Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission, as the declared consent authority under clause 8A of the *State Environmental Planning Policy* (State and Regional Development) 2011 and section 4.5(a) of *the Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the development.

Dianne Leeson (Chair) **Member of the Commission**	**Peter Cochrane** **Member of the Commission**	**Peter Duncan AM** **Member of the Commission**

Development consent signed by the members of the Commission listed above.

Sydney 9 May 2018

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number	SSD-6125
Applicant	Williamtown Sand Syndicate
Consent Authority:	The Independent Planning Commission NSW
Site:	Lot 1012 DP 814078 Lot 11 DP 629503 Lot 121 DP 556403 Lot 1 DP 224587 Lot 9 DP239608
Development	Cabbage Tree Road Sand Quarry

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-6125-MOD-1	26 March 2020	Minister	Glass Sand Trial
SSD-6125-MOD-2	12 March 2021	Minister	Addition of wash plant and ancillary equipment
SSD-6125-MOD-4	30 July 2026	Minister	Western extension of quarry and minor amendments

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DEFINITIONS

Aboriginal item or object	Any item or object that provides evidence of the use of an area by Aboriginal people, as defined under the *National Parks and Wildlife Act 1974*
AHD	Australian Height Datum
Annual Review	The review required by condition 11 of Schedule 5
Applicant	Williamtown Sand Syndicate, or any other person/s who rely on this consent to carry out the development that is subject to this consent
CCC	Community Consultative Committee
Conditions of consent	Conditions contained in Schedules 2 to 5 inclusive
Construction	The demolition of buildings or works, carrying out of works and erection of buildings covered by this consent
Council	Port Stephens Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development as described in the documents listed in condition 2(a) of Schedule 2
EIS	Environmental Impact Statement titled *Proposed Sand Quarry, Cabbage Tree Road, Williamtown,* dated November 2015; the Applicant's response to submissions documentation dated 9 November 2016; revised Noise Assessment dated December 2016; revised Air Quality Assessment dated March 2017 and December 2017 PFAS Response Paper
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation* 2021
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build
GPS	Global Positioning System
Incident	A set of circumstances that: • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this consent
kph	kilometres per hour
Laden trucks	Trucks transporting quarry products from the site and trucks transporting topsoil or rehabilitation materials to the site
Land	As defined in the EP&A Act, except where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent, where it is defined as 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 consent
LGA	Local Government Area
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the development
MR (Mod 1)	The Modification Report titled *"SSD-6125 – Cabbage Tree Road Sand Quarry – Modification"* prepared by Kleinfelder Australia Pty Ltd, dated 13 February, 2020; and associated Submissions Report titled *"SSD-6125 – Cabbage Tree Road Sand Quarry – Modification 1 – Submissions Report",* prepared by Kleinfelder Pty Ltd, dated 10 March 2020
MR (Mod 2)	The Modification Report titled *"SSD-6125 – Cabbage Tree Road Sand Quarry – Modification Report No. 2 (MR2)"* prepared by Wedgetail Project Consulting Australia Pty Ltd, dated 16 November 2020; and associated Submissions Report titled *"SSD-6125 – Cabbage Tree Road Sand Quarry – Modification No. 2 (MR2) – Submissions Report",* prepared by Wedgetail Project Consulting Australia Pty Ltd, dated 20 January 2021
MR (Mod 4)	The Modification Report titled "*SSD-6125 – Cabbage Tree Road Sand Quarry – Western Extension – Modification Report No.4 (MR4)*" prepared by Wedgetail Project Consulting Australia Pty Ltd, dated 6 February 2025, and associated Submissions Report titled "*Cabbage Tree Road Sand Quarry Western Extension –*

	Modification 4 Response to Submissions Report", prepared by Wedgetail Project Consulting Australia Pty Ltd, dated 15 April 2026
NCC	National Construction Code
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Northern Resource Area	The land shown in Figure 2 of Appendix 1 as Sectors 3, 3A, 3B, 4, 4A, 4B, 4C, 5, 5A, 5B, 6, 6A, 6B, 7, 7A, 7B and 7C
NPI	NSW Noise Policy for Industry (EPA, 2017)
PFAS	Per- and poly-fluorinated alkyl substances
POEO Act	*Protection of the Environment Operations Act 1997*
Predicted maximum groundwater level	The predicted maximum groundwater level established by the Maximum Extraction Depth Report required by condition 11 of Schedule 2
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Privately-owned land	Land that is not owned by a public agency or the Applicant (or its subsidiary)
Public infrastructure	Linear and other 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 and topsoil
Quarry products	Includes all saleable quarry products, but excludes wastes and rehabilitation materials
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition and for the purpose of establishing a safe, stable and non-polluting environment
Shoulder period	The period from 5 am to 7 am on Monday to Friday
Site	The land described in Schedule 1
Southern Resource Area	The land shown in Figure 2 of Appendix 1 as Sectors 1, 1A, 2, 8, 8A, 8B, 8C, 9A, 9B, 10A, 10B and 10C
TfNSW	Transport for NSW
Tomago Sandbeds Special Area	The land shown in Appendix 4
VENM	Virgin Excavated Natural Material (classified under the *ENM Resource Recovery Order and Exemption 2014*)
Western Extension area	The land shown in Figure 2A of Appendix 1 as Stages 1 to 9

SCHEDULE 2
ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

TERMS OF CONSENT

2. The development may only be carried out:
   (a) in compliance with the conditions of this consent;
   (b) in accordance with the Statement of Commitments in Appendix 2;
   (c) in accordance with all written directions of the Planning Secretary;
   (d) generally in accordance with the EIS, MR (Mod 1), MR (Mod 2) and MR (Mod 4); and
   (e) generally in accordance with the Development Layout Plans in Appendix 1.

3. If there is any inconsistency between the documents listed in condition 2(d), the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

4. The Applicant must comply with any written requirement/s of the Planning Secretary arising from the Department's assessment of:
   (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
   (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent; and
   (c) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

Quarrying Operations

5. The Applicant may carry out quarrying operations on the site until 31 December 2033.

   Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional requirements and undertakings to the satisfaction of the Planning Secretary. Consequently, this consent will continue to apply in all respects other than the right to conduct quarrying operations until the rehabilitation of the site and those requirements and undertakings have been carried out to the standard required by the applicable conditions.

6. The Applicant must not undertake quarrying operations within 0.7 metres of the predicted maximum groundwater level.

   Note: Construction of facilities may occur below this level in accordance with a Construction Environmental Management Plan approved by the Planning Secretary under condition 15(d)(iii) of Schedule 3.

7. The Applicant must not extract more than 530,000 tonnes of quarry products from the site in any calendar year.

8. Deleted.

9. The Applicant shall ensure that a minimum 50 metre buffer of undisturbed land is maintained between the extraction areas and any boundary of the site that is shared with Tilligerry State Conservation Area.

Quarry Product Transport

10. The Applicant must not transport more than 530,000 tonnes of quarry products from the site during any calendar year.

Maximum Extraction Depth Report

11. The Applicant must commission a Maximum Extraction Depth Report for the site. This report must:
   (a) be prepared by a suitably qualified and experienced expert/s whose appointment has been endorsed by the Planning Secretary;
   (b) be prepared in consultation with Hunter Water;
   (c) be approved by the Planning Secretary prior to the commencement of any ground disturbing activities;
   (d) establish the predicted maximum groundwater levels for the site based on:
      - all available HWC groundwater monitoring data;

- all available site-specific monitoring data, including all data collected from on-site boreholes; and
- modelling software and parameters agreed to by Hunter Water and the Planning Secretary.

(e) provide details of how the predicted maximum groundwater level was determined, including justification for the chosen modelling software and parameters;
(f) establish the maximum extraction depths to which extraction can be undertaken on site, to comply with condition 6 of Schedule 2; and
(g) provide a Maximum Extraction Depth contour map for the project; and
(h) provide recommended management measures as to how compliance with the extraction depths specified in the report can be achieved, including consideration of the use of continuous GPS tracking of sand extraction machinery.

The Applicant must consider any assessment of the Report by Hunter Water and implement the findings and recommendations of the Maximum Extraction Depth Report, to the satisfaction of the Planning Secretary.

12. The Applicant must review and update the Maximum Extraction Depth Report, in consultation with Hunter Water:
(a) every two years from the date of approval of the Maximum Extraction Depth Report;
(b) if any groundwater is encountered during quarrying operations or if directed by the Planning Secretary; and
(c) prior to undertaking extraction in the Western Extension area within 0.7m of the observed and predicted maximum groundwater levels identified in MR (Mod 4),
to the satisfaction of the Planning Secretary

NOTIFICATION OF COMMENCEMENT

13. At least one month prior to physically commencing development permitted under this consent, the Applicant must notify the Department in writing of the date on which it will commence the development.

STRUCTURAL ADEQUACY

14. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the NCC.

Notes:
Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; and
Part 8 of the EP&A Regulation sets out the requirements for the certification of the development or project.

DEMOLITION

15. The Applicant must ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

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

Note: This condition does not apply to damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition 21 of Schedule 2.

OPERATION OF PLANT AND EQUIPMENT

17. The Applicant must ensure that all the plant and equipment used at the site, or to monitor the performance of the development is:
(a) maintained in a proper and efficient condition; and
(b) operated in a proper and efficient manner.

PRODUCTION DATA

18. The Applicant must report the calendar year total quantity of quarry product transported from and imported to the development in the Annual Review (required under condition 11 of Schedule 5).

IDENTIFICATION OF APPROVED EXTRACTION LIMITS

19. One month prior to commencing quarrying operations, unless otherwise agreed with the Planning Secretary, the Applicant must:
    (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction within the site; and
    (b) submit a survey plan of these boundaries with applicable GPS coordinates to the Planning Secretary.

