

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.



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Director
Resource Assessments

Sydney

10 AUGUST 2020

SCHEDULE 1

Project approval 10_0014 for the Badgerys Creek Quarry and Brick Making Project, granted by the Deputy Director-General, Development Assessment Systems and Performance as delegate of the Minister for Planning and Infrastructure on 27 September 2011.

SCHEDULE 2

1. In the list of definitions, delete the terms "Department", "DRG", "DoI - Water", "Finished Building Products", "M", "Minister", "Modification 2", "Mod 2 operations", "Night", "Project", "Project layout", "OEH", "RMS" and "Shutdown period" and their definitions and insert the following terms and definitions in alphabetical order:

BCD	Biodiversity and Conservation Division within the Department
Brickmaking Activities	The manufacturing, storage and sale of brick products, and associated operation of the innovation centre and laboratory described in EA (Mod 3 and 4)
Calendar year	A period of 12 months from 1 January to 31 December
Construction Activities	All physical works to enable mining operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent
Department	NSW Department of Planning, Industry and Environment
Dewatering	Removal of accumulated water from Pits 2 and 3 into Pit 1, and removal of water accumulated in Pit 1
DPIE Water	Water Group within the Department
EA (MOD 3 and 4)	Environmental Assessment titled <i>CSR Advanced manufacturing hub – Modification 3 Environmental Assessment</i> prepared by Element Environment and dated March 2019, Environmental Assessment titled <i>CSR Advanced manufacturing hub – Modification 4 Environmental Assessment</i> prepared by Element Environment and dated March 2019, the associated Response to Submissions Reports prepared by Element Environment and dated October 2019, and additional information provided by CSR Limited and dated 5 May 2020
Eastern Airport Ring Road	Transport corridor associated with development of the WSA and depicted in the <i>Draft Western Sydney Aerotropolis Plan</i> (or later version)
Finished Building Products	Building products manufactured on site, as described in EA (Mod 3 and 4)
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
Landscaped Screens	Landscaped vegetated screens or bunds to reduce both noise and visual impacts described in EA (MOD 3 and 4) and shown in Appendix 3
m	Metres
Martins Road – Elizabeth Road Intersection Upgrade	The upgrade of the Martin Road – Elizabeth Drive Intersection to a standard required by Condition 25A of Schedule 3
MEG	Regional NSW – Mining, Exploration and Geoscience
Minister	Minister for Planning and Public Spaces or delegate
Modification 3 and 4	The modification to the development as described in EA (MOD 3 and 4)
Morning Shoulder Period	The period from 5 am to 7 am Monday to Saturday
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
NRAR	NSW Natural Resources Access Regulator

Phase 1	The initial phase of development associated with Modification 3 and 4, that comprises: • construction activities; • brickmaking activities; • dewatering of Pits 1, 2 and 3; • quarrying activities in Pit 3. • VENM import for quarry rehabilitation activities and preferential backfilling of Pits 1, 2 and 3.
Phase 2	The phase of the development associated with Modification 3 and 4 that commences from the date of completion of backfilling of Pits 1 and 2 and comprises: • construction activities; • brickmaking activities; • quarrying activities in Pit 3; • VENM import for quarry rehabilitation activities and progressive backfilling of Pit 3.
Phase 3	The phase of the development associated with Modification 3 and 4 that commences from the date of completion of extraction activities in Pit 3 and comprises: • brickmaking activities; • VENM import for quarry rehabilitation activities and backfilling of Pit 3.
Phase 4	The phase of development associated with Modification 3 and 4 that commences from the date of completion of VENM import to site and the backfilling of Pit 3, and comprises: • brickmaking activities; and • residual rehabilitation activities (excluding VENM import).
PMF Project	Probable Maximum Flood event The development includes Quarrying Operations, Brickmaking Activities and rehabilitation activities as described in the documents listed in condition 3 of Schedule 2
Project layout	The plans in Appendix 3 of this approval
Resources Regulator	NSW Resources Regulator within the Department of Regional NSW
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material, as defined in the <i>Protection of the Environment Operations Act 1997</i>
WSA	Western Sydney Airport

2. Delete all references to “DRG”, except where it occurs in condition 36 of Schedule 3, and replace with “MEG”.
3. Delete all references to “RMS” and replace with “TfNSW”.
4. Delete all references to “DoI – Water” and replace with “DPIE – Water”.
5. Delete all references to “OEH”, except in conditions 30 to 33 of Schedule 3, and replace with “BCD”.
6. In condition 3 of Schedule 2:
 - a) at the end of paragraph (c) delete “and” and insert;

“(d) generally in accordance with EA (Mod 3 and 4); and”; and
 - b) renumber the subsequent paragraphs accordingly.
7. After condition 5 of Schedule 2, insert the following:

STAGED DEVELOPMENT

- 5A. The project as modified by EA Mod 3 and 4, must be undertaken sequentially in the following stages:
 - (a) Phase 1;
 - (b) Phase 2;
 - (c) Phase 3; and
 - (d) Phase 4.

Note: Each of these phases is listed in the definitions and shown in Appendix 3.

- 5B. The Proponent must notify the Department in writing, at least two weeks before the date of:
 - (a) the commencement of each Phase of the project;
 - (b) the completion of extraction in Pit 3;
 - (c) cessation of Brickmaking Activities; and
 - (d) decommissioning.

8. In condition 8 of Schedule 2, delete “and brick making”.
9. Delete condition 9 of Schedule 2.
10. Delete condition 10 of Schedule 2 and replace with:

10. The Proponent must not exceed the limits in Table 1 during any calendar year.

Table 1: Limits on extraction, production, receipt and dispatch volumes per calendar year

Activity	Project Phase	Total Volume (tonnes per calendar year)
Extraction from Pit 3	Phase 1 and 2	420,000
Receive raw materials for brickmaking	Phase 1 and 2	215,000
	Phase 3 onwards	360,000
Dispatch raw materials	Phase 1,2 and 3	275,000
Brick production	All Phases	300,000
Dispatch finished building products	All Phases	330,000

Note: The Total Volume limits in Table 1 do not apply to the import of VENM for the purpose of backfilling voids. The import of VENM is separately managed under the restrictions on truck movements contained in Condition 12 of this Schedule.

11. Delete condition 12 of Schedule 2, and replace with:

12. The Proponent must not exceed the total truck movements detailed in Table 2.

Table 2: Total Truck Movements

Transport Route Stage	Project Phases	Day	Total truck movements^a
Prior to the upgrade of the Martin Road-Elizabeth Drive Intersection	1,2 and 3	Monday to Friday	120
		Saturday	40
		Sundays	40
Following completion of the Martin Road-Elizabeth Drive Intersection upgrade	1,2 and 3	Monday to Friday	800
		Saturday	358
		Sundays	200
	4	Monday to Friday	366
		Saturday	98
		Sunday	0

^a *Note: each truck entering or exiting the site is counted as a separate movement.*

- 12A. Truck movements entering or exiting the site on Sundays are restricted to the importation of VENM for the purpose of backfilling quarry pits and rehabilitation activities.

Note: Truck movements are also controlled further by the limits in condition 10 of this Schedule and operating hours in condition 1 of Schedule 3.

12. Following the last dot point in the notes to condition 13 of Schedule 2, insert:

- A detailed stormwater drainage design, prepared by a qualified practicing civil engineer, is to be submitted to Council prior to the issue of a construction certificate.

13. After condition 13 of Schedule 2, insert the following:

BRICK KILN STACKS

- 13A. The brick kiln stacks must not exceed 41 m above natural ground level.

14. After condition 16 of Schedule 2, insert the following:

16A. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA. Before the issue of a Construction Certificate and an Occupation Certificate, the Proponent must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Proponent must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.

15. In condition 18 of Schedule 2:
- delete "12" and replace with "3";
 - after "Modification" delete "2" and replace with "3 and 4";
 - delete each occurrence of "boundaries" and replace with "boundary";
 - delete each occurrence of "areas" and replace with "area";
 - delete both occurrences of "the site" and replace with "Pit 3"; and
 - in paragraph (b) delete "such" and replace with "the".

