

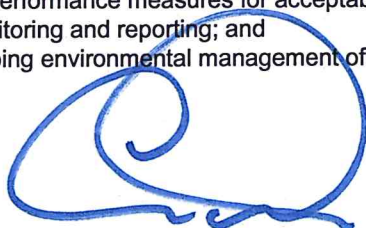
Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the development application referred to in Schedule A, subject to the conditions specified in Schedules B to D.

These conditions are required to:

- prevent, minimise, and/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.



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney 21 May 2015

SCHEDULE A

Application No:	SSD 5357
Applicant:	NSW Trade and Investment – Crown Lands Division
Consent Authority:	Minister for Planning
Land:	Hillside Drive, Urunga Part of Lot 1 and Lot 2 on DP 874874; part of Lot 7062 on DP 1108434 and Part of Lot 253 on DP 46013.
Development:	Remediation of the former antimony processing plant at Hillside Drive, Urunga

DEFINITIONS

Accessible surface soils	Areas of the remediated site that will be readily accessible to the public, such as areas not containing vegetation including the north-west corner and remaining access tracks as shown on Figure 6 in Appendix C
AEP	Annual Exceedance Probability
ANZECC 2000	<i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000</i> , Australian and New Zealand Environment and Conservation Council
ASLP	Australian Standard Leaching Procedure
ASS	Acid Sulphate Soils
Applicant	NSW Trade and Investment – Crown Lands Division, or its successor
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
CHDLALC	Coffs Harbour and District Local Aboriginal Land Council
CLM Act	<i>Contaminated Land Management Act 1997</i>
Containment Cell	A specially constructed on-site containment cell including an impermeable base, synthetic liner and impermeable cap for the purpose of long-term containment of treated soils and sediments from the site
Council	Bellingen Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development as described in the EIS and RTS, and as generally depicted in Appendix A, including site preparation and remediation works to remediate the former antimony processing plant and tailings deposit at Hillside Drive, Urunga
EEC	Endangered ecological community listed under the <i>NSW Threatened Species Conservation Act, 1995</i>
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement – Remediation of the Former Antimony Processing Plant, Urunga</i> , prepared by GHD dated November 2014
EMP	Environment Management Plan
ENM	Excavated Natural Material
EPA	NSW Environment Protection Authority
EPA Specific Immobilisation Approval	An Immobilisation Approval issued by the EPA under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i>
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued by the EPA under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Inaccessible surface soils	Areas of the remediated site that will be generally inaccessible to the public for recreation, such as areas containing vegetation including the rehabilitated site and the wetland as shown on Figure 6 in Appendix C
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent
ISQG	Interim sediment quality guidelines in ANZECC 2000

Land	In general, the definition of land is consistent with the definition in the EP&A Act
LTEMP	Long Term Environmental Management Plan
Management & Mitigation Measures	The Applicant's management and mitigation measures contained in the EIS and included in Appendix B
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development
NEPM	<i>National Environment Protection (Assessment of Site Contamination) Measure</i> established by the National Environment Protection Council 2013
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water within the Department of Primary Industries
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RAP	Remedial Action Plan titled <i>Former Antimony Processing Plant – Urunga NSW Remedial Action Plan Revision 1</i> , prepared by GHD dated September 2014
Reasonable	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Remediation works	Excavation, treatment and containment of contaminated materials, validation, backfilling and rehabilitation, as described in the EIS
RMS	Roads and Maritime Services
RTS	Response to Submissions titled <i>Urunga Antimony Remediation Project (SSD 5357) Response to Submissions</i> prepared by Soil Conservation Service dated 30 January 2015
Secretary	Secretary of the Department (or nominee)
Sediments	Material located below the surface level of the wetland and within the perimeter of the wetland
Sensitive Receivers	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility, as shown on Figure 7 in Appendix D
Site	The land listed in Schedule A, and as depicted in Appendix A
Site preparation works	Site establishment, regrading access roads, vegetation clearing, removal of power poles, installation of erosion and sediment controls, as described in the EIS
Treatment plant	Temporary (stationary or mobile) mixing plant established on site for the treatment of contaminated soils and sediments excavated from the site
Urunga Laboratory Trials	<i>Urunga Laboratory Trials – Immobilisation of Arsenic and Antimony Contaminated Materials</i> prepared by EnviroPacific Services and GHD Pty Ltd, dated 2 April 2015
VENM	Virgin Excavated Natural Material
Wetland	Areas of land saturated by water all year or at certain times of the year

SCHEDULE B
ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.

TERMS OF CONSENT

- B2. The Applicant shall carry out the Development generally in accordance with the:
- (a) EIS and RTS;
 - (b) site layout plans and drawings in the EIS (see Appendix A);
 - (c) the Management and Mitigation Measures (see Appendix B);
 - (d) RAP;
 - (e) EPA Management Order Number 20111405; and
 - (f) conditions of this consent.
- B3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- B4. The Applicant shall comply with any reasonable requirement(s) of the Secretary 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 within these reports, plans or correspondence.

