 February 2008 in orange text.

As modified by MOD 3 approved on 30 November 2017 in blue text.

Frank Sartor MP
Minister for Planning

Sydney,

9 August,

2005

File No. S04/00880

SCHEDULE 1

Application made by: Allied Mills Pty Ltd.

To: Minister for Planning.

In respect of: 330 Picton Road, Lot 32 DP 731013 Maldon, Wollondilly Local Government Area.

For the following: The construction and operation of a flour and maize mill with 300,000 tonnes per annum capacity, including:

- a rail spur;
- site access road off Picton Road;
- surface water works including creation of a bioswale and rehabilitation of an existing water course;
- ancillary offices, car parking, laboratory and amenities.

Development Application: Development application DA-318-12-2004-i, lodged with the Department of Infrastructure, Planning and Natural Resources Planning on 23 December 2004, accompanied by an Environmental Impact Statement, titled *EIS For Grain Milling Facility, Picton Road, Maldon* prepared by

Kellogg Brown and Root Pty Ltd and dated 22 December 2004.

State Significant Development

Under section 76A(7) of the Act, the development is classified as State Significant development as it meets the requirements of *State Environmental Planning Policy No. 34 – Employment-Generating Industrial Development*. In particular, the development is for food and beverage processing (a grain mill), with a capital investment in excess of \$20 million (\$75 million).

Appeal Rights

As the development is for designated development, both the Applicant and any objector have a right of appeal to the Land and Environment Court under section 97 or section 98 of the *Environmental Planning and Assessment Act 1979* respectively.

Commencement of Consent

Pursuant to section 83(1)(b) of the *Environmental Planning and Assessment Act 1979*, this consent operates from the date 28 days after the date endorsed on the notice of determination provided to the Applicant.

Lapse of Consent

Pursuant to section 95 of the *Environmental Planning and Assessment Act 1979*, this development consent is liable to lapse five years after the date from which it operates unless the use of any land, building or work the subject of the consent is actually commenced before the date on which the consent would otherwise lapse.

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SCHEDULE 2

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

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	Allied Mills Pty Ltd
AWTS	Econocycle Aerated Wastewater Treatment System
construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Council	Wollondilly Shire Council
dB(A)	decibel (A-weighted scale)
DEC Guidelines	“Environmental Guidelines: Use of Effluent by Irrigation”, DEC 2004
Department	NSW Department of Planning
development, the	the development as described in the EIS and amended by the conditions of this consent
DPI	NSW Department of Primary Industries
dust	any solid material that may become suspended in air or deposited
EIS	Environmental Impact Statement titled <i>EIS For Grain Milling Facility, Picton Road, Maldon</i> prepared by Kellogg Brown and Root Pty Ltd and dated 22 December 2004
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Minister	NSW Minister for Planning, or delegate
MOD 1	Mod 51-6-2007, prepared by KBR, dated 30 May 2007
MOD 2	DA-318-12-2004 MOD 2, prepared by KBR, dated 17 October 2007
MOD 3	DA-318-12-2004 MOD 3, the Environmental Assessment titled “Review of wastewater treatment and effluent application to land”, prepared by Lanfax Laboratories dated 31 July 2016 and the additional letter prepared by Lanfax Laboratories dated 4 November 2016
operation	any activity at the proposed development that results in the production, or intended production of milled grain of maize products
protected waters	include two watercourses within the site, one being a major tributary of Carriage Creek (“Watercourse A”) on which is a reservoir, and the other being a minor tributary of Carriage Creek (“Watercourse B”) and any other water feature connected to the aforementioned protected waters.
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
Secretary	Secretary of the Department, or nominee
site	the land to which this consent applies

1. GENERAL

Scope of Development

- 1.1 The Applicant must carry out the development in accordance with:
- a) Development Application DA-318-12-2004-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 23 December 2004;
 - b) the Environmental Impact Statement, *EIS For Grain Milling Facility, Picton Road, Maldon*, prepared by Kellogg Brown and Root Pty Ltd, dated 22 December 2004;
 - c) additional information relating to air quality, traffic, waste water, visual amenity impacts and responding to issues raised in submissions prepared by Kellogg Brown and Root Pty Ltd, including the Visual Assessment: Additional Information report prepared by Garry Stanley and dated March 2004, all submitted to the Department on 12 April 2005;
 - d) additional information relating to construction noise prepared by Heggies Australia and dated 28 April 2005;
 - e) *Aboriginal Heritage Assessment, Final Report for the Proposed Allied mills Flour Mill, Picton NSW*, prepared by Austral Archaeology Pty Ltd, dated May 2005, and submitted to the Department 2 June 2005;
 - f) additional information relating to operational noise prepared by Heggies Australia and dated 10 June 2005;
 - g) MOD 1;
 - h) MOD 2;
 - i) MOD 3; and
 - j) the conditions of this consent.
- 1.2 If there is any inconsistency between the plans and documentation listed under Condition 1.1 above, the most recent document prevails to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.

Statutory Requirements

- 1.3 The Applicant shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Dispute Resolution

- 1.4 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the [Secretary](#), or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the [Secretary](#), councils and public authorities.

Compliance

- 1.5 Prior to each of the events listed from a) to c) below, or within such period otherwise agreed by the [Secretary](#), the Applicant shall certify in writing to the satisfaction of the [Secretary](#), that it has complied with all conditions of this consent applicable prior to that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the [Secretary](#), stage the submission of

compliance certification consistent with the staging of activities relating to that event.

- a) commencement of any physical works on the site;
- b) commencement of construction of the development; and
- c) commencement of operation of the development.

- 1.6 Notwithstanding condition 1.5 of this consent, the **Secretary** may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the **Secretary** and be submitted within such period as the **Secretary** may agree.
- 1.7 The Applicant shall meet the requirements of the **Secretary** in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition **Error! Reference source not found.** of this consent. The **Secretary** may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the **Secretary** may agree.

Provision and Protection of Public Infrastructure

- 1.8 The Applicant shall:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development;
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
- 1.9 The Applicant shall upgrade the Picton Water Mains to ensure supply of water to the site, in accordance with the requirements specified by the Sydney Water Corporation.

