

# Development Consent

## Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Infrastructure and Planning, approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

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 on-going environmental management of the development.

Craig Knowles, MP  
**Minister for Infrastructure and Planning**

Sydney,

2004

File No. S03/02385

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### SCHEDULE 1

<b>Development Application:</b>	DA No. 344-11-2001
<b>Applicant:</b>	Sitegoal Pty Ltd (A.C.N. 052 317 503)
<b>Consent Authority:</b>	Minister for Infrastructure and Planning
<b>Land:</b>	Lot 6, DP 872230, Part Lot 194, DP 751651 Lidsdale State Forest No 707
<b>Proposed Development:</b>	To develop and operate a hard rock quarry and associated infrastructure with access from the Great Western Highway, including crushing and transport of product.
<b>State Significant Development:</b>	The proposal is classified as State significant development, under Section 76A(7) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is an extractive industry where the proposed extraction rate is greater than 200,000 tonnes per annum, and consequently satisfies the criteria in the declaration made by the then Minister for Urban Affairs and Planning on 3 August 1999.

**Integrated Development:**

The proposal is classified as integrated development, under Section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires additional approvals under the:

- *Protection of the Environment Operations Act 1997*; and
- *Roads Act 1993*.

**Designated Development:**

The proposal is classified as designated development, under Section 77A of the *Environmental Planning and Assessment Act 1979*, because it is for an extractive industry that would “obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year”, and consequently meets the criteria for designated development in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

**BCA Classification:**

Class	5	Office/amenities building
Class	8	Workshop/storage building

*Notes:*

- *To find out when this consent becomes effective, see Section 83 of the Environmental Planning and Assessment Act 1979;*
  - *To find out when this consent is liable to lapse, see Section 95 of the Environmental Planning and Assessment Act 1979; and*
  - *To find out about appeal rights, see Section 97 of the Environmental Planning and Assessment Act 1979.*
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## SCHEDULE 2

### DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Sitegoal Pty Ltd
BCA	Building Code of Australia
CCC	Community Consultative Committee
Council	Council of the City of Lithgow
DA	Development Application
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DEC	Department of Environment and Conservation (includes the former Environment Protection Authority and the National Parks and Wildlife Service)
Department Director-General	Department of Infrastructure, Planning and Natural Resources Director-General of the Department of Infrastructure, Planning and Natural Resources, or delegate
DPI	Department of Primary Industries (includes the former Department of Mineral Resources)
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	Evening is defined as the period from 6pm to 10pm
GTA	General Term of Approval
Land	Land means the whole of a lot in a current plan registered at the Land Titles Office at the date of this consent
Material	Quartzite, rock aggregate and any other product won by the development
Minister	Minister for Infrastructure and Planning, or delegate
Night	Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PCA	Principal Certifying Authority appointed under Section 109E of the EP&A Act
Privately-owned land	Land for which a private agreement does not exist between the Applicant and the land owner
RTA	NSW Roads and Traffic Authority
SCA	Sydney Catchment Authority
Site	Land to which the DA applies
Work	The development and operation of the proposed hard rock quarry, including associated infrastructure and access, which is the subject of this Development Consent

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## TABLE OF CONTENTS

### 1. ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment .....	5
Scope of Approval .....	5
Mining Lease .....	5
Period of Approval .....	6
Limits on Production .....	6
Structural Adequacy .....	6
Demolition .....	6
Protection of Public Infrastructure .....	6
Operation of Plant and Equipment .....	6
Compliance .....	6

### 2. SPECIFIC ENVIRONMENTAL CONDITIONS

Noise .....	7
Blasting and Vibration .....	8
Surface Water .....	11
Bunding and Spill Management .....	13
Traffic and Transport .....	13
Fauna and Flora .....	14
Air Quality .....	15
Aboriginal Heritage .....	16
Waste Management .....	16
Visual Impact .....	17
Hazards Management .....	17
Bushfire Management .....	18
Rehabilitation .....	18

### 3. ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

Environmental Management Strategy .....	18
Environmental Monitoring Program .....	19
Annual Reporting .....	19
Independent Environmental Audit .....	19
Independent Dispute Resolution Process .....	20
Complaints Procedure .....	20
Community Consultative Committee .....	21

## CONDITIONS

### 1. ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

- 1.1 The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, and/or rehabilitation of the development.

