

Project Approval

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

I approve the project referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

- prevent and/or minimise adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

SHaddad

Sam Haddad
Director-General
as delegate for the Minister for Planning

Sydney

1st December

2009

SCHEDULE 1

Application No:

07_0123

Proponent:

South Coast Concrete Crushing and Recycling

Approval Authority:

Minister for Planning

Land:

Lot 464, DP1058778

Project:

Nowra Brickworks Quarry

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DEFINITIONS

AEMR	Annual Environmental Management Report
BCA	Building Code of Australia
CCC	Community Consultative Committee
Council	Shoalhaven City Council
Day	The period between 7am and 6pm on Monday to Saturday and between 8am and 6pm on Sunday and Public Holidays
DECCW	Department of Environment, Climate Change and Water
Department	Department of Planning
Director-General	Director-General of Department of Planning, or delegate
DI&I	Department of Industry and Investment
EA	Environmental Assessment prepared for SCCCR entitled <i>Environmental Assessment for the Continuation and Expansion of Extractive Operations at the Nowra Brickworks Quarry, South Nowra</i> (February 2009), including the response to submissions
EEC	Endangered Ecological Community
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 issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period between 6pm and 10pm
Land	The whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Material harm to the environment	Material harm to the environment as defined in <i>Protection of the Environment Operations Act 1997</i>
Minister	Minister for Planning, or delegate
Night	The period between 10pm and 7am, Monday to Saturday and between 10pm and 8am on Sunday and Public Holidays
NOW	NSW Office of Water of DECCW
Privately-owned land	Land that is not owned by a public agency, or a quarry company (or its subsidiary)
Proponent	South Coast Concrete Crushing and Recycling or any other person or persons who rely on this approval to carry out the project
Quarrying operations	Extraction of clay/shale, structural clay and associated materials, processing of quarry products and transport of quarry products from the site
Quarry products	Clay/shale, structural clay and associated materials extracted from the site, whether or not blended with recycled and/or blending materials
Reasonable and feasible	<i>Reasonable</i> 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. <i>Feasible</i> relates to engineering considerations and what is practical to build
Response to submissions	The Proponent's response to issues raised in submissions, dated August 2009
RTA	Roads and Traffic Authority, now part of the Department of Transport and Infrastructure
SCCCR	South Coast Concrete Crushing and Recycling
Site	Land to which the project application applies (see Schedule 1 and Appendix 1)
Statement of Commitments	The Proponent's Final Statement of Commitments for Site Operations and Management, as set out in Appendix 2

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) Statement of Commitments; and
 - (c) conditions of this approval.

Notes:

- *The general layout of the project is shown in Appendix 1; and*
- *The Statement of Commitments is reproduced in Appendix 2.*

3. If there is any inconsistency between the above documents, the latter document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirements of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.
5. The Proponent shall prepare revisions of any strategies, plans or programs required under this approval if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director-General.
6. By 30 June 2010, the Proponent shall surrender all existing development consents for the site to the relevant consent authority, to the satisfaction of the Director-General.

Limits on Approval

7. The Proponent may undertake quarrying operations on the site until 31 December 2039.

Note: Under this approval, the Proponent is required to rehabilitate the site to the satisfaction of the Director-General. Consequently, this approval will continue to apply in all other respects other than the right to conduct quarrying operations until the site has been rehabilitated to a satisfactory standard.

8. The Proponent shall not:
 - (a) extract more than 364,000 tonnes per year of clay/shale, structural clay and associated materials (in total) from the site;
 - (b) import more than 50,000 tonnes per year of recycling materials to the site;
 - (c) import more than 125,000 tonnes per year of blending materials to the site;
 - (d) import more than 200,000 tonnes per year of VENM to the site; or
 - (e) despatch more than 500,000 tonnes per year of quarry products from the site.

Management Plans / Monitoring Programs

9. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

Structural Adequacy

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

Demolition

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

Operation of Plant and Equipment

12. The Proponent shall ensure that all plant and equipment used on site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Impact Assessment Criteria

1. The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1:

Table 1: Operational noise impact assessment criteria dB(A)

Location and Locality	Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night <i>L_{Aeq}(15 min)</i>
1 80 Links Road	39	35	35
2 371 Old Southern Road	45	35	35
4 243 Princes Highway	49	38	38
5 South Coast Correctional Facility	51	37	37

Notes:

- To interpret the locations in Table 1, see Appendix 3.
- Location 3 in Appendix 3 is project related.
- Noise generated by the project is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.
- The noise limits do not apply if the Proponent has an agreement with the landowner to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

Operating Hours

2. The Proponent shall comply with the operating hours in Table 2.

Table 2: Operating hours

Activity	Day	Time
Quarrying Operations	Monday – Friday	7.00am to 6.00pm
	Saturday	7.00am to 4.00pm
	Sunday and Public Holidays	None

Notes:

- Maintenance activities may be conducted outside weekday hours in Table 3 provided that the activities are not audible at any privately-owned residence, or until 6pm on Saturdays.
- Up to three unladen trucks are permitted to arrive at the site between 6.00am to 7.00am on Monday to Saturday; and up to three unladen trucks are permitted to return to the site between 6.00pm to 8.00pm on Monday to Friday and between 4.00pm to 6.00pm on Saturday.
- This condition does not apply to delivery of material if that delivery is required by police or other authorities for safety reasons, and/or the operation or personnel or equipment are endangered. In such circumstances, notification is to be provided to DECCW and the affected residents as soon as possible, or within a reasonable period in the case of emergency.

Continuous Improvement

3. The Proponent shall:
 - (a) implement all reasonable and feasible noise mitigation measures;
 - (b) investigate ways to reduce the noise generated by the project; and
 - (c) report on these investigations and the implementation and effectiveness of these measures in the AEMR,
 to the satisfaction of the Director-General.

Monitoring

4. The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. The Program must:
 - (a) be prepared in consultation with DECCW and be submitted to the Director-General for approval within 6 months of the date of this approval;
 - (b) include annual attended noise monitoring;
 - (c) include details of how the noise performance of the project would be monitored; and
 - (d) include a noise monitoring protocol for evaluating compliance with the noise criteria in this approval.

BLASTING AND VIBRATION

Airblast Overpressure Limits

5. The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 3.

Table 3: Airblast overpressure impact assessment criteria

Receiver	Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
Residential & South Coast Correctional Facility	115	5% of the total number of blasts in any 12 month period
	120	0%
Commercial	125	0%

Ground Vibration Impact Assessment Criteria

6. The Proponent shall ensure that the ground vibration level from blasting at the project does not exceed the levels in Table 4.

