

**DETERMINATION OF A DEVELOPMENT APPLICATION
UNDER SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Under Section 80 of the *Environmental Planning and Assessment Act 1979*, I, the Minister for Planning, approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are necessary to:

- (i) Minimise any adverse environmental impacts associated with the development;
- (ii) Provide for the on-going environmental management of the development; and
- (iii) Provide for regular monitoring and reporting on the development.

Andrew Refshauge MP
Minister for Planning

Sydney,

2002

File No. S01/01739

SCHEDULE 1

Development Application:	DA No. 381-12-2001-i.
Applicant:	BHP Billiton.
Consent Authority:	Minister for Planning.
Land:	Lot 223, Industrial Drive, Mayfield.
Proposed Development:	<p>The proposal involves clearing, remediating, and preparing the site for future industrial development, and includes:</p> <ul style="list-style-type: none">• Demolishing the Jubilee Shed and associated structures on the north eastern edge of the site;• Demolishing the light towers within the former Spares Area;• Removing the disused rail lines and associated signage from the site;• Removing a range of redundant infrastructure from the site;• Removing 5 trees from the southern boundary of the site along Industrial Drive;• Removing stockpiles of concrete spares and storage racks from the site;• Excavating and re-contouring about 67,000m³ of contaminated material within the site;• Excavating about 10,400m³ of clay from the "plateau area" on the southern side of the site;

- Importing about 88,000m³ of coal washery reject from the Oceanic Coal Macquarie Coal Preparation Plant at Teralba, in the Lake Macquarie local government area;
- Capping the re-contoured contaminated material with coal washery reject to varying depths;
- Constructing major drains to the south and east of the site;
- Constructing minor drains to the north and west of the site;
- Constructing sediment basins to the north and south east of the site;
- Installing drainage pipes to connect the site to the surrounding stormwater system;
- Constructing a new entrance to the site off Industrial Drive; and
- Upgrading the intersection of Industrial Drive and Vine Street.

State Significant Development:

The proposal is classified as a *Category 1 Remediation Work* under *State Environmental Planning Policy No. 55 – Remediation of Land*, which has been declared a “remediation site” under the *Contaminated Land Management Act 1997*, and is therefore classified as State Significant Development, under Section 76A(7)(b) of the *Environmental Planning and Assessment Act 1979*.

Integrated Development:

The proposal requires additional approvals from the Environment Protection Authority under the *Protection of the Environment Operations Act 1997*, the Department of Land and Water Conservation under the *Waters Act 1912*, and Roads and Traffic Authority under the *Roads Act 1993*. Consequently, it is classified as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*.

Designated Development:

The proposal would store more than 30,000m³ of contaminated soil originating exclusively from the site on the site, and disturb more than 3 hectares of contaminated soil. Consequently, it is classified as Designated Development under Section 77A of the *Environmental Planning and Assessment Act 1979*, and Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Note:

- *To find out when this consent becomes effective, see Section 83 of the EP&A Act;*
- *To find out when this consent is liable to lapse, see Section 95 of the EP&A Act;*
- *To find out about appeal rights, see Division 8, Part 4 of the EP&A Act.*

SCHEDULE 2 CONDITIONS OF CONSENT

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Applicant	BHP Billiton
Council	Newcastle City Council
DA	Development Application
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or her delegate
DLWC	Department of Land and Water Conservation
EIS	Environmental Impact Statement titled <i>Remediation of Lot 223, Industrial Drive, Mayfield, Volumes 1-3</i> , prepared by Gutteridge Haskins & Davey, dated December 2001
EPA	Environment Protection Authority
Minister	Minister for Planning
PM ₁₀	Particles with a diameter of less than 10 micrometres (millionth of a metre)
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RTA	Roads and Traffic Authority
Site	The area in Figure 4.3 titled Existing Topography in the EIS
TSP	Total Suspended Particulates

GENERAL

Obligation to Minimise Harm to the Environment

1. The Applicant must 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

2. The Applicant must carry out the development generally in accordance with the:
 - (a) DA submitted to the Department on 19 December 2001;
 - (b) EIS;
 - (c) The revised noise impact assessment, titled *Noise and Vibration Assessment BHP Billiton Site – Remediation of Lot 223*, prepared by HLA Envirosciences, dated 8 March 2002; and
 - (d) These conditions.
3. If there is any inconsistency between the above, these conditions must prevail to the extent of the inconsistency.
4. The Applicant must comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) Any reports, plans, or correspondence that are submitted in accordance with this consent; and
 - (b) The implementation of any actions or measures contained in these reports, plans or correspondence.

