

Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Infrastructure and Planning, approve the Development Application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Craig Knowles, MP
Minister for Infrastructure and Planning

Signed 14 October 2004.

Sydney,

2004

File No. S03/02385

SCHEDULE 1

Development Application:	DA No. 344-11-2001
Applicant:	Sitegoal Pty Ltd (A.C.N. 052 317 503)
Consent Authority:	Minister for Infrastructure and Planning
Land:	Lot 6, DP 872230 Lot 7322, DP 1149335 Lot 7071, DP 1201227
Proposed Development:	To develop and operate a hard rock quarry and associated infrastructure with access from the Great Western Highway, including crushing and transport of product.
State Significant Development:	The proposal is classified as State significant development, under Section 76A(7) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is an extractive industry where the proposed extraction rate is greater than 200,000 tonnes per annum, and consequently satisfies the criteria in the declaration made by the then Minister for Urban Affairs and Planning on 3 August 1999.

Integrated Development: The proposal is classified as integrated development, under Section 91 of the *Environmental Planning and Assessment Act 1979*, because it requires additional approvals under the:

- *Protection of the Environment Operations Act 1997*; and
- *Roads Act 1993*.

Designated Development: The proposal is classified as designated development, under Section 77A of the *Environmental Planning and Assessment Act 1979*, because it is for an extractive industry that would "obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year", and consequently meets the criteria for designated development in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

BCA Classification:

Class 5	Office/amenities building
Class 8	Workshop/storage building

Notes:

- *To find out when this consent becomes effective, see Section 83 of the Environmental Planning and Assessment Act 1979;*
 - *To find out when this consent is liable to lapse, see Section 95 of the Environmental Planning and Assessment Act 1979; and*
 - *To find out about appeal rights, see Section 97 of the Environmental Planning and Assessment Act 1979.*
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Schedules 2-5 updated in entirety during Modification 1, dated 25 August 2017

Red type represents Modification 2 (7 December 2018)

Blue type represents Modification 3 (26 February 2020)

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DEFINITIONS

AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
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
BC Act	Biodiversity Conservation Act 2016
BCA	Building Code of Australia
BCD	Biodiversity Conservation Division within the Department
BCT	Biodiversity Conservation Trust
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee required by condition 8 of Schedule 5
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	NSW Department of Planning, Industry and Environment
Development	The development described in the documents listed in condition 2(c) of Schedule 2 as modified by the conditions of this consent
DPIE - Crown Lands	Crown Lands Division within the Department
DPIE - Water	Water Group within the Department
DRG	Division of Resources and Geosciences within the Department
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
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
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
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	Means what is possible and practical in the circumstances
FCNSW	Forestry Corporation NSW
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in Section 1.4 of the EP&A Act, except for where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the NSW Land Registry Services office at the date of Modification 3
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or • results in actual or potential loss of property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) This definition excludes "harm" that is authorised under either this consent or any other statutory approval
Maximum groundwater level	The highest recorded groundwater level as established under condition 6A of Schedule 2
Minister	Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the development
Modification 3	The modification to the development as described in SEE (Mod 3)
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
Non-compliance	An occurrence, set of circumstances or development that is in breach of this consent
NPfI	Noise Policy for Industry (NSW EPA 2017)
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 (including quartzite, which is also a prescribed mineral) 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	Means applying 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
RFS	NSW Rural Fire Service
RMS	Roads and Maritime Services
RR	NSW Resources Regulator within the Department
Secretary	Planning Secretary under the EP&A Act, or nominee
SEE	Statement of Environmental Effects
SEE (Mod 2)	The Statement of Environmental Effects titled <i>Proposed Modification No 2 (MOD 2) to DA 344-11-2001 (Wallerawang Quarry)</i> , prepared by R.W. Corkery & Co Pty Ltd, dated October 2018; and associated Response to Submissions titled <i>Response to Submissions for Proposed Modification No 2 (Mod 2) to DA 344-11-2001 (Wallerawang Quarry)</i> , prepared by R.W. Corkery & Co Pty Limited, dated November 2018
SEE (Mod 3)	The SEE titled "Walker Quarries – Wallerawang Quarry – Modification 3", prepared by Umwelt (Australia) Pty Ltd, dated June 2019; and associated Response to Submissions titled "Walker Quarries – Wallerawang Quarry – Modification 3 – Response to Submissions", prepared by Umwelt (Australia) Pty Ltd, dated September 2019
Site	The land described in Schedule 1
Waste	Has the same meaning as the definition of the term in the Dictionary of the POEO Act
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 development may only be carried out:
 - (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Secretary;
 - (c) generally in accordance with the EIS, EA (Mod 1), SEE (Mod 2) and SEE (Mod 3); and
 - (d) generally in accordance with the Development Layout in Appendix 1.
3. If there is any inconsistency between the documents in [condition 2\(c\)](#), 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 2040.