16. In condition 1 of Schedule 3 delete Table 1 including the heading and replace with:

Table 1: Operating hours

Activity	Permissible Hours
Quarrying operations (excluding truck arrival, loading and dispatch)	7.00 am to 6.00 pm Monday to Saturday
	At no time on Sundays or public holidays
Brickmaking Activities	24 hours per day, 7 days per week
Truck arrival and dispatch (raw materials only)	6.00 am to 10.00 pm Monday to Friday
	6.00 am to 6.00 pm Saturday
	At no time on Sundays or public holidays
Truck arrival and dispatch (finished building products only)	5.00 am to 10.00 pm Monday to Friday
	6.00 am to 6.00 pm Saturday
	At no time on Sundays or public holidays
Truck arrival and dispatch (VENM import only)	7.00 am to 6.00 pm Monday to Saturday
	9.00 am to 6.00 pm Sunday
	At no time on public holidays
Cash sales	6.00 am to 6.00 pm Monday to Saturday
	At no time on Sundays or public holidays
Sales selection/Customer Display Centre	8.00 am to 5.00 pm Monday to Sunday
Maintenance	At any time, provided that these activities are not audible at any privately-owned residence outside of permissible hours for quarrying operations

17. Following condition 1 of Schedule 3 insert:

1A. With the written agreement of the Secretary, the Proponent may undertake limited campaign trucking (within the limits imposed under conditions 10 and 12 of Schedule 2) for the import of VENM outside of the operating hours prescribed in condition 1 of this Schedule.

18. Delete condition 3 Schedule 3 and replace with:

Approved construction works must only be undertaken during standard construction hours (7 am to 6 pm, Monday to Friday and 8 am to 1 pm on Saturdays), unless the Secretary agrees otherwise.

19. Delete condition 4 of Schedule 3.

20. In condition 5 of Schedule 3:

- a) delete "excluding acoustic bund construction" and replace with "including construction activities";
- b) delete Table 3 including the heading and replace with:

Table 2: Operational noise criteria dB(A)

Receiver ID	Morning Shoulder	Day	Evening	Night	
	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{Aeq} (15 min)	L _{AFmax}
R9, R25, R35	43	45	40	38	52
R5, R26, R27, R28, R29, R30, R31, R32, R34, R42, R43, R44, R45, R46	42	42	41	38	52
R11, R12, R13, R14, R15	43	43	43	38	52
All other residences	-	40	35	35	52

- c) delete all references to "Table 3" (including in the note) and replace with "Table 2";
- d) after the second occurrence of "Noise generated by the project" delete "is to be" and replace with "must be monitored and"; and
- e) delete "NSW Industrial Noise Policy. Appendix 8 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria" and replace with "NSW Noise Policy for Industry (NSW EPA 2017)".

21. In condition 6 of Schedule 3:

- a) after "ensure that the" insert "road";
- b) delete the first occurrence of "Table 4" insert "Table 3 at any privately-owned residence";
- c) delete Table 4 including the heading and note, and replace with the following:

Table 3: Road traffic noise criteria dB(A)

Road Noise Receiver ID	Day / Evening L _{Aeq} (1 hour)	Night L _{Aeq} (1 hour)
Prior to Martin Road – Elizabeth Road Intersection Upgrade		
Residents on Martin Road	60	55
Following Martin Road – Elizabeth Road Intersection Upgrade		
RN5	61	55
RN9, RN21	62	55
RN14, RN22	63	55
RN16	64	55
All other residences on Martin Road	60	55

Traffic noise generated by the project is to be measured in accordance with the relevant procedures in the *NSW Road Noise Policy* (Department of Environment, Climate Change and Water NSW).

However, the noise criteria in Table 3 do not apply if the Proponent has an agreement with the relevant landowner to exceed the noise criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

22. After condition 6 of Schedule 3, insert the following:

- 6A. Upon receiving a written request from the owner of residences RN5, RN9, RN14, RN16, RN21 or RN22, the Proponent must implement noise mitigation treatment packages as described in the EA (Mod 3 and 4) and as set out in the *RMS Draft At-Receiver Treatment Packages*.

If within 3 months of receiving this request from the owner, the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

23. In condition 7 of Schedule 3:

- a) in paragraph (b) after “the project during” insert “noise enhancing”;
- b) in paragraph (b) delete “when the noise criteria in this approval do not apply (see Appendix 8)”; and
- c) in paragraph (d) delete “in accordance with Appendix 8”.

24. In condition 8 of Schedule 3:

- a) delete paragraph (a) and renumber subsequently paragraphs accordingly;
- b) in paragraph (a) delete “quarrying operations under Modification 2” and replace with “Modification 3 and 4”;
- c) delete the “and” at the end of the second dot point in paragraph (b);
- d) delete the third dot point in paragraph (b) and replace with the following:
 - residences listed in condition 6A of this Schedule are notified of their rights to request road noise mitigation measures;
 - vibration impacts are minimised; and
 - the construction and operational noise impacts of the project are minimised during noise enhancing meteorological conditions;
- e) in paragraph (c) delete “EA” and replace with “EA (Mod 3 and 4)”;
- d) in the first dot point of paragraph (d) delete “commencement” and replace with “recommencement” and delete “the construction of the noise bunds and during”;
- e) delete the first and second dot points in paragraph (d) and replace with the following:
 - procedures for notifying and consulting nearby residents prior to the recommencement of quarrying and brick making activities;
 - procedures for notifying and consulting nearby residents prior to the commencement of construction activities;
- f) in the third dot point in paragraph (d) before “all hours” insert “operated at”.

25. In condition 9 of Schedule 3:

- a) delete all references to “Table 5”, and replace with “Table 4”;
- b) after the first row of headings in Table 4, insert the following rows:

Particulate matter < 2.5 µm (PM _{2.5})	Annual	a,d 8 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	24 hour	b 25 µg/m ³

- c) in the last column of the fourth row of Table 4 entitled “Particulate matter < 10 µm (PM₁₀)”, delete “30” and replace with “25”;
- d) In the notes to Table 4 delete the word “Cumulative” and replace with “Total”

26. In condition 10 of Schedule 3:

- a) in paragraph (b) delete “EA” and replace with “EA (Mod 3 and 4)”;
- b) in paragraph (e) delete “Table 5” and replace with “Table 4”.

27. After condition 10 of Schedule insert the following:

- 10A. During Phase 4, the Proponent may request the Secretary’s agreement to reduce or waive certain air quality monitoring requirements if the Proponent can demonstrate that they are no longer necessary.

28. Delete condition 12 of Schedule 3 and replace with:

12. Within 14 months of commencement of increased production of bricks to 300,000 tonnes per year, or as otherwise required by the EPA, the Proponent must submit an Air Quality Verification Assessment to the EPA, and must provide a copy of this assessment to the Secretary. The Air Quality Verification Assessment must be completed in accordance with the requirements of the EPL for the premises.

29. In condition 13 of Schedule 3:

- a) in paragraph (a) delete “the EPA” and replace with “relevant WSA authorities”;

- b) in paragraph (b) delete “quarrying operations under Modification 2” and replace with “Phase 1”;
 - c) in paragraph (e) delete “EA” and replace with “EA (Mod 3 and 4)”;
 - d) after the first paragraph (e), renumber the paragraphs labelled (d), (e) and (f) as (f), (g) and (h); and
 - e) delete the first dot point of paragraph (g).
30. In condition 14 of Schedule 3, after “guideline” insert “and is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017)”.
31. Delete the note to condition 14 of Schedule 3.
32. After condition 17 of Schedule 3, insert the following:
- 17A. The Proponent must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.
33. In condition 18 of Schedule 3, after the second occurrence of “site” insert “except where discharges are otherwise authorised by the condition 19 and 19A of this Schedule”.
34. After condition 19 of Schedule 3, insert the following:
- Dewatering of Pits 1, 2 and 3**
- 19A. All water dewatered from Pit 1 (including water transferred into Pit 1 from Pit 2 and Pit 3) must be transferred from the site in accordance with the Dewatering Management Plan required under Condition 23A of this Schedule.
- 19B. All dewatering activities from Pit 1 must be completed within Phase 1 unless otherwise agreed by the Secretary.
35. Delete condition 22 of Schedule 3.
36. In condition 23 of Schedule 3:
- a) in paragraph (b) after delete “the EPA” and replace with “Council”;
 - b) in paragraph (c) delete “quarry operations under Modification 2” and replace with “Phase 1”;
 - c) in sub-paragraph (d)(i) after the third open dot point of the first dot point insert the following:
 - o all existing Water Access Licences and potential Water Access Licences, including information on the relevant Water Sharing Plan and Water Sources;
 - d) in sub-paragraph (d)(i) in the fifth open dot point of the first dot point after “water transfers” insert “, including those described in condition 23A of this Schedule”; and
 - e) in sub-paragraph (d)(iii) after the fourth dot point, insert the following as the first open dot point:
 - o monitoring of boreholes within the alluvial sediments adjacent to Badgerys and South Creeks and their tributaries, and in the Bringelly Shale bedrock aquifer;
37. After condition 23 of Schedule 3, insert the following:

Dewatering Infrastructure Plan

- 23A. Prior to carrying out any construction activities associated with the dewatering activities on the site, the Proponent must prepare a Dewatering Infrastructure Plan for the project to the satisfaction of the Secretary. This plan must include:
- (a) detailed designs for:
 - any pipeline infrastructure used for dewatering activities; and
 - the method to be used to cross Badgerys Creek;
 - (b) a flooding assessment which:
 - considers the impacts of any structures (including overland pipelines) to flood flow within the floodplain up to the PMF; and
 - describes the measures that will be implemented to minimise those impacts; and
 - (c) a description of the measures to be implemented for:
 - managing construction and operation of minor surface infrastructure;
 - avoiding significant impacts and minimisation of impacts generally;
 - controlling any potential water pollution from construction;
 - minimising and managing erosion and sedimentation;
 - decommissioning of pipeline infrastructure; and
 - rehabilitating disturbed areas.