Structural Adequacy of Early Works

- 1.10 Within two months of the date of the approval of DA 318-12-2004-i MOD 3, the Applicant must:
 - a) obtain and provide copies to the **Secretary** all necessary building certificate(s) from Council for any structures proposed as part of DA 318-12-2004-i MOD 3 that have been constructed or partially constructed prior to the approval of DA 318-12-2004-i MOD 3; and
 - b) ensure that all new structures, and any alterations or additions to existing structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.

2. ENVIRONMENTAL PERFORMANCE

Noise Impacts

Construction Noise and Vibration

- 2.1 Except as permitted by condition 2.2, the Applicant shall undertake all construction activities associated with the development that would generate an audible noise at any residential premises between the following hours:
 - a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - b) 7:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.
- 2.2 In accordance with the document described in condition 1.1d) the Applicant is permitted to undertake four continuous concrete slip operations during the course of the construction period, outside of the hours specified in condition 2.1. The Applicant shall only undertake these night-time construction activities once the

noise mitigation measures specified in the approved Construction Noise Management Protocol (condition 5.2) have been fully implemented. The Applicant shall apply its best endeavours to ensure that construction noise does not exceed the background noise by more than 5 dB(A) when these night-time construction works are being carried out.

Operation Noise

- 2.3 ¹ The Applicant shall design, construct, operate and maintain the development to ensure that the noise contributions from the development do not exceed the maximum allowable noise contribution limits specified in Table 1, at those locations and during those periods indicated. The maximum allowable noise contributions apply under meteorological conditions of:
- wind speed up to 3 m/s at 10 metres above ground level; or
 - temperature inversion conditions of up to 3°C/100 m and wind speed up to 2 m/s at 10 metres above ground level.

Table 1 - Maximum Allowable Noise Contribution

Location	Day		Evening		Night		
	7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays		6:00pm to 10:00pm on any day		10:00pm to 7:00am Mondays to Saturdays 10:00pm to 8:00am Sundays and public holidays		
	L _{Aeq(day)}	L _{Aeq(15 minute)}	L _{Aeq(evening)}	L _{Aeq(15 minute)}	L _{Aeq(night)}	L _{Aeq(15 minute)}	L _{A1(1 minute)}
1	-	44	41	44	36	43	53
2	-	40	-	40	31	37	47
3	43	43	39	43	32	43	61
4	42	42	38	42	26	42	64
5	45	45	37	45	28	42	52
6	-	35	-	35	27	35	49

- 2.4 ² Notwithstanding condition 2.3, the Applicant shall implement all reasonable and feasible measures to achieve a noise contribution goal at Location 1 of 33 dB(A) L_{Aeq(night)}. At a minimum, the Applicant shall implement the following measures:
- during the night-time all truck movement shall be in the forward direction only;
 - during the night-time all forklift movements will be limited to being within the confines of the warehouse building;
 - during the night-time the Applicant shall not cause or permit a train to be broken up, shunted, or unloaded at the site; and
 - additional attenuation to the exhaust fans detailed in the document listed under condition 1.1f).

If the Applicant undertakes a noise impact assessment, in accordance with the EPA's *Industrial Noise Policy*, that demonstrates that the appropriate noise criteria can be complied with at all relevant receiver locations without the noise mitigation measures prescribed in this condition, then the Applicant may, with the approval of the EPA and the Secretary, cease to implement those measures.

- 2.5 ³ For the purpose of assessing compliance with the L_{Aeq(period)} (being day, evening or night) and L_{Aeq(15 minute)} noise contribution limits specified in condition 2.3 noise from the development shall be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling (where the dwelling is more than 30 metres from the boundary). Notwithstanding, should direct measurement of noise from the development be impractical, the

¹ Incorporates EPA General Terms of Approval under the *Protection of the Environment Operations Act 1997*

² Incorporates part of a EPA General Term of Approval under the *Protection of the Environment Operations Act 1997*

³ Incorporates a EPA General Term of Approval under the *Protection of the Environment Operations Act 1997*

Applicant may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the EPA's *Industrial Noise Policy*). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the [Secretary](#) prior to the implementation of the assessment method. Section 4 of the *Industrial Noise Policy* shall also apply to the measures noise levels, where applicable.

- 2.6 ⁴ For the purpose of assessing compliance with the $L_{A1(1 \text{ minute})}$ noise contribution levels specified under condition 2.3 of this consent, noise from the development shall be measured at 1 metre from the building façade. Notwithstanding, should direct measurement of noise from the development be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the [EPA](#) (refer to Section 11 of the EPA's *Industrial Noise Policy*). Details of such an alternative noise assessment method accepted by the [EPA](#) shall be submitted to the [Secretary](#) prior to the implementation of the assessment method.

Visual Amenity Impacts

Screening of the Development

- 2.7 Landscaping Treatments L1 and L2 (as specified in section 8.5.4 of the EIS) along the boundaries of the site shall be implemented during the first stage of construction works, and prior to the commencement of any building works for the mill. The tree and shrub species to be used in Landscape Treatments L1 and L2 shall be determined in consultation with Council.
- 2.8 Unless otherwise approved with the [Secretary](#), the Applicant shall extend Landscape Treatment L2 along the entire length of the shared property boundaries between the site and the adjacent properties to the east and west of the site.

Lighting

- 2.9 The Applicant shall ensure that no lights are directed towards private residences or roads, and that lighting is consistent with Australian Standard *AS4282(INT) 1995: Control of Obtrusive Effects of Outdoor Lighting*.

Building Façade

- 2.10 Prior to the commencement of building works for the development, the Applicant shall submit, for the approval of the [Secretary](#), details of the external façade for the building and structures, including demonstration of the façade(s) on an external finishing board. The finishing board shall clearly show the materials to be used for the building façade including details of external treatments of the structures and buildings (such as painting, and other external features aimed at reducing the bulk of the building and to improve the general appearance of the development), especially for the elevated elements. The finishing board shall demonstrate that the external treatments of the structures and buildings are non-reflective and of sufficient design quality to minimise the visual affects of the development, as far as is reasonable and feasible.