Table 4: Ground vibration impact assessment criteria

Receiver	Peak particle velocity (mm/s)	Allowable exceedance
Residential & South Coast Correctional Facility	5	5% of the total number of blasts in any 12 month period
	10	0%
Commercial	25	0%

Blasting Hours and Frequency

7. The Proponent shall carry out blasting on site only between 9 am and 3 pm Monday to Friday. No blasting is allowed on weekends and Public Holidays.
8. The Proponent shall not carry out more than one blast per week on site.

Note: In the case of a documented misfire, the Proponent may carry out a second blast in the relevant week.

Operating Conditions

9. The Proponent shall not undertake blasting within 200 metres of any privately-owned land, unless suitable arrangements have been made with the landowner and any tenants to minimise the risk of flyrock-related impact to the property and to human safety to the satisfaction of the Director-General.

Property Inspections

10. Prior to 30 June 2010, the Proponent shall advise all landowners within 500 m of proposed blasting activities, and any other landowner nominated by the Director-General, that they are entitled to a property inspection to establish the baseline condition of the property.
11. If the Proponent receives a written request for a property inspection from any such landowner, the Proponent shall:
- (a) commission a suitably qualified person, whose appointment has been approved by the Director-General, to inspect and report on the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
 - (b) give the landowner a copy of this property inspection report.

Note: It is preferable for the property inspection to be carried out prior to the commencement of blasting activities on the site, and the Proponent should facilitate this occurring wherever possible.

Property Investigations

12. If any landowner within 500 m of proposed blasting activities, or any other landowner nominated by the Director-General, claims that his/her property, including vibration-sensitive infrastructure such as water supply or underground irrigation mains, has been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this request:
- commission a suitably qualified person whose appointment has been approved by the Director-General to investigate the claim and prepare a property investigation report; and
 - give the landowner a copy of the report.

If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage to the satisfaction of the Director-General.

If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.

Management

13. Prior to 30 June 2010, the Proponent shall prepare and implement a detailed Blast Management Plan for the project to the satisfaction of the Director-General. The Plan must
- be prepared in consultation with DECCW;
 - substantiate blast design to ensure compliance with blast criteria;
 - include protocols for communicating with all neighbouring landholders regarding scheduled blasts;
 - include details of how and at what locations blasting performance would be monitored; and
 - include a blast monitoring protocol for evaluating compliance with the blast criteria in this approval.

AIR QUALITY

Continuous Improvement

14. The Proponent shall:
- implement all reasonable and feasible dust mitigation measures;
 - investigate ways to reduce the dust generated by the project; and
 - report on these investigations and the implementation and effectiveness of these measures in the AEMR,
- to the satisfaction of the Director-General.

Impact Assessment Criteria

15. The Proponent shall ensure that dust emissions generated by the project do not cause additional exceedances of the criteria listed in Tables 5 to 7 at any residence on privately owned land, or on more than 25 percent of any privately-owned land.

Table 5: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m ³

Table 6: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m ³

Table 7: Long term impact assessment criterion for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Air Quality Monitoring

16. The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:
- (a) be prepared in consultation with DECCW, and be submitted to the Director-General for approval prior to 30 June 2010; and
 - (b) include details of how the air quality performance of the project will be monitored, and include a protocol for evaluating compliance with the relevant air quality criteria in this approval.

WATER MANAGEMENT

Discharge

17. Except as may be expressly provided for by an EPL, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the project.
18. The Proponent shall manage on-site sewage to the satisfaction of the Council and DECCW. The facility must comply with the requirements of the *Environment and Health Protection Guidelines – On-site Sewage Management for Single Households (1998)*.

Water Management Plan

19. The Proponent shall prepare and implement a Soil and Water Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with DECCW and NOW, and be submitted to the Director-General for approval prior to 30 June 2010; and
 - (b) include a:
 - Site Water Balance;
 - Erosion and Sediment Control Plan;
 - Surface Water Monitoring Program;
 - Ground Water Monitoring Program; and
 - Surface and Groundwater Response Plan.

Site Water Balance

20. The Site Water Balance must:
- (a) include details of:
 - sources and security of water supply;
 - water make and use on site;
 - water management on site;
 - any off-site water transfers; and
 - reporting procedures; and
 - (b) investigate and describe measures to minimise water use by the project.

Erosion and Sediment Control

21. The Erosion and Sediment Control Plan must:
- (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004* (Landcom);
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment downstream in Nowra Creek;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) describe what measures would be implemented to maintain the structures over time.

Surface Water Monitoring

22. The Surface Water Monitoring Program must include:
- (a) detailed baseline data on surface water flows and quality in Nowra Creek and any other waterbodies that could potentially be affected by the project;

- (b) surface water and stream health impact assessment criteria;
- (c) a program to monitor the impact of the project on surface water flows in Nowra Creek, water quality and stream health, including monitoring for major cations and anions; and
- (d) reporting procedures for the results of the monitoring program.

Groundwater Monitoring

23. The Ground Water Monitoring Program must include:
- (a) detailed baseline data on ground water levels and quality, based on statistical analysis;
 - (b) ground water impact assessment criteria, including trigger levels for investigating any potentially adverse ground water impacts;
 - (c) a program to monitor ground water levels and quality;
 - (d) a protocol for further ground water modelling to confirm the limits to excavation depth across the site would not adversely affect ground water availability for the environment or local users; and
 - (e) a protocol for the investigation, notification and mitigation of identified exceedances of the ground water impact assessment criteria.

Surface and Groundwater Response Plan

24. The Surface and Groundwater Response Plan must describe the measures and/or procedures that would be implemented to:
- (a) investigate, notify and mitigate any exceedances of the surface water, stream health and ground water impact assessment criteria, including an increase in salinity levels for Nowra Creek; and
 - (b) mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

REHABILITATION AND LANDSCAPE MANAGEMENT

Biodiversity Offset Strategy

25. The Proponent shall:
- (a) review its proposed Biodiversity Offset Strategy (see Table 8), in consultation with DECCW and the Director-General, to seek to identify a replacement for the proposed Southern Biodiversity Offset Area that:
 - is located in the vicinity;
 - is not affected by identified future public infrastructure proposals; and
 - has equivalent (or better) biodiversity values;
 - (b) implement the Biodiversity Offset Strategy (as amended under (a) above, if applicable);
 - (c) ensure that adequate resources are dedicated towards the implementation of the strategy;
 - (d) provide appropriate long term security for the offset areas; and
 - (e) provide a timetable for the implementation of the offset strategy prior to the clearing of any forested area of the site, or as otherwise agreed by the Director-General,
- to the satisfaction of the Director-General.

Table 8: Biodiversity Offset Strategy

Offset Areas	Minimum Size
Northern Biodiversity Offset Area	21.5 hectares
Southern Biodiversity Offset Area	16.19 hectares
Total	37.69 hectares

Landscape and Biodiversity Management Plan

26. The Proponent shall prepare and implement a Landscape and Biodiversity Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared by suitably qualified person(s), approved by the Director-General;
 - (b) be submitted to the Director-General for approval prior to the 30 June 2010; and
 - (c) include a:
 - Rehabilitation and Biodiversity Offset Strategy Management Plan; and
 - Long Term Management Strategy.

