

Notice of Modification

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

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Howard Reed

Howard Reed
Director Resource Assessments

Sydney

25 August

2017

SCHEDULE 1

The Development Consent (DA 344-11-2001) for the Wallerawang Quarry granted by the Minister for Infrastructure and Planning on 19 October 2004.

SCHEDULE 2

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

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DEFINITIONS

AHD	Australian Height Datum
Annual Review	The review required by condition 11 of Schedule 5
Applicant	Walker Quarries 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
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	Lithgow City 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
DRG	Division of Resources and Geoscience of the Department
EIS	Environmental Impact Statement titled <i>Proposed Wallerawang Quarry</i> , dated November 2001 and the Applicant's Supplementary Report to the EIS, dated July 2002
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
FCNSW	Forestry Corporation NSW
Incident	A set of circumstances that: <ul style="list-style-type: none"> • 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	
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
OEH	Office of Environment and Heritage
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, other wastes and rehabilitation material
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
EA (Mod 1)	Environmental Assessment titled ' <i>Modification to Operations at the Wallerawang Quarry (DA 344-11-2001)</i> ' dated May 2017 and the Applicant's response to submissions documentation dated July 2017
Site	The land described in Schedule 1
WaterNSW	Water NSW
WSEA	Western Stockpile Extension Area

**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 EA (Mod 1); and
 - (b) in accordance with the conditions of this consent and Development Layout Plan.

Note: The Development Layout Plan is shown in Appendix 1.

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 written 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 15 July 2019.

Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional requirements and undertakings to the satisfaction of the 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 below a level of 930 m AHD.

Note: Construction of drainage sumps may be constructed below this level with the agreement of the Secretary.

7. The Applicant must not extract and/or transport more than 500,000 tonnes of quarry products from the site in any calendar year.

STRUCTURAL ADEQUACY

8. 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

9. 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

10. 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.

OPERATION OF PLANT AND EQUIPMENT

- 11. 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

- 12. The Applicant must:
 - (a) from the commencement of quarrying operations provide calendar year annual quarry production data to DRG using the standard form for that purpose; and
 - (b) include a copy of this data in the Annual Review.

COMPLIANCE

- 13. 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	<ul style="list-style-type: none"> • 7 am to 6 pm Monday to Friday • 8 am to 1 pm Saturday • At no time on Sundays or public holidays
Loading and dispatch of trucks	<ul style="list-style-type: none"> • May be conducted at any time, provided these activities comply with the noise criteria in Table 2
Blasting	<ul style="list-style-type: none"> • 9 am to 5 pm Monday to Friday • 9 am to 1 pm on Saturdays • At no time on Sundays or public holidays
Maintenance	<ul style="list-style-type: none"> • May be conducted at any time, provided that these activities are not audible at any privately-owned residence

2. The following activities may be carried out outside the hours specified in condition 1 above:
- (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 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 <i>L_{Aeq} (15 minute)</i>	Evening <i>L_{Aeq} (15 minute)</i>	Night <i>L_{Aeq} (15 minute)</i>
Any residence on privately owned land	43	43	39

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 3 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

4. The Applicant must:
- (a) implement best practice management to minimise the construction, operational and road transportation 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 3);
 - (c) 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
 - (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 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:
- be prepared in consultation with the EPA;
 - be submitted to the Secretary within three months of the determination of Modification 1, unless otherwise agreed by the Secretary;
 - describe the measures to be implemented to ensure:
 - compliance with the noise criteria and operating conditions of 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 3);
 - describe the proposed noise management system; and
 - include a monitoring program to be implemented to measure noise from the development against the noise criteria in Table 2, and which evaluates and reports on the effectiveness of the noise management system on site.

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

BLASTING

Blasting Impact Assessment Criteria

6. 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
All public infrastructure	-	50	0%

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

Property Inspections

7. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the site for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:
- commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:
 - establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
 - identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and
 - give the landowner a copy of the new or updated property inspection report.

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

Property Investigations

8. If the owner of any privately-owned land within 2 kilometres of the site or any other landowner where the Secretary is satisfied an investigation is warranted, or claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within 2 months of receiving this written claim the Applicant must:
- 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 Secretary.

