

Department of Urban Affairs and Planning SYDNEY REGION WEST

Mr Ian Stainton
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Planning
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Contact: M Dellagiocoma
DV:\Penrith\Letters\P9200744
Our Reference: P92/00744/001
Your Reference:

Dear Mr Stainton

Re: Development Application No 3 - Penrith Lakes Scheme

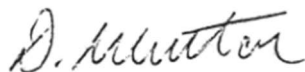
I refer to the above development application lodged with the Department of Urban Affairs and Planning in April 1994, and consequently amended in April 1995.

Pursuant to Section 85(2) of the Environmental Planning and Assessment Act, 1979, you are advised that as the amendments are of minor nature; the application has not been re-exhibited or re-advertised pursuant to Section 84 of the Act.

Pursuant to Section 92 of the Environmental Planning and Assessment Act, 1979, you are advised that the Minister for Urban Affairs and Planning has granted consent to the development subject to conditions, including a condition for surrender of the previous consent for DA3 (Stage 1). In this regard I enclose an appropriate form for your attention and return to this office.

A copy of the Instrument of Consent is attached for your information.

Yours sincerely



R Mason
Regional Manager
Sydney Region West

Att.

Form 7

Modification or surrender of a consent

Granted under the Environmental Planning and Assessment Act 1979

or of an 'existing use' right

conferred by Division 2 of Part 4 of the Act

owner of land
name
address

land
address
lot no. DP/MPS, vol/fol etc

consent / right*
give details

modification
give details of
manner and extent

Agreement of all
owner(s)

Being the owner of the land described above.

I modify/surrender* the consent/the right* described above.

Signature(s)
Name(s)
date

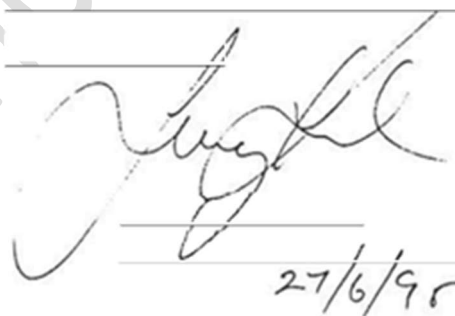
**Cross out whichever does not apply*

**DETERMINATION OF A DEVELOPMENT
APPLICATION BY THE MINISTER PURSUANT TO
CLAUSE 8 OF SYDNEY REGIONAL
ENVIRONMENTAL PLAN NO 11 PENRITH LAKES
SCHEME**

Under the provisions of Section 91 of the Environmental Planning and Assessment Act, 1979 and pursuant to Clause 8 of Sydney Regional Environmental Plan No 11 - Penrith Lakes Scheme, I, the Minister for Urban Affairs and Planning, determine the development application referred to below by granting consent to the development subject to the conditions set out in the Schedule.

The reasons for the imposition of the conditions are to:

1. Minimise any adverse impacts on the environment or the amenity of the area;
2. Ensure the development is undertaken within acceptable technical and operational criteria; and
3. Ensure the area is rehabilitated to an agreed plan.



27/6/95

Craig Knowles MP
Minister for Urban Affairs and Planning

DEVELOPMENT APPLICATION

Applicant: Penrith Lakes Development Corporation

**Development
Application:**

Development Application – Development for the purposes of implementing the Penrith Lakes Scheme as defined in Schedule 1 of the State Environmental Planning Policy (Penrith Lakes Scheme) 1989, as described in Development Application 3 and the Stage Environmental Effects (SEE) dated 1994, and subsequently modified by:

- **Modification Application and associated documents dated 18 April 1995; and**
- **Modification Application DA3 Mod 3 and accompanying Environmental Assessment titled**

Importation of VENM dated August 2012, including the response to submissions dated November 2012.

- **Modification Application DA 3 MOD 4 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, Importation of VENM and ENM Modification, dated 25 September 2014 including the response to submissions dated 13 January 2015.**
- **Modification Application DA3 MOD 5 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, Section 75W Amendment Application - Importation ENM/VENM Summary Report, dated 1 December 2015, including Submissions Report dated 1 March 2017 updated on 12 April 2017.**
- **Modification Application DA3 MOD 7 and accompanying Environmental Assessment titled Penrith Lakes Development Corporation, S4.55(1A) – Modification Application, dated 10 May 2018, including Submissions Report dated 20 June 2018 and additional information dated 12 July 2018.**
- Modification Application DA3 MOD 6 and accompanying Environmental Assessment titled Statement of Support for Section 4.55(2) Modification Application to DA 02, DA 03 and DA 04, dated May 2018, including response to submissions dated 28 September 2018 and the following plans:

<u>Plan Number</u>	<u>Plan Name</u>	<u>Revision</u>	<u>Date</u>
110088/CC200	Cover Sheet, Index and Notes	C	n.d.
110088/CC201	Setout Plan	C	29/10/18
110088/CC202	Engineering Plan	C	29/10/18
110088/CC203	Channel Long Section	C	29/10/18
110088/CC204	Channel Cross Sections Sheet 1	C	29/10/18
110088/CC205	Channel Cross Sections Sheet 2	C	29/10/18
110088/CC206	Scour Protection Plan	C	29/10/18
110088/CC207	Cut and Fill Plan	C	29/10/18
110088/CC208	Stormwater Management Plan & Notes	C	29/10/18

- **Modification Application DA3 MOD 8 and accompanying documentation titled Penrith Lakes Scheme S4.55(1A) Modification Application, dated 4 July 2019, including additional information dated 13 December 2019 and the Importation Protocol (Version 9.3, revision 04, dated 30 January 2020).**
- **Modification Application DA3 MOD 10 and accompanying documentation titled PLDC DA Modification – Statement of Support for Modification to DA3 dated 08 November 2024 prepared by ARUP, including response to submissions and information request documentation and reports submitted 11 March 2025, 14 May 2025, 18 November 2025, 3 December 2025 and 9 February 2026, including revised drawings prepared by J. Wyndham Prince titled “2 Year Plan – Lot 4 Phase 1 & 2” – Drawing ID:110088SK220 dated 29/10/2025 and the Penrith Lakes DA2 and DA3 Mod Flood Impact Assessment report prepared by Worley consulting dated November 2025.**

Land:

On land described in Attachments I and 2 in respect of the application lodged in April 1994 with the Department of

Planning - File No P92/00744/001 - Described in "Development Application 3 Statement of Environmental Effects" (April 1994) submitted with Report No 94021 "Noise Investigation", & "Air Emission Assessment" (1994). As amended by a subsequent request (dated 18 April 1995) and supplementary documentation Report No 94211 "Revised Mine Plan Noise Investigation" (1995) and "Penrith Lakes Scheme Wetlands Study DA3 Area, Cranebrook" (I 995).