#### Scope of Approval

- 1.2 The Applicant shall carry out the development generally in accordance with the:
- DA No. 344-11-2001;
  - EIS titled *Proposed Wallerawang Quarry*, Report 01/206.1, dated November 2001, and prepared by Pacrim Environmental;
  - Report titled *Supplementary Report to the EIS for the Proposed Wallerawang Quarry*, Report 02/206.1, dated July 2002, and prepared by Pacrim Environmental; and
  - Conditions of this consent.
- 1.3 If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.
- 1.4 The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
- Any reports, plans or correspondence that are submitted by the Applicant in accordance with this consent; and
  - The implementation of any actions or measures contained in these reports, plans or correspondence.

#### Mining Lease

- 1.5 Before commencing any work on the site, the Applicant shall obtain a Mining Lease for the site from the DPI.

#### Period of Approval

- 1.6 This consent lapses 10 years from the date that the Applicant obtains a Mining Lease for the site.

#### Limits on Production

- 1.7 The Applicant shall not extract and/or transport more than 500,000 tonnes of material from the development site in any year.

#### Structural Adequacy

- 1.8 The Applicant shall ensure that all new 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.*
- Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of development.*

## Demolition

- 1.9 The Applicant shall ensure that all demolition work is carried out in accordance with AS 2601-2001: *The Demolition of Structures*.

## Protection of Public Infrastructure

- 1.10 The Applicant shall:
- Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development; and
  - Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

## Operation of Plant and Equipment

- 1.11 The Applicant shall ensure that all plant and equipment at the site, or used in connection with the development are:
- Maintained in a proper and efficient condition; and
  - Operated in a proper and efficient manner.

## Compliance

- 1.12 Prior to commencement of any construction work, the Applicant shall commission an independent person(s) or organisation(s), approved by the Director-General, to certify in writing to the satisfaction of the Director-General, that the Applicant has complied with the relevant conditions of this consent.

## 2. SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE

#### Limits

- 2.1 <sup>1</sup>The Applicant shall ensure that the noise generated by the development does not exceed the limits in Table 2.1 at any privately-owned land.

**Table 2.1: Noise limits**

<b>Day/Evening</b>	<b>Night <math>L_{Aeq(15\text{ minute})}</math></b>
43 dB(A)	39 dB(A)

#### Notes:

- Noise from the development is to be measured at the most affected point on or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the  $L_{Aeq(15\text{ minute})}$  noise limits (i.e. the equivalent continuous noise level when measured over a 15 minute period) in the above table. 5 dBA must be added to the above limits if the noise is substantially tonal or impulsive in character.
- If it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy - EPA, 2000). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

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<sup>1</sup> Incorporates DEC GTA

- c) *The noise emission limits identified in the above table apply under meteorological conditions of:*
  - *Wind speeds of up to 3 m/s at 10 metres above ground level; and*
  - *Temperature inversion conditions of up to 3°C/100m*
- d) *Noise impacts that may be enhanced by temperature inversions must be addressed by quantifying the enhanced impacts and developing and implementing measures to ameliorate the impacts.*

### **Hours of Operation**

- 2.2 <sup>2</sup>The Applicant shall ensure that all development at the site, except for the loading and dispatch of vehicles, is carried out between 7am and 6pm on weekdays, and between 8am and 1pm on Saturdays, and at no time on Sundays or Public Holidays. However, maintenance of equipment may occur at any time provided it is inaudible at all residential premises surrounding the site, and the loading and dispatch of vehicles may be carried out at any time on any day provided it complies with the noise limits in Condition 2.1.
- 2.3 <sup>3</sup>Material may be delivered to the site outside of the hours of operation in Condition 2.2 if required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances prior notification shall be provided to the DEC and affected residents as soon as possible, or within a reasonable period in the case of emergency.