20. While quarrying operations are being carried out, the Applicant must ensure that these boundaries are clearly marked at all times in a manner that allows operating staff to clearly identify the approved limits of extraction.

CONTRIBUTIONS TO COUNCIL

21. The Applicant must pay to Council an annual financial contribution toward provision of local infrastructure. The contribution must be determined in accordance with the Port Stephens *S.94A Development Contribution Plan*, or any subsequent relevant contributions plan adopted by Council. This contribution must be paid to Council prior to the issue of any construction certificate for the development. Any annual contributions must be paid to Council within one month of the anniversary date of this consent and reported in the Annual Review.

COMPLIANCE

22. The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Hours of Operation

1. The Applicant must comply with the operating hours set out in Table 1.

Table 1: Operating Hours

Activity	***Permissible Hours***
Quarrying operations	• 7 am to 5 pm Monday to Friday • 7 am to 4 pm Saturday • At no time on Sundays or public holidays
Loading and dispatch of laden trucks	• 6 am to 6 pm Monday to Friday • 7 am to 4 pm Saturday • At no time on Sundays or public holidays
Maintenance	• May be conducted at any time, provided that these activities are not audible at any privately-owned residence

However, if the Applicant reaches agreement to extend the hours of transportation with all owners of privately-owned land fronting Cabbage Tree Road immediately opposite the deceleration and acceleration lanes forming part of the quarry access intersection and has advised the Department in writing of the terms of these agreements, then the Applicant may also undertake loading and dispatch of laden trucks between 5 am and 6 am Monday to Friday.

2. The following activities may be carried out outside the hours specified in Table 1:
   (a) delivery or dispatch of materials as requested by Police or other public authorities; and
   (b) emergency work to avoid the loss of lives, property or to prevent environmental harm.

   In such circumstances, the Applicant must notify the Planning Secretary and affected residents prior to undertaking the activities, or as soon as is practical thereafter.

Noise Impact Assessment Criteria

3. The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise criteria dB(A)

Receiver	**Day** L_{Aeq} (15 minute)	**Shoulder** L_{Aeq} (15 minute)	**Shoulder** L_{Amax} (1 minute)
Any residence on privately owned land	43	39	45

In this condition, 'the development' excludes road construction activities associated with the intersection of the quarry access road and Cabbage Tree Road and vegetation clearing operations within the Southern Resource Area (see condition 4 below).

Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NPI. Appendix 5 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

The criteria in Table 2 do not apply if the Applicant has an agreement with relevant landowner/s to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Operating Conditions

4. The Applicant must only undertake vegetation clearing operations within the Southern Resource Area under the following circumstances:
   (a) noise generated by the development does not exceed 47 dB(A)$_{LAeq\ (15\ minute)}$;
   (b) bulldozer(s) or equipment with a sound power level greater than 104 dB(A) are not permitted to be used in Sectors 9B, 10A, 10B and 10C, as shown in Figure 2 of Appendix1;
   (c) clearing operations are limited to:

- the Day period, Monday to Friday;
- campaigns not exceeding 5 consecutive working days; and
- no more than four campaigns in any calendar year.

5. The Applicant must:
   (a) implement best practice management to minimise the construction, operational and road transport noise of the development;
   (b) minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 5);
   (c) carry out noise monitoring (at least every 3 months or as otherwise determined by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
   (d) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent,

   to the satisfaction of the Planning Secretary.

Noise Management Plan

6. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
   (a) be prepared in consultation with the EPA;
   (b) be submitted to the Planning Secretary at least one month prior to commencing ground disturbing activities, unless otherwise agreed by the Planning Secretary;
   (c) describe the measures to be implemented to ensure:
   - compliance with the noise criteria and operating conditions in this consent;
   - best practice management is being employed; and
   - the noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply (see Appendix 5);

   (d) describe the proposed noise management system; and
   (e) include a monitoring program to be implemented to measure noise generated by the development against the noise criteria in conditions 3 and 4 of this Schedule, and which evaluates and reports on the effectiveness of the noise management system on site.

   The Applicant must not commence ground disturbing activities until the Noise Management Plan is approved by the Planning Secretary.

   The Applicant must implement the Noise Management Plan as approved from time to time by the Planning Secretary.

AIR QUALITY

Air Quality Impact Assessment Criteria

7. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 3 at any residence on privately-owned land.

Table 3: Air quality criteria

Pollutant	*Averaging Period*	*Criterion*
Particulate matter < 10 µm (PM_{10})	Annual	a, c 25 µg/m^3
Particulate matter < 10 µm (PM_{10})	24 hour	b 50 µg/m^3
Total suspended particulates (TSP)	Annual	a, c 90 µg/m^3

Notes to Table 4:

a Cumulative impact (ie increase in concentrations due to the development plus background concentrations due to all other sources).

b Incremental impact (ie increase in concentrations due to the development alone, with zero allowable exceedances of the criteria over the life of the development.

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

d "Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in conditions 8 and 9 to develop and implement an air quality management system that ensures operational responses to the risks of exceedance of the criteria.

Operating Conditions

8. The Applicant must:
   (a) implement best practice management to minimise the dust emissions of the development;
   (b) regularly assess meteorological and air quality monitoring data and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this consent;
   (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note c under Table 3);
   (d) monitor and report on compliance with the relevant air quality conditions in this consent; and
   (e) minimise the area of surface disturbance and undertake progressive rehabilitation of the site,

   to the satisfaction of the Planning Secretary.

Air Quality Management Plan

9. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
   (a) be prepared in consultation with the EPA;
   (b) be submitted to the Planning Secretary for approval prior to commencing ground disturbing activities on the site, unless otherwise agree by the Planning Secretary;
   (c) describe the measures to be implemented to ensure:
      - compliance with the air quality criteria and operating conditions of this consent;
      - best practice management is being employed; and
      - the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
   (d) describe the proposed air quality management system;
   (e) include an air quality monitoring program that:
      - is capable of evaluating the performance of the development;
      - includes at least two real-time particulate monitors;
      - includes risk-based monitoring to demonstrate compliance with the criteria in Table 3;
      - includes a Trigger Action Response Plan (TARP), including appropriate trigger levels, and a protocol to be implemented when trigger levels are exceeded;
      - includes a protocol for determining any exceedances of the relevant conditions of consent;
      - effectively supports the air quality management system; and
      - evaluates and reports on the adequacy of the air quality management system.

   The Applicant must not commence ground disturbing activities until the Air Quality Management Plan is approved by the Planning Secretary.

   The Applicant must implement the Air Quality Management Plan as approved from time to time by the Planning Secretary.

Meteorological Monitoring

10. For the life of the development, the Applicant must ensure that it has access to data from a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* guideline.

Greenhouse Gas Emissions

11. The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site.

SOIL AND WATER

Water Supply

12. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of operations under the consent to match its available water supply, to the satisfaction of the Planning Secretary.

13. The Applicant must not utilise, or otherwise interfere with, groundwater on the site, unless unavoidably associated with the construction and use of groundwater monitoring bores and the construction of quarry-related infrastructure.

Water Discharges

14. The Applicant must comply with the discharge limits in any EPL, or with section 120 of the POEO Act.

Soil and Water Management Plan

15. The Applicant must prepare a Soil and Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
   (a) be prepared by suitably qualified and experienced person/s approved by the Planning Secretary;
   (b) be prepared in consultation with the EPA and Hunter Water;
   (c) be submitted to the Planning Secretary for approval prior to commencing ground disturbing activities on the site, unless otherwise agreed by the Planning Secretary; and
   (d) include a:
      (i) Site Water Balance that includes:
         - details of:
            - sources and security of water supply;
            - water use and management on site, including wash plant process water use and management;
            - any off-site water transfers; and
            - reporting procedures; and
         - measures to be implemented to minimise clean water use on site;
      (ii) Surface Water Management Plan, that includes:
         - a program for obtaining baseline data on surface water flows and quality in water bodies that could potentially be affected by the development;
         - a detailed description of the surface water management system on site including the:
            - clean water diversion system;
            - erosion and sediment controls;
            - dirty and process water management systems, including details of the type and dosing rate(s) of flocculants and coagulants;
            - water storages;
            - contingency measures for PFAS-containing or contaminated water and sediments; and
         - a program to monitor and report on:
            - any surface water discharges,
            - the effectiveness of the water and sediment management system, including the effectiveness of water recovery during processing;
            - the quantity and type of flocculants and or coagulants used in the sand washing process;
            - potential PFAS detections in wash water and settlement products;
            - the quality of water discharged from the site to the environment; and
            - surface water flows and quality in water bodies that could potentially be affected by the development.
      (iii) Groundwater Management Plan that includes:
         - a monitoring program to manage potential impacts, if any, on groundwater and any associated surface water source near the proposed extraction area that includes:
            - identification of methodologies for determining threshold water quality criteria;
            - regular testing of groundwater bores for the presence of PFAS;
            - contingency measures in the event of a breach of thresholds; and
            - a program to regularly report on monitoring; and
         - a Construction Environmental Management Plan to manage any interaction with groundwater encountered during provision of services to the site (such as water supply pipelines) and construction of quarry-related facilities (such as weighbridges, offices and workshop buildings). This Plan must include sampling of any groundwater encountered during such activities and testing for the presence of PFAS and include contingency protocols should any groundwater be found to be contain PFAS.

The Applicant must implement the Soil and Water Management Plan as approved from time to time by the Planning Secretary.

The Applicant must provide an updated Soil and Water Management Plan, inclusive of the wash plant and water and sediment management system, to the Planning Secretary for approval. Construction of the water and sediment management system described in the MR (Mod 2) must not commence prior to the updated Soil and Water Management Plan being approved by the Planning Secretary.