NOTES:

- i. To ascertain the date upon which the consent becomes effective refer to section 93 of the Act;
- ii. To ascertain the date upon which the consent is likely to lapse refer to section 99 of the Act-,
- iii. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within twelve months after receipt of this notice

Blue font represents 4 July 2009 S96(2) modification (MOD 2)
Red font represents 5 February 2014 s75W modification (MOD 3)
Orange font represents 30 April 2015 2014 s75W modification (MOD 4)
Purple represents 6 November 2015 s75w modification (MOD 5)
Green font represents 28 August 2018 s96(1A) modification (Mod 7)
Grey font represents 8 January 2019 s4.55(2) modification (MOD 6)
Light blue font represents 1 May 2020 4.55(1A) modification (MOD 8)
Brown font represents 24 April 2026 4.55(2) modification (MOD 10)

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Attachment 2
(Page 1)

PROPERTY DETAILS FOR DA3

PLDC LAND

Land	Title Reference	Area (ha)	Description
1. Pt. Por. 64	F/1 111/589818	7.052	Lot 111 DP 589818
2. Pt. Por. 117	F/1 16/605777	5.333	Lots 16 DP 605777
3. Por. 4	F/1 4/752021	1.998	Por. 4
4. Pt. Pors. 84 & 3	F/1 3/235324	2.023	Lot 3 DP 235324
5. Pt. Por. 84	F/1 1/501273	2.023	Lot 1 DP 501273
6. Por. 66 rem	Conv. No. 423 Bk 3659	0.404	Por. 66
7. Pt. Por. 64,65	F/1 2/574481	16.180	Lot 2 DP 574481
8. Pt. Por. 293	F/1 5/229536	0.320	Lot 5 DP 229536
9. Pt. Por. 67 rem	F/1 1/973311	17.307	Lot 1 DP 973311
10. Pt. Por. 293	F/1 1/229536	20.230	Lot 1 DP 229536
11. Por. 296	F/1 296/752021	26.620	Lot 296 DP 752021
12. Pt. Por. 299	F/1 299/752021	94.750	Lot 299 DP 752021*
13. Pt. Por. 299	Vol. 15429 Fol. 195	3.617	Lots 1-3 DP 116802* (closed roads)
14. Por. 322	F/1 322/752021	19.990	Lot 322 DP 752021
15. Pt. Pors. 76,77 & 280	Vol. 8094 Fol. 236	39.082	Pt. Pors. 76,77 & 280
16. Pt. Por. 77	F/1 13/2223	24.320	Lot 13 DP 2223*
17. Pt. Por. 68	Conv. No. 117 Bk 2588	40.634	Pt. Por. 68*
18. Pt. Por. 68	F/1 1/69147	30.319	Lot 1 DP 69147*
19. Por. 99	Conv. No. 162 Bk 2814	16.187	Por. 99
20. Pt. Pors. 84 & 3	F/1 2/235324	6.534	Lot 2 DP 235324
21. Pt. Pors. 84 & 2	F/1 2/519892	18.280	Lot 2 DP 519892
	Subtotal	393.203	

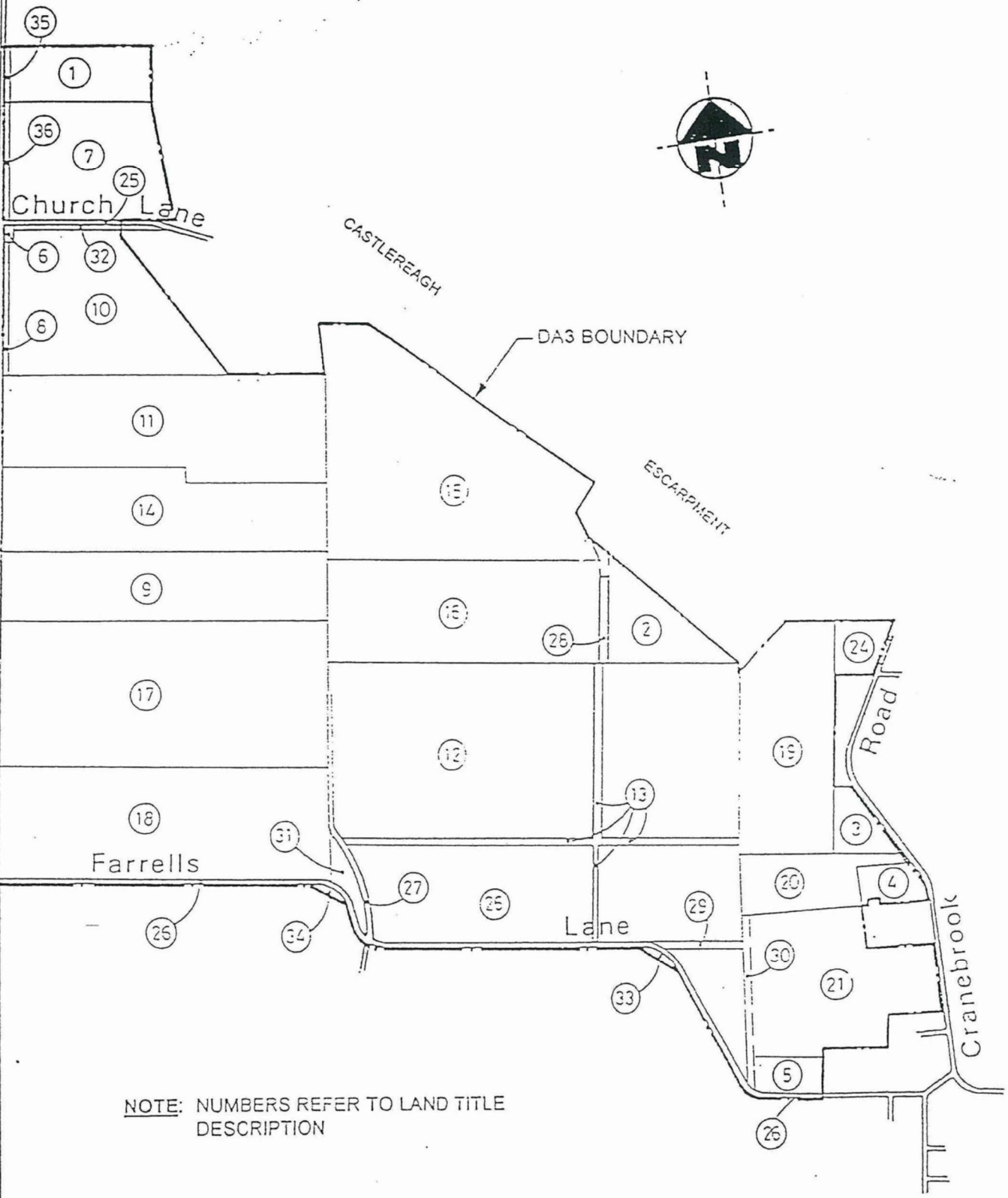
CROWN & PUBLIC LAND

Land	Area (ha)	Description
24. POR. 247	2.150	R63860 Reserve for Water Supply and Resting Place
25. Church lane north Por. 66 and Lot 1 DP 229536	0.494	Confirmed Parish Road
26. Farrells Lane east of DP 375804	5.650	Subdivision Road*
27. Thornleys Lane	1.370	Public Road
28. Road west of Por. 117	0.564	Non Public Crown Road
29. East-west Road in Por. 299	0.380	Non Public Crown Reserved Road
30. Road between Por. 84 and Por. 299	1.366	Non Public Crown Reserved Road
31. Bed of Lagoon adjoining south east corridor of Por 68	0.360	Cranebrook Creek
32. Church Lane	0.170	Pt. Por. 293 being Lot 1 DP 229536
33. Farrells Lane	0.140	Pt. Por. 80 being Lot 1 DP 400734
34. Farrells Lane	0.06	Pt Por 69 being Lot 1 DP 399425
35. Castlereagh Road	0.165	Pt. Por. 64 being Lot 28 DP 234746
36. Castlereagh Road	0.349	Pt. Por. 64 & 65 being Lot 27 DP 234746
	Subtotal	13.218

TOTAL 406

(P)

Road



NOTE: NUMBERS REFER TO LAND TITLE DESCRIPTION

Castlereagh

SCHEDULE

STATUTORY RESPONSIBILITY

1. That the Applicant (and its successors in title) shall for the duration of this Development Consent meet the statutory requirements of all public authorities having statutory responsibilities in respect of the development, and shall negotiate with all authorities having an interest in the proposed development with a view to meeting any reasonable requirements relative to the proposed development.