Note: The Department accepts that the initial Landscape and Biodiversity Management Plan may not include the detailed Long Term Management Strategy. However, a conceptual strategy must be included in the initial plan, along with a timetable for augmentation of the strategy with each subsequent review of the plan.

27. The Rehabilitation and Biodiversity Offset Strategy Management Plan must include:
 - (a) the rehabilitation objectives for the site and offset areas;
 - (b) a description of the measures that would be implemented to:
 - rehabilitate and stabilise the site;
 - minimise the removal of mature trees;
 - implement the Biodiversity Offset Strategy; and
 - manage the remnant vegetation and habitat on the site and in the offset areas;
 - (c) detailed performance and completion criteria for the rehabilitation and stabilisation of the site;
 - (d) a detailed description of how the performance of the rehabilitation of the quarry areas would be monitored over time to achieve the stated objectives;
 - (e) a detailed description of what measures would be implemented to rehabilitate and manage the landscape of the site including the procedures to be implemented for:
 - progressively rehabilitating and stabilising areas disturbed by quarrying;
 - implementing revegetation and regeneration within the disturbance areas;
 - protecting areas outside the disturbance areas, including the Biodiversity Offset Strategy areas;
 - vegetation clearing protocols, including a protocol for clearing any trees containing hollows and the relocation of hollows from felled trees;
 - managing impacts on fauna, in particular threatened species;
 - controlling weeds and pests;
 - controlling access;
 - bushfire management; and
 - reducing the visual impacts of the project;
 - (f) a description of the potential risks to successful rehabilitation and a description of the contingency measures that would be implemented to mitigate these risks; and
 - (g) details of who is responsible for monitoring, reviewing, and implementing the plan.
28. The Long Term Management Strategy must:
 - (a) define the objectives and criteria for quarry closure and post-extraction management;
 - (b) be prepared in consultation with NOW, DII and Council;
 - (c) investigate and/or describe options for the future use of the site;
 - (d) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
 - (e) describe how the performance of these measures would be monitored over time.

Rehabilitation

29. Backfilling of the quarry void and water storage facility is restricted to the use of materials which are "Virgin Excavated Natural Materials" as defined in the *Protection of the Environment Operations Act 1997*, to the satisfaction of the Director-General. The Proponent must consult with the Council to identify the proposed alignment of the link road from Warra Warra Road to the Flinders Industrial Estate. Backfilling within the proposed alignment must use materials and a compaction standard suitable for the future construction of the link road, to the satisfaction of the Director-General.

Note: the conceptual final landform is shown in Appendix 4.

HERITAGE

Aboriginal Cultural Heritage Management Plan

30. The Proponent shall prepare and implement an Aboriginal Cultural Heritage Management Plan to the satisfaction of the Director-General. This plan must:
 - (a) be prepared in consultation with DECCW and local Aboriginal communities;
 - (b) be submitted to the Director-General for approval prior to 30 June 2010; and
 - (c) include a description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project.

VISUAL

Visual Amenity

31. The Proponent shall minimise the visual impacts of the project to the satisfaction of the Director-General.

WASTE MANGEMENT

Waste Minimisation

32. The Proponent shall minimise the amount of waste generated by the project to the satisfaction of the Director-General.

TRAFFIC AND TRANSPORT

33. The Proponent shall make a monetary contribution of \$174,000 to the RTA for the construction of the following elements of the proposed Princes Highway upgrade between Central Avenue and Warra Warra Road:
- the central median for a length of 60m; and
 - a left turn deceleration lane on the southbound approach to the quarry access road.
34. The Proponent shall pay the monetary contribution required by condition 33 according to the following schedule:
- (a) \$54,000 paid prior to 30 June 2010; and
 - (b) \$40,000 paid prior to 30 June in each of the years 2011, 2012 and 2013,
- unless the RTA commences the proposed upgrade prior to the completion of these payments, in which case any remainder of the contribution not yet paid is payable immediately.
35. The Proponent shall upgrade the access to the development and land shall be dedicated generally in accordance with the RTA's preliminary concept design (see Appendix 5) to ensure the access accommodates swept paths for B-doubles and the future Princes Highway alignment, prior to the completion of the proposed Princes Highway upgrade and to the satisfaction of the RTA.

Road Haulage

36. The Proponent shall ensure that:
- (a) all loaded vehicles entering or leaving the site are covered;
 - (b) all loaded vehicles leaving the site are cleaned of materials that may fall on the road, before they leave the site; and
 - (c) a truck wheel wash facility is constructed on the site prior to 30 June 2010,
- to the satisfaction of the Director-General.

EMERGENCY AND HAZARDS MANAGEMENT

Dangerous Goods

37. The Proponent shall ensure that the storage, handling, and transport of fuels and dangerous goods are conducted in accordance with the relevant *Australian Standards*, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

Safety

38. The Proponent shall secure the project to ensure public safety to the satisfaction of the Director-General.

Bushfire Management

39. The Proponent shall:
- (a) ensure that the project is suitably equipped to respond to any fires on-site; and
 - (b) assist the rural fire service and emergency services, if safe to do so, if there is a fire on-site.

PRODUCTION DATA

40. The Proponent shall:
- (a) provide annual production data to the DII using the standard form for that purpose; and
 - (b) include a copy of this data in the AEMR.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, then the Proponent shall notify the Director-General and affected landowners and tenants, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria.

INDEPENDENT REVIEW

2. If a landowner of privately-owned land considers that the project is exceeding any of the impact assessment criteria in schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to determine whether the project is complying with the relevant criteria in schedule 3, and identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and
 - (c) give the Director-General and landowner a copy of the independent review.
3. If the independent review determines that the project is complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.
 4. If the independent review determines that the project is not complying with the relevant criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:
 - (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and
 - (b) conduct further monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner to allow exceedances of the relevant criteria in schedule 3,to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in schedule 3, or the Proponent and landowner enter into a negotiated agreement to allow these exceedances, then the Proponent may discontinue the independent review with the approval of the Director-General.

5. If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 6).

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:
 - (a) be submitted to the Director-General for approval by 30 June 2010;
 - (b) provide the strategic framework for environmental management of the project;
 - (c) identify the statutory approvals that apply to the project;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (f) include:
 - copies of the various strategies, plans and programs that are required under the conditions of this approval once they have been approved; and
 - a clear plan depicting all the monitoring currently being carried out within the project area.

INCIDENT REPORTING

2. Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) material harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
3. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that must:
 - (a) describe the date, time, and nature of the exceedance/incident;
 - (b) identify the cause (or likely cause) of the exceedance/incident;
 - (c) describe what action has been taken to date; and
 - (d) describe the proposed measures to address the exceedance/incident.

