

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve 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.



Oliver Holm
Executive Director
Resource Assessments and Compliance

Sydney

5 / 5 /

2016

SCHEDULE 1

Application Number

SSD 6624

Applicant

Newman Quarrying Pty Ltd

Consent Authority

Minister for Planning

Land

Lot 2 DP 1055044

Development

Sly's Quarry Expansion Project

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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 <i>National Parks and Wildlife Act 1974</i>
AHD	Australian Height Datum
Annual Review	The review required by condition 9 of Schedule 5
Applicant	Newman Quarrying Pty Ltd, or any other person/s who rely on this consent to carry out the development that is subject to this consent
BCA	Building Code of Australia
Biodiversity offset strategy	The conservation and enhancement strategy described in the EIS and depicted conceptually in Appendix 6
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	Clarence Valley Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development as described in the documents listed in condition 2(a) of Schedule 2
DPI Water	Department of Primary Industries - Water
DRE	Division of Resources and Energy (within the Department of Industry)
EIS	Environmental Impact Statement titled <i>Proposed Quarry Expansion at Lot 2 DP1055044 Tullymorgan-Jackybulbin Road, Mororo</i> dated May 2015 and the Applicant's response to submissions documentation dated 13 October 2015, 16 October 2015, 20 November 2015, 14 December 2015, 22 December 2015 and 22 January 2016 and revised Biodiversity Assessment Report dated April 2016
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
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 <i>NSW Industrial Noise Policy</i> (NSW EPA, 2000)
INP	
Laden trucks	Trucks transporting quarry products from the site and/or trucks transporting topsoil or mulch 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
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, or delegate
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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, topsoil and overburden
Quarry products	Includes all saleable quarry products, but excludes tailings and other wastes
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
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Site	The land described in Schedule 1

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 Applicant must carry out the development:
 - (a) generally in accordance with the EIS; and
 - (b) in accordance with the conditions of this consent and the Development Layout Plans.

Note: The Development Layout Plans are shown in Appendix 2.

3. If there is any inconsistency between the documents in condition 2(a), 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 requirement/s of the 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 May 2041.

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

6. The Applicant must not undertake quarrying operations below a level of 44 m AHD.
7. The Applicant must not extract more than 500,000 tonnes of quarry products from the site in any calendar year.

Quarry Product Transport

8. The Applicant must not:
 - (a) transport more than 500,000 tonnes of quarry products from the site during any calendar year;
 - (b) receive or dispatch more than 125 laden trucks from the site on any day; or
 - (c) receive more than 10,000 tonnes of topsoil and 5,000 m³ of mulch during any calendar year.
9. The delivery of topsoil and mulch permitted by condition 8 (c) above must be transported by backfilled quarry product trucks only.

SURRENDER OF EXISTING DEVELOPMENT CONSENTS

10. Within 12 months of the date of this consent, or as otherwise agreed by the Secretary, the Applicant must surrender all existing development consents for extractive industry for the site in accordance with the EP&A Regulation.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 4A of the EP&A Act. Surrendering of consent should not be understood as implying that works legally constructed under a valid consent can no longer be legally maintained or used.

11. Prior to the surrender of existing development consents, the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of these consents.

STRUCTURAL ADEQUACY

12. 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 BCA.

Notes:

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

DEMOLITION

13. 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

14. 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 19 of this consent.

OPERATION OF PLANT AND EQUIPMENT

15. The Applicant must ensure that all the plant and equipment used at the site is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

PRODUCTION DATA

16. The Applicant must:
- (a) provide annual quarry production data to DRE using the standard form for that purpose; and
 - (b) include a copy of this data in the Annual Review (see condition 9 of Schedule 5).

IDENTIFICATION OF APPROVED EXTRACTION LIMITS

17. By 30 November 2016, unless otherwise agreed with the Secretary, the Applicant must:
- (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction within the development area; and
 - (b) submit a survey plan of these boundaries with applicable GPS coordinates to the Secretary.
18. 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

19. The Applicant must pay to Council an annual financial contribution toward the maintenance of Tullymorgan-Jackybulbin Road. The contribution must be determined in accordance with the *Maclean Shire Council S.94 Contribution Plan for Maintenance of Quarry Roads*, November 1994, or any subsequent relevant contributions plan adopted by Council. The contribution must be paid to Council within one month of the date of this consent each year and reported in the Annual Review required in condition 9 of Schedule 5.

SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

NOISE

Hours of Operation

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

Table 1: Operating Hours

Activity	Permissible Hours
Employee arrival	- From 6:30 am Monday to Saturday inclusive - From 7:30 am Sundays or public holidays if engaged in maintenance, site security or other similar activities
Quarrying operations including loading and dispatch of laden trucks	7 am to 6 pm Monday to Friday 7 am to 1 pm Saturday 7 am to 4 pm Saturday if fulfilling a contract for the supply of quarry products to the Pacific Highway update project (SSD 4963)* - At no time on Sundays or public holidays
Blasting	9 am to 3 pm Monday to Friday (except public holidays)
Maintenance	May be conducted at any time, provided that these activities are not audible at any privately-owned residence

**Note: Evidence of contracts that cover those periods during which extended Saturday afternoon operating hours are undertaken must be reported in the Annual Review required by condition 9 of Schedule 5.*

- The following activities may be carried out on the site outside the hours specified in condition 1:
 - delivery or dispatch of materials as requested by Police or other authorities; and
 - emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

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

Noise Impact Assessment Criteria

- 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 <i>L_{Aeq} (15 minute)</i>	Evening <i>L_{Aeq} (15 minute)</i>	Night <i>L_{Aeq} (15 minute)</i>
All privately-owned residences	35	35	35

Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Industrial Noise Policy*. Appendix 4 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

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

Operating Conditions

- The Applicant must:
 - implement best practice management to minimise the operational and road transportation noise of the development;
 - minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 4);
 - carry out noise monitoring (at least every 3 months or as otherwise agreed with the Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
 - 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 Secretary.

Note: Required frequency of noise monitoring may be reduced if approved by the Secretary.

Noise Management Plan

5. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - (a) be prepared in consultation with the EPA;
 - (b) be submitted to the Secretary within 6 months of the date of this consent, unless otherwise agreed by the Secretary;
 - (c) describe the measures that would be implemented to ensure:
 - compliance with the noise criteria 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 4);
 - (d) describe the proposed noise management system; and
 - (e) include a monitoring program to be implemented to measure noise from the development against the noise criteria in Table 2 and the road noise criteria in the EIS, and which evaluates and reports on the effectiveness of the noise management system on site.
6. The Applicant must implement the approved Noise Management Plan as approved from time to time by the Secretary.

BLASTING

Blasting Impact Assessment Criteria

7. The Applicant must ensure that blasting on site does not cause any exceedance of the criteria in Table 3.

Table 3: Blasting Criteria

Receiver	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Any residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a period of 12 months

However, these criteria do not apply if the Applicant has a written agreement with the relevant owner to exceed the limits in Table 3, and the Applicant has advised the Department in writing of the terms of this agreement.

Blasting Frequency

8. The Applicant may carry out a maximum of 2 blasts per calendar month, unless an additional blast is required following a blast misfire. This condition does not apply to blasts required to ensure the safety of the quarry or workers on site.

Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the quarry.

Operating Conditions

9. During blasting operations, the Applicant must:
 - (a) implement best practice management to:
 - protect the safety of people and livestock in the areas surrounding blasting operations;
 - protect public or private infrastructure/property in the surrounding area from damage from blasting operations and
 - minimise the dust and fume emissions of blasting;
 - (b) operate a suitable system to enable the local community to get up-to-date information on the proposed blasting schedule on site; and
 - (c) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent, to the satisfaction of the Secretary.

Blast Management Plan

10. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - (a) be submitted to the Secretary for approval within 6 months of the date of this consent, unless otherwise agreed by the Secretary;

- (b) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
 - (c) include measures to manage flyrock;
 - (d) include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;
 - (e) include community notification procedures for the blasting schedule, in particular to nearby residences; and
 - (f) include a protocol for investigating and responding to complaints.
11. The Applicant must implement the approved Blast Management Plan as approved from time to time by the Secretary.

AIR QUALITY

Air Quality Impact Assessment Criteria

12. 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 4 at any residence on privately-owned land.

Table 4: Air quality criteria

Pollutant	Averaging Period	Criterion	
Particulate matter < 10 µm (PM ₁₀)	Annual	a,d 30 µg/m ³	
Particulate matter < 10 µm (PM ₁₀)	24 hour	b 50 µg/m ³	
Total suspended particulates (TSP)	Annual	a,d 90 µg/m ³	
^c Deposited dust	Annual	b 2 g/m ² /month	a,d 4 g/m ² /month

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

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

e "Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in conditions 13, 14 and 15 to develop and implement an air quality management system that ensures operational responses to the risks of exceedance of the criteria.

Operating Conditions

13. 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 d under Table 4);
 - (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 Secretary.

Air Quality Management Plan

14. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be submitted to the Secretary for approval within 6 months of the date of this consent, unless otherwise agree by the Secretary;
 - (b) describe the measures that would be implemented to ensure:
 - compliance with the relevant 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;

- (c) describe the proposed air quality management system;
 - (d) include an air quality monitoring program that:
 - is capable of evaluating the performance of the development;
 - 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.
15. The Applicant must implement the approved Air Quality Management Plan as approved from time to time by the Secretary.

Meteorological Monitoring

16. For the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline.

Greenhouse Gas Emissions

17. 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

18. 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 Secretary.

