

# Notice of Modification

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

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Oliver Holm  
Executive Director  
Resource Assessments and Compliance

Sydney

2016

### SCHEDULE 1

The development consent (DA 267-11-99) for the Roberts Road Quarry, granted by the Minister for Urban Affairs and Planning on 31 May 2000.

### SCHEDULE 2

1. In the page footer, delete the words "Department of Urban Affairs and Planning" and insert "Department of Planning and Environment".
2. In the list of Definitions, capitalise the "C" in both the word "construction" and its definition.
3. In the list of Definitions, delete the definition for "EIS" and insert the following in alphabetical order:

|                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EIS                                                        | Development application DA 267-11-99 and supporting documentation including the Environmental Impact Statement prepared by Nexus Environmental Planning Pty Ltd, dated November 1999, including the attached landscaping plan; the fax from Holmes Air Sciences dated 21 December 1999; the letter from Nexus Environmental Planning Pty Ltd dated 21 December 1999 and attachments; the letter from Woodward-Clyde dated 21 December 1999; the letter from Woodward-Clyde dated 16 December 1999; the letter from Dick Benbow and Associates Pty Ltd dated 5 January 2000 and attachments; the letter from Dick Benbow and Associates Pty Ltd dated 27 January 2000; and the two faxes from Dick Benbow and Associates Pty Ltd dated 17 February 2000 and attachments, except as modified by the report of Dick Benbow and Associates (Report No 10065 Issue 1) dated 26 June 2000 |
| m AHD<br>Modification 2                                    | metres Australian Height Datum<br>Modification application DA 267-11-99 Mod 2 and supporting documentation titled: <i>Environmental Assessment Section 75W Modification (2): DA 267-11-99, Hodgson Quarries and Plant Pty Ltd: Roberts Road: Maroota</i> (Volumes 1 and 2), dated 23 September 2015 and prepared by Nexus Environmental Planning Pty Ltd; Response to Submissions <i>75W Modification (2): DA 267-11-99, Hodgson Quarries and Plant Pty Ltd: Roberts Road: Maroota</i> , dated 3 December 2015 and prepared by Nexus Environmental Planning Pty Ltd; and email correspondence from Nexus Environmental Planning Pty Ltd to the Department, dated 12 February 2016, 16 February 2016 and 24 February 2016                                                                                                                                                            |
| Process Water Dam<br>Wet weather high<br>groundwater level | The process water dam located in the north-eastern corner of the site<br>The rolling average of all recorded groundwater level measurements at any monitoring location on the site, as first recorded following any rainfall event of at least 50 mm over any 24-hour period, and as contour mapped using this data                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

4. In condition 2 of Schedule 2, delete all words after "Adherence to Terms of DA and EIS" and replace with:

"The Applicant shall:

- (a) carry out the development generally in accordance with the EIS, Modification 1, Modification 3 and Modification 2; and
- (b) comply with the conditions of this consent.

If there is any inconsistency between the documents in Condition 2(a), the most recent document shall prevail to the extent of the inconsistency. The conditions of this consent shall prevail over documents in Condition 2(a) to the extent of any inconsistency."

2) In condition 9 of Schedule 2, delete "2016" and replace with "2025".

3) Delete condition 17 of Schedule 2 and replace with:

"The Applicant shall ensure that extraction does not take place below a level 2 metres above the wet weather high groundwater level of the regional aquifer, as measured and mapped on the site (see Conditions 40(d) and 44)."

4) In condition 20(c) of Schedule 2, delete the words "Soil and Water Management Plan", and replace with "Water Management Plan (Condition 42)"

5) After conditions 18, 22, 49, and 58 of Schedule 2, insert the following:

"The Applicant shall implement the approved management plan as approved from time to time by the Secretary."

6) Delete conditions 23 to 26 of Schedule 2, including the headings.

7) In conditions 29 and 46 of Schedule 2, in each condition:

- (a) delete the words "and implement" after the words "shall prepare"; and
- (b) at the end of the condition, insert the following:

"The Applicant shall implement the management plan as approved from time to time by the Secretary."