ANNUAL REPORTING

4. Within 12 months of the date of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and relevant agencies. This report must:
 - (a) identify the standards and performance measures that apply to the project;
 - (b) describe the works carried out in the last 12 months, and the works that will be carried out in the next 12 months;
 - (c) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (d) include a summary of the monitoring results for the project during the past year;
 - (e) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and
 - predictions in the EA;
 - (f) identify any trends in the monitoring results over the life of the project;
 - (g) identify any non-compliance during the previous year; and
 - (h) describe what actions were, or are being, taken to ensure compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

5. Within 3 years of the date of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been approved by the Director-General;
 - (b) assess the environmental performance of the project, and its effects on the surrounding environment;
 - (c) assess whether the project is complying with the relevant standards, performance measures and statutory requirements;
 - (d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
 - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.
6. Within 1 month of completion of each Independent Environmental Audit, the Proponent shall submit a copy of the audit report to the Director-General and relevant agencies, with a response to any of the recommendations in the audit report.
7. Within 3 months of submitting a copy of the audit report to the Director-General, the Proponent shall review and if necessary revise the:
 - (a) strategies/plans/programs required under this approval; and
 - (b) rehabilitation bond, to consider the:
 - effects of inflation;
 - changes to the total area of disturbance; and
 - performance of the rehabilitation against the completion criteria of the Landscape and Biodiversity Management Plan,to the satisfaction of the Director-General.

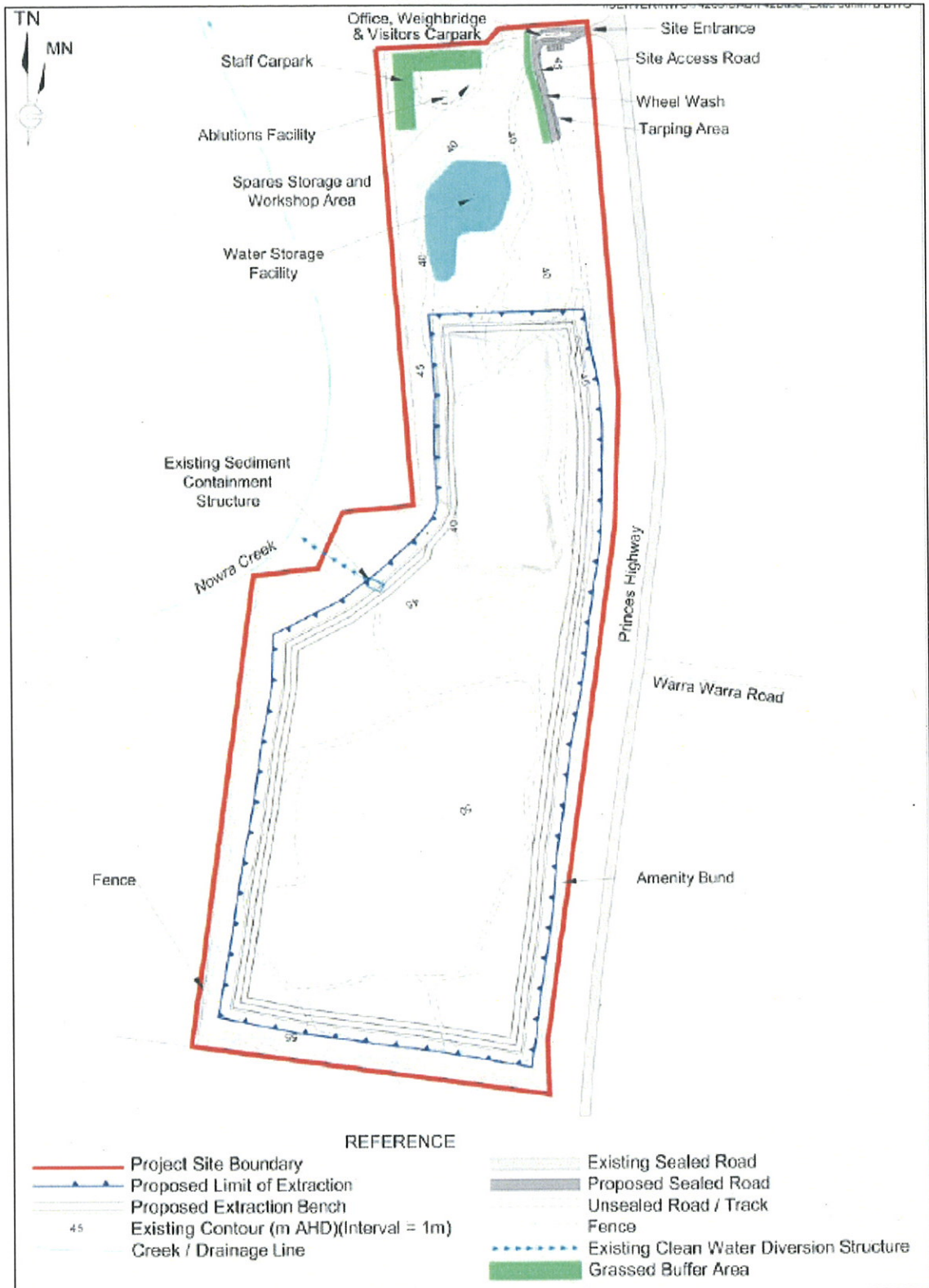
COMMUNITY CONSULTATIVE COMMITTEE

8. Within 3 months of the commencement of quarrying operations, the Proponent shall establish a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General, in accordance with the Department's *Guideline for Establishing and Operating Community Consultative Committees for Mining Projects*.

ACCESS TO INFORMATION

9. Within 1 month of the approval of any strategies/plans/programs required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMR required under this approval, the Proponent shall:
 - (a) provide a copy of the relevant document/s to the relevant agencies and to members of the general public upon request; and
 - (b) ensure that a copy of the relevant document/s is made publicly available on its website and at the site.
10. During the project, the Proponent shall:
 - (a) make a summary of monitoring results required under this approval publicly available on its website; and
 - (b) update these results on a regular basis (at least every 6 months).