Water Discharges

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

Soil and Water Management Plan

20. The Applicant must prepare a Soil and Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced person/s approved by the Secretary;
 - (b) be prepared in consultation with the EPA and DPI Water;
 - (c) be submitted to the Secretary for approval within 6 months of the date of this consent, unless otherwise agreed by the Secretary; and
 - (d) include the EPA's requirements as set out in Appendix 5;
 - (e) include a:
 - (i) Site Water Balance that includes:
 - details of:
 - o sources and security of water supply;
 - o water use and management on site;
 - o any off-site water transfers; and
 - o reporting procedures; and
 - measures that would be implemented to minimise clean water use on site;
 - (ii) Surface Water Management Plan, that includes:
 - a program for obtaining detailed 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:
 - o clean water diversion system;
 - o erosion and sediment controls;
 - o dirty water management system;
 - o water storages; and
 - o mitigation measures outlined in the EIS; and
 - a program to monitor and report on:
 - o any surface water discharges;
 - o the effectiveness of the water management system,
 - o the quality of water discharged from the site to the environment;
 - o surface water flows and quality in local watercourses;
 - (iii) Groundwater Management Plan that includes:

- a provision that requires the Applicant to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the quarry from the quarry face or floor; and
- a monitoring program to manage potential impacts, if any, on the alluvium and associated surface water source near the proposed extraction area that includes:
 - o a minimum of three monitoring bores with automatic water level recording instrumentation or other method agreed with DPI-Water;
 - o identification of a methodology for determining threshold water level criteria;
 - o contingency measures in the event of a breach of thresholds; and
 - o a program to regularly report on monitoring.

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

TRANSPORT

Monitoring of Product Transport

22. The Applicant must keep accurate records of all laden truck movements to and from the site (including time of arrival and dispatch) and publish a summary of records on its website every 6 months.

Operating Conditions

23. The Applicant must:

- (a) ensure that all laden trucks entering or exiting the site have their loads covered, with the exception of loads consisting solely of boulders greater than one tonne in weight;
- (b) ensure that all laden trucks exiting the site are cleaned of material that may fall on the road, before leaving the site;
- (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; and
- (d) if necessary, allow for the parking of early-arriving trucks (ie. between 6:30 am and 7 am) within the site to avoid queuing on Tullymorgan-Jackybulbin Road.

Traffic Management Plan

24. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (a) be prepared in consultation with the RMS and Council;
- (b) be submitted to the Secretary for approval within 6 months of the date of this consent, unless otherwise agreed by the Secretary;
- (c) describe the processes in place for the control of truck movements entering and exiting the site;
- (d) include a review of the existing intersection at the entrance to the quarry on Tullymorgan-Jackybulbin Road, which involves:
 - (i) undertaking a survey of the dimensions of the existing intersection to assess whether it meets the minimum road design dimensions for a BAR/BAL treatment in accordance with the relevant road design guideline and/or standard; and
 - (ii) if found to not meet these dimensions, propose a works program for the upgrade of the intersection to meet the relevant road design guideline and/or standard and a timeframe for completion of the works;
- (e) include a Drivers' Code of Conduct that details the safe and quiet driving practices that must be used by drivers transporting products to and from the quarry, with a particular focus on:
 - (i) ensuring truck drivers are aware of the school bus stop and turning area adjacent to the intersection of Tullymorgan-Jackybulbin Road and the Pacific Highway, its likely hours of use and take appropriate measures to avoid interacting with school buses and school pupils; and
 - (ii) minimising the potential for fauna strike on Tullymorgan-Jackybulbin Road; and
- (f) describe the measures that would be put in place to ensure compliance with the Drivers' Code of Conduct;
- (g) propose measures to minimise the transmission of dust and tracking of material onto the surface of the public road from vehicles leaving the quarry; and
- (h) propose measures to accommodate the parking of early-arriving trucks within the site, rather than on the public road network.

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

ABORIGINAL HERITAGE

26. 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 OEH is contacted immediately.

Work in the 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

27. The Applicant must assess in detail the biodiversity values of its proposed Biodiversity Offset Strategy (described in the EIS and shown conceptually in Appendix 6) using the *BioBanking Assessment Methodology* (OEH, 2014) and must retire ecosystem and species credits as set out in Table 5, to the satisfaction of the Secretary.

Table 5: Biodiversity credits to be retired

Credit type	Number of Credits
Ecosystem Credits	
NR 115 Blackbutt-bloodwood dry heathy open forest	567
NR123 Blackbutt-Turpentine dry heathy open forest	327
Species Credits	
Bordered Guinea Flower (<i>Hibbertia marginata</i>)	15,820
Koala (<i>Phascolarctos cinerus</i>)	317
Common planigale (<i>Planigale maculata</i>)	317
Squirrel glider (<i>Petaurus norfolcensis</i>)	268
Brush-tailed phascogale (<i>Phascogale tapoatafa</i>)	244

Security of Offsets

28. Within 18 months of this consent, unless otherwise agreed with the Secretary, the Applicant must make suitable arrangements to provide appropriate long-term security for the Biodiversity Offset Strategy, to the satisfaction of the Secretary.