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.

Extraction Depth

6. The Applicant must not conduct quarrying operations within one metre of the maximum groundwater level, with the exception of areas where the Applicant has received the written approval of the Secretary for the construction and use of drainage sumps, groundwater monitoring bores, exploration boreholes or other similar activity agreed by the Secretary.
- 6A. Prior to the commencement of quarrying operations below 901 mAHD (unless approved under condition 6 of this Schedule), the Applicant must:
 - (a) determine the maximum groundwater level within and adjacent to the proposed extraction area, in consultation with DPIE - Water, using all available groundwater and rainfall monitoring data collected from the site or in the vicinity of the site and appropriate modelling software and parameters;
 - (b) establish the proposed maximum extraction depth to comply with condition 6; and
 - (c) prepare a contour map or similar, showing the proposed maximum extraction depth; for the approval of the Secretary.

Limits on Extraction and Transport

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 6 of the EP&A Act, the Applicant 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 development.

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 RR 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, **are instructed to** and comply with, the conditions of this consent relevant to their respective activities.

CONTRIBUTIONS TO COUNCIL

14. Within 6 months of the date of approval of Modification 3, the Applicant must make contributions to Council for the provision of public facilities and to enhance amenity and services within the Lithgow LGA, in accordance with the *Section 94A Development Contributions Plan for Lithgow City Council October 2015*, or its most recent version.

Note: See also section 7.11 of the EP&A Act.

APPLICABILITY OF GUIDELINES

15. References in the conditions of this consent to any guideline, protocol, Australia Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as the date of inclusion (or later update) in the condition.
16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

CROWN LAND

17. The Applicant must consult with DPIE - Crown Lands prior to undertaking any development on Crown land or Crown roads.

Notes:

- (a) Under Section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPIE - Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.
- (b) Under Section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPIE - Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.

**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.

Operational Noise 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: Operational noise criteria dB(A)

Noise Assessment Location	Day <i>L_{Aeq} (15 min)</i>	Evening <i>L_{Aeq} (15 min)</i>	Night <i>L_{Aeq} (15 min)</i>
All privately-owned residences	43	39	35

- 3A. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).
- 3B. The noise criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land 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 NPf1);
 - 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

<i>Receiver</i>	<i>Airblast overpressure (dB(Lin Peak))</i>	<i>Ground vibration (mm/s)</i>	<i>Allowable exceedance</i>
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
 - 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 Criteria

11. The Applicant must ensure that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 4 at any residence on privately-owned land.

Table 4: Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³
	24 hour	^b 50 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³
	24 hour	^b 25 µg/m ³
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³
^d Deposited dust	Annual	^b 2 g/m ² /month ^a 4 g/m ² /month

Notes:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its

own).

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

^d 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.

12. The air quality criteria in Table 4 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

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 c 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 close proximity to the site that:
- complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007); and
 - is capable of measuring meteorological conditions in accordance with the NSW Noise Policy for Industry (EPA, 2017), unless a suitable alternative is approved by the Secretary following consultation with EPA.