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

Operating Conditions

9. During blasting operations, the Applicant must:
- implement best practice management to:
 - protect the safety of people and livestock;
 - protect public or private infrastructure and property from damage; and
 - minimise the dust and fume emissions;
 - operate a suitable system to enable the local community to get up-to-date information on the proposed blasting schedule on site; and
 - 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:
- be submitted to the Secretary for approval within three months of the determination of Modification 1, unless otherwise agreed by the Secretary;
 - describe the measures to be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
 - include measures to manage flyrock to ensure the safety of people and livestock and to protect properties;
 - include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;
 - include local community notification procedures for the blasting schedule, in particular to nearby residences; and
 - include a protocol for investigating and responding to complaints related to blasting operations.
- The Applicant must implement the Blast Management Plan as approved from time to time by the Secretary.

AIR QUALITY

Air Quality Impact Assessment Criteria

11. 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.
12. *Table 4: Air quality criteria*

Pollutant	Averaging Period	Criterion	
Particulate matter < 10 µm (PM ₁₀)	Annual	a,d 25 µg/m ³	
Particulate matter < 10 µm (PM ₁₀)	24 hour	b 50 µg/m ³	
Particulate matter < 2.5 µm (PM _{2.5})	Annual	a,d 8 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 11, 12 and 13 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:
- implement best practice management to minimise the dust emissions of the development;
 - 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;
 - minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d under Table 4);
 - monitor and report on compliance with the relevant air quality conditions in this consent; and
 - 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:
- be submitted to the Secretary for approval within three months of the determination of Modification 1, unless otherwise agreed by the Secretary;
 - 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;
 - describe the proposed air quality management system;
 - 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.

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

Meteorological Monitoring

15. 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 and Analysis of Air Pollutants in New South Wales* guideline.

SOIL AND WATER

Water Supply

16. 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

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

Soil and Water Management Plan

18. 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, DPI Water and WaterNSW;
 - (c) be submitted to the Secretary for approval within three months of the determination of Modification 1, unless otherwise agreed by the Secretary; and
 - (d) include a:
 - Site Water Balance that includes:
 - details of:
 - sources and security of water supply;
 - water use and management on site;
 - any off-site water transfers; and
 - reporting procedures; and
 - measures to be implemented to minimise clean water use on site;
 - 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:
 - clean water diversion system;
 - erosion and sediment controls;
 - dirty water management system; and
 - water storages; and
 - a program to monitor and report on:
 - any surface water discharges;
 - the effectiveness of the water management system,
 - the quality of water discharged from the site to the environment;
 - surface water flows and quality in local watercourses;
 - 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 any alluvium and associated surface water source near the proposed extraction area that includes:
 - identification of a methodology for determining threshold water level criteria;
 - contingency measures in the event of a breach of thresholds; and
 - a program to regularly report on monitoring.

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

19. The Applicant must keep accurate records of all laden truck movements to and from the site and publish a summary of records on its website every 6 months.

Operating Conditions

20. 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 from vehicles, before leaving the site; 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.

ABORIGINAL HERITAGE

21. The Applicant must not disturb the area marked "Aboriginal Heritage Stie" on the Development Layout Plan in Appendix 1.

22. Throughout the life of the development, the Applicant must protect and conserve the area subject to condition 20, in consultation with the Bathurst Local Aboriginal Land Council, and to the satisfaction of the Secretary.
23. If any item or object of Aboriginal heritage significance is identified on site, the Applicant must ensure that:
- all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately;
 - a 10 m buffer area around the suspected item or object is cordoned off; and
 - the OEH 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

24. By 28 February 2018, the Applicant must provide a Biodiversity Offset Strategy in accordance with the *Framework for Biodiversity Assessment - NSW Biodiversity Offsets Policy for Major Projects*, for the retirement of ecosystem and species credits as set out in Table 5, to the satisfaction of the Secretary and OEH.

Table 5: Biodiversity credits to be retired

Credit type	Number of Credits
Ecosystem Credits	
PCT 732 – Broad-leaved Peppermint - Ribbon Gum grassy open forest in the north east of the South Eastern Highlands Bioregion	120
PCT 1093 – Red Stringybark – Brittle Gum – Inland Scribbly Gum dry open forest of the tablelands, South Eastern Highlands Bioregion	34
Species Credits	
Purple Copper Butterfly	184

Security of Offsets

25. By 31 December 2018, 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. Any mechanism must remain in force in perpetuity.

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.