Compliance

5. Throughout the life of the development, the Applicant must secure, renew, maintain, and comply with all the relevant statutory approvals applying to the development.
6. The Applicant must take all reasonable steps to ensure that the workers involved in the proposed works are made aware of, and comply with, the conditions of this consent.

SPECIFIC ENVIRONMENTAL CONDITIONS

DEMOLITION

7. All demolition work must be carried out in accordance with *AS 2601-1991 The Demolition of Structures*.

SITE REMEDIATION

Site Capping

8. The site must have a properly designed and engineered seal-bearing layer, consisting of a material that is at least 500mm thick with a permeability of less than $K = 10^{-7} \text{ms}^{-1}$; and this layer must be constructed and maintained to permit free drainage and prevent surface water ponding. However, the EPA may approve in writing an alternative seal-bearing layer that meets the objectives above, and demonstrates a high level of engineering reliability¹.
9. A qualified geo-technical engineer must be engaged to certify the permeability of the seal-bearing layer as detailed in the above condition. The Applicant must retain this certification for at least 5 years.
10. All sub-surface pipes associated with stormwater collection and drainage systems installed on the site must be flexible-jointed pipes designed and installed in accordance with *Australian Standard AS/NZS 2566.1:1998*².

Remediation of Contamination Soil

11. If free phase contamination, or any other contamination not identified in the EIS, is encountered during any activities on the site, then the Applicant must notify the EPA in writing as soon as practicable after the material is identified³.

Note: The EPA may require this material to be contained or treated on site or removed off-site for disposal or treatment.

Contaminated Site Remediation Management Plan

12. The Applicant must prepare and implement a Contaminated Site Remediation Management Plan for the proposed works. This plan must:
 - (a) Identify the Applicant's legal responsibilities under the *Protection of the Environment Operations Act 1997*.

¹ EPA General Term of Approval

² EPA General Term of Approval

³ EPA General Term of Approval

- (b) Describe the procedures that would be implemented to maintain the integrity of the capping system;
- (c) Describe the procedures that would be implemented to ensure that any part of the cap that is disturbed during any of the proposed works is reinstated and maintained to comply with the requirements in Condition 8; and
- (d) Describe what actions and measures would be implemented to ensure the safety of any workers on-site.

Capping Maintenance Plan

13. The Applicant must prepare and implement a Capping Maintenance Plan⁴ for the site. This plan must:
 - (a) Describe the procedures that would be implemented to ensure the integrity of the cap is maintained over time, notwithstanding any proposal to either redevelop the site or leave it vacant; and
 - (b) Describe the procedures that would be implemented to ensure that any part of the cap that is disturbed during any activities on the site is reinstated and maintained to comply with the requirements in Condition 8.

GROUNDWATER QUALITY

14. The Applicant must conduct regular groundwater monitoring on the site to determine:
 - (a) Groundwater flow paths and changing groundwater gradients;
 - (b) Groundwater contamination levels across the site; and
 - (c) The concentration of contaminants in the groundwater migrating off the site⁵.
15. The Applicant must provide DLWC with:
 - (a) Six-monthly reporting on groundwater quality, in graphical and tabular format; and
 - (b) Annual reporting on watertable levels and groundwater quality⁶.
16. The Applicant must prepare and implement a detailed Groundwater Monitoring Plan for the site. This plan must:
 - (a) Describe the proposed groundwater monitoring network in detail, including the relevant details for each bore such as ground level, depth of monitoring bore, bore log, level of top of casing, piezometer materials, screened interval and grid coordinates;
 - (b) Demonstrate that the proposed network would be able to record watertable levels during "drought" conditions;
 - (c) Demonstrate that the proposed network would comply with the industry standards in *"Minimum Construction requirements for Water Bores in Australia"*, ARMCANZ;
 - (d) Identify the proposed parameters for monitoring contaminants on the site with reference to Table 20.1 in Volume 1 of the EIS; and
 - (e) Describe how the monitoring would be conducted, recorded and reported to the Department, EPA, and DLWC.