LIMITS OF CONSENT

- B5. Once the remediation works have physically commenced, the Development shall be undertaken over a maximum period of one year from the date of commencement of the remediation works, unless otherwise agreed with the Secretary. The Applicant shall notify the Secretary in writing upon the commencement of remediation works.
- B6. The Applicant shall only process materials from the site through the treatment plant and shall not receive any contaminated material from off-site for the purposes of treatment.

STATUTORY REQUIREMENTS

- B7. The Applicant shall ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approval/consents.

STRUCTURAL ADEQUACY

- B8. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; and*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the Development.*

OPERATION OF PLANT AND EQUIPMENT

- B9. The Applicant shall ensure that all plant and equipment used for the Development is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

PROTECTION OF PUBLIC INFRASTRUCTURE

- B10. Prior to the commencement of site preparation works, the Applicant shall:
- (a) prepare a dilapidation report of the public infrastructure in the vicinity of the Site (including roads, kerbs, footpaths, nature strip, street trees and furniture); and
 - (b) submit a copy of this report to the Secretary and Council.
- B11. The Applicant shall:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged during remediation works; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of remediation works.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- B12. With the approval of the Secretary, the Applicant may:
- (a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
 - (b) combine any strategy, plan or program required by this consent.

DISPUTE RESOLUTION

- B13. In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter must be referred by either party to the Secretary, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding to all parties. For the purpose of this condition, 'public authority' has the same meaning as provided under Section 4 of the EP&A Act.

COMPLIANCE

- B14. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- B15. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.

SCHEDULE C

ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

REMEDIATION

Remedial Action Plan

- C1. The Applicant shall remediate the site in accordance with the RAP, to the satisfaction of the EPA and the Secretary. If any amendments are required to the RAP, the amendments must be prepared by a suitably qualified and experienced expert and be approved by the EPA.
- C2. Prior to the commencement of site preparation works, the Applicant shall demonstrate to the satisfaction of the Secretary, that the EPA has approved the RAP.
- C3. The Applicant shall carry out the remediation works using suitably qualified and experienced contractor(s).
- C4. The Applicant shall appoint an environmental officer to oversee the remediation works. The environmental officer shall:
- be a suitably qualified and experienced person or team, including a person trained in the use of X-Ray Fluorescence sampling equipment;
 - liaise with relevant agencies in relation to the performance of the remediation works;
 - oversee the remediation works to determine whether the Development is complying with the relevant standards, performance measures and statutory requirements;
 - review the adequacy of the environmental management plans for the Development, compliance with the requirements of this consent, and any other licences and consents; and, if necessary;
 - recommend measures or actions to improve the environmental performance of the Development, and/or any plan/program required under this consent.

Remediation Goals

- C5. The Applicant shall remediate the site to meet the remediation goals as detailed in Tables 6.1 and 6.2 of the RAP and as summarised below in Table 1, or alternative goals as agreed to in writing by the EPA.

Table 1: Remediation Goals

Location	Analyte	Goal (mg/kg)	Reference
Accessible surface soil	Antimony	120	Site specific criteria derived according to NEPM 2013 (HIL C – public open space)
	Arsenic	300	NEPM 2013 HIL C – public open space
	Mercury	80	NEPM 2013 HIL C – public open space
Inaccessible surface soil	Antimony	300	Site specific criteria derived according to NEPM 2013 (HIL C - undeveloped public open space / bushland) and a site specific risk assessment.
	Arsenic	300	NEPM 2013 HIL C – public open space
	Mercury	80	NEPM 2013 HIL C – public open space
Sediments	Antimony	250	Derived with reference to the ANZECC 2000 ISQG - High
	Arsenic	300	Derived with reference to the ANZECC 2000 ISQG - High
	Mercury	10	Derived with reference to the ANZECC 2000 ISQG - High

Notes:

- Accessible surface soil as defined in the definitions reflects areas where children may have access to surface soil.
- Inaccessible surface soil as defined in the definitions reflects areas where children are unlikely to have access to surface soil.

Treatment Criteria

- C6. The Applicant shall ensure that material to be placed in the containment cell meets the treatment criteria in Table 2, or alternative treatment criteria as agreed to in writing by the EPA.

Table 2: Treatment Criteria

Analyte	Criteria	Reference
Antimony	1.0 mg/L	Australian Standard Leaching Procedure
Arsenic	0.5 mg/L	Australian Standard Leaching Procedure
pH	4.0 – 4.2	Criteria established by Urunga Laboratory Trials (EnviroPacific Services, April 2015)

Note: The criteria are target criteria for stabilised leachate.

Soil Treatment Process

- C7. The Applicant shall prepare and implement a Quality Control Plan for the soil treatment process, to the satisfaction of the Secretary. The plan shall:
- be prepared by a suitably qualified and experienced person;
 - be submitted to the EPA for review and be approved by the Secretary, prior to the commencement of remediation works;
 - detail the process for dewatering contaminated soils and sediments prior to treatment;
 - detail the procedures for treating contaminated materials to achieve the treatment criteria in Table 2;
 - detail the procedures for testing chemically immobilised materials, prior to placement within the containment cell; and
 - detail the protocol for re-treatment of material that does not meet the treatment criteria in Table 2.