Soil and Water Quality Impacts

General

- 2.11 ⁵ The Applicant shall carry out the development to minimise adverse impacts to aquatic/ riparian environments and to not cause erosion/ sedimentation, or increase flood levels of protected waters. The Applicant shall consult with [DPI](#) and the NSW Department of Primary Industries (Fisheries) regarding the design of all proposed works within, or connecting to, any protected waters.

⁴ Incorporates a [EPA](#) General Term of Approval under the *Protection of the Environment Operations Act 1997*

⁵ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

- 2.12 ⁶ The Applicant shall not excavate or place materials on protected land, or otherwise affect the flow of protected waters unless otherwise approved by [DPI](#), in consultation with the Department of Primary Industries (Fisheries).
- 2.13 ⁷ Section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in the carrying out of the development, except as expressly provided by a licence under that Act for the development.

Erosion and Sediment Control

- 2.14 ⁸ All site drainage and measures described in the Soil and Water Management Plan (condition 5.2) shall be implemented prior to commencement of any other construction works at the site. Until the site has been fully stabilised, all such measures shall be inspected and maintained on a weekly basis, and immediately following any rainfall events, to ensure their efficient operation. Decommissioning of sediment and erosion controls shall be coordinated with revegetation and rehabilitation activities.

Protection of Riparian Areas and Protected Waters During Works

- 2.15 ⁹ Prior to the commencement of any earthworks or vegetation clearing at the site, vegetation to be protected, including the area designated as Riparian Zone A in condition 2.19, is to be fenced off with clearly visible, durable, and appropriately signposted exclusion fencing.
- 2.16 ¹⁰ A **Works Plan** for all earthworks affecting protected waters at the site is to be prepared, based on an understanding of stream dynamics and environmentally sensitive stream rehabilitation practices. The Plan shall include:
- detailed plans of the existing and proposed protected waters, Riparian Zones specified in condition 2.19, vegetation, geomorphic features (including top of bank, dam wall and spillway, bank and toe of bank) and any other relevant feature (structures, services, utilities, etc.);
 - representative cross-sections of protected land, protected waters and Riparian Zones, showing both existing and proposed ground surface levels, and fully representing the variety of landforms associated with the proposal;
 - detailed designs of the bioswale that is to replace Watercourse B and its outlet structure into Watercourse A, and any other outlet structure that may be required;
 - detailed designs of any stabilisation works and how they are to be undertaken;
 - detailed designs and the methods of construction of stormwater outlets demonstrating that they would be designed in accordance with the Department's guideline: *Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1)*;
 - detailed designs and the methods of construction of scour protection works including a surveyed plan drawing and a representative cross section and long section (extending 10 metres beyond the structure) showing existing and proposed ground surface and water levels;
 - details on the staging or sequencing of the proposed works; and
 - contingency measures in the event of flooding during construction.
- 2.17 ¹¹ All works within protected waters are to be monitored after each storm event. If there are signs of erosion or instability, stabilisation works shall be undertaken in accordance with [DPI's](#) requirements.

⁶ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

⁷ Incorporates a [EPA](#) General Term of Approval under the *Protection of the Environment Operations Act 1997*

⁸ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

⁹ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

¹⁰ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

¹¹ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

Rehabilitation: Establishing the Riparian Zones

2.18 ¹² The Applicant shall rehabilitate the site to:

- a) protect any remnant local native riparian vegetation at the site wherever it is reasonably possible to do so; and
- b) restore any Riparian Zones (condition 2.14), including the area within protected waters, that are disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecotone.

2.19 ¹³ The Applicant shall establish two Riparian Zones at the site, in accordance with the following requirements:

- a) Riparian Zone A shall be a minimum of 40 metres from the top of each bank of the major tributary of Carriage Creek located in the north western portion of the site (including the reservoir). The Riparian Zone shall be measured horizontally landward from the top of the bank and at right angles to the alignment of the bank, including beneath any crossings, unless otherwise approved by DPI;
- b) Riparian Zone B shall be a total width of no less than 10 metres for the full length of the bioswale which is replacing the existing watercourse alignment of the minor tributary that runs through the centre of the site into the central dam.

Following the completion of bulk earthworks at the site, a registered surveyor must undertake a survey that clearly shows the location and extent of the Riparian Zones, to the satisfaction of DPI.

2.20 ¹⁴ Unless otherwise agreed with DPI, the restored Riparian Zones:

- a) shall be fully structured and consist of a diverse range of native plant species and communities local to the area that emulate the original natural situation;
- b) shall have a revegetated buffer zone of at least 10 metres beyond any disturbed areas in the Riparian Zones (if the existing vegetation is significantly degraded or is likely to give rise to weed invasion);
- c) shall have plant densities as listed below, unless otherwise detailed in the Vegetation Management Plan;
 - i. Riparian Zone A: At least 1 tree or 1 shrub (in approximately equal numbers) alternately planted at 1 plant per square metre and in addition, groundcover plants at 4 plants per square metre;
 - ii. Riparian Zone B (bioswale): Native grasses only required to the outside edge of Riparian Zone A, and thence plantings as per Watercourse A; and
 - iii. The Reservoir: Within the reservoir, and below the contour equal to the broad crest level of the spillway, macrophytes are to be densely planted to assist in water quality polishing.
- d) may be rehabilitated using a combination of methods provided the required densities and clear evidence of the plants' ability to survive are achieved by the end of the maintenance period;
- e) shall have no exotic plant species, other than temporary sterile cover crops, planted within, or within 10 metres of them;
- f) shall have no non-ecologically functioning work or activity (such as access ways) located within them **except for the culverts and the approved rail siding passing over via culverts**;
- g) shall use only soils that naturally occur at the site, which are not proof rolled or subjected to other unsuitable compaction;
- h) shall be established, rehabilitated and maintained in a manner that does not adversely impact on the Aboriginal Objects contained within Heritage Conservation Zone 1; and

¹² Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

¹³ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

¹⁴ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

- i) shall use only certified weed free and contaminant free mulch.

Note: There is nothing in this consent that permits any adverse impact to the Aboriginal Objects identified in the vicinity of Heritage Conservation Zone 1 during the course of restoring or managing Riparian Zone A.