### **Reactive Noise Management Plan**

- 2.4 The Applicant shall prepare and implement a Reactive Noise Management Plan for the development. This plan must:
- a) Describe what measures would be implemented to ensure that the development complies with the noise limits in Condition 2.1 at all times;
  - b) Establish a detailed protocol for regulating the use of the hydraulic hammer drill on the site, which clearly defines the adverse weather conditions during which the drill would not be used; and
  - c) Include a reactive operational noise monitoring program to identify adverse weather conditions and potential exceedances of the noise limits in Condition 2.1, and outline how this program would be integrated into the day to day management of the development.

The Applicant shall not carry out any development on the site before the Director-General has approved this plan.

### **Monitoring**

- 2.5 The Applicant shall carry out attended noise monitoring of the noise generated by the development to the satisfaction of the Director-General, in general accordance with the *NSW Industrial Noise Policy* and *AS 1055: Acoustics – Description and Measurement of Environmental Noise*.
- 2.6 The Applicant shall prepare a detailed Noise Monitoring Program for the development in consultation with the DEC, which includes a detailed noise monitoring protocol for evaluating compliance with the noise limits in Condition 2.1. The Applicant shall not carry out any development on the site before the Director-General has approved this program.

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<sup>2</sup> Incorporates DEC GTA

<sup>3</sup> Incorporates DEC GTA

## BLASTING AND VIBRATION

### Airblast Overpressure Impact Assessment Criteria

- 2.7 <sup>4</sup>The Applicant shall ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 2.2 at any residence on privately-owned land or noise-sensitive building (such as a school or hospital).

**Table 2.2: Airblast overpressure impact assessment criteria**

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts over a period of 12 months
120	0%

*Note: The airblast overpressure values in Table 2.2 apply when measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut-off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.*

### Ground Vibration Impact Assessment Criteria

- 2.8 <sup>5</sup>The Applicant shall ensure that the ground vibration level from blasting at the development does not exceed the criteria in Table 2.3 when measured at any point within 1 metre of any affected residence on privately-owned land or other noise-sensitive location (such as a school or hospital).

**Table 2.3: Ground vibration impact assessment criteria**

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts over a period of 12 months
10	0%

### Operating Conditions

- 2.9 The Applicant shall carry out blasting at the site using procedures to:
- Prevent and/or minimise the airblast overpressure, ground vibration and air pollution generated by the development; and
  - Ensure that no people, property and/or livestock are injured or damaged as a result of blasting operations.
- 2.10 <sup>6</sup>The Applicant shall only carry out blasting at the site between 9am and 5pm on weekdays, between 9am and 1pm on Saturdays, and at no time on Sundays or Public Holidays.

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<sup>4</sup> Incorporates DEC GTA

<sup>5</sup> Incorporates DEC GTA

<sup>6</sup> Incorporates DEC GTA



- 2.11 The Applicant shall not carry out any blasting within 100 metres of any Telstra infrastructure without the written permission of Telstra, and within 30 metres of any Transgrid infrastructure without the written agreement of Transgrid.
- 2.12 The Applicant shall not use electronic detonators for blasting at the site at any time.
- 2.13 The Applicant shall ensure that no flyrock leaves the site as a result of blasting for the development.

#### **Public Notice**

- 2.14 During the life of the development, the Applicant shall notify occupants of any land within 2 kilometres of the site of future blasting operations on at least a monthly basis, and of any changes to the proposed blast schedules.

*Note: The distance of 2 kilometres referred to in this and any other Condition in this development consent is to be measured from the centre of the land from which material is to be removed over the life of the development (that is, the centre of the land identified as "Proposed hardrock quarry" in Figure 1.1 of the EIS).*

#### **Property Inspection**

- 2.15 Before commencing any blasting, the Applicant shall advise all landowners within 2 kilometres of the site in writing that they are entitled to a property inspection at the Applicant's expense.
- 2.16 If the Applicant receives a written request for a property inspection from any landowner within 2 kilometres of the site, the Applicant shall at its own expense:
- a) Commission a suitably qualified person within 14 days of receiving the request – whose appointment is acceptable to both parties - to inspect and document in a written report, supported by photographs, the condition of any building or structure on the land; and
  - b) Give the landowner a copy of this property inspection report within 14 days of receiving the report.

