

Conditions of Consent as at 16 December 2010

## **GENERAL CONDITIONS**

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

### **1. Approved Development**

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

### **2. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

### **3. Operation Limit**

The maximum extraction shall not to exceed 200,000m<sup>3</sup> per year over a period of 12 years from the nominated date of commencement. The total quantities produced per annum are to be reported to Council on an annual basis within four (4) weeks from the nominated date of commencement or operation.

### **4. Operating Hours**

The use of the premises/business shall be limited to:

Monday to Friday	7am - 4pm
Saturday	7am - 2pm
Sunday	Closed
Public Holidays	Closed

Maintenance for the purposes of on-site machinery and equipment may only be carried out one (1) hour before and after the above operating times.

Note: Council may reduce the maintenance hours where it is of the opinion that maintenance outside of normal operating hours is causing an impact on the amenity of adjoining properties.

### **5. Landscaping**

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

## **6. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

## **7. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

## **8. Lighting**

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

## **9. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise, dust or vibration problem arising at the time, the persons shall take all measures to minimise the impact. In the case of noise, the person in charge of the operation shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

The operator shall also ensure the following measures are maintained during the operation of the extraction industry:

- Implementation of a noise barrier screen to the Crushing Plant Area (CPA) power screen operations;
- Earthen bund heights of 2.0m at extraction cells and 3.0m for mixing area stockpiles;
- All equipment should be in good working conditions;
- Continue to monitor noise as required;
- All engine covers should be kept closed while equipment is operating;
- Materials dropping heights into or out of trucks should be minimised;
- Noise emanating from combustion engine plant (e.g. generators compressor etc) shall be checked to ensure they produce minimal noise and are fitted with exhaust silencers and/or sound attention devices; and
- Machines found to produce excessive noise compared to industry best practice should be removed from site until repairs or modification can be made.

## **10. Log Book**

In the event of any complaints being lodged with the company relating to the site or the operations of the plant, a log book must be kept on site clearly recording any information and reasons for the complaint. Additionally, the log book must be kept to record when the plant, operates for a 24 hour period. The log book must be made available to Council or DECCW at any time on request.

**11. Storage of Flammable and Combustible Liquids**

All Flammable and combustible liquids shall be stored in accordance with *Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids*.

**12. Storage of Dangerous Goods**

Prior to the storage of any 'dangerous goods' on the premises, a licence from the Chemical Safety Branch of *Work Cover* shall be obtained and submitted to Council.

**13. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

**14. No Panel Beating/Spray Painting**

The subject premise has not been approved for panel beating, or spray painting. It is prohibited to undertake such activities without separate written development consent being obtained from Council.

On-site mechanical repairs shall be undertaken for on-site plant and machinery that is associated with the extraction/filling operations only.

**15. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

**16. Carparking**

The car parking areas are to be constructed in accordance with the approved plans and shall be designed sealed, line marked and made available to all users of the site in accordance with the Australian Standards 2890.1 and 2.

Signs are to be erected clearly indicating directions and the availability of off-street parking. One (1) of the carspaces shall be designed as a disabled carspace.

**17. Responsibilities under the National Parks and Wildlife Act 1974**

All earthmoving contractors and operators must be instructed that, in the event of any bone, or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work must cease immediately in the affected area, and the Local Aboriginal Land Council and officers of the National Parks and Wildlife Service, informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or

destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the National Parks and Wildlife Act 1974, as amended.

**18. Department of Industry and Investment**

The operator is required to provide annual production data to the Department of Industry & Investment NSW (Minerals Resources) or as requested.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

**19. Construction Certificate**

- a. The developer shall obtain a construction certificate prior to the commencement of any works;
- b. The developer shall nominate a principal certifying authority; and
- c. Notify Council of that appointment prior to the commencement of any works.

**20. One site Effluent**

Prior to issue of the construction certificate, a Section 68 application is to be submitted to Council. The Section 68 application is to include details of how effluent generated by staff at the quarry is to be collected, treated and disposed of on-site.