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1A. The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction or operation of the development.

TERMS OF APPROVAL

1B. The Applicant shall carry out the development generally in accordance with the development application (as described under "Development Application" above) and conditions of this consent. If there is any inconsistency between the documents listed under "Development Application", the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.

ENVIRONMENT PROTECTION AUTHORITY APPROVALS

2. That the Applicant shall, prior to the commencement of construction of the proposed development obtain from the Environment Protection Authority all statutory approvals required under the Pollution Control Act, 1970, Clean Air Act 1961, Clean Waters Act, 1970 and Noise Control Act, 1975, in regard to any necessary pollution control safeguards.

GUARANTEE

3. (a) That the Applicant shall guarantee to meet the cost of remedial works to be carried out by the Minister in the event of -
- (i) the applicant failing to perform or committing a breach of the conditions; or

- (ii) any defects arising in the landforms, structures, plant, equipment or associated works,
- (b) That for the purposes set out in (a) above the Applicant shall lodge with the Minister a Bank Guarantee, in a form approved by the **Director of Planning Secretary** and executed by a bank whereby the bank undertakes to pay to the Minister the agreed sum, or a portion of the agreed sum as appropriate, in the event of-
 - (i) the applicant failing to perform or committing a breach of the conditions; or
 - (ii) any defects arising in the landforms, structures, plant, equipment or associated works,

the Applicant's obligation under this condition shall remain in force until the Minister is satisfied that the conditions set out in this consent have been fully performed and upon the Minister being so satisfied, the said Bank Guarantee or any unused part thereof shall be released to the Applicant.

- (c) For the purposes of clause 3(b) "agreed sum" means the sum calculated in accordance with conditions 4, 5 and 6.
- (d) The current bank guarantee shall continue to apply to the proposed development. Any renewal of the bank guarantee necessitated by the review of the cost of remedial works referred to in conditions 4, 5 and 6 shall be lodged with the Minister within 3 months of the date of each detailed consent.
- (e) That if the Applicant fails to comply with or breaches any of the conditions of consent, or in the event of any defects arising in the landforms, structures, plant, equipment or associated works, within the defects liability period set out in condition 7, then but not otherwise, the Minister may thereupon undertake works, including constructing a pump and pipeline, rounding off banks, fencing, demolishing, recontouring, revegetating and remove or take such other action as it may think fit to compel the Applicant's compliance with the said conditions and all losses and expenses consequent upon such construction, demolition, recontouring, revegetation or removal or any other action as aforesaid and all damages which may sustain thereby shall be recovered by the Minister from the Applicant as a debt in any court of competent jurisdiction to the extent of the Bank Guarantee referred to in condition 3(b).
- (f) That in the event of default by the applicant in respect of matters referred to in this consent, or in the event of any defects arising, in the landforms, structures , plant, equipment or associated works, the Minister:

- (i) may serve on the Applicant a notice (which is hereinafter referred to as "the default notice") -
 - (a) indicating the matters, in which, in the opinion of the Minister, the Applicant is said to be in default;
 - (b) requiring the Applicant, in the manner and within the date and time specified in the default notice to:
 - (1) rectify the default referred to therein, and allowing reasonable time for rectification of any such default; and
 - (2) showing cause why the Minister should not exercise his right under condition 3(e) PROVIDED THAT the Minister may defer the coming into operation of condition 3(e) above until the expiration of the time specified in the default notice; and
 - (3) Showing cause why the Minister should not institute proceedings under section 4239.45 of the Environmental Planning and Assessment Act.
- (ii) may consider any explanation and representation made by the Applicant in pursuance of clause (i)(b)(2) of this condition.

CALCULATION OF BANK GUARANTEE

4. Bank Guarantee for Defects, arising in Structures, Plant, Equipment or Associated Works

The guarantee for each two year period shall be for an amount of 2.5% of the estimated value of works to be undertaken adjusted each two years, at the time of detailed consent.

5. Bank Guarantee for Defects Arising in Landforms

The guarantee for each two year period shall be for an amount of 2.5% of the estimated value of the total landform cost adjusted each two years, at the time of detailed consent.

6. Breach of any conditions of Consent

The guarantee for each two year period shall be the amount calculated by reference to the estimated cost to complete banks, construct foreshores of incomplete lakes, fence and provide a pump station and pipeline in the event of the Applicant terminating all extraction of works pursuant to condition 52.

7. Liability Period

The defects liability period shall be -

- (a) for plant, equipment and associated works 12 months after the issue of a Certificate of Practical Completion in respect of the previous 2 year period; and
- (b) for landforms and flood structures 12 months after issue of Certificate of Practical Completion in respect of the previous 2 year period, with the final two year period in any consent warranted for a period of two years, fair wear and tear excepted.

EXISTING CONSENTS

- 8. (i) From the date of notification of this consent the Applicant shall commence proceedings to formally surrender the existing consent for DA3 (Stage 1) granted 17 February 1995.
- (ii) The conditions included in existing consent (DA1 granted 8 July 1982), on land to which this consent applies, shall be modified to include the conditions set out in this consent.

STAGING SEQUENCE

9. The Applicant shall carry out development in accordance with the sequence plan shown in Attachment 1 except as provided for in condition 10.

10. Condition 9 may be varied:

- (i) When the consent authority following consultation with the Applicant directs otherwise;
- (ii) when the consent authority deems appropriate following a request for change of sequence from the applicant.

DETAILED CONSENT

11. The Applicant will lodge with the consent authority at two yearly intervals, detailed plans of works to be carried out within the subsequent two years. The first of such intervals shall commence from 1 July 1995.

12. Prior to preparing plans as required by condition 11 the Applicant shall consult with the relevant authorities and organisations as directed by the ~~Regional Manager of the Department's Sydney Region West Office Secretary.~~

13. Such plans shall be drawn at a scale of 1:1000 and show -

- (a) the relationship to the Sequence Plan (as shown in Attachment 1);
- (b) engineering design details;
- (c) shall include details of landscaping and final rehabilitation plantings to be undertaken including species name, density or spacing, location and number of trees and shrubs to be planted. The plan will also include details of proposed ground cover plantings or sowing of grasses;
- (d) shall demonstrate the proposed respective locations of site for plant, buildings, roads, means of access to works, drainage, parking area and other works generally if applicable.

14. Consent is deemed to have been refused where the consent authority has not determined the detailed plans within ninety days after lodgement of those detailed plans with the consent authority, except when notified otherwise by the consent authority.

14A. Documentation associated with DA2 Mod 12, including drawings prepared by J. Wyndham Prince titled "2 Year Plan – Lot 4 Phase 1 & 2" – Drawing ID:110088SK220 dated 29/20/2025 are approved for the purposes of satisfying condition 11, for the two- year period from 28 June 2026 to 28 June 2028.

