

Development Consent

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

I, the Minister for Infrastructure, Planning and Natural Resources, approve the Development Application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

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.

This instrument Includes changes made by the Land and Environment Court on 29 September 2006 (marked in red)

SIGNED

Craig Knowles, MP
**Minister for Infrastructure, Planning and
Natural Resources**

Sydney

3 June 2005

File No. S04/00635

SCHEDULE 1

Development Application:	DA 265-10-2004.
Applicant:	Hunter Quarries Pty Limited.
Consent Authority:	Minister for Infrastructure, Planning and Natural Resources.
Land:	Lot 21 DP 1024341, Lot 11 DP 1024564 & Lot 12 DP 1024564.
Proposed Development:	The development includes: <ul style="list-style-type: none">• implementing the remainder of the approved Stage 1 quarry operation;• extending the quarry operations into the Stage 2 area• upgrading and using existing infrastructure on site;• rehabilitating the site by re-contouring and revegetating exposed surfaces; and• producing up to 500,000 tonnes of product a year over the next 22 years.
State Significant	The proposal is classified as State significant development under section 76A(7) of the <i>Environmental Planning and Assessment Act 1979</i> as it is an extractive industry that would extract more than 200,000 tonnes of material a year.
Integrated Development:	The proposal is classified as integrated development, under section 91 of the <i>Environmental Planning and Assessment Act 1979</i> as it requires an additional approval under the <i>Protection of the Environment Operations Act 1997</i> .

Designated Development:

The proposal is classified as designated development under section 77A of the *Environmental Planning and Assessment Act 1979* as it is an extractive industry that would “obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year...”. Consequently, it meets the criteria for designated development in schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Notes:

- *To find out when this development consent becomes effective, see section 83 of the Environmental Planning and Assessment Act 1979 (EP&A Act);*
 - *To find out when this development consent is liable to lapse, see section 95 of the EP&A Act; and*
 - *To find out about appeal rights, see section 97 of the EP&A Act*
-

TABLE OF CONTENTS

DEFINITIONS	4
ADMINISTRATIVE CONDITIONS	5
Obligation To Minimise Harm To The Environment	5
Terms Of Approval	5
Limits On Approval	5
Surrender Of Consents.....	5
Structural Adequacy	5
Demolition.....	5
Operation Of Plant And Equipment	5
Identification Of Boundaries.....	6
Section 94 Contributions	6
SPECIFIC ENVIRONMENTAL CONDITIONS	7
Noise	7
Blasting And Vibration	8
Air Quality	9
Meteorological Monitoring	9
Flora And Fauna.....	10
Surface Water.....	11
Visual Impact.....	11
Traffic And Transport.....	12
Waste Management	12
Bushfire Management	12
Production Data.....	12
Rehabilitation.....	12
Quarry Closure Plan.....	13
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING	14
Environmental Management Strategy	14
Environmental Monitoring Program	14
Annual Reporting.....	14
Independent Environmental Audit.....	14
Community Consultative Committee	15
APPENDIX 1: STAGE 1 AND STAGE 2 QUARRY OPERATIONS	16
APPENDIX 2: CONSERVATION OFFSET AREA	17
APPENDIX 3: DISPUTE RESOLUTION PROCESS	18

DEFINITIONS

<p>AEMR Applicant BCA CCC Council DA Day</p> <p>DEC Department</p> <p>Director-General</p> <p>DPI EIS</p> <p>EP&A Act EP&A Regulation</p> <p>EPL Evening GTA Minister Night</p> <p>POEO Act Privately owned land</p> <p>Receiver Site</p> <p>Stage 1</p> <p>Stage 2</p>	<p>Annual Environmental Management Report Hunter Quarries Pty Limited, or its successors Building Code of Australia Community Consultative Committee Great Lakes Shire Council Development Application Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays Department of Environment and Conservation Department of Infrastructure, Planning and Natural Resources Director-General of the Department of Infrastructure, Planning and Natural Resources, or delegate Department of Primary Industry Environmental Impact Statement titled 'Environmental Impact Statement to accompany a State Significant Development Application for an existing Hard Rock Quarry, Property: Lot 21 DP 1024341 and Lot 11 DP 1024564, Pacific Highway, Karuah', Volumes 1, 2 & 3, dated October 2004 and prepared by Asquith and deWitt Pty Ltd Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 Environment Protection License Evening is defined as the period from 6pm to 10pm General Terms of Approval Minister for Infrastructure and Planning, or delegate Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays <i>Protection of the Environment Operations Act 1997</i> Land not owned by the Applicant or its related companies or where a private agreement does not exist between the Applicant and the land owner As defined in the <i>NSW Industrial Noise Policy</i> (EPA 2000) Land to which the DA applies (Lot 21 DP 1024341, Lot 11 DP 1024564 & Lot 12 DP 1024564) Existing quarry operation approved by Great Lakes Shire Council on 11 November 1997 (DA 302/97) including the 'Karuah Red quarry' site, as marked on the map in Appendix 1. Proposed quarry extension as marked on the map in Appendix 1.</p>
---	--