**21. Water Harvesting**

Prior to the issue of the construction certificate, the applicant shall provide to the satisfaction of Council, details of proposed water recycling/re-use measures and water harvesting devices (including water tanks) to be used on site for the purposes of potable water, flushing toilets and on-site effluent disposal, and washing down of machinery/trucks.

**22. Vegetation Offset**

Prior to commencement of works the applicant shall submit to the satisfaction of Council a revised bush regeneration management plan which addresses the following matters:

- a. A bush regeneration management plan which aims to improve the condition of retained River Flat Eucalypt Forest endangered ecological community (EEC). The bush regeneration plan is to supplement the Bush Regeneration and Vegetation Offsets which were identified in the supplementary information received by DECCW on 9 November 2010.
- b. A bush regeneration management plan which aims to improve the condition the retained remnant vegetation along the Nepean River corridor.
- c. the Applicant shall provide a supplementary report which recognises the connectivity of the classified exotic woodland with higher quality River Flat Eucalypt Forest (RFEF) adjacent to the Nepean River as well as provide more definitive statements in regard to the level of impact on the movement of fauna in the habitat corridor adjacent to the Nepean River.

The bush regeneration management plan must be prepared by a consultant accredited with the Association of Bush Regenerators and be consistent with the Recovering Bushland on

the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland (DECCW 2005).

## **23. Pollution Control**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide engineering details to Council for approval of a suitable gross pollutant trap(s) and/or water quality treatment in accordance with the relevant guidelines of the Department of Environment and Climate Change and Water (DECCW), Department Industry and Investment (I&I NSW), and with the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 2* for the stormwater drainage system prior to discharge from the site.

## **24. Intersection Construction**

Prior to Council or an Accredited Certifier issuing a Construction Certificate, the applicant shall submit engineering details of the required intersection construction described below:

The applicant shall carry out design and construction of the intersection of the existing site access road and Menangle Road to include all necessary road pavement construction, drainage, creation of right turn lane, deceleration and acceleration lanes, thermoplastic line marking and signposting, kerb and gutter, splitter islands, medians and landscaping as required, and the capital cost of street lighting to Integral Energy's requirements.

Design shall be in accordance with:

- *"Austroads Guide to Traffic Engineering Practice" Part 5*
- the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 2* and
- *Campbelltown City Council's 'Specification for Construction of Subdivision Road and Drainage Works' (as amended)*
- the recommendations by Transport and Traffic Planning Associates – Appendix 16 – Volume 4 of the EIS - Reference 0967 September 2009 prepared by Harvest Scientific Services for Landcom.
- The Roads and Traffic Authority's requirements as detailed in this approval.

## **25. Menangle Road Intersection Construction**

1. The applicant shall construct a Type CHR treatment on Menangle Road at the access point and shall be designed and constructed in accordance with the RTA's Roads Design Guide.
2. A Type BAL treatment shall be provided on Menangle Road at the site access to facilitate safe left turn movements in and out of the site access and shall be designed and constructed in accordance with the RTA's Road Design Guidelines
3. The application will be required to enter into a Works Authorisation Deed with the RTA for the proposed Type CHR and BAL treatments on Menangle Road. In this regard the developer is required to submit detailed design and all relevant additional information, as may be required in the RTA's Works Authorisation Deed document for each specific change to state road network for the RTA's assessment and final decision concerning the work.
4. All road works associated with the proposed development shall be at no cost to the RTA.

## **26. Traffic Committee**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

## **27. Traffic Control Plans**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the *RTA manual "Traffic Control at Work Sites"* and *Australian Standard AS 1742.3 (as amended)*. A copy of the approved TCP shall be kept on site for the duration of the works in accordance with *Work Cover Authority* requirements. A copy shall be submitted to Council for its records.

## **28. Environmental Impacts of Flood Flows**

The applicant shall provide to the satisfaction of Council a supplementary flood impact assessment report which demonstrates that the environmental impacts of flood flows in the Nepean River flowing in and out of the extracted area does not create an area of high erosion or potentially cause a worse situation at the confluence of the Nepean River and Howes Creek.

For this report, a range of storm events (Average Recurrence Interval and duration combinations) will need to be considered.

