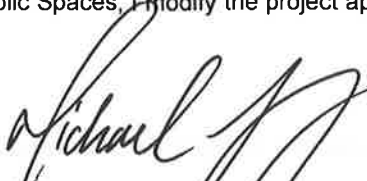


Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.


Mike Young
A/Executive Director
Energy and Resources

Sydney 1 OCTOBER

2019

SCHEDULE 1

Project approval 06_0074 for the Marulan South hard rock quarry and associated infrastructure, granted by the Minister for Planning on 28 February 2007.

SCHEDULE 2

1. Delete all words after Schedule 1 and replace with the following:

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DEFINITIONS

Aboriginal object / Aboriginal place	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Annual Review	The review required by condition D11
Approved disturbance area	The area identified as such on the project layout
ARI	Average Recurrence Interval
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity & Conservation Division within the Department
BCT	Biodiversity Conservation Trust
Blast misfire	The failure of one or more holes in a blast pattern to initiate
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee required by condition A16
Conditions of this Approval	Conditions contained in PART A
Construction	All physical works to enable quarrying operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this approval
Council	Goulburn Mulwaree Council
Date of commencement	The date notified to the Department by the Proponent under condition A15
Decommissioning	The deconstruction or demolition and removal of works installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
DPIE Crown Lands	Crown Lands Group within the Department
DPIE Water	Water Group within the Department
DRG	Division of Resources and Geoscience within the Department
EEC	Endangered ecological community, as defined under the BC Act and EPBC Act
EA	Environmental Assessment for the project titled <i>Marulan South Quarry Environmental Assessment Report</i> Volumes 1 and 2 dated October 2006 and prepared by ERM, including the submissions report titled <i>Marulan South Quarry Submissions Report</i> dated December 2006
EA (MOD 1)	Modification Application 06_0074 MOD 1 and the accompanying Statement of Environmental Effects entitled <i>Marulan South Quarry Statement of Environmental for a Pre-commencement Exploratory Test Pit</i> dated 13 November 2008, and letter from Boral Resources Pty Ltd to the Department dated 13 February 2009
EA (MOD 2)	Modification Application 06_0074 MOD 2 and the accompanying EA titled <i>Boral Peppertree Quarry Section 75W Modification Report</i> dated June 2011 and prepared by ERM Australia, and the responses to issues raised in submissions, including those titled <i>Peppertree Quarry Submissions Report</i> dated 24 August 2011, <i>Response to OEH Submission</i> dated 12 October 2011, and <i>Response to Armitt Submission</i> dated 25 October 2011
EA (MOD 3)	Modification Application 06_0074 MOD 3 and the accompanying EA titled <i>Peppertree Quarry Modification 3 Environmental Assessment</i> dated August 2012 and prepared by EMGA Mitchell McLennan Pty Limited, and the responses to issues raised in submissions titled <i>Response to Submissions Peppertree Quarry Modification 3</i> dated 3 October 2012
EA (MOD 4)	Modification Application DA 06_0074 MOD 4 and the accompanying Environmental Assessment titled <i>Peppertree Quarry Modification 4 Environmental Assessment</i> dated April 2016 and prepared by Element Environment, including the Response to Submissions report dated July 2016 and prepared by Element Environment

EA (MOD 5)	Modification Application DA 06_0074 MOD 5 and the accompanying Environmental Assessment titled <i>Peppertree Quarry Modification 5 Environmental Assessment</i> dated October 2018 and prepared by Element Environment, including the Response to Submissions reports dated February and March 2019 and prepared by Element Environment
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Habitat Management Area	The area identified as such on the figure in Appendix 6
Haul Road	The Road which connects Peppertree Quarry and the SWOE as depicted in Figure 2 in Appendix 2
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance that is listed under any of the following: - the State Heritage Register under the <i>Heritage Act 1977</i>; - a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; - a Local Environmental Plan under the EP&A Act; - the World Heritage List; - the National Heritage List or Commonwealth Heritage List under the EPBC Act; or - anything identified as a heritage item under the conditions of this approval
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this approval where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Marulan South Limestone Mine	The open cut limestone mine and associated infrastructure shown on Figure 1 of Appendix 2.
Material harm	Is harm to the environment that: - involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or - results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) This definition excludes "harm" that is authorised under either this approval or any other statutory approval'
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the project
Minister	NSW Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the project
Modification 5 disturbance area	The area shown in yellow on Figure 2 of Appendix 2
Negligible	Small and unimportant, such as to be not worth considering
Noise Bund	The earth bund shown on Figure 2 of Appendix 2
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval

NRAR	Natural Resources Access Regulator
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency, the Proponent or another quarrying or mining company
Project	Development to which the Project Approval applies
Project Layout	The plans in Appendix 2
Proponent	Boral Resources (NSW) Pty Ltd or any other person or persons who rely on this approval to carry out the project that is subject to this approval
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation, topsoil and overburden
Quarry products	Includes all saleable quarry products, but excludes tailings and other wastes and rehabilitation material
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Rehabilitation	The restoration of land disturbed by the project to a good condition, to ensure it is safe, stable and non-polluting
RFS	NSW Rural Fire Service
RL	Reduced level
RMS	NSW Roads and Maritime Services
Secretary	Planning Secretary under the EP&A Act, or nominee
Site	The land defined in Appendix 1
SOE	Southern Overburden Emplacement Area
SOE BOS	The conservation and enhancement strategy described in EA (MOD 4), as required under condition B55 of this approval
SWOE	South Western Overburden Emplacement Area
SWOE BOS	The Biodiversity Offset Strategy described in EA (MOD 5), as required under condition B56 of this approval
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WOE	Western Overburden Emplacement Area

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the project, and any rehabilitation required under this approval.

TERMS OF APPROVAL

- A2. The project may only be carried out:
- (a) in compliance with the conditions of this approval;
 - (b) in accordance with all written directions of the Secretary;
 - (c) generally in accordance with the EA, EA (MOD 1), EA (MOD 2), EA (MOD 3), EA (MOD 4) and EA (MOD 5); and
 - (d) in accordance with the Project Layout in Appendix 2.
- A3. Consistent with the requirements in this approval, the Secretary may make written directions to the Proponent in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this approval and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF APPROVAL

Identification of Boundaries

- A5. Prior to the commencement of construction or as otherwise directed by the Secretary, the Proponent must:
- (a) engage an independent registered surveyor to survey the boundaries of the approved limit of extraction;
 - (b) submit a survey plan of these boundaries to the Secretary; and
 - (c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits

Note: The limit of extraction is shown conceptually on the plan in Appendix 2.

- A6. The Proponent must:
- (a) prior to the commencement of construction of the SOE, or as otherwise agreed by the Secretary, engage an independent registered surveyor to survey the boundary of the emplacement area and submit a survey plan of this boundary to the Secretary; and
 - (b) ensure that, during its construction and use, the boundary of the SOE is clearly marked in a manner that allows operating staff and inspecting officers to clearly identify its location.

Note: The boundary of the SOE is shown on the Figure 2 in Appendix 2.

- A7. The proponent must:
- (a) prior to the commencement of construction of the SWOE, or as otherwise agreed by the Secretary, engage an independent registered surveyor to survey the boundary of the emplacement area and submit a survey plan of this boundary to the Secretary; and
 - (b) ensure that, during its construction and use, the boundary of the SWOE is clearly marked in a manner that allows operating staff and inspecting officers to clearly identify its location.

Note: The boundary of the SWOE is shown on Figure 2 in Appendix 2.

Quarrying Operations

- A8. Quarrying operations may be carried out on the site until 31 December 2038.

Note: Under this approval, the Proponent is required to decommission and rehabilitate the site and carry out other requirements in relation to quarrying operations. Consequently, this approval will continue to apply in all respects other than to permit the carrying out of quarrying operations until the rehabilitation of the site and other requirements have been carried out to the required standard.

Transport Limits

- A9. A maximum of 3.5 million tonnes of quarry products may be transported from the site in any calendar year.
- A10. The Proponent may dispatch up to two laden trucks containing quarry products per calendar day. Any additional truck dispatches of quarry products will require the written approval of the Secretary.

Notes:

- In this condition, 'quarry products' includes scalp material (i.e. crusher fines).
- The transportation of quarry products by road is also controlled under condition A12.

- A11. The Proponent must not receive overburden from the Marulan South Limestone Mine without the written approval of the Secretary, or the grant of a separate development consent.

HOURS OF OPERATION

- A12. The Proponent must comply with the operating hours set out in Table 1.

Table 1: Operating hours

Activity	Day	Time
Construction works	Monday-Friday	7.00am to 6.00pm
	Saturday	8.00am to 1.00pm
	Sunday and public holidays	None
Topsoil/overburden removal/emplacement and transportation of quarry products by road	Any day	7.00am to 7.00pm
Blasting	Monday-Saturday	9.00am to 5.00pm
	Sunday and public holidays	None
In-pit activities (including drilling, extraction, processing, and transfer of material out of the pit)	Any day	5.00am to 11.00pm
Out-of-pit activities (including processing, stockpiling, train loading and distribution, and maintenance)	Any day	24 hours

- A13. Between the hours of 5:00am to 7:00am and 7:00pm to 11:00pm the:
- in-pit crusher must not operate above RL 555; and
 - mobile plant in the pit, including excavators, front-end loaders and trucks, must not operate above RL 570.
- A14. The following activities may be carried out outside the hours specified in Table 1.
- delivery or dispatch of materials as requested by Police or other public authorities; and
 - emergency work to avoid the loss of lives, property or to prevent environmental harm.
- In such circumstances, the Proponent must notify the Department and affected residents prior to undertaking the activities, or as soon as is practical thereafter.

NOTIFICATION OF COMMENCEMENT

- A15. The date of commencement of each of the following phases of the project must be notified to the Department in writing, at least one month before that date:
- commencement of works in the Modification 5 disturbance area;
 - cessation of quarrying operations; and
 - any period of suspension of quarrying operations.