Containment Cell Design

- C8. The Applicant shall prepare a Construction Quality Assurance Plan for the final design of the containment cell, to the satisfaction of the Secretary. The plan shall:
- be prepared by a suitably qualified and experienced engineer;
 - be submitted to the EPA for review and be approved by the Secretary, prior to the commencement of remediation works;
 - include comprehensive design details for the containment cell including, but not limited to:
 - plans with cross sections at a suitable scale depicting the dimensions of the proposed containment cell i.e. length, width, depth, volume as well as details of the floor and wall gradients;
 - final footprint, containment volume, capping materials, thickness and permeability details, source of capping material and transportation method;
 - specifications of the cell drainage layer, any cut-off wall and up-gradient subsurface interception drain, subsurface down-gradient collection trench, and design of the leachate collection system;
 - construction methodology, including construction quality assurance procedures and timeframes;
 - measures to ensure that the material in the cell is securely contained and that there is no migration of contaminants from the cell that could pose a significant risk of harm to human health or the environment (eg. entering groundwater or surface water); and
 - a monitoring program to ensure that the objectives of the containment cell is achieved.
- C9. The Applicant shall confirm in writing to the Secretary, that the containment cell has been installed in accordance with the approved Construction Quality Assurance Plan, prior to placing any material within the cell.

Validation Report

- C10. The Applicant shall prepare a Validation Report for the Development. The Validation Report shall:
- be prepared by a suitably qualified and experienced expert;
 - be submitted to the EPA and the Secretary for review one month after the completion of remediation works;
 - be prepared in accordance with the RAP and the *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (OEH 2011);
 - include, but not be limited to:
 - comment on the extent and nature of the remediation undertaken;

- describe the location, nature and extent of any remaining contamination on site;
- sampling and analysis plan and sampling methodology;
- results of sampling of treated material, compared with the treatment criteria in Table 2;
- details of the volume of treated material emplaced within the containment cell;
- results of any validation sampling, compared to relevant guidelines/criteria; and
- discussion of the suitability of the remediated areas for the intended land use.

Long Term Environmental Management Plan

- C11. The Applicant shall prepare and implement a Long Term Environmental Management Plan (LTEMP), to the satisfaction of the Secretary. The plan shall:
- be prepared by a suitably qualified and experienced person in consultation with NOW;
 - be submitted to the EPA for review and be approved by the Secretary within one month of the completion of remediation works, unless otherwise agreed by the Secretary;
 - include, but not be limited to:
 - a description of the nature and location of any contamination remaining on site;
 - provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell;
 - a description of the procedures for managing any leachate generated from the containment cell, including any requirements for testing, pumping, treatment and/or disposal;
 - a description of the procedures for monitoring the integrity of the containment cell;
 - a surface and groundwater monitoring program;
 - mechanisms to report results to relevant agencies;
 - triggers that would indicate if further remediation is required; and
 - details of any contingency measures that the Applicant would carry out to address any ongoing contamination.
- C12. Upon completion of the remediation works, the Applicant shall manage the site in accordance with the LTEMP and any on-going maintenance of remediation notice issued by the EPA under the CLM Act.

SOIL & WATER

Imported Soil

- C13. The Applicant shall:
- ensure that only VENM or ENM or other material approved in writing by the EPA is used as fill on the site;
 - keep accurate records of the volume and type of fill to be used; and
 - make these records available to the Secretary upon request.

Discharge Limits

- C14. The Development shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters, except as expressly provided for in an EPL.
- C15. Water used at vehicle wash down points will be treated as contaminated water and decontaminated in the same manner as other contaminated water generated at the site prior to discharge.

Bunding

- C16. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook*.

Water Management Plan

- C17. The Applicant shall prepare and implement a Water Management Plan for the Development, to the satisfaction of the Secretary. The plan must:
- be prepared by a suitably qualified and experienced expert, in consultation with the EPA and NOW;
 - be submitted to the EPA for review and be approved by the Secretary, prior to the commencement of site preparation works;
 - detail erosion and sediment controls for disturbed but uncontaminated areas, prepared in accordance with *Managing Urban Stormwater: Soils and Construction Volume 1* and relevant Volume 2 documents;