LAND REHABILITATION

Erosion Control

15. All land rehabilitation is to be in accordance with the Land Rehabilitation Manual, 1987 (prepared by the Applicant in conjunction with the Department of Primary Industries. Within 4 months of the approval of DA3 MOD 10, the Land Rehabilitation Manual shall be updated to the satisfaction of the Secretary.

~~15A. Prior to the commencement of the importation of VENM onto the site, PLDC shall notify the EPA and the Department regarding the sources of the VENM including documentation certifying the material is VENM as defined in the Protection of the Environment Operations Act.~~

15B Prior to the commencement of VENM and ENM importation in accordance with MOD ~~5-6~~ 7, and within 4 months of the approval of DA3 MOD 10, PLDC shall notify the EPA and Department regarding the sources of the fill, VENM and ENM including documentation that material has been classified in accordance with the Waste Classification Guidelines, Part 1 Classifying Waste, EPA 2014 and the requirements of the EPA 2014 Excavated Natural Material Order and Excavated Natural Material Exemption,

~~15BB Prior to the commencement of fill importation pursuant to MOD 8, the EPA and Department shall be notified confirming the sources of the fill, including documentation prepared by an appropriately qualified environmental consultant, and that the material complies with the requirements of the relevant:~~

- ~~(a) The Sydney Metro tunnel spoil order November 2018~~
- ~~(b) The Sydney Metro tunnel exemption November 2018~~
- ~~(c) The M4-M5 Link tunnel spoil order 2019~~
- c) Any other site-specific Resource Recovery Order and Exemption issued by the EPA.

~~The M4-M5 Link tunnel spoil exemption 2019.~~

15C. Within 1 month of commencement of VENM and ENM importation in accordance with DA3 MOD 6, PLDC shall implement erosion and sediment control measures on site, in accordance with the relevant requirements in the latest version of the Managing Urban Stormwater: Soils and Construction guideline. These erosion and sediment control measures shall to be inspected and maintained by PLDC for the duration of VENM and ENM importation on the site.

~~15D. PLDC must submit updated plans of the flowpath between Duralia Lake and Lake A. The updated plans must:~~

- ~~a) be submitted to and approved by the Secretary prior to issue of the construction certificate or commencement of works associated with DA3 MOD 6;~~
- ~~b) be prepared by a suitably qualified and experienced person;~~
- ~~c) make reference to the geotechnical requirements as set out in the Northern Lot 4 Precinct Two Year Plan (dated November 2015), particularly sections 3.2.4 and 4.4.1, in relation to the western transition of~~

~~the flowpath between Duralia Lake and Lake A between RL21.0m AHD to the operating level of Lake A;~~

- ~~d) ensure the Duralia Lake and Lake A flowpath transitions are consistent with the transitions from the Lakes and flowpath up to the finished ground levels to the north and south of the flowpath, at typically RL24.m/RL24.5m;~~
- ~~e) include on the Scour Protection Plan, plan number 110088/CC206 Rev C dated 29/10/18, a note referencing drawing PLDC—11862 Rev B Northern Lot 4 Precinct—Two Year Plan.~~

~~PLDC must carry out the development in accordance with any updated plans approved by the Secretary under this condition.~~

15D Within 4 months of the approval of DA3 MOD 10, PLDC and/or future owners shall implement erosion and sediment control measures on site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction guideline* and the updated Land Rehabilitation Manual referred to in Condition 15. These erosion and sediment control measures shall be inspected and maintained for the duration of VENM and ENM importation on the site.

Bank Slopes

16. The completed landforms above normal water level shall have an overall slope no steeper than 6H:IV. Intermediate slopes steeper than this are permissible provided the overall slope is no greater than 6H:IV. Any departures from the uniform 6H:IV slope are to be specifically justified.

Drainage and Erosion Control

17. Capacities of drainage and erosion control works are to be determined in accordance with the Australian Rainfall and Run-off Manual, 1987.

18. Minimum design storm return periods are to be

- lateral drains 5 years
- waterways 20 years

19. A minimum of 100mm of topsoil is to be spread on all the reconstructed landforms which are to be revegetated.

Revegetation

20. Revegetation of landforms must commence within 30 days from the placement of topsoil. Extension of this time may be granted by **the Secretary** ~~by the Regional Manager of the Department's Sydney Region West Office~~ where site conditions prevent revegetation works being carried out. ~~Subject to the concurrence of the Regional Manager, works may be deferred temporarily due to unfavourable weather conditions.~~

Repairs and Maintenance

21. Land shall be maintained, repaired and managed to the satisfaction of the ~~consent authority~~ Secretary. The repairs and maintenance are ~~to be generally in accordance with the Land Rehabilitation Manual, 1987.~~ to be carried out as necessary, and where directed by the Secretary, in consultation with the relevant agencies.

Landscaping Species Selection

22. Indigenous native trees and shrubs of the floodplain shall be used. Exception to the planting of indigenous trees and shrubs may be permitted provided these are in accordance with the Penrith Lakes Landscaping Manual (1987).

Plant Density

23. Planting of trees and shrubs will be at a density of 163 units per hectare of future land area.

24. Condition 23 may be varied where the land area concerned may be future urban or where the land may be otherwise unable to support 163 units per hectare. Such variation should be specifically referred to in the appropriate landscaping plan.

Water Plants

25. Both submergent and emergent varieties of water plants to be planted concurrently to the first filling of any lake. Landscape plans should make reference to where such planting will occur, density and species.

Geo-Technical

26. All geo-technical works to be carried out in accordance with the detailed plans to be submitted for approval by the ~~Regional Manager of the Department's Sydney Region West Office Secretary~~ before rehabilitation works commence (refer to condition 11).

WATER

Water Management Plan

27. The Applicant shall implement and manage the water management of the site in accordance with Figure 4.6 of the Statement of Environmental Effects.

Reticulation Pipes

28. Alternative methods for water transfer are to be made available by the applicant should water levels be reduced to a level that causes the reticulation pipes to be unserviceable.

NOISE

29. The Applicant shall not exceed the following maximum noise levels in those areas designated.

(a) Cranebrook Village and other Dwellings outside the Scheme area (but not on the Escarpment)

(i) Maximum Noise Levels

Noise levels as measured at any one dwelling in Cranebrook or any other dwelling outside the Scheme area (but not including residences along Castlereagh Escarpment) are not to exceed the following criteria.

Maximum Noise Limits (L10)

Absolute maximum	-	70dB(A)
Greater than	-	65dB(A) for 1 month
Greater than	-	60dB(A) for 3 months
Greater than	-	55dB(A) for 30 months
Less than	-	55dB(A) for remainder of time

The above absolute maximum may be exceeded as a result of the construction of noise control works eg noise bunds.