The Proponent must implement the Dewatering Infrastructure Plan as approved by the Secretary.

Dewatering Management Plan

- 23B. The Proponent must prepare a Dewatering Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with DPIE-Water and NRAR;
 - (b) be submitted to the Secretary for approval prior to dewatering activities from Pit 1, unless otherwise agreed by the Secretary; and
 - (c) include:
 - details of:
 - o off-site water transfer or discharge arrangements; and
 - o procedures for monitoring on volumes transferred off-site and reporting on this as part of AEMR;
 - a Fauna Relocation Plan regarding the transfer of aquatic fauna from Pits 1, 2 and 3 prepared by a suitably qualified ecologist which includes details on:
 - o native fauna species known to inhabit and/or use the pits which require transfer from the pits;
 - o methodology proposed to transfer the fauna;
 - o location and suitability of the proposed relocation sites;
 - o any potential impacts of relocating the fauna to the relocation sites and proposed mitigation measures; and
 - o details of ecologists to monitor dewatering activities;
 - a Geotechnical Monitoring Program, prepared by a suitably qualified and experience geotechnical engineer, to examine and monitor the faces and high walls of the quarry pits to determine potential geotechnical hazards and evaluate risks of potential failures;
 - a program to monitor and report on dewatering that involves any discharge from the site, including:
 - o the quality of any water discharged from the site;
 - o surface water flows and quality in local watercourses; and
 - o the stream health, riparian vegetation health and channel stability of creeks and other water bodies that could potentially be affected by the discharges; and
 - a plan to respond to any exceedances of the performance criteria and mitigate and/or offset any adverse surface water impacts of the discharges.

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

Flooding

- 23C. The Proponent must prepare and implement an Evacuation Plan for the site. This Evacuation Plan must be prepared in consultation with the State Emergency Services and include details of the site evacuation and sheltering procedures during flood events.

38. In condition 24 of Schedule 3:

- a) delete "Mod 2 operations" and replace with "Phase 1";
- b) in paragraph (b) after "quarry access road" insert "and VENM haul road"; and
- c) in paragraph (b) delete "in Martins" and replace with "on Martin".

39. Delete condition 25 of Schedule 3 and replace with:

25. Prior to the recommencement of quarrying operations, the Proponent must enter into a formal agreement with Council for:
- (a) the repair of historical impacts of trucking from the project on Martin Road; and
 - (b) annual road maintenance contributions to be paid to Council, based on the weight of all laden truck movements to and from the site, for the duration that Martin Road is vested in the Council as the roads authority.

The Proponent must provide evidence to the Secretary that the agreement has been executed and implemented to the satisfaction of Council.

If there is any dispute between the Proponent and Council, then either of the parties may refer the matter to the Secretary for resolution.

25A. Prior to increasing truck movement limits as specified in condition 12 of Schedule 2, the Proponent must complete an interim upgrade of the Martin Road and Elizabeth Drive Intersection. The final design of intersection must be to the satisfaction of the relevant roads authority/s and must:

- (a) be designed and constructed in accordance with Austroads Guidelines, Australian Standards and any requirements of the relevant road authority/s;
- (b) include, at a minimum, a three phase signal operation including a right turn green light and pedestrian crossings on one Martin Road and one Elizabeth Drive approach;
- (c) be subject to a Works Authorisation Deed (WAD) with TfNSW; and
- (d) be funded by the Proponent, unless otherwise agreed with TfNSW.

25B. With the written agreement of the Secretary, the requirements of condition 25A of this Schedule may be waived if the Proponent can demonstrate that the Martin Road-Elizabeth Drive Intersection has been upgraded to achieve service, capacity and safety standards equivalent to or greater than those required under condition 25A of this Schedule.

25C. The Proponent must provide an area for a potential transport corridor associated with an extension of Martin Road through the site (as conceptually shown in Appendix 3). The final design and location of the transport corridor and any associated commercial arrangements must be determined in consultation with TfNSW.

The Proponent must advise the Secretary in writing of the final design and location of the transport corridor as agreed with TfNSW, and update relevant management plans, strategies or programs for the project to reflect the transport corridor.

40. In condition 26 of Schedule 3:

- a) delete "laden" in paragraph (a);
- b) in paragraph (a) after "and dispatch" insert "and nature of material transported"; and
- c) in paragraph (b) after "bricks" insert ", VENM".

41. In condition 27 of Schedule 3:

- a) In paragraph (a) after "all" insert "laden"
- b) in paragraph (a) after "quarry products" insert ", raw materials or VENM";
- c) in paragraph (b) delete "laden" and delete "and";
- d) in paragraph (c) after "transport" insert "finished building materials, quarry";
- e) delete the full stop at the end of paragraph (c) insert the following:
 - ; and
 - (d) continue to engage with TfNSW regarding the detailed planning and design for the Eastern Airport Ring Road.

42. In condition 28 of Schedule 3:

- a) in paragraph (a) delete "RMS" and replace with "TfNSW, WSA";
- b) in paragraph (b) delete "Mod 2" and insert "Phase 1";
- c) in paragraph (e) delete the "and";
- d) delete the full stop at the end of paragraph (f) and replace with a semicolon;
- e) after paragraph (f) insert the following:
 - (g) describe the measures to manage construction and cumulative traffic impacts on the surrounding road network; and
 - (h) be updated as necessary to reflect the operational phases and truck movement limits specified in condition 12 of Schedule 2 and prior to the commencement of any construction works for the upgrade of the Martin Road – Elizabeth Drive Intersection or the Eastern Airport Ring Road.

43. In paragraph (a) of condition 29 of Schedule 3:

- a) in paragraph (a) delete the "and";
- b) in paragraph (b) after "regeneration works" insert ", dewatering activities and water discharges"; and
- c) delete the full stop at the end of paragraph (b) and insert the following:
 - ; and
 - (c) measures are implemented prior to the commencement of Phase 1, to conserve and protect the hearth feature within site BCBW18 AS 02 02 (AHIMS ID 45-5-5164).

44. In condition 30 of Schedule 3:

- a) in the first sentence delete "Applicant" and replace with "Proponent";
- b) in paragraph (b) after "Registered Aboriginal Parties" insert "and Heritage NSW";
- c) in paragraph (c) delete "Modification 2" and replace with "Modification 3 and 4"; and
- d) in paragraph (d), insert the following after sub-paragraph (i) and renumber the subsequent sub-paragraphs accordingly:

- (ii) conserve the entire extent of the hearth feature within site BCBW18 AS 02 (AHIMS ID 45-5-5164);

45. In condition 31, 32 and 33 of Schedule 3, delete every occurrence of "OEH" and replace with "Heritage NSW".

46. In condition 33 of Schedule 3, after "vicinity" insert "of a site identified in condition 32 of this Schedule".

47. In condition 34 of Schedule 3:

- a) delete "to the satisfaction of the Secretary" and replace with "in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*";
- b) after "EA" insert "(Mod 3 and 4)";
- c) delete all references to "Table 6" and replace with "Table 5";
- d) delete the row in Table 5 starting with "Quarry Benches";
- e) in the first column of Table 5, delete "Acoustic" and replace with "Landscaping";
- f) delete the last row of Table 5 starting with "Final void" and replace with the following:

<i>Pits 1, 2 and 3</i>	• Backfilled to a landform that is consistent with natural ground level and is geotechnically stable • Free draining
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48. After condition 35 of Schedule 3, insert the following:

- 35A. The Proponent must complete the backfilling of Pits 1 and 2 within 6 years of commencement of Phase 1, or as otherwise agreed by the Secretary.
- 35B. The Proponent must complete the backfilling of Pit 3 within 2 years of the date of completion of extraction activities in Pit 3, or as otherwise agreed by the Secretary.