If the Applicant or the landowner disagree with the findings of the property inspection report, either party may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (See Condition 3.10).

#### **Monitoring**

- 2.17 <sup>7</sup>The Applicant shall prepare and implement a program to monitor airblast overpressure and ground vibration at the:
- (a) Nearest and most-affected residence; and
  - (b) At least 2 other representative locations within 2 kilometres of the development site.
- 2.18 <sup>8</sup>The Applicant shall monitor the parameters in Table 2.4, using the specified units of measure, frequency, sampling method, and location in the table, relative to a particular building or structure.

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<sup>7</sup> Incorporates DEC GTA

<sup>8</sup> Incorporates DEC GTA

**Table 2.4: Airblast overpressure and ground vibration monitoring**

Parameter	Units of Measure	Frequency	Sampling Method	Location
Airblast overpressure	dB(Lin Peak)	During every blast	AS2187.2-1993 <sup>1</sup>	Not less than 3.5m or more than 30m from a building or structure
Peak particle velocity	mm/s	During every blast	AS2187.2-1993	Not more than 30m from a building or structure

<sup>1</sup>Standards Australia, 1993, AS2187.2-1993: Explosives - Storage, Transport and Use - Use of Explosives.

- 2.19 The Applicant shall prepare and implement a detailed Blasting Monitoring Program for the development in consultation with the DEC. The Applicant shall not carry out any development on the site before the Director-General has approved this program.

### Property Investigations

- 2.20 If any landowner within 2 kilometres of the development site claims that his/her property has been damaged as a result of blasting at the development, the Applicant shall at its own expense:
- Commission a suitably qualified person within 14 days of receiving this claim in writing – whose appointment is acceptable to both parties - to investigate the claim in detail, including consideration of any report prepared as provided for in Condition 2.16; and
  - Give the landowner a copy of the property investigation report within 14 days of receiving the report.

If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant shall at its own expense repair the damages to the satisfaction of the Director-General.

If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (See Condition 3.10).

### Blasting/Vibration Management Protocol

- 2.21 <sup>9</sup>The Applicant shall prepare and implement a Blasting/Vibration Management Protocol for the development to the satisfaction of the DEC. This Protocol must include, but need not be limited to the following matters:
- Compliance standards;
  - Mitigation measures;
  - Remedial action;
  - Monitoring methods and program;
  - Measures to protect underground utilities;
  - Notification procedures for neighbours prior to detonation of each blast;
  - Measures to ensure no damage by flyrock to people, property, livestock and powerlines; and
  - Investigating and responding to complaints from neighbours or other sources.

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<sup>9</sup> Incorporates DEC GTA

## SURFACE WATER

### Pollution of Waters

- 2.22 <sup>10</sup>Except as may be expressly provided by a DEC licence, the Applicant shall comply with Section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the development.

### Stormwater Discharge Limits

- 2.23 <sup>11</sup>Except as may be expressly provided by a DEC licence, the Applicant shall ensure that stormwater discharges from the development comply with the limits in Table 2.5 under normal conditions:

**Table 2.5: Discharge Limits**

Pollutant	Units of measure	100 percentile concentration limit
TSS	mg/L	30
Sulfate	mg/L	250
G & O	mg/L	5
EC	MS/cm	1500
pH	pH Units	6.5 – 8.5

*Note: This Condition does not authorise the pollution of waters by any other pollutants.*

### Operating Conditions

- 2.24 The Applicant shall carry out the development in a way that prevents and/or minimises the potential surface water impacts of the development.
- 2.25 <sup>12</sup>The Applicant shall prepare and implement a Soil and Water Management Plan for the construction of the development, in accordance with the relevant requirements in the Department of Housing's publication *Managing Urban Stormwater: Soils and Construction*.
- 2.26 <sup>13</sup>The Applicant shall prepare and implement a Stormwater Management Scheme for the operation of the development, in accordance with the Stormwater Management Plan for the catchment, and if this has not been prepared yet, the guidance contained in the DEC's publication *Managing Urban Stormwater: Council Handbook*.
- 2.27 <sup>14</sup>The Applicant shall only apply wastewater to the wastewater use area in accordance with an approved Water Management Plan (see Condition 2.29).
- 2.28 <sup>15</sup>The Applicant shall ensure that spray from wastewater application to the wastewater use area does not drift beyond the boundary of the wastewater use area.

