

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, the Director Resource Assessments approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Stephen O'Donoghue
Director Resource Assessments
Energy and Resource Assessments

Sydney

22 December 2022

SCHEDULE 1

Application Number:	SSD 30956841
Applicant:	Greencoast Environmental Rehabilitation Pty Ltd
Consent Authority:	Minister for Planning
Site:	The land defined in Appendix 1
Development:	Crescent Head Ilmenite Rehabilitation Project

Blue type represents the June 2025 modification (MOD 1)

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DEFINITIONS

Applicant	Greencoast Environmental Rehabilitation Pty Ltd, or any person carrying out any development under this consent
Approved disturbance area	The disturbance area proposed on Figure 1 in Appendix 2
Approved project area	The area identified on Figure 2 in Appendix 2
BCA	Building Code of Australia
Conditions of this consent	Conditions contained in Schedule 2
Council	Kempsey Shire Council
CPHR	Conservation Programs, Heritage and Regulation within the NSW Department of Climate Change, Energy, the Environment and Water
Crown Lands	Crown Lands within the Department of Planning, Housing and Infrastructure
Date of commencement	The date notified to the Department by the Applicant under condition A5(a)
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
DCCEE Water	Water Group within the NSW Department of Climate Change, Energy, the Environment and Water
Decommissioning	The deconstruction or demolition and removal of works and buildings installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent
Development Layout	The indicative development layout depicted in Appendix 2
EIS	<p>The Environmental Impact Statement titled <i>Crescent Head Ilmenite Stockpile Economic Rehabilitation Project, State Significant Development, Environmental Impact Statement</i>, prepared by Pandanus Environmental on behalf of Greencoast Environmental Rehabilitation, dated 27 June 2022; the Applicant's <i>Submissions Report</i> dated 10 October 2022 and the additional information provided by the Applicant on 24 October 2022, 2 November 2022, 7 November 2022, and 13 December 2022, as modified by:</p> <ul style="list-style-type: none"> MOD 1 – modification report titled '<i>Crescent Head Ilmenite Stockpile Economic Rehabilitation Project State Significant Development – Modification Application</i>' dated February 2025 and additional information provided in response to the request for information dated 31 March 2025
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Feasible	Means what is possible and practical in the circumstances
Financial year	A period of 12 months from 1 July to 30 June
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage NSW	Heritage NSW within the NSW Department of Climate Change, Energy, the Environment and Water

Heritage item	<p>An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following:</p> <ul style="list-style-type: none"> the <i>National Parks and Wildlife Act 1974</i>; the State Heritage Register under the <i>Heritage Act 1977</i>; a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; a Local Environmental Plan under the EP&A Act; the World Heritage List; the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth); or <p>anything identified as a heritage item under the conditions of this consent</p>
Ilmenite material	Material containing metallic minerals, ilmenite ore and/or mineral sands
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Material Harm	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
Mine closure	Decommissioning and final rehabilitation of the site following the cessation of mining operations
Mine Owned Land	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Mining operations	The handling and removal of ilmenite material from the site
Minister	NSW Minister for Planning, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Public infrastructure	Infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc, including Council- owned assets and infrastructure
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Resources Regulator	NSW Resources Regulator within the Department of Primary Industries and Regional Development
Site	The land defined in Appendix 1 and shown within the ‘Project area’ boundary in Figure 1 in Appendix 2

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Project Plans in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

NOTIFICATION OF COMMENCEMENT

- A5. The Applicant must notify the Department in writing of the date of commencement of each of the following phases of development, at least two weeks before that date:
- (a) commencement of development under this consent; and
 - (b) commencement of mining operations under this consent;
- A6. If the development is to be further staged, the Department must be notified in writing at least two weeks prior to the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

LIMITS OF OPERATIONS

Operations

- A7. Mining operations may be carried out on the site for a period of 3 years from the date of commencement of the development as notified under condition A5(a).

Notes:

- Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.
- Mining operations and rehabilitation are also regulated under the Mining Act 1992.

EVIDENCE OF CONSULTATION

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for approval; and
 - (b) provide details of the consultation undertaken to the Planning Secretary, including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

PUBLIC INFRASTRUCTURE

Protection of Public Infrastructure

- A9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out 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.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions made by the Applicant to the relevant Council or to damage subject to compensation under the Mining Act 1992.

- A10. If the Applicant and the public infrastructure owner cannot agree on whether damage to public infrastructure is attributed to the development or the measures to be implemented to repair or relocate public infrastructure, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

DEMOLITION

- A11. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001), or its latest version.

STRUCTURAL ADEQUACY

- A12. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

OPERATION OF PLANT AND EQUIPMENT

- A13. All plant and equipment used on site, or to monitor the performance of the development must be:
- maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

COMPLIANCE

- A14. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

- A15. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) of the condition.
- A16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

CROWN LAND

- A17. The Applicant must consult with [Crown Lands](#) prior to undertaking development on Crown Land or Crown Roads.