49. Delete condition 36 of Schedule 3 and replace with the following:

- 36 The Proponent must prepare a Rehabilitation Management Plan for the project, in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*. This plan must:
 - (a) be prepared in consultation with the Department, DPIE Water, BCD, TfNSW, relevant WSA authorities and Council;
 - (b) build upon the Rehabilitation Objectives in Table 5 and the proposed rehabilitation strategy described in the EA (Mod 3 and 4) and shown in Appendix 4;
 - (c) investigate options for the future use of disturbed areas following the completion of backfilling operations, having regards to the strategic planning associated with the draft Western Sydney Aerotropolis Plan (or subsequently adopted NSW Government strategic plans);
 - (d) describe and justify the proposed rehabilitation strategy for the site, including the landform and use of the site following the completion of quarry operations;
 - (e) include details of the planting of replacement trees in riparian areas consistent with the Statement of Commitments and with vegetation requirements for WSA to minimise wildlife impacts;
 - (f) describe how the rehabilitation of the site would achieve the objectives identified in Table 5 and the requirements of conditions 35A and 35B of this Schedule;
 - (g) include detailed Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan for evaluating the performance of the rehabilitation of the site;
 - (h) include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise the area exposed for dust generation;
 - (i) to the maximum extent practicable, build on and integrate with the other management plans required under this consent;
 - (j) include a life of mine rehabilitation and mining schedule and a protocol for progressive reviews of key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;
 - (k) include an overview of the identified risks to achieving successful rehabilitation and strategies to be implemented to address these risks;
 - (l) include a program to monitor, audit and report on the progress against the Rehabilitation Objectives and Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan; and

- (m) describe the measures to be implemented to ensure compliance with the relevant conditions of this approval, including intervention and adaptive management techniques that may be required to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably practical.

Note: The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under the mining lease granted for the development.

50. After condition 37 of Schedule 3, insert the following:

- 37A. Within 3 months of commencing quarrying operations in Pit 3, the Proponent must construct landscaped earthen bunds and plant vegetation screens (as shown conceptually in Appendix 3), to minimise the visual impacts of the project. The landscaped earthen bunds and plant vegetation screens must be maintained until the Pit 3 area has been fully rehabilitated.
- 37B. Within 6 months of the Secretary being advised of the confirmed Eastern Airport Ring Road alignment, as required under condition 25C of this Schedule, the Proponent must construct landscaped earthen bunds and plant vegetation screens around the brickmaking facility and raw material stockpile (as shown conceptually in Appendix 3), to minimise the visual impacts of the project. The landscaped earthen bunds and plant vegetation screens must be maintained for the life of the project.
- 37C. The Proponent must ensure that all outdoor and external lighting at the site:
- (a) complies with AS4282 (INT) 1995 – *Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is designed in accordance with any Civil Aviation Safety Authority requirements for the WSA and is mounted, screened and directed in such a manner that it does not cause distraction or confusion to pilots due to light spill above the horizontal plane.

Visual Impact Management Plan

- 37D. Within 6 months of approval of Modification 3 and 4, the Proponent must prepare a Visual Impact 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 Council, TfNSW and relevant WSA authorities;
 - (c) describe the measures to be implemented to minimise the visual, landscaping and off-site lighting impacts of the project to the WSA and surrounding community;
 - (d) include a landscaping strategy to shield public views of the project (including views from the Eastern Airport Ring Road) that includes:
 - the measures identified in the EA (Mod 3 and 4);
 - a vegetation strategy utilising a diversity of local provenance tree species from the native vegetation community (or communities) that occur or once occurred on the site, and would minimise wildlife attraction;
 - a bund vegetation and maintenance schedule; and
 - procedures to notify, consult with and implement site-specific mitigation measures at affected privately-owned residences;
 - (e) include a program to monitor and report on the implementation and effectiveness of the mitigation measures; and
 - (f) include a protocol to update to the plan to include the requirements of condition 37A and 37B of this Schedule, once the Secretary has been advised of the confirmed Eastern Airport Ring Road alignment, as required under condition 25C of this Schedule.

The Proponent must implement the Visual Impact Management Plan as approved by the Secretary.

51. In condition 38 of Schedule 3:

- a) in paragraph (a), delete “in accordance with the requirements of its EPL, and” and delete “of the EPA and”;
- b) in paragraph (d) after “minimisation” insert “, including management of non-recyclable materials”; and
- c) insert the following note to condition 38 of Schedule 3:

52. After condition 39 of Schedule 3, insert the following:

VENM Management Plan

- 39A. Prior to the import of VENM to the site, the Proponent must prepare a VENM Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) identify the quantities of VENM to be imported to site;
 - (b) describe:
 - the procedures for monitoring VENM imported to the site to ensure that it meets relevant quality specifications for VENM;
 - management measures for the emplacement and temporary stockpiling of VENM;
 - the process for handling VENM for use in rehabilitation;
 - measures for the on-site use of water captured in sediment basins to ensure that the water does not present a contamination risk; and
 - processes for assessing, recording, handling and managing any contamination found on the site; and
 - (c) provide an indicative schedule of VENM material to be imported to the site for each Phase of the project, in order to achieve the conceptual final landform.

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

53. In condition 42 of Schedule 3:

- a) delete the "and" in paragraph (a)
- b) at the end of paragraph (b) delete the fullstop and replace with "; and";
- c) insert the following paragraph after paragraph (b):
 - (c) ensure that the development provides for asset protection in accordance with the relevant requirements in 'Planning for Bush Fire Protection 2006 (NSW RFS 2006)'.

54. In condition 1 of Schedule 5:

- a) in paragraph (a), delete "Modification 2" and replace with "Modification 3 and 4";
- b) in paragraph (d), delete "describe", and replace with "set out";
- c) in paragraph (e), delete "describe", and replace with "set out";
- d) in the fourth bullet point of paragraph (e), following "non-compliance", insert "and any incident".

55. In condition 3 of Schedule 5 delete both occurrences of "development" and replace with "project".

56. In condition 4 of Schedule 5 delete both occurrences of "Modification 2" and replace with "Modification 3 and 4".

57. Delete conditions 9 and 10 of Schedule 5, including the headings, and replace with the following:

REPORTING AND AUDITING

Incident Notification

9. 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 through the Department's Major Projects Website and identify the project (including the project application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

10. Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be made in writing through the Department's Major Projects website and identify the project (including the development application number and name), set out the condition of this approval that the project is non-compliant with, why 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.

58. In condition 12 of Schedule 5:

- a) in the first sentence after "quarrying operation" insert "or VENM import"; and
- b) in paragraph (d) delete "ensure compliance" and replace with "rectify the non-compliance and avoid reoccurrence".

59. In condition 13 of Schedule 5, delete “recommencing quarrying operations” and replace with “the commencement of Phase 1”.
60. After condition 14 of Schedule 5 insert:
- 14A. 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.
- Note: For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development 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.*
61. In condition 15 of Schedule 5:
- a) delete “Modification 2” and replace with “Modification 3 and 4”; and
 - b) delete “development” and replace with “project”.
62. In Appendix 2:
- a) insert the label “**Figure 1: Receiver ID**” beneath the existing figure; and
 - b) after Figure 1, insert the following:

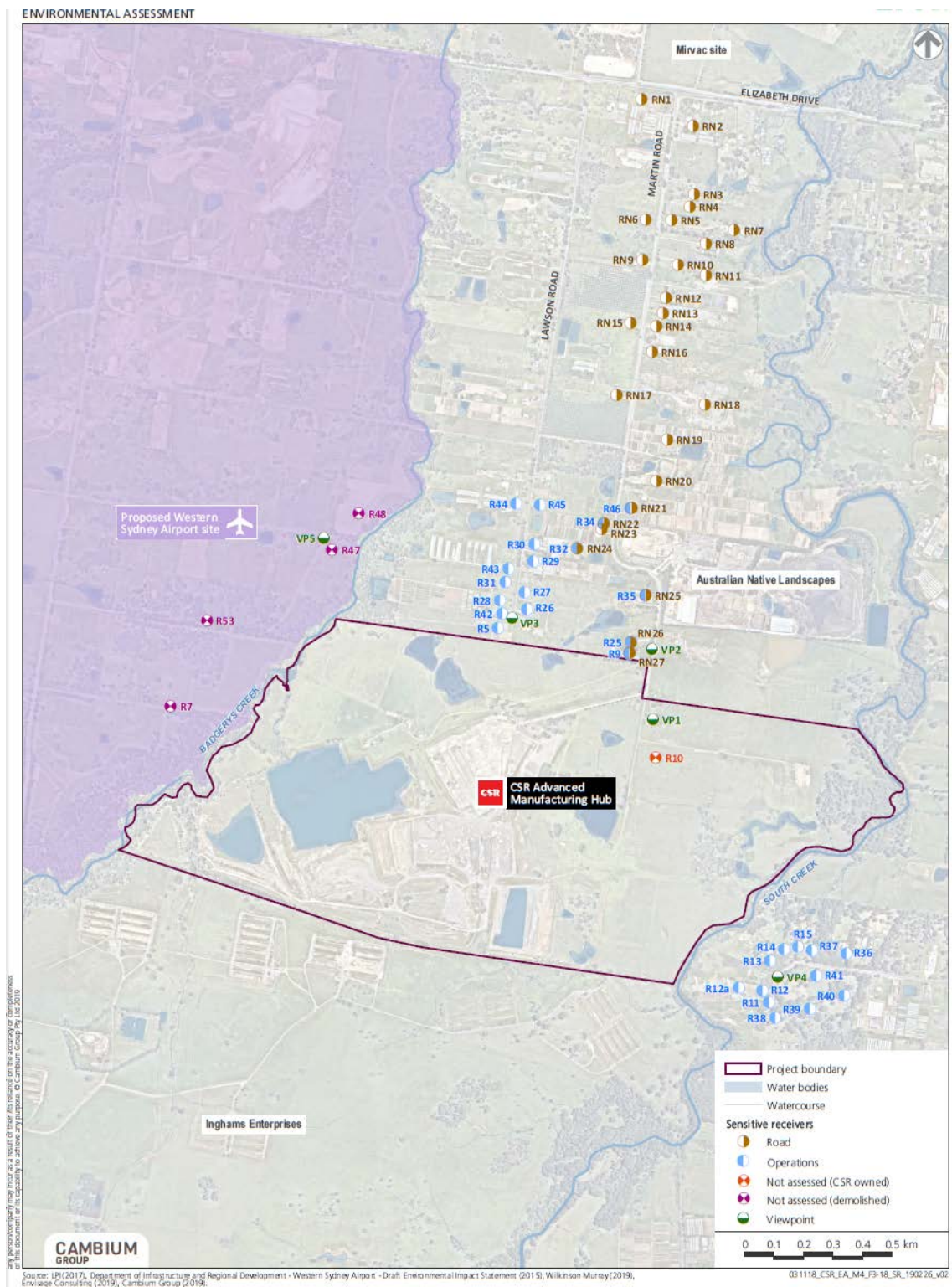


Figure 2: Road Noise Receiver ID

63. In Appendix 3, delete figure, including the heading, and replace with the following:

APPENDIX 3 PROJECT LAYOUT PLANS



Figure 1: Project Layout Overview

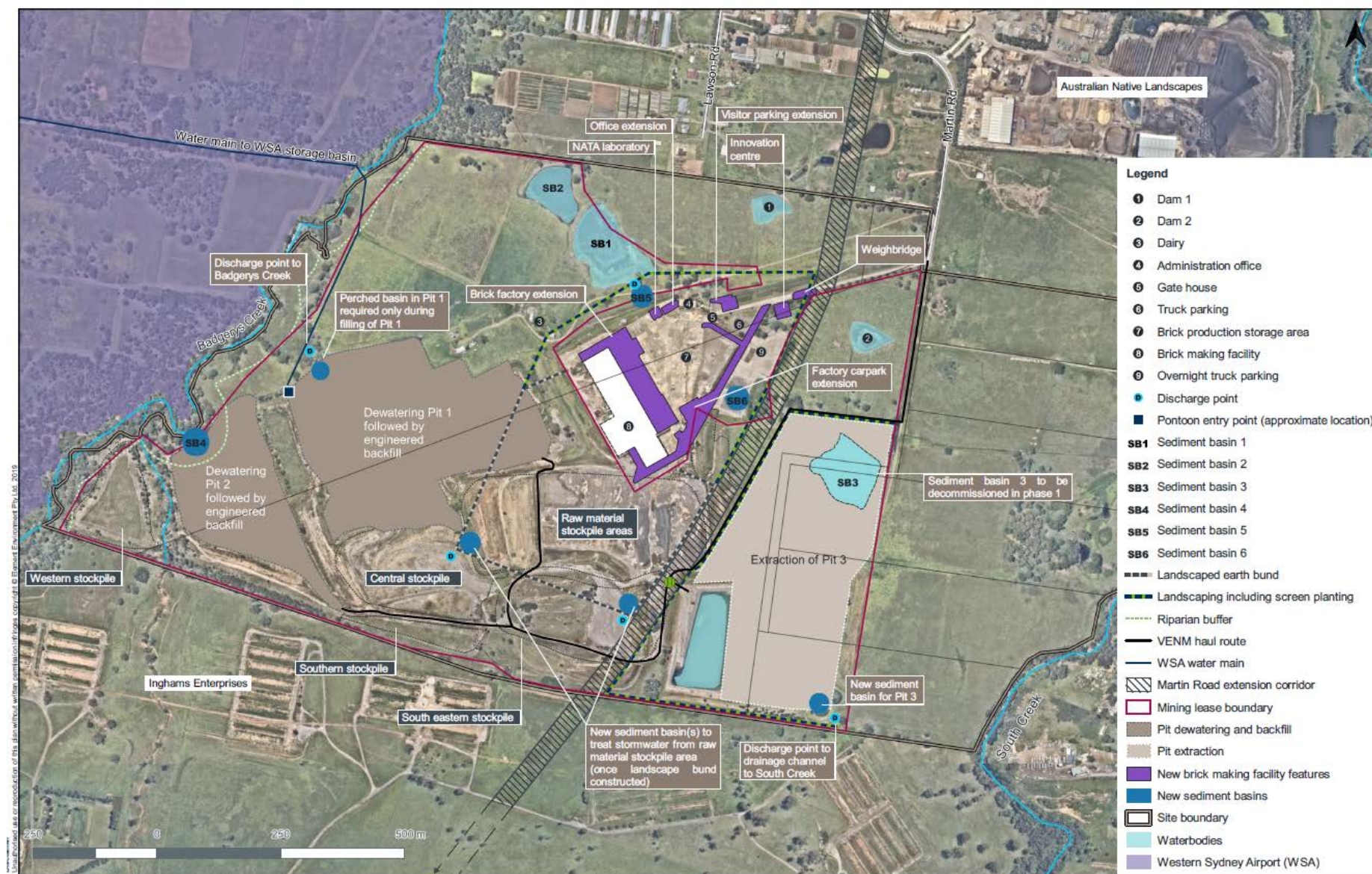


Figure 2: Phase 1 Project Layout



Figure 3: Phase 2 Project Layout





Figure 5: Phase 4 Project Layout

64. In Appendix 4 delete the figure and replace with the following:

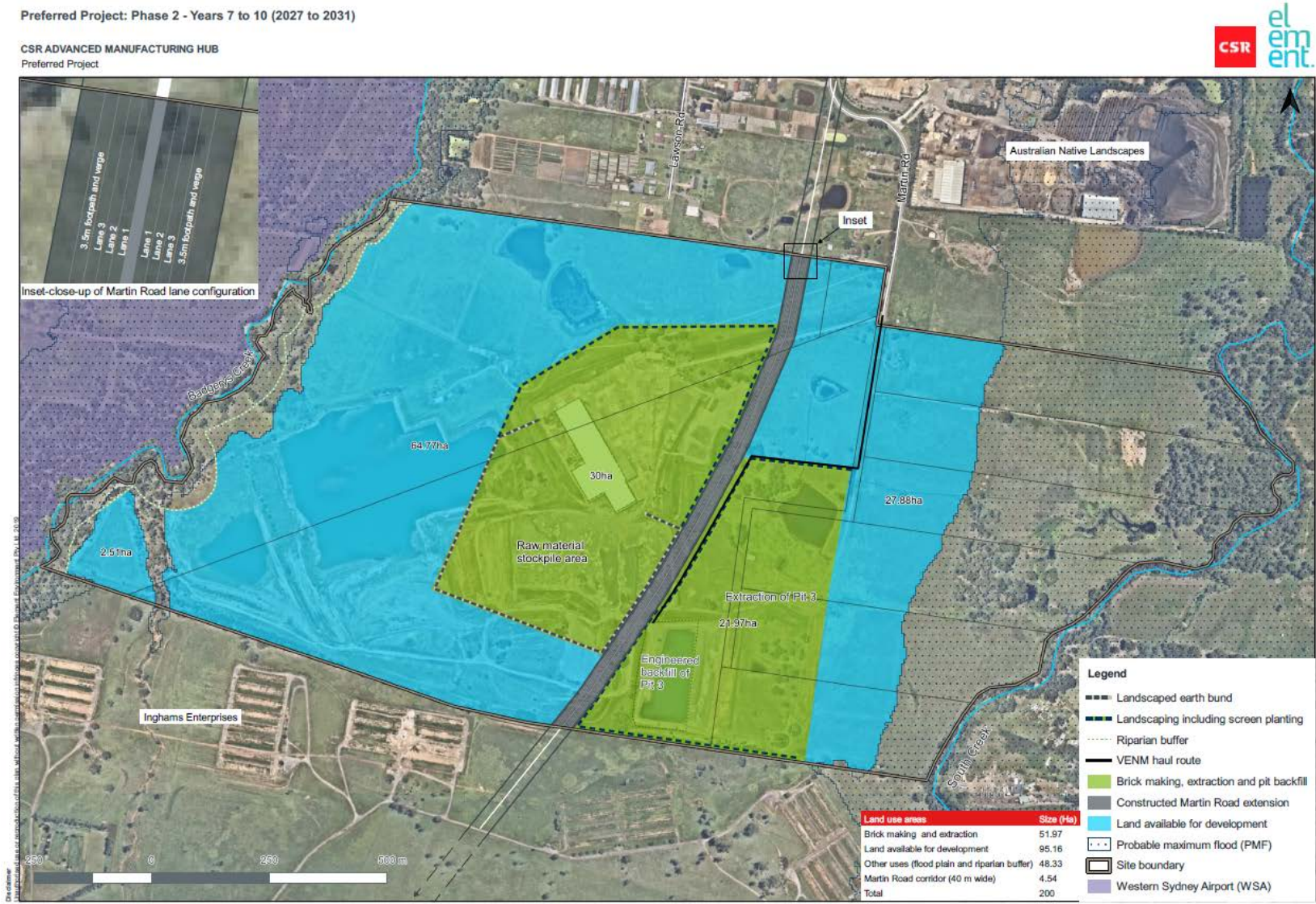


Figure 1: Phase 2 Rehabilitation

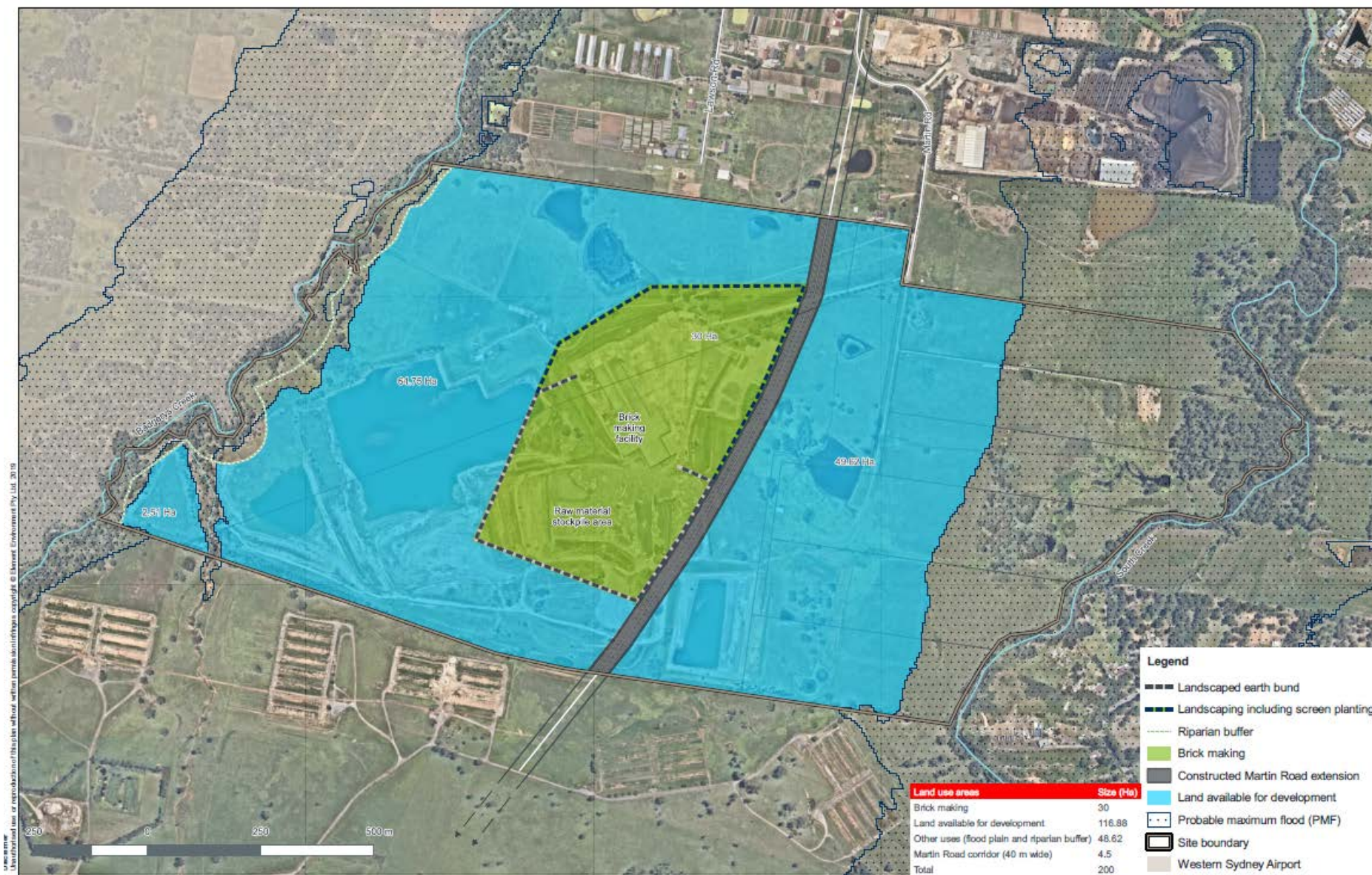


Figure 2: Phase 4 – Rehabilitated Site

65. In Appendix 6 delete the table and replace with the following:

Issue	Commitment
General	1. The Proponent shall implement all practicable measures to prevent or minimise harm to the environment that may result from the construction, operation or rehabilitation of the project. 2. CSR will apply to amend EPL 684 to reflect the project. 3. The environmental management strategy and sub plans will be amended to reflect the project.
Air Quality	4. The Proponent will prepare an Air Quality and Green House Gas Management Plan (AQGHGMP) for the project to the satisfaction of the Director-General. The AQGHGMP will outline the purpose, methodology and expected outcomes of the dust monitoring, and will include the following content: ▪ Dust fraction to be measured, i.e. TSP, PM₁₀, PM_{2.5} etc.; ▪ Equipment to be used to measure selected dust fraction; ▪ Frequency of the monitoring, i.e. sample collection schedule; ▪ Duration of the monitoring program; ▪ Location of the monitoring station/s; ▪ Standards/guidelines that are to be followed for location/construction of the monitoring station, equipment calibration, collection of samples and analysis of samples; ▪ Calibration methodology and schedule; ▪ Reporting procedure; ▪ Regulatory guidelines and compliance criteria; ▪ Action levels and contingency measures in the event that pollutant concentrations approach or are likely to exceed the relevant compliance criteria; and ▪ A consultation program that involves nearby agricultural producers and residents, in order to determine if the dust mitigation measures are being effective. 5. The AQGHGMP will detail measures to control dust and emissions from the Project Site including the following measures: ▪ Haul roads should be watered using water carts such that the road surface has sufficient moisture to minimise visible on-road dust generation but not so much as to cause pooling and mud/dirt track out to occur ▪ Unloading of trucks containing raw or unusable extracted material to be controlled using water sprays/dust suppression when generating excessive visible dust. ▪ Dust from existing stockpiles of unusable material and open pits to be controlled using water sprays with chemical additives (surfactants); ▪ Completed pits to be revegetated as soon as practicable after completion of quarrying activities. ▪ Disturbed soil surfaces to be revegetated in accordance with the RMP for the Project Site. ▪ Operational practices to be reviewed to ensure 'best practice' techniques are being employed and that operational equipment is working efficiently. 6. The existing HVAS will be moved to as close to the northern boundary of the property and the closest sensitive receiver as possible. 7. The existing deposited dust gauges will be relocated to appropriate positions as close to the property boundaries and nearest sensitive receivers as possible. 8. If HVAS and deposited dust air quality monitoring identifies ongoing exceedances of the relevant air quality criteria then the reactive dust management program may need to be reinstated at the site.
Noise	9. The Proponent will implement all practicable measures to undertake the development in a way that minimises the noise generated. The Proponent has made the following commitments in relation to operation noise management: 10. The Proponent will conduct quarrying activities at the Project Site only between the following hours: ▪ 7.00 am to 6.00 pm Monday to Saturday. 11. The Proponent will remove overburden only between the following hours: ▪ 7.00 am to 6.00 pm Monday to Friday. ▪ 8.00 am to 1.00 pm Saturday. 12. The Proponent will operate the Brick making facility and storage yard at the Project Site 24 hours a day, Monday to Sunday. 13. The Proponent will receive and dispatch finished building products only between the following hours: ▪ 5.00 am to 10.00 pm Monday to Friday. ▪ 6.00 am to 6.00pm Saturday. 14. The Proponent will receive and dispatch raw material only between the following hours: ▪ 6.00 am to 10.00 pm Monday to Friday. ▪ 6.00 am to 6.00pm Saturday.

Issue	Commitment
