Development Consent

Section 80 of the *Environmental Planning & Assessment Act 1979*

[Y04/1383]

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), approve the Development Application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:
(i) Prevent, minimise, and/or offset adverse environmental impacts;
(ii) Set standards and performance measures for acceptable environmental performance;
(iii) Require regular monitoring and reporting; and
(iv) Provide for the on-going environmental management of the development.

(Signed)

Diane Beamer, MP
Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)

Sydney, 23 June 2004 File No. G91/00234

Red type represents MOD 1

SCHEDULE 1

Development Application:	DA No. 409-11-2002-i.
Applicant:	Eagle Sands Pty Ltd.
Consent Authority:	The Minister for Infrastructure and Planning.
Land:	Lot 157 DP 755539 and Lot 24 DP 1119693 (see Appendix 1)
Proposed Development:	The operation of an extractive industry on Lot 157 DP 755539 and Lot 24 DP 1119693.
State Significant Development	The proposed development is a class of development listed in Schedule 2 of *State Environmental Planning Policy No. 71 – Coastal Protection* as State significant development. Consequently, it is classified as State significant development under section 76A(7) of the *Environmental Planning and Assessment Act 1979.*

Integrated Development	The proposed development requires an additional approval from Nambucca Shire Council 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 proposed development would disturb a total surface area of more than 2 hectares of land by clearing or excavating. Consequently, it is classified as designated development under section 77A of the *Environmental Planning and Assessment Act 1979* Schedule 3 of the *Environmental Planning and Assessment Regulation 2000.*
BCA Classification:	Class 10a Bunded Fuel Storage Conveyor

Note:
1) *To find out when this consent becomes effective, see Section 83 of the Act;*
2) *To find out when this consent is liable to lapse, see Section 95 of the Act; and*
3) *To find out about appeal rights, see Section 97 of the Act.*

SCHEDULE 2

DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Eagle Sands Pty Ltd
BCA	Building Code of Australia
DA	Development Application
Department	Department of Planning and Infrastructure
Design event	90 percentile, 5 day rain event
Director-General	Director-General of the Department
Dust	Any solid material that may become suspended in air or deposited
EA (MOD 1)	Environmental Assessment received on 7 September 2011 titled *Proposed Modifications to the Development Consent for DA 409-11-2002 Extractive Industry on Lots 141 and 157 DP 755539 and Lot 4 DP 816482 Gumma Road, Gumma*, including the Response to Submissions document dated 7 March 2012.
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act, 1997*
GTA	General Terms of Approval
Minister	Minister for Planning and Infrastructure
NOW	NSW Office of Water
NSC	Nambucca Shire Council
POEO Act	*Protection of the Environment Operations Act 1997*
Quarrying operations	The extraction, processing and transportation of extractive materials and the associated removal of vegetation and overburden
RMS	Roads and Maritime Services
SEMP	Site Environmental Management Plan
Site	Land to which the DA applies
TCD	Townplanning Consultants & Drafting Services Pty. Ltd.

SCHEDULE 3
ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Scope of Development

2. The Applicant shall carry out the development generally in accordance with:
   a) DA No. 409–11-02-i
   b) EIS titled *Proposed Extraction of Sand and Marine Pebble – Lots 141 and 157 D.P, 755539 (Parish of Congarinni) Gumma Road Gumma*, dated October 2002, and prepared by TCD;
   c) Correspondence from TCD to the Department dated 9 December 2002 relating to a review of SEPP71 provisions and SEPP 14 wetlands;
   d) Correspondence from TCD to the Department dated 12 May 2003 providing a surveyed plan of SEPP14 wetlands;
   e) Correspondence from TCD to the Department dated 2 September 2003 providing an assessment report for acid sulphate soils;
   f) Correspondence from TCD to DIPNR dated 5 September 2003 responding to a request for additional information and providing a *Weed Management and Revegetation Plan* and a *Feral Species Management Plan*
   g) Correspondence from Terra Consulting dated 30 March 2004 amending the area of extraction;
   h) modification application DA 4009-11-2002-i – MOD 1 and EA (MOD 1); and
   i) Conditions of this consent.