8) In condition 28 of Schedule 2, delete "90 ug/m3 (annual average)" and replace with:

"90  $\mu\text{g}/\text{m}^3$  (annual average), particulate matter (PM10) of 50  $\mu\text{g}/\text{m}^3$  (24 hours average) and 30  $\mu\text{g}/\text{m}^3$  (annual average)"

9) Delete conditions 38 to 45 of Schedule 2, including the headings, and replace with:

#### **SOIL AND WATER**

*Note: The Applicant is required to obtain the necessary water licences for the development under the Water Act 1912 and/or Water Management Act 2000.*

#### **Limits on Extraction**

38. The Applicant shall not extract:

- (a) below a depth of 182 m AHD in the footprint of the Process Water Dam, if not already extracted as at the date of approval of Modification 2; and
  - (b) below a depth of 186.1 m AHD in all other areas of the site;
- unless in accordance with Condition 17, and following written notification to the Secretary and DPI-Water.

#### **Groundwater Study and Remediation Works**

39. Within six weeks of the date of approval of Modification 2, the Applicant shall commission a comprehensive groundwater study of the site. This study must:

- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary and DPI-Water;
- (b) consult with DPI-Water;
- (c) examine all existing records of groundwater levels at the site;
- (d) develop an interim contour map of the wet weather high groundwater level of the regional aquifer, based on all available records (see also Condition 44); and
- (e) provide advice and recommendations on the Groundwater Monitoring Program as set out in Condition 43.

40. Unless otherwise agreed by the Secretary, the Applicant shall submit a report of the study to the Secretary and DPI-Water within six months of commissioning the study. The report must be accompanied by a Groundwater Management Improvement Program, based on the study's findings and

recommendations which includes a program of proposed timeframes for implementation. Should the Applicant propose not to implement any of the report's recommendations, it must provide detailed justification to this effect.

The Groundwater Management Improvement Program must be prepared and implemented to the satisfaction of the Secretary. Progress against the Program shall be reported through Annual Reviews and considered as part of the Independent Environmental Audit.

41. Within six months of the submission of the Groundwater Study and accompanying documents (see Conditions 39 and 40), the Applicant must infill any area of the site identified as being below the wet weather high groundwater level to at least that level as mapped (see Condition 39(d)).

Within six months of any update of the groundwater level contour map, the Applicant must infill any area of the site identified as being below the wet weather high groundwater level to at least that level as mapped (see Condition 44).

### **Water Management Plan**

42. The Applicant shall prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must be prepared in consultation with DPI-Water by suitably qualified and experienced person/s whose appointment has been approved by the Secretary, and be submitted to the Secretary for approval by 31 December 2016. The plan must be updated on an annual basis in consultation with DPI-Water for three years from the date of approval of Modification 2 and thereafter as agreed with by the Secretary.

In addition to the standard requirements for management plans (see Condition 61), this plan must include a:

- (a) Site Water Balance that:
- includes details of:
    - o sources and security of water supply, including contingency planning;
    - o water use on site;
    - o water management on site, including groundwater inflows to the quarry voids and site discharges; and
    - o audit and reporting procedures, including comparisons of the site water balance each calendar year; and
    - o describes the measures that would be implemented to minimise clean water use on site and maximise recycling opportunities;
- (b) Surface Water Management Plan, that includes:
- a detailed description of the surface water management system on site, including the:
    - o clean water diversion systems;
    - o erosion and sediment controls;
    - o effluent irrigation system;
    - o water transfers from the extraction areas;
    - o water storages; and
    - o discharge points;
  - design objectives and performance criteria for proposed:
    - o erosion and sediment control structures;
    - o water storages, including quarry voids;
    - o site discharges; and
    - o control of water pollution from rehabilitated areas of the site;
  - performance criteria, including trigger levels for investigating any potentially adverse impacts for surface water quality;
  - a program to monitor:
    - o the effectiveness of the water management system;
    - o site discharge water quality; and
    - o surface water level and quality in the Process Water Dam, including the quantification of rainfall inflow, groundwater inflow and evaporation;
  - a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project;
  - long term water quality management objectives and the measures to achieve these objectives;
  - a plan that ensures surface stormwater runoff from the disturbed areas is directed to the sedimentation dam(s);
  - a plan that ensures drainage does not discharge into or onto any adjoining public or Crown road, any other persons land, any Crown land, any river, creek or watercourse, any groundwater aquifer, any native vegetation as described under the *Native Vegetation Conservation Act 1997* and any wetlands of environmental significance;
  - a detailed description of design and construction criteria for the Process Water Dam based on a feasibility study of:

- o capacity to construct multiple cells within the overall dam footprint (ie a two stage or three stage dam);
  - o whether the dam floor and walls are able to be effectively lined with compacted clay (especially for multiple cells);
  - o whether effective hydraulic separation can be achieved between such cells;
  - o rehabilitating such cells to create a single dam within the final landform; and
  - o the appropriateness of diverting runoff received from off-site around the dam;
  - a strategy for the decommissioning of water management structures, including storage, sedimentation and leachate dams once extraction is complete; and
  - audit and reporting procedures, including comparisons of the monitoring results each calendar year and quarterly reporting of surface water monitoring results;
- (c) Groundwater Management Plan that takes into account the *Web-based Reporting Guideline* (DPE 2015) and *Groundwater Monitoring and Modelling Plans – Information for Prospective Mining and Petroleum Exploration Activities* (DPI 2014, and includes:
- detailed baseline data on groundwater yield and quality in groundwater bores on privately-owned land, that could be affected by the project;
  - a program to undertake surveyed probe testing of all extracted areas where clay fines have been deposited to:
    - o accurately determine the depth of extraction and depth of clay fines;
    - o identify any ongoing intersection or other interaction between clay fines and the regional groundwater aquifer;
    - o identify any geotechnical characteristics of the emplaced clay fines which may pose risks to workplace safety or implementation of the process water dam design or the final landform; and
    - o identify measures which can be successfully used in rehabilitating these areas;
  - a program to monitor potential groundwater quality impacts to the regional aquifer from receiving off-site runoff water in the Process Water Dam;
  - groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts, in accordance with the *NSW Aquifer Interference Policy*;
  - a program to monitor:
    - o the impacts of the project on:
      - groundwater inflows to water storages;
      - any groundwater bores on privately-owned land that could be affected by the project; and
    - o seepage from water storages or backfilled voids on site;
  - a plan to respond to any exceedances of the groundwater assessment criteria;
  - emergency contingency plans for implementation in the event that the groundwater is encountered during excavation; and
  - audit and reporting procedures, including comparisons of the monitoring results each calendar year and quarterly reporting of groundwater monitoring results,

The Applicant shall implement the approved management plan as approved from time to time by the Secretary.

### **Groundwater Monitoring**

43. The Applicant shall prepare a Groundwater Monitoring Program for the development to the satisfaction of the Secretary. This program must:
- (a) be prepared in consultation with DPI-Water and be submitted to the Secretary for approval within four months of the date of approval of Modification 2;
  - (b) include proposed construction of a network of at least five active monitoring bores around the south-eastern, southern, western and north-western boundaries of the extraction area (but outside of the overall extraction footprint) in proximity to extraction Phases 1 to 6 as identified in Modification 2, to collect continuous groundwater level monitoring data from the regional aquifer;
  - (c) include proposed construction to deepen (or replace) PT84MW1 in order that a bore in that general location monitors the regional aquifer; and
  - (d) include proposed construction of active monitoring bores within the largest components of at least the two forthcoming extraction Phases (on a rolling basis), each to collect at least 2 years of continuous baseline groundwater monitoring data prior to extraction commencing with that Phase.
44. The results of the Groundwater Monitoring Program shall be reported the Department and DPI-Water, using contour plans depicting the surface topography, updated contour maps of the wet weather high groundwater level of the regional aquifer and proposed depth of extraction for each extraction Phase. Reporting is to occur on a six monthly basis for the duration of extractive operations, and throughout rehabilitation of the site, unless otherwise agreed with the Secretary.

The Applicant shall implement the Groundwater Monitoring Program as approved from time to time by the Secretary.

## **Process Water Dam Design and Construction**

45. The Applicant must ensure that the Process Water Dam is designed and constructed in a manner that satisfies the design and construction criteria for the Process Water Dam as developed under the Surface Water Management Plan (see Condition 42(b) above).

10) In condition 46(h) of Schedule 2, delete the full stop and insert the following:

- “, including the bund recommended under Modification 2, and include an assessment of the effectiveness of this measure in reducing noise levels; and
- (i) include a noise reduction strategy for typical operations to ensure the noise levels from these operations do not exceed the noise criteria specified in Condition 47.”