APPENDIX 1 PROJECT MAP



APPENDIX 2
STATEMENT OF COMMITMENTS
Final Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
1. Environmental Management		
Compliance with all conditional requirements in all approvals, licences and leases.	1.1 Comply with all commitments recorded in Table 5.1 1.2 Comply with all conditional requirements included in the: Project Approval; Environment Protection Licence; Mining Leases; and any other approvals.	Continuous and as required.
All operations conducted in accordance with all relevant documentation.	1.3 Undertake all activities in accordance with the accepted Mining Operations Plan, environmental procedures, safety management plan and/or site-specific documentation. 1.4 provide annual production data to DPI	Continuous and as required.
2. Area of Activities		
All approved activities are undertaken generally in the location(s) nominated on the figures shown in Sections 2 and 4.	2.1 Mark, and where appropriate, survey the boundaries of the areas of proposed disturbance.	Prior to the commencement of the relevant activity.
3. Hours of Operation		
All operations are undertaken within the approved operating hours.	3.1 Extraction, processing and VENM backfilling-related activities. <ul style="list-style-type: none"> 7:00am to 6:00pm, Monday to Friday. 7:00am to 4:00pm, Saturday 3.2 Product despatch. <ul style="list-style-type: none"> 7:00am to 6:00pm, Monday to Saturday. Up to three unladen trucks would arrive at the Project Site between 6:00am and 7:00am, Monday to Saturday and may return to the Project Site between 6:00pm and 8:00pm, Monday to Friday and between 4:00pm and 6:00pm Saturday. 3.3 Maintenance-related activities <ul style="list-style-type: none"> 7:00am to 6:00pm, Monday to Saturday. 	Continuous

(Cont'd)
Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
4. Hydrology (Surface Water and Groundwater)		
All surface water and ground water managed such that water to be discharged from the Project Site complies with all assessment criteria	4.1 Maintain and progressively relocate the existing surface water diversion and sediment containment structures.	As required
	4.2 Construct, maintain and relocate, as required, surface water diversion structures to ensure that all surface water flows within disturbed sections of the Project Site are directed to the extraction area. The maximum catchment area would be required to be less than 5.9ha. To achieve this, the Proponent would ensure that progressive rehabilitation is undertaken as soon as practicable on sections of the Project Site no longer required for extraction-related operations.	
	4.3 Construct temporary surface water diversion structures on the upslope side of all soil stockpiles or other disturbed areas to limit erosion.	
	4.4 Install sediment fencing adjacent to the down-slope toe of all soil stockpiles or other disturbed areas.	
	4.5 Regularly inspect all surface water and sediment control structures for adequacy and repair or upgrade, where required.	Six monthly and following significant rainfall events
	4.6 Install and maintain a suitably sized sump within the active extraction area to collect all surface water runoff and groundwater inflows to the extraction area.	Following receipt of project approval
	4.7 Preferentially use water within the extraction area sump for dust suppression-related activities. Surplus water within the extraction area sump would be pumped to the water storage facility.	As required
	4.8 Preferentially use water within the water storage facility for rehabilitation-related activities or for irrigation within the irrigation area.	
	4.9 Construct 'grassed buffer areas' adjacent to the site access road and other sealed sections of the Project Site.	Within 6 months of receipt of project approval

(Cont'd)
Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
5. Ecology		
Minimise Project-related impacts on flora and fauna within and surrounding the Project Site.	5.1 Stage extraction activities such that they preferentially progress from disturbed sections of the Project Site to undisturbed sections.	Continuous
	5.2 Remove native vegetation only from those areas required for operational purposes during the subsequent 12 months.	
	5.3 Mark hollow-bearing trees to ensure they are readily identifiable.	
	5.4 Mark the boundaries of areas of native vegetation to be cleared.	Prior to clearing operations
	5.5 Erect cage traps in the vicinity of hollow-bearing trees for three consecutive nights.	
	5.6 Keep any trapped animal in captivity by animal for the period of clearing of native vegetation.	During clearing operations
	5.7 Clear non-hollow-bearing trees before clearing other vegetation.	During clearing operations
	5.8 Ensure a qualified fauna consultant is present during clearing of hollow-bearing trees.	
	5.9 Release any trapped animal adjacent to the Project Site.	Following clearing operations
	5.10 Break or cut cleared vegetation into manageable sections to be placed on areas undergoing rehabilitation or within other areas of native vegetation surrounding the Project Site.	Following clearing operations
	5.11 Undertake weed control programs within the Project Site.	Annually
	5.12 Strip, stockpile and spread topsoil and subsoil in accordance with Section 2.3.5.	During soil stripping programs
	5.13 Progressively rehabilitate all areas of disturbance no longer required for extraction or placement activities.	Following completion of extraction operations
	5.14 Implement the proposed biodiversity offset strategy	

(Cont'd)

Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
6. Traffic and Transportation		
Limit the impact of Project-related traffic	6.1. Adhere to the approved hours of operation.	Continuous
	6.2. Adhere to all speed limits.	
Allow concerned residents or motorists to report any traffic-related incidents, unsafe operation or general concerns.	6.3. Establish a complaints register, advertised in the local telephone directory.	On receipt of project approval
	6.4. Investigate all complaints and act decisively on substantiated incidents.	
Ensure all weight restrictions are adhered to	6.5. Weigh all entering and exiting laden trucks.	Continuous
Limit the tracking of material onto the Princes Highway to minimise dust, particulate matter and debris emissions.	6.6. Seal a 150m section of the site access road from the entrance gate and construct a wheel wash facility.	Prior to the amount of quarry products despatched from the Project Site exceeding 250 000t per year
	6.7. Ensure all loads are covered.	Continuous
	6.8. Provide a safe area for covering loads.	
Ensure all drivers adhere to the Projects Code of Conduct	6.9. Require all truck drivers to sign a Driver's Code of Conduct.	Prior to each driver leaving site for the first time
7. Air Quality		
Site activities are undertaken without exceeding DECC air quality criteria or goals.	7.1. Utilise water sprays and water trucks in all areas of potential dust lift-off to minimise potential dust emissions.	Continuous
	7.2. Utilise a chemical dust lift-off suppression system along unsealed roads, tracks and working areas, as well as with the mobile processing plant(s).	
	7.3. Utilise efficient mist sprays and wind sheltering equipment on processing equipment.	
	7.4. Maintain a maximum speed limit within the Project Site of 10km/h.	
	7.5. Stabilise the unsealed shoulders of the site access road.	Prior to the amount of quarry products despatched from the Project Site exceeding 250 000t per year
	7.6. Install a wheel wash on the site access road to limit tracking of material onto the Princes Highway	
	7.7. Disturb only the minimum area required for operation of the quarry during the subsequent 12 months.	Continuous
	7.8. Stabilise soil stockpiles to be in place for more than 10 days through the application of cleared vegetation, hydroseeding, hydromulching or equivalent.	Following soil stripping activities

(Cont'd)

Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
7. Air Quality (Cont'd)		
Site activities are undertaken without exceeding DECC air quality criteria or goals. (Cont'd)	7.9. Minimise the creation of minor roads and access tracks.	Continuous
	7.10. Utilise dust aprons, dust extraction systems and/or water injection or sprays during drilling operations.	During drilling operations
	7.11. Adequately stem all blast holes with aggregates.	During blasting operations
	7.12. Commence rehabilitation as soon as practicable.	Once an area is no longer required for extraction or placement-related operations
8. Noise		
Project-related noise impacts on surrounding residences minimised.	8.1. Adhere to the approved hours of operation.	Continuous
	8.2. Use noise-mitigated mobile and processing equipment.	
	8.3. Undertake all processing operations within the deepest section of the quarry.	
	8.4. Maintain all mobile and processing equipment in accordance with the manufacturer's specifications.	
	8.5. Preferential selection of equipment with lower sound power levels over equipment with higher sound power levels.	As equipment renewal is required
	8.6. Progressively install frequency modulated reversing alarms on mobile equipment.	
9. Blasting		
Project-related blasting impacts within assessment guidelines.	9.1. Design and implement blasts by a suitably qualified blasting engineer and experienced shot-firer.	Each blast
	9.2. Design blasts to ensure the assessment criteria described in Section 4.7.4.5 are complied with at all residential and commercial receivers.	
	9.3. Modify blast designs, mitigation measures and operating procedures on the basis of monitoring results.	As required
	9.4. Limit blasting operations to between the hours of 9:00am and 4:00pm, Monday to Saturday.	Each blast
	9.5. Negotiate an appropriate arrangement with the owner of Residence A.	Prior to completion of Stage 1 of the Project

(Cont'd)
Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
9. Blasting (Cont'd)		
Project-related blasting impacts within assessment guidelines. (Cont'd)	9.6. Notify the following organisations verbally of each blast. <ul style="list-style-type: none"> • Shoalhaven City Council. • NSW Police. • NSW Roads and Traffic Authority. • The owner of Residence A. • Environment Protection Authority. • The South Coast Correctional Facility (when constructed). 	On the working day prior to the blast being initiated
	9.7. Maintain the existing main telephone number (02 4421 7766) for the quarry as an environmental complaints line.	Continuous
	9.8. Maintain a register of complaints.	
	9.9. Respond promptly to any issue of concern.	
10. Aboriginal Cultural Heritage		
Unidentified Aboriginal sites are not disturbed by the Proponent's activities.	10.1. Ensure representatives of the Aboriginal community are present during activities that would disturb the upper 10cm of soil in the area marked on Figure 5.1 .	During soil stripping operations in the area indicated
	10.2. Cease all work in the event that an item of suspected Aboriginal cultural heritage is discovered, establish a 20m x 20m buffer around the item and consult with the Department of Environment, Climate Change and Water.	As required
	10.3. Cease all work in the event that suspected human remains are discovered, establish a 50m x 50m buffer around the item(s) and consult with NSW Police and the Department of Environment, Climate Change and Water.	As required
11. Soils		
The Proponent's activities do not result in soil degradation or loss.	11.1. Strip soils only when they are moist.	During soil stripping operations
	11.2. Strip topsoils using a scraper, excavator or bulldozer to a depth of between 180mm and 250mm below the surface.	
	11.3. Strip subsoils to a depth of between 175mm and 500mm below the base of the topsoil.	
	11.4. Place soils directly on areas undergoing progressive rehabilitation, where practicable.	During rehabilitation operations

(Cont'd)

Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
11. Soils (Cont'd)		
The Proponent's activities do not result in soil degradation or loss. (Cont'd)	11.5. Place Virgin Excavated Natural Material (VENM) in the manner described in Section 2.9.5.	During VENM placement operations
	11.6. Place subsoil over the VENM to a thickness of approximately 250mm.	During soil placement operations
	11.7. Place topsoil to a thickness of approximately 200mm.	
	11.8. Apply biosolids to the topsoil at a rate of less than 20 dry tonnes per hectare.	
	11.9. Spread between 20mm to 40mm of mulched native vegetation, broken tree debris or bitumen sprayed straw mulch over the topsoil.	
	11.10. Locate soil stockpiles, where required, at least 2m from existing vegetation, areas of concentrated surface water flows, roads or other hazardous areas.	During soil stockpiling operations
	11.11. Construct soil stockpiles as low (less than 2m high), flat, elongated mounds with side slopes no greater than 1:3(V:H). Where practicable, topsoil stockpiles would be less than 1m high.	
	11.12. Stabilise stockpiles to be in place for more than 10 days through the application of mulched or broken vegetation, hydroseeding, hydromulching or equivalent.	During soil stockpiling operations
	11.13. Erect a sediment fence approximately 1m from the toe on the downslope side of soil stockpiles.	
	11.14. Use stockpiled soil material for rehabilitation-related operations within 6 months of being stockpiled.	
Ensure sediment-laden surface water is not permitted to flow off site.	11.15. Maintain and relocate an earth bank to divert all 'clean' surface water to a sediment retention structure and level spreader.	Continuous
	11.16. Divert all surface water flows from disturbed areas to the water storage facility where practicable.	
	11.17. Divert all other potentially sediment-laden surface water flows to a sump within the extraction area.	

(Cont'd)

Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
11. Soils (Cont'd)		
Ensure sediment-laden surface water is not permitted to flow off site. (Cont'd)	11.18. Preferentially use water from the extraction area sump for dust suppression and watering of roads and other areas.	
	11.19. Construct a bio-infiltration facility in accordance with the specifications in Section 4.9.3.	Prior to discharge of surface water to Nowra Creek
	11.20. Preferentially use water within the water storage facility for rehabilitation-related activities.	Continuous
	11.21. Pump excess water from the extraction area sump to the water storage facility.	As required
	11.22. Pump water from the water storage facility to a bio-infiltration facility when the concentration of total suspended solids within the water storage facility is less than 50mg/L.	
	11.23. Pump water from the bio-infiltration facility to Nowra Creek.	
12. Visibility		
Limit impacts to the visual amenity of the area surrounding the Project Site.	12.1. Maintain the existing perimeter bunds.	Continuous
	12.2. Maintain the existing mature trees on the eastern boundary of the Project Site.	
	12.3. Adopt a high standard of house keeping.	
13. Socio-Economic		
Ensure Project-related adverse impacts are minimised and benefits are maximised.	13.1. Give preference to suppliers of equipment, services or consumables located within the Shoalhaven Local Government Area or Illawarra Region, where ever practicable.	Continuous
	13.2. Give preference, where reasonable to do so, when engaging new employees to candidates who live within the Shoalhaven Local Government Area.	
	13.3. Continue to support local junior sporting clubs through sponsorship or in kind support.	
	13.4. Review any request by a community organisation for support or assistance during the life of the Project.	As required