⁴ EPA General Term of Approval

⁵ EPA General Term of Approval

⁶ DLWC General Term of Approval

17. Prior to starting any cut and fill works on the site, the Applicant must obtain EPA approval for the proposed parameters for monitoring groundwater contaminants⁷.
18. The Applicant must not use any groundwater bores on the site for any purpose other than groundwater investigation⁸.

Note: Under Part 5 of the Water Act 1912, all monitoring bores require a licence from DLWC. In addition, if the capping strategy proves to be ineffective in preventing contaminants in the soil and groundwater from migrating from the site, the EPA may require specific groundwater treatment measures to be implemented under the provisions of the Contaminated Land Management Act 1997.

SURFACE WATER QUALITY

Pollution of Waters

19. Except as may be expressly provided for by the EPA, the Applicant must comply with Section 120 of the *Protection of the Environment Operations Act 1997* prohibiting the pollution of waters⁹.

Stormwater/Sediment Control – Remediation Phase

20. During the proposed works, the Applicant shall take all reasonable measures to minimise soil erosion and the discharge of sediments and pollutants from the site.
21. The Applicant shall prepare and implement a Erosion and Sediment Control Plan for the proposed works in accordance with the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual. This plan must:
 - (a) Identify the activities that could cause soil erosion or result in the discharge of sediments and/or other pollutants from the site;
 - (b) Specify standards/performance criteria for erosion, sediment, and pollution control;
 - (c) Describe in detail what actions and measures would be implemented to minimise soil erosion and the discharge of sediments and/or other pollutants from the site; and
 - (d) Describe how the effectiveness of these actions and measures would be monitored during these works, clearly indicating who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected,
 - (e) Describe what procedures would be followed to ensure compliance.
22. Stormwater from the discharge point of the stormwater detention basin(s), or when no discharge is occurring, stormwater collected in the basin(s) must be monitored for the duration of the proposed works in accordance with the following table unless otherwise directed or approved in writing by the EPA.

⁷ EPA General Term of Approval

⁸ DLWC General Term of Approval

⁹ EPA General Term of Approval

Pollutant	Unit of Measure	Frequency	Sampling Method
TSP	Mg/L	Monthly	Grab sample
PH	pH units	Monthly	Grab sample
Iron	ug/L	Monthly	Grab sample
Zinc	ug/L	Monthly	Grab sample
Copper	ug/L	Monthly	Grab sample
Lead	ug/L	Monthly	Grab sample
Manganese	ug/L	Monthly	Grab sample
Cyanide	ug/L	Monthly	Grab sample
Mercury	ug/L	Monthly	Grab sample
Phenols	ug/L	Monthly	Grab sample
Total PAH	ug/L	Monthly	Grab sample
Arsenic	ug/L	Monthly	Grab sample
C6-C36	ug/L	Monthly	Grab sample
BTEX	ug/L	Monthly	Grab sample

In circumstances where:

- (a) It is necessary to take a sample of the water stored in the stormwater detention basin(s) because there is no discharge occurring; or
- (b) The stormwater basin(s) are empty of stormwater; a note to this effect must be recorded¹⁰.