	15. The Proponent will conduct sales selection/cash sales only between the following hours: ▪ 6.00 am to 6.00 pm Monday to Saturday. 16. The Proponent will operate the customer display centre only between the following hours: ▪ 8.00 am to 5.00 pm Monday to Sunday. 17. Construction works shall be limited to 7am to 6pm Monday to Friday and 8am to 1pm on Saturdays. 18. A CNVMP will be prepared and implemented during project construction. 18. The construction noise mitigation measures described in Chapter 5.5 of the preferred project noise impact assessment report (appended to the RTS) shall be implemented. 19. Vibration during construction will be managed through the CNVMP to ensure that vibration impacts comply with the limits prescribed in British Standard BS 7385 for structural damage and in Assessing Vibration: a technical guide (DECCW, 2006) for human response. 20. The Proponent and/or its appointed contractors will select and maintain bulk earthwork machinery as specified in the preferred project noise impact assessment report (appended to the RTS). 21. Broadband reversing alarms or other non-tonal vehicle movement and warning alarms shall be fitted to all machinery on site. The potential noise impact associated with reversing alarms shall be managed and minimised via a combination of proactive driver/operator training and operational procedures. 22. The Proponent shall implement a noise monitoring programme which would involve quarterly attended noise monitoring at a number of nearby identified receiver locations for 12 months after all Modification 3 and 4 activities are in full operation. If there are no exceedances of the project noise trigger levels during quarterly noise monitoring during the first year of monitoring then noise monitoring will cease. Additional noise monitoring would be undertaken in response to any noise complaints. 23. The Proponent shall undertake consultation with identified Martin Road residential receivers predicted to exceed the RNP criteria and conduct further investigation of their residences (as detailed in Section 2.3.3 and 4.1 of the RTS) to determine whether they qualify for and require the 'Type 1' treatment package from RMS's (2015) <i>At-receiver Treatment Guideline</i>. 23. Further investigations of the six residences potentially affected by road noise will be undertaken prior to increasing heavy vehicle movements along Martin Road above the approved heavy vehicle numbers and no greater than 180 truck movements in the daytime period. The investigation will determine whether the residences require the 'Type 1' treatment package from RMS's (2015) <i>At-receiver Treatment Guideline</i>. 24. Prior to construction of the Martin Road-Elizabeth Drive intersection, existing road noise levels would be qualified to determine if architectural treatment should be offered to receivers along Elizabeth Drive raising complaints about increased road noise levels. 24. The Proponent will maintain a noise complaint register.
Surface Water	Stormwater management 25. The Proponent shall manage surface water on the Project Site in accordance with the WMP prepared for the Project Site and revised for the project, including surface water management measures include in the Modification 3 and 4 EA and the RTS. 26. If during the operational phase of the quarry or on completion of the quarry operations, the proponent wishes to make use of the water from the pits/dams in the brick making process or for reuse at other premises offsite etc, a licence will be obtained from DPIE. 27. Sediment basins 4, 5 and 6 and the new basins at the raw material stockpile area and Pit 3 will be sized and operated in accordance with Landcom's (2004) <i>Managing Urban Stormwater: Soils & Construction</i>. If any of these basins are to be modified to perform additional stormwater treatment functions in future (other than sediment capture), then appropriate modelling and design of the basins will be required at that time. In this case monitoring of discharges from the basin at Pit 3 to South Creek will be required. 28. The site WMP will be revised prior to commencement of the modification to include the revised surface water management approach, and monitoring of any water discharged from the site. Monitoring 29. Electrical conductivity, pH, total nitrogen, total suspended solids, turbidity, total alkalinity, arsenic and copper will be monitored at the discharge points to Badgerys Creek and South Creek. Discharges will be monitored daily during the first month of continuous discharge, then weekly if the first month of data does not exceed concentration limits. Monitoring will revert to daily if any limits are exceeded and/or concentrations are reduced below limits.

Issue	Commitment