COMMUNITY CONSULTATIVE COMMITTEE

- A16. The Proponent must operate a CCC for the project, to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects (2019)*.

Notes:

- The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Proponent, Council and the local community.
- This condition may be fulfilled by the operation of a regional CCC for Boral's mining and quarrying activities in the Marulan area.

EVIDENCE OF CONSULTATION

- A17. Where conditions of this approval require consultation with an identified party, the Proponent must:
- (a) consult with the relevant party prior to submitting the subject document; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A18. With the approval of the Secretary, the Proponent may:
- (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the project). and
 - (d) combine any strategy, plan or program required by this approval with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.
- A19. If the Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this approval if those requirements are not applicable to the particular stage.
- A20. If the Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.

APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS

- A21. The Proponent must continue to apply existing management strategies, plans or monitoring programs approved prior to the approval of Modification 5, until the approval of a similar plan, strategy or program following the approval of Modification 5.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A22. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the project; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

DEMOLITION

- A23. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A24. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the project, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 6 of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

OPERATION OF PLANT AND EQUIPMENT

- A25. All plant and equipment used on site, or to monitor the performance of the project must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

COMPLIANCE

- A26. The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.

APPLICABILITY OF GUIDELINES

- A27. References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update in the condition).
- A28. However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

PRODUCTION DATA

- A29. Each year, from the commencement of quarrying operations, the Proponent must provide annual quarry production data to DRG.
- A30. The data must be provided using the relevant standard form and a copy of the data must be included in the Annual Review (required under condition D11).

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Bund Construction

- B1. In carrying out the construction of the noise bunds, the Proponent must:
- comply with the construction noise criteria in the *Environmental Noise Control Manual 1994* for the first three months of the construction work;
 - thereafter comply with daytime operational noise criteria in condition B3; and
 - ensure bunds do not exceed 10 meters in height.

Construction Noise Management Plan

- B2. The Proponent must prepare and implement a Construction Noise Management Plan for the project to the satisfaction of the Secretary. This plan must be submitted to the Secretary for approval prior to the commencement of construction, and include:
- a detailed description of the measures that would be implemented to achieve the construction noise limits in the *Environmental Noise Control Manual 1994* and the operational noise criteria in condition B3;
 - a community notification protocol for the proposed construction activities;
 - a description of the measures that would be implemented where the construction noise limits and/or operational noise limits are unlikely to be achieved or are not being achieved; and
 - details of who would be responsible for monitoring, reviewing and implementing the plan.

Operational Noise Criteria

- B3. Except during noise bund construction, the Proponent must ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Operational noise criteria dB(A)

Noise Assessment Location	Day <i>L_{Aeq} (15 min)</i>	Evening <i>L_{Aeq} (15 min)</i>	Night <i>L_{Aeq} (15 min)</i>	Night <i>L_{A1} (1 min)</i>
R3 (5) – 113 Green Hills Road Marulan (Lot 2, DP 1060897)	40	35	35	52
R2 (6) – 90 Green Hills Road Marulan (Lot 11, DP 881240)	40	35	35	52
R8 (16) – 381 Marulan South Road, Marulan (Lot 1, DP 1190667)	40	35	35	52
Any other noise sensitive residential receiver location	40	35	35	52

Notes:

- Residential receiver locations are shown on the plan in Appendix 3.
- Receiver numbers in parentheses are those identified in the approval prior to the approval of Modification 4 in August 2016.

- B4. For the purposes of condition B3:
- day means the period from 7am to 7pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays;

- (b) evening means the period from 7pm to 10pm; and
 - (c) night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.
- B5. Noise generated by the project must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).
- B6. The noise criteria in Table 2 do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

Land Acquisition Criteria

- B7. If the noise generated by the project exceeds the criteria in Table 3, the Proponent must, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions C8 and C9.

Table 3: Land acquisition criteria dB(A)

Residential Receiver	Day (7:00am – 7:00pm) LAeq(15 minute)	Evening / Night (7:00pm – 7:00am) LAeq(15 minute)
R3 (5) – 113 Green Hills Road Marulan (Lot 2, DP 1060897)	N/A	40
R2 (6) – 90 Green Hills Road Marulan (Lot 11, DP 881240)	N/A	40
R8 (16) – 381 Marulan South Road, Marulan (Lot 1, DP 1190667)	44	44

Notes:

- Residential receiver locations are shown on the plan in Appendix 3.
- Receiver numbers in parentheses are those identified in the approval prior to the notification of Modification 4 in 2016.

Noise Operating Conditions

- B8. The Proponent must:
- (a) take all reasonable steps to minimise all noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as rail and road noise associated with the project;
 - (b) operate a noise management system to guide day to day planning of quarrying operations and implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this approval;
 - (c) take all reasonable steps to minimise the noise impacts of the project during noise-enhancing meteorological conditions when the noise criteria in this approval do not apply;
 - (d) take all reasonable steps to minimise the cumulative noise impacts generated by the project and the Marulan South Limestone Mine; and
 - (e) regularly assess the noise monitoring data, and modify or stop operations on the site to ensure compliance with the relevant conditions of this approval.
 - (f) report on the implementation and effectiveness of these measures in the Annual Review, to the satisfaction of the Secretary.

Noise Management Plan

- B9. The Proponent must prepare a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with the EPA;
 - (c) describe the measures to be implemented to ensure:
 - (i) compliance with the noise criteria and operating conditions in this approval;
 - (ii) best practice management is being employed;

- (iii) noise impacts of the project are minimised during noise-enhancing meteorological conditions under which the noise criteria in this approval do not apply;
- (d) describe the noise management system;
 - (i) includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and
- (e) include a monitoring program that:
 - (i) is capable of evaluating the performance of the project against the noise criteria;
 - (ii) carries out regular attended and unattended noise monitoring at appropriate locations, including at receiver locations R4 and R17 to determine whether the project is complying with the relevant conditions of this approval;
 - (iii) provides for the use of real-time and/or supplementary attended monitoring measures, if directed by the Secretary;
 - (iv) adequately supports the noise management system; and
 - (v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event; and
- (f) detail who would be responsible for monitoring, reviewing and implementing the plan.

Note: Receiver locations are identified in Appendix 3.

B10. The Proponent must submit the Noise Management Plan for approval by the Secretary, within three months of the approval of Modification 5.

B11. The Proponent must implement the Noise Management Plan as approved by the Secretary.

BLASTING

Airblast Overpressure Criteria

B12. The Proponent must ensure that the air blast overpressure level from blasting on the site does not cause exceedances of the criteria in Table 4 at any residence on privately-owned land.

Table 4: Airblast overpressure 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%

Ground Vibration Criteria

B13. The Proponent must ensure that the ground vibration level from blasting on the site does not cause exceedances of the criteria in Table 5 at any residence or sensitive receiver on privately-owned land.

Table 5: Ground vibration criteria

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

B14. The airblast overpressure and ground vibration criteria in Table 4 and Table 5 do not apply if the Proponent has an agreement with the owner/s of the relevant residence or infrastructure to exceed these criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

B15. Conditions B12 and B13 do not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.

Notes:

- The purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the quarry.
- For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.

Blast Operating Conditions

B16. During blasting operations, the Proponent must:

- (a) take all reasonable steps to:

- (i) ensure the safety of people and livestock from blasting impacts of the project;
- (ii) ensure that flyrock does not leave the site;
- (iii) protect public or private infrastructure and property in the vicinity of the site from blasting damage associated with the project;
- (iv) minimise blast-related dust and fume emissions; and
- (v) minimise the cumulative blast-related impacts of the project and the Marulan South Limestone Mine;
- (b) operate a suitable system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site, including:
 - (i) notifying the landowner/occupier of any residence within 2 kilometres of the quarry pit who registers an interest in being notified about the blasting schedule on site;
 - (ii) operate a blasting hotline, or alternative system agreed by the Secretary, to enable the public to get up-to-date information on blasting operations at the project; and
 - (iii) keep the public informed about this hotline (or any alternative system), to the satisfaction of the Secretary; and
- (c) carry out regular blast monitoring to determine whether the project is complying with the relevant conditions of this approval.

Blast Monitoring Program

- B17. The Proponent must prepare a Blast Monitoring Program for the Project to the satisfaction of the Secretary. This program must:
- (a) be submitted to the Secretary for approval prior to the commencement of construction;
 - (b) be prepared in consultation with the EPA; and
 - (c) monitor the performance of the project against the relevant blast criteria.
- B18. The Proponent must implement the Blast Monitoring Program as approved by the Secretary.

AIR QUALITY

Odour

- B19. The Proponent must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

Air Quality Criteria

- B20. The Proponent must ensure that particulate matter emissions generated by the project do not cause exceedances of the criteria in Table 6 at any residence on privately-owned land, or on more than 25 percent of any privately owned land.

Table 6: Air quality criteria

Pollutant	Averaging period	Criterion	
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³	
	24 hour	^b 50 µg/m ³	
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³	
	24 hour	^b 25 µg/m ³	
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³	
^d Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes:

^a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources).

^b Incremental impact (i.e. incremental increase in concentrations due to the project on its own).

^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.

^d Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

- B21. The air quality criteria in Table 6 do not apply if the Proponent has an agreement with the owner/s of the relevant residence or infrastructure to exceed the air quality criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

Air Quality Operating Conditions

B22. The Proponent must:

- (a) take all reasonable steps to:
 - (i) minimise odour, fume and particulate matter (including PM10 and PM2.5) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;
 - (ii) improve energy efficiency and reduce greenhouse gas emissions of the development;
 - (iii) minimise any visible off-site air pollution generated by the project; and
 - (iv) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (b) operate an air quality management system to guide the day to day planning of quarrying operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this approval;
- (c) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see Note c to Table 6 above);
- (d) take all reasonable steps to minimise the cumulative air quality impacts generated by the project and the Marulan South Limestone Mine;
- (e) carry out regular air quality monitoring to determine whether the project is complying with the relevant conditions in this approval; and
- (f) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this approval.