11) Delete condition 47 of Schedule 2, including the heading, and insert the following:

“For typical operations, noise from the premises must not exceed:

- an  $L_{Aeq,15 \text{ min}}$  noise emission criterion of 43 dB(A) (7am to 6pm) Monday to Saturday;
- an  $L_{Aeq,15 \text{ min}}$  noise emission criterion of 40 dB(A) (6am to 7am) Monday to Saturday; and
- an  $L_{A1,1 \text{ minute}}$  noise emission criterion of 50 dB(A) (6am to 7am) Monday to Saturday.

Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated or replaced from time-to-time).

However, these criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.”

12) Immediately after condition 47(c) of Schedule 2, insert the following new condition 47(d):

“47(d) The Applicant must ensure works associated with atypical operations, as described in Modification 2, only occur:

- (a) for a maximum of 24 days in a year, and only between 8 am to 5 pm on those days, Monday to Saturday;
- (b) after an investigation of options for avoiding multiple atypical operations at any one time so as to limit noise levels at affected receptors, and the outcomes of this investigation are detailed in the Noise Management Plan; and
- (c) at least 24 hours after notifying potentially affected receptors, with such notification to include information on the duration and extent of works, the likely noise to be experienced, and a contact telephone number.”

13) Delete condition 52 of Schedule 2.

14) In condition 55 of Schedule 2:

- (a) delete the word ‘and’ at the end of subclause (d); and
- (b) delete the full stop at the end of subclause (e) and replace with the following:

; and

- (f) include detailed performance and completion criteria for evaluating the performance of the flora and fauna management measures and rehabilitation of the site, including triggers for any necessary remedial action.

15) After condition 57, delete condition 58 of Schedule 2, including the heading, and insert the following:

## **LANDSCAPE AND REHABILITATION**

### **Rehabilitation Objectives**

58. The Applicant shall rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must comply with the objectives in Table 1.

*Table 1: Rehabilitation Objectives*

| <b>Feature</b>         | <b>Objective</b>                                                                                                                                                                                                                                              |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site (as a whole)      | <ul style="list-style-type: none"><li>• Safe, stable and non-polluting</li><li>• Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land</li></ul> |
| Surface Infrastructure | <ul style="list-style-type: none"><li>• Decommissioned and removed, unless DRE agrees otherwise</li></ul>                                                                                                                                                     |

|                  |                                                                                                                                                     |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Quarry Benches   | <ul style="list-style-type: none"> <li>• Landscaped and vegetated using native tree and understorey species</li> </ul>                              |
| Quarry Pit Floor | <ul style="list-style-type: none"> <li>• Landscaped and revegetated using improved pasture species, native trees and understorey species</li> </ul> |
| Final Void       | <ul style="list-style-type: none"> <li>• Minimise the height and slope of batters</li> <li>• Minimise the drainage catchment</li> </ul>             |
| Community        | <ul style="list-style-type: none"> <li>• Ensure public safety</li> <li>• Minimise the adverse socio-economic effects of quarry closure</li> </ul>   |

### ***Progressive Rehabilitation***

59. The Applicant shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

*Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.*

### ***Landscape and Rehabilitation Management Plan***

60. The Applicant shall prepare a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be submitted to the Secretary for approval by 30 June 2017, unless otherwise agreed by the Secretary;
  - provide details of the conceptual final landform and associated land uses for the site;
  - describe the short, medium and long-term measures that would be implemented to ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;
  - include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following the 3 years covered by the initial approval of the plan) including the procedures to be implemented for:
    - maximising the salvage of environmental resources within the approved disturbance area for beneficial reuse;
    - protecting vegetation and fauna habitat outside the approved disturbance area on-site;
    - minimising the impacts on native fauna;
    - landscaping the site to minimise visual and lighting impacts;
    - reviewing improved pasture species and application rates;
    - controlling weeds and feral pests;
    - controlling erosion;
    - controlling access; and
    - bushfire management;
  - include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
  - include a mass balance calculation to ensure that appropriate volumes of material are available to implement the final landform as described in this plan;
  - provide for the construction and maintenance of the process water dam in accordance with the approved design and construction criteria (see Condition 42(b));
  - identify the potential risks to the successful rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate these risks; and
  - include details of who would be responsible for monitoring, reviewing, and implementing the plan.