The applicant will need to demonstrate that the proposed planting (or alternate treatment) is sufficient to withstand the predicted velocities at the confluence.

This report shall be provided prior to issue of the construction Certificate.

## **29. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be as per the levels set by a Council approved flood study. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

## **30. Inundation by Flood Waters**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and detailed hydrological and hydraulic calculations (all to AHD) prepared by an experienced practising hydraulics engineer in accordance with:

- 1 the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2* and
- 2 the recommendations contained in the Environmental Report Reference 201160 dated 6/10/2009 prepared by Harvest Scientific Services for Landcom

as it is considered that the subject development is at risk of inundation by floodwaters due to overland flow affecting the property.

The plans shall include details of:

- a. The calculated 100 year flows at this location and the extent of any inundation affecting the development;
- b. Any effect on adjacent properties upstream or downstream, public or private, likely to be caused by the development; and
- c. Measures proposed to ensure compliance and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

In addition to the above:

- i. Any habitable floor levels shall be in accordance with the freeboard requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for Construction of Subdivision Road and Drainage Works' (as amended), AS3789 'guidelines for Earthworks for Commercial and Residential Development (as amended)', and the approved construction drawings.
- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan certified by a registered surveyor shall be submitted to Council for approval prior to release of the occupation certificate.

### **31. Work on Public Land**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense, and a compliance certificate approving the works shall be obtained from Council prior to the Principal Certifying Authority issuing an Occupation Certificate.

### **32. Section 94A Developer Contribution - Community Facilities and Services**

Prior to Council or an accredited certifier issuing a construction certificate (or where a construction certificate is not required, a subdivision certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the proposed development exceeds \$100,000, the applicant is required to include a cost summary report with the construction certificate application setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000 - a cost summary report by a person who, in the opinion of the Council, is suitably qualified to provide a cost summary report (Cost Summary Report Template 1), or
- where the value of the proposed development is \$500,000 or more - a detailed cost report by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Cost Summary Report Template 2).

Copies of the Cost Summary Report Templates 1 and 2 are located under "Developer Contributions" on Council's web site ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)) or can be collected from Council's Planning and Environment Division during normal business hours.

All cost estimates will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

**Note: This condition is only applicable where the total development value exceeds \$100,000.**

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

### **33. Extraction and Rehabilitation Review**

The applicant shall submit to the satisfaction of Council an amended Extraction and Rehabilitation Review Plan which reflects the 40m setback from the Nepean River (top of bank). Details are to be provided prior to commencement of works on-site.

### **34. Access to the Site**

The applicant shall provide documentary evidence that legal access to the site over Council Land and the Harness Racing NSW has been obtained prior to commencement of works.

### **35. Contact Details**

A sign shall be erected at the entrance to the property and/or a location that is visible from a public place which clearly states that in the event of complaint to contact the relevant company employee providing a name, telephone number and email address. The sign is to be legible and maintained at all times. Details are to be provided to the satisfaction of Council prior to commencement of works.

### **36. Heritage Recordings**

The applicant shall undertake photographic archival recordings of Brians Farm and the Chinese Gardens in accordance with Heritage Branch guidelines and recommendations contained in the Rappoport Pty Ltd Report (Appendix 13 of the EIS). This documentary evidence shall be submitted to Council for archival recording prior to commencement of works.

### **37. Vegetation Offset**

Prior to commencement of works the applicant shall provide to the satisfaction of Council the following Plans:

- a. A bush regeneration management plan which aims to improve the condition of retained River Flat Eucalypt Forest endangered ecological community (EEC). The bush regeneration plan is to supplement the Bush Regeneration and Vegetation Offsets which were identified in the supplementary information received by DECCW on 9 November 2010.
- b. A bush regeneration management plan which aims to improve the condition the retained remnant vegetation along the Nepean River corridor.



- c. the Applicant shall provide a supplementary report which recognises the connectivity of the classified exotic woodland with higher quality River Flat Eucalypt Forest (RFEF) adjacent to the Nepean River as well as provide more definitive statements in regard to the level of impact on the movement of fauna in the habitat corridor adjacent to the Nepean River.