Stormwater/Sediment Control – Post-Remediation

- 23. The Applicant shall prepare and implement a detailed Soil and Water Management Plan¹¹ for the whole site in consultation with Council. This plan must:
 - (a) Accurately establish the likely volume, velocity, and general quality, of stormwater flows leaving the site during a 100 year flood event;
 - (b) Ensure that the integrity of Council’s easements on the site is maintained;
 - (c) Specify the standards and performance criteria for the proposed stormwater management system;
 - (d) Describe the detailed design of this system, including any pollution control devices;
 - (e) Describe the proposed staging of these works;
 - (f) Demonstrate that this design, including any existing stormwater infrastructure on the site, would satisfy the relevant standards and criteria for the system until the site is redeveloped;
 - (g) Describe how the effectiveness of this system would be monitored until the site is redeveloped, clearly indicating who would conduct this monitoring, how often this monitoring would be conducted, how the results of this monitoring would be conducted and reported to the Director-General; and if any non-compliance is detected
 - (h) Describe what procedures would be followed to ensure compliance; and
 - (i) Describe procedures would be implemented to ensure this system is maintained until the site is redeveloped.

¹⁰ EPA General Term of Approval
¹¹ EPA General Term of Approval

AIR QUALITY

Odour

24. No offensive odour, as defined under Section 129 of *the Protection of the Environment Operations Act 1997*, may be emitted from the premises¹².

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Dust

25. Activities on the site must be carried out in a manner that will minimise dust from the site¹³.
26. All trafficable areas and vehicle manoeuvring areas in or on the site must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic-generated dust¹⁴.

Ambient Monitoring

27. The Applicant must conduct ambient air quality monitoring for the duration of the proposed remediation works as follows:
- (a) Continuous real-time ambient monitoring of TSP and PM10 concentrations at the site boundary;
 - (b) Ambient air quality monitoring for TSP, PM10, and dust deposition rates at the nearest sensitive receptor(s), or an alternative location(s) approved in writing by the EPA¹⁵.
28. Sampling and analysis for (b) must be in accordance with *The Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* as follows:
- AM-1 Guide for the siting of sampling units;
 - AM-15 Particulate matter – TSP – high volume sampler method;
 - AM-18 Particulate matter – PM10 – high volume sampler with size-sensitive inlet.
29. Prior to carrying out any cut and fill operations on the site, the Applicant must design an ambient air quality monitoring/sampling network to measure the parameters specified in Condition 27. Details of the air monitoring network, and the frequency of ambient air quality monitoring referred to in the condition above, shall be submitted to the EPA for approval in writing prior to implementation¹⁶.

¹² EPA General Term of Approval

¹³ EPA General Term of Approval

¹⁴ EPA General Term of Approval

¹⁵ EPA General Term of Approval

¹⁶ EPA General Term of Approval

Meteorological Monitoring

30. The Applicant must conduct meteorological monitoring at the site, or at an alternative location in close proximity to the site approved in writing by the EPA. The meteorological station must be sited, operated, and maintained in accordance with *The Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* as follows:
- AM-1 Guide for the siting of sampling units;
 - AM-2 Guide for measurement of horizontal wind for air quality applications; and
 - AM-4 On-site meteorological monitoring program guidance for regulatory modelling applications.

Construction Air Quality Management Plan

31. The Applicant must prepare and implement a Construction Air Quality Management Plan for the proposed works. This plan must:
- (a) Identify the potential sources of dust during these works;
 - (b) Specify appropriate dust control criteria for the works;
 - (c) Describe in detail what measures and actions would be implemented to minimise the generation of dust on the site;
 - (d) Describe how the effectiveness of these actions and measures would be monitored to check whether the proposed works are complying with the specified criteria, clearly indicating who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected,
 - (e) Describe what procedures would be followed to ensure compliance.

NOISE

Noise Criteria

32. During the proposed works, the Applicant must comply with the following noise criteria¹⁷:

Location	Noise Limits (Leq,15 min)
73 Bull Street, Mayfield	58
27 Groongal Street, Mayfield	59
75 Fullerton Street, Stockton	48
Cnr Bull and Wookstock Street, Mayfield	52
78 Crebert Street, Mayfield	50

Note: These noise limits apply during the day under winds of up to 3m/s (measured at 10 metres above ground level) and Pasquill stability class from A to F.