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, [DPIE - Water](#) and WaterNSW;
 - (c) be submitted to the Secretary for approval within three months of the determination of [Modification 1](#) and [Modification 3](#), unless otherwise agreed by the Secretary; and
 - (d) include a:
 - i. Site Water Balance that includes:
 - details of:
 - a. sources and security of water supply;
 - b. water use and management on site;
 - c. any off-site water transfers; and
 - d. reporting procedures; and
 - measures to be implemented to minimise clean water use on site;
 - ii. Surface Water Management Plan, that includes:
 - a program for obtaining 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:
 - a. clean water diversion system;
 - b. erosion and sediment controls;
 - c. dirty water management system; and
 - d. water storages; and
 - a program to monitor and report on:
 - a. any surface water discharges;
 - b. the effectiveness of the water management system,
 - c. the quality of water discharged from the site to the environment;
 - d. surface water flows and quality in local watercourses;
 - iii. Groundwater Management Plan that includes:
 - a provision that requires the Applicant to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the quarry from the quarry face or floor; and
 - a monitoring program to manage potential impacts, if any, on any alluvium and associated surface water source near the proposed extraction area that includes:
 - a. identification of a methodology for determining threshold water level criteria;
 - b. contingency measures in the event of a breach of thresholds; and
 - c. 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.

PROTECTION OF ABORIGINAL HERITAGE

21. [The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance area, beyond those predicted in the document/s listed in condition 2\(c\) of Schedule 2.](#)

22. If suspected human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police and BCD, and work must not recommence in the area until authorised by NSW Police and BCD.
23. If any previously unknown Aboriginal object or Aboriginal place is discovered on the site:
- (a) all work in the immediate vicinity of the object or place must cease immediately;
 - (b) a 10 metre buffer area around the object or place must be cordoned off; and
 - (c) BCD must be contacted immediately.
- 23A. Work in the immediate vicinity may only recommence if:
- (a) the potential Aboriginal object or Aboriginal place is confirmed by BCD upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place; or
 - (b) the Aboriginal Cultural Heritage Management Plan required by condition 23C is revised to include the Aboriginal object or Aboriginal place and appropriate measures in respect of it, to the satisfaction of the Secretary; or
 - (c) the Secretary is satisfied as to the measures to be implemented in respect of the Aboriginal object or Aboriginal place and makes a written direction in that regard.
- 23B. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the AHIMS Register.

Aboriginal Cultural Heritage Management Plan

- 23C. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with BCD and Registered Aboriginal Parties;
 - (c) describe the measures to be implemented on the site or within any offset area to:
 - (i) comply with the heritage-related operating conditions of this consent;
 - (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
 - (iii) protect, monitor and manage identified Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition 2(c) of Schedule 2;
 - (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;
 - (v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
 - (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and
 - (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;
 - (d) include a strategy for the care, control and storage of Aboriginal objects salvaged on site, in particular AHIMS Site #45-1-2802, both during the life of the development and in the long-term.
- 23D. The Applicant must not commence any ground disturbance associated with Modification 3 until the Aboriginal Cultural Heritage Management Plan is approved by the Secretary.
- 23E. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Secretary.

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 BCD.

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 BCD;
 - 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
 - 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;
 - include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
 - 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
 - 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.

Biodiversity Credits Required for Modification 3

- 28A. The Applicant must retire biodiversity credits for Stages A to D of the development approved under Modification 3 (see Figure 2 in Appendix 1) as specified in Table 5A below, prior to commencing vegetation clearing in that Stage. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

Table 5A: Biodiversity credit requirements

Credit Type	Credits Required
Ecosystem Credits	
Tranche 1 - Credits to be retired for Stage A PCT 1093 – 100 credits PCT 732 – 36 credits	136
Tranche 2 - Credits to be retired for Stage B PCT 1093 – 64 credits PCT 732 – 103 credits	167
Tranche 3 - Credits to be retired for Stage C PCT 1093 – 52 credits PCT 732 – 75 credits	127
Tranche 4 - Credits to be retired for Stage D PCT 1093 – 57 credits	57

Note: The stages referenced in Table 5A are shown in Figure 2 in Appendix 1.