The bush regeneration management plan must be prepared by a consultant accredited with the Association of Bush Regenerators and be consistent with the Recovering Bushland on the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland (DECCW 2005).

#### **38. Vehicular Access During Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

#### **39. Soil and Water Management Plan**

A detailed soil and water management plan shall be submitted to the satisfaction of Council prior to commencement of works.

#### **40. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

### **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

#### **41. Construction Work Hours**

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

#### **42. Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications, the recommendations contained in Volume 2, Appendix 5 of the EIS prepared by Harvest Scientific Services for Landcom and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

**Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.**

#### **43. Fill Compaction Requirements**

Any filling carried out in accordance with this consent shall maintain a minimum density of 98% standard compaction and tested every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

#### **44. Fill Contamination**

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall also state that all of the fill material is suitable for the proposed use on the land.

#### **45. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

#### **46. Earth Works/Filling Works**

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's *'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended)*, AS 3798 *'Guidelines for Earthworks for Commercial and Residential Development' (as amended)*, and approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

#### **47. Revegetation**

Revegetation to the requirements of the manual – *'Soils and Construction (2004) (Bluebook)* and complying with the recommendations contained in the Volume 2 Appendix 5 of the EIS Report prepared by Harvest Scientific Services for Landcom shall be applied to all disturbed areas within seven days after completion of earthworks, and shall be fully established prior to release of the maintenance security bond.

#### **48. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual *"Traffic Control at Work Sites" (as amended)*, all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that are considered to be unsafe, and recover all reasonable costs incurred from the applicant.

#### **49. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,*
- c. All relevant Australian Standards and State Government publications.

#### **50. Pavement Thickness Determination**

A road pavement design and pavement thickness report from a N.A.T.A. registered laboratory appointed by the applicant in accordance with the relevant RTA standards and specifications shall be completed for the site intersection with Menangle Road. This report shall be forwarded to the principal certifying authority a minimum of 2 working days prior to the inspection of exposed sub grade for pavement thickness determination.

#### **51. Associated Works**

The applicant shall undertake any works external to the development that are made necessary by the development, including additional road and drainage works or any civil works directed by Council to make a smooth junction with existing work.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

#### **52. Menangle Road Intersection Works**

An occupation certificate shall not be issued until the Type CHR and Type BLA intersection treatments on Menangle Road are fully constructed and operational to the RTA's satisfaction. Two complete sets of the fully marked up and certified works as executed plans, shall be provided to both the RTA and Council.

#### **53. Restoration of Public Roads**

Prior to the principal certifying authority issuing an occupation certificate, the restoration of any public road and associated works required as a result of the development shall be completed to the RTA's satisfaction and all costs shall be paid by the applicant.

#### **54. Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

#### **55. Council Fees and Charges**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

## **56. General Terms of Approval**

### **Department of Environment, Climate Change and Water (DECCW) - Notice No: 1121287.**

The Department of Environment, Climate Change and Water (DECCW) has issued its General Terms of Approval (Notice No: 1121287) as three (3) Attachments being Attachment A, B and C. These Attachments form a part of Appendix No 1 of this consent.

**Attachment A** - contains the DECCW General Terms of Approval, in accordance with Integrated Development Approval, for Activities that require an EPA licence under the *Protection Of the Environment Operations Act 1997*.

**Attachment B** - Attachment B contains the DECCW General Terms of Approval, in accordance with Integrated Development Approval, for those known Aboriginal sites which would require s.90A consideration in accordance with the *National Parks and Wildlife Act 1974*.

**Attachment C** - contains the DECCW (NSW Office of Water) General Terms of Approval, in accordance with Integrated Development Approval, for works requiring a Controlled Activity Approval under the *Water Management Act 2000*.