Biodiversity Management Plan

26. The Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - be prepared in consultation with OEH;
 - be submitted to the Secretary within three months of providing a satisfactory Biodiversity Offset Strategy or by 31 March 2018, whichever is earlier;
 - describe the short, medium, and long term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site a describe the short, medium and long term measures to be implemented to manage remnant vegetation and habitat on site, including within any biodiversity offset areas;
 - include a detailed description of the measures described in paragraph (d) to 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 any biodiversity offset areas or site rehabilitation;

- restoring and enhancing the quality of native vegetation and fauna habitat in any biodiversity offset and 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;
 - ensuring minimal environmental consequences for threatened species, populations and habitats, including the Purple Copper Butterfly;
 - collecting and propagating seed;
 - controlling weeds and feral pests;
 - controlling erosion; and
 - managing bushfire risk;
- (f) include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
- (g) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures to be implemented to mitigate these risks; and
- (h) include details of who is responsible for monitoring, reviewing, and implementing the plan.

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

Conservation Bond

27. Within six months of the approval of the Biodiversity Offset Strategy, unless otherwise agreed by the Secretary, the Applicant must lodge a Conservation Bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria in the Biodiversity Management Plan. The sum of the bond must be determined by:
- (a) calculating the full cost of implementing the Biodiversity Offset Strategy at third party rates (other than land acquisition costs); and
 - (b) employing a suitably qualified, independent and experienced person to verify the calculated costs.

The calculation of the Conservation Bond must be submitted to the Department for approval at least 1 month prior to the lodgment of the bond.

28. The Conservation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:
- (a) an update or revision to the Biodiversity Management Plan;
 - (b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the Biodiversity Offset Strategy have been made; or
 - (c) in response to a request by the Secretary.

If the Biodiversity Offset Strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.

If the Biodiversity Offset Strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all, or part of, the conservation bond, and arrange for the completion of the relevant works.

Rehabilitation Objectives

29. The Applicant must rehabilitate the site to the satisfaction of DRG. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the documents listed in condition 2 of Schedule 2 (and shown conceptually in the Rehabilitation Plan in Appendix 2), and comply with the objectives in Table 6.

Table 6: Rehabilitation Objectives

<i>Feature</i>	<i>Objective</i>
All areas of the site affected by the development	<ul style="list-style-type: none"> • 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, and minimising visual impacts when viewed from surrounding land

Surface Infrastructure	<ul style="list-style-type: none"> Decommissioned and removed, unless otherwise agreed by the Secretary
Quarry benches and pit floor	<ul style="list-style-type: none"> Landscaped and vegetated using native tree and understorey species
Final Void	<ul style="list-style-type: none"> 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 future re-disturbance.

Rehabilitation Management Plan

31. The Applicant must prepare a Rehabilitation Management Plan for the project to the satisfaction of DRG. This plan must:
- be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - be prepared in consultation with the Department, DPI Water, FCNSW, OEH, DPI, and Council;
 - be submitted to DRG for approval within three months of the determination of Modification 1, unless the Secretary agrees otherwise;
 - be prepared in accordance with any relevant DRG Guideline;
 - describe how the rehabilitation of the site would achieve the objectives identified in Table 6 and be integrated with the Biodiversity Offset Strategy described in condition 27;
 - include a detailed soil and growing medium balance for the development;
 - include a detailed plan for the reinstatement and review of the proposed rehabilitated woodland areas and fauna habitat, including a protocol for periodic trials to demonstrate that the target vegetation community is being achieved;
 - include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and for triggering remedial action (if necessary);
 - describe the measures to be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform (including final voids), final land uses;
 - include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise the area exposed for dust generation;
 - include a program to monitor, independently audit and report on the effectiveness of the measures in paragraph (h) above, and progress against the detailed performance and completion criteria in paragraph (g) above; and
 - build on to the maximum extent practicable and integrate with the other Management Plans required under this consent.

VISUAL

32. 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.
33. Prior to utilising the WSEA, the Applicant must construct a visual bund between the north-western boundary of the WSEA and the Great Western Highway, as described in EA (Mod 1). The visual bund must be maintained to the satisfaction of the Secretary.
34. The Applicant must install bunds at strategic locations around the site and plant additional trees along the boundary of the development site to screen, so far as is reasonable and feasible, the development from external viewers, to the satisfaction of the Secretary

WASTE

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

36. 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

37. 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

38. 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

39. 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.
40. The Applicant must prepare a Bushfire Management Plan for the site, in consultation with FCNSW, to the satisfaction of the Rural Fire Service.

**SCHEDULE 4
ADDITIONAL PROCEDURES**

NOTIFICATION OF LANDOWNERS

1. 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

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; and
- (c) comply with any written requests made by the Secretary to implement any findings of the review.