- 2.21¹⁵ The nature and function of scour protection measures shall meet the requirements of **DPI**. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless specifically approved by the **Secretary**.
- 2.22¹⁶ The surface of any landformed areas in, or likely to affect, Riparian Zones shall be progressively graded to a smooth and even slope free from holes or ridges. Batter slopes shall not be steeper than a grade of 1V:3H, unless otherwise agreed by **DPI**.

Rehabilitation: Maintaining the Riparian Zones

- 2.23¹⁷ Prior to the commencement of any construction activities, the Applicant shall prepare and submit for approval a **Vegetation Management Plan** in accordance with the Department's guideline *How to Prepare a Vegetation Management Plan – Version 4*. The Plan shall include drawings that clearly show the approved extent of the Riparian Zones, address all matters relating to Riparian Zone protection, including vegetation to be retained/removed, plant material to be used for rehabilitation, densities and species mix for areas to be rehabilitated, establishment methods, sequencing of tasks, maintenance and performance monitoring. Site rehabilitation and maintenance is to be carried out in accordance with the Plan, and the Department is to be advised of the person responsible for any seed or vegetative propagation prior to the commencement of that propagation.
- 2.24¹⁸ The rehabilitated Riparian Zones shall be maintained and monitored for a period of at least two years after final planting, or where other revegetation methods are used, two years after plants are of tubestock size and are at the densities specified in the Vegetation Management Plan. Maintenance shall include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, protection from any mowing or slashing on adjacent land, mulching and any other requirements necessary for achieving successful vegetation establishment.
- 2.25¹⁹ Immediately after completion of initial planting/seeding and every six months thereafter for the duration of the maintenance period the Applicant shall submit to **DPI** a monitoring report addressing the performance criteria as specified in the Vegetation Management Plan, and comment on the stability and condition of any stream works. With each monitoring report, the person responsible for implementing the Vegetation Management Plan must certify in writing that plantings (including follow-up plantings) have been carried out using stock propagated from seed or plant material collected only from native plants from the local botanical provenance.

2.25A Prior to carrying out any construction works associated with the rail siding, the Applicant shall:

- a) obtain a permit for the proposed construction works under Part 3A of the Rivers and Foreshore Improvement Act 1948;

¹⁵ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

¹⁶ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

¹⁷ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

¹⁸ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

¹⁹ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

- b) submit a copy of this permit to the Department; and
- c) revise the Soil and Water Management Plan in the Construction Environment Management Plan to incorporate measures that would be implemented to manage and monitor the construction works associated with the rail siding, in consultation with DPI, and to the satisfaction of the Secretary.

Salinity Management

2.26 ²⁰ The Applicant shall implement the recommendations of the Report prepared by Environmental Investigation Services dated December 2004 in Volume 2 of the EIS.

Heritage Impacts

2.27 ²¹ Prior to the commencement of any construction activities, the Applicant shall obtain consent under Section 90 of the *National Parks and Wildlife Act 1974* to destroy and salvage the following Aboriginal heritage items (as specified in the document listed under condition 1.1e):

- a) AMP IF 4, being an isolated find on the south-western side of the dam; and
- b) AMP OCS 1, being a scatter of artifacts on the south-eastern fringe of the dam.

2.28 ²² Prior to the commencement of any construction activities, the Applicant shall establish and fully secure the area identified as a 'potential archaeological deposit' (PAD) in the vicinity of AMP IF 4 and OCS 1 as shown in Fig.6.1 of the document listed under condition 1.1e). Prior to the commencement of any construction activities in the PAD area, the Applicant shall permit representatives of the Aboriginal community to undertake a cultural salvage excavation of the area. The Applicant shall not commence construction activities in the PAD area until the cultural salvage excavation has been completed to the satisfaction of the EPA.

2.29 ²³ Prior to the commencement of any construction works at the site, the Applicant shall

- a) fully establish and secure Heritage Conservation Zone 1 in the north-western end of the site (as shown in Fig.6.1 of the document listed under condition 1.1e);
- b) fully establish and secure Heritage Conservation Zone 2 incorporating the area surrounding a scarred tree (AMP ST 1) with at least a diameter of 30 metres. The Zone shall be enclosed by a permanent fence that restricts access into the Zone for the duration of the development (including construction activities); and
- c) implement suitable drainage measures in the vicinity of Heritage Conservation Zone 2 to ensure ponding or other impacts do not occur in a manner which would effect the root zone of the tree.

The Applicant shall manage the Heritage Conservation Zones in accordance with the management measures specified in the approved Cultural Heritage Management Plan.

2.30 The Applicant shall not disturb the original fabric of the culvert under the Great Southern Railway line in the carrying out of the development.

Flora and Fauna

²⁰ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

²¹ Incorporates a EPA General Terms of Approval under the *National Parks and Wildlife Act 1974*

²² Incorporates a EPA General Terms of Approval under the *National Parks and Wildlife Act 1974*

²³ Incorporates a EPA General Terms of Approval under the *National Parks and Wildlife Act 1974*

2.31 The Applicant shall minimise any clearing in the carrying out of the development.

2.32 ²⁴ Where practicable, vegetation that is cleared shall be retained for use as native mulch in landscaped areas. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the material cannot be swept into protected waters during a flood. Cleared vegetation must not be burned at the site.

Traffic and Transport Impacts

2.33 ²⁵ The Applicant shall obtain a Section 138 Approval from Council with RTA concurrence for works within the road reserve of Picton Road.

2.34 ²⁶ Vehicular access to the site shall be via a single entry point from Picton Road, and vehicles shall only enter and leave the site in a forward direction.

2.35 ²⁷ Prior to the commencement of on site works, the applicant shall provide written notification of the commencement date to the RTA.

2.36 ²⁸ The intersection of the site access road with Picton Road shall be constructed, at full cost to the Applicant, in accordance with RTA standards and requirements, and in consultation with Council. The junction treatment shall be a Seagull Layout in accordance with the *RTA Road Design Guide* and shall be constructed within three months the commencement of on site works, unless otherwise approved by the RTA. Prior to the implementation of the Seagull Layout, the use of the existing access shall be limited to a maximum of ten cars per hour and one truck per hour, and appropriate signage shall be provided to warn vehicles approaching the access. In addition, the intersection shall meet the following requirements:

- a) the site access location shall have a minimum Safe Intersection Sight Distance of 225 metres in both directions, unless otherwise agreed with the RTA;
- b) landscaping and fencing shall not restrict vehicle site lines on Picton Road; and
- c) a suitable drainage treatment shall be provided across the driveway to prevent water proceeding onto, or undermining the travel lane of Picton Road. Geometric road design shall be in accordance with the RTA's *Road Design Guide* and pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.