- (d) include:
- appropriate discharge criteria determined in accordance with ANZECC 2000 trigger values for slightly to moderately disturbed and highly modified ecosystems, if discharges from the site are required;
 - appropriate monitoring indicators for discharges;
 - predicted dewatering volumes, water discharge volumes and discharge quality for contaminants of concern;
 - a site water balance that incorporates pumping capacities to divert detained water to unused excavation(s) and other procedures to minimise discharges from detention basin(s);
 - detention basin(s) sizing based on risks associated with mobilising contaminants of concern and provision of adequate freeboard to contain inflows up to the 1 in 100 year AEP, 72 hour rainfall event; and
 - specification of a design rainfall event that can be wholly captured and managed onsite that reflects a commitment to avoid discharges and includes best practice measures for containment of contaminated site water including, but not limited to:
 - i. maximising diversion of clean water;
 - ii. pumping between water storages;
 - iii. dewatering methods and options to minimise the generation of groundwater inflow to excavations;
 - iv. on-site reuse where appropriate and sustainable; and
 - v. scheduling works for drier periods of the year;
- (e) procedures for the containment and management of contaminated sediment laden water, including:
- detention basin management procedures;
 - rapid and ongoing stabilisation of stockpiles and remediated areas;
 - testing, treating and/or discharging contaminated water from stockpiles;
 - installation of floating hydrocarbon booms with barrier silt curtains; and
 - procedures for testing, dewatering, storage, movement and treatment of any groundwater;
- (f) details of how environmental performance will be managed, monitored and maintained to meet required outcomes, including what actions will be taken to address identified potential adverse environmental impacts, including any impacts arising from the staging of the remediation works.

Acid Sulphate Soils Management Plan

- C18. The Applicant shall prepare and implement an ASS Management Plan for the Development in accordance with the NSW State Government's *Acid Sulphate Soils Manual 1998*. The plan shall describe the management procedures for any ASS or potential ASS encountered during remediation works.

HUMAN HEALTH & AIR QUALITY

Human Health

- C19. The Applicant shall ensure that all works are carried out in accordance with NSW *Occupational Health and Safety Regulation 2011* and the requirements of WorkCover NSW.
- C20. The Applicant shall prepare and implement a Health and Safety Plan for the Development. The plan shall:
- a) be prepared in consultation with NSW Health, WorkCover and Council;
 - b) be submitted to the Secretary prior to commencement of site preparation works;
 - c) describe the procedures for training and inductions for site personnel to ensure adequate protection from human health risks during the development;
 - d) detail the procedures for managing flood risks during remediation works, including the protection of human safety, plant and equipment and control of discharges from the site;
 - e) identify emergency evacuation routes and evacuation procedures to be followed in the event of an incident affecting the site; and
 - f) identify requirements for health monitoring for site personnel and decontamination procedures.
- C21. Any signs to be erected on or off-site warning of potential risks to human health during remediation works shall only be erected with the approval of NSW Health.
- C22. The Applicant shall install and maintain a perimeter fence on the site for the duration of remediation works. The site shall be locked whenever the site is unattended.

Dust Minimisation

- C23. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated during remediation works.

Offensive Odour

- C24. The Applicant shall ensure that the Development does not cause or permit the emission of offensive odour, as defined under Section 129 of the POEO Act.
- C25. The Applicant shall ensure that an odour suppressant is available on site during remediation works, for use on malodorous materials, as may be required.

Meteorological Monitoring

- C26. During the life of the Development, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the site and onsite where required in compliance with the requirements of the Construction Environmental Management Plan required under Condition D1 and the Air Quality Management Plan required under Condition C27.

Air Quality Management Plan

- C27. The Applicant shall prepare and implement an Air Quality Management Plan for the Development. The plan shall:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be submitted to the EPA for review and be approved by the Secretary prior to the commencement of site preparation works;
 - (c) show the locations of real-time dust monitors on and off-site with appropriate trigger values;
 - (d) include key performance indicators for each emission type;
 - (e) report on the performance of the remediation works against the key performance indicators for each emission type using data from the real-time dust monitors;
 - (f) detail proactive mitigation measures for the control of dust and odour impacts, including procedures to restrict works during adverse meteorological conditions;
 - (g) detail procedures for consulting with the nearby sensitive receivers shown on Figure 7 in Appendix D to minimise dust and odour impacts;
 - (h) detail the contingency measures to be implemented to respond to complaints or if dust impacts are identified; and
 - (i) include record keeping, a complaints register and compliance reporting.

BIODIVERSITY

Vegetation Management Plan

- C28. The Applicant shall prepare and implement a Vegetation Management Plan for the site to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced expert, in consultation with OEH;
 - (b) be consistent with OEH's *Principles for the use of Biodiversity Offsets in NSW*;
 - (c) include a vegetation clearing protocol to be approved by the Secretary prior to the commencement of site preparation works, including measures for delineating no-go areas, preventing cross-contamination and procedures for managing edge effects on the adjacent wetland;
 - (d) detail the geotechnical and biological properties of the imported fill material to be used in the areas for re-establishing endangered ecological communities;
 - (e) include a biodiversity offset strategy for the Development, to be approved by the Secretary within one month of the completion of remediation works. The biodiversity offset strategy shall establish through rehabilitation at least 2.9 hectares of the following endangered ecological communities:
 - Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions;
 - Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions;
 - (f) include a rehabilitation management plan, to be approved by the Secretary within one month of the completion of remediation works. The rehabilitation management plan shall be as generally depicted on Figure 6 in Appendix C, and shall detail:
 - the criteria for evaluating the effectiveness of the rehabilitation;
 - a program to monitor the effectiveness of the rehabilitation, including a proposed timeframe for monitoring and on-going management;
 - any remedial actions necessary to ensure the success of the rehabilitation; and
 - (g) include a noxious weed management plan.
- C29. The Applicant shall ensure that the biodiversity offset is secured by a conservation mechanism, which protects and manages the land in perpetuity, to the satisfaction of OEH and the Secretary.