Rehabilitation Objectives

29. The Applicant must rehabilitate the site to the satisfaction of RR and the Secretary. 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

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> • Safe • Hydraulically and geotechnically stable • Non-polluting

	<ul style="list-style-type: none"> • Fit for the intended post-development 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 [RR](#). 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, [DPIE - Water](#), FCNSW, [BCD](#), [WaterNSW](#) and Council;
 - be submitted to [RR and the Secretary](#) for approval within three months of the determination of Modification 1, unless the Secretary agrees otherwise, [and Modification 3, unless the RR agrees otherwise](#);
 - be prepared in accordance with any relevant [RR](#) 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 [24](#);
 - 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 [closure of the development](#), 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:

- (a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Council;
- (b) minimise the waste generated by the development;
- (c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
- (d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.

36. Except as expressly permitted in an EPL, [specific resource recovery order or exemption under the Protection of the Environment Operations \(Waste\) Regulation 2014](#), 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:](#)
- (a) [dangerous goods are done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code; and](#)
 - (b) [explosives are managed in accordance with the requirements of the RR.](#)

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 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 **and any incident**;
 - 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 conditions of this consent require consultation with an identified party, the Applicant must:**
 - (a) consult with the relevant party prior to submitting the subject document; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Management Plan Requirements

3. **Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:**
 - (a) a summary of relevant background or baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) 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) any relevant commitments or recommendations identified in the document/s listed in condition 2(c) of Schedule 2;
 - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (e) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to condition 2(c) of Schedule 2;
 - (f) 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;
 - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (h) a protocol for managing and reporting any:
 - (i) incident, non-compliance or exceedance of the impact assessment criteria or performance criteria;
 - (ii) complaint; or

- (iii) failure to comply with statutory requirements;
- (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
- (j) 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.

- 3A. The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.

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 14](#) 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. [With the approval of the Secretary, the Applicant may:](#)
- (a) [prepare and submit any strategy, plan or program required by this consent on a staged basis \(if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program\);](#)
 - (b) [combine any strategy, plan or program required by this consent \(if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined\); and](#)
 - (c) [update any strategy, plan or program required by this consent \(to ensure the strategies, plans and programs required under the consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development\).](#)
- 6A. [If the Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to a particular stage.](#)
- 6B. [If the Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.](#)

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, 2019* (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 Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

10. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Annual Review

11. By the end of September in each year after the commencement of development, or other timeframe agreed by the Secretary, a report must be submitted 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, including a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the documents listed in condition 2(c) of Schedule 2;
 - (c) identify any non-compliance or incident which occurred in the previous financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
 - (d) evaluate and report on:
 - (i) the effectiveness of the noise and air quality management systems; and
 - (ii) compliance with the performance measures, criteria and operating conditions of this consent;
 - (e) identify any trends in the monitoring data over the life of the development;
 - (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (g) describe what measures will be implemented over the next financial year to improve the environmental performance of the development.
12. Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

13. Prior to the end of June 2021, and every three years after, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Secretary
 - (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Secretary) whose appointment has been endorsed by the Secretary;

- (c) be carried out in consultation with the relevant agencies and CCC;
 - (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
 - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
 - (g) 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.

Monitoring and Environmental Audits

15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

16. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Schedule 3, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

17. Within 6 months of the date of this consent until the completion of all rehabilitation required under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
 - (i) the document/s listed in condition 2(c) of Schedule 2;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development if it is to be staged;
 - (v) minutes of CCC meetings;
 - (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vii) 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;
 - (viii) a summary of the current progress of the development;
 - (ix) contact details to enquire about the development or to make a complaint;
 - (x) a complaints register, updated monthly;
 - (xi) the Annual Reviews of the development;
 - (xii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant’s response to the recommendations in any audit report;
 - (xiii) any other matters required by the Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLAN

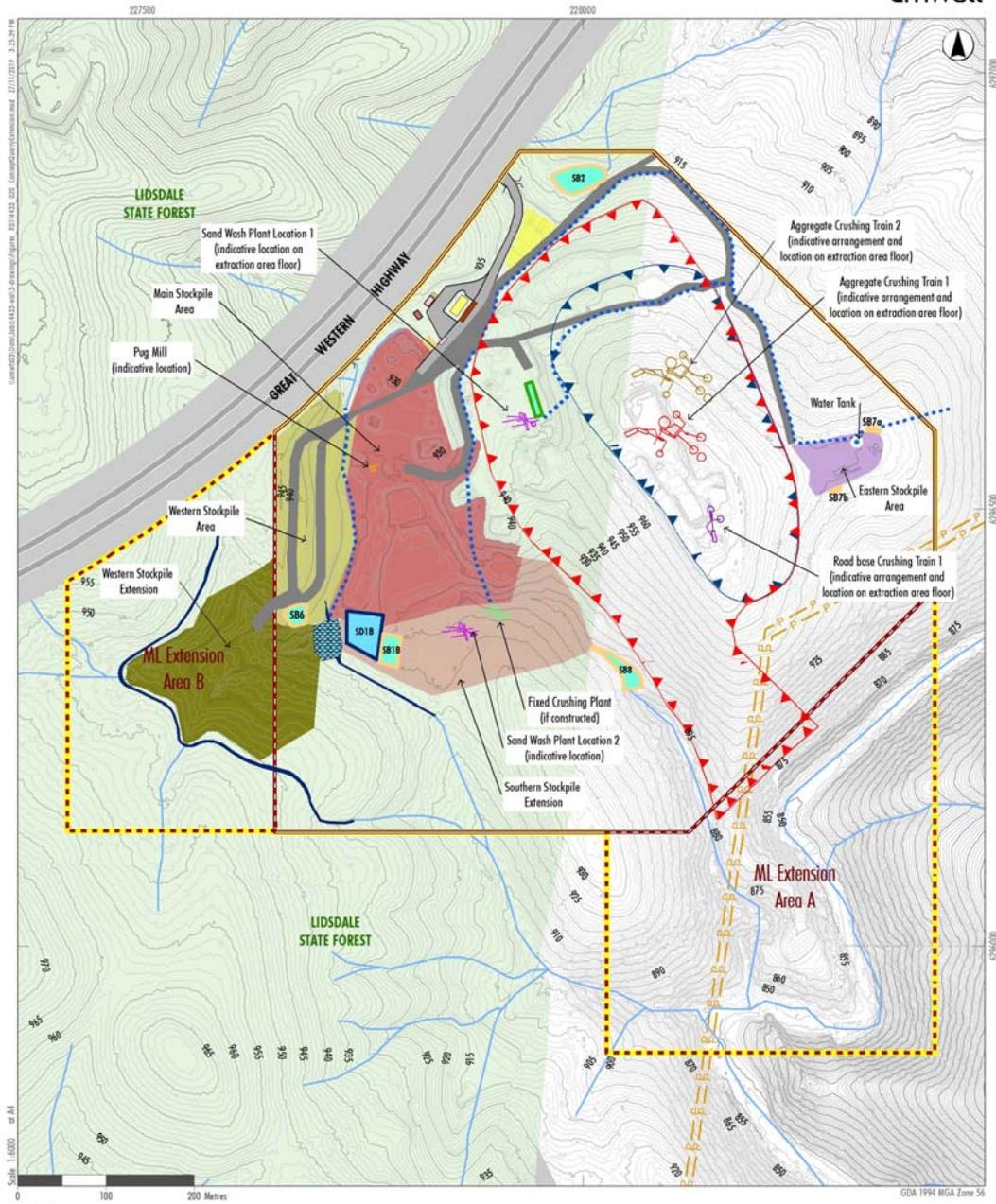


FIGURE 2.1
Modified Quarry Site Layout

Data source: Walker Quarries (2019) - NSW LPI DTDB (2019)