Air Quality and Greenhouse Gas Management Plan

B23. The Proponent must prepare an Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the EPA;
- (c) describe the measures to be implemented to ensure:
 - (i) compliance with the air quality criteria and operating conditions in this approval;
 - (ii) best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and
 - (iii) air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;
- (d) describe the air quality management system; and
- (e) include an air quality monitoring program, undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007), that:
 - (i) is capable of evaluating the performance of the project against the air quality criteria;
 - (ii) uses a combination of high volume samplers and dust deposition gauges to evaluate the performance of the project;
 - (iii) adequately supports the air quality management system;
 - (iv) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events; and
 - (v) provides for the use of real-time monitoring measures, if directed by the Secretary.

B24. The Proponent must submit the Air Quality and Greenhouse Gas Management Plan for approval by the Secretary, within three months of the approval of Modification 5.

B25. The Proponent must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Secretary.

METEOROLOGICAL MONITORING

B26. Prior to the commencement of construction and for the life of the project, the Proponent must ensure that there is a suitable meteorological station operating in close proximity to the site that:

- (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
- (b) 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 Secretary following consultation with the EPA.

SOIL AND WATER

Water Supply

B27. The Proponent must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of the project to match its available water supply.

B28. The Proponent must obtain the necessary approvals for the project under the Water Act 1912.

Note: *The Water Management Act 2000 may apply to the project. The Proponent must consult with DPIE Water on the relevant approval at the time the application is made.*

Discharges

B29. Except as may be expressly provided for by an EPL, the Proponent must not discharge any dirty water from the quarry or ancillary operation areas.

B30. The Proponent must prepare an onsite wastewater report for the proposed effluent management system consistent with the requirements of *WaterNSW – “Development in Sydney’s Drinking Water Catchment” – Water Quality Information Requirements, 2011*. The effluent management system must be designed and constructed to be in accordance with this onsite wastewater report and its design must be approved by Council prior to construction.

Tangarang Creek Environmental Flow

B31. The Proponent must provide an environmental flow to Tangarang Creek equivalent to 10% of average daily flows. Details of the management of these environmental flows must be included in the Site Water Balance required under condition B34 of this Schedule.

Sediment Dams

B32. For sediment dams described in the EA, the Proponent must ensure that:

- (a) critical structures such as “dirty water” dams are designed, constructed and maintained to accommodate a 1 in 100 year ARI 24-hour event; and
- (b) other dams and water management structures are designed, constructed and maintained to accommodate a 1 in 20 year ARI 24-hour event.

Water Management Plan

B33. The Proponent must prepare a Water Management Plan for the project to the satisfaction of the Secretary. This plan must:

- (a) be prepared in consultation with the DPIE Water, EPA, NRAR and WaterNSW; and
- (b) include a:
 - (i) Site Water Balance;
 - (ii) Erosion and Sediment Control Plan;
 - (iii) Surface Water Monitoring Program;
 - (iv) Ground Water Monitoring Program; and
 - (v) Surface and Ground Water Response Plan to address any potential adverse impacts associated with the project.

Site Water Balance

B34. The Site Water Balance must:

- (a) include details of all water extracted (including make up water), dewatered, transferred, used and/or discharged by the project; and
- (b) describe measures to minimise water use by the project.

Erosion and Sediment Control

B35. The Erosion and Sediment Control Plan must:

- (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004* (Landcom);
- (b) identify activities that could cause soil erosion and generate sediment;
- (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
- (d) describe the location, function, and capacity of erosion and sediment control structures;
- (e) describe what measures would be implemented to maintain (and if necessary decommission) the structures over time;

- (f) include interim surface water management for Catchment C of the SWOE (see Figure 5 of Appendix 4) pending possible future expansion of the emplacement area; and
- (g) include detailed performance and completion criteria to ensure the SWOE is geomorphologically stable following the completion of works, including triggers for remedial action, where these performance or completion criteria are not met.

Surface Water Monitoring

- B36. The Surface Water Monitoring Program must include:
- (a) detailed baseline data on surface water flows and quality in Tangarang Creek and Barbers Creek;
 - (b) surface water impact assessment criteria;
 - (c) a program to monitor surface water flows and quality;
 - (d) a protocol for the investigation of identified exceedances of the surface water impact assessment criteria; and
 - (e) a program to monitor the effectiveness of the Erosions and Sediment Control Plan, which includes:
 - (i) periodic review of sheet, rill and gully erosion risks; and
 - (ii) monitoring of the geomorphological stability of the SWOE, in consultation with WaterNSW.

Groundwater Monitoring Program

- B37. The Ground Water Monitoring Program must include:
- (a) detailed baseline data on ground water levels, flows and quality, based on statistical analysis;
 - (b) groundwater impact assessment criteria for monitoring bores;
 - (c) a program to monitor regional ground water levels and quality; and
 - (d) a protocol for the investigation of identified exceedances of the ground water impact assessment criteria.
- B38. The Proponent must submit the Water Management Plan for approval by the Secretary, with six months of the approval of Modification 5.
- B39. The Proponent must implement the Water Management Plan approved by the Secretary.

Overburden Emplacements

- B40. In constructing and operating the SOE, the Proponent must ensure that:
- (a) the surface water management system is constructed in accordance with the plan shown on Figure 4 in Appendix 4; and
 - (b) the surface water management system includes appropriate scour protection at discharge points to ensure the potential for erosion and transport of sediment to downstream waters is minimised.
- B41. On completion of the construction of the surface water management system for the SOE, the Proponent must commission an audit by a suitably qualified, experienced and independent person, approved by the Secretary, to determine whether the system has been constructed in accordance with this approval. A copy of the audit report and the Proponent's response to its recommendations must be provided to the Secretary and WaterNSW within 12 weeks of its commissioning.

TRANSPORT

Construction Traffic Management Plan

- B42. The Proponent must prepare and implement a Construction Traffic Management Plan for the project to the satisfaction of the RMS and Council.

Transport Operating Conditions

- B43. The Proponent may transport overburden to the SWOE using the Option 2 transport route described in EA (MOD 5) until 31 December 2020, or as otherwise agreed by the Secretary.
- B44. While there is public access to the site from the intersection of the new Haul Road and Marulan South Road, the Proponent must:
- (a) make suitable arrangements to ensure the safety of public road users (including traffic signals, signage or other traffic control measures), to the satisfaction of Council, prior to commencing the transportation of overburden to the SWOE; and
 - (b) ensure that any traffic signals at this intersection are designed, installed and operated to the satisfaction of the RMS.

HERITAGE

Heritage Operating Conditions

- B45. The Proponent must ensure that the project does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c).
- B46. If suspected human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Proponent must immediately notify NSW Police and BCD, and work must not recommence in the area until authorised by NSW Police and BCD.
- B47. If any previously unknown Aboriginal object is discovered on the site:
- (a) all work in the immediate vicinity of the object or place must cease immediately;
 - (b) a 10 metre buffer area around the object or place must be cordoned off; and
 - (c) BCD must be contacted immediately.
- B48. Work in the immediate vicinity may only recommence if:
- (a) the potential Aboriginal object is confirmed by BCD upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object; or
 - (b) the Aboriginal Cultural Heritage Management Plan is revised to include the Aboriginal object and appropriate measures in respect of it, to the satisfaction of the Secretary; or
 - (c) the Secretary is satisfied as to the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.
- B49. The Proponent must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, in the Aboriginal Heritage Information Management System (AHIMS) Register, and those records are kept up to date.

Aboriginal Cultural Heritage Management Plan

- B50. The Proponent must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
 - (b) be prepared in consultation with BCD and Registered Aboriginal Parties;
 - (c) describe the measures to be implemented on the site or within any offset area to:
 - (i) comply with the heritage-related operating conditions of this consent;
 - (ii) ensure all workers on the site 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;
 - (iii) map and salvage or relocate the Aboriginal objects in the Tangarang Creek Dam 1 area and the Modification 5 disturbance area (shown in Appendix 5);
 - (iv) protect, monitor and manage identified Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c);
 - (v) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the project;
 - (vi) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the project;
 - (vii) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and
 - (viii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;
 - (d) include a strategy for the care, control and storage of Aboriginal objects salvaged on site, both during the life of the project and in the long term, in consultation with Registered Aboriginal Parties.
- B51. The Proponent must submit the Aboriginal Cultural Heritage Management Plan for approval by the Secretary, prior to commencing any work in the Modification 5 disturbance area.
- B52. The Proponent must implement the Aboriginal Cultural Heritage Management Plan approved by the Secretary.

BIODIVERSITY AND REHABILITATION

Threatened Species Protection

B53. The Proponent must:

- (a) clearly and securely mark out the boundaries of the WOE and the Modification 5 disturbance area prior to clearing and site preparation within those areas;
- (b) not clear vegetation in the WOE area or the Modification 5 disturbance area unless a fauna survey of the area to be cleared has been undertaken within the prior 21 days, by a suitably qualified expert who has been approved by the Secretary;
- (c) seek to avoid clearing of native vegetation in the WOE area and the Modification 5 disturbance area during the period August to November of any year; and
- (d) not damage or clear any Box Gum Woodland EEC or other native vegetation located adjacent to the WOE or the Modification 5 disturbance area.

Habitat Management Area

B54. The Proponent must implement the Habitat Management Area in a manner that is generally consistent with the documents listed in condition A2(c) (and shown conceptually in Appendix 6), including the establishment, conservation and maintenance of at least 13.5 hectares of vegetation characteristic of Box Gum Woodland, to the satisfaction of the Secretary.

Biodiversity Offset Strategy

B55. The Proponent must:

- (a) implement the SOE BOS described in EA (MOD 4);
- (b) within 12 months of the commencement of the construction of the SOE, retire a total of 225 ecosystem credits in accordance with the *Framework for Biodiversity Assessment - NSW Biodiversity Offsets Policy for Major Projects*, to offset the removal of 8.1 hectares of White Box Yellow Box Blakely's Red Gum Grassy Woodland; and
- (c) provide long-term security and funding for the biodiversity offset area identified in the Biodiversity Offset Strategy through a Biobanking Agreement under the *Threatened Species Conservation Act 1995*; to the satisfaction of the Secretary.