Tomago Sandbeds Special Area

16. The Applicant must operate the development so that it has a neutral or beneficial effect on the water quality of the Tomago Sandbeds Special Area.

17. The Applicant must not construct quarry infrastructure within the Tomago Sandbeds Special Area.

18. The Applicant must establish and use an on-site sewage pump-out system, incorporating a holding tank, located outside of the Tomago Sandbeds Special Area.

19. The Applicant must not store liquids other than water within the Tomago Sandbeds Special Area. Any liquids (other than water) kept on the site must be stored within a bunded and roofed area constructed in accordance with the relevant Australian Standards.

20. The Applicant must construct and use a fully bunded and undercover re-fuelling facility located outside of the Tomago Sandbeds Special Area for all mobile equipment re-fuelling operations, with the exception of tracked equipment. Re-fuelling of any tracked equipment within the Tomago Sandbeds Special Area must be conducted within a fully bunded and lined hardstand that is capable of holding both the tracked equipment and the fuel truck.

21. The Applicant must ensure that, outside of the operating hours during which quarrying operations are permitted, all fuel-powered equipment is removed from the Tomago Sandbeds Special Area to a secure storage, except for equipment being used in vegetation clearing operations, which may be stored within a fully-bunded and lined hardstand area outside of operating hours.

Note: Operating hours for quarrying operations are shown in Table 1.

TRANSPORT

Operating Conditions

22. The Applicant must:
    (a) ensure that all laden trucks entering or exiting the site have their loads covered;
    (b) ensure that all laden trucks exiting the site are cleaned before leaving the site of material that may fall from vehicles; and
    (c) use its best endeavours to ensure that appropriate signage is displayed on all trucks used to transport product from the development so they can be easily identified by road users.

23. The Applicant must ensure that:
    (a) speed limits of 40 km/hour for vehicles entering the site on sealed roads; 60 km/hr for vehicles exiting the site; and 20 km/hour for vehicles using all other roads and areas on site are applied and enforced;
    (b) trucks slowing to use the intersection of the quarry access road and Cabbage Tree Road do not use engine or compression braking systems;
    (c) laden truck movements exiting the site do not exceed 6 per hour during the period from 6 am to 7 am, Monday to Friday;
    (d) laden truck movements exiting the site do not exceed 10 per hour during the period from 7 am to 6 pm, Monday to Friday; and
    (e) laden truck movements exiting the site do not exceed 10 per hour during the period from 7 am to 4 pm, Saturdays.

Note: In this condition, "per hour" means within any period of 60 minutes following the change of hour.

23A. The Applicant must ensure that if agreement is reached with adjoining residents under condition 1 of this Schedule, laden truck movements exiting the site do not exceed 6 per hour during the period from 5 am to 6 am, Monday to Friday.

Traffic Management Plan

24. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
    (a) be prepared in consultation with TfNSW and Council;
    (b) be submitted to the Planning Secretary for approval prior to commencing quarrying operations, unless otherwise agreed by the Planning Secretary;
    (c) describe the processes in place for the control of truck movements entering and exiting the site;
    (d) describe measures to ensure that trucks do not park on the verge of Cabbage Tree Road prior to the opening time of the quarry, including the use of security guards at least twice per week for at least six months from the commencement of trucking operations;
    (e) include a Drivers' Code of Conduct that details the safe and quiet driving practices that must be used by drivers travelling to and from the quarry;
    (f) include a compliance monitoring program for the requirements of the Drivers' Code of Conduct of condition 25 of this Schedule; and
    (g) propose measures to minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles leaving the quarry.

    The Applicant must not commence quarrying operations until the Traffic Management Plan is approved by the Planning Secretary.

    The Applicant must implement the Traffic Management Plan as approved from time to time by the Planning Secretary.

Drivers' Code of Conduct

25. The Applicant must prepare a Drivers' Code of Conduct applicable to drivers of all development-related vehicles, including all trucks that haul sand from the site. This Code of Conduct must:
    (a) be prepared in consultation with Council and TfNSW and be submitted to the Planning Secretary for approval;
    (b) address the requirements of conditions 22 and 23 of this schedule;
    (c) describe the measures that would be implemented to ensure that drivers of all development-related vehicles, including sand haulage trucks:
        - comply with this Drivers' Code of Conduct;
        - are made aware of potential safety issues both on site and on the public road haulage routes;
        - are made aware of the requirement to pre-book loading slots for trucks arriving prior to 7am;
        - are informed of when heavy traffic volumes are likely to be encountered on Cabbage Tree Road, including the AM and PM peaks;
        - are informed of usual school bus travel times on Tomago Road and Cabbage Tree Road as well as the location of all bus stops on these roads;
        - are made aware of potential interactions with general traffic on Cabbage Tree Road whilst merging from the acceleration lane of the quarry access intersection;
        - are informed that Masonite, Williamtown and Old Punt Roads are not to be used for the haulage of sand, except for deliveries to properties in the immediate vicinity of those roads;
        - are provided with contact details in case of emergencies or accidents;
        - are provided with details of potential environmental hazards, such as potential for fauna (eg Koalas) to cross the quarry access road, particularly at dawn and dusk;
        - are provided with a detailed protocol that sets out what drivers are required to do to arrange for the care of injured fauna and that they must immediately report all fauna strikes on the site to the Applicant;
        - provided with updates on local road conditions;
        - minimise truck noise impacts at residences on Cabbage Tree Road; and
        - minimise travel to the site prior to commencing product loading operations;

    The Applicant must implement the Drivers' Code of Conduct as approved from time to time by the Planning Secretary.

Vehicle Monitoring

26. The Applicant must, by the use of its weighbridge, make, and retain for 12 months, records of the time of arrival, time of dispatch, weight of load and vehicle identification for each laden truck dispatched from the site. The Applicant must publish a summary of these records on its website each month.

These records must be made available to the Department on request.

27. The Applicant must install and operate video cameras adjacent to the weighbridge to monitor the time and direction of travel of vehicles as they enter and leave the quarry, to the satisfaction of the Planning Secretary. These cameras must be located in fixed positions with a field of view that excludes land not owned by the Applicant. Recordings from these cameras must be securely stored for at least 30 days and made available to the Department on request.

28. The Applicant must provide a report in each Annual Review which includes details of all fauna injured or killed by development-related vehicles, time and date of any such fauna strike, species involved, action taken following the strike and any consequent measures put in place to prevent or minimise a recurrence.

Intersection Treatment

29. Prior to commencing quarrying operations, the Applicant must:
    (a) prepare, in consultation with any affected landowners, a Road Construction Management Plan for construction of the intersection of the quarry access road with Cabbage Tree Road. This Plan must consider noise, vibration, dust and property access impacts of the construction works and set out ways to avoid, minimise or offset impacts or provide respite for affected residents from extended periods of construction activities; to the satisfaction of the Planning Secretary; and
    (b) construct the intersection of the quarry access road and Cabbage Tree Road as a left in, left out only intersection, in accordance with Austroads Guidelines, Australian Standards and TfNSW Technical Directions and to the satisfaction of TfNSW.

    The Applicant must not commence to construct the intersection until the Road Construction Management Plan is approved by the Planning Secretary.

    The Applicant must implement the Road Construction Management Plan as approved from time to time by the Planning Secretary.

30. Prior to the use of the quarry access road intersection with Cabbage Tree Road prior to 7 am, the Applicant must provide street lighting adjacent to the intersection to the satisfaction of TfNSW.

Glass Sand Trial

30A. For the purposes and duration of the Glass Sand Trial described in MR (Mod 1):
    (f) the requirement of condition 26 of Schedule 3 to utilise an on-site weighbridge may be alternatively satisfied by the use of Sibelco's weighbridge at its Salt Ash sand processing facility;
    (g) records identifying of each truck used in the Trial, its time of arrival and dispatch from the site and the weight of each load must be recorded and retained by the Applicant and published on its website within one week of the completion of the Trial;
    (h) the requirements of condition 29 (b) of Schedule 3 do not apply in relation to quarry operations undertaken for the purpose of the Trial, and the Applicant may utilise the quarry entry intersection, prior to its completion, for the movement of trucks associated with the Trial;
    (i) all truck movements associated with the Trial, either entering or exiting the site, must occur between 9 am and 2 pm, Monday to Friday;
    (j) all trucks associated with the Trial must utilise the quarry entry intersection using left-in and left-out movements;
    (k) no more than 30 laden trucks may be dispatched from the site on any day of the Trial;
    (l) the dispatch of laden trucks during the Trial may occur for a maximum of five days;
    (m) the Applicant must ensure that the surface of Cabbage Tree Road is regularly cleaned of any material that is tracked onto the road surface during the Trial;
    (n) the dispatch of laden trucks from the site to Cabbage Tree Road may only occur under the direction and control of accredited road traffic controllers;
    (o) the Trial may only commence following the installation of advance warning signs on Cabbage Tree Road, in accordance with Roads and Maritime Services Traffic Control at Worksites, July 2018, Australian Standard AS1742.4, on both the northbound and southbound approaches to the quarry entry intersection, and
    (p) the Applicant must provide a minimum of 48-hours' notice of the planned commencement of the Trial to all residents with a land frontage to the 80 kph or 60 kph construction zone on Cabbage Tree Road.

HERITAGE

31. If footings and/or other physical evidence are discovered of a World War II radar station reputed to have been located on the site, then the Applicant must undertake, using a qualified archaeologist or heritage specialist endorsed by the Planning Secretary, an assessment of the significance of the item in conjunction with a photographic archival recording of the item and/or other evidence relevant to its use. A report documenting these findings must be prepared and submitted within six months of the identification of the find for the information of the Planning Secretary, and the relevant local historical society.