## **57. Department of Industry and Investment (I&I NSW)**

The Department recommends the following conditions are included in any development consent issued for this activity as currently proposed. These conditions seek to mitigate potential impacts to the aquatic habitat of the Nepean River from excavation activities and ensure that long term outcomes for the riparian zone are aligned with I&I NSW policies. Although the more precautionary approach of avoiding extraction within 50m of the Nepean River is I&I NSW's preferred option to protect aquatic habitats from potential disturbance, the variation to work within the zone has been considered by I&I NSW in this instance as the proposal includes measures to improve the functioning and current poor condition of the riparian zone (i.e. heavily eroded and disturbed) over the longer term.

1. A Controlled Activities Approval under the *Water Management Act* is to be obtained from the NSW Office of Water prior to these works commencing.
2. The proposed Erosion and Sediment Control Plan (Harvest Scientific Services, 2/10/2009) for this activity is implemented. Mitigation measures are to be established prior to excavation as required, monitored daily and maintained as detailed in the Erosion and Sediment Control Plan. Sediment fencing is to be installed where there is a risk of soil loss to waters.
3. No extraction within the zone of land on the riverbank of the Nepean River between elevation 59.2 AHD and the low-bank water level of the river at 56.2 AHD is to occur.
4. To minimise the period of soil exposure, it is recommended that vegetation within each cell be removed just prior to the excavation of that cell and that rehabilitation activities are commenced within 14 days after the extraction of available resource within a cell is complete.
5. Bank extraction along the Nepean River is to be conducted according to the staged approach outlined in the EIS for this proposal. To further minimise bank slumping during this process, the vegetation on the bank of the Nepean River to be excavated is to be

removed shortly prior to the excavation of that portion of the riverbank. This will result in a staged approach to the removal of bank vegetation in each extraction cell along the Nepean River.

6. Riparian zones are revegetated with local native species and subsequently monitored to ensure successful establishment, in accordance with the Vegetation Management Plan for these works. Erosion and sediment controls implemented during rehabilitation works are to be maintained until ground cover is well established.
7. Rehabilitation activities in the buffer zone adjacent to the Nepean River are to include measures to manage any erosion within this zone so that the long term stability of the adjacent regraded and restored river bank following excavation is not compromised.

## **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

### **Advice 1. Environmental Planning and Assessment Act 1979 Requirements**

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

### **Advice 2. Tree Preservation Order**

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

### **Advice 3. Disability Discrimination Act**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA). However, your attention is drawn to the existence of the DDA1992 and that compliance with the various requirements of the BCA does not provide automatic compliance with the DDA1992. In this regard it is the sole responsibility of the owner, builder and applicant to ensure compliance with the DDA1992.

#### **Advice 4. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

#### **Advice 5. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

#### **Advice 6. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

#### **Advice 7. Salinity**

Please note that Campbelltown is an area of known salinity potential and any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

#### **Advice 8. Dial 1100 Before you Dig**

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

## APPENDIX 1 – GENERAL TERMS OF APPROVAL

### ATTACHMENT A

Environment Protection Licence - Protection of the Environment Operations Act 1997

## General Terms of Approval

Notice No: 1121827



Environment,  
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### ADMINISTRATIVE CONDITIONS

**Note: Mandatory conditions for all general terms of approval**

#### A1. Information supplied to the EPA

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application 2165/2009/DA-DE submitted to Campbelltown Council on 15 October 2009;
- Environmental Impact Statement (EIS) Sand and Soil Extraction and Processing Facility, Menangle Park NSW October 2009 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including:
  - a) Supplementary Report – EIS Sand and Soil Extraction and Processing Facility, Menangle Park NSW dated July 2010; and
  - b) Review of DECCW 10 September 2010 Correspondence and 18 October 2010 meeting outcomes dated 2 November 2010 (Landcom).

#### A2. Fit and Proper Person

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

### Discharges to air and water and applications to land

#### P1 Location of monitoring/discharge points and areas

P1.1 Not applicable.

P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

P1.3 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

#### *Water and land*

EPA identification no.	Type of monitoring point	Type of discharge point	Description of location
1	Discharge to waters Discharge quality monitoring	Discharge to waters Discharge quality monitoring	Any location within Howes Creek and within the extractive activity boundary.