Note: Mechanisms to provide appropriate long-term security to the land within the Biodiversity Offset Strategy in accordance with the NSW Biodiversity Offset Policy for Major Projects 2014, include a Biobanking Agreement, Voluntary Conservation Agreement or an alternative mechanism that provides for a similar conservation outcome. Any mechanism must remain in force in perpetuity.

Rehabilitation Objectives

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

Table 6: Rehabilitation Objectives

Feature	Objective
Site (as a whole)	- Safe, stable and non-polluting - Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
Surface Infrastructure	Decommissioned and removed, unless otherwise agreed by the Secretary

<i>Quarry benches and pit floor (Site A)</i>	• Landscaped and vegetated using native tree and understorey species
<i>Past sand mining sites (Sites B and C)</i>	• Returned to the pre-development ground level • Landscaped and revegetated using native tree and understorey species
<i>Final Void</i>	• Minimise the size, depth and slope of the batters of the final void • Minimise the drainage catchment of the final void

Progressive Rehabilitation

30. 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 further disturbance in future.

Biodiversity and Rehabilitation Management Plan

31. The Applicant must prepare a Biodiversity and Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with OEH and Council;
 - be submitted to the Secretary for approval within 6 months of the date of this consent, unless the Secretary agrees otherwise;
 - be approved by the Secretary, prior to commencing quarrying operations in Stages 2 or 3 (refer Appendix 2), unless the Secretary agrees otherwise
 - provide details of the conceptual final landform and associated land uses for the site;
 - describe how the implementation of the Biodiversity Offset Strategy would be integrated with the overall rehabilitation of the site;
 - include detailed performance and completion criteria for evaluating the performance of the Biodiversity Offset Strategy and rehabilitation of the site, including triggers for any necessary remedial action;
 - describe the short, medium and long term measures that would be implemented to:
 - manage remnant vegetation and habitat on site, including within the Biodiversity Offset Strategy area; and
 - ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;
 - include a detailed description of the measures that would be implemented over the next 3 years (to be 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 biodiversity offset and rehabilitation areas through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;
 - protecting and conserving habitat for the Bordered Guinea Flower (*Hibbertia marginata*);
 - protecting vegetation and fauna habitat outside the approved disturbance area on-site;
 - minimising the impacts on native fauna, including undertaking pre-clearance surveys;
 - establishing vegetation screening to minimise the visual impacts of the site on surrounding receivers;
 - ensuring minimal environmental consequences for threatened species, populations and habitats;
 - avoiding and minimising the spread of Exotic Rust Fungi of the order Uredinales pathogenic on plants of the family Myrtaceae (Myrtle Rust), *Phytophthora cinnamomi* (Phytophthora) and Chytrid fungus;
 - collecting and propagating seed;
 - controlling weeds and feral pests;
 - controlling erosion;
 - ensuring no obstruction of legal public access along the Crown public road referred to as 'Slys Road' in accordance with public rights of access under the *Roads Act 1993*; and
 - controlling access to Slys Road, including managing public safety risks associated with rights of access over Slys Road by installing appropriate fencing and signage; and
 - managing bushfire risk;
 - include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;

- (j) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures that would be implemented to mitigate these risks; and
 - (k) include details of who would be responsible for monitoring, reviewing, and implementing the plan.
32. The Applicant must implement the approved Biodiversity and Rehabilitation Management Plan as approved from time to time by the Secretary.

Conservation and Rehabilitation Bond

33. 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 Biodiversity Offset Strategy and rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the plan and relevant conditions of this consent. The sum of the bond must be determined by:
- (a) calculating the cost of implementing the Biodiversity Offset Strategy over the next 3 years;
 - (b) calculating the cost of rehabilitating 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, to the satisfaction of the Secretary.

Notes:

- *Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement, or transfer to conservation reserve estate can be used to reduce the liability of the Conservation and Rehabilitation Bond.*
- *If capital and other expenditure required by the Biodiversity and Rehabilitation Management Plan is largely complete, the Secretary may waive the requirement for lodgement of a bond in respect of the remaining expenditure.*
- *If the Biodiversity Offset Strategy and/or rehabilitation of the site area are completed (or partially completed) to the satisfaction of the Secretary, then the Secretary will release the bond (or relevant part of the bond). If the Biodiversity Offset Strategy and rehabilitation of the site are not completed to the satisfaction of the Secretary, then the Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.*

34. Within 3 months of each Independent Environmental Audit (see condition 10 of Schedule 5), the Applicant must review, and if necessary revise, the sum of the Conservation and Rehabilitation Bond to the satisfaction of the Secretary. This review must consider the:
- (a) effects of inflation;
 - (b) likely cost of implementing the Biodiversity Offset Strategy and rehabilitating the site (taking into account the likely surface disturbance over the next 3 years of the development); and
 - (c) performance of the implementation of the Biodiversity Offset Strategy and rehabilitation of the site to date.

VISUAL

35. 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 Secretary, including those mitigation measures listed in the EIS.