Aboriginal Heritage Management Plan

32. The Applicant must prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
   (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
   (b) be prepared in consultation with Registered Aboriginal Parties and be submitted to the Planning Secretary for approval prior to commencing ground disturbing activities on the site, unless the Planning Secretary agrees otherwise; and
   (c) include a description of the measures that would be implemented to:
      (i) protect, monitor and manage known sites of archaeological significance;
      (ii) salvage and manage all identified Aboriginal sites within the quarry's disturbance area, including surface collection of AHIMS sites #38-4-1381, 38-4-2338 and 38-4-2337;
      (iii) monitor vegetation clearing operations to identify any previously unknown Aboriginal sites;
      (iv) regularly monitor screened oversize material from the sand processing plant for Aboriginal objects or relics;
      (v) manage any new Aboriginal sites, objects or relics that are discovered;
      (vi) implement an Aboriginal cultural heritage awareness and induction program for all persons working on the site, not including drivers of sand haulage trucks;
      (vii) store Aboriginal heritage items that are salvaged on the site; and
      (viii) ensure ongoing consultation and involvement of the Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.

The Applicant must not commence ground disturbing activities until the Aboriginal Heritage Management Plan is approved by the Planning Secretary.

The Applicant must implement the Aboriginal Heritage Management Plan as approved from time to time by the Planning Secretary.

33. If any item or object of Aboriginal heritage significance is identified on site, the Applicant must ensure that:
   (a) all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately;
   (b) a 10 m buffer area around the suspected item or object is cordoned off; and
   (c) the Department is contacted immediately.

Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

BIODIVERSITY AND REHABILITATION

Biodiversity Offset Strategy

34. The Applicant must:
   (a) establish a 131 ha Biodiversity Stewardship Site, as shown on the figure in Appendix 6, and retire all credits generated from that site; and
   (b) acquire and retire the biodiversity credits set out in Table 5,

in accordance with the provisions of the *Biodiversity Conservation Act 2016*, to the satisfaction of the Planning Secretary.

The Applicant must retire these credits within 12 months of commencing quarrying operations, unless otherwise agreed with the Planning Secretary.

Table 5: Biodiversity credits to be retired from off-site offset area

Credit type	***Number of Credits***
Ecosystem Credits	
Preferably *HU860*, and including other ecosystem credits generated by the application of variation criterion (f) for mitigated net loss (Tier 3) under the Interim Policy	A minimum of 687 ecosystem credits. All the ecosystem credits concurrently available in securing 306 Koala species credits, up to 1,018 ecosystem credits
Species Credits	
Koala	306

34A Prior to carrying out any development that could directly or indirectly impact the biodiversity values within the Western Extension area (identified as Stages 1 – 9 on Figure 2A in Appendix 1), the Applicant must retire the biodiversity credits of the number and class specified in Table 5A in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*.

Table 5A: Biodiversity credits to be retired prior to disturbance within the Western Extension area

Credit type	*Credits required*
Ecosystem credits	
PCT 3544 Coastal Sands Apple-Blackbutt Forest	36
Species Credits	
Diuris arenaria (Sand Doubletail)	71
Eucalyptus parramattensis subsp. decadens (Earp's Gum)	22
Wallum Froglet (*Crinia tinnula*)	5
Mahony's Toadlet (*Uperoleia mahonyi*)	48
Squirrel Glider (*Petaurus norfolcensis*)	42
Koala (*Phascolarctos cinereus*)	27

Rehabilitation Objectives

35. The Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. Rehabilitation must be generally consistent with the rehabilitation strategy in the EIS and the conceptual rehabilitation plan shown in Appendix 3 and must comply with the objectives in Table 6.

Table 6: Rehabilitation Objectives

Feature	*Objective*
All areas of the site affected by the development	• Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the intended post-mining land use(s) • Final landform integrated with surrounding natural landforms as far as is reasonable and feasible • Minimise visual impacts when viewed from surrounding land • Facilitate regional movement of Koalas and their occupation of the site
Surface Infrastructure	• Decommissioned and removed, unless otherwise agreed by the Planning Secretary
Quarry extraction area	• Landform rehabilitated to 1.0 metres above the predicted maximum groundwater level • Landscaped and vegetated using native tree and understorey species • Tree species to include Koala feed species
Western Extension area	• Native vegetation community (as shown on Figure 3A in Appendix 3) or equivalent area rehabilitated with species commensurate with surrounding Plant Community Type(s) • Net increase in Koala feed tree abundance compared to pre-disturbance
Final Void	• No final void permitted

Progressive Rehabilitation

36. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to future re-disturbance.

Biodiversity and Rehabilitation Management Plan

37. The Applicant must prepare a Biodiversity and Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
(a) be prepared by a suitably qualified expert;
(b) be prepared in consultation with Council;
(c) be submitted to the Planning Secretary for approval prior to commencing quarrying operations, unless the Planning Secretary agrees otherwise;
(d) provide details of the conceptual final landform and associated land uses for the site;
(e) describe how the implementation of the on-site Biodiversity Offset Strategy will be integrated with the overall rehabilitation of the site;
(f) include detailed performance and completion criteria for evaluating the performance of the progressive and final rehabilitation of the site, including triggers for any necessary remedial action;
(g) describe the short, medium and long-term measures to be implemented to:
   - manage remnant vegetation and habitat on site, including within the on-site Biodiversity Offset Strategy area; and
   - ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;
(h) include a detailed description of the measures described in paragraph (g) to be implemented over the next 3 years (to be later updated for each 3-year period following initial approval of the plan) including the procedures to be implemented for:
   - maximising the salvage of environmental resources within the approved disturbance area, including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the offset area or site rehabilitation;
   - restoring and enhancing the quality of native vegetation and fauna habitat in the rehabilitation areas through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;
   - protecting vegetation and fauna habitat outside the approved disturbance area on-site;
   - minimising the impacts on native fauna, including undertaking pre-clearance surveys;
   - minimising the potential for Koalas to come into contact with development-related vehicles on the site and on public roads:
   - establishing and/or retaining vegetation screening to minimise the visual impacts of the site on surrounding receivers;
   - minimising impacts on threatened species, populations and their habitats, particularly Koalas;
   - providing relevant biosecurity control measures, including measures to prevent and/or control the establishment or spread of Myrtle Rust, Root Rot Fungus and Chytrid Fungus on the site;
   - collecting and propagating native seed;
   - controlling weeds and feral pests;
   - controlling erosion; and
   - managing bushfire risk;
(i) include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria; and
(j) include details of who is responsible for monitoring, reviewing, and implementing the plan.

The Applicant must not commence quarrying operations until the Biodiversity and Rehabilitation Management Plan is approved by the Planning Secretary.

The Applicant must implement the Biodiversity and Rehabilitation Management Plan as approved from time to time by the Planning Secretary.

Biodiversity and Rehabilitation Bond

38. Within 6 months of the approval of the Biodiversity and Rehabilitation Management Plan, the Applicant must lodge a Biodiversity and Rehabilitation Bond with the Department to ensure that the measures contained in the Biodiversity and Rehabilitation Management Plan are implemented in accordance with the performance and completion criteria set out in the plan and the relevant conditions of this consent. The sum of the bond must be determined by:
(a) calculating the cost of implementing the measures contained in the Biodiversity and Rehabilitation Management Plan;
(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 quantity surveyor or other expert to verify the calculated costs,
(d) to the satisfaction of the Planning Secretary.

Notes:

- *If capital and other expenditure required by the Biodiversity and Rehabilitation Management Plan is largely complete, the Planning Secretary may waive the requirement for lodgement of a bond in respect of the remaining expenditure.*
- *If the rehabilitation of the site area is completed (or partially completed) to the satisfaction of the Planning Secretary, then the Planning Secretary will release the bond (or relevant part of the bond). If the rehabilitation of the site is not completed to the satisfaction of the Planning Secretary, then the Planning Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.*

39. Within 3 months of each Independent Environmental Audit (see condition 12 of Schedule 5), the Applicant must review, and if necessary revise, the sum of the Biodiversity and Rehabilitation Bond to the satisfaction of the Planning Secretary. This review must consider the:
    (a) effects of inflation;
    (b) likely cost of implementing the measures contained in the Biodiversity and Rehabilitation Management Plan and rehabilitating all disturbed areas of the site (taking into account the likely surface disturbance over the next 3 years of the development); and
    (c) performance in implementing the rehabilitation of the site to date.

PROPERTY INSPECTIONS

40. If the Applicant receives a written request from the owner of any privately-owned building or structure located within 300 metres of quarrying operations or the Cabbage Tree Road intersection works (whether those operations or works are proposed or existing) for an inspection to establish the baseline condition of the building or structure, then within 2 months of receiving this request the Applicant shall:
    (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to:
        - establish the baseline condition of the building or structure; and
        - identify the measures that should be implemented to minimise the potential impacts of the development on the building or structure; and
    (b) give the landowner a copy of the property inspection report.

    If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or landowner disagrees with the findings of the independent property investigation, either party may refer the matter to the Planning Secretary for resolution.

41. If any owner of privately-owned land claims that a building or structure on their land has been damaged as a result of the development, then within 2 months of receiving this claim in writing from the landowner, the Applicant shall:
    (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and
    (b) give the landowner a copy of the property investigation report.

    If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.

    If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or landowner disagrees with the findings of the independent property investigation, either party may refer the matter to the Planning Secretary for resolution.

VISUAL

42. The Applicant must implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development to the satisfaction of the Planning Secretary. These measures must include maintaining:
    (a) a 20 metre vegetated buffer along the southern boundary of the site adjacent to Cabbage Tree Road; and
    (b) existing vegetation for the initial 75 metres length of the access road, from its intersection with Cabbage Tree Road,

to the satisfaction of the Planning Secretary.