3. If there is any inconsistency between the above, either the conditions of this consent or the most recent document shall prevail to the extent of the inconsistency.

4. The Applicant shall 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.

Period of Approval

5. Quarrying operations may take place on the site until 31 January 2021.

   Note: Under this consent, the Applicant may be required to carry out certain activities beyond the period of consent for quarrying operations. Consequently this consent will continue to apply in all other respects other than the right to conduct quarrying operations.

Limits on Production

6. The Applicant shall not extract more than 25,000 cubic metres of quarry products per annum.

7. The Applicant shall not extract quarry products from any area other than "Area (A)" shown on the plan supplied by the Applicant dated 30 March 2004 and reference 3316.

8. The Applicant shall provide annual production data to the Department of Mineral Resources in the manner required on the standard form supplied for that purpose.

Protection of Public Infrastructure

9. The Applicant shall:
   a) Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
   b) Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

10. The Applicant shall ensure that all plant and equipment at the site, or used in connection with the development, are:
    a) Maintained in a proper and efficient condition; and
    b) Operated in a proper and efficient manner.

Rehabilitation Bond

11. Prior to commencement of operations on Lot 157 DP 755539 and Lot 24 DP 1119693, the Applicant shall provide a Rehabilitation Bond in the sum of $40,000 in the form of an insurance bond or bank guarantee acceptable to the Director-General from any bank licensed pursuant to the *Banking Act 1959 (Cth)*. The Rehabilitation Bond shall be made in favour of the Minister administering the *Environmental Planning & Assessment Act 1979* to ensure completion of the rehabilitation and landscaping works at the site. The sum of the Rehabilitation Bond is calculated based on $2.00 per square metre for a maximum exposed area of 2 ha. Should progressive AEMR's or Independent Environmental Audits determine that the exposed, non-rehabilitated, area on the site is greater than 2 ha, the Director-General may direct the Applicant to increase the value of the Rehabilitation Bond at the rate of $2.00 per square metre.

    The Director-General may at any time, and without notice to the Applicant, demand all or part of the monies available under the Rehabilitation Bond if, in the Director-General's opinion, the Applicant has failed to make satisfactory progress on the rehabilitation and landscaping of the site. The Director-General shall apply the monies to ensure that the actions specified in the documents listed in condition 2 and/or any approved Site Environmental Management Plan are achieved.

    The Rehabilitation Bond will be released when the Applicant submits documentation prepared by a qualified ecologist and rehabilitation consultant certifying that the final rehabilitation has been completed in accordance with the conditions of this consent and/or any approved Site Environmental Management Plan to the satisfaction of the Director-General.

Compliance

12. Prior to commencement of operations on Lot 157 DP 755539 and Lot 24 DP 1119693, the Applicant shall commission an independent person(s) or organisation(s), approved by the Director-General, to certify in writing to the satisfaction of the Director-General, that the Applicant has complied with all conditions of this consent applicable prior to that event.

Review of Management Plans and Monitoring Programs

13 Following any modification to this consent, or if so directed by the Director-General, the Applicant shall review, and if necessary revise all relevant management plans and monitoring programs required under this consent to the satisfaction of, and within a timeframe approved by, the Director-General.

Statutory Requirements

14 The Applicant must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this approval removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

SCHEDULE 4
ENVIRONMENTAL PERFORMANCE

Buffer Zones and SEPP 14 Wetland Boundaries

1. Prior to the carrying out of development on Lot 157 DP 755539 and Lot 24 DP 1119693, the Applicant shall engage a registered surveyor to mark out the buffer zones to SEPP 14 wetlands, the five (5) metre AHD contour and the statutory boundary of SEPP 14 wetland No. 389. In this regard, a buffer zone shall be established which excludes areas from extraction between the quarry and nearby sensitive environmental areas. The boundary of the buffer zone(s) shall be located:
    a) Not less than 50m from the boundary of SEPP14 wetland No.392;
    b) At the statutory boundary of SEPP 14 wetland No. 389 in Lot 157, DP 755539, or the 5 metre contour AHD, whichever maximises the areal extent of the buffer zone; and
    c) Not less than 50 metres from the boundary of SEPP 14 wetland No. 389 in Lot 24 DP 1119693, or the 5 metre contour AHD, whichever maximises the areal extent of the buffer zone.