**SCHEDULE 2
ADMINISTRATIVE CONDITIONS**

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.

TERMS OF APPROVAL

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) DA 265-10-2004;
 - (b) EIS titled *Environmental Impact Statement to accompany a State Significant Development Application for an existing Hard Rock Quarry, Property: Lot 21 DP 1024341 and Lot 11 DP 1024564, Pacific Highway, Karuah*, Volumes 1, 2 & 3, dated October 2004 and prepared by Asquith and deWitt Pty Ltd; and
 - (c) conditions of this development consent.
3. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted in accordance with this development consent; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

LIMITS ON APPROVAL

5. This consent lapses 22 years after the date it commences.
6. The Applicant shall not produce or transport more than 500,000 tonnes of material a year from the development.
7. The Applicant shall not extract more than 11.2 million tonnes of andecite from the site within the period of this consent.

SURRENDER OF CONSENTS

8. Within 6 months of the date of this consent, the Applicant shall surrender all existing development consents and continuing use rights associated with the site, in accordance with clause 97 of the EP&A Regulation.

STRUCTURAL ADEQUACY

9. The Applicant shall ensure that any new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

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

DEMOLITION

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

OPERATION OF PLANT AND EQUIPMENT

11. The Applicant shall ensure that all plant and equipment at the site, or used in connection with the development, are:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

IDENTIFICATION OF BOUNDARIES

12. Within 6 months of the date of this consent, the Applicant shall:
 - (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction under Stage 1 and Stage 2;
 - (b) submit a survey plan of these boundaries and the proposed timing of extraction within Stage 1 and Stage 2 to the Director-General; and
 - (c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify these limits.

SECTION 94 CONTRIBUTIONS

13. Amended by NSW Land and Environment Court on 29 September 2006 (see Attachment 1)

**SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS**

¹NOISE

Noise Impact Assessment Criteria

1. The Applicant shall ensure that the noise generated by the development does not exceed the criteria specified in Table 2 at any residence or noise sensitive receptor on privately owned land.

Time Period	Noise Limits dB(A)
	L _{Aeq} (15minute)
Day (7am to 6pm Monday to Friday and 7am to 1pm Saturday)	48
Evening (6pm to 10pm Monday to Friday)	47
At all other times	46

Table 2: Noise Impact Assessment Criteria for the Development

Notes:

- Noise from the site is to be measured within thirty meters of any residence or other noise sensitive areas to determine compliance with the noise criteria set out in Table 2.
- L_{Aeq(15 minute)} is the equivalent continuous noise level - the level of noise equivalent to the energy average of noise levels occurring over a measurement period.
- For the purpose of noise measures required for this condition, the L_{Aeq} noise level must be measured or computed at the point defined in this condition over a period of 15 minutes using "FAST" response on the sound level meter.
- For the purpose of the noise criteria for this condition, 5dBA must be added to the measured level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development, for example, at the closest residential receiver or at the closest boundary of the development. Measurement locations can be:
 - a) 1 meter from the facade of the residence for night time assessment;
 - b) at the residential boundary;
 - c) 30 meters from the residence (rural situations) where boundary is more than 30 meters from residence.
- The noise emission limits identified in this condition apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:
 - a) documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
 - b) where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

Operating Hours

2. The Applicant shall comply with the operating hours in Table 1:

Activity	Days of the Week	Time
• Construction	Monday – Friday	7am to 6pm
• Extraction and processing	Saturday	7am to 1pm
• Internal and off-site transportation of product	Sunday and public holidays	No work at any time
Minor maintenance works on plant and machinery	7 days a week and public holidays	7am to 6pm

Table 1: Operating Hours for the Development

Note: Delivery of material outside of the hours of operation permitted by condition 2 is only allowed, where that delivery is required by the police or other authorities for safety reasons; and/or where the operation or personnel or equipment are endangered. In such circumstances, prior notification should be provided to the DEC and affected residents as soon as possible, or within a reasonable period in the case of emergency.