- C30. Where monitoring referred to in condition C28 indicates that the biodiversity outcomes are not being achieved, remedial actions as approved by the Secretary shall be undertaken to ensure that the objectives of the biodiversity offset strategy are achieved.

NOISE AND VIBRATION

Hours of Work

- C31. The Applicant shall comply with the hours detailed in Table 3, unless otherwise agreed in writing by the EPA and the Secretary.

Table 3: Hours of Work

Activity	Day	Time
Site preparation works and remediation works	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm

- C32. Works outside of the hours identified in condition C31 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) works agreed to in writing by the EPA or the Secretary;
 - (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (d) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

TRANSPORT AND ACCESS

Operating Conditions

- C33. The Applicant shall ensure that:
- (a) the Development does not result in any vehicles queuing on the public road network;
 - (b) all loading and unloading of materials is carried out on site;
 - (c) all trucks entering or leaving the site with loads have their loads covered;
 - (d) vehicles do not track dirt onto the public road network;
 - (e) heavy vehicles use designated routes to minimise impacts on the local and regional road network;
 - (f) access is maintained for all properties on Hillside Drive for the duration of the remediation works; and
 - (g) all access tracks are rehabilitated and/or stabilised following the completion of the remediation works.

Parking

- C34. The Applicant shall provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the Development does not utilise public and residential streets or public parking facilities.

Traffic Management Plan

- C35. The Applicant shall prepare and implement a Traffic Management Plan for the Development. The plan must:
- (a) be prepared by a suitably qualified and experienced person, in consultation with Council and RMS;
 - (b) be submitted to the Secretary for review, prior to the commencement of remediation works;
 - (c) detail the measures that would be implemented to ensure road safety and network efficiency during remediation works;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - minimise the impacts of remediation works on the local and regional road network;
 - minimise conflicts with other road users;
 - ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

WASTE MANAGEMENT

Statutory Requirements

- C36. The Applicant shall assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the *EPA's Waste Classification Guidelines Part 1: Classifying Waste, November 2014*, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.
- C37. The Applicant shall manage the encapsulation and disposal of mercury waste in accordance with an EPA Specific Immobilisation Approval and the *EPA Waste Classification Guidelines Part 2: Immobilisation of Waste, November 2014*, or its latest version.
- C38. The Applicant shall ensure that any bricks or demolition waste from the site is not reused off site.
- C39. Waste generated outside the site shall not be received at the site for storage, treatment, processing, reprocessing, or disposal.

HERITAGE

Unexpected Finds Protocol

- C40. If Aboriginal objects are uncovered during work, excavation or disturbance in the immediate area must stop. The Regional Operations Group of the OEH and the CHDLALC is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.
- C41. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

BUSHFIRE MANAGEMENT

- C42. The Applicant shall prepare and implement a Bushfire Management Plan for the Development, to the satisfaction of the Secretary. This plan must:
- (a) be prepared by an appropriately qualified person in consultation with the Coffs Harbour Rural Fire Service and Council;
 - (b) identify the potential for the mobilisation of contaminants during a fire and the potential human health risks for fire-fighters;
 - (c) determine the appropriateness of using free standing water on the site for fire-fighting; and
 - (d) identify requirements for health monitoring for fire-fighters and decontamination procedures.

SCHEDULE D

ENVIRONMENTAL MANAGEMENT, REPORTING AND COMMUNITY ENGAGEMENT

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- D1. The Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP) for the Development to the satisfaction of the Secretary. The CEMP must:
- (a) be approved by the Secretary prior to the commencement of site preparation works;
 - (b) identify the statutory approvals that apply to the Development;
 - (c) describe all activities to be undertaken on site, including any scheduling of site preparation and remediation works;
 - (d) describe the environmental management practices and procedures to be followed during site preparation and remediation works;
 - (e) describe the measures that will be implemented to minimise dust, noise and vibration impacts, including procedures for consulting with the nearby sensitive receivers shown on Figure 7 in Appendix D to minimise amenity impacts;
 - (f) describe the measures that will be implemented to minimise impacts on potential Aboriginal cultural heritage;
 - (g) detail how the environmental performance of the Development will be monitored and what actions will be taken to address identified adverse environmental impacts;
 - (h) include a plan depicting all the monitoring required to be carried out under the conditions of this consent;
 - (i) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
 - (j) describe the procedures that would be implemented to respond to any non-compliances and emergencies; and
 - (k) include copies of any strategies, plans and programs reviewed and/or approved under the conditions of this consent.

Note: The required timing for provision of the strategies, plans and programs to be included as sub-plans to the CEMP are detailed in Schedule C.

