

36. Prior to the commencement of construction within the Stage 5 areas and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in close proximity to the site that:
- complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
 - is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

33. Delete the heading "Flora and Fauna" and replace with "Biodiversity".

34. Following condition 37 of Schedule 3 insert:

Stage 5 Biodiversity Offsets

- 37A. Prior to any clearing of vegetation in Stage 5B, or other timeframe agreed by the Planning Secretary, the Applicant must retire the biodiversity credits listed in Table 6. The retirement of credits must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

Table 6: Stage 5 Biodiversity credit requirements

Credit Type	Credits Required
Ecosystem Credits	
Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions (PCT659 – Bangalay – Old-man Bangalay open forest on coastal sands, Sydney Basin Bioregion and South East Corner Bioregion)	71
Species Credits	
Southern Myotis (<i>Myotis Macropus</i>)	19
Masked Owl (<i>Tyto novaehollandiae</i>)	71
Barking Owl (<i>Ninox connexus</i>)	71

35. Delete conditions 38, 39, 40 and 41 of Schedule 3 and replace with:

Flora and Fauna Management Plan

38. Prior to undertaking any vegetation clearing associated with Modification 2, the Applicant must update the Flora and Fauna Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- be prepared by suitably qualified ecologist and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - be prepared in consultation with Shellharbour Council, Kiama Council and Fisheries NSW;
 - describe the short, medium and long-term measures to be undertaken to manage remnant vegetation and fauna habitat on the site;
 - describe the measures to be implemented within the approved disturbance areas to:
 - minimise the amount of clearing where practicable (eg through adaptive management of ancillary infrastructure) and delineate the areas of vegetation to be cleared;
 - ensure that clearing is undertaken progressively;
 - minimise impacts on fauna, including undertaking pre-clearance surveys;
 - provide for the reasonable salvage, transplanting and/or propagation of threatened flora found during pre-clearance surveys, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee et al., 2004); and
 - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
 - describe the measures to be implemented on the site to:
 - minimise impacts to threatened ecological communities listed under the BC Act and contribute to conservation strategies for these communities;

- (ii) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber, hollow-bearing trees and downstream fish habitats;
- (iii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors including through the revegetation of appropriate canopy, sub-canopy, understorey and ground strata within the wetland vegetation to be established around the pond verges;
- (iv) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows in the final landform and promote the use of these introduced habitat features by threatened fauna species;
- (v) manage any potential conflicts with Aboriginal heritage values;
- (vi) protect vegetation and fauna habitat outside of the approved disturbance areas;
- (vii) manage the collection and propagation of seed from the local area;
- (viii) control noxious weeds, including measures to avoid and mitigate the spread of noxious weeds;
- (ix) control feral pests with consideration of actions identified in relevant threat abatement plans;
- (x) control erosion;
- (xi) manage any grazing and agriculture;
- (xii) control access to vegetated or revegetated areas; and
- (xiii) manage bushfire hazards;
- f) include a seasonally based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and identify any improvements that could be implemented to improve biodiversity outcomes;
- g) include a Compensatory Habitat Management Plan that:
 - (i) describes the compensatory habitat proposal;
 - (ii) justifies why the proposed area(s) is suitable for the compensatory habitat proposal, including how the area will integrate with existing habitat areas on and near the site;
 - (iii) establishes baseline data for the existing habitat in the proposed area(s);
 - (iv) describes how the compensatory habitat proposal would be implemented;
 - (v) sets completion criteria for the compensatory habitat proposal; and
 - (vi) describes how the performance of the compensatory habitat proposal would be monitored over time;
- h) include detailed performance and completion criteria for evaluating the performance of the compensatory habitat and offset requirements of conditions 37 and 37A and rehabilitation of the site, including triggers for remedial action, where these performance or completion criteria are not met; and
- i) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

39. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.

HERITAGE

Protection of Heritage Items

40. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside of the approved disturbance areas, beyond those impacts predicted in the documents listed in condition 2(c) of Schedule 2.

Heritage Management Plan

41. Prior to undertaking any development in Stage 5, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:
- a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
 - b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW;
 - c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;
 - d) describe the procedures and management measures to be implemented on the site to:
 - (i) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;