Notes:

- Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with [Crown Lands](#) prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.
- Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with [Crown Lands](#) prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

TRANSPORT

Transport Operating Conditions

- B1. The Applicant must ensure that:
- (a) no more than 20 heavy vehicle movements a day exit the site;
 - (b) all laden trucks entering or exiting the site have their loads covered; and
 - (c) all reasonable steps are taken to minimise traffic safety issues and disruptions to local road users, including school buses.
- B2. The Applicant must not transport ilmenite material from the site during school zone times, on weekends and public holidays, and during prescribed NSW school holidays periods, unless the Secretary agrees otherwise.

Monitoring of Road Transport

- B3. The Applicant must keep accurate records of the:
- (a) amount of ilmenite material and waste transported from the site (on a daily basis); and
 - (b) number of daily and annual truck movements generated by the development.

Road Maintenance Contributions

- B4. The Applicant must pay Council monthly contributions for the maintenance of local roads along the haulage route in accordance with the terms specified in **Appendix 3**.

Note: Under the Roads Act 1993, the Applicant may require separate approvals from Council as the appropriate roads authority for any relevant works required under the development consent.

BIODIVERSITY

Vegetation Clearance

- B5. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance footprint described in the EIS.

Biodiversity Offsets

- B6. Prior to [impacts occurring on the relevant biodiversity values](#), the Applicant must retire biodiversity credits of a number and class specified in Table 1 and Table 2 below.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*; or
- (b) making payments into an offset fund that has been developed by the NSW Government.

Table 1: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required
Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion	1230	6
Swamp Oak swamp forest of the coastal lowlands of the NSW North Coast Bioregion	1235	1

Table 2: Species Credit Requirements

Species Credit Species	Credits Required
Swift Parrot (<i>Lathamus discolor</i>)	22
Common Planigale (<i>Planigale maculata</i>)	16
Brush-tailed Phascogale (<i>Phascogale tapoatafa</i>)	16
Koala (<i>Phascolarctos cinereus</i>)	5

- B7. Evidence of the retirement of credits in satisfaction of B6 must be provided to the Secretary prior to [impacts on the relevant biodiversity values occurring](#).

AMENITY

Hours of operation

- B8. Unless the Secretary agrees otherwise, the Applicant may only undertake activities on site between:

- (a) 7 am to 6 pm Monday to Friday; and
 - (b) at no time on weekends or NSW public holidays.
- B9. The following activities may be undertaken outside these hours without the approval of the Secretary:
- (a) the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or
 - (b) emergency work to avoid the loss of life, property and/or material harm to the environment.

Noise

- B10. The Applicant must ensure that the noise generated by the development does not exceed the criteria in **Table 3** at any residence on privately-owned land:

Table 3: Noise Criteria

Location	Day L _{Aeq} (15 min) dB(A)
All privately-owned residences	45

- B11. Should any noise complaints be received, noise generated by the development must be investigated and noise monitoring undertaken and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).
- B12. The noise criteria in **Table 3** do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.
- B13. The Applicant must take all reasonable and feasible measures to minimise noise from the development.

Dust

- B14. The Applicant must take all reasonable and feasible measures to minimise the dust generated from the development.

SOIL AND WATER

Water Supply

- B15. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

Note: Under the *Water Act 1912* and/or the *Water Management Act 2000*, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.

Operating Conditions

- B16. The Applicant must minimise any soil erosion associated with the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version.

Pollution of Waters

- B17. Unless otherwise authorised by an EPL, the Applicant must ensure the development does not cause any water pollution, as defined under Section 120 of the POEO Act.
- B18. The Applicant must minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur.

HERITAGE

Protection of Aboriginal Heritage

- B19. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance areas, beyond those predicted in the document/s listed in condition A2(c).
- B20. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.
- B21. If any previously unknown Aboriginal object is discovered on the site, or suspected to be on the site:
- (a) all work in the immediate vicinity of the object or place must cease immediately;
 - (b) a 10m buffer area around the object or place must be cordoned off; and
 - (c) Heritage NSW must be contacted immediately.
- B22. Work in the immediate vicinity may only recommence if:
- (a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object; and

- (b) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.

B23. The Applicant must ensure that all known Aboriginal objects on the site are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

REHABILITATION

Rehabilitation Objectives

B24. The Applicant must rehabilitate the site in accordance with the conditions imposed on any mining leases(s) associated with the development under the *Mining Act 1992*. The rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS, and must comply with the objectives in **Table 3**.