2. A survey plan of the buffer zone/extraction area boundary shall be submitted to the Director-General for approval at least 14 days prior to the carrying out of any development on Lot 157 DP 755539 and Lot 24 DP 1119693. Once approved, the surveyed boundary shall be fenced to prevent vehicles entering the area(s). No development shall be carried out on Lot 157 DP 755539 and Lot 24 DP 1119693before the approved boundary has been fenced. This fence shall be of a construction, such as star picket posts and plain wire, which has a low environmental impact on the retained fauna habitat.

3. The slope of the internal batter of the perimeter of the sand extraction area shall be no steeper than 1 vertical :3 horizontal.

Air Quality Impacts

4. The site must be maintained in a condition that minimises or prevents the emission of dust from the site, including the prompt and effective rehabilitation of all disturbed areas.

5. To prevent dust emissions from vehicles the Applicant shall ensure that all vehicles entering or leaving the site, carrying a load that may generate dust, are covered to prevent dust emissions at all times, except during loading and unloading.

6. Internal unsealed roadways, quarry floor and stockpiles are to be watered as required to minimise dust generation impacting on the natural or built environment.

Soil and Land Management

7. The Applicant shall ensure that extraction is generally undertaken in accordance with the extraction plan and sequence in the EIS.

8. Any topsoil removed during the development must be stockpiled for use in the rehabilitation of the site. Topsoil shall not be mixed with other overburden products. The topsoil stockpile location shall have easy access and be protected from erosion. The topsoil stockpiles shall be sown with appropriate vegetation to stabilise the soil

if they are to be stored for longer than six months. The topsoil stockpiles shall have a maximum height of 1.5 metres.

9. The Applicant shall minimise the removal of trees and other vegetation from the project site, and restrict any clearance to the areas occupied by quarrying activities, screening plant, and those areas necessary for fire control.

10. The Applicant shall regularly consult with adjoining property owners to ensure property management issues including maintenance of common fences, weed control measures, and bushfire management are coordinated. Details of consultation are to be reported in the AEMR.

11. The Applicant shall regularly test extracted material for the presence of acid sulphate soils. The monitoring program shall be incorporated into the SEMP and results reported in the AEMR.

Water Quality Impacts

Pollution of waters

12. Except as may be expressly provided by an Environment Protection Licence, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997.*

Surface Water

13. The stormwater system must be designed and installed in accordance with *Managing Urban Stormwater: Soil and Construction, Department of Housing 1998*, to contain and treat all rainfall and runoff at the site resulting from a “design event”.

14. The Applicant must maintain stormwater basins with the capacity to contain all rainfall and runoff generated from the “design event”.

15. The Applicant must take all practical measures to avoid or minimise total suspended solids contained in wet weather discharges from the site.

Groundwater

16. The Applicant shall ensure that no extraction or excavation works occur within 1 metre of the highest recorded wet weather groundwater level, or 300 mm of “coffee rock”.

17. The Applicant shall not extract groundwater from the site.

18. The Applicant is to ensure that groundwater is not intersected or contaminated by its operations. In the event of groundwater being breached or contaminated, operations are to cease within the vicinity of the affected area and the Applicant shall consult with NOW to determine the basis upon which extraction may recommence.

Bunding and Spill Management

19. The Applicant shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with:
    a) All relevant Australian Standards;

b) A minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and

c) The EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

20. Maintenance of mobile equipment shall be conducted at locations removed from the site and equipment refuelling operations shall only be carried out in the designated bunded refuelling area.

Traffic and Transport Impacts

21. The total number of laden vehicle movements from the quarry site, is not to exceed an average five (5) laden movements per day.

22. The Applicant is to ensure that truck movements along Gumma Road and River Street do not occur during the times that school buses are scheduled to travel these roads.