2.37 ²⁹ The Applicant must obtain approval from the RTA for each specific roadwork on Picton Road prior to the commencement of that work. For each specific change to Picton Road the Applicant shall submit detailed design plans, and all relevant additional information as may be required by the RTA, to the RTA for assessment and approval. Construction activities on Picton Road shall be carried out by a pre-qualified contractor, in accordance with the requirements of the RTA. All roadworks associated with the development shall be at no cost to the RTA.

2.38 ³⁰ Prior to commencement of work within the road reserve of Picton Road, the Applicant shall apply for a Road Occupancy Licence from the RTA. The application shall include a Traffic Management Plan, prepared and submitted in accordance with the RTA's requirements. Should the Plan require a reduction of the speed limit, a Direction to Restrict would also be required.

²⁴ Incorporates a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

²⁵ Incorporates RTA General Terms of Approval under the *Roads Act 1993*

²⁶ Incorporates RTA General Terms of Approval under the *Roads Act 1993*

²⁷ Incorporates RTA General Terms of Approval under the *Roads Act 1993*

²⁸ Incorporates RTA General Terms of Approval under the *Roads Act 1993*

²⁹ Incorporates RTA General Terms of Approval under the *Roads Act 1993*

³⁰ Incorporates RTA General Terms of Approval under the *Roads Act 1993*

- 2.39 ³¹ The development shall be designed and constructed such that road traffic noise on Picton Road is minimised by use of durable materials, in accordance with the EPA's *Environmental Criteria for Road Traffic Noise* and with consideration of the RTA's *Environmental Noise Management Manual*.
- 2.40 ³² No advertising signs or structures would be allowed within Picton Road road reserve.
- 2.41 Design of internal vehicle movements, car parking and pedestrian facilities shall be in accordance with AUSTRROADS standards and the RTA's requirements.

Hazards and Risk Impacts

- 2.42 The Applicant shall implement the recommendations of the *Hazard and Risk Analysis Study Report* prepared by Kellogg Brown and Root dated November 2004 in Volume 2 of the EIS. In particular, the Applicant shall:
- design and construct the chlorine room in accordance with the Australian Standard *AS 2927-200: the storage and handling of liquefied chlorine gas*, and to ensure that the ventilation system is sufficient to provide extraction at all times;
 - prior to the commencement of its construction, undertake and submit a Final Hazard Analysis in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* with a particular focus of possible chlorine releases;
 - prior to the commencement of construction, conduct and submit to the Secretary for approval, a Hazard and Operability Study of the development chaired by a suitably qualified and independent person or team, carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*. In particular, the Study shall review the proposed chlorine extraction and ventilation system to ensure that it operates under confirmed gas detection, and shall include a program for the implementation of all recommendations made by the Study.
 - prior to the commencement of operation certify to the satisfaction of the Secretary that all the prevention and protection measures listed in Table 4.1 of the *Report* have been implemented. The certification shall include the details of those measures implemented, and shall, where any proposed measure is not implemented, fully justify the reasons for not implementing that measure.

Air Quality Impacts

- 2.43 The Applicant shall design, construct, operate and maintain the development in a manner that minimises dust emissions from the site.
- 2.44 ³³ The raw material storage bunkers shall be maintained in a condition that effectively eliminates wind generated dust emissions.
- 2.45 ³⁴ Dust collection systems with bag type dust collectors shall be provided to all potential sources of dust production during operation of the development.

Mine Subsidence

- 2.46 The Applicant shall carry out the development in accordance with any requirements specified in an approval issued by the Mine Subsidence Board under the *Mine Subsidence Compensation Act 1961*.

³¹ Incorporates an RTA General Term of Approval under the *Roads Act 1993*

³² Incorporates an RTA General Term of Approval under the *Roads Act 1993*

³³ Incorporates a EPA General Term of Approval under the *Protection of the Environment Operations Act 1997*

³⁴ Incorporates a EPA General Term of Approval under the *Protection of the Environment Operations Act 1997*

Waste Generation and Management

- 2.47 ³⁵ The Applicant shall not cause, permit or allow any waste generated by the development or from outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under *Protection of the Environment Operations Act 1997*. This condition only applies to wastes for which a licence under the *Protection of the Environment Operations Act 1997* is required.

3. ENVIRONMENTAL MONITORING AND AUDITING

Noise Monitoring

- 3.1 Within 90 days of the commencement of operation of the development, or as may be agreed by the [Secretary](#), and during a period in which the development is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the noise emission performance of the development. The program shall meet any requirements of the [EPA](#), and shall include, but not necessarily be limited to:
- noise monitoring, consistent with the *NSW Industrial Noise Policy* ([EPA](#), 2000), to assess compliance with condition 2.3 of this consent;
 - methodologies, location and frequency for noise monitoring;
 - identification of monitoring sites at which pre- and post-development noise levels can be ascertained; and
 - details of any entries in the Complaints Register (condition 4.3 of this consent) relating to noise impacts.

A report providing the results of the program shall be submitted to the [Secretary](#) within 28 days of completion of the testing required under a). If the noise monitoring indicates that the operation of the development, under design loads and normal operating conditions will lead to greater noise impacts than permitted under condition 2.3 of this consent, then the Applicant shall investigate details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. If necessary, the Report shall include details of the proposed remedial measures, with a timetable for implementation, to be approved by the [Secretary](#) and the [EPA](#).

Air Quality Verification

- 3.2 ³⁶ Within three months of the commencement of operations at the development, or as otherwise agreed with the [EPA](#) and the [Secretary](#), the Applicant shall sample and analyse each of the 32 emission points from the development for particulate matter emissions. Sampling ports shall comply with the [EPA](#) approved method TM-1, unless otherwise agreed with the [EPA](#). Where the particulate concentration in the emissions are greater than those listed below, the Applicant shall identify necessary remedial measures to meet the concentrations:
- 5 mg/m³ for all emission points except those for the screening process; and
 - 100 mg/m³ for emissions points for the screening process.