33. If the Applicant is unable to achieve the noise levels specified in the above condition, the Director-General may, in consultation with the EPA, agree to different noise limits provided she is satisfied that the Applicant has demonstrated that all feasible and reasonable means to mitigate noise impacts have been considered. In seeking a variation, the Applicant must:
- (a) Describe in full the noise measures that would be used to mitigate noise impacts during the proposed works;
 - (b) Quantify the extent to which these measures would achieve the specified noise limits;

¹⁷ EPA General Term of Approval

- (c) Identify all residential properties and sensitive receivers likely to be affected when all feasible and reasonable on-site mitigation measures have been taken into account; and
- (d) Describe details of the outcome of a community consultation process to be implemented by the Applicant to identify alternative on-site or off-site mitigation strategies that may be acceptable to the community¹⁸.

Construction Hours

- 34. All the proposed works shall be carried out between 7am and 6pm Monday to Friday, or between 8am and 1pm on Saturdays if audible at residential receivers, otherwise 7am to 1pm.
- 35. No works shall be carried out on Sundays or public holidays.
- 36. Notwithstanding Condition 34 above, the Applicant may carry out construction work outside the specified construction hours:
 - (a) With the written approval of the Director-General, provided she is satisfied that the proposed works would not adversely affect the amenity of the surrounding area, or if she is satisfied that the proposed works would require continuous construction;
 - (b) If the police (or any other authority) requires the delivery of goods outside the specified hours for safety reasons;
 - (c) In an emergency where people or equipment is in danger, provided the Applicant notifies the Council and the Department immediately, and explains the reasons for extending the specified construction hours, and the likely duration of the proposed variation.

Construction Noise Monitoring

- 37. During the proposed works, the Applicant must:
 - (a) Conduct regular monitoring for the duration of the proposed remediation works of the construction noise levels to check whether the proposed works are complying with the specified construction noise criteria; and
 - (b) Keep detailed records of the results of this monitoring, which shall be made available to the Director-General or EPA upon request.
- 38. Prior to carrying out any of the proposed works, the Applicant must obtain the EPA's approval for the proposed noise monitoring program¹⁹.

Construction Noise Management Plan

- 39. The Applicant shall prepare and implement a Construction Noise Management Plan for the proposed works. This plan must:
 - (a) Identify the potential sources of noise during the proposed works;
 - (b) Specify the noise criteria for the proposed works;
 - (c) Describe in detail what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria;
 - (d) Describe how the effectiveness of these actions and measures would be monitored during these works, clearly indicating who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected,

¹⁸ EPA General Term of Approval

¹⁹ EPA General Term of Approval

- (e) Describe what procedures would be followed to ensure compliance.

WASTE MANAGEMENT

Receiving or Disposing of Waste

40. The Applicant must not cause, permit, or allow any waste generated outside the site to be received at the site for storage, treatment, processing, or disposal; or any waste generated at the site to be disposed of at the site, except as expressly permitted by a licence under *the Protection of the Environment Operations Act 1997*²⁰.

Note: This condition only applies to waste-related activities that require a licence under the Protection of the Environment Operations Act 1997.

Hazardous and Industrial Waste

41. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment, including appropriate segregation for storage and separate disposal by a waste transporter licensed by the EPA²¹.

Construction Waste

42. During these construction works, the Applicant shall minimise the disposal of construction waste.
43. The Applicant shall comply with any requirements of WorkCover NSW with respect to any activities associated with handling asbestos or materials containing asbestos.
44. The Applicant must prepare and implement a Construction Waste Management Plan for the proposed works. This plan must:
- (a) Identify the type and quantities of waste that would be generated during these construction works;
 - (b) Outline what measures and actions would be implemented to minimise the waste generated by these works;
 - (c) Describe in detail how this waste would be handled and stored during construction, and reused, recycled, and, if necessary, appropriately treated and disposed in accordance with the EPA's guidelines on the *Assessment, Classification & Management of Liquid and Non-Liquid Waste*;
 - (d) Describe how the effectiveness of these actions and measures would be monitored during these works, clearly indicating who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected,
 - (e) Describe what procedures would be followed to ensure compliance.