Note: The location and approximate area of the SOE biodiversity offset area is shown on the figure in Appendix 7.

B56. Within 12 months of commencing any work within the Modification 5 disturbance area, or other timeframe agreed by the Secretary, the Proponent must implement the SWOE BOS, by retiring the biodiversity credits specified in Table 7 below. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

Table 7: Biodiversity credit requirements

Credit Type	Credits Required ^a
Ecosystem Credits	
PCT 1334 Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands (SR670)	428 ^b
PCT 778 Coast Grey Box – Stringybark dry woodland on slopes of the Shoalhaven Gorges - Southern Sydney Basin (SR534)	157 ^b
Species Credits	
Koala (<i>Phascolarctos cinereus</i>)	487
Large-eared Pied Bat (<i>Chalinolobus dwyeri</i>)	731

^a Credit requirements for EPBC-listed species and communities in Table 7 can only be discharged through payment into the NSW Biodiversity Conservation Fund if this fund has been endorsed by the Commonwealth Minister responsible for administering the EPBC Act.

^b Under current Commonwealth policy, the required credits must be offset on a like-for-like basis.

B57. The retirement of the biodiversity credits specified in Table 7 must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

Rehabilitation Objectives

B58. The Proponent must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be generally consistent with Chapter 2.8 of the EA and must comply with the objectives in Table 8.

Table 8: Rehabilitation objectives

Feature	Objective
<i>All areas of the site affected by the project</i>	• Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the intended post-quarrying operations land use(s) • Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
<i>Surface infrastructure</i>	• Decommissioned and removed, unless otherwise agreed by the Secretary
<i>Quarry benches</i>	• Landscaped and vegetated using native tree and understorey species
<i>Final Void</i>	• Minimise the size, depth and slope of the batters of the final void • Minimise the drainage catchment of the final void

Progressive Rehabilitation

B59. The Proponent must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

Note: This condition does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated.

Biodiversity and Rehabilitation Management Plan

B60. The Proponent must prepare a Biodiversity and Rehabilitation Management Plan for all land disturbed by the project to the satisfaction of the Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced person/s;
- (b) be prepared in consultation with BCD and Council;
- (c) describe the short, medium, and long-term measures to be undertaken to:
 - (i) implement the SOE BOS, SWOE BOS and the Habitat Management Area;
 - (ii) comply with the rehabilitation principles in Chapter 2.8 of the EA;
 - (iii) manage the remnant vegetation and fauna habitat on the site and in any offset areas; and
 - (iv) ensure compliance with the rehabilitation objectives in this approval;
- (d) provide details of the conceptual final landform and associated land uses for the site;
- (e) consider actions identified in relevant Threat Abatement Plans;
- (f) include detailed performance and completion criteria for evaluating the performance of the SOE BOS, SWOE BOS and the Habitat Management Area and rehabilitation of the site, including triggers for remedial action, where these performance or completion criteria are not met;
- (g) describe how the implementation of the SOE BOS would be integrated with the management of the Habitat Management Area, and the overall rehabilitation of the site;
- (h) include a detailed description of the measures to be implemented on the site and any offset area to:
 - (i) maximise the salvage of environmental resources within approved disturbance area, including tree hollows, vegetation and soil resources, for beneficial reuse in the SOE biodiversity offset area, the Habitat Management Area or for rehabilitating other areas of the site;
 - (ii) restore and enhance the quality of native vegetation and fauna habitat in the SOE biodiversity offset area, the Habitat Management Area and other areas of the site through:
 - assisted natural regeneration;
 - targeted vegetation establishment (with a particular focus on Box Gum Woodland EEC); and
 - the introduction of fauna habitat features;
 - (iii) minimise impacts on tree hollows and termite mounds where reasonable and feasible;

- (iv) minimise impacts on fauna, including undertaking pre-clearance surveys;
- (v) manage potential indirect impacts on threatened plant and animal species, including supervision of clearing activities by a suitably qualified spotter/handler;
- (vi) manage or handle animals caught or injured during clearing;
- (vii) introduce naturally scarce fauna habitat features such as den structures, nest boxes and salvaged tree hollows, and promote the use of these introduced habitat features by threatened fauna species;
- (viii) minimise the amount of clearing within the approved disturbance area where reasonable and feasible;
- (ix) establishing vegetation screening and landscaping the site (including the bunds and overburden emplacement areas) to minimise the visual impacts of the project on surrounding receivers;
- (x) control weeds, including measures to avoid and mitigate the spread of noxious weeds;
- (xi) control feral pests, including but not limited to goats, rabbits, fox, cats and pigs, with consideration of actions identified in relevant threat abatement plans;
- (xii) manage the collection and propagation of seed;
- (xiii) control access;
- (xiv) manage bushfire hazards; and
- (xv) progressively rehabilitate the site and minimise disturbance areas;
- (i) 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;
- (j) identify the potential risks to the successful implementation of the SOE BOS, SWOE BOS, Habitat Management Area and final rehabilitation, and include a description of the contingency measures to be implemented to mitigate against these risks, including provisions for alternative direct and/or supplementary offset measures where regeneration of EECs do not meet performance and completion criteria; and
- (k) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B61. The Proponent must submit the Biodiversity and Rehabilitation Management Plan for approval by the Secretary, prior to commencing any work in the Modification 5 disturbance area.

B62. The Proponent must implement the Biodiversity and Rehabilitation Management Plan as approved by the Secretary.

Conservation and Rehabilitation Bond

B63. Within six months of the approval of the Biodiversity and Rehabilitation Management Plan, the Proponent must lodge a Conservation and Rehabilitation Bond with the Department to ensure that the SWOE BOS and rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the plan and the relevant conditions of this approval. The sum of the bond must be an amount agreed by the Secretary and determined by:

- (a) calculating the full cost of implementing the SWOE BOS at third party rates (other than land acquisition costs);
- (b) calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
- (c) employing a suitably qualified, independent and experienced person to verify the calculated costs.

Note: Any redundant rehabilitation bonds currently held by the Department in relation to the project will be released following acceptance of the Conservation and Rehabilitation Bond required under this condition.

B64. The Secretary may waive the requirement for a Conservation Bond if, in the opinion of the Secretary, the implementation of the SWOE BOS has substantially progressed.

B65. The calculation of the Conservation and Rehabilitation Bond must be submitted to the Department for approval at least 2 months prior to the lodgement of the bond.

B66. The Conservation and Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:

- (a) any update or revision to the Biodiversity and Rehabilitation Management Plan;
- (b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the SWOE BOS or rehabilitation have been made; or
- (c) in response to a request by the Secretary,

B67. If the SWOE BOS and rehabilitation are completed generally in accordance with the relevant performance and completion criteria, to the satisfaction of the Secretary, or if alternate funding arrangements are provided for the SWOE BOS under a long term security arrangement (see condition B56) the Secretary will release the bond.

B68. If the SWOE BOS or rehabilitation is not completed generally in accordance with the relevant performance and completion criteria, the Secretary will call in all, or part of, the bond, and arrange for the completion of the relevant works.

QUARRY EXIT STRATEGY

B69. The Proponent must prepare and implement a Quarry Exit Strategy for the project to the satisfaction of the Secretary. This strategy must:

- (a) be submitted to the Secretary for approval by 31 December 2033;
- (b) be prepared in consultation with relevant agencies;
- (c) define the objectives and criteria for quarry closure;
- (d) investigate options for the future use of the site; including any final void/s;
- (e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
- (f) describe how the performance of these measures would be monitored over time.

VISUAL

B70. The Proponent must:

- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the project;
- (b) revegetate overburden emplacements, emplacement extensions and bunds as soon as practicable;
- (c) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;
- (d) ensure that all external lighting associated with the project complies with relevant Australian Standards including *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*; and
- (e) not erect or display any advertising structure(s) or signs on the site without the written approval of the Secretary.

Note: This does not include business identification, traffic management and safety or environmental signs.

WASTE

B71. The Proponent must:

- (a) monitor the amount of waste generated by the project;
- (b) minimise the waste generated by the project; and
- (c) report on waste minimisation and management in the Annual Review referred to in condition D11.

B72. The Proponent must ensure that all waste generated or stored on site is assessed, classified and managed in accordance with the EPA's *Waste Classification Guidelines (EPA 2014)*.

LIQUID STORAGE

B73. The Proponent must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

DANGEROUS GOODS

B74. The Proponent must 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 managed in accordance with the requirements of the Resources Regulator.

SAFETY

B75. The Proponent must secure the project to ensure public safety to the satisfaction of the Secretary.

BUSHFIRE MANAGEMENT

B76. The Proponent must:

- (a) prepare a Fire Management Plan in consultation with NSW RFS Southern Tablelands District Office, within six months of the approval of Modification 5;
- (b) ensure that the project:
 - (i) provides for asset protection in accordance with the relevant requirements in *the Planning for Bushfire Protection* (RFS, 2006) guideline; and
 - (ii) ensure that there is suitable equipment to respond to any fires on the site; and
- (c) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

CROWN LAND

B77. The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown land or Crown roads.

Note: *The Proponent must ensure that no works are to be undertaken on any Crown land or Crown roads without the authority to occupy being granted by DPIE Crown Lands. Any proposed occupation is to be authorised under the Crown Land Management Act 2016 or Roads Act 1993.*

PART C ADDITIONAL PROCEDURES

NOTIFICATION OF EXCEEDANCES

- C1. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners and/or tenants. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the fact sheet entitled "*Mine Dust and You*" (NSW Health, 2017).