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<sup>10</sup> Incorporates DEC GTA

<sup>11</sup> Incorporates DEC GTA

<sup>12</sup> Incorporates DEC GTA

<sup>13</sup> Incorporates DEC GTA

<sup>14</sup> Incorporates DEC GTA

<sup>15</sup> Incorporates DEC GTA

## Water Management Plan

- 2.29 <sup>16</sup>Before carrying out any development on the site, the Applicant must prepare a Water Management Plan in consultation with the SCA, and to the satisfaction of the DEC. This Plan must include the following protocols:
- a) Wastewater management for beneficial use;
  - b) Monitoring wastewater;
  - c) Soil and water management plan (see Condition 2.25);
  - d) Stormwater management scheme (see Condition 2.26);
  - e) Monitoring stormwater discharges; and
  - f) Beneficial reuse.

## Monitoring

- 2.30 <sup>17</sup>The Applicant shall carry out water monitoring of the development to determine any surface water impacts on land or receiving waters to the satisfaction of the DEC.

## BUNDING AND SPILL MANAGEMENT

- 2.31. The Applicant shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with:
- a) All relevant Australian Standards; and
  - b) The EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed in a) and b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

## TRAFFIC AND TRANSPORT

### Road Works

- 2.32 <sup>18</sup>Before carrying out any road works, the Applicant shall:
- (a) Prepare and implement plans for an appropriate entry to the proposed development; and
  - (b) Install an appropriate warning system to advise approaching motorists of heavy vehicle slowing, stopping and turning manoeuvres to the satisfaction of the RTA.

*Note: The RTA requires a full set of drawings for the proposed turnout and access works. These drawings will comprise a plan, longitudinal sections, cross sections, full drainage design, line-marking details, and signposting details, as well as a sedimentation control plan and traffic management plan. In addition, these drawings must be accompanied by a full pavement assessment for the works that form the turnout to the development.*

- 2.33 The Applicant shall ensure that all the road works associated with the development in the road reserve comply with current RTA and Austroads Design Standards, and the RTA's Quality Assurance Specifications.

- 2.34 The Applicant shall bear all the costs associated with the design, survey, construction, maintenance, and removal of any development in the road reserve.

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<sup>16</sup> Incorporates DEC GTA

<sup>17</sup> Incorporates DEC GTA

<sup>18</sup> Incorporates RTA GTA

## Operating Conditions

- 2.35 <sup>19</sup>The Applicant shall not permit road haulage vehicles to leave the development site during adverse weather conditions, which can include snow, fog or low cloud, if a sign appropriately placed by the Applicant for use in testing visibility cannot be clearly seen from a designated reference point.
- 2.36 The Applicant shall ensure that all vehicles, before they are allowed to leave the site, are cleaned of materials that may fall on the road.
- 2.37 <sup>20</sup>The Applicant shall ensure that trucks entering and leaving the site that are carrying loads are covered at all times, except during loading and unloading.