Within 28 days of the sampling and analysis undertaken in this condition the Applicant shall submit to the [Secretary](#) and the [EPA](#), a report detailing the outcomes of that sampling and analysis. Where necessary, the report shall include details of the proposed remedial measures, with a timetable for implementation, to be approved by the [Secretary](#) and the [EPA](#).

Auditing

- 3.3 Twelve months after the commencement of operation of the development, and every three years thereafter, or as otherwise agreed or required by the [Secretary](#),

³⁵ Incorporates a [EPA](#) General Term of Approval under the *Protection of the Environment Operations Act 1997*

³⁶ Incorporates a [EPA](#) General Term of Approval under the *Protection of the Environment Operations Act 1997*

the Applicant shall commission an independent, qualified person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the [Secretary](#) prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for the approval of the [Secretary](#) within one month of the completion of the Audit. The Audit shall:

- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
- b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
- c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition **Error! Reference source not found.** of this consent; and
- d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

The [Secretary](#) may require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the [Secretary](#) may require.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

4.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request. This shall include provision of all documents at the site for inspection by visitors, and in an appropriate electronic format on the Applicant's internet site, should one exist.

Complaints Procedure

4.2 Prior to the commencement of construction of the development, the Applicant shall ensure that the following are available for community complaints:

- a) a 24-hour, toll-free telephone number on which complaints about the development may be registered;
- b) a postal address to which written complaints may be sent; and
- c) an email address to which electronic complaints may be transmitted.

The Applicant shall ensure that the telephone number, postal address and email address are made known to the local community and any potentially affected neighbours prior to the commencement of construction.

4.3 The Applicant shall record details of all complaints received through the means listed under condition 4.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

- a) the date and time, where relevant, of the complaint;
- b) the means by which the complaint was made (telephone, mail or email);
- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the [EPA](#) and the [Secretary](#) upon request.

5. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- 5.1 The Applicant shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the development. The Plan shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
 - b) statutory and other obligations that the Applicant is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities; and
 - iii) measures to monitor and control noise emissions during construction works;
 - iv) measures to ensure the cultural heritage areas established under conditions 2.21 and 2.22 are suitably managed and protected during construction activities;
 - d) a description of the roles and responsibilities for all relevant employees involved in the construction of the development;
 - e) the Management Plans listed under condition 5.2 of this consent; and
 - f) complaints handling procedures during construction.

The Plan shall be submitted for the approval of the [Secretary](#) no later than one month prior to the commencement of construction works for the development, or within such period otherwise agreed by the [Secretary](#). Construction works shall not commence until written approval of the Plan has been received from the [Secretary](#).

- 5.2 As part of the Construction Environmental Management Plan for the development, required under condition 5.1 of this consent, the Applicant shall prepare and implement the following Management Plans:
- a) ³⁷ an **Soil and Water Management Plan** to ensure that all erosion and sediment controls associated with the development are consistent with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004).. The Plan shall address the requirements of the Department, the Australian Rail Track Corporation, Council and the [EPA](#), and shall include, but not necessarily be limited to:
 - i) details of the works at the site that may cause erosion, sedimentation or other pollution during construction activities;
 - ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the development, with particular emphasis on the measures proposed to avoid adverse impacts to the protected waters and protected lands;
 - iii) details of proposed measures to ensure the continued integrity of the culverts under the Great Southern Railway line, including scour protection works on the watercourses flowing towards the culverts;
 - iv) design specifications for diversionary works, banks and sediment basins;
 - v) a monitoring program during construction works associated with the development; and
 - vi) details of the decommissioning of all erosion and sediment controls and any water diversion structures.

³⁷ Incorporates a [EPA](#) General Term of Approval under the *Protection of the Environment Operations Act 1997* and a General Term of Approval under the *Rivers and Foreshores Improvement Act 1948*

- b) ³⁸ a **Construction Noise Management Protocol** to detail measures to mitigate and manage noise during construction works. The Protocol shall be prepared with reference to the Australian Standard *AS 2436-1981: Guide to Noise Control on Construction, Maintenance and Demolition sites*, and shall include, but not necessarily be limited to:
- i) construction noise objectives for each relevant receiver commensurate with the noise limits and noise goals specified under this consent;
 - ii) a clear description of the construction activities (and timing of those activities) likely to affect the acoustic amenity of nearby residents; especially for night time construction activities;
 - iii) details of the community notification measures that have been undertaken prior to construction, the outcomes of any consultation that has arisen from that notification, and any proposed future notifications or consultations;
 - iv) management methods and procedures to ensure that all reasonable noise mitigation measures are applied, in accordance with best practice, during construction works to protect the amenity of nearby residents, which for night-time works shall include as a minimum:
 - i. construction timetabling to minimise noise impacts;
 - ii. installation of noise reduction barriers around night time work areas;
 - iii. selection of plant and equipment on acoustic performance, and quieter methods of construction;
 - iv. as far as practicable, restrictions to the unnecessary simultaneous operation of noisy plant and equipment;
 - v. contingency measures to be taken if a noise complaint is made during night-time construction activities;
 - v) a pro-active and reactive strategy for dealing with noise complaints, including how noise complaints would be followed up and a response provided to the complainant as soon as practicable;
 - vi) noise monitoring, reporting and response procedures; and
 - vii) internal compliance audits of all plant and equipment.

Operation Environmental Management Plan

- 5.3 The Applicant shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the development. The Plan shall include, but not necessarily be limited to:
- a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
 - b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;
 - c) overall environmental policies and principles to be applied to the operation of the development;
 - d) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
 - e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent; and
 - f) the Management Plans listed under condition 5.4 of this consent.

The Plan shall be submitted for the approval of the [Secretary](#) no later than one month prior to the commencement of operation of the development, or within such period otherwise agreed by the [Secretary](#). Operation shall not commence until written approval has been received from the [Secretary](#).