Table 3: Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> Safe, stable and non-polluting Fit for the intended post-rehabilitation land use/s Establish the final landform and post-rehabilitation land use/s as soon as practicable after cessation of the development Minimise post-rehabilitation environmental impacts Target the restoration of the following vegetation communities, to be established within the proposed revegetation areas: <ul style="list-style-type: none"> Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion (PCT 1230) Paperbark swamp forest of the coastal lowlands of the NSW North Coast Bioregion and Sydney Basin Bioregion (PCT 1064) Tuckeroo- Lilly Pilly- Coast Banksia littoral rainforest (PCT 1536)
Native vegetation communities	
Water discharges following rehabilitation (from any location)	<ul style="list-style-type: none"> Negligible environmental consequence
Water Quality	<ul style="list-style-type: none"> Water retained on the site is fit for intended post-rehabilitation land use/s Water management is consistent with the regional catchment management strategy
Surface infrastructure	<ul style="list-style-type: none"> To be decommissioned and removed, unless Resources Regulator agrees otherwise
Community	<ul style="list-style-type: none"> Ensure public safety Minimise adverse socio-economic effects

Note: The Applicant must also prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*.

RADIATION MANAGEMENT

B25. The Applicant must:

- regularly monitor radiation during the removal of ilmenite material and prior to commencement of rehabilitation works;
- monitor and manage the removal of ilmenite material generally in accordance with *the Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing* (ARPANSA, 2005);
- implement measures to ensure compliance with the ARPANSA Public Dose Limit; and
- following the removal of the ilmenite material, and prior to commencement of rehabilitation works including placement of topsoil, undertake a detailed gamma radiation survey.

WASTE

B26. The Applicant must:

- take all reasonable steps to minimise the waste generated by the development;
- classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014), or its latest version;
- store and handle all waste on site in accordance with its classification;
- not receive or dispose of any waste on site; and
- remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) be submitted to the Planning Secretary for approval prior to commencing development under this consent;
 - (b) provide the strategic framework for environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) set out the procedures to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, record, handle and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident; and
 - (v) respond to emergencies;
 - (f) make references to any strategies, plans and programs approved under the conditions of this consent;
 - (g) include a clear plan depicting all the sites where monitoring is to be carried out under the conditions of this consent; and
 - (h) include the following subplans:
 - (i) **Noise**, that includes measures to minimise noise emissions consistent with the document(s) listed in condition **Error! Reference source not found.** and the noise conditions of this consent;
 - (ii) **Air quality**, that includes measures to minimise dust emissions consistent with the document(s) listed in condition **Error! Reference source not found.** and the air conditions of this consent;
 - (iii) **Radiation**, that includes measures to monitor and manage radiation consistent with the document(s) listed in condition **Error! Reference source not found.** and the radiation conditions of this consent;
 - (iv) **Waste management**, that includes measures to manage and dispose of waste consistent with the document(s) listed in condition **Error! Reference source not found.** and the waste management conditions of this consent;
 - (v) **Traffic management**, that includes:
 - measures to comply with the transport conditions of this consent;
 - transport routes and traffic types to be used for development-related traffic;
 - measures to be implemented to minimise traffic safety issues and disruption to local road users, including:
 - temporary traffic controls, including detours and signage;
 - notifying the local community about development-related traffic impacts;
 - minimising dirt tracked onto the public road network from the development-related traffic;
 - scheduling of haulage vehicle movements to minimise convoy lengths or platoons;
 - installation of advance truck warning signage on local roads, in collaboration with Kempsey Shire Council, to warn motorists of truck movements along the proposed haulage route;
 - spill response procedures; and
 - responding to any emergency repair requirements or maintenance;
 - a drivers' code of conduct that includes procedures to ensure that drivers:
 - manage driver fatigue;
 - adhere to posted speed limits or other required travelling speeds;
 - adhere to the designated transport routes; and
 - implement safe driving practices, including during hazardous weather conditions.
 - (vi) **Biodiversity**, that includes measures that would be implemented to:
 - protect vegetation and fauna habitat outside the approved disturbance areas;
 - manage the remnant vegetation and fauna habitat on site;
 - minimise clearing and avoid unnecessary disturbance of vegetation;
 - minimise the impacts to fauna on site and implement fauna management protocols;

- avoid the removal of hollow-bearing trees during spring to avoid the main breeding period for hollow-dependent fauna; and
- control weeds, feral pests and pathogens.

C2. The Applicant must implement the approved Environmental Management Strategy.

Adaptive Management

C3. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

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

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

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C4. Within three months of:

- the submission of an incident report under condition C5;
- the approval of any modification of the conditions of this consent (unless the conditions require otherwise);
- a direction of the Secretary under condition A3 of Schedule 2

the Applicant must review and, if necessary, revise the studies, strategies or plans required under the conditions of approval to the satisfaction of the Planning Secretary.

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

REPORTING AND AUDITING

Incident Notification

C5. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 5.