The Applicant shall implement the management plan as approved from time to time by the Secretary

### ***Conservation and Rehabilitation Bond***

61. By 31 December 2017, the Applicant shall lodge a Conservation and Rehabilitation Bond with the Department to ensure that the management of biodiversity and the rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the Flora and Fauna Management Plan and Landscape and Rehabilitation Management Plan. The sum of the bond shall be determined by:
- calculating the cost of rehabilitating the site taking into account the likely surface disturbance over the following 3 years of quarrying operations; and
  - employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Secretary.

*Note: If the rehabilitation of the site is completed to the satisfaction of the Secretary, then the Secretary will release the bond. If the rehabilitation of the site is not completed to the satisfaction of the*

*Secretary, then the Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.*

62. Within 3 months of each Independent Environmental Audit (see Condition 66), the Applicant shall review, and if necessary revise, the sum of the Conservation and Rehabilitation Bond to the satisfaction of the Secretary. This review must consider the:
- (a) effects of inflation;
  - (b) likely cost of rehabilitating the site (taking into account the likely surface disturbance over the next 3 years of the development); and
  - (c) performance of the implementation of the rehabilitation of the site to date.

## **ENVIRONMENTAL MANAGEMENT**

### ***Environmental Management Strategy***

63. The Applicant shall prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
- (a) be submitted to the Secretary for approval by 30 June 2016;
  - (b) provide the strategic framework for environmental management of the development;
  - (c) identify the statutory approvals that apply to the development;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (e) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the development;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (f) include:
    - copies of any strategies, plans and programs approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring required to be carried out in relation to the development.

The Environmental Management Strategy is to include a copy of the sequence of extraction as updated under Modification 2, with all dam areas on the site clearly labelled and described.

The Applicant shall implement the approved strategy as approved from time to time by the Secretary.

### ***Adaptive Management***

64. The Applicant shall assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in this Consent. Any exceedance of these criteria and/or performance measures constitutes a breach of this Consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.

### ***Management Plan Requirements***

65. The Applicant shall ensure that the management plans required under this Consent are prepared in accordance with any relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) a description of:
    - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - any relevant limits or performance measures/criteria;
    - 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) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;

- (d) a program to monitor and report on the:
  - impacts and environmental performance of the development;
  - effectiveness of any management measures (see c above);
- (e) a contingency plan to manage any unpredicted impacts and their consequences;
- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
  - incidents;
  - complaints;
  - non-compliances with statutory requirements; and
  - exceedances of the impact assessment criteria and/or performance criteria; and
- (h) a protocol for periodic review of the plan.

*Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*

#### **Annual Review**

66. By the end of March each year (or as otherwise agreed by the Secretary), the Applicant shall review the environmental performance of the development for the previous calendar year to the satisfaction of the Secretary. This review must:
- (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the:
    - relevant statutory requirements, limits or performance measures/criteria;
    - monitoring results of previous years; and
    - relevant predictions in the EIS, Modification 1 and Modification 2;
  - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
  - (d) identify any trends in the monitoring data over the life of the development;
  - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

#### **Revision of Strategies, Plans and Programs**

67. Within 3 months of the submission of:
- (a) an annual review under Condition 62 above;
  - (b) an incident report under Condition 64 below;
  - (c) an audit report under Condition 66 below; or
  - (d) any modification to the conditions of this Consent (unless the conditions require otherwise),
- the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this Consent to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.

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

### **REPORTING**

#### **Incident Reporting**

68. The Applicant shall immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

#### **Regular Reporting**

69. The Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this Consent.

## INDEPENDENT ENVIRONMENTAL AUDIT

70. Every 3 years from the date of this consent and at the completion of works under this consent, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this Consent and any relevant EPL (including any assessment, plan or program required under these approvals);
  - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
  - (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals.

*Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.*

71. Within 6 weeks of the completion of this audit, unless the Secretary agrees otherwise, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

## ACCESS TO INFORMATION

72. By 30 June 2016 the Applicant shall:
- (a) make copies of the following publicly available on its website:
    - the documents identified in Condition 2(a) above;
    - current statutory approvals for the development;
    - approved strategies, plans and programs required under the conditions of this Consent;
    - 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;
    - a complaints register, which is to be updated monthly;
    - the annual reviews of the development (for the last 5 years, if applicable);
    - any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;
    - any other matter required by the Secretary; and
  - (b) keep this information up-to-date, to the satisfaction of the Secretary.'