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## Limit conditions

### L1. Pollution of waters

**L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

### L2. Load limits

**L2.1** Not applicable

### L3. Concentration limits

**L3.1** For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

**L3.2** Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

**L3.3** To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

#### Point 1

#### Water and Land

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Total suspended solids	mg/L				30
pH	pH				6.5-8.5

### L4. Volume and mass limits

**L4.1** Not applicable

### L5. Waste

**L5.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L5.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.



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**L6.5** A breach of this Environment Protection Licence will still occur where noise generated from the premises in excess of the appropriate limit specified in the condition L6.1 is detected:

- in an area at a location other than an area prescribed by conditions L6.4(b)(i) or L6.4(b)(ii); and/or
- at a point other than the most affected point at a location.

**L6.6** For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

### Hours of operation

**L6.4** All construction and extraction work at the premises must only be conducted between 7am to 4pm Monday to Friday and 7am to 2pm Saturday and at no time on Sundays or public holidays.

**L6.5** Activities at the premises, other than construction and extraction work, may only be carried on between 6am to 5pm Monday to Friday and 6am to 3pm Saturday and at no time on Sundays or public holidays.

**L6.6** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L6.4 or L6.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L6.7** The hours of operation specified in conditions L6.4 and L6.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

### L7. Blasting

**L7.1** No blasting is permitted on the site at any time.

## Operating conditions

**01.1 Odour** The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

### 02. Dust

**02.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**02.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

### 03. Stormwater/sediment control - Construction Phase

**03.1** A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Volume 2E Soils and Construction Mines and Quarries* (available from the DECCW website):

<http://www.environment.nsw.gov.au/resources/stormwater/08208soilsconststorm2e.pdf>

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### 04. Stormwater/sediment control - Operation Phase

**04.1** A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from DECCW website )

<http://www.environment.nsw.gov.au/resources/stormwater/usp/chbody.pdf>

### 05. Waste Water Utilisation Areas

Not applicable

### 06. Maintaining Waste Water Utilisation Areas

Not applicable

### 07. Noise

Blast management protocol

**07.1** Not applicable

## Monitoring and recording conditions

*Note: Conditions should be used where applicable (ie where the general terms of approval have indicated limits). If it is proposed to include monitoring conditions in the general terms of approval, condition M1 will need to be included as a general term.*

### M1 Monitoring records

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken:

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- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

## M2. Requirement to monitor concentration of pollutants discharged

**M2.1** For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

**Point 1** Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
Total suspended solids	mg/L	Daily during any discharge	Composite sample
pH	pH	Daily during any discharge	Grab sample

## M3. Requirement to monitor volume or mass

**M3.1** Not applicable

## M4. Testing methods - concentration limits

*(Licences with air monitoring requirements)*

**M4.1** Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

*(Licences with water/ land monitoring requirements)*

**M4.2** Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M3** must be done in accordance with:

- the Approved Methods Publication; or

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- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,
- unless otherwise expressly provided in the licence.

### Blast Monitoring

M5.1 Not applicable

## Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

### General Conditions

#### G1. Community liaison

G1.1 Not applicable

## Special Conditions

### Dust Monitoring Plan

a) The proponent must prepare and implement a dust monitoring program that:

- quantifies dust impacts at the most sensitive receptor(s) as defined by the results of the EA;
  - For the range of normal operating scenarios at the proposal site;
  - For variable meteorological conditions;
- is implemented within 1 month of operational activities beginning at the proposal site; and
- operates for the full period of extraction activities at the proposal site.

b) The proponent must submit a report to the Manager of Illawarra Branch for DECCW detailing all elements of the dust monitoring plan with the Protection of the Environment Operations Act licence application to assist DECCW in the drafting of the licence.

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### **ATTACHMENT – MANDATORY CONDITIONS FOR ALL EPA LICENCES**

#### **ADMINISTRATIVE CONDITIONS**

##### **Other activities**

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Wet and dry processing;
- Blending of materials;
- Stockpiling of final product; and
- Weighing and exporting off site.

#### **OPERATING CONDITIONS**

##### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

- This includes:
  - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
  - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

##### **Maintenance of plant and equipment**

- All plant and equipment installed at the premises or used in connection with the licensed activity:
  - must be maintained in a proper and efficient condition; and
  - must be operated in a proper and efficient manner.