Management Plan Requirements

- D2. The Applicant shall ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Development or any management measures;
 - (c) a description of the measures that will be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the Development; and
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the Development over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

REPORTING

Monthly Report

- D3. At the end of each calendar month, or other timing as may be agreed by the Secretary, the Applicant shall review and report on the environmental performance of the Development to the satisfaction of the Secretary. The report shall:
- (a) be submitted to the Secretary, EPA, NSW Health and Council for review;
 - (b) be presented to the community at the regular community liaison meetings;
 - (c) describe the works that were carried out in the previous month and the works to be carried out in the coming month;
 - (d) include a comprehensive review of the monitoring results and complaints records of the Development over the previous month, including a comparison of:
 - air quality monitoring data with relevant limits or performance measures/criteria;
 - water discharges with established discharge criteria for contaminants of concern;
 - detail community consultation activities during the month, including any alterations to works or mitigation measures implemented to address community concerns;
 - (e) identify any non-compliance over the last month, and describe what actions were (or are being) taken to ensure compliance; and
 - (f) describe what contingency measures would be implemented over the coming months to improve the environmental performance of the Development, should any issues be identified.

Incident Reporting

- D4. Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant shall notify the Secretary and any other relevant agencies of the incident.
- D5. Within 7 days of the detection of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident.

COMMUNITY ENGAGEMENT

- D6. The Applicant shall consult with the community regularly throughout the Development, including consultation with the nearby sensitive receivers identified on Figure 7 in Appendix D, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

Community Consultation Plan

- D7. The Applicant shall prepare and implement a Community Consultation Plan for the Development, to the satisfaction of the Secretary. The plan shall:
- (a) be approved by the Secretary prior to the commencement of site preparation works;
 - (b) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the Development;
 - (c) detail the mechanisms for regularly consulting with the local community throughout the Development, such as holding regular meetings to inform the community of the progress of the Development and report on environmental monitoring results;
 - (d) detail a procedure for consulting with nearby sensitive receivers to schedule high noise generating works, vibration intensive activities or manage traffic disruptions;
 - (e) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders;
 - (f) include a complaints procedure for recording, responding to and managing complaints, including:
 - email, toll-free telephone number and postal address for receiving complaints;
 - advertising the contact details for complaints prior to and during remediation works, via the local newspaper and through on-site signage;
 - a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
 - procedures to resolve any disputes that may arise during the course of the Development;

Access To Information

- D8. The Applicant shall, to the satisfaction of the Secretary:
- (a) make the following information publicly available on its website:
 - the EIS, RTS and RAP;

- current statutory approvals and licences for the Development;
 - approved strategies, plans or programs;
 - monthly reports required under Condition D5;
 - a complaints register, updated on a monthly basis;
 - any other matter required by the Secretary; and
- (b) keep this information up-to-date.

Note: This requirement does not require any confidential information to be made available to the public.

APPENDIX A
DEVELOPMENT LAYOUT PLANS



Figure 1: Proposed Works – Treatment Area, Containment Cell, Site Compound, Access Roads and Stockpiles