	30. Total dissolved solids, total phosphorus, arsenic, cadmium, chromium, lead, nickel, zinc and mercury will be sampled weekly during the first two months, which will reduce to monthly if there are no exceedances. 31. The analytes previously sampled in Pit 1 will be monitored at three depth levels from the surface to 6 m at two locations near the discharge point to Badgerys Creek. Water will be monitored weekly for three weeks prior to discharge, then monthly. This monitoring will continue for the life of the project, and in the perched treatment basin described above. 32. Similar sampling is also required for the new basin at Pit 3 if the basin is being used to treat Pit 3 water (other than sediment capture). The list of analytes may be able to be reduced according to the future quality of stormwater collected in Pit 3. Licensing and approvals 33. CSR will apply to the EPA to amend the EPL to incorporate the discharge rates and concentration limits for relevant physical and chemical stressors, and toxicants, at the discharge point to Badgerys Creek. 34. CSR will apply to the EPA to amend the EPL, if and when required, to incorporate appropriate discharge rates and concentration limits for discharges from the basin at Pit 3, for which time the basin provides additional water treatment other than sediment capture. 35. CSR will consult DPIE Water on the need for water licenses associated with the modification. 36. The EPA will be engaged, post approval, to determine whether the pit water must be classified in terms of the Protection of the Environment Operations Act 1997 (POEO Act) and to include the discharge point in the EPL. Erosion and sediment control 37. Erosion and sediment controls will be implemented at the pit areas once they are filled with VENM and rehabilitation has commenced. These measures will remain in place until surfaces are fully stabilised. 38. Erosion and sediment controls will be implemented along the unsealed VENM haul road, which will direct runoff to the pits or local sediment traps.
Groundwater	39. The Proponent shall prepare and implement a Groundwater Monitoring Program for the Project Site generally in accordance with the methodology provided in Chapter 11 of the 2011 EA, subject to consultation with the DPIE (water, lands and primary industry) and the satisfaction of the Director-General of the DP&I. 40. The WMP will be updated to include the groundwater monitoring network and a TARP for exceedances of groundwater criteria, which will be developed based on the baseline groundwater data. 41. The Proponent shall report the results of the Groundwater Monitoring Program to the Secretary of the DPIE on an annual basis. 42. The Proponent shall implement appropriate management measures in relation to groundwater as indicated by the Monitoring Program and agreed with the Secretary. 43. A licence to authorise any groundwater monitoring installation, required as part of this project, shall be obtained from the DPIE Water prior to any drilling commencing. 44. The proponent shall implement an alluvial aquifer mapping and assessment program to inform: ▪ The definition of the boundaries of the alluvial system. ▪ Adjustment to the extent of proposed pits to avoid impacts to the alluvial aquifer. ▪ The establishment of further mitigation measures (if required) to minimise potential impacts upon the alluvial aquifer. ▪ This program will commence within 12 months of recommencing quarrying operations and the results will be reported to the Secretary of the DPIE.
Rehabilitation	45. The site will be progressively rehabilitated in accordance with the approved rehabilitation strategy and rehabilitation management plan. 46. The rehabilitation strategy and rehabilitation management plan will be revised to incorporate the project, and any additional management strategies to ensure temporary stabilisation of exposed surfaces, permanent stabilisation strategies and progressive rehabilitation with groundcover vegetation. 47. The rehabilitation management plan will be revised to exclude plant species that are known to attract wildlife and grow to a size which will penetrate the OLS. 48. The Proponent shall carry out rehabilitation works at the Project Site in accordance with the RMP prepared for the Project Site. 49. The Proponent will prepare a Final Landform Rehabilitation Plan in consultation with the DPIE two years prior to the completion of all approved quarrying activities.
Traffic and Transport	50. The Proponent shall manage traffic movements to and from the Project Site generally in accordance with the following: ▪ Personnel operating trucks and vehicles to and from the Project Site would be required to undertake a site-specific health and safety induction, specifying operating hours and vehicle speed limits on Martin Road.

