

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



William Hodgkinson
Team Leader
Industry Assessments

Sydney

7 June 2021

SCHEDULE 1

Development consent: SSD 7187 granted by the Minister for Planning and Public Spaces on 11 May 2020

For the following: West Nowra Landfill Extension, including:

- progressive excavation, landfilling and rehabilitation of six new landfill sub-cells (Stage 4 landfill extension) receiving 1.38 million cubic metres of additional waste
- Step 1, being
 - operation of the Stage 4 landfill for 10 years
- Step 2, being
 - further extension of operational lifespan of the landfill, as required

Modification 1

Modification Application: SSD 7187 MOD 1
Removal of requirement to install three fauna bridges

Applicant: Shoalhaven City Council

Consent Authority: Minister for Planning and Public Spaces

The Land: Lot 1 in DP 1104402, Part Lot 1 in DP 1018193, Part Lot 1 in DP 847203 and Part Lot 1 in DP 870268, 120 Flatrock Road, Mundamia

SCHEDULE 2

This consent is modified as follows:

1. Add the following definitions in alphabetical order

Modification Applications	The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act:
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- a) Modification application SSD 7187 MOD 1 prepared by Shoalhaven City Council and dated April 2021.

In Schedule 2, Part A: Administrative Conditions

2. Delete condition A2 and replace with the following:

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) in accordance with the EIS and Response to Submissions;
- (d) in accordance with the Development Layout in Appendix 1;
- (e) in accordance with the Modification Applications; and
- (f) in accordance with the management and mitigation measures in Appendix 2.

In Schedule 2, Part B: Environmental Conditions

3. Delete condition B33 and replace with the following

Habitat Connectivity and Wildlife Safety

B33. Prior to commencement of clearing works for the development, the Applicant must realign fencing in the south-west corner of the site to facilitate habitat connectivity between the conservation area and adjacent bushland.

B33A. Prior to commencement of clearing works for the development, the Applicant must prepare a Wildlife Vehicle Strike Monitoring Program (WVSMP). The WVSMP must include:

- (a) the aims or objectives of the program;
- (b) the frequency and locations of scheduled monitoring visits;
- (c) a plan showing location of signage along Flatrock Road requesting that any vehicle strike is reported to the Shoalhaven City Council Environment Team landline;
- (d) triggers for the need for further assessment and mitigation; and
- (e) a process for ongoing monitoring and review.

4. Delete conditions B35 and B36 replace with the following:

B35. Prior to the commencement of clearing works for the development, the Applicant must prepare a Vegetation Management Plan (VMP) for the conservation area required by condition B34 to the satisfaction of the Planning Secretary. The VMP must form part of the LEMP required by condition C2. The VMP must:

- (a) be prepared in consultation with Environment, Energy and Science Group (EES) by a suitably qualified and experienced person(s);
- (b) include specific measures for the management and persistence of threatened flora species *Triplarina nowraensis* (Nowra Heath Myrtle), including monitoring and performance measures;

- (c) describe measures to restore the south-west corner of the site following the realignment of the fence prior to commencement of clearing works; and
- (d) provide a works programme for all clearing works, describe how any cleared areas will be managed to maintain the integrity of the conservation area and include specific measures to control weeds in cleared areas.

B36. The Applicant must:

- (a) not commence clearing works for the Stage 4 landfill extension until the VMP is approved by the Planning Secretary; and
- (b) implement the most recent version of the VMP approved by the Planning Secretary.

5. Insert new conditions, in order, as follows:

B48A. Prior to the commencement of any clearing works for the development, the Applicant must ensure for the portion of Flatrock Road adjacent to the site, the speed limit has been temporarily reduced to 40km/h, to facilitate fauna crossing and reduce the risk of wildlife vehicle strike. The reduced speed limit must be maintained for the duration of clearing works.

B48B. Prior to the completion of any clearing works for the development, the Applicant must ensure for the portion of Flatrock Road adjacent to the site, the speed limit has been permanently reduced from to 60km/h, to facilitate fauna crossing and reduce the risk of wildlife vehicle strike in the long term.

In Appendix 2 Applicant's Management and Mitigation Measures

6. Delete the following Management and Mitigation Measures:

ID #	Mitigation measure	Timing
B-01	Three rope bridges with monitoring cameras will be installed over Flatrock Road a minimum of one month before clearing of the development footprint commences to allow arboreal fauna to be accustomed to the rope bridges and be used once clearing works commence. The exact locations for the rope bridges are to be determined by SCC Environmental Assessment Officers in consultation with the relevant road engineers but approximate locations are found in Figure 29 in Appendix B of the EIS.	Pre-construction
B-11	Should any clearing for the installation of fauna poles be required, the area would need to be assessed by an ecologist and advice sought regarding the need for additional approvals for any required clearing.	Pre-clearing
TA-02	A road occupancy licence would be secured prior to construction and installation of the fauna rope bridges	Pre-construction
TA-03	Appropriate traffic control measures would be implemented to manage traffic during construction and installation of the fauna rope bridges	Construction
H-04	Prior to installation of fauna poles for the fauna rope bridge crossing an Aboriginal heritage specialist would need to inspect the area to ensure there are no Aboriginal archaeological heritage items.	Pre-construction

7. Delete Management and Mitigation Measure B-09 and replace with the following

ID #	Mitigation measure	Timing
B-09	To improve fauna movements through the bushland remnant of the Proposal Site, fencing in the south-west corner of the subject lot where it adjoins the neighbouring existing landfill site, and along that portion of the southern boundary of the landfill site outside the "landfill cells", will be removed to allow for the clear passage of native fauna. The fencing must be removed	Pre-clearing

prior to any clearing works being undertaken the landfill extension area becoming operational.

**End of modification
(SSD 7187 MOD 1)**