(Cont'd)
Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
13. Socio-Economic (Cont'd)		
Ensure Project-related adverse impacts are minimised and benefits are maximised. (Cont'd)	13.5. Consult with the residents and community surrounding the Project Site.	Continuous
	13.6. Advertise and maintain a community complaints telephone line.	
	13.7. Develop and maintain a Complaints Management Plan to ensure prompt response to issues identified by the public.	
14. Environmental Monitoring		
Ongoing monitoring of surface and groundwater-related impacts.	14.1. Monitor groundwater levels within Piezometers P1 to P8 (Figure 5.1).	Monthly.
	14.2. Monitor and record groundwater quality within piezometers P2, P3, P5, P6 and P7 (Figure 5.1).	Quarterly
	14.3. Monitor and record groundwater seepage on rock faces. To be undertaken by a geotechnical engineer.	Six monthly
	14.4. Monitor and record surface water quality within the extraction area sump, the water storage facility, the sediment containment structure and within Nowra Creek upstream and downstream of the Project-site discharge point.	Monthly
	14.5. Determine and record the quality of water pumped from the water storage facility to the bio-infiltration facility.	During each pumping campaign
	14.6. Determine and record the quality of water discharged from the bio-infiltration facility to Nowra Creek.	
	14.7. Determine and record the quality of water flowing from the sediment containment structure to Nowra Creek.	During or immediately following significant rainfall events
	14.8. Determine, using in-line meters, and record the volumes of water pumped: <ul style="list-style-type: none"> from the extraction area sump to the water storage facility; from the water storage facility to the bio-infiltration facility; and from the bio-infiltration facility to Nowra Creek. 	During pumping programs

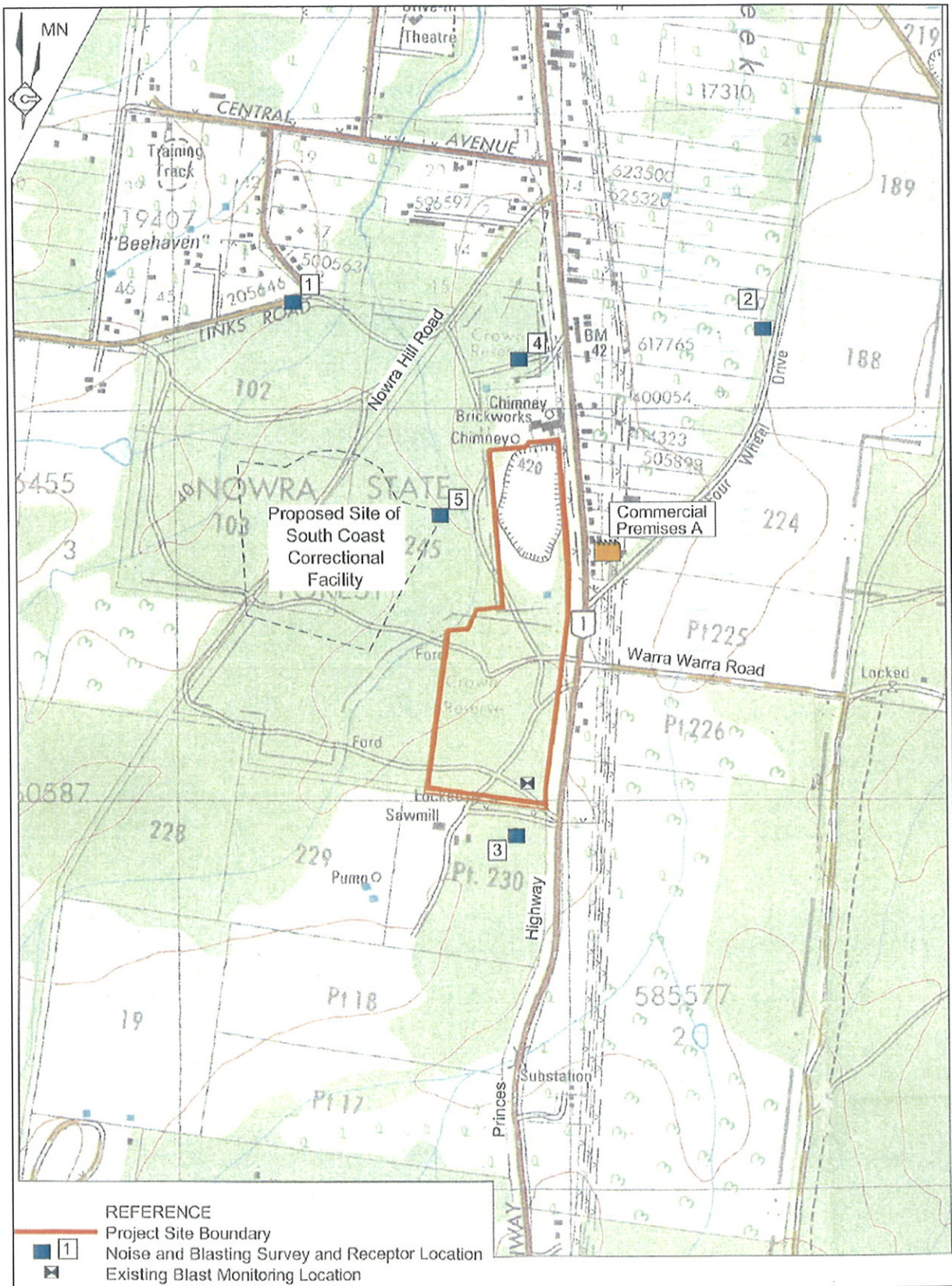
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Statement of Commitments for the Nowra Brickworks Quarry

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Desired Outcome	Action	Timing
14. Environmental Monitoring (Cont'd)		
Ongoing monitoring of surface and groundwater-related impacts. (Cont'd)	14.9. Determine and record the volume of water used for extraction, processing, placement and rehabilitation-related operations.	Daily
Ongoing monitoring of ecology-related impacts.	14.10. Undertake regular monitoring of areas undergoing rehabilitation to determine the success or otherwise of the management, mitigation and ameliorative measures and the rehabilitation programs.	Six monthly
	14.11. Take photographs from fixed points to document activities within the Project Site, including rehabilitation progress.	Six monthly
	14.12. Undertake weed inspection programs.	Annually
Ongoing monitoring of air quality-related impacts.	14.13. Maintain the existing network of deposited dust monitoring gauges and determine and record dust deposition rates.	Monthly
	14.14. Establish a meteorological station capable of measuring temperature at the surface and at a height of 10m, wind direction and speed and rainfall.	Within 3 months of receipt of project approval
Ongoing monitoring of blasting-related impacts.	14.15. Monitor all blasts at the blast monitoring locations indicated on Figure 5.1 .	Each blast
15. Environmental Documentation		
A systematic set of documents are in place to guide the planning and implementation of all environmental management strategies.	15.1 Incorporate the environmental procedures in an on-site management system.	Prior to relevant activity.
	15.2 Update the Mining Operations Plan.	As required.
	15.3 Incorporate relevant environmental data / information in Annual Environmental Management Reports.	Annually.
	15.4 Prepare the following environmental plans for the Project. <ul style="list-style-type: none">- Air Quality Monitoring Program.- Noise Monitoring Program.- Blast Monitoring Program.- Flora and Fauna Management Plan.- Site Water Management Plan.- Groundwater Management Plan.- Rehabilitation and Landscape Management Plan	Variously.
	15.5 Incorporate the environmental procedures in an on-site management system.	Prior to relevant activity.