WASTE

43. The Applicant must:
    (a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Council;
    (b) minimise the waste generated by the development;

(c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
(d) report on waste management and minimisation in the Annual Review,

to the satisfaction of the Planning Secretary.

44. Except as expressly permitted in conditions 44A, 44B, or an EPL, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

VENM Importation

44A. The Applicant must not import more than 6,000 tonnes of independently certified VENM sourced from within the Port Stephens LGA for processing, transport and resale within any calendar year.

44B. Onsite storage of VENM must not exceed 1,000 tonnes at any one time;

Material Import Management Plan

44C. Prior to the import of VENM to the site, the Applicant must prepare a Material Import Management Plan for the development. This plan must:
(a) describe:
- a protocol for record keeping of quantities of VENM imported to and exported from site;
- a protocol for monitoring VENM imported to the site to ensure that it meets relevant quality specifications for VENM to avoid or minimise contamination of the receiving environment;
- a protocol for the management of unsuitable material;
- management measures for processing and temporary stockpiling of VENM; and

The Applicant must implement the Material Import Management Plan.

DANGEROUS GOODS

45. The Applicant must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

RADIATION SURVEY

45A: The Applicant must ensure that a suitable radiation risk assessment for monazite concentrations is conducted for each area of the site disturbed by historical mineral sand mining prior to undertaking any further disturbance in those areas.

46. The Applicant must ensure that an effective radiation survey is conducted by a suitably qualified and experienced expert, approved by the Planning Secretary, prior to disturbance of each area of the site deemed to be of moderate or high risk following completion of the risk assessment required under condition 45A.

47. The Applicant must ensure that the location and extent of any monazite concentrates discovered by radiation surveys are reported to the Planning Secretary, together with the proposed measures for managing these concentrates.

REVIEW OF PFAS EXPOSURE PATHWAYS

48. In conjunction with preparation of each Annual Review, unless otherwise agreed with the Planning Secretary, the Applicant shall engage a suitably qualified and experienced independent expert, approved by the Planning Secretary, to review the currently available information on exposure pathways for PFAS contamination originating from the Williamtown RAAF Base, as may be applicable to local residents and the development. This report must assess whether or not quarrying operations are increasing the risk of PFAS exposure for local residents and/or the environment, to the satisfaction of the Planning Secretary.

The Applicant must ensure that the Review of PFAS Exposure Pathways reports are placed on its website and are available to the CCC and any interested person on request.

BUSHFIRE

49. The Applicant must:
(a) ensure that the development is suitably equipped to respond to any fires on site; and
(b) assist the Rural Fire Service and emergency services to the extent practicable if there is a fire in the vicinity of the site.

SCHEDULE 4
ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

50. As soon as practicable, and no longer than 7 days, after obtaining monitoring results showing:
    (a) an exceedance of any criteria in Schedule 3, the Applicant must notify the affected landowners in writing of the exceedance, and provide regular monitoring results, at least every 3 months, to each affected landowner until the development is again complying with the relevant criteria; and
    (b) an exceedance of any air quality criteria in Schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and current tenants of the land (including the tenants of land which is not privately-owned).

INDEPENDENT REVIEW

51. If an owner of privately-owned land considers the development to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Planning Secretary in writing for an independent review of the impacts of the development on his/her land.

    If the Planning Secretary is satisfied that an independent review is warranted, then within 2 months of the Planning Secretary's decision, the Applicant must:
    (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
        - consult with the landowner to determine his/her concerns;
        - conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and
        - if the development is not complying with these criteria, then identify measures that could be implemented to ensure compliance with the relevant criteria; and
    (b) give the Planning Secretary and landowner a copy of the independent review; and
    (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. If the Planning Secretary requires, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
   (a) be submitted to the Planning Secretary for approval within 6 months of the Planning Secretary requiring preparation of the strategy by notice to the Applicant;
   (b) provide the strategic framework for environmental management of the development;
   (c) identify the statutory approvals that apply to the development;
   (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
   (e) describe the procedures to be implemented to:
   - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
   - receive, record, handle and respond to complaints;
   - resolve any disputes that may arise during the course of the development;
   - respond to any non-compliance;
   - respond to emergencies; and

   (f) include:
   - references to any strategies, plans and programs approved under the conditions of this consent; and
   - a clear plan depicting all the monitoring to be carried out under the conditions of this consent.

   The Applicant must implement any Environmental Management Strategy as approved from time to time by the Planning Secretary.

Evidence of Consultation

2. Where consultation with any public authority is required by the conditions of this consent, the Applicant must:
   (a) consult with the relevant public authority prior to submitting the required document to the Planning Secretary for approval;
   (b) submit evidence of this consultation as part of the relevant document;
   (c) describe how matters raised by the authority have been addressed and any matters not resolved; and
   (d) include details of any outstanding issues raised by the authority and an explanation of disagreement between any public authority and the Applicant.

Management Plan Requirements

3. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
   (a) detailed baseline data;
   (b) a description of:
   - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
   - any relevant limits or performance measures/criteria; and
   - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

   (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
   (d) a program to monitor and report on the:
   - impacts and environmental performance of the development; and
   - effectiveness of any management measures (see (c) above);

   (e) 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;
   (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
   (g) a protocol for managing and reporting any:
   - incidents;
   - complaints;
   - non-compliances with statutory requirements; and

- exceedances of the impact assessment criteria and/or performance criteria; and

(h) a protocol for periodic review of the plan.

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

Revision of Strategies, Plans & Programs

4. Within 3 months of the submission of an:
   (a) incident report under condition 9 below;
   (b) Annual Review under condition 11 below;
   (c) audit report under condition 12 below; and
   (d) any modifications to this consent,

   the Applicant must review the strategies, plans and programs required under this consent, to the satisfaction of the Planning Secretary. The applicant must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Planning Secretary.

   Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.

Updating and Staging of Strategies, Plans or Programs

5. To ensure that strategies, plans or programs required under this consent are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Planning Secretary. With the agreement of the Planning Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

   The Planning Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time. With the agreement of the Planning Secretary, the Applicant may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.

   While any strategy, plan or program may be submitted on a staged basis, the applicant will need to ensure that the operations associated with the development are covered by suitable strategies, plans or programs at all times.

   If the submission of any strategy, plan or program is to be staged; then the relevant strategy, plan or program must clearly describe the specific stage/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program

Adaptive Management

6. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent 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 Applicant must as soon as becoming aware of any exceedance:
   (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;
   (b) consider all reasonable and feasible options for remediation (where relevant)
   (c) within 14 days of the exceedance occurring, submit a report to the Planning Secretary describing these remediation options and any preferred remediation measures or other course of action; and
   (d) implement remediation measures as directed by the Planning Secretary;
   (e) to the satisfaction of the Planning Secretary.

COMMUNITY CONSULTATIVE COMMITTEE

7. The Applicant must establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Planning Secretary. The CCC must be operated in general accordance with the Department's *Community Consultative Committee Guidelines, November 2016* (or later version).

   Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*
- *In accordance with the guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council, Hunter Water, Williamtown and Surrounds Residents Action Group and the local community.*

REPORTING AND AUDITING

Incident Notification

8. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
   (a) date, time and location;
   (b) a brief description of what occurred and why it has been classified as an incident;
   (c) a description of what immediate steps were taken in relation to the incident; and
   (d) identifying a contact person for further communication regarding the incident.

9. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 5 (Incident Notification and Reporting Requirements).

Non-Compliance Notification

10. Within 7 days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, 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

11. By the end of March each year, or other timing as may be agreed by the Planning Secretary, the Applicant must submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. This review must:
    (a) describe the development (including any progressive rehabilitation) that was carried out in the previous calendar year, and the development 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 development over the previous calendar year, which includes a comparison of these results against the:
    - relevant statutory requirements, limits or performance measures/criteria;
    - requirements of any plan or program required under this consent;
    - monitoring results of previous years; and
    - relevant predictions in the documents listed in condition 2(d) of Schedule 2;

    (c) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance;
    (d) identify any trends in the monitoring data over the life of the development;
    (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
    (f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.

    The Applicant must ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 7 above) and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

12. Independent Environmental Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* published on the Department's website.

ACCESS TO INFORMATION

13. Within 6 months of the date of this consent, until the completion of all works, including rehabilitation and remediation the Applicant must:
    (a) make the following information publicly available on its website:
    - the documents listed in condition 2(d) of Schedule 2;
    - current statutory approvals for the development;

- all approved strategies, plans and programs required under the conditions of this consent;
- a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
- a complaints register, updated monthly;
- all Annual Reviews for the development;
- the Review of PFAS Exposure Pathways reports;
- independent environmental audits as described in condition 12 above, and the Applicant's responses to the recommendations in any audit; and
- any other matter required by the Planning Secretary; and

(b) keep this information up-to-date,

to the satisfaction of the Planning Secretary.