VISUAL IMPACT MITIGATION

3. If an owner of privately-owned land located to the west or north-west of the site, considers that the visual impacts of the development at his/her land could be minimised, then he/she may ask the Secretary in writing for a review of the visual impacts of the development on his/her land.

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

- (a) commission a suitably qualified and experienced person, whose appointment has been approved by the Secretary, to:
 - consult with the landowner to determine his/her concerns;
 - investigate ways to minimise the visual impacts of the development on land; and
 - prepare a visual mitigation report detailing the outcomes of the investigation and the proposed mitigation measures.
- (b) give the Secretary and landowner a copy of the review; and
- (c) comply with any written requests made by the Secretary to implement any findings of the review.

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. 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) 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:
 - 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.

The Applicant must implement any Environmental Management Strategy as approved from time to time by the 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 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 that 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 Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Application of Existing Management Plans

4. The Applicant must continue to apply existing approved management plans, strategies or monitoring programs that have most recently been approved under this consent, until the approval of a similar plan, strategy or program under this consent.

Revision of Strategies, Plans & Programs

5. 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 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 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

6. 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.

The 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 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

7. 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 Secretary describing these remediation options and any preferred remediation measures or other course of action; and
 - (d) implement remediation measures as directed by the Secretary;
- to the satisfaction of the Secretary.

COMMUNITY CONSULTATIVE COMMITTEE

8. The Applicant must establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the 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 and the local community.*

REPORTING

Incident Reporting

9. The Applicant must immediately notify the Secretary (using the contact name, email address and phone number provided by the Department from time to time) and any other relevant agencies of any incident.
10. 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. This report must include the time and date of the incident, details of the incident, measures implemented to prevent re-occurrence and must identify and non-compliance with this consent.

Regular Reporting

11. 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

12. By the end of September each year, or other timing as may be agreed by the Secretary, the Applicant must submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:
 - (a) describe the development (including any progressive 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 documents listed in condition 2(a) of Schedule 2;
 - (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/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 of Schedule 5) and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

13. Within a year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be led and 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 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;

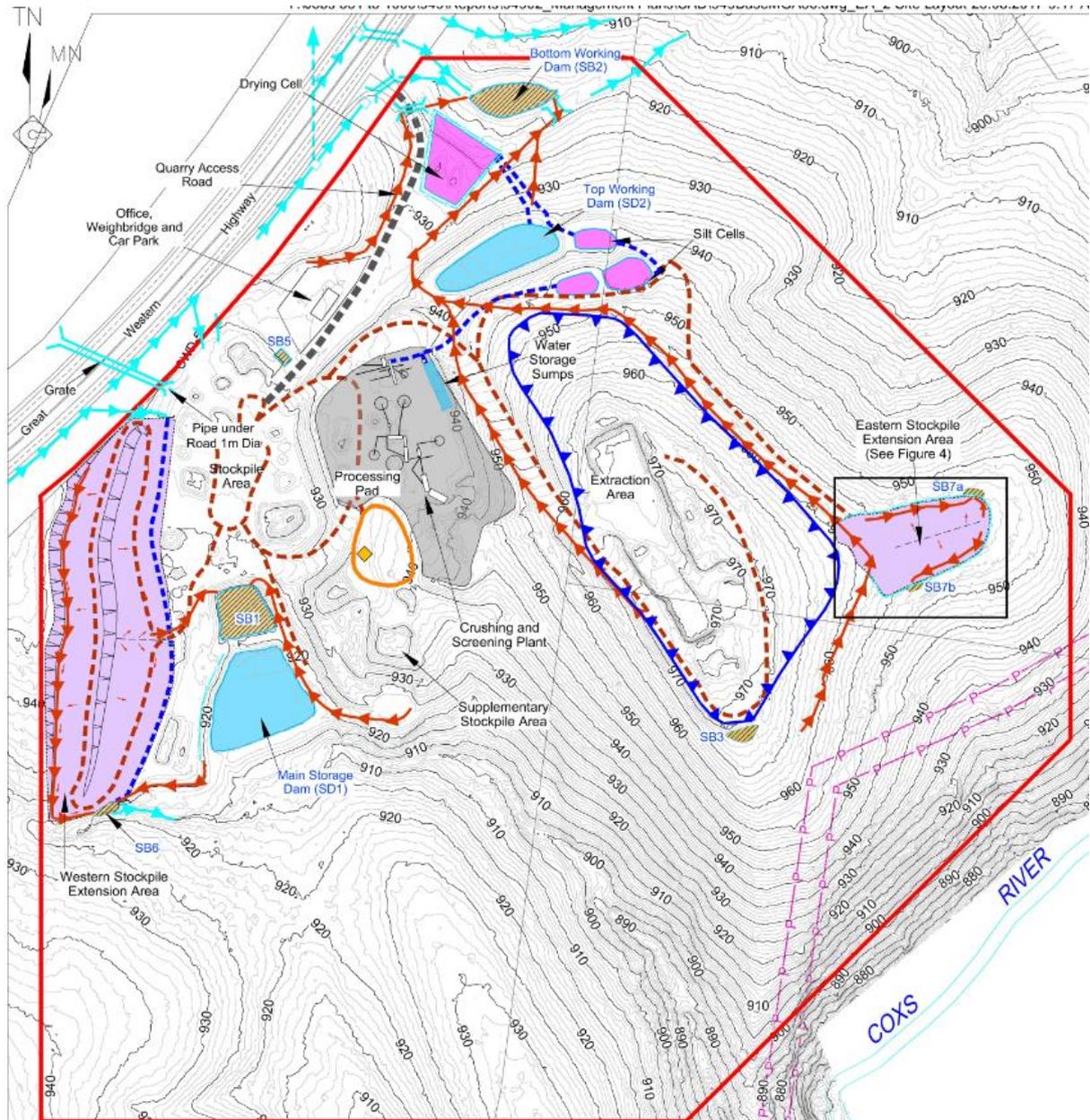
- (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and
- (f) be conducted and reported to the satisfaction of the Secretary.