23. [1]The Applicant shall upgrade the intersection of the haul road and Gumma Road to a "Left Turn Type A" standard. The Engineering plan for the intersection is to be submitted to NSC for approval, prior to construction of the intersection.

24. The Applicant is to construct passing bays every 150 metres along the internal access road to ensure the safe movement of trucks. The passing bays are not to be constructed in any part of a SEPP 14 wetland.

25. [2]The Applicant shall bitumen seal the access road for 30 metres from Gumma Road, at which point a shaker ramp shall be installed to reduce the incidence of sand and pebbles at the intersection.

26 [3]The Applicant shall provide signage on Gumma Road, at the intersection of the access road, warning of entering trucks.

27. Only dry material is to be transported on Gumma Road. Extracted material must be de-watered before being loaded onto trucks.

28. The Applicant is to signpost six (6) corners on Gumma Road for direction and speed, as nominated by NSC.

29. The Applicant is to provide the initial and first maintenance painting of the centre line markings on Gumma Road from the end of River Street to a point 50 metres past the intersection with the access road.

30. Access to and from the Pacific Highway shall be by the Partridge Street traffic control signals.

[1] Incorporates NSC GTAs
[2] Incorporates NSC GTAs
[3] Incorporates NSC GTAs

Noise Impacts

Noise Limits

31. Noise from the premises must not exceed an $L_{Aeq(15\ minute)}$ noise emission criterion of 41 dB(A) at any residence not owned by the Applicant.

Note: All noise limits specified as part of this consent apply under:

a) Wind speeds up to 3 ms^{-1} at 10 metres above ground level; and
b) Temperature inversion conditions up to 3^oC per 100 metres.

For the purpose of assessment of noise levels specified in this consent, noise from the development shall be:

a) Measured at the most affected point on or within the receptor site boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary; and
b) Subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000).

Should direct measurement of noise from the site be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

The noise limit identified does not apply for residential premises where there is a negotiated agreement between the Applicant and the landowner of the premises to generate higher noise levels, and this agreement has been forwarded to the Department.

Operational Conditions

32. The hours of operation for the development (including truck movements) are limited to between 7 am and 5 pm weekdays and 7 am and 12 noon on Saturdays. No work is to be undertaken on Sundays and public holidays.

33. The Applicant shall design operations to minimise the need for reversing of trucks and machinery where reversing beepers may contribute to noise impacts exceeding the criterion in condition 31.

34. Within three (3) months of the commencement of operations, and thereafter as directed by the Director-General, the Applicant shall undertake noise monitoring during normal operations of the quarry and associated truck movements. Compliance is to be assessed at Residences A and B, as shown in Appendix "A". The results of the noise monitoring must be submitted to the Director-General in a report that includes a statement of whether compliance has been achieved with noise limits specified in this consent and the predictions made in the EIS.

35. In the event that noise from the site exceeds noise criterion in condition 31, then the Applicant shall actively manage residual noise (ie noise in excess of the criterion) at the affected receptor. As a minimum to ensure compliance, the Applicant shall undertake the following measures:

a) Implement additional controls or treatments on individual sources on the site or on site operations, or otherwise modify operations to ensure compliance; or
b) Provide other forms of benefit or amelioration of impacts of noise agreed between the Applicant and the affected party, as providing acceptable compensation for noise levels experienced; and,
c) Identify long term strategies to eliminate noise levels that exceed the noise criterion in condition 31.

Impacts on Flora and Fauna

36. The Applicant shall ensure that all natural bushland directly adjoining the site and bushland to be conserved within the development site, is not damaged or disturbed by its operations.

37. The Applicant is to ensure that pre-clearing surveys are conducted by a suitably qualified and experienced ecologist. Particular effort is to be taken to detect fauna occupying tree hollows. If detected, actions are to be taken as recommended by the ecologist to avoid causing injury to native animals.

38. The Applicant shall ensure that a wildlife carer inspects all felled trees immediately after clearing to provide appropriate care for injured animals. Injured animals are to be forwarded to a relevant carer for recovery. Once recovery is complete the individual shall be released into habitats adjoining the capture site.