³⁸ Incorporates a [EPA](#) General Term of Approval under the *Protection of the Environment Operations Act 1997*

5.4 As part of the Operation Environmental Management Plan for the development, required under condition 5.3 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) ³⁹ a **Noise Management Plan** to detail measures to mitigate and manage noise during operation of the development. The Plan shall include, but not necessarily be limited to:
- i) procedures to ensure that all reasonable and feasible noise mitigation measures are applied during operation of the development, including those measures listed in condition 2.7;
 - ii) a system to undertake periodic assessment of Best Available Technically Economically Achievable and Best Management Practices to minimise noise emissions at all times and to seek to achieve noise reduction in accordance with the goal prescribed in condition 2.7;
 - iii) procedures to generate suitable documentation for annual environmental reporting, that demonstrates that the noise limits and noise goals specified under this consent, or best practice noise control operations, are being met;
 - iv) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits and noise goals specified under this consent;
 - v) identification of activities that will be carried out in relation to the development and the associated noise sources;
 - vi) proposed on-going community consultation measures;
 - vii) development of reactive and pro-active strategies for dealing promptly with any noise complaints
 - viii) noise monitoring and reporting procedures.
- b) ⁴⁰ a **Water Monitoring and Management Plan** to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/ or waters throughout the life of the development. The Plan shall be based on best environmental practice and shall address the requirements of the Department, the Australian Rail Track Corporation, Council and the EPA. The Plan shall include, but not necessarily be limited to:
- i) consideration of all reasonable and feasible options to avoid discharge to ground and/or ambient waters including methods to minimise the volume of contaminated water and effluent generated;
 - ii) description of the criteria for nomination of areas as clean or dirty and identification of clean and dirty surface water areas on site maps;
 - iii) details of water management and monitoring measures to be implemented, including measures to ensure the continued integrity of the culverts under the Great Southern Railway line;
 - iv) characterisation of wastewater qualities and quantities for reuse on-site and specification of wastewater reuse areas on site maps for the development;
 - v) details of irrigation management practices to ensure there is no off-site impact through the use of treated effluent for irrigation;
 - vi) a program for monitoring effluent and receiving soil and waters to ensure the suitable operation of the sewage treatment plant, and the ongoing viability of the land and waters receiving the effluent under the irrigation scheme;
 - vii) details of the remedial actions to be taken in response to an exceedance of concentration limits or other performance criteria for the treated water, or if there are predicted or actual adverse weather conditions, or complaints received regarding irrigation activities;

³⁹ Incorporates a EPA General Term of Approval under the *Protection of the Environment Operations Act 1997*

⁴⁰ Incorporates a EPA General Term of Approval under the *Protection of the Environment Operations Act 1997*

- viii) specific details shall be provided in relation to the times, locations, volumes and qualities of the water to be irrigated, including how the quality of water to be used for irrigation will be assessed.
- c) ⁴¹ a **Traffic Management Strategy** to outline minimum requirements for the movement of heavy vehicles to and from the site. The Strategy shall meet the requirements of Council, the RTA, and the EPA, should there be any. The Code shall include, but not necessarily be limited to:
 - i) driver training to ensure that noisy practices such as the use of compression engine brakes are avoided or minimised;
 - ii) best exhaust emission and noise practice in the selection and maintenance of vehicle fleets
 - iii) speed limits to be observed along routes to and from, and within the site;
 - iv) movement scheduling where practicable to minimise noise impacts during sensitive time of the day;
 - v) behavioural requirements and load coverage specifications for drivers;
 - vi) a system of audited management practices that identifies non-conformances, initiates and monitors corrective and preventive actions (including disciplinary action for breaches of procedures), and assesses the implementation and improvement of the Strategy; and
 - vii) clauses in conditions of employment or contracts for drivers that require adherence to the noise minimisation procedures and facilitate implementation of disciplinary actions for breaches of the procedures.
- d) ⁴² a **Cultural Heritage Management Plan** to outline measures to ensure that the two Heritage Conservation Zones are suitably managed during the life of the development. The Plan shall be prepared in consultation with the EPA, and Aboriginal community, and shall clearly demonstrate how the issues and requirements of these entities have been addressed. Where the Plan is not consistent with the requirements of these entities, then a full justification for that inconsistency must be provided.
- e) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall include, but not necessarily be limited to:
 - i) details of all landscaping to be undertaken on the site with specific reference to screening landscaping and the timing of landscaping works;
 - ii) maximisation of flora species endemic to the locality in landscaping the site;
 - iii) results of consultation with Council and the EPA to determine appropriate species for landscaping on the site; and
 - iv) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy and weed free state.

5.5 Every three years after the commencement of operation of the development the Applicant shall undertake a formal review of the OEMP required under condition 5.3 of this consent. The review shall ensure that the OEMP is up-to-date and all changes to procedures and practices prior to the review are fully incorporated into the OEMP. The Applicant shall notify the Secretary of the completion of the review, and shall supply a copy of the updated OEMP to the Secretary and any other party upon request.

Effluent Irrigation Area

- 5.6 When applying effluent to land, the Applicant must ensure:
- a) there is no surface water runoff beyond the irrigation area as identified in Figure 1 at Appendix A of this consent;
 - b) spray does not drift beyond the boundary of the site; and

⁴¹ Incorporates a EPA General Term of Approval under the *Protection of the Environment Operations Act 1997*

⁴² Incorporates a EPA General Term of Approval under the *National Parks and Wildlife Act 1974*

- c) the quantities of nutrients, salt, hydraulic load and organic material are effectively absorbed through plant or crop production or within the soil as outlined in MOD 3, and confirmed through annual soil monitoring (refer to condition 5.9).
- 5.7 Within two months of the approval of MOD 3, the Applicant must ensure the irrigation area identified in **Appendix A** of this consent is managed and maintained as follows:
- a) a diversion bank of no higher than 200 mm must be constructed between the road and the irrigation area to divert runoff away from the irrigation area and into the tree row;
 - b) any depressions capable of ponding water (such as natural depressions or wheel tracks) in the irrigation area must be regularly removed by levelling with top soil;
 - c) the irrigation area must be regularly mowed to a length of 100 mm; and
 - d) pasture or fodder crops must only be harvested when dry.