- (ii) The Applicant shall construct 1m high noise bunds as shown on Attachment I. These bunds shall be removed when they cease to mitigate against the adverse noise, dust and visual impacts of the proposal

(b) Dwellings on the Castlereagh Escarpment

(i) Maximum Noise Levels

Noise levels as measured at any one dwelling on the escarpment are not to exceed the following criteria

Maximum Noise Limit (LIO)

Absolute maximum	-	70dB(A)
Greater than	-	65dB(A) for 3 months
Greater than	-	55dB(A) for 30 months
Less than	-	55dB(A) for remainder of time

HOURS OF OPERATION

30. (i) The standard hours of operation for non-noise sensitive areas are:

- * sand and gravel extraction including haulage to processing plants -6.00am to 7.00pm Monday to Saturday
- * overburden stripping and rehabilitation -7.00am to 7.00pm Monday to Saturday
- * importation of VENM -7.00am to 6.00pm Monday to Friday
-7.00am to 1.00pm Saturday
- * none of the above works are to be undertaken on Sundays or Public Holidays

(ii) All works carried out between 6 am and 7am to conform to 5dBA above the existing background noise level

31A The Applicant shall ensure that the development described in DA2 DA3 MOD3 and DA3 MOD4 and DA3 MOD5 and DA3 MOD 7 and DA3 MOD 6 and DA3 MOD 8 and DA3 MOD10 shall comply with the hours of operation set out in Table 2:

Monday to Friday	Saturdays	Sundays and Public Holidays
6:00 am to 9:00 pm	6:00am to 3:00pm	No work

32. Variation to hours of operation

An application to vary hours of operation may be made by the Applicant for the ~~Regional Manager of the Department's Sydney Region West Office Secretary's~~ consent to suit special circumstances such as, an extension in hours to increase production rates. In seeking such a consent the Applicant shall submit an assessment of noise impacts related to the proposed variation and identify any necessary works to mitigate any adverse impacts. ~~Such application must be accompanied by supporting approval from the Environment Protection Authority.~~

33. Maintenance and Purchase of Machinery and Vehicles

- (i) All machinery used in quarry and reconstitution operations shall be properly maintained so as to prevent undue noise.
- (ii) Any new machinery or equipment purchased for use on site, either in addition to or as replacement of existing machinery or equipment, shall be fitted with the manufacturers standard noise control equipment available at the time of purchase.

AIR QUALITY

Noise and Dust Management Plans

33A. PLDC shall prepare and implement a Noise Management Plan (NMP) and a Dust Management Plan (DMP) for VENM and ENM importation approved under DA2 MOD 7. The NMP and DMP must:

- (a) be submitted to the Secretary within three months of commencement of works associated with DA 2 MOD 7;
- (b) be prepared in consultation with ~~Council and~~ the EPA;
- (c) verify that the project meets the relevant noise and air quality criteria in the approval and EPL;
- (d) if any non-compliances occur, describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval and the EPL;
- (e) include provisions to ensure that the project achieves and maintains best practices in both equipment and operations to minimise dust and noise impacts in accordance with conditions of approval;
- (f) outline procedures to manage responses to any complaints or issues raised by the owners of affected residences; and

The NMP and DMP must be approved prior to importation of 9.5 million tonnes of VENM and ENM.

~~PLDC must carry out the~~ The development, including all fill importation, must be undertaken in accordance with any NMP and DMP approved by the Secretary under this condition.

34. Dust emanating from extraction and rehabilitation is not to exceed 4g per square metre per month (annual average) and 260ug/cubic metre for maximum concentration for a 24-hour period as measured at residences most likely to be affected by the operations.

Use of Watering

35. That the Applicant shall keep all unsealed roads used for extractive or other material or overburden haulage sufficiently damp, at all times to prevent wind-blown or traffic generated dust. Plant shall be provided and operated to enable watering at least at a rate of 1.0 litres per square metre per hour.

Grasses

36. Rehabilitated areas shall be grassed as soon as possible, ~~in accordance with the Land Rehabilitation Manual, 1987.~~

37. When wind speeds average 5 m/s and nearby residences are likely to be significantly affected by dust, ~~authorised Council or~~ Environment Protection Authority officers may direct the Applicant to cease operations and the Applicant shall comply with these directions.

HERITAGE CONSIDERATION

38. (i) Prior to work being carried out in the vicinity of Reverend Fultons Parsonage (RES item no 32), a report is to be prepared in accordance with the ~~"Guidelines for the Conservation and Investigation of Historical Archaeological Sites" (1993) issued by the Department of Urban Affairs and Planning~~ "Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW issued by the Department of Climate Change, Energy the Environment and Water by a suitably qualified and experienced archaeologist. Demolition, excavation or removal of this item is not to proceed until the report has been reviewed by the ~~Department of Urban Affairs and Planning~~ Department of Climate Change, Energy the Environment and Water and any necessary excavation permit has been issued.

(ii) Where work is to be carried out in the vicinity of heritage sites identified in the Regional Environmental Study as item numbers 37 (Pise House), 53 (part of Church Lane), 52 (Farrells Lane), and 65 (Cranebrook Creek), an archival recording of these items shall be carried out prior to removal. The recording shall be undertaken in accordance with the Department's publication: ~~'Guidelines for Photographic Recordings of Heritage sites, Building &~~

Structures" (June 1994) and "How to Prepare Archival Records of Heritage Items" (March 1994) Guidelines for preparing archival recordings of heritage items as a condition of consent. This documentation shall be made available for the Director of Planning's Secretary's information.

PENRITH BEACH

38A. Whenever there is an agreement in place for the operation of Penrith Beach, the Applicant shall minimise disruption from construction and rehabilitation operations on the Beach, to the greatest extent possible.

TRANSPORT

39. That the transport route for the carriage of all materials shall be via internal trunk haul roads as described in Figure 4.4 of the Statement of Environmental Effects.

40. That no road, public reserve, public place, or other place not included in the routes referred to in condition 39 shall be used for the passage of vehicles in the transport of plant or extractive material between the lands and any State Highway, Trunk, Main or Secondary road as respectively classified under the ~~Main Roads Act, 1924~~ the Roads Act 1993, as amended.

40A. All VENM and ENM fill transported to and from the site will be in accordance with the approved haulage routes shown in Figures 2 and 2A below and described in the Importation of VENM and ENM Modification (as shown in DA3 MOD 4). No trucks shall use Castlereagh Road south of Old Castlereagh Road or Mulgoa Road to access or egress the site.

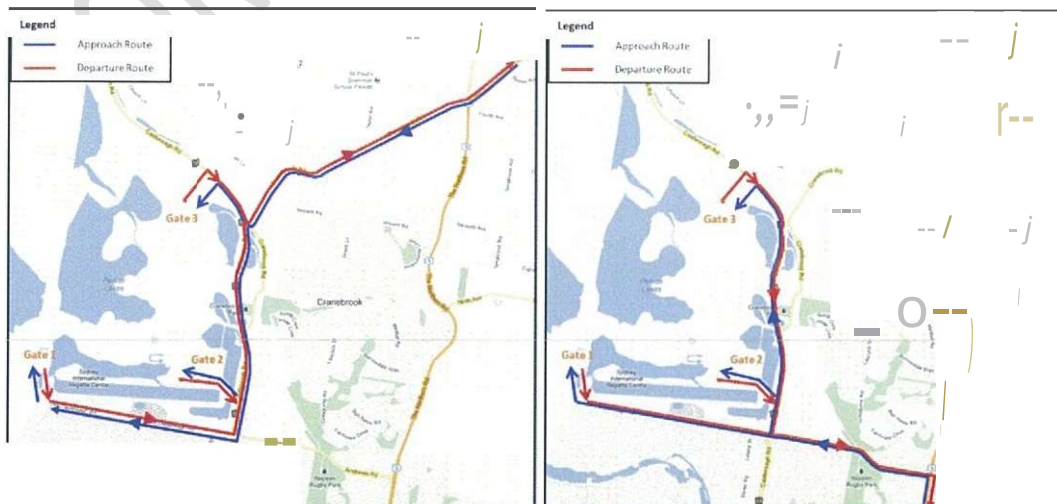


Figure 2 - Approved VENM Transport Route Figure 2a - Approved VENM Transport Route from the South from the North

40B. (1) PLDC shall investigate the need for road upgrades on the section of Castlereagh Road between McCarthy's Lane and Nepean Street to accommodate the VENM and ENM importation in accordance with DA3 MOD 6. The assessment shall:

- (a) be prepared by a suitably independent and qualified expert;
- (b) be prepared in consultation with ~~Penrith City Council and the RMS TfNSW~~;
- (c) establish any road upgrades and traffic management measures required to address all road pavement and traffic safety issues associated with VENM and ENM importation in accordance with DA3 MOD 6 on this section of road.