APPENDIX 1
DEVELOPMENT AREA AND LAYOUT

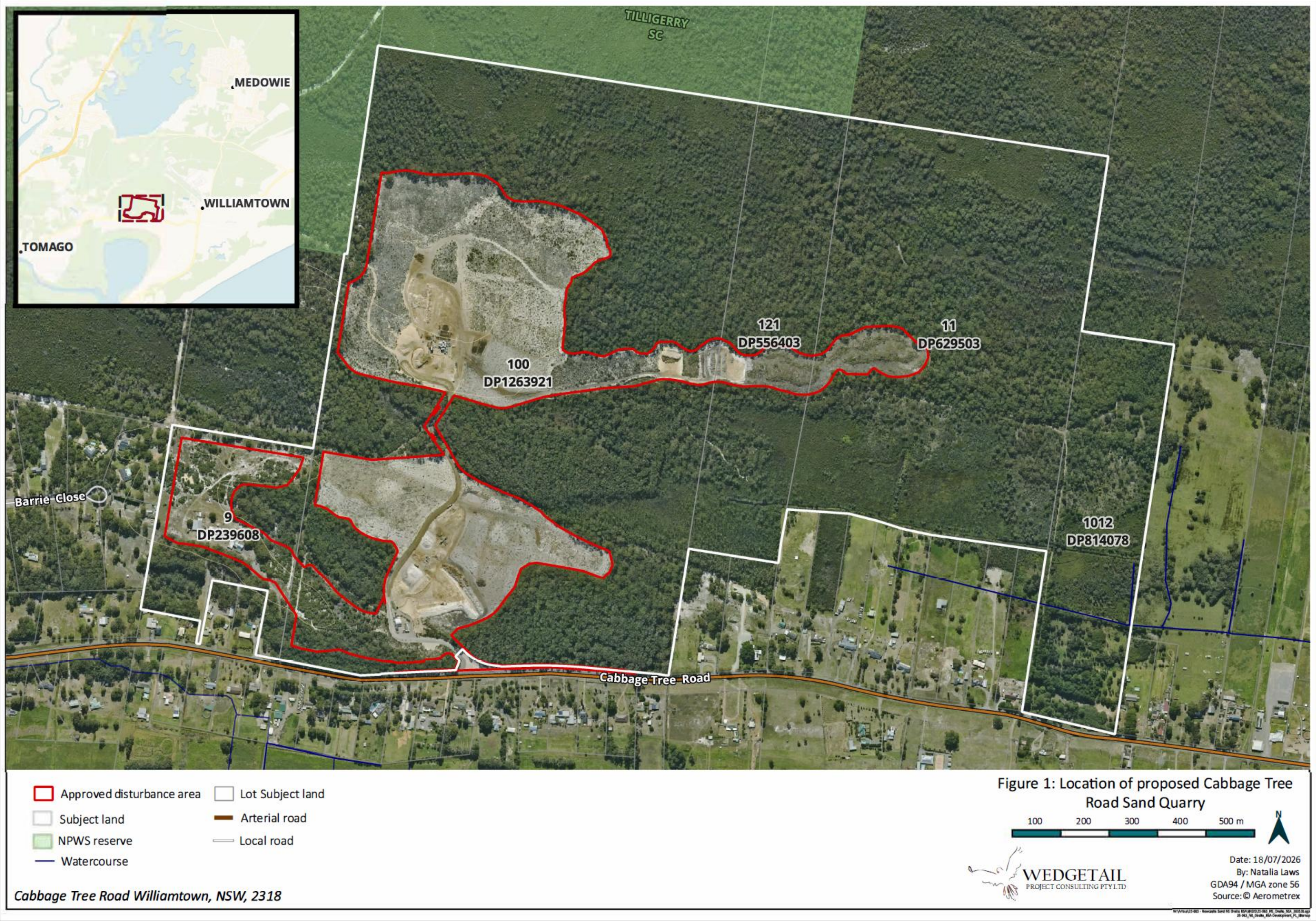
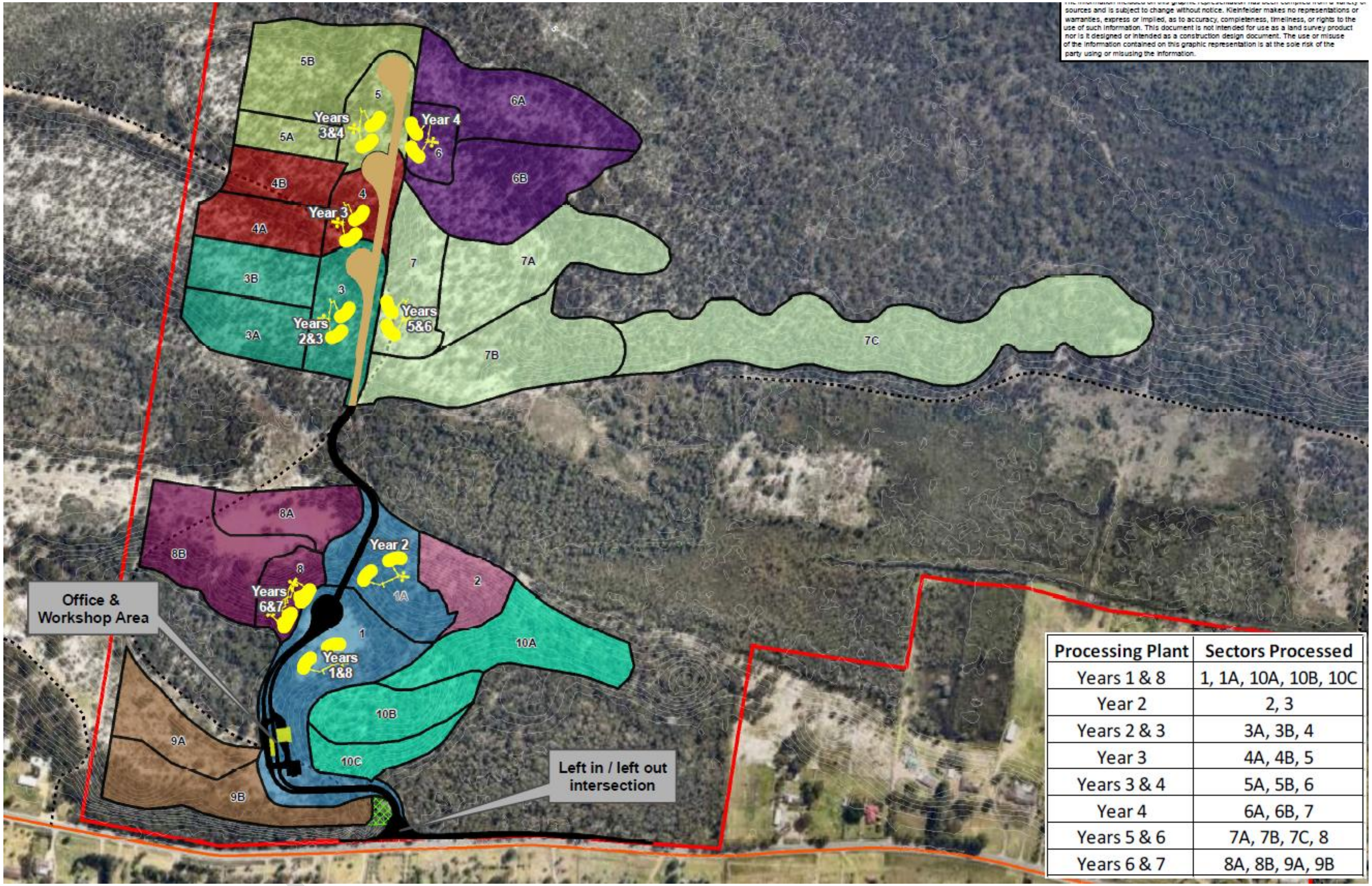


***Figure 1** – Location of the proposed Cabbage Tree Road Sand Quarry*



Processing Plant	Sectors Processed
Years 1 & 8	1, 1A, 10A, 10B, 10C
Year 2	2, 3
Years 2 & 3	3A, 3B, 4
Year 3	4A, 4B, 5
Years 3 & 4	5A, 5B, 6
Year 4	6A, 6B, 7
Years 5 & 6	7A, 7B, 7C, 8
Years 6 & 7	8A, 8B, 9A, 9B