INDEPENDENT REVIEW

- C2. If a landowner considers the project to be exceeding any noise, blasting or air quality criterion in PART B of this approval, they may ask the Secretary in writing for an independent review of the impacts of the project on their land.
- C3. If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
- C4. If the Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Secretary and the landowner, of the Secretary's decision, the Proponent must:
- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
 - (i) consult with the landowner to determine their concerns;
 - (ii) conduct monitoring to determine whether the project is complying with the relevant criteria in PART B of this approval; and
 - (iii) if the project is not complying with that criteria, identify measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the Secretary and landowner a copy of the independent review; and
 - (c) comply with any written requests made by the Secretary to implement any findings of the review.
- C5. If the independent review determines that the quarrying operations are complying with the relevant criteria in PART B, then the Proponent may discontinue the independent review with the approval of the Secretary.
- C6. If the independent review determines that the quarrying operations are not complying with the relevant criteria in PART B, and that the quarry is primarily responsible for this non-compliance, then the Proponent must:
- (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the project complies with the relevant criteria; or
 - (b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Secretary.

If the independent review determines that the project is not complying with the relevant acquisition criteria, and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent must acquire all or part of the landowner's land in accordance with the procedures in conditions C8 and C9 below.

- C7. If the independent review determines that the relevant criteria are being exceeded, but that more than one quarry/mine is responsible for this exceedance, then together with the relevant quarry/mine/s, the Proponent must:
- (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until there is compliance with the relevant criteria; or
 - (b) secure a written agreement with the landowner and other relevant mine/s to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Secretary.

If the independent review determines that the project is not complying with the relevant acquisition criteria in Part B, but that more than one mine is responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent must acquire all or part of the landowner's land on as equitable a basis as possible with the relevant quarries/mine/s, in accordance with the procedures in conditions C8 and C9 below.

LAND ACQUISITION

- C8. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent must make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the property at the date of this written request, as if the land was unaffected by the project the subject of the project application, having regard to the:
 - (i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and

- (ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;
- (b) the reasonable costs associated with:
 - (i) relocating within the Goulburn Mulwaree local government area, or to any other local government area determined by the Secretary; and
 - (ii) obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- (a) consider submissions from both parties;
- (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- (c) prepare a detailed report setting out the reasons for any determination; and
- (d) provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Proponent must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

Within 14 days of this determination, the Proponent must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

If the landowner refuses to accept the Proponent's binding written offer under this condition within six months of the offer being made, then the Proponent's obligations to acquire the land must cease, unless the Secretary determines otherwise.

- C9. The Proponent must pay all reasonable costs associated with the land acquisition process described in condition C8 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- D1. The Proponent must prepare an Environmental Management Strategy must be prepared for the project to the satisfaction of the Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the project;
 - (b) identify the statutory approvals that apply to the project;
 - (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (d) set out the procedures to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - (ii) receive record, handle and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the project;
 - (iv) respond to any non-compliance and any incident;
 - (v) respond to emergencies; and
 - (e) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this approval; and
 - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this approval.
- D2. The Proponent must submit the Environmental Management Strategy for approval by the Secretary, within six months of the approval of Modification 5.
- D3. The Proponent must implement the Environmental Management Strategy as approved by the Secretary.

Management Plan Requirements

- D4. Management plans required under this approval must be prepared in accordance with relevant guidelines, and include:
- (a) a summary of relevant background or baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);
 - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (e) a program to monitor and report on the:
 - (i) impacts and environmental performance of the project; and
 - (ii) effectiveness of the management measures set out pursuant to condition D4(d);
 - (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (g) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - (h) a protocol for managing and reporting any:
 - (i) incident, non-compliance or exceedance of the impact assessment criteria or performance criteria;
 - (ii) complaint; or
 - (iii) failure to comply with statutory requirements;
 - (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development;
 - (j) a protocol for periodic review of the plan; and
 - (k) a document control table that includes version numbers, dates when the management plan was prepared and reviewed, names and positions of people who prepared and reviewed the management plan, a description of any revisions made and the date of the Secretary's approval.

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

Adaptive Management

- D5. The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in PART B. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity:

- (a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not re-occur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- D6. Within three months of:

- (a) the submission of an incident report under condition D9;
- (b) the submission of an Annual Review under condition D11;
- (c) the submission of an Independent Environmental Audit under condition D13;
- (d) the approval of any modification of the conditions of this approval (unless the conditions require otherwise);
- (e) notification of a change in project stage under condition A15; or
- (f) the issue of a direction of the Secretary under condition A2(b) which requires a review,

the suitability of existing strategies, plans and programs required under this approval must be reviewed by the Proponent.

- D7. If necessary, to either improve the environmental performance of the project, cater for a modification or comply with a direction, the strategies, plans and programs required under this approval must be revised, to the satisfaction of the Secretary and submitted to the Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the project.

- D8. The Proponent must continue to apply existing management plans, strategies or monitoring programs approved prior to the determination of Modification 5, until the approval of a similar plan, strategy or program following the determination of Modification 5.

REPORTING AND AUDITING

Incident Notification

- D9. The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the project (including the project application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

- D10. Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the project (including the project application number and name), set out the condition of this approval that the project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Annual Review

- D11. By the end of March in each year after the commencement of project, or other timeframe agreed by the Secretary, a report must be submitted to the Department reviewing the environmental performance of the project, to the satisfaction of the Secretary. This review must:

- (a) describe the project (including any rehabilitation) that was carried out in the previous calendar year, and the project that is proposed to be carried out over the current calendar year;
- (b) include a comprehensive review of the monitoring results and complaints records of the project over the previous calendar year, including a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this approval;

- (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the documents listed condition A2(c).
- (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- (d) evaluate and report on:
 - (i) the effectiveness of the noise and air quality management systems; and
 - (ii) compliance with the performance measures, criteria and operating conditions in this approval;
- (e) identify any trends in the monitoring data over the life of the project;
- (f) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the project.

D12. Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.

Independent Environmental Audit

D13. Within three years of the date of the commencement of construction, and every three years after, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project. The audit must:

- (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Secretary;
- (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Secretary) whose appointment has been endorsed by the Secretary;
- (c) be carried out in consultation with the relevant agencies and the CCC;
- (d) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval, any relevant EPL, water licences and mining leases for the project (including any assessment, strategy, plan or program required under these approvals);
- (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this approval;
- (f) recommend appropriate measures or actions to improve the environmental performance of the project and any assessment, strategy, plan or program required under the abovementioned approvals and this approval; and
- (g) be conducted and reported to the satisfaction of the Secretary.

Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

Monitoring and Environmental Audits

D14. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the project to provide data on compliance with the approval or on the environmental impact of the project, and an "environmental audit" is a periodic or particular documented evaluation of the project to provide information on compliance with the approval or the environmental management or impact of the project.

D15. Noise, blast and air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

D16. Before the commencement of construction until the completion of all rehabilitation required under this approval, the Proponent must:

- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this approval) publicly available on its website:

- (i) the document/s listed in condition A2(c);
 - (ii) all current statutory approvals for the project;
 - (iii) all approved strategies, plans and programs required under the conditions of this approval;
 - (iv) minutes of CCC meetings;
 - (v) regular reporting on the environmental performance of the project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
 - (vi) a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the project;
 - (viii) contact details to enquire about the project or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Annual Reviews of the project;
 - (xi) audit reports prepared as part of any Independent Environmental Audit of the project and the Proponent's response to the recommendations in any audit report;
 - (xii) any other matter required by the Secretary; and
- (b) keep such information up to date, to the satisfaction of the Secretary.

APPENDIX 1 SCHEDULE OF LAND

Lot	DP
23	867667
5	203290
95	750029
24	867667
109	750029
1	371167
1-6	261615
1	557562
143	750029
12	570616
1 & 2	557562
21	657523
100	1064794
4	106569
1-9	216767
11	570616
5	111641
22	867667
1	1124189
2	106569
1 & 2	860561
1	106569
3 & 4	106569
1 & 2	527500
14 -16	111641
6 & 7	116641
9	111645
1	132244
Part Lot 114	750029
Part Lot 3	617992
4	106569
2	132244
3	527501
100	1064794
1 - 9	216767
11 & 12	570616