#### **MONITORING AND RECORDING CONDITIONS**

##### **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

- The record must include details of the following:
  - the date and time of the complaint;
  - the method by which the complaint was made;
  - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - the nature of the complaint;

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the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

### Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## REPORTING CONDITIONS

### Annual Return documents

#### What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
  - a Statement of Compliance; and
  - a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

### Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
  - the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
  - the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
  - in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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### **Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

### **Notification where actual load can not be calculated**

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

- The notification must specify:
  - the assessable pollutants for which the actual load could not be calculated; and
  - the relevant circumstances that were beyond the control of the licensee.

### **Licensee must retain copy of Annual Return**

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### **Notification of environmental harm**

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### **Written report**

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- The request may require a report which includes any or all of the following information:
  - the cause, time and duration of the event;
  - the type, volume and concentration of every pollutant discharged as a result of the event;
  - the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
  - the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - (details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
  - (any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

### **GENERAL CONDITIONS**

#### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



## ATTACHMENT B

Environment Protection Licence - Protection of the Environment Operations Act 1997

### **General Terms of Approval**



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## ATTACHMENT B

### Aboriginal Cultural Heritage

The Department of Environment and Climate Change's general terms of approval, in accordance with Integrated Development Approval, for those known Aboriginal sites which would require s.90A consideration in accordance with the *National Parks and Wildlife Act 1974*.

#### General Terms of Approval

The Department's General Terms of Approval are provided as follows, should council decide to grant development consent:

1. The applicant must apply for an Aboriginal Heritage Impact Permit (AHIP) to impact Aboriginal objects/sites pursuant to the National Parks and Wildlife Act 1974.
2. The applicant must liaise with DECCW regarding the nature and scope of any future AHIP applications.
3. Prior to the granting of Development Consent, the applicant must provide information on the proposed mechanism for the protection and long term management of (1) the area on the northern side of the Nepean River and Howes Creek confluence and (2) the area identified in Jo McDonald Cultural Heritage Management Pty Ltd's report *Test Excavation & Archaeological assessment of Aboriginal PAD #52-2-3676: Proposed Soil and Sand Extraction at Menangle Park West, NSW (September 2009)* as good archaeological potential.
4. The identified areas must be made inaccessible with temporary fencing for the duration of the proposed works in order to ensure that they are not inadvertently damaged.
5. No vehicular access or earth disturbing works will be permitted within the two areas.
6. The two areas must not be used as storage areas.
7. All people employed to participate in the proposed works must undergo a site induction and briefed on the Aboriginal cultural heritage significance of the area and relevant consent conditions.

DECCW notes that the proponent has reconfigured the development to avoid impacts to the area assessed to be of good archaeological potential as identified in the *Test Excavation & Archaeological assessment of Aboriginal PAD #52-2-3676: Proposed Soil and Sand Extraction at Menangle Park West, NSW (September 2009)* report and has excluded an area on the northern side of the Nepean – Howes Creek confluence, however, there is no strategy identified to protect, conserve and manage long term the values that have been identified. DECCW recommends that prior to granting development consent the applicant must commit to how this will be addressed.

### Biodiversity

The following information is provided to assist Council during its assessment of the proposal.

#### Offset options

- o Supplementary information received by DECCW on 9 November 2010 states that the development will impact 0.35 hectares of River Flat Eucalypt Forest in good condition.

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- River Flat Eucalyptus Forest is an endangered ecological community (EEC) under the *Threatened Species Conservation Act 1995* (TSC Act).
- The measure proposed to offset the loss of 0.35 hectares of River Flat Eucalypt Forest is to revegetate 1.05 hectares.
- The *Proposed Framework for Vegetation Offset* (GHD, 2010) makes reference to two offset options, specifically; (i) bush regeneration to improve condition of retained remnant vegetation and (ii) revegetation to help compensate for vegetation loss.

Council may wish to consider whether bush regeneration to improve condition of retained River Flat Eucalypt Forest EEC as a more preferable option.