²⁰ EPA General Term of Approval

²¹ EPA General Term of Approval

TRAFFIC AND TRANSPORT

Proposed Alterations to the Vine Street and Industrial Drive Intersection

45. Nothing in this consent authorises the Applicant to:
- (a) Carry out the proposed alterations to the layout of the intersection of Vine Street and Industrial Drive, changing it from a three-way intersection to a four-way intersection;
 - (b) Construct the proposed site access off Industrial Drive; and
 - (c) Remove any of the trees along the southern boundary of the site along Industrial Drive.

Note: The RTA has declined to provide its General Terms of Approval for these proposed works at this stage. These proposed works, or any other proposed road works, would need to form part of any development application for future development on the site.

Construction Parking

46. During the proposed works, the Applicant must provide at least 25 parking spaces for the people working on-site. These spaces may be provide on-site, or in close proximity to the site.

Construction Traffic Routes

47. The Applicant shall use the following route to import coal washery rejects from the Macquarie Coal Preparation Plant at Teralba: Rhondda Road, Wakefield Road, Palmers Road, Sydney-Newcastle Freeway, John Renshaw Drive, New England Highway, Pacific Highway, Industrial Drive and Ingall Street.
48. The Applicant shall use the following route to transport demolition waste to the Summerhill Waste Management Centre: Ingall Street, Industrial Drive, Pacific Highway, Wallsend Road, Sandgate Road, Newcastle Inner City Bypass, Newcastle Road, Longworth Avenue and Minmi Road route.

Construction Traffic Management

49. The Applicant must prepare and implement a Construction Traffic Management Plan for the proposed works. This plan must:
- (a) Identify the construction traffic routes for all aspects of the proposed works;
 - (b) Describe what measures would be implemented to ensure that the drivers of heavy vehicles servicing the site are made aware of, and comply with, these construction traffic routes; and
 - (c) Describe the parking arrangements during the proposed works.

VISUAL IMPACT

Landscaping

50. The Applicant shall plant grass on the coal washery reject material on the site.
51. The Applicant shall be responsible for, and bear the full costs associated with, maintaining this landscaping.

Lighting

52. The Applicant must ensure that any external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting must be the minimum level of illumination necessary, and in general accordance with AS 4282 – 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

ENVIRONMENTAL MANAGEMENT, AUDITING & REPORTING

CONSTRUCTION MANAGEMENT PLAN

53. The Applicant shall prepare and implement a Construction Management Plan for these works. This plan must:
- (a) Describe the proposed works;
 - (b) Outline the proposed work program;
 - (c) Identify all the relevant statutory requirements and conditions of consent that apply to these works;
 - (d) Establish detailed procedures for receiving, handling, and recording any complaints about the proposed works;
 - (e) Describe the role, responsibility, authority, accountability, and reporting of key personnel involved in the construction of the development;
 - (f) Describe what measures would be implemented to protect the occupational health and safety of workers on the site; and
 - (g) Include the following detailed plans:
 - Contaminated Site Remediation Management Plan;
 - Groundwater Monitoring Plan;
 - Erosion and Sediment Control Plan;
 - Soil & Water Management Plan;
 - Construction Air Quality Management Plan;
 - Construction Noise Management Plan;
 - Construction Waste Management Plan.
54. The Applicant must not carry out any of the proposed works before the Director-General has approved the Construction Management Plan.

SITE MAINTENANCE PLAN

55. The Applicant must prepare and implement a Site Maintenance Plan for the site. This plan must:
- (a) Identify all the relevant statutory requirements and conditions of consent that apply the site;
 - (b) Set standards and performance measures for each of the relevant environmental matters associated with the ongoing maintenance of the site;
 - (c) Describe in detail what measures and procedures would be implemented to ensure that the site complies with these standards and performance measures;
 - (d) Include the detailed Capping Maintenance Plan; and
 - (e) Include an Environment Monitoring Program for the site, which summarises the obligations for on-going monitoring that were identified and approved in the Construction Management Plan for the proposed works; and
 - (f) Describe the role, responsibility, authority, and accountability, and reporting arrangements for key personnel involved in maintaining the site.