Noise Monitoring

3. Within 6 months of the date of this consent, the Applicant shall prepare and implement a Noise Monitoring Program for the development to evaluate compliance with the noise impact assessment criteria in this consent, in consultation with the DEC, and to the satisfaction of the Director-General.

¹ Incorporates DEC GTAs

²BLASTING AND VIBRATION

Airblast Overpressure Criteria

4. The Applicant shall ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 3 at any residence or sensitive receiver on privately owned land.

Airblast overpressure level [dB(Lin Peak)]	Allowable exceedance
115	5% of the total number of blasts over a period of 12 months
120	0%

Table 3: Airblast Overpressure Limits

Ground Vibration Criteria

5. The Applicant shall ensure that the peak particle velocity from blasting at the development does not exceed the criteria in Table 4 at any residence or sensitive receiver on privately owned land.

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts over a period of 12 months
10	0%

Table 4: Ground Vibration Limits

Blasting Restrictions

6. Blasting at the site may only take place:
- between 9am and 3pm Monday to Friday inclusive;
 - once per week; and
 - at such other times as may be approved by the DEC.

Public Notice

7. Within 6 months of this consent, the Applicant shall establish a blasting notification register of landowners and other interested persons, within 2 km of the quarry.
8. Throughout the life of the development, the Applicant shall notify all registered individuals of upcoming blasting operations at the development site.

Property Inspections

9. Within 3 months of this consent, the Applicant shall advise all landowners within 1 kilometre of the development that they are entitled to a structural property inspection.
10. If the Applicant receives a written request for a structural property inspection from any landowner within 1 kilometre of the development, the Applicant shall within 3 months of receiving this request:
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and if necessary recommend measures to mitigate any potential blasting impacts; and
 - give the landowner a copy of the property inspection report.

Property Investigations

11. If any landowner within 1 kilometre of the site claims that buildings and/or structures on his/her land have been damaged as a result of blasting at the development, the Applicant shall within 3 months of receiving this request:
- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to investigate the claim; and
 - give the landowner a copy of the property investigation report.

² Incorporates DEC GTAs

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

If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party 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 3).

Operating Conditions

- The Applicant shall implement all practical measures to ensure the safety of people, and avoid and/or minimise any blasting impacts of the development on any privately owned land

³AIR QUALITY

Air Quality Impact Assessment Criteria

- The Applicant shall ensure that the dust emissions generated by the development do not cause additional exceedances of the ambient air quality impact assessment criteria listed in Tables 6, 7, and 8 at any residence on, or on more than 25 percent of, any privately owned land.

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: Long Term Impact Assessment Criteria for Particulate Matter

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

Table 7: Short Term Impact Assessment Criterion for Particulate Matter

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

Table 8: Long Term Impact Assessment Criteria for Deposited Dust

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

Operating Conditions

- The Applicant shall implement all practical measures to minimise and/or prevent the emission of dust from the site.

Monitoring

- Within 6 months of the date of this consent, the Applicant shall prepare and implement an Air Quality Monitoring Program for the development to evaluate compliance with the air quality impact assessment criteria in this consent, in consultation with the DEC, and to the satisfaction of the Director-General.

⁴METEOROLOGICAL MONITORING

- Within 6 months of this consent, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the development in accordance with the requirements in Approved Methods for Sampling of Air Pollutants in New South Wales, and to the satisfaction of the DEC and the Director-General.

³ Incorporates DEC GTAs

⁴ Incorporates DEC GTAs

FLORA AND FAUNA

Conservation Offset Area

17. The Applicant shall establish, conserve, and maintain the area of vegetation in Lot 12 DP 1024564 marked on the map in Appendix 2, to the satisfaction of the Director- General.
18. Within 3 years of this consent, the Applicant shall implement suitable arrangements to provide long term security for the conservation offset area, to the satisfaction of the Director-General.

Note: The long term security of the offset can be achieved through a combination of the following: Deed of Agreement with the Minister, rezoning the land under the Great Lakes Local Environment Plan 1996, caveats on the title under the Conveyancing Act 191, etc....

Flora and Fauna Management Plan

19. Before carrying out any clearing associated with Stage 2 of the development, the Applicant shall prepare, and subsequently implement, a Flora and Fauna Management Plan for the development to the satisfaction of the Director-General. This plan must include:
 - a) a Vegetation Clearing Protocol;
 - b) a