14. Within 12 weeks of commencing this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these recommendations as required. The Applicant must implement these recommendations, to the satisfaction of the Secretary.

ACCESS TO INFORMATION

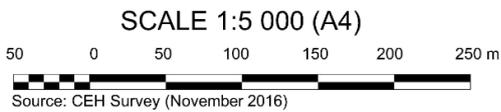
15. Within 6 months of the date of this consent, until the completion of all works, including rehabilitation and remediation the Applicant must:
- (a) make the following information publicly available on its website:¹
 - the documents listed in condition 2(a) of Schedule 2;
 - current statutory approvals 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 as described in condition 12 above, 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 LAYOUT PLAN



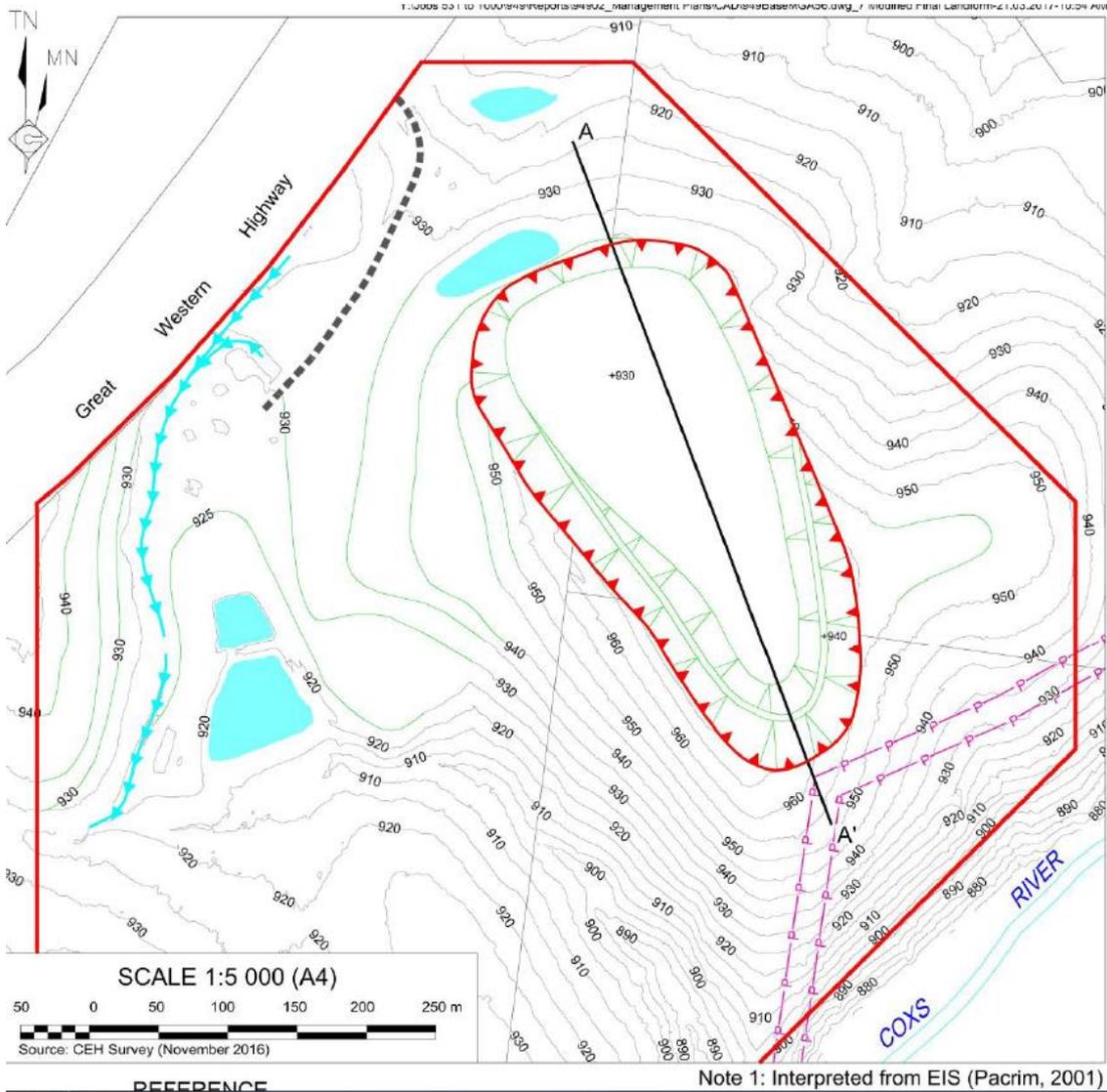
- REFERENCE**
- Quarry Site (ML1633)
 - ▲▲ Approved Extraction Area ^①
 - ▲▲ Existing Extraction Area
 - - - Access Road
 - - - Haul Road
 - Stockpile Extension Area
 - Cadastral Boundary

- Contour (mAHD)(Interval = 1m)
- Watercourse/Drainage Line