## FAUNA AND FLORA

### Flora and Fauna Management Plan

- 2.38 The Applicant shall prepare and implement a Flora and Fauna Management Plan for the development. This plan must:
- a) Incorporate a protocol for effectively identifying any threatened species of flora and fauna and avoiding or minimizing the potential impact of the development on these species, including but not limited to the Yellow-bellied Sheathtail Bat and the Bathurst Copper Butterfly.
  - b) Describe the actions, measures and operating conditions to be implemented in order to:
    - Ensure that the existing vegetation on the development site is properly identified and documented before the development commences;
    - Ensure that all natural bushland directly adjoining the development site and bushland to be conserved within the development site is not damaged or disturbed by its operations;
    - Protect, conserve, and where feasible improve the quality of existing vegetation on the development site, including land not actually disturbed by the development;
    - Re-vegetate land on the development site; and
    - Minimise the potential impacts of the development on flora and fauna.
  - c) Describe the intended procedures to:
    - Salvage, store and reuse material from the development site such as soil, seeds, tree hollows, rocks, logs etc ;
    - Clear vegetation on-site;
    - Control erosion and sediment flows;
    - Collect and propagate seeds from the local area;
    - Control weeds on the development site;
    - Control access to undisturbed land; and
    - Monitor the performance of the proposed actions, measures and operating conditions.
  - d) Identify who would be responsible for monitoring, reviewing, and implementing the plan.

The Applicant shall not carry out any development on the site before the Director-General has approved this plan.

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<sup>19</sup> Incorporates RTA GTA

<sup>20</sup> Incorporates DEC GTA

## AIR QUALITY

### Impact Assessment Criteria

- 2.39 The Applicant shall ensure that the air pollution generated by the development does not exceed the criteria listed in Tables 2.6, 2.7 and 2.8 at any privately-owned land.

**Table 2.6: Long term impact assessment criteria for particulate matter**

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>

**Table 2.7: Short term impact assessment criterion for particulate matter**

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>

**Table 2.8: Long term impact assessment criteria for deposited dust**

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month

*Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS 3580.10.1-1991: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.*

### Operating Condition

- 2.40 <sup>21</sup>The Applicant shall carry out the development in a way that prevents and/or minimises the air pollution generated by the development.

### Monitoring

- 2.41 The Applicant shall monitor (by sampling and obtaining results by analysis) air pollution at the most-affected residence, using the specified units of measure, averaging period, frequency, and sampling method (Table 2.9).

**Table 2.9: Air quality monitoring**

Pollutant	Units of measure	Averaging period	Frequency	Sampling method <sup>1</sup>
Deposited dust	g/m <sup>2</sup> /month	Month, annual	Continuous	AM-19

<sup>21</sup> Incorporates DEC GTA

*Note: For more information refer to NSW EPA, 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.*

- 2.42 The Applicant shall prepare and implement a detailed Air Quality Monitoring Program for the development. The Applicant shall not carry out any development on the site before the Director-General has approved this program.

### **Meteorological Monitoring**

- 2.43 The Applicant shall establish a permanent meteorological station to the satisfaction of the Director-General. The meteorological station shall continuously measure and record wind speed, wind direction, and temperature, at 2m and 10m, and rainfall.

### **ABORIGINAL HERITAGE**

- 2.44 The Applicant shall not disturb the area marked "potential site area" on Figure 3 in Attachment 1.
- 2.45 Throughout the life of the development, the Applicant shall protect and conserve the area subject to Condition 2.44, in consultation with the Bathurst Local Aboriginal Land Council, and to the satisfaction of the Director-General.

### **WASTE MANAGEMENT**

- 2.46 <sup>22</sup> Except as expressly permitted by a DEC licence, the Applicant shall not cause, permit or allow any waste generated outside the development site to be received at the development site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the development site to be disposed of at the development site.

*Note: This Condition only applies to the storage, treatment, processing, reprocessing, or disposal of waste that requires a licence under the Protection of the Environment Operations Act 1997.*

### **VISUAL IMPACT**

#### **Visual Amenity**

- 2.47 The Applicant shall carry out the development in a way that prevents and/or minimises the visual impacts of the development.
- 2.48 The Applicant shall install bunds at strategic locations around the development site, and plant additional trees along the boundary of the development site to the satisfaction of the Director-General in order to screen the development, as far as is practicable, from external viewers.
- 2.49 If an owner of any dwelling located to the west or north-west of the development requests the Applicant in writing to investigate ways to minimise the visual impact of the development at his/her dwelling, the Applicant shall:
- a) Refer the written request to the Director-General, who will decide whether the investigation is warranted and advise the Applicant accordingly;
  - b) If the Director-General decides that the investigation is warranted, commission, at the Applicant's expense, a suitably qualified person, within 14 days of receiving this request, to investigate ways to minimise the visual impacts of the development at the dwelling and for this purpose prepare a visual impact mitigation report; and
  - c) Give the owner of the dwelling a copy of the visual impact mitigation report within 14 days of receiving this report.