WASTE

36. 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 Secretary.
37. Except as expressly permitted in an EPL, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

LIQUID STORAGE

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

DANGEROUS GOODS

39. 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*.

BUSHFIRE

40. The Applicant must:
- (a) prepare a Bushfire Management Plan to the satisfaction of the RFS;
 - (b) ensure that the development is suitably equipped to respond to any fires on site; and
 - (c) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.
41. The Applicant must implement the Bushfire Management Plan.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. As soon as practicable after obtaining monitoring results showing:
 - (a) an exceedance of any relevant criteria in Schedule 3, the Applicant must notify the affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and
 - (b) an exceedance of any relevant 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

2. 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 Secretary in writing for an independent review of the impacts of the development on his/her land.

If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Applicant must:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the 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 Secretary and landowner a copy of the independent review.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. If the Secretary requires, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
 - (a) be submitted to the Secretary for approval within 6 months of the Secretary requiring preparation of the strategy by notice to the Applicant;
 - (b) be prepared in consultation with Council;
 - (c) provide the strategic framework for environmental management of the development;
 - (d) identify the statutory approvals that apply to the development;
 - (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (f) describe the procedures that would 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
 - (g) include:
 - copies of 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.
2. The Applicant must implement any Environmental Management Strategy as approved from time to time by the Secretary.

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 that would 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 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) Annual Review under condition 9 below;
 - (b) incident report under condition 7 below;
 - (c) audit report under condition 10 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 Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the 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 Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

With the agreement of the Secretary, the Applicant may prepare a revision of or a stage of a strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.

Notes:

- *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, at the earliest opportunity:

- (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) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
 - (c) implement remediation measures as directed by the Secretary;
- to the satisfaction of the Secretary.

Community Consultative Committee

7. If directed by the Secretary, the Applicant must establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. Any such CCC must be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments* (Department of Planning, 2007, or its latest 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 and the local community.*

REPORTING

Incident Reporting

8. The Applicant must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

9. The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

Annual Review

10. By the end of September each year, or other timing as may be agreed by the Secretary, the Applicant must review the environmental performance of the development to the satisfaction of the Secretary. This review must:
 - (a) describe the development (including any rehabilitation) that was carried out in the previous financial year, and the development that is proposed to be carried out over the current financial year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous financial 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 EIS;
 - (c) identify any non-compliance over the past financial 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 financial year to improve the environmental performance of the development.

INDEPENDENT ENVIRONMENTAL AUDIT

11. Within a year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies and (if established) the CCC;
 - (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or necessary water licences for the development (including any assessment, strategy, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
 - (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.

12. Within 6 weeks of completion of this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary, Council, the EPA and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

13. Within 6 months of the date of this consent, the Applicant must:
 - (a) make the following information publicly available on its website:
 - the documents listed in condition 2(a) 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;
 - the annual reviews of the development;
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
 - (b) keep this information up-to-date, to the satisfaction of the Secretary.

APPENDIX 1

DEVELOPMENT AREA



Figure 1: Location of existing (Site A) and previous extraction areas (Sites B and C)