56. The Applicant must submit this plan to the Director-General for approval at least 6 months before the proposed works are completed.
57. The Applicant shall review and update this Site Maintenance Plan regularly, or as directed by Director-General.
58. The Applicant shall ensure that a copy of the Site Maintenance Plan is made publicly available.

COMMUNITY CONSULTATIVE COMMITTEE

59. The Applicant must establish a Community Consultative Committee to oversee the environmental performance of the proposed works, and ensure that this committee holds its first meeting before the proposed works start. This Committee must:
 - (a) Act as an interface between the Applicant and the broader community;
 - (b) Be comprised of:
 - 1 independent chairperson nominated by the Council, and agreed to by the Applicant,
 - 2 representatives from the Applicant,
 - 1 representative from Council, and
 - 4 representatives from the local community within 2 kilometres of the site's boundary,whose appointment has been approved by the Director-General in consultation with the Council;
 - (c) Be chaired by the independent person;
 - (d) Meet regularly from the date of this consent, as determined by the independent chairperson;
 - (e) Develop a charter for the operation of the Committee for the approval of the Director-General.
60. The Applicant must advertise for expressions of interest for membership with respect to the community representative positions. This advertising must be in a local newspaper on at least one occasion. Based on the expressions of interest received, the independent chairperson shall identify appropriate representatives for the Committee, in consultation with the Applicant and Council.
61. The Applicant shall, at its own expense:
 - (a) Provide the Committee with regular information on the environmental performance and management of the proposed works;
 - (b) Provide meeting facilities for the Committee;
 - (c) Arrange for the Committee to inspect the site, if necessary;
 - (d) Meet all reasonable administrative costs associated with operating the Committee up to a value of \$ 2,000 a year indexed according to the Consumer Price Index at the time of payment;
 - (e) Take minute's of the Committee's meetings;
 - (f) Make these minutes available for public inspection at the Council within 14 days of the Committee meeting, or as agreed by the Committee;
 - (g) Respond to any recommendations the Committee may make on the environmental performance of the proposed works;
 - (h) Forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.

ANNUAL REPORTING

62. Within 12 months of this consent, and annually thereafter until the site is redeveloped, the Applicant shall submit an Annual Environmental Management Report to the Director-General. This report must:
- (a) Provide an update on the current status of the proposed works, or on the ongoing maintenance of the site;
 - (b) Provide a record of any complaints received about the construction or operation of the development, clearly indicating what actions were (or are being) taken to address these complaints;
 - (c) Provide the detailed results of all the monitoring required by this consent;
 - (d) Review the results of this monitoring, identifying any non-compliance and any significant trends in the data; and if any non-compliance is detected,
 - (e) Describe what actions and measures would be carried out to ensure compliance, clearly indicating who would carry out these actions and measures, when they would be carried out, and how the effectiveness of these measures would be monitored over time.

INDEPENDENT ENVIRONMENTAL AUDIT

63. Within 6 months of completing the proposed works, and then as directed by the Director-General until the site is redeveloped, the Applicant must 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 person whose appointment has been endorsed by the Director-General;
 - (b) Be consistent with *ISO 14010 – Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 – Procedures for Environmental Auditing*, or updated versions of these guidelines/manuals;
 - (c) Assess whether the proposed works have been carried out in accordance with this consent;
 - (d) Assess whether that the development is complying with the relevant standards, performance measures, and statutory requirements;
 - (e) Review the adequacy of the Applicant's Site Maintenance Plan; and, if necessary,
 - (f) Recommend measures or actions to improve the environmental performance of the development, and/or its environmental management and monitoring systems.
64. Within 2 months of commissioning this audit, the Applicant must submit a copy of the audit report to the Director-General, along with a detailed response from the Applicant to any of the recommendations contained in the audit report.
-