The assessment shall be submitted to the Secretary for approval prior to importation of 9 million tonnes of VENM and ENM to the site.

(2) If road upgrade works are required under condition 40B(1), PLDC shall provide those road upgrades on the above section of Castlereagh Road between McCarthy's Lane and Nepean Street, prior to importation of 9.5 million tonnes of VENM and ENM to the site, to the satisfaction of the RMS.

Note: these works must be provided at no cost to Penrith City Council or RMS and all required separate approvals required for the road works must be obtained from the relevant authority

40C. (1) PLDC shall prepare a precondition road survey in accordance with RMS specifications for the haulage roads identified in Condition 40A. The precondition road survey must be prepared by a suitably qualified and experienced person within 1 month of commencing importation of VENM and ENM to the site approved under DA3 MOD 6. A copy of the precondition road survey shall be submitted to the Department, ~~RMS~~ and ~~Council Transport for NSW~~ within 1 week of the date of the precondition road survey.

(2) Further dilapidation reports shall be undertaken by PLDC for haulage roads identified in Condition 40A on a four monthly basis for the duration of works approved under DA3 MOD 6, with a final post-dilapidation report prepared at the completion of works. A copy of each dilapidation report shall be submitted to the Department, ~~RMS~~ and ~~Council TfNSW~~.

(3) PLDC shall rectify any deterioration of the road pavement as a result of the VENM and ENM importation approved under DA3 MOD 6 that adversely affects the existing road users during the works. At completion of the works, a final post-dilapidation report shall be carried out. All maintenance and permanent repairs will be carried out within six months of completion of works, to a condition equivalent to

that identified in the precondition road survey, and prior to the release of any occupation certificate for works approved under DA3 MOD 6, to the satisfaction of the relevant authority.

Note: these works must be provided at no cost to Penrith City Council or ~~RMS~~ Transport for NSW and all required separate approvals for the road works must be obtained from the relevant authority.

EXCAVATION IN THE VICINITY OF CASTLEREAGH ROAD

41. Prior to the commencement of importation of VENM or ENM using the northern most access, the road network adjacent to Gate 3 (Castlereagh Road north of Cranbrook Road intersection) shall be upgraded to provide auxiliary left turn treatment for northbound traffic turning onto the site and right turn treatment for southbound traffic in consultation with Penrith City Council and ~~RMS~~ Transport for NSW.

41A. Prior to the commencement of importation of VENM the Applicant shall submit a Project Traffic and VENM Management Plan to the Department This plan is to incorporate both a Construction Traffic Management Plan and a Traffic Noise Management Plan (TNMP) to be prepared in consultation with the Environment Protection Authority (EPA), and to the satisfaction of the ~~Director-General~~ Secretary.

The CTMP shall:

- Cover the period of transporting the VENM to the site;
- Outline the construction vehicle routes (once PLDC has determined the VENM sources);
- Outline other proposed traffic management measures for all proposed access points; and
- Describe the number of trucks per route, hours of operation, access arrangements and
- Traffic control (including how PLDC intends to ensure only approximately 70 truck movements per day along Old Castlereagh Road).

The TNMP must include (but not be limited to):

- An investigation and description of all reasonable and feasible measures to reduce traffic noise;
- Noise compliance/monitoring assessment provisions (especially with regards to Old Castlereagh Road);
- Mitigation measures to be implemented should monitoring indicate exceedances of EPA criteria;
- Measures to regulate traffic volumes on the haulage routes into the site (as described in the EA);

- Vibration limits;
- Auditing provisions;
- Commitment to implement all feasible and reasonable noise mitigation measures; and
- A program to monitor traffic noise and respond to complaints.

Prior to the commencement of the extended hours of operation, as approved by DA2 MOD6, the Applicant shall prepare and submit for the Department's approval an updated TNMP. The Updated TNMP shall include (but not be limited to):

- updated information ensuring the TNMP assessment reflects the extended hours of operation;
- detailed consideration of the impact of the extended hours of operation on nearby sensitive receivers (and any relevant new sensitive receivers since the preparation of the original TNMP), including any additional mitigation/management measures that may be required;
- confirmation the truck movements to the site will be split between each of the vehicular entrances to the site;
- confirmation of a maximum number of truck movements to the site per hour;
- confirmation of a maximum number of trucks per vehicle entrance per hour;
- confirmation of the maximum number of truck movements during peak periods; and
- confirmation of the method(s) for the appropriate monitoring of truck movements to/from the site.

41AAB. Prior to the commencement of additional importation of VENM and ENM in accordance with DA2 MOD 5, the applicant will submit a revised Project Traffic and VENM Management Plan to the Department in accordance with the requirements of condition 41A. The plan is to incorporate both a Construction Traffic Management Plan and a Traffic Noise Management Plan (TNMP) and outline the proposed management of additional vehicle movements associated with the increased requirements for VENM and ENM importation.

The TNMP shall be updated in accordance with the requirements of Condition 41A.

41B The proponent shall ensure that:

- all loaded vehicles entering or leaving the site are covered,
- all loaded vehicles leaving the site are cleaned of materials that may fall on the road before they leave the site,
- the vehicles access points passing through gates 1, 2 and 3 must be sealed from Castlereagh Road to at least 5 metres beyond the gates,
- a wheel wash facility must be installed, maintained and operated at gates 1, 2 and 3, and

(e) appropriate measures must be put in place at gates 1, 2 and 3 to ensure that all vehicles leaving gates 1, 2 and 3 have their wheels washed before leaving the site. All waste water generated in the washing process must be disposed in a manner that does not pollute waters., and

(f) within eight weeks from the date of approval for DA3 MOD 7, an automated jet spray wheel wash and associated drainage pond is to be installed, to the satisfaction of the EPA, to ensure that all vehicles have their wheels washed before leaving the site. All waste water generated in the washing process must be disposed in a manner that does not pollute waters.

~~41C The importation of VENM and ENM shall be limited to 13 million tonnes at a maximum rate of 3 million tonnes per year.~~

41C The importation of fill shall be limited to ~~13~~ 19.8 million tonnes at a maximum rate of 3 million tonnes per year and comprise of only:

- (a) VENM;
- (b) ENM;
- (c) ~~M4-M5 Link tunnel spoil order 2019 and exemption 2019; and/or~~
- (d) Sydney Metro tunnel spoil order November 2018 and exemption November 2018.

41CC The importation of VENM and ENM in accordance with DA3 MOD 7 is not to be placed within 100m of the configuration of the Duralia Lake and Main Lake A floodway specified in the Penrith Lakes Development Corporation 2012 Water Management Plan: Stage 1, dated August 2012.