### Bush regeneration works along the Nepean River corridor

- Appendix A, Figure 2 of the *Proposed Framework for Vegetation Offset* identifies that bush regeneration to improve condition of retained remnant vegetation is to be undertaken, outside the area of extraction, along the Nepean River corridor.

Council may wish to seek a commitment towards bush regeneration works along the Nepean River corridor from the proponent.

### Security and resourcing offsets

- Supplementary information received by DECCW on 9 November 2010 states that 6.18 hectares will be revegetated to offset the development (inclusive of 1.05 hectares of revegetated River Flat Eucalyptus Forest).
- The *Proposed Framework for Vegetation Offset* (GHD, 2010) makes reference to the use of E2 zones and conservation covenants for retained remnant vegetation and offset plantings.

Council may wish to seek options for the legal security of any offsets in perpetuity, and a commitment towards resourcing its ongoing management from the proponent.

## ATTACHMENT C

Environment Protection Licence - Protection of the Environment Operations Act 1997

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### General Terms of Approval — for works requiring Approval under the Water Management Act 2000

Our Reference		10 ERM2009/1226	File No:	9052855
Site Address		Menangle Road, MENANGLE PARK being Lot D DP19853, Lot X 378264		
DA Number		2165/2009/DA-DE		
LGA		Campbelltown City Council		
Number	Condition			
Plans, standards and guidelines				
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 2165/2009/DA-DE and provided by Council. Also:</p> <p>(i) Statement of key commitments item 3 of Landcom letter dated 2 November 2010 (ref:DOC10/35439)</p> <p>(ii) Figures 1, 2 and 3 attachment B of Landcom letter dated 2 November 2010 (ref: DOC10/35439)</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>			
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the Nepean River and/or Howes Creek.</p>			
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Works Schedule</p> <p>(iii) Erosion and Sediment Control Plan</p> <p>(iv) Soil and Water Management Plan</p> <p>(v) Amendments to any of the Plans submitted.</p>			
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at</p> <p><a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx">http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx</a></p> <p>(i) Vegetation Management Plans</p> <p>(ii) Riparian Corridors</p> <p>(iii) In-stream works</p> <p>(iv) Outlet structures</p> <p>(v) Watercourse crossings</p>			
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>			
Rehabilitation and maintenance				
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.</p>			

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Our Reference	10 ERM2009/1226	File No:	9052855
Site Address	Menangle Road, MENANGLE PARK being Lot D DP19853, Lot X 378264		
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.		
Reporting requirements			
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
Security deposits			
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.		
Access-ways			
10	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.		
Bridge, causeway, culverts, and crossing			
11	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.		
12	The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.		
Disposal			
13	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
Drainage and Stormwater			
14	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.		
15	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.		
Erosion control			
16	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.		
Excavation			
17	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
18	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.		

# General Terms of Approval



Environment,  
Climate Change  
& Water

Notice No: 1121827

Our Reference	10 ERM2009/1226	File No:	9052855
Site Address	Menangle Road, MENANGLE PARK being Lot D DP19853, Lot X 378264		
Maintaining river			
19	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.		
20	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.		
River bed and bank protection			
21	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 40 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.		
22	The consent holder must establish a riparian corridor along the Howes Creek in accordance with a plan approved by the NSW Office of Water.		
Ground Water			
23	An authorisation is to be obtained from the NSW Office of Water with the appropriate purpose identified for any activity relating to the taking of or interception of groundwater prior to that activity commencing		
24	A groundwater monitoring program is to be established and maintained to the satisfaction of the NSW Office of Water; the monitoring schedule and parameters to be monitored are to meet the requirements of the NSW Office of Water		
25	The results of groundwater monitoring are to be reported to the NSW Office of Water regularly, at a frequency consistent with the reporting arrangements required by other authorities or agencies to avoid duplication of effort where practical		
26	Extraction activity is not to occur within two metres of the water level found to be representative of the alluvial groundwater system across the site based on the results of the monitoring program identified above or to the satisfaction of the NSW Office of Water.		
END OF CONDITIONS			