APPENDIX 2 PROJECT LAYOUT

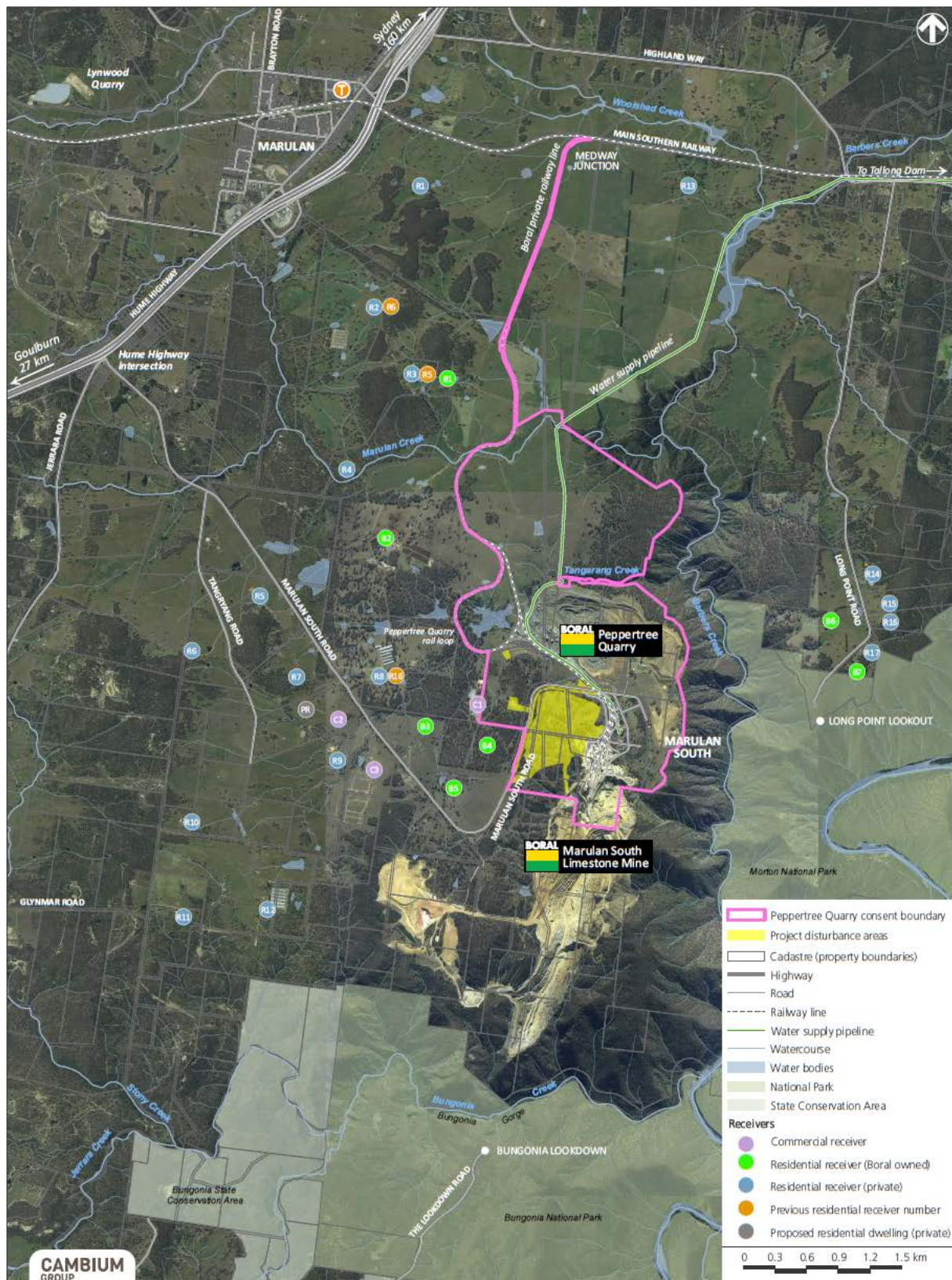


Figure 1: Consent Boundary

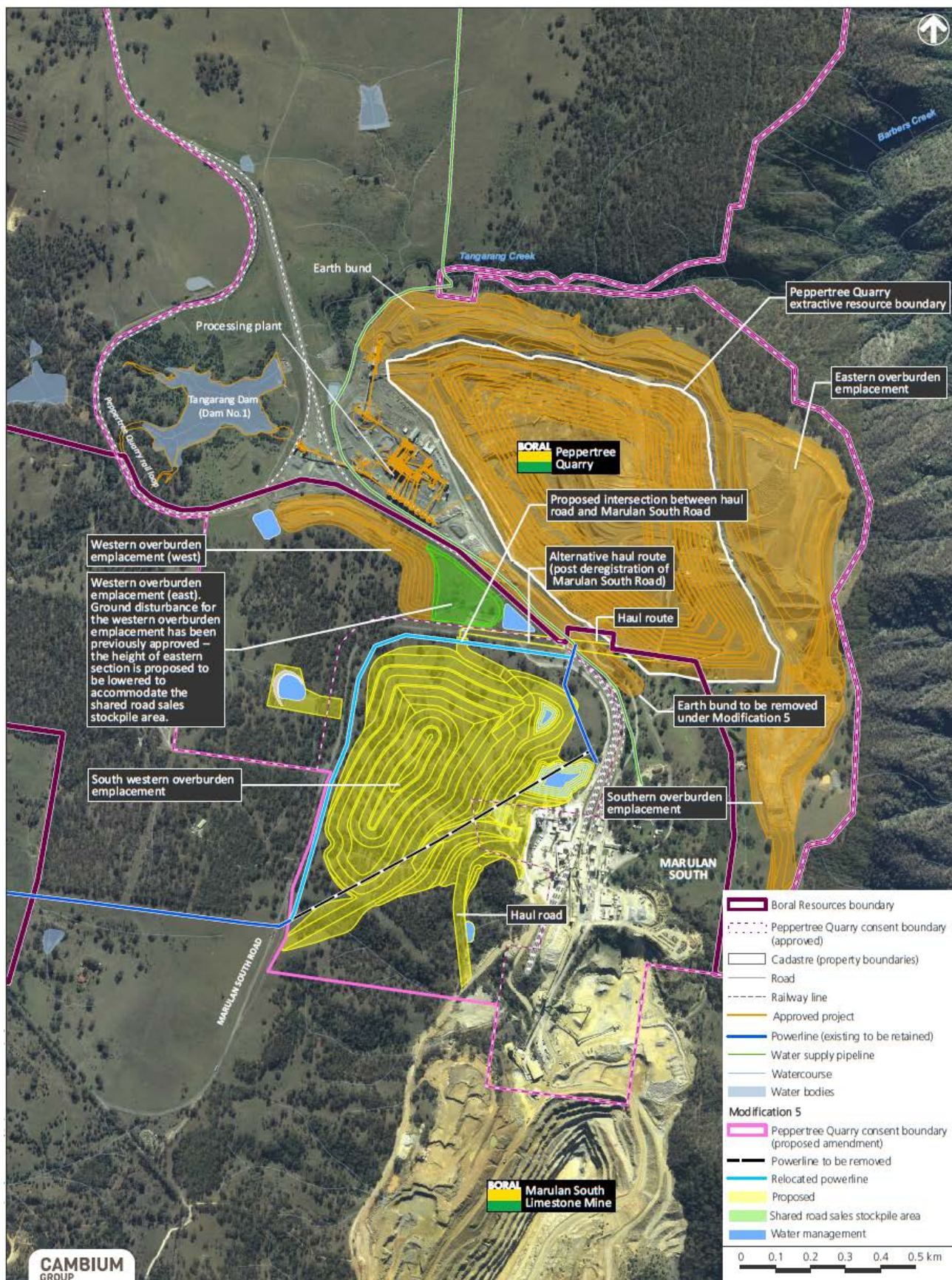


Figure 2: Project Layout

APPENDIX 3 NOISE RECEIVER LOCATIONS

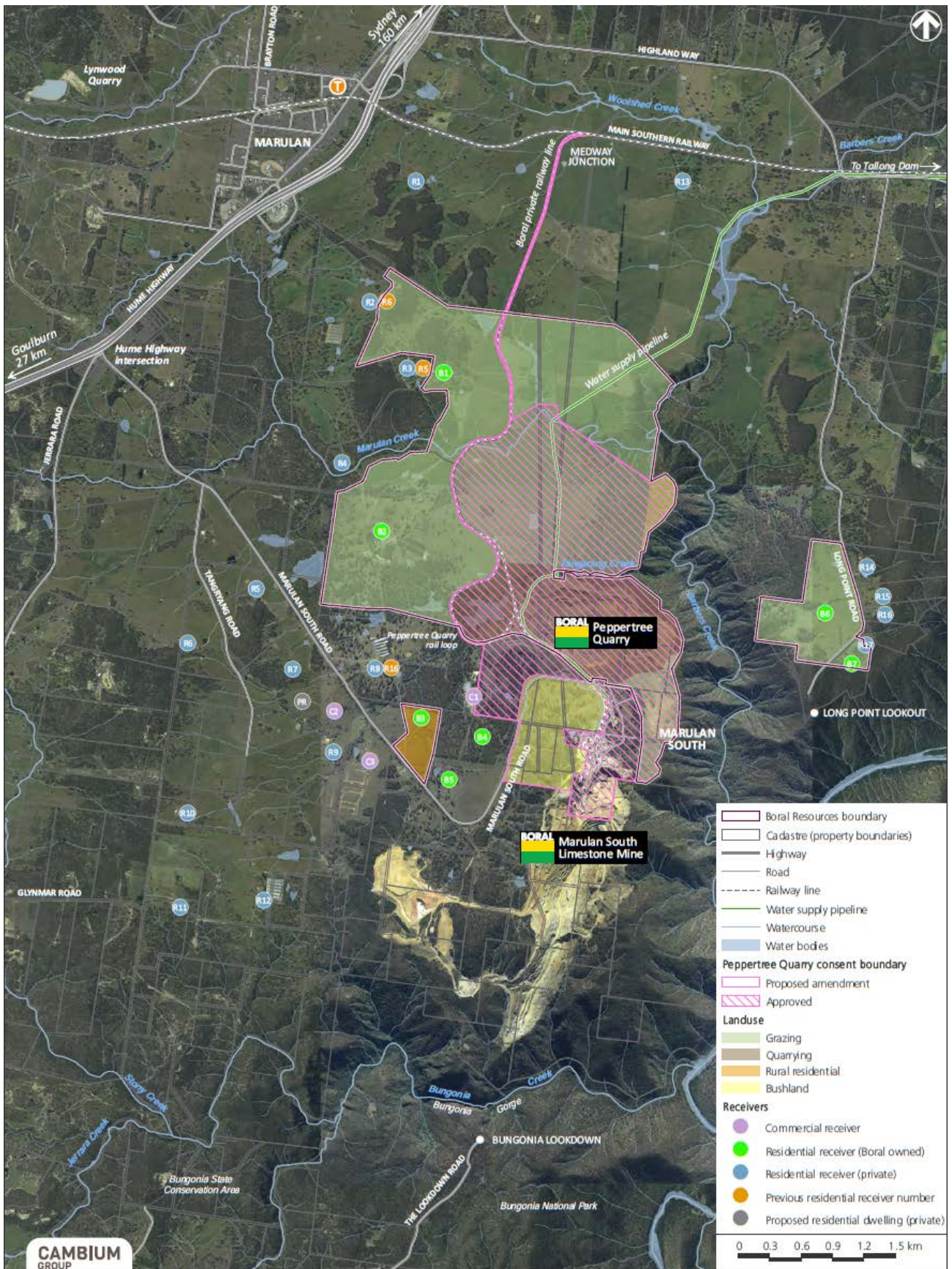


Figure 3: Noise Receivers

APPENDIX 4 SURFACE WATER MANAGEMENT SYSTEM

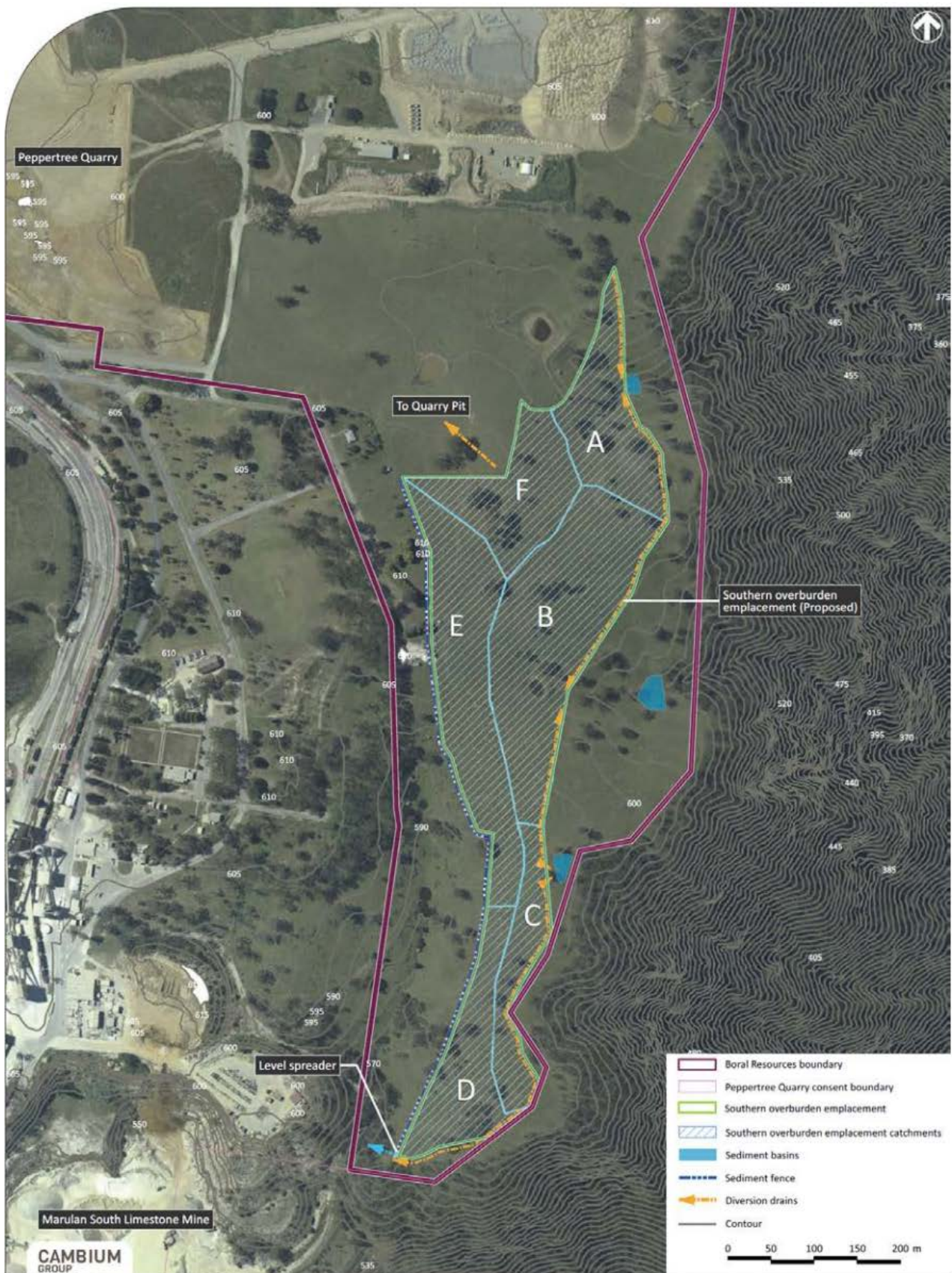


Figure 4: Surface water management system for the SOE