39. The Applicant shall erect artificial hollows, and relocate salvaged natural hollows, in proximate areas of natural habitat that will be unaffected by vegetation clearance.

40. The Applicant shall use native bush regeneration and habitat reconstruction techniques to rehabilitate the site in accordance with the Weed Management and Revegetation Plan. The specialised techniques shall be carried out under the direction of a qualified ecologist and shall include the re-use of stored topsoil that has not been contaminated with exotic grasses or weed species and the collection and propagation of species from the site. Replanting works are to focus on planting the seedlings of banksias and other endemic species and relocation of mature Banksia plants from the extraction area.

41. If during the course of the development, the Applicant becomes aware of the presence of threatened species not identified and assessed in the EIS, or other documents listed in condition 2 of schedule 3 of this consent, and which are likely to be affected, the Applicant must:

    a) Immediately cease all work likely to affect the threatened species;
    b) Inform the EPA and/or NSW Fisheries as relevant; and
    c) Not recommence work likely to affect the threatened species until receiving advice from an ecologist to do so.

Indigenous Heritage

42. The Applicant shall preserve bush tucker resources in the buffer zones. The Applicant is to consult with the Unkya Local Aboriginal Land NSC to provide information on the lands proposed to be disturbed by the development, as approved.

Waste Management Impacts

43. The Applicant shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing 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*. This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the site if it requires an Environment Protection Licence under the *Protection of the Environment Operations Act 1997*.

44. The Applicant shall assess, classify and manage all liquid and non-liquid wastes generated at the development in accordance with the EPA's Environmental Guidelines *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999).

45. The Applicant shall provide toilet facilities and a lunchroom/sheltered area on-site.

Section 94 Contributions

46. The Applicant shall pay or procure payment to the NSC of a contribution under Section 94 of the *Environmental Planning and Assessment Act 1979* at a rate in accordance with Nambucca Shire Council's *Mines and Extractive Industries Road Maintenance Section 94 Contributions Plan.*

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING

Site Environmental Management Plan (SEMP)

1. The Applicant shall prepare and implement a **Site Environmental Management Plan** (SEMP) to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan shall include, but not necessarily be limited to:
   a) Demonstration of consistency with commitments made in documents listed in condition 2 of Schedule 2 (including the Weed Management and Revegetation Plan and the Feral Species Management Plan) and compliance with the conditions of this consent;
   b) Identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
   c) Standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved;
   d) Management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
   e) Procedures to be followed to ensure the protection and conservation of Aboriginal cultural heritage; and
   f) Monitoring requirements outlined under conditions of this consent.

2. The SEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such period otherwise agreed by the Director-General. Operations shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the SEMP to NSC, EPA and the Department as soon as practicable. The Applicant shall make the SEMP available for public inspection on request.

3. As part of the SEMP for the development, required under this consent, the Applicant shall prepare and implement the following Management Plans:
   a) A **Rehabilitation and Landscape Plan** to detail the proposed final landuse and landform for the site and measures to be undertaken to create that landform and vegetation cover. The Plan shall address the requirements of Council, EPA, and the Department. The Plan may incorporate the information provided in management plans listed in condition 2 of Schedule 2. The Plan shall include, but not necessarily be limited to:
      i) Details of all revegetation to be undertaken on the site;
      ii) Maximisation of flora species endemic to the locality in landscaping the site;
      iii) Plans showing the proposed final landform demonstrating that it integrates with the surrounding terrain. The final landform shall be integrated across the entire site and adjoining land;
      iv) Details of rehabilitation and habitat construction works to be undertaken in the former extraction areas;
      v) Details of the progressive rehabilitation of both proposed, and former, extraction areas;
      vi) A schedule of works and associated time period for the rehabilitation of each disturbed and/or exposed extraction area or strip with the aim to

restore vegetative covers and habitat at the earliest possible opportunity; and

vii) Procedures for weed control and feral animal control.

b) A **Bushfire Management Plan** for the site, developed in consultation with NSC and relevant emergency services.