Issue	Commitment
	▪ A heavy vehicle protocol would be developed for the Project Site and distributed to relevant staff and contractors during induction procedures. The protocol would deal with such issues as timing of vehicle movements, idling of vehicles, speed limits and parking. ▪ Unnecessary vehicle movements would be minimised where possible. ▪ Deliveries would be scheduled on larger capacity 'Truck and Trailer' vehicles rather than 'Truck Only' vehicles where possible to minimise truck movements. ▪ A construction traffic management plan will be prepared and implemented to manage impacts on the road network, including the intersection, from construction vehicles. ▪ Traffic signals and road upgrades will be constructed at the Martin Road-Elizabeth Drive intersection prior to increasing heavy vehicle movements from the project above the approved heavy vehicle numbers. ▪ CSR will contribute to the upgrade and ongoing maintenance of Martin Road in accordance with the deed of agreement with LCC.
Cultural Heritage	51. The Proponent shall adopt the following measures in relation to the management of cultural heritage on the Project Site: ▪ The heat retainer hearth will continue to be protected by a fenced 10m exclusion zone. ▪ All Aboriginal heritage items collected during survey and test excavations will be reburied with the hearth in consultation with the RAPs. ▪ Should Aboriginal objects be uncovered during the course of the approved works, works shall cease. In cases where historical items have been uncovered, Heritage NSW is to be advised or should indigenous items be uncovered the National Parks and Wildlife Service shall be advised. ▪ Workers/contractors shall be informed of their obligations under the NPW Act 1974, namely that it is illegal to disturb, damage or destroy an Aboriginal object without the prior approval of the Secretary of DPC. ▪ Should human remains be found in, on, or under the land during construction, the responsible party shall: - Contact the local police. - Not disturb or excavate the remains. - Immediately cease all work at the particular location. - Notify the Heritage NSW (DPC) office as soon as practicable and provide any available details of the remains and their location. - Not recommence any work at the particular location until authorised in writing by the Heritage NSW. 52. The AHMP will be updated with the findings of the Modification 4 ACHA.
Ecology	53. The Proponent shall adopt the following measures in relation to the removal of any trees on the Project Site: ▪ The canopy of the trees to be visually inspected prior to clearing to assess for the presence of fauna. Where bird species are detected the tree is to be nudged prior to felling to encourage the fauna to vacate the tree prior to felling. Trees to be left in situ until the birds leave the canopy. ▪ Felled trees are to be left in-situ for at least 24 hours to allow fauna species to relocate. Qualified personnel are to be on hand to check for wildlife and relocate them. ▪ Felled wood is to be relocated to the remnant woodland (and not placed in piles) or chipped and used in rehabilitation areas. ▪ Should any wildlife be inadvertently injured during the proposed works, WIRES or an accredited veterinarian shall be contacted. ▪ A 60 m buffer area shall be provided along Badgerys Creek and the Badgerys Creek tributary, except where Pit 2 extends into these buffers. Rehabilitation works are to be undertaken in this area in accordance with the RMP. ▪ Five local native trees shall be planted for each mature native tree that is removed. The replacement trees shall consist of a diversity of local provenance tree species from the native vegetation community (or communities) that occur, or once occurred on the site. The plantings shall be located adjacent to the riparian vegetation along South Creek, Badgerys Creek and its tributary.
Aquatic biodiversity	54. A 40 m vegetated riparian zone will be maintained around the wetland adjacent to South Creek and 20 m zone will be maintained around the tributary to Badgerys Creek (except over Pit 2). 55. As the hydraulic modelling for the surface water assessment was indicative, geomorphology will be assessed in greater detail to validate the bed and bank materials of Badgerys Creek prior to finalisation of the pit dewatering strategy. This will include quantification of bed and bank material and particle size and calculation of critical shear stress for the bed and bank to determine its sensitivity to erosion. 56. If the bed and bank materials are demonstrated to be sensitive to erosion, the optimum flow rate that can be achieved without impacting the creek bed and banks will be determined in a sediment transport model.

Issue	Commitment
	57. It will be necessary to gain further water quality and flow data to determine the impact of discharges on Badgerys Creek. Water quality will be monitored every month at the four Badgerys Creek and South Creek monitoring locations as described in Section 6.3.2 of the EA. This will include nitrogen speciation to determine which portion of nitrogen is bioavailable and could impact aquatic ecosystems. 58. A biological monitoring program will be developed to detect if the macroinvertebrate community is changed by exposure to discharge water. An in-stream vegetation monitoring program will be prepared and implemented to detect if the discharge is impacting vegetation community composition and mortality. 59. Monitoring for changes to instream vegetation and macroinvertebrates will be incorporated into a pit dewatering plan as a sub-plan to the existing water management plan. 60. CSR will compile a fauna relocation plan. This plan will develop strategies for aspects such as transferring aquatic fauna, acclimatising aquatic fauna to different water conditions and managing pest species. DPIE will be consulted during the development of this strategy.
Contamination	61. The potential presence of asbestos in the eastern edge of Pit 1 will be added to the site Asbestos Register. 62. A materials management plan will be prepared to ensure that surface water, backfilled material and imported soils are handled appropriately, do not pose a risk to human health or the environment and will be suitable for the proposed land use. The plan will provide procedures to appropriately quantify, classify, dispose of and report on potential contaminants. 63. A UFP will be prepared, providing guidance in the event that future below ground excavations identify contaminated materials (e.g. asbestos, staining, odours). The UFP will outline procedures for handling, assessing and managing any contamination that may be identified as part of Modification 4 works. If previously unidentified contaminated materials are encountered during construction and operation of the proposed modification, relevant statutory requirements, including potential soil testing and waste classification, will need to be complied with, and the material managed and disposed of appropriately. 64. Stored/stockpiled materials within the proposed disturbance footprints will be inspected and they will be recycled or disposed at facilities which can legally receive such materials. 65. Soil materials within the vicinity of the Modification 3 works will be assessed in accordance with NSW EPA (2014) <i>Waste Classification Guidelines</i> and either re-use them on site where suitable or dispose of them offsite to a landfill which can legally receive such materials. 66. Conduct a hazardous material survey on existing site structures prior to demolition/alteration activities.
Waste	67. The Proponent shall manage waste in relation to the project in accordance with the existing WMP for the Project Site. 68. The existing WMP will be updated to include the importation and handling of VENM. 69. All waste generated on site will be managed in accordance with the site's waste management plan that will follow the waste hierarchy of avoid, reduce, re-use, recycle and will be updated to include project works.
Visual amenity	70. Proposed lighting at the site will still comply with Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting.
Mineral Resources	71. The proponent will provide annual production data to the water, lands and primary industries division of the Department of Planning, Industry and Environment, as and when requested.
Environmental Management	72. The Proponent shall prepare an EMS for the Project Site to provide environmental management practices and procedures to be followed during the operation of the project. The EMS shall include, but not necessarily be limited to: ▪ identification of statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project; ▪ a description of the roles and responsibilities for all key personnel involved in environmental management of the project; ▪ the environmental policies and principles to be applied to the operation of the project; and ▪ describe in general terms how the environmental performance of the project would be monitored and managed.

66. Delete Appendix 7 and Appendix 8.

67. Adjust the Table of Contents to reflect the changes made by this instrument.