- ▶▶ Clean Water Drain
- ▶▶ Dirty Water Drain
- Storage Dam
- Sediment Basin
- Silt Cell
- P— Transmission Line Corridor
- Water Pipeline
- Aboriginal Heritage Site (Camp Site)

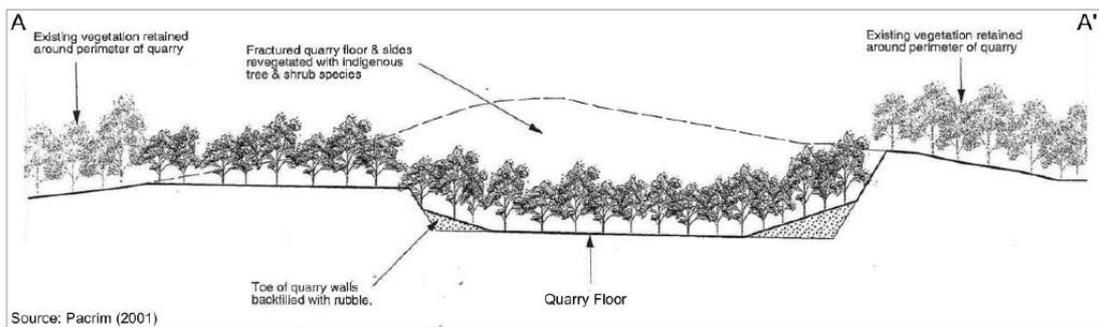


QUARRY SITE LAYOUT

APPENDIX 2 CONCEPTUAL REHABILITATION PLAN



- | | |
|----------------------------|--|
| Quarry Site (ML1633) | Existing Contour (mAHD)(Interval = 5m) |
| Approved Extraction Area ① | Proposed Final Contour (mAHD)(Interval = 5m) |
| Access Road | Watercourse/Drainage Line |
| Cadastral Boundary | Clean Water Drain |
| Transmission Line Corridor | Dam |



Typical Section
Not to Scale

Figure 7
MODIFIED FINAL LANDFORM

APPENDIX 3 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.

Compliance Monitoring

2. A noise compliance assessment must be undertaken within three months of the determination of Modification 1. 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 Department and EPA within 1 month of the assessment.
3. 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.