Monitoring of Fill

41D. PLDC shall:

- 1) keep accurate records of the amount of ~~VENM and ENM~~ fill imported (in accordance with condition 41C) to the site (on a monthly basis); and
- 2) make these records publicly available on its website at the end of each calendar year.

Road Transport Protocol

41E. PLDC shall prepare and implement a Road Transport Protocol, in consultation with ~~Council and RMS~~ **RMS Transport for NSW**. This protocol shall:

- 1) be submitted to the Secretary for approval within three months of commencement of works associated with DA 3 MOD 6;
- 2) include a Traffic Management Plan, which includes:
 - a) procedures to ensure that drivers adhere to the designated haulage routes;
 - b) details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements;
 - c) measures to ensure that the provisions of the Traffic Management Plan are implemented including, but not limited to, driver training in the heavy vehicle drivers' Code of Conduct; and
 - d) procedures for ensuring compliance with and enforcement of the heavy vehicle drivers' Code of Conduct; and
- 3) include a Code of Conduct for heavy vehicle drivers that addresses:
 - a) appropriate travelling speeds;
 - b) staggering of truck arrivals and departures to ensure a regular trucking schedule throughout the day;
 - c) instructions to drivers to maintain appropriate distances between vehicles;
 - d) instruction to drivers to adhere to the designated haulage routes;
 - e) instruction to drivers to be properly safety conscious and to strictly obey all traffic regulations; and
 - f) appropriate penalties for infringements of the Code.

PLDC must carry out the development in accordance with any Road Transport Protocol approved by the Secretary under this condition.

[Penrith Lakes Importation Protocol](#)

41F. All imported fill shall comply with the requirements of the [Penrith Lakes Importation Protocol](#), prepared by ERM Consulting, Version 9.3, revision 04, dated 30 January 2020.

42. Where excavation takes place within 100m of Castlereagh Road a 1.2 metre high earth embankment should be built as a safety measure. The embankment may be built no closer than 20 meters to Castlereagh Road. Detail of the embankment to be submitted as part of the appropriate two year detailed consent application. (refer to condition 11)

OTHER LANDOWNERS

Drainage

43. The applicant is to permit natural drainage of adjacent existing development areas into the scheme. Detailed plans shall be submitted outlining the mitigation measures to be undertaken to protect adjacent sites. These plans shall be drawn in accordance with sound engineering practice.

44. The Applicant is not to carry out any works that would cause inundation of surrounding developed areas by discharges produced by a 100 year recurrence interval rainfall event.

45. Where the Applicant alters discharge patterns from existing development the proposed measures to facilitate drainage including details of scour protection works should be submitted to ~~Penrith City Council~~ the Secretary for Council's consent approval with a supporting report by a qualified civil engineer.

Damage to Other Property

46. That the Applicant shall take all reasonable steps in carrying out works on the land the subject of the application in such a manner as to prevent any injury, loss or damage to persons and stock on any other property.

47. Alterations to services or municipal facilities on the subject land necessitated by the development shall be carried out at the Applicant's expense to the reasonable satisfaction of the authority administering the service/facility. The service authority's written concurrence to such works shall be obtained prior to the commencement of such works.

Adverse Water Supply

48. That the Applicant shall, if directed in writing by the ~~Secretary Council~~ on the advice of the ~~Department of Land and Water Conservation~~ Department of Climate Change, Energy, the Environment and Water (Water) and at the Applicant's cost, make available or make arrangements for a supply of water to any person in the immediate locality of the operations who at the date of consent was licensed under the Water Act, 1912, to extract water from the aquifer and who can demonstrate to the satisfaction of the ~~Department of Land and Water Conservation~~ Department of Climate Change, Energy, the Environment and Water (Water) that the supply of such water has been adversely affected in quality or quantity by the development. Provided that the ~~Secretary Council~~ in making such a direction shall not require an

alternative supply of water exceeding the provision of the licence and shall specify a period for maintenance of the supply which in its opinion is reasonable having regard to the circumstances.

Limits of Working

49. That the Applicant shall not excavate or stockpile -
- (a) within 30 metres of any Main, Local or County Road;
 - (b) within 15 metres of any other dedicated road, any public place or public reserve; and
 - (c) within 15 metres of any adjoining privately owned property except with the written permission of the owner of that property and the consent of the Secretary ~~council~~.

except as provided for in condition 42.

TERMINATION OR TEMPORARY CESSATION OF EXTRACTION

Details

50. The Applicant shall within one month of the date of this consent prepare and submit to the ~~Director~~ Secretary of the Department of Urban Affairs and Planning for ~~her~~ their consent details of proposals for completion and construction of landforms, banks, fencing and works including the construction of a pump and pipeline in the event of termination of the extraction works or temporary cessation of such works.

Temporary Cessation of Works

51. Where the Minister after consultation with the Applicant notifies the Applicant that he has formed the view that effective sand and gravel extraction has temporarily ceased and considerable time will elapse before effective extraction will resume then the Applicant shall undertake and substantially complete the works consented to in those circumstances pursuant to condition 50 within one year of the date of the notification and shall totally complete such works within 2 years of that date.

Total Cessation of Works

52. Where the applicant issues a termination notice to the Minister setting out the reasons for ceasing all sand and gravel extraction and the Minister agrees to such termination then the Applicant shall substantially complete the works consented to in

those circumstances pursuant to condition 50 within one year of the date of the termination notice and shall totally complete such works within 2 years of that date .

MONITORING

Monitoring Programme

53. The applicant shall carry out the tests, recording and reporting referred to in conditions 54 and 55 to enable the impact of on-site activities to be assessed.

FOR INFORMATION ONLY

Land Rehabilitation

54. Compaction Tests

- (a) The Applicant will at its cost, be responsible for compaction tests at the following frequencies:
- | | | |
|---------------------|---|-------------------------------|
| * Engineered Zones | - | 1 test every 2500 cubic metre |
| * Future Urban Area | | |
| - Top Section | - | 1 test every 1000 cubic metre |
| - Bottom Section | - | 1 test every 2000 cubic metre |
- (b) Tests are not required in other construction zones.
- (c) The above frequencies have been determined on the basis that the Applicant has a suitably qualified Engineer on site to supervise earthworks. Frequency of testing is to increase to 1 test every 500 cubic metres in Engineered Zones if such professional supervision is not provided.
- (d) Compaction tests shall be done in accordance with AS1289 4.1-1982 unless specific approval is given by the consent authority to change the test method.
- (e) Testing to be undertaken by a National Australian Testing Authority registered laboratory.
- (f) Should the Applicant wish to undertake its own tests then:-
- it is to be National Australian Testing Authority registered; and
 - A minimum of 10% of all tests are to be undertaken by an independent consultant.
- (g) Any failures are to be rectified by the Applicant.

55. Settlement

- (a) The Applicant shall install settlement plates at a rate of 1 plate per hectare in the Future Urban Area.
- (b) The Applicant shall install up to 10 settlement plates in Open Space areas, the location of which are to be nominated by the consent authority.
- (c) The Applicant shall arrange to have these plates surveyed at appropriate intervals (more frequently at commencement) until such time that settlement is substantially completed.