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<sup>22</sup> Incorporates DEC GTA

If both parties agree on the measures that should be implemented to minimise the visual impact of the development, then the Applicant shall implement these measures to the satisfaction of the Director-General.

If the Applicant and the owner of the dwelling disagree on the measures that should be implemented to minimise the visual impact of the development, then either party may refer the matter to the Director-General for resolution. If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Condition 3.10).

### **Lighting Emissions**

- 2.50 The Applicant shall take all practicable measures to prevent and/or minimise any off-site lighting impacts from the development.
- 2.51 All external lighting associated with the development shall comply with *Australian Standard AS4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

### **HAZARDS MANAGEMENT**

- 2.52 The Applicant shall ensure that the storage, handling, and transport of:
- (a) Dangerous goods is done in accordance with the relevant *Australian Standards*, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*; and
  - (b) Explosives are carried out in accordance with the requirements of the DMR.

### **BUSHFIRE MANAGEMENT**

- 2.53 The Applicant shall:
- (a) Ensure that the development is suitably equipped to respond to any fires on-site;
  - (b) Assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site.
- 2.54 Before carrying out any development on the site, the Applicant shall prepare a Bushfire Management Plan for the development site, to the satisfaction of Council and the Rural Fire Service.

### **REHABILITATION**

- 2.55 The Applicant shall rehabilitate the development site in accordance with the requirements of any Mining Lease granted by the Minister for Mineral Resources.

*Note: Condition 1.5 requires that, before carrying out any development, the Applicant shall obtain a Mining Lease for the development site from the DMR.*

## **3. ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING**

### **ENVIRONMENTAL MANAGEMENT STRATEGY**

- 3.1 The Applicant shall prepare and implement an Environmental Management Strategy for the development. This strategy must:
- a) Provide the overall strategic context for environmental management of the development, including for the environmental monitoring program and the various management plans required by this development consent;
  - b) Identify the statutory requirements that apply to the development;
  - c) Describe in general how the environmental performance of the development would be monitored and managed;
  - d) Describe the detailed procedures that would be implemented to:



- Keep the local community and relevant agencies informed about the operation and environmental performance of the development;
  - Receive, handle, respond to, and record complaints;
  - Resolve any disputes that may arise during the course of the development;
  - Respond to any non-compliance;
  - Manage cumulative impacts; and
  - Respond to emergencies; and
- e) Describe the roles, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.
- 3.2 The Applicant shall not carry out any development at the development site before the Director-General has approved the strategy referred to in Condition 3.1.
- 3.3 Within 14 days of receiving the Director-General's approval for the environmental management strategy, the Applicant shall:
- a) Send copies of the approved environmental management strategy to the relevant agencies, Council, and the CCC; and
  - b) Ensure the approved environmental management strategy is publicly available.

#### **ENVIRONMENTAL MONITORING PROGRAM**

- 3.4 The Applicant shall prepare a detailed Environmental Monitoring Program for the development, in consultation with the relevant agencies. This program must be consistent with the environmental management strategy required by Condition 3.1 and consolidate the various monitoring requirements in this development consent into a single document.
- 3.5 The Applicant shall not carry out any work at the development site before the Director-General has approved the environmental monitoring program.
- 3.6 The Applicant shall regularly review, and if necessary update the environmental monitoring program in consultation with the Director-General, and notify the relevant agencies, Council, CCC, and general public of any changes to the strategy.