Figure 1: Development Layout incorporating Modification 3

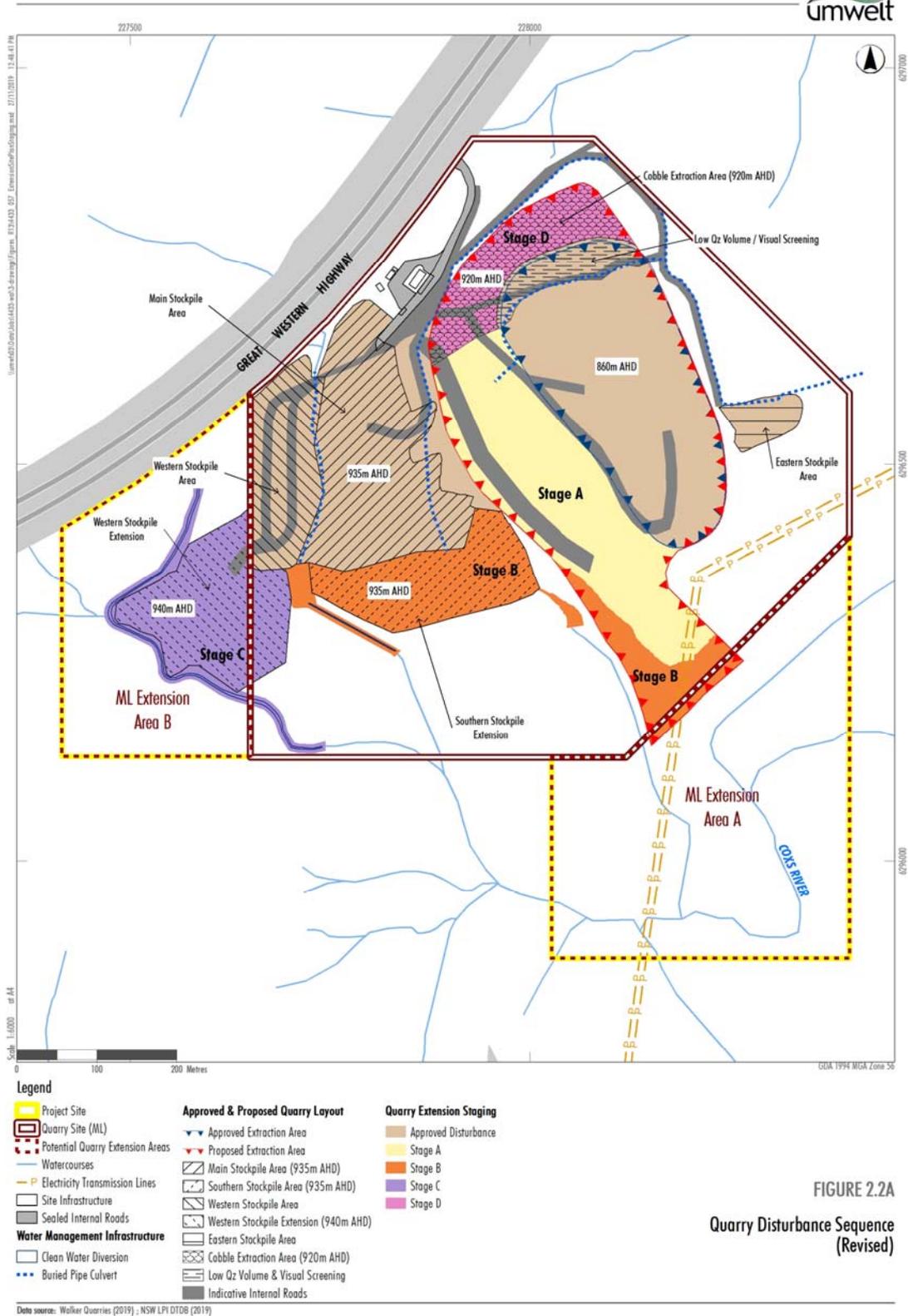


Figure 2: Development Layout incorporating proposed stages

APPENDIX 2 CONCEPTUAL REHABILITATION PLAN

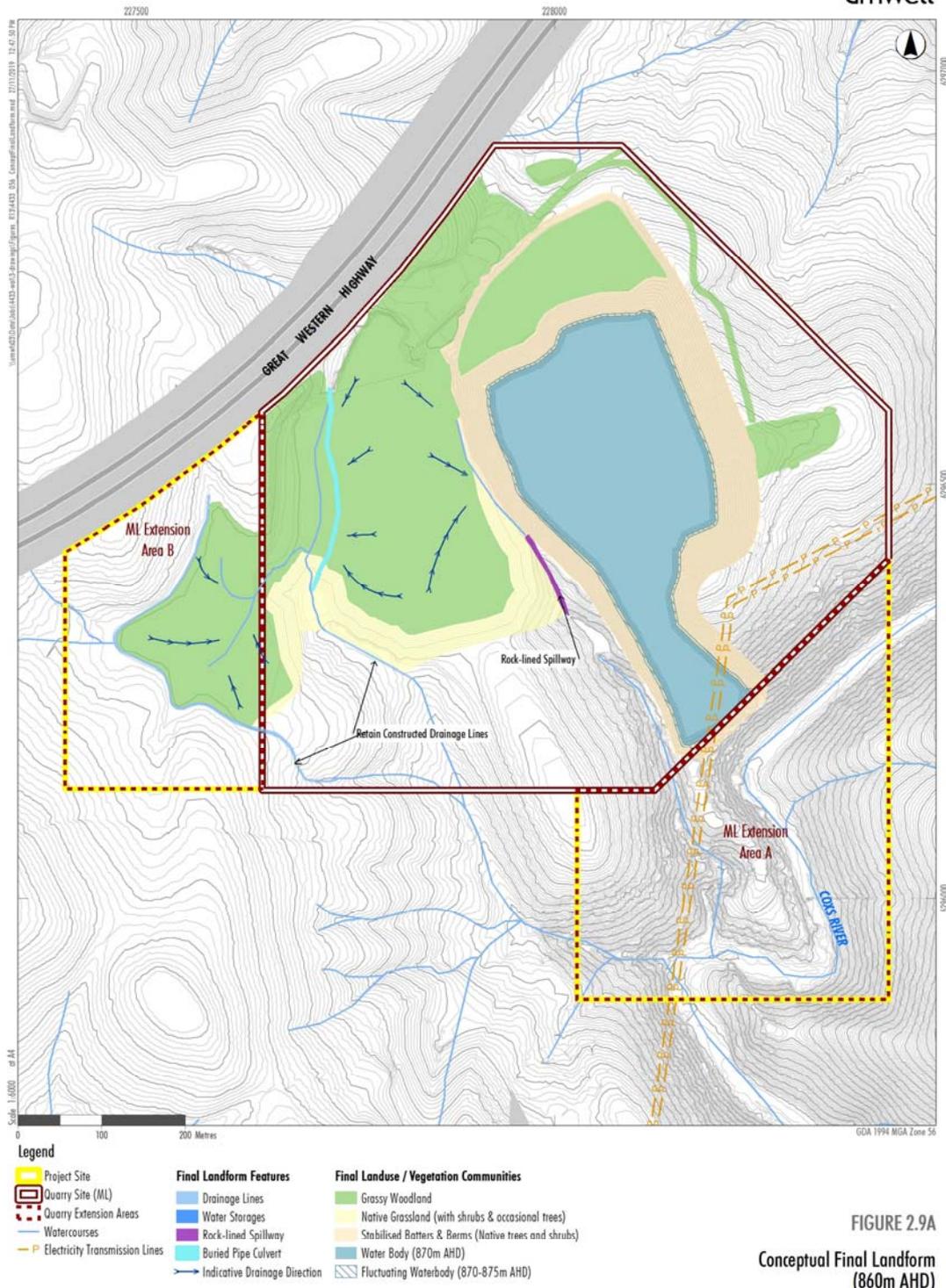


FIGURE 2.9A

Conceptual Final Landform
(860m AHD)

Data source: Walker Quarries (2019); NSW LPI DTDB (2019)

Figure 3: Conceptual final landform

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 9 of Schedule 5 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number,
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with the conditions of this consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.