AWTS Maintenance and Monitoring Requirements

- 5.8 The Applicant must ensure the AWTS is serviced prior to any irrigation recommencing. The service report, together with records of those measurements are to be submitted to the Department prior to any irrigation recommencing and then on a quarterly basis. Before commencing each service, measurements are to be taken to demonstrate that the following target requirements have been met:
- a) faecal coliforms, or *E.coli* (thermotolerant coliforms) must be less than 100 colony forming units per 100 ml in the irrigation chamber;
 - b) dissolved oxygen in the irrigation chamber is more than 5 mg O₂/L at 20 degrees Celsius; and
 - c) free available chlorine in the irrigation chamber is between 0.01 and 2.0 mg/L.
- 5.9 Within two months of the determination of MOD 3, the Applicant must update and implement the Water Monitoring and Management Plan, as required by Condition 5.4 b), to the satisfaction of the Secretary, to include:
- a) an annual soil monitoring program for the irrigation area in accordance with the DEC Guideline; and
 - b) the management and monitoring requirements detailed in conditions 5.6 to 5.8 inclusive.

6. ENVIRONMENTAL REPORTING

Incident Reporting

- 6.1 The Applicant shall notify the EPA and the Secretary of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Applicant shall provide full written details of the incident to the EPA and the Secretary within seven days of the date on which the incident occurred.
- 6.2 The Applicant shall meet the requirements of the Secretary to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 6.1, within such period as the Secretary may require.

Note: Condition 6.2 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to the development.

Annual Performance Reporting

- 6.3 The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Secretary, an **Annual Environmental Management Report**

(AEMR). The AEMR shall review the performance of the development against the Operation Environmental Management Plan (refer to condition 5.3 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:

- a) details of compliance with the conditions of this consent;
- b) a copy of the Complaints Register (refer to condition 4.3 of this consent) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
- c) identification of any circumstances in which the environmental impacts and performance of the development during the year have not been generally consistent with the environmental impacts and performance predicted in the documents listed under condition **Error! Reference source not found.** of this consent, with details of additional mitigation measures applied to the development to address recurrence of these circumstances;
- d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and
- e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Applicant shall submit a copy of the AEMR to the [Secretary](#) every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the development. The [Secretary](#) may require the Applicant to address certain matters in relation to the environmental performance of the development in response to review of the Annual Environmental Report. Any action required to be undertaken shall be completed within such period as the [Secretary](#) may require. The Applicant shall make copies of each AEMR available for public inspection on request.

Appendix A

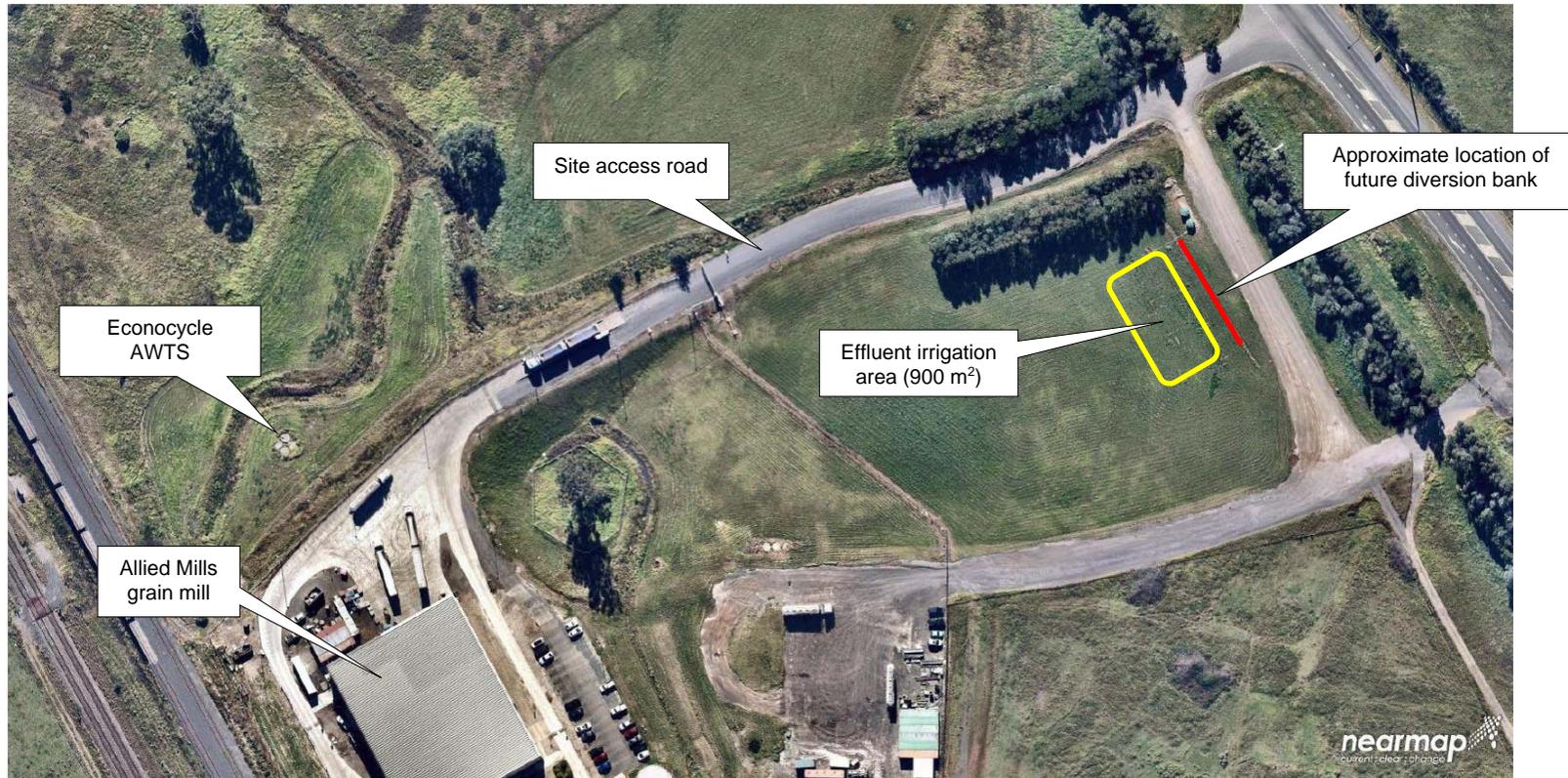


Figure 1: Wastewater irrigation area and location of diversion bank