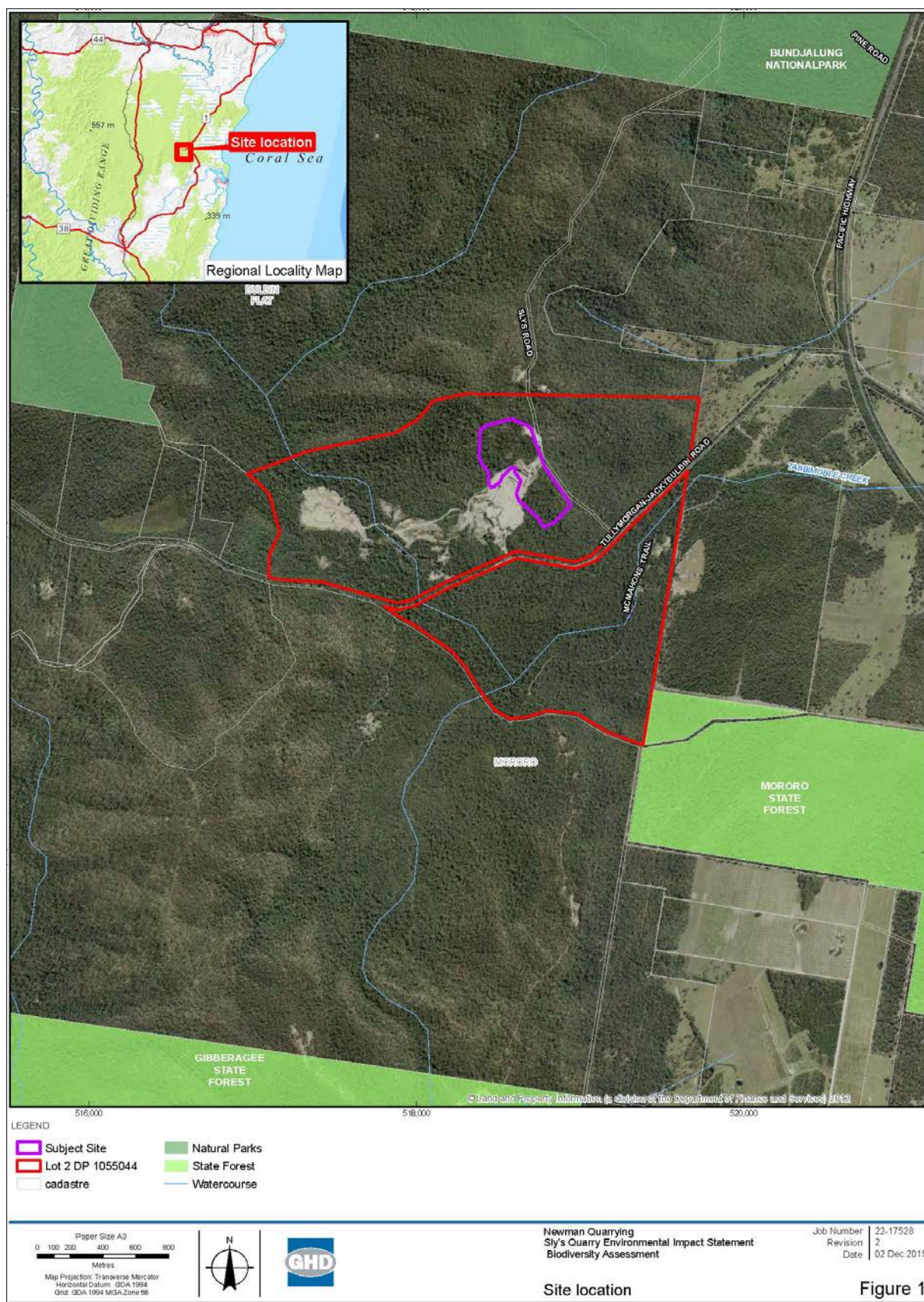


Figure 2: Outline of expanded quarry footprint (shown in purple edge and labelled "subject site")