#### **ANNUAL REPORTING**

- 3.7 The Applicant shall submit an Annual Environmental Management Report to the Director-General and the relevant agencies. This report must:
- a) Identify the standards and performance measures that apply to the development;
  - b) Include a detailed summary of the complaints received during the past year, and over time compare this to the complaints received in previous years since the development commenced;
  - c) Include a detailed summary of the monitoring results on the development during the past year,
  - d) Include a detailed analysis of these monitoring results against the relevant:
    - Impact assessment criteria;
    - Monitoring results from previous years; and
    - Predictions in the EIS;
  - e) Identify any trends in the performance of the development shown by monitoring over the life of the development;
  - f) Identify any non-compliance during the previous year; and
  - g) Describe what actions were, or are being taken to ensure compliance.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

- 3.8 At the end of years 1 and 2 after construction work commences, and every year thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. The audits must:

- a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
- b) Be consistent with *ISO 14010 – Guidelines and General Principles for Environmental Auditing*, and *ISO 14011 – Procedures for Environmental Auditing*, or updated versions of these guidelines/manuals;
- c) Assess the environmental performance of the development, and its effects on the surrounding environment;
- d) Assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
- e) Review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and, if necessary,
- f) Recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.

*Note: Subject to the Applicant being able to demonstrate full compliance with conditions, the Director-General, in consultation with Council, may review the frequency of subsequent audits after years 1 and 2.*

- 3.9 Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Director-General, with a detailed response to any of the recommendations contained in the audit report.

#### **INDEPENDENT DISPUTE RESOLUTION PROCESS**

- 3.10 The Independent Dispute Resolution Process referred to in any other Condition of this development consent will be undertaken by an Independent Dispute Resolution Facilitator appointed by the Director-General and will be subject to:
- a) A procedural protocol to ensure the process is transparent and consistent; and
  - b) Terms of reference, based on appropriate qualitative and quantitative criteria against which judgements can be made.

#### **COMPLAINTS PROCEDURE**

- 3.11 Throughout the life of the development, the Applicant shall ensure that the following contacts are available for community complaints:
- a) A telephone number on which complaints about the development may be registered;
  - b) A postal address to which written complaints may be sent; and
  - c) An email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of work at the development site. These details shall also be provided on the Applicant's internet site.

- 3.12 The Applicant shall record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:
- a) The date and time, where relevant, of the complaint;
  - b) The means by which the complaint was made (telephone, mail or email);
  - c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - d) The nature of the complaint;
  - e) Any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
  - f) If no action was taken by the Applicant in relation to the complaint, the reason(s) for no action being taken.

The Complaints Register shall be made available for inspection by the DEC or the Director-General upon request. The Applicant shall also make summaries of the Register, without details of the complainants, available for public inspection.

## COMMUNITY CONSULTATIVE COMMITTEE

- 3.13 The Applicant shall ensure that there is a Community Consultative Committee to oversee the environmental performance of the development. This committee shall:
- a) Be comprised of:
    - 2 representatives from the Applicant, including the person responsible for environmental management at the development site;
    - 1 representative from Council; and
    - 3 representatives from the local community, whose appointment has been approved by the Director-General in consultation with Council;
  - b) Be chaired by an independent Chairperson, whose appointment has been approved by the Director-General in consultation with Council;
  - c) Meet at least twice a year; and
  - d) Review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints.
- 3.14 The Applicant shall, at its own expense:
- (a) Ensure that at least 2 of its representatives attend the Committee's meetings;
  - (b) Provide the Committee with regular information on the environmental performance and management of the development;
  - (c) Provide meeting facilities for the Committee;
  - (d) Notify Committee members of the date and time of meetings;
  - (e) Distribute meeting agendas to reach Committee members at least 7 days prior to each meeting
  - (f) Arrange site inspections for the Committee, if necessary;
  - (g) Take minutes of the Committee's meetings;
  - (h) Make these minutes available to the public for inspection within 14 days of the Committee meeting, or as agreed to by the Committee;
  - (i) Respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development or the conduct of Committee meetings; and
  - (j) Forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.
- 3.15 The Applicant shall ensure that the Committee has its first meeting before the Environmental Management Strategy (see Condition 3.1) is submitted to the Director-General for approval.

**ATTACHMENT 1**