General Monitoring Requirements

4. The results of all monitoring required under this consent shall be
   a) In a legible form, or in a form that can readily reduced to a legible form;
   b) Kept for at least four years after the monitoring or event to which the results relate took place; and
   c) Produced in a legible form to any authorised officer of the Council or the Director-General, upon request; and
   d) Kept with the following details for each sample required to be collected:
      i) The date(s) on which the sample was collected;
      ii) The time(s) at which the sample was collected;
      iii) The point at which the sample was collected; and
      iv) The name of the person who collected the sample.

Surface Water

5. The Applicant shall undertake surface water monitoring and discharge monitoring in accordance with the SEMP for the quarry. Results of surface water monitoring shall be reported in the AEMR.

Groundwater

6. The Applicant shall undertake groundwater monitoring as determined by the Director-General. Results of groundwater monitoring shall be reported in the AEMR.

Flora and Fauna Monitoring

7. The Applicant shall prepare and implement a Flora and Fauna Monitoring Program to monitor the success of revegetation works on the site. The Program shall be developed in consultation with EPA and NSC. The Applicant shall include the Flora and Fauna Monitoring Program in the SEMP.

   Note: The Flora and Fauna Monitoring Program shall continue until at least two years beyond the final rehabilitation plantings on the site.

Independent Auditing

8. The Applicant shall commission an independent person(s) to undertake an Environmental Audit of the sand extraction operation at the following stages of the development:
   a) 12 months after the commencement of operations;
   b) 5 years after the commencement of operations; and
   c) At the end of extractive operations;

   or as otherwise required by the Director-General.

   The independent person(s) shall be approved by the Director-General prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted to the Director-General, the Department (Grafton Office), the EPA, the RMS and NSC within one month of the completion of the Audit. The Audit shall:

a) Be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
b) Assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
c) Assess the development against the predictions made and conclusions drawn in the documents referred to under condition 2 of Schedule 2 of this consent;
d) Review the effectiveness of the environmental management of the development, including any environmental impact mitigation works; and
e) Independently review and validate monitoring systems and outcomes.

The Director-General may, having considered any submission made by the Department, the EPA, the RMS or NSC in response to the Environmental Audit Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may require. The Applicant shall make the Environmental Audit Report available for public inspection on request.

The Applicant shall provide a compliance report to the Director-General detailing the implementation of the recommendations of the Environmental Audit Report. The compliance report shall be submitted to the Director-General within such time, and at such frequency, as the Director-General may require. The Applicant shall make the compliance report(s) available for public inspection.

Complaints Procedure

9. Throughout the life of the development, the Applicant shall ensure that the following are available for community complaints:
   a) A telephone number on which complaints about the development may be registered; and
   b) A postal address to which written complaints may be sent.

   The telephone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of the development on Lot 157 DP 755539 and Lot 24 DP 1119693, and each twelve months thereafter.

10. The Applicant shall record details of all complaints received through the means listed under this consent in a Complaints Register. The Register shall record, but not necessarily be limited to:
    a) The date and time, where relevant, of the complaint;
    b) The means by which the complaint was made (telephone, mail or email);
    c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
    d) The nature of the complaint;
    e) Any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
    f) If no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

11. The Complaints Register shall be made available for inspection by the NSC or the Director-General, upon request. The Applicant shall also make summaries of the Register, without details of the complainants, available for public inspection.

Incident Reporting

12. The Applicant shall notify the NSC, EPA and the Director-General of any incident with the potential for adverse off-site impacts on people or the environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the NSC, EPA and the Director-General within seven days of the date on which the incident occurred.