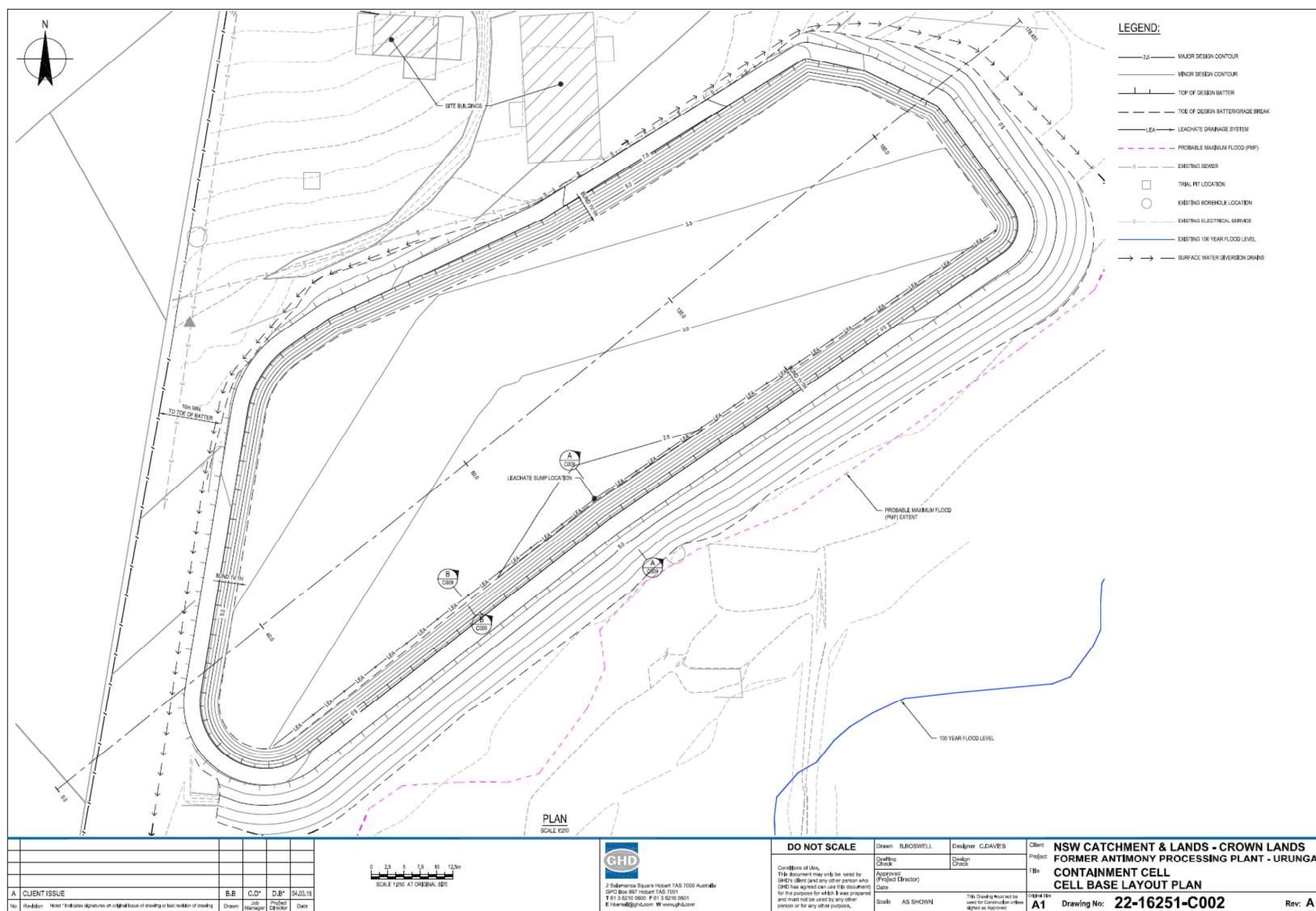


Figure 3: On-Site Containment Cell – Base Layout

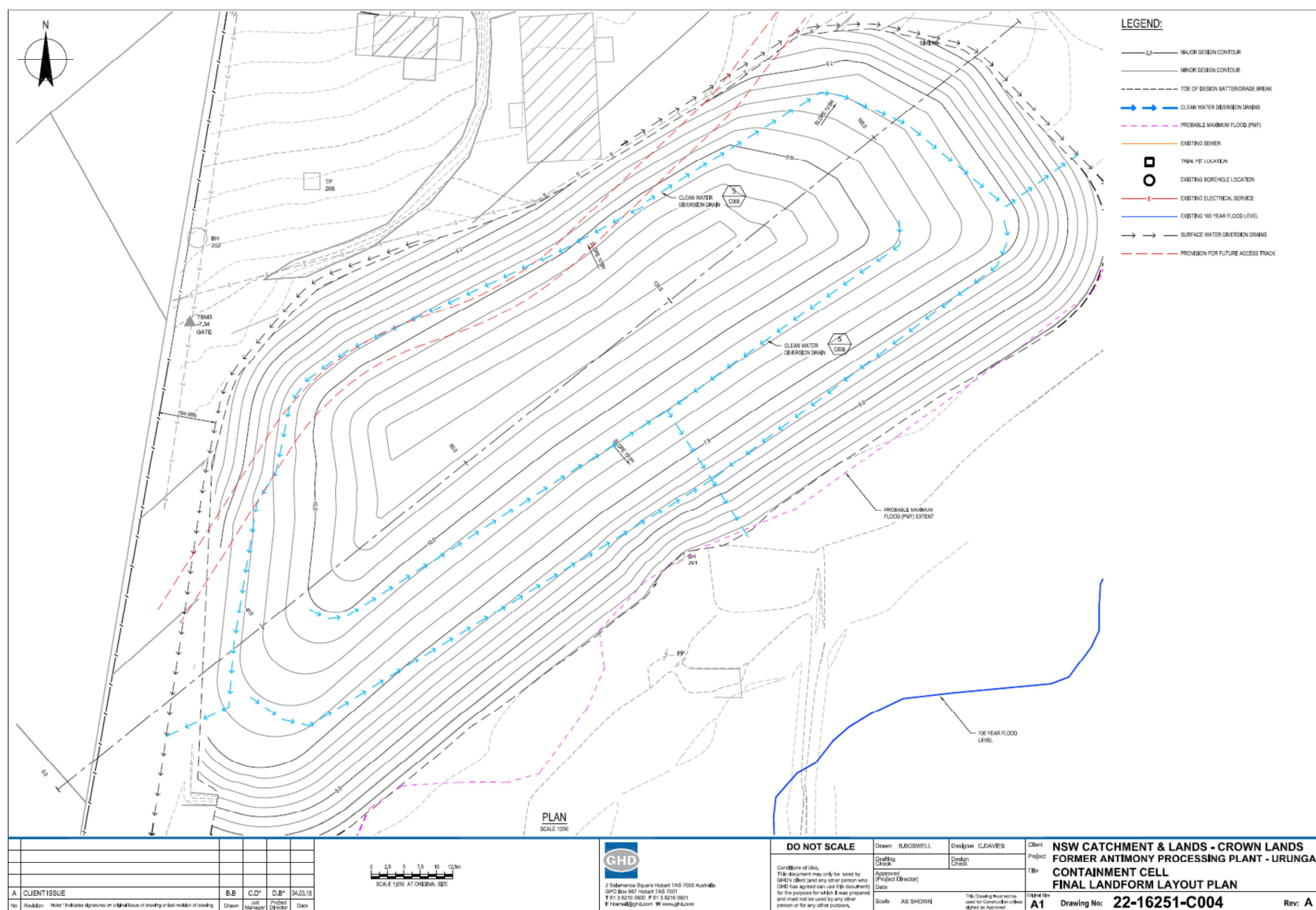


Figure 4: On-Site Containment Cell – Final Landform

APPENDIX B
APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

APPENDIX C
CONCEPT REHABILITATION PLAN

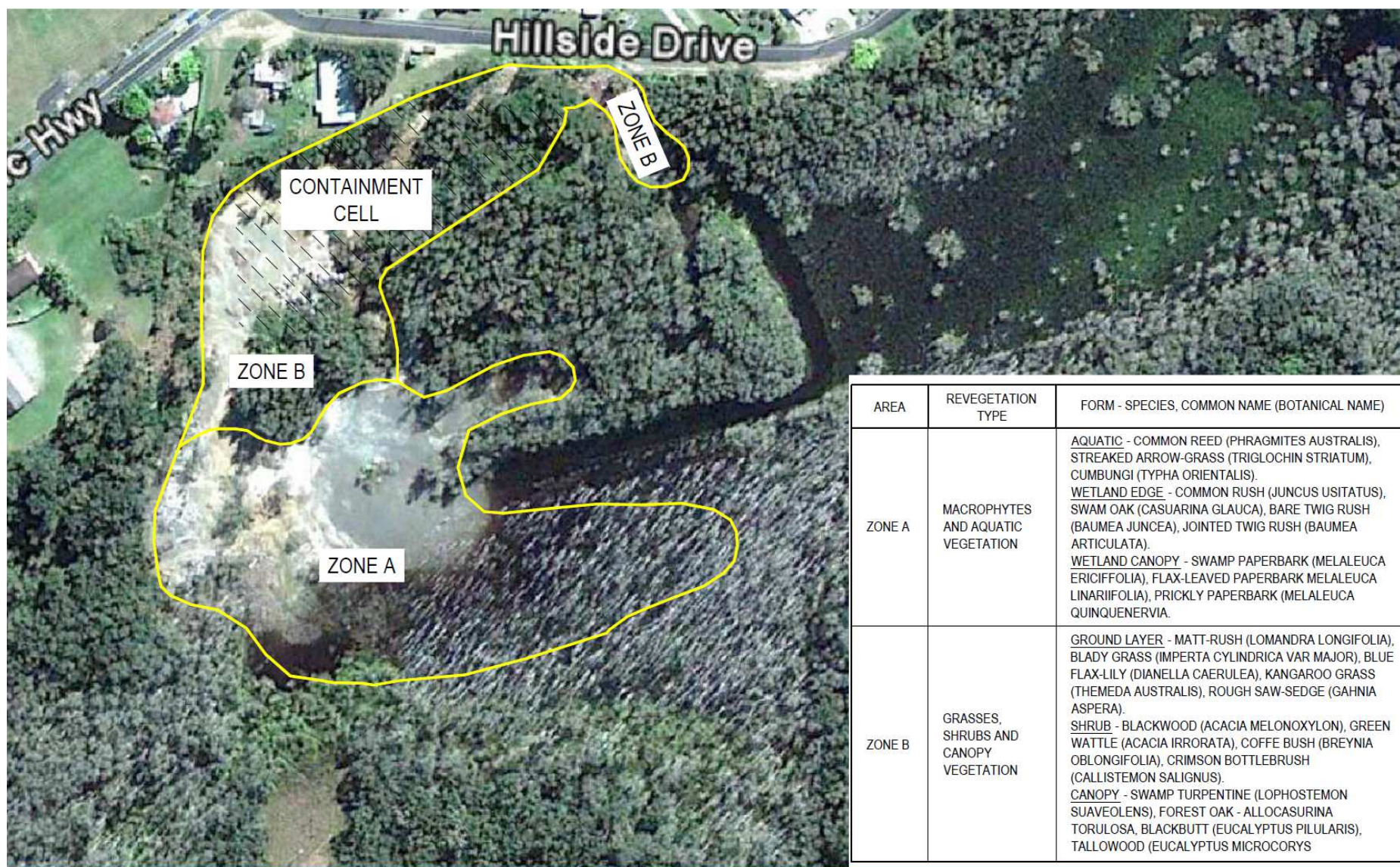


Figure 6: Concept Rehabilitation Plan

APPENDIX D SENSITIVE RECEIVERS



Figure 7: Nearest Sensitive Receivers

Key:

- R1 Resident on southern side of Pacific Highway
- R2 Westella Motel on southern side of Pacific Highway
- R4 Residence on northern side of Pacific Highway
- R5 - R11 Residents on Hillside Drive
- R12 Stepping Stones Child Care Centre & Pre-School