APPENDIX 2 DEVELOPMENT LAYOUT

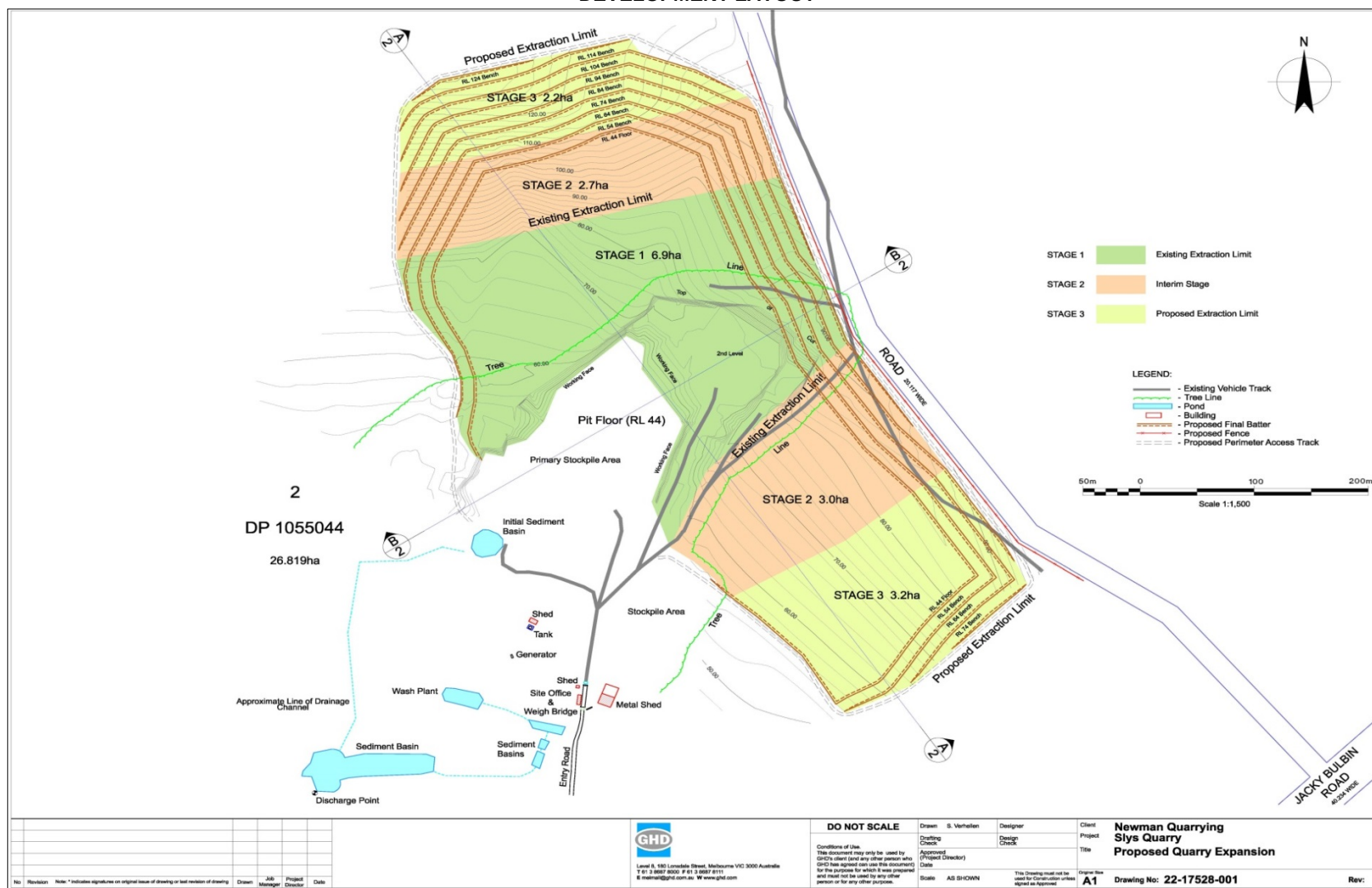
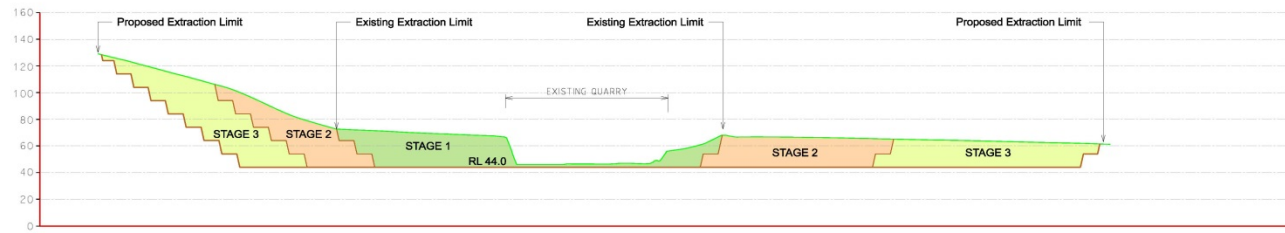
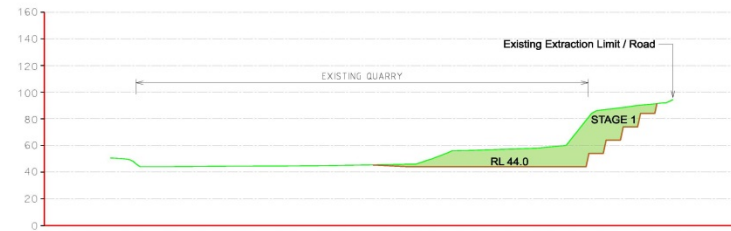


Figure 3: Stages of extraction



SECTION A - A



SECTION B - B



												DO NOT SCALE				Drawn ☐ Verheffen		Designer		Client		Newman Quarrying Slys Quarry Proposed Quarry Expansion			
												Dwelling Check		Design Check		Project		Title							
												Approved (Project Director)		Date		Original Size									
								Level 6, 180 Loraine Street, Melbourne VIC 3000 Australia P 61 2 9587 8000 F 61 2 9587 8111 E meinel@ghd.com.au W www.ghd.com				Conditions of Use: This document may only be used by GHD's client (and any other person who GHD has agreed to use this document) for the purposes for which it was prepared and must not be used by any other person or for any other purpose.				Scale AS SHOWN		This Drawing must not be used by Contractor unless expressly approved.		Drawing No: A1		Rev:			
No	Revision	Note	* Indicates signature on original issued of drawing or text revision of drawing	Drawn	Job Manager	Project Director	Date																		

0 50 100 150m
SCALE 1:5000 AT ORIGINAL SIZE

ZONE A
ZONE B

PRECISION INDUSTRIES PTY LTD
NEWMANS QUARRY
REHABILITATION PLAN

Job Number: 22-17528
Revision: A
Date: FEB. 2015
Figure 01

230 Harbour Drive Coffs Harbour NSW 2450 Australia T 61 2 6650 5600 F 61 2 6650 5601 E cfsmail@ghd.com W www.ghd.com

NSW Government
Department of Planning and Environment

APPENDIX 4 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 16 of Schedule 3.

Compliance Monitoring

3. A noise compliance assessment must be undertaken within two months of commencement of the proposed increased extraction rate. 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 Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (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 INP) and before comparison with the specified noise levels in the consent.