APPENDIX 3 NOISE AND DUST MONITORING LOCATIONS



APPENDIX 4 CONCEPTUAL FINAL LANDFORM

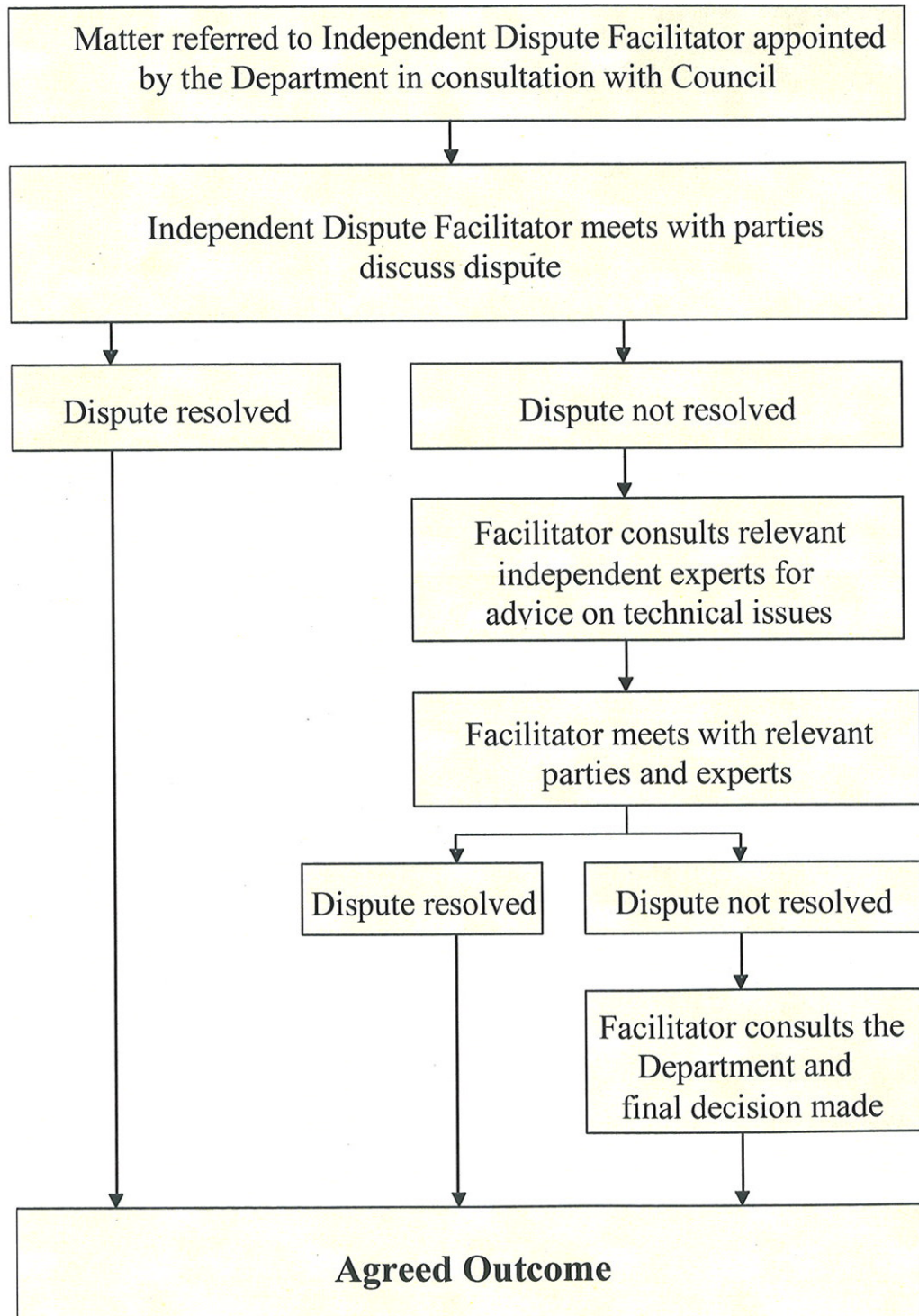


**APPENDIX 5
QUARRY ACCESS – RTA PRELIMINARY CONCEPT DESIGN**



**APPENDIX 6
INDEPENDENT DISPUTE RESOLUTION PROCESS**

**Independent Dispute Resolution Process
(Indicative only)**



APPENDIX C – CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Shoalhaven Local Environmental Plan 1985

Under the current LEP the land to which the project applies is zoned 1(b) – Rural Arterial and Main Road Protection, with a small section zoned 1(f) – Forest. Extractive industries are permissible in both zones, subject to consent.

Draft Shoalhaven Local Environmental Plan 2009

The Draft LEP proposes to re-zone land contained in ML5087 as IN2 – Light Industrial and land contained in ML 6322 as E2 – Environmental Conservation. This may impact on the permissibility of the project, as the E2 zoning would prohibit extractive industry.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)

Part 3 of the Mining SEPP lists a number of matters that a consent authority must consider before determining an application for consent for development for the purposes of extractive industries, including:

- compatibility with other land uses;
- natural resource management and environmental management;
- resource recovery;
- transport; and
- rehabilitation.

The Department has considered these matters in its assessment report. Based on this assessment, the Department is satisfied that the project is able to be managed in a manner that is generally consistent with the aims, objectives and provisions of the Mining SEPP.

State Environmental Planning Policy (Infrastructure) 2007

In accordance with clause 104 of the Infrastructure SEPP (and equivalent provisions of the now repealed SEPP 11 *Traffic Generating Developments*), the application was referred to the RTA. Issues raised by the RTA and related traffic impacts are discussed in section 4.3.

State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify proposals with the potential for significant offsite impacts, in terms of risk and/ or offence (odour, noise etc) to people, property or the environment. The Department is satisfied that the project is not potentially hazardous or offensive, and that the proposal is generally consistent with the aims, objectives, and requirements of SEPP 33.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Clause 7 of SEPP 55 states that:

- 7(1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The Department is satisfied that existing land contamination is not a significant issue for the site.

APPENDIX D – PROPONENT'S RESPONSES TO SUBMISSIONS

See attached CD-ROM containing a folder titled "*Nowra Brickworks Quarry: Response to Submissions*".

APPENDIX E – SUBMISSIONS

See attached CD-ROM containing a folder titled "Nowra Brickworks Quarry: Submissions".

APPENDIX F – ENVIRONMENTAL ASSESSMENT

See attached CD-ROM containing a folder titled "Nowra Brickworks Quarry: Environmental Assessment".