Annual Review

13. Within 18 months of the commencement of quarrying operations, and annually thereafter, the Applicant shall review the environmental performance of the development to the satisfaction of the Director-General. This review must:
    (a) describe the works (including rehabilitation) that were carried out in the previous year, and the works that are proposed to be carried out over the current year;
    (b) include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against:
    - the relevant statutory requirements, limits or performance measures/criteria;
    - the monitoring results of previous years; and
    - the relevant predictions in the EIS;

    (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
    (d) identify any trends in the monitoring data over the life of the development;
    (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
    (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

APPENDIX 1

Figure 1: Location of Gumma Sand Quarry

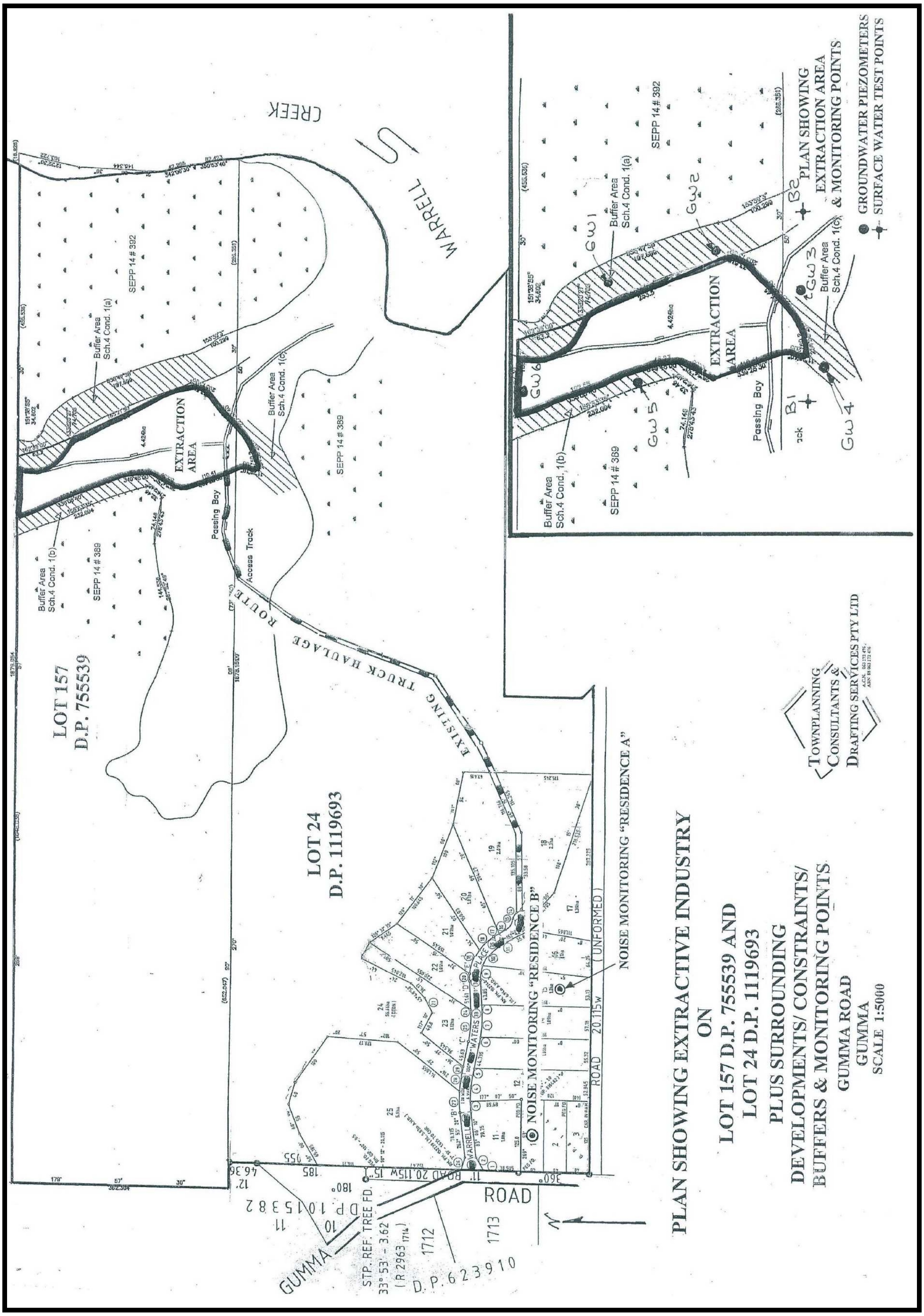

Figure 2: Extraction area and monitoring locations