***Figure 2** – Proposed site layout and sequence of sand extraction*

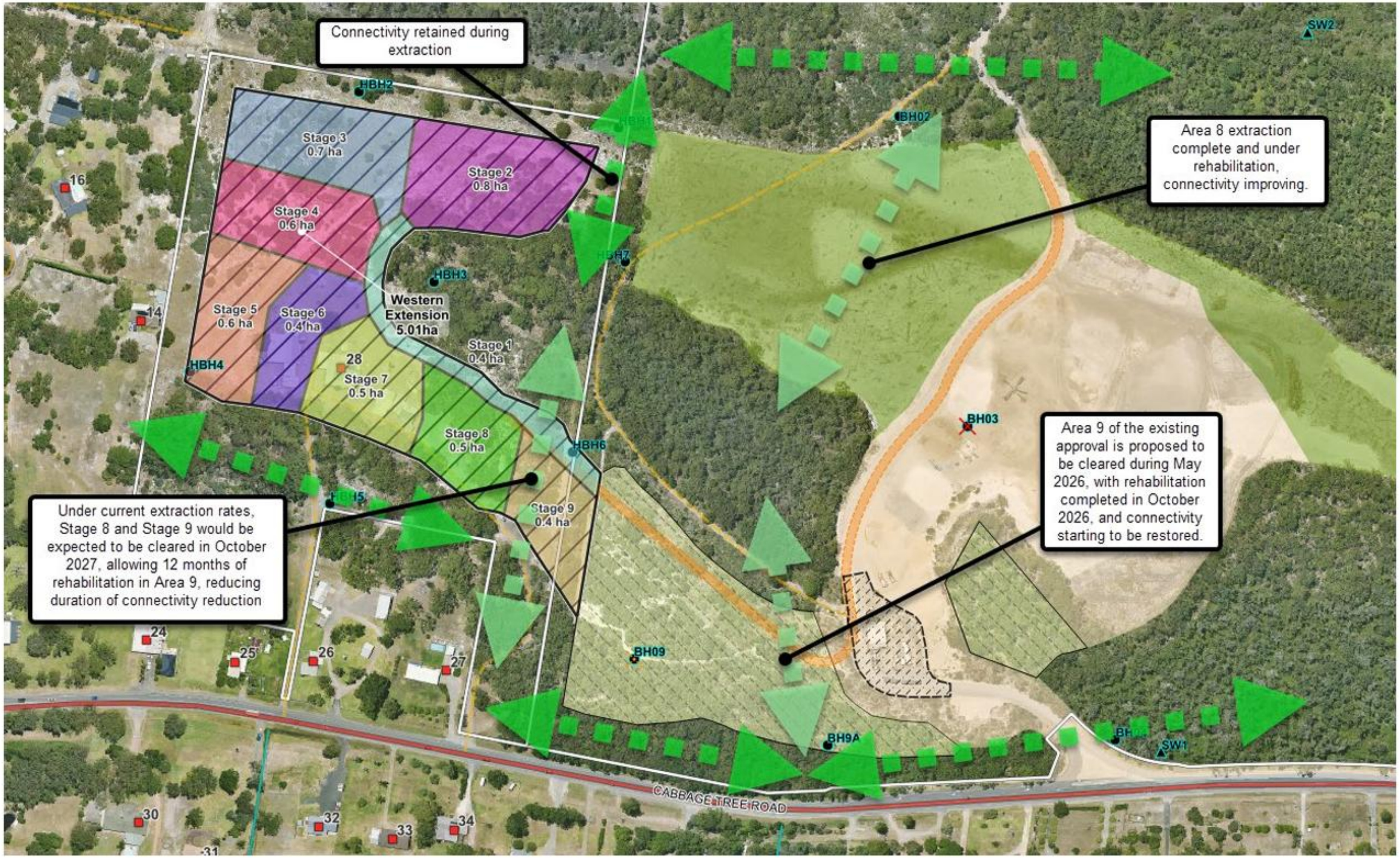


***Figure 2A** - Proposed Staging Plan Mod 4 Western Extension area*

APPENDIX 2
STATEMENT OF COMMITMENTS

Deleted.