56. Records and Reporting

- (a) The Applicant will establish and maintain records of:-

- * works as executed diagrams;
 - * compaction test results;
 - * settlement plate results; and
 - * any other relevant information relating to construction .
- (b) Records are to be available for inspection by an appointee of the consent authority at any time during normal working hours.

57. Noise

- (a) The Applicant shall, on a six monthly basis or at other periods determined by the ~~Secretary Department's Regional Manager of the Sydney Region West Office~~, measure noise emanating from the overall quarry and reconstitution operations at four residential sites within proximity to the operations. One such site shall be the closest residential site to the operations. These measurements will be carried out using 20-minute spot checks.
- (b) The noise levels of all quarry and reconstitution machinery shall be tested in accordance with AS2012-1977 on an annual basis as evidence that the noise level of individual items of machinery has not increased through improper maintenance or neglect. These tests will be commenced within three months from the date of this consent. Any new equipment will be tested within three months from the date of its arrival on site.
- (c) A report containing the results of all noise monitoring undertaken in the preceding 6 month period or other period determined by the ~~Secretary Regional Manager~~ shall be submitted to the Minister within 3 months of the end of the period.
- (d) Prior to the commencement of importation of VENM the Applicant shall submit a Traffic Noise Management Plan prepared in consultation with the Department of ~~Environment and Climate Change~~ Climate Change, Energy, the Environment and Water, and to the satisfaction of the ~~Director-General~~ Secretary of the Department of Planning, Housing and Infrastructure. The plan must include:
- an investigation and description of all reasonable and feasible measures to reduce traffic noise; and
 - a program to monitor traffic noise and respond to complaints.

58. Air Quality

- (a) The Applicant shall, on a monthly basis, obtain and analyse dust samples collected in accordance with EPA licence conditions. Vertical dust deposit

gauges shall be located at each site and, in addition directional dust gauges shall be located where agreed. This monitoring shall continue for one year from the date of this consent. Such monitoring shall cease after this period provided results obtained during the period indicate that dust emanating from quarry and reconstitution operations has not exceeded 4g/sq.m./month (annual average) at neighbouring residences.

- (b) PLDC shall install and operate a high volume dust sampler to ensure compliance with the 24 hour maximum concentration level. This monitoring shall continue for one year from the date of consent to the development application. Such monitoring shall cease after this period provided results obtained during the period indicate that dust emanating from quarry and reconstitution operations has not exceeded 260 ug/cubic.m./24 hour maximum concentration.
- (c) PLDC shall monitor wind speed and direction.
- (d) A report containing the results of all air quality monitoring undertaken in the preceding 3 month period shall be submitted to the EPA and Penrith City Council within 2 months of the end of the period.

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING FOR LOT 4

Incident Notification

58A. In relation to Lot 4, the Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

- a. date, time and location;
- b. a brief description of what occurred and why it has been classified as an incident; and
- c. identifying a contact person for further communication regarding the incident.

In this condition, incident means an occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.

Non-Compliance Notification

58B. In relation to Lot 4, within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal

(Major Projects). The notification must identify the development (including the development application and name), and set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Revision of Strategies, Plans, Protocols and Programs

58C. If necessary to improve the environmental performance of the development of Lot 4, cater for a modification, following the issue of a compliance order, or an environmental audit under Condition 59, or submission of an incident notification under condition 58A or compliance notification under condition 58B, the relevant strategies, plans, protocols and programs required under this consent must be revised to the satisfaction of the Secretary and submitted to the Planning Secretary for approval within six weeks of the review.

Monitoring Records Two Yearly Environmental Audit

59. In relation to Lot 4, within 4 months of the Approval of DA3 Mod 10 and then at 2 yearly intervals thereafter, or other timeframe agreed by the Planning Secretary ~~The Applicant shall must maintain a record of the following which shall be available upon request of the consent authority:~~ lodge with the consent authority, a 'Two Yearly Environmental Audit' report with regard to the previous two years activity, reviewing the environmental performance of the development, to the Satisfaction of the Secretary. This audit report must:

- a) describe the development (including any rehabilitation) that was carried out in the previous two years and the development that is proposed to be carried out over the following two years;
- b) include a comprehensive review of the monitoring results and complaints records of the development over the previous 2 years, including a comparison of these results against the:
 - i. relevant statutory requirements, limits or performance measures/criteria;
 - ii. requirement of any plan, protocol, survey or program required under this consent;
 - iii. monitoring results of previous years; and
 - iv. relevant predictions in the documents listed in the definition of DEVELOPMENT APPLICATION in this consent ('a' through to 'o').

- c) identify any non-compliance or incident which occurred in the previous two years, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- d) evaluate and report on:
 - i. the effectiveness of the noise, air quality (dust), water, importation, rehabilitation, compaction & settlement and transport management systems;
 - ii. compliance with the performance measures, criteria and operating conditions of this consent;
- e) identify any trends in the monitoring data over the life of the development;
- f) identify and discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies;
- g) describe what measures will be implemented over the next two years to improve the environmental performance of the development;
- h) include the following minimum information requirements:
 - (a) Works as executed drawings, 1:1000 scale with 1m contours;
 - (b) Details of where topsoil was stripped from, placed and method of placement;
 - (c) ~~A report~~ Details showing landforms completed and areas revegetated;
 - (d) A summary of all works undertaken in regard to repairs and maintenance of landforms;
 - (e) The results of all noise monitoring undertaken in the previous 12 month period;
 - (f) The results of all air quality monitoring undertaken in the previous 12 month period;
 - (g) Photogrammatic surveys at an appropriate scale showing the extent of rehabilitation which has been carried out in the lands;
 - (h) The results of compaction and settlement tests;
 - (i) The species composition and location of plantings completed together with loss rates;
 - (j) Planting times and methods and cumulative maintenance procedure;
 - (k) A description of all ancillary works which have an effect on the external environment;

- (l) And any other matters the consent authority may direct be included from time to time.

The Applicant shall maintain these records for the life of the scheme and shall then make available these records, in good order, to the consent authority.

59A. Copies of the Two-Yearly environmental audit must be submitted to Council, the EPA and be made available on the Applicant's website.

60. The Applicant shall lodge with the consent authority summary reports of the records (referred to in condition 59) within three months of the completion of every two year period from the date of consent.

Environmental Audit

60A. In relation to Lot 4, environmental Audits of the development must be conducted and carried out in accordance with the Independent Environmental Audit Post Approval Requirements (2020) or as updated from time to time and published on the Department's website. The timeframe requirements for audits specified in Condition 59 of this consent prevail.

Monitoring and Environmental Audits

60B. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, protocol, survey strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP& A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and environmental audit.

For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Certificate of Practical Completion

61. The Applicant shall issue to the Minister a Certificate of Practical Completion on completion of works authorised by each detailed approval pursuant to condition 11.

Joint Inspection

62. That the Applicant shall make a representative available for joint inspection of the lands with ~~officers of the Council~~ the Department of Planning Housing and Infrastructure, EPA and the ~~DCCEW Department of Land and Water Conservation~~ and any other statutory authorities concerned with the proposed operation of these conditions. Such inspections shall be carried out after six (6) months, or at a time agreed to by the Secretary but shall not be regarded as replacing any other inspections which any other authority is entitled to make.

Audit Checks

63. Inspections by ~~Public Works~~ the Department of Planning, Housing and Infrastructure will be carried out on an audit principle to ensure works are in accordance with approved plans.

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