Non-Compliance Notification

C6. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

APPENDIX 1 SCHEDULE OF LAND

<i>LOT</i>	<i>DP</i>	<i>OWNERSHIP</i>
2281	115793	Crown Land

FOR INFORMATION

APPENDIX 2 DEVELOPMENT LAYOUT PLAN

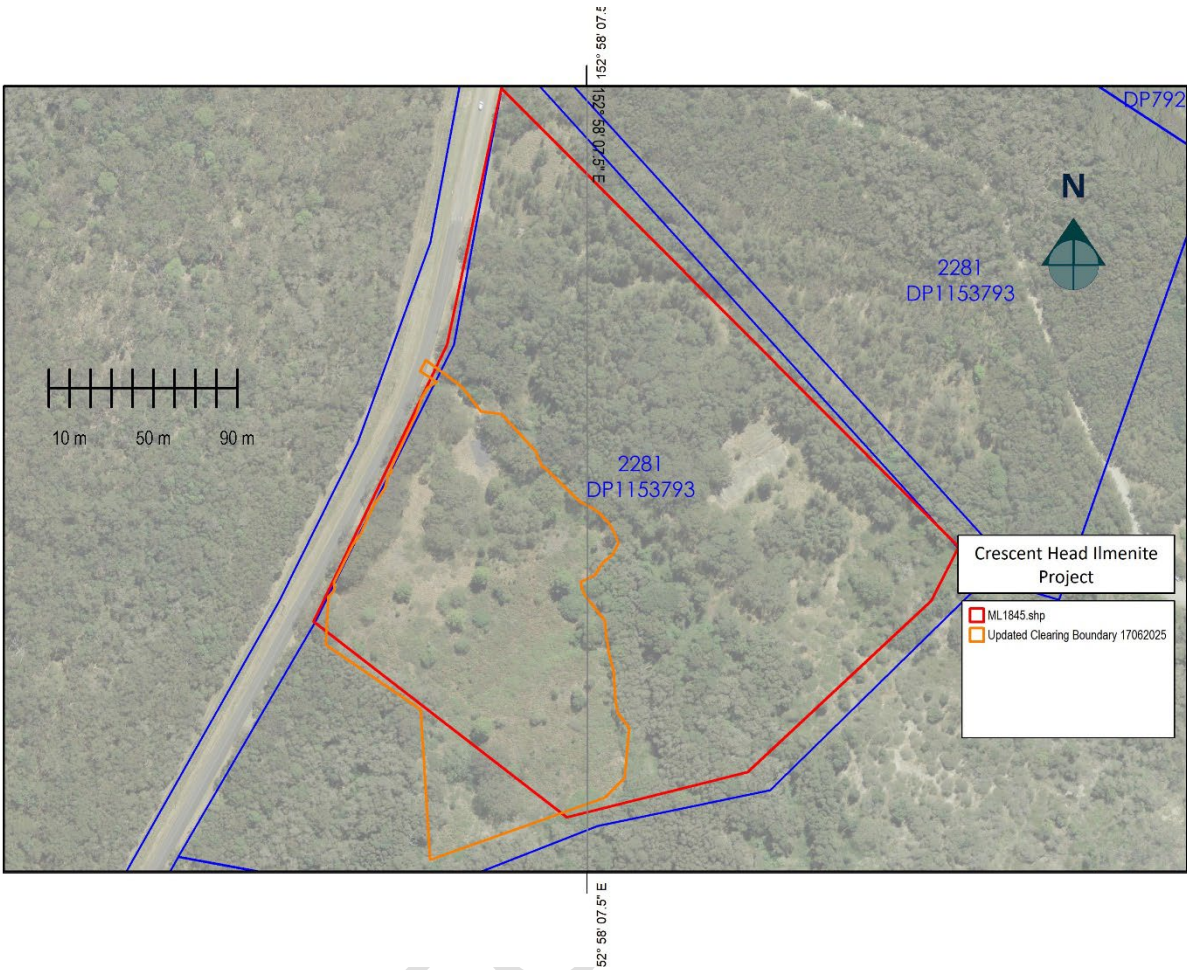


Figure 1: Development Layout Plan (disturbance area marked in orange)

APPENDIX 3 ROAD MAINTENANCE LEVY
KEMPSEY SHIRE COUNCIL

<i>Applicant's Contribution</i>	<i>Timing</i>	<i>Intended Use</i>
\$1.56 per tonne of ilmenite material transported from the site (indexed in accordance with the "Price Index of Materials Used in Building Other Than House Building", as published by the Australian Bureau of Statistics)	Contributions to commence upon commencement of the development, to be calculated monthly and paid within 10 days of the end of each month, until cessation of the removal of the ilmenite material	Upgrading and maintaining of Council's Road systems

APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C5 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the Applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.