APPENDIX 3
CONCEPTUAL REHABILITATION PLAN

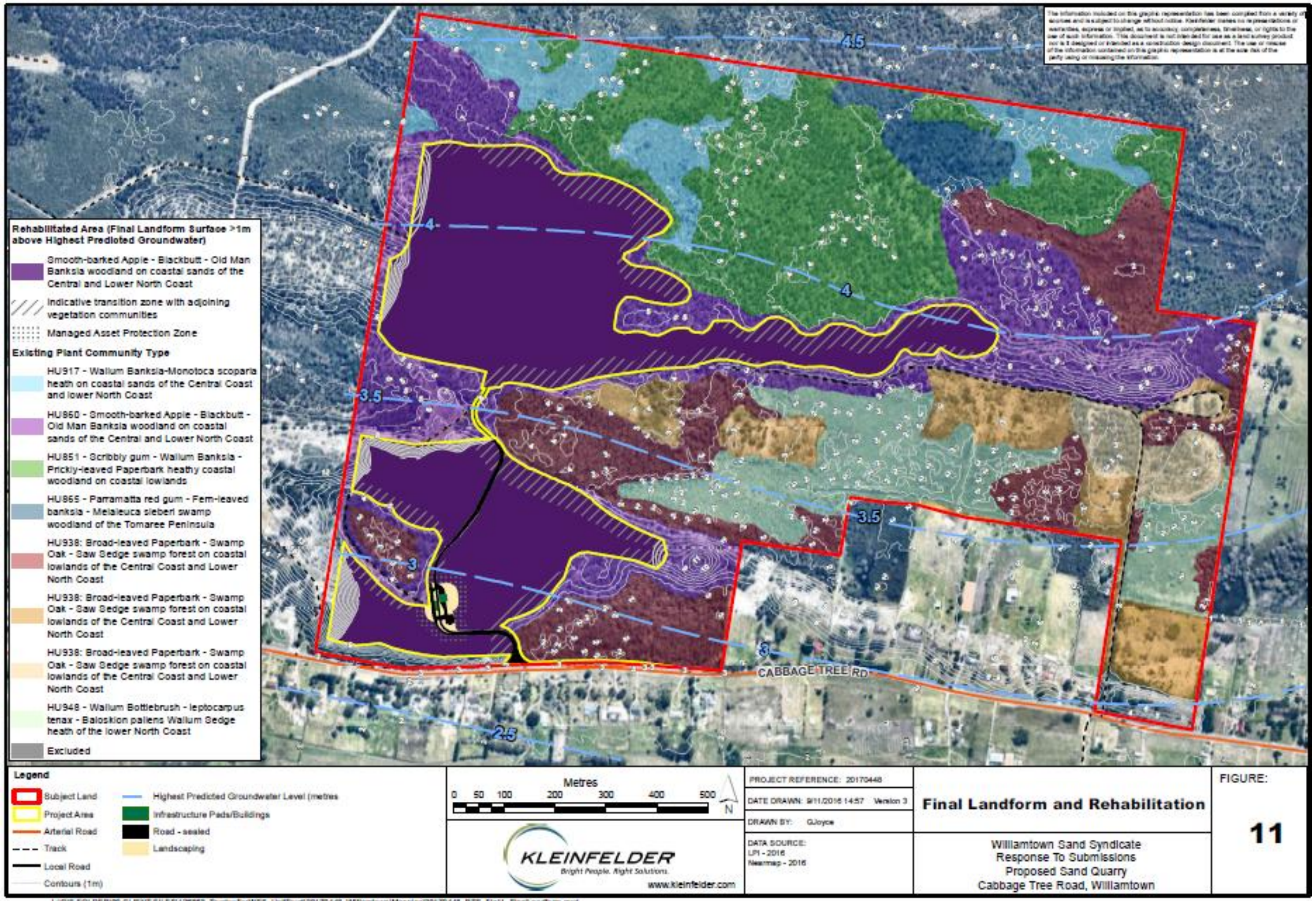


Figure 3: *Conceptual rehabilitation plan*

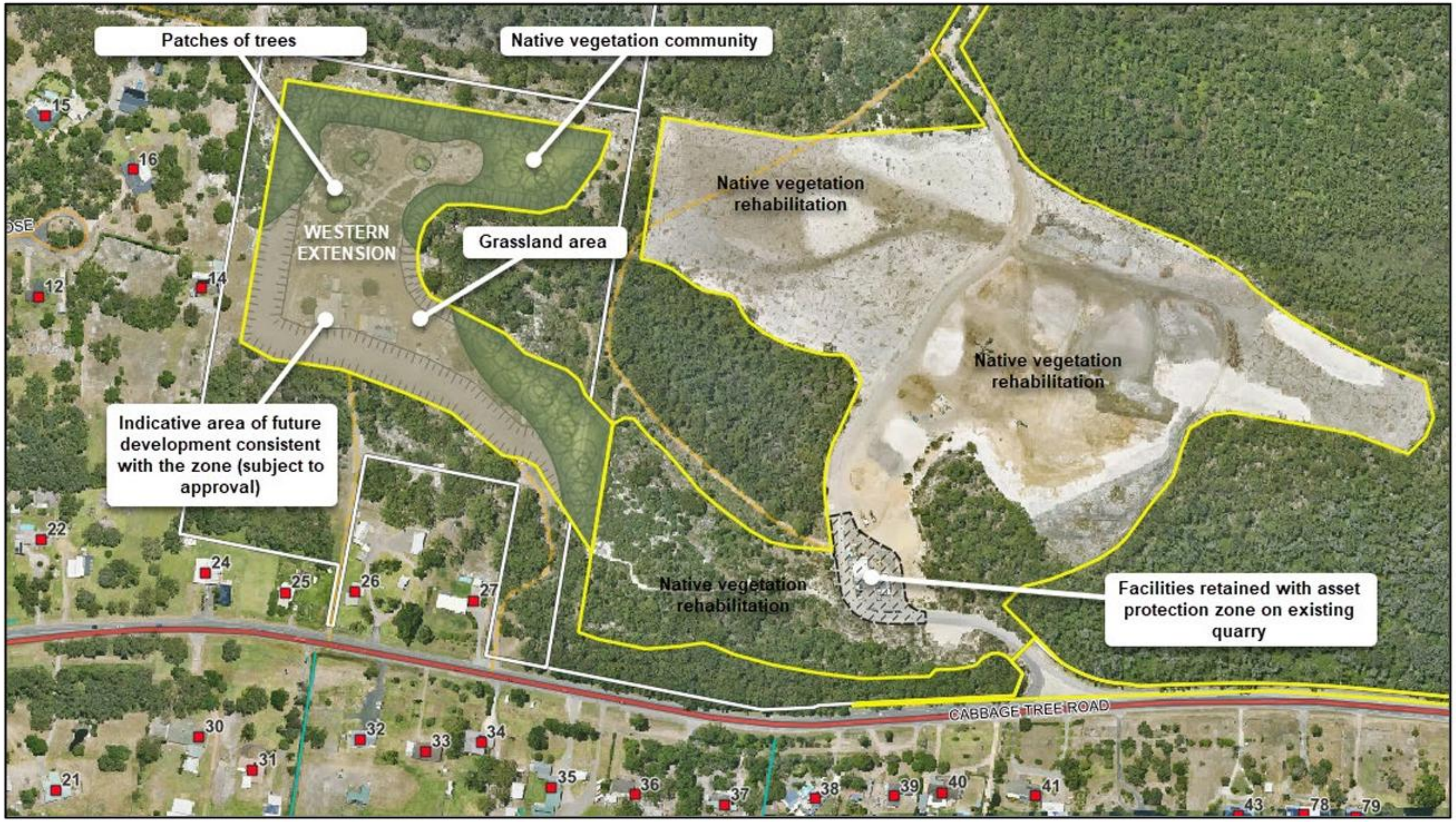


Figure 3A: *Conceptual rehabilitation plan for Western Extension area*

APPENDIX 4
HUNTER WATER'S SPECIAL AREA

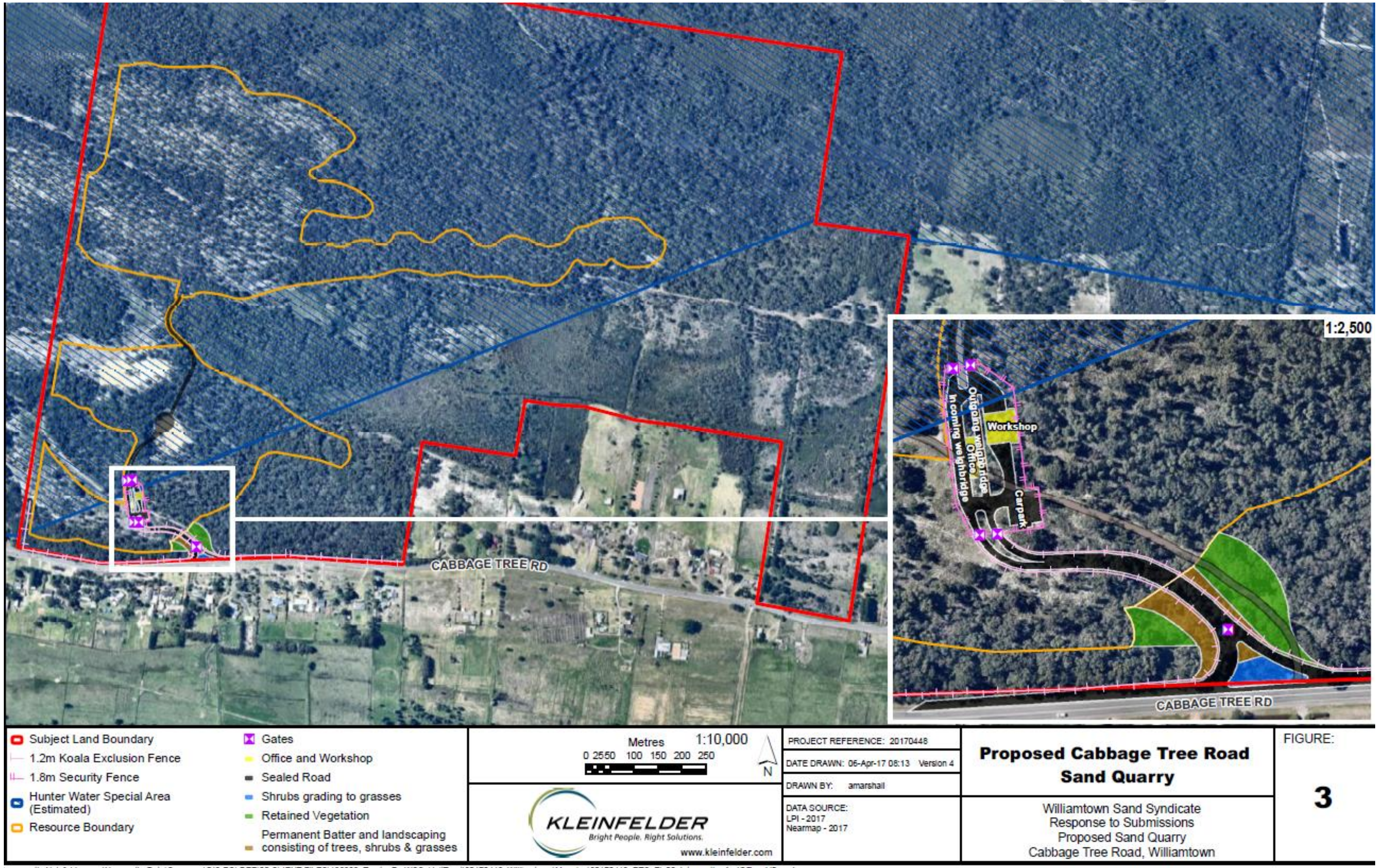


Figure 4: *Hunter Water's Special Area (shown in blue)*

APPENDIX 5
NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Table 2 are to apply under all meteorological conditions except the following:
   (a) wind speeds greater than 3 m/s at 10 m above ground level; or
   (b) temperature inversion conditions between 1.5°C and 3°C/100 m and wind speed greater than 2 m/s at 10 m above ground level; or
   (c) temperature inversion conditions greater than 3°C/100 m.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station required under condition 10 of Schedule 3.

Compliance Monitoring

3. A noise compliance assessment must be undertaken within two months of commencement of quarrying operations. The assessment must be conducted by a suitably qualified and experienced acoustical practitioner and must assess compliance with noise criteria presented above. A report must be provided to the EPA within 1 month of the assessment.

4. Unless the Planning Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NPI (as amended from time to time), in particular the requirements relating to:
   (a) monitoring locations for the collection of representative noise data;
   (b) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment;
   (c) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration; and
   (d) the use of an appropriate modifying factor for low frequency noise to be applied during compliance testing at any individual residence if low frequency noise is present (in accordance with the NPI) and before comparison with the specified noise levels in the consent.

APPENDIX 6
BIODIVERSITY OFFSET STRATEGY

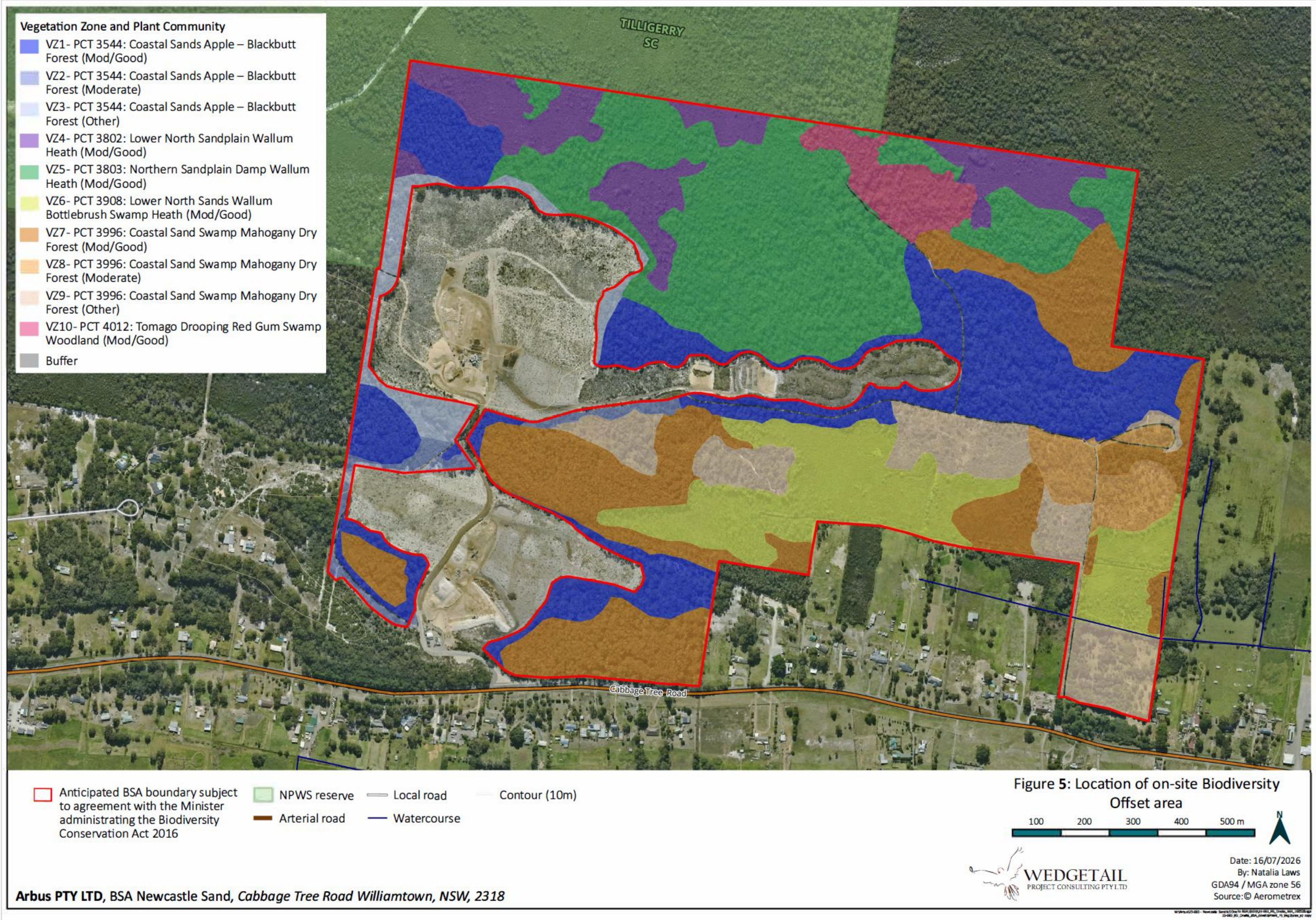


***Figure 5:** Location of onsite biodiversity offset area*

APPENDIX 7: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition 8, Schedule 4 of this consent or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the incident notification (in accordance with condition 8, Schedule 4 of this consent), the Applicant is required to submit a subsequent incident report that:
   (a) identifies how the incident was detected;
   (b) identifies when the Applicant became aware of the incident;
   (c) identifies any actual or potential non-compliance with conditions of consent;
   (d) identifies further action(s) that will be taken in relation to the incident; and
   (e) a summary of the incident;
   (f) outcomes of an incident investigation, including identification of the cause of the incident;
   (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
   (h) details of any communication with other relevant stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.