APPENDIX 5
EPA'S REQUIREMENTS FOR THE SOIL AND WATER MANAGEMENT PLAN

1. The Soil and Water Management Plan required under condition 20 of Schedule 3 must:
 - a) describe stormwater management measures to control pollutants at the source and contain them within the site;
 - b) describe erosion and sediment control measures to minimise disturbance of land, minimise water flow through the site and filter, trap or detain sediment;
 - c) describe measures to maintain and monitor any stormwater controls;
 - d) describe methods of storage of topsoil and associated erosion and sediment control measures;
 - e) describe waste water treatment measures, including systems for the reuse and/or recycling of waste water and measures for treating the unavoidable discharges from the site to meet specific water quality requirements;
 - f) describe the size and location of sediment basins for each stage of the quarry development in accordance with the sizing requirements of the *Managing Urban Stormwater Soils and Construction: Volume 1 and 2E* guidelines based on a minimum standard of 90th percentile five-day rainfall event (75 mm); and
 - g) include a water balance to ensure the design of the volume of sediment basins required for stormwater capture and treatment is not compromised by water storage required for re-use purposes. Such dual purpose basins must be designed and managed to accommodate both stormwater management and water re-use objectives.

APPENDIX 6 BIODIVERSITY OFFSET STRATEGY

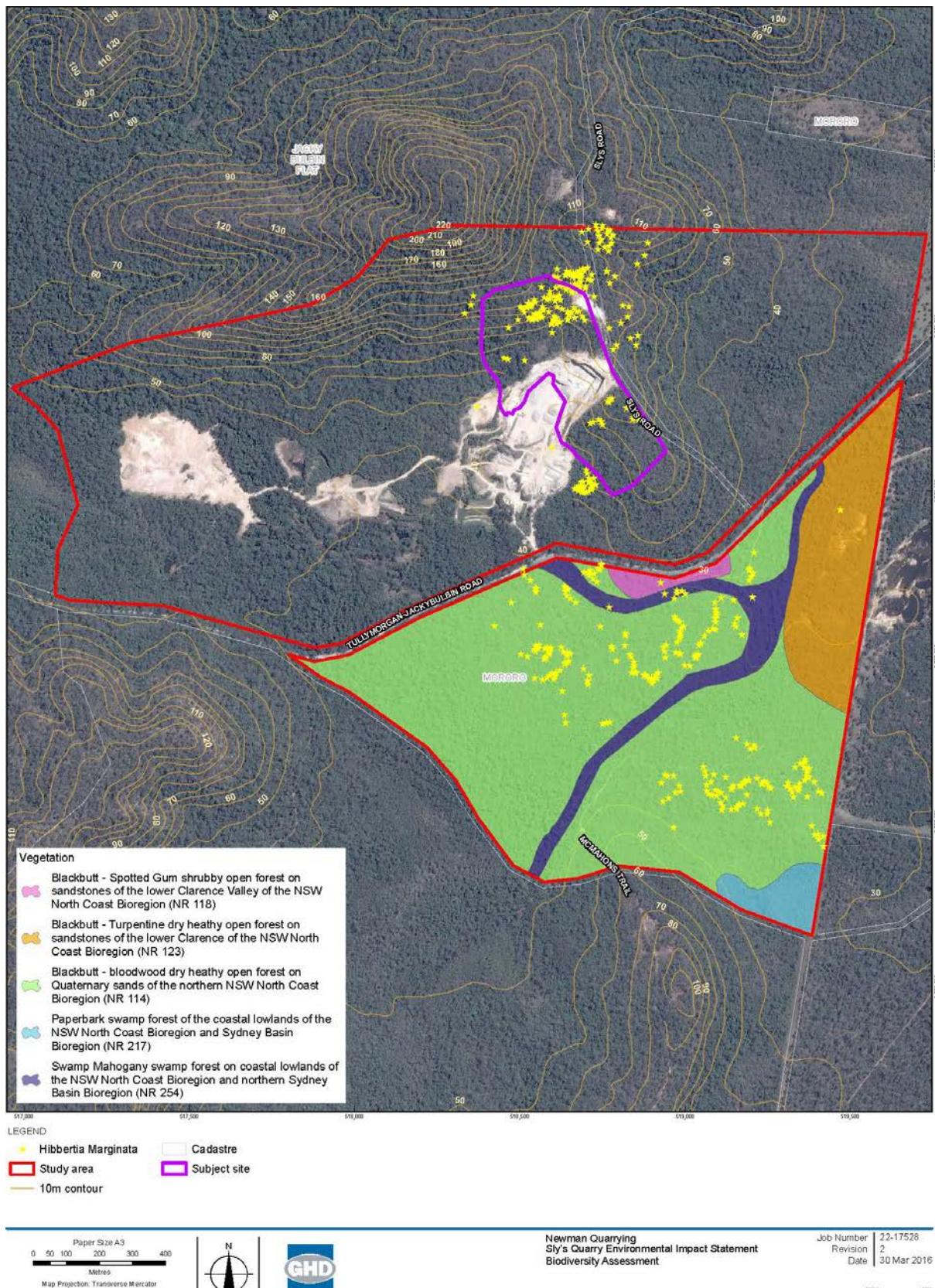


Figure 6: Location of Biodiversity Offset area (shown in red edge and labelled as "Study area")