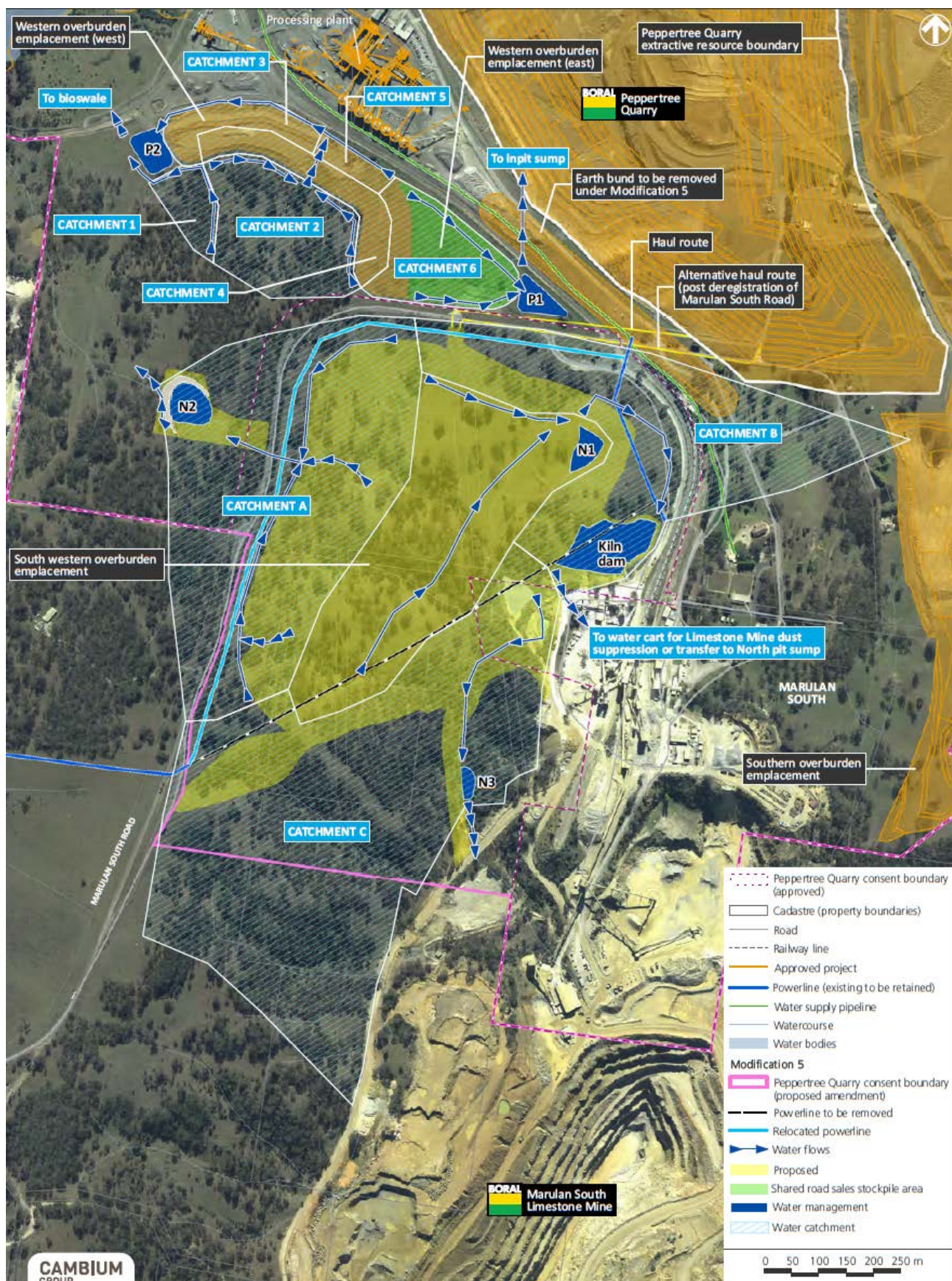


Figure 5: Surface water management system for the WOE and SWOE

APPENDIX 5 ABORIGINAL HERITAGE SITES

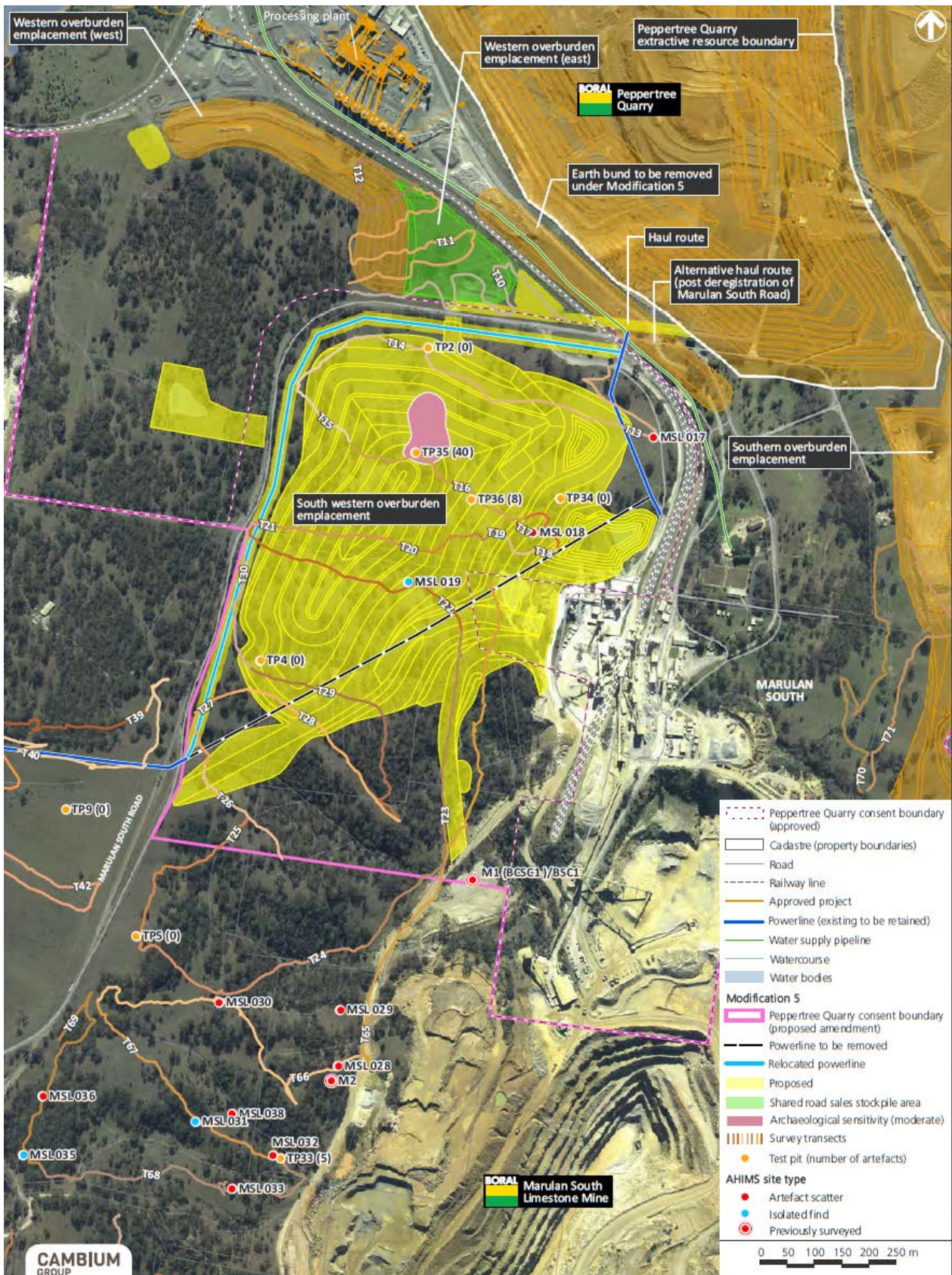


Figure 6: Aboriginal Heritage Sites

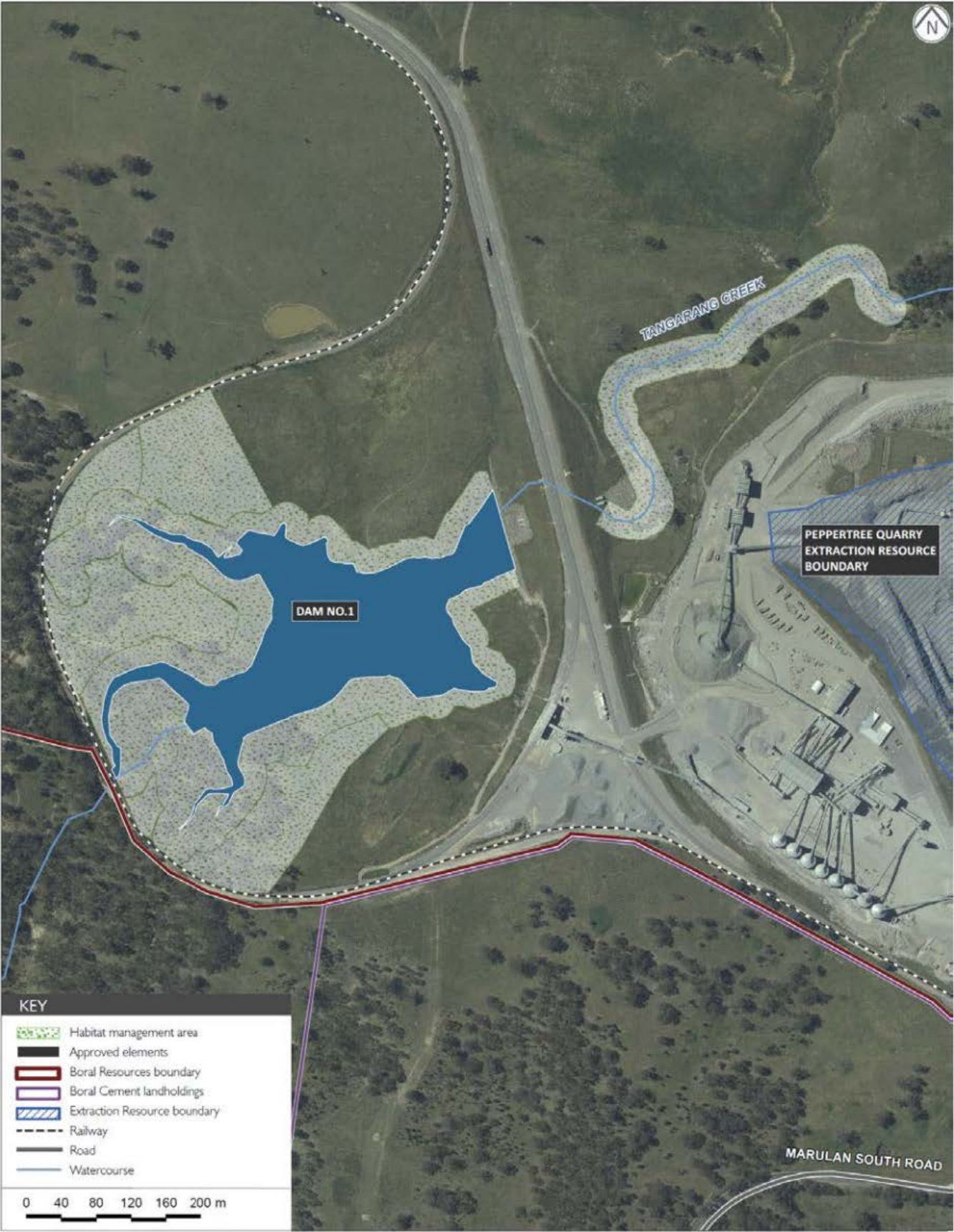


Figure 7: Location of Habitat Enhancement Area

APPENDIX 7 BIODIVERSITY OFFSET AREA

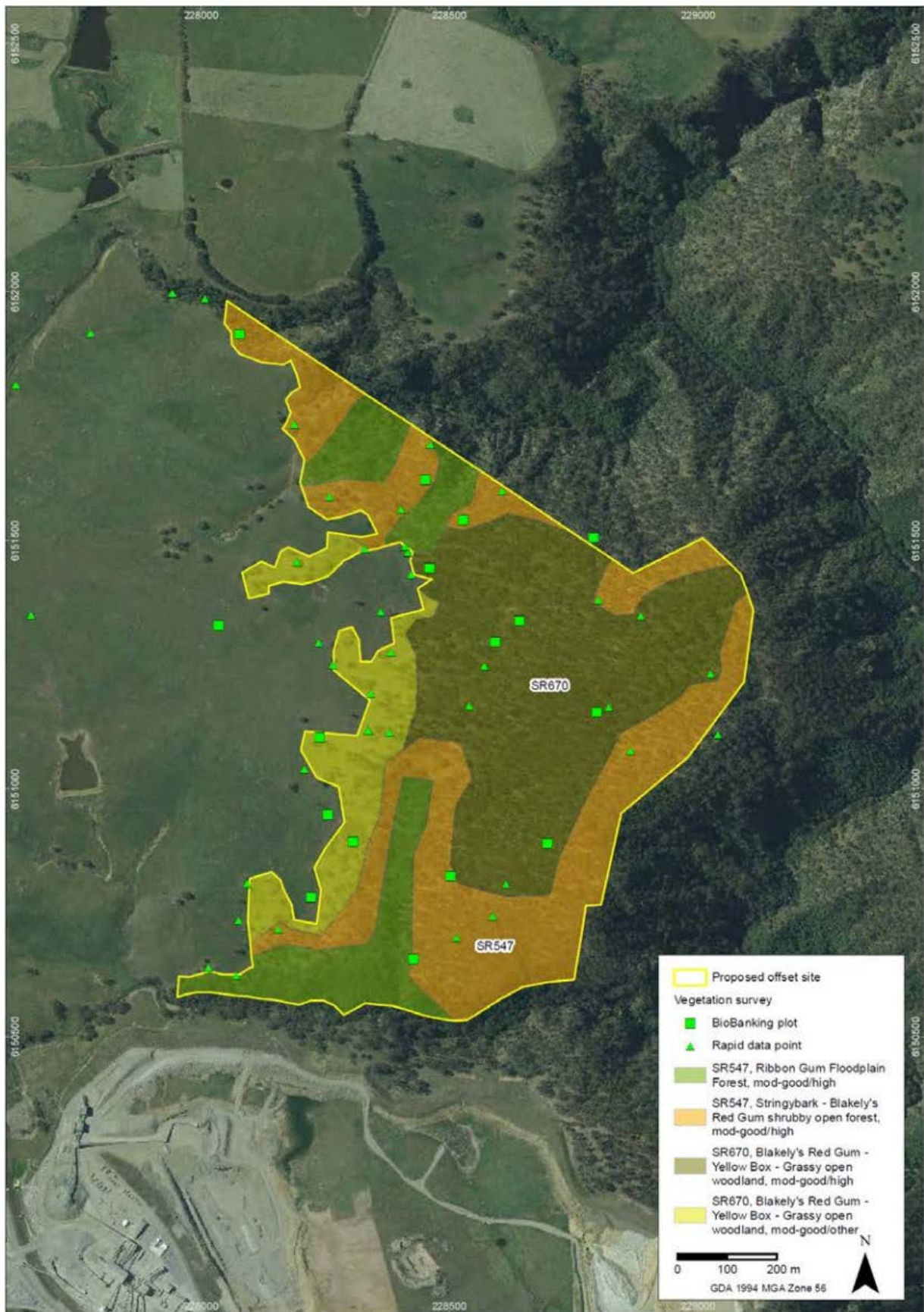


Figure 8: Approximate area of the SOE Biodiversity Offset Area

APPENDIX 8 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition D9 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the project and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the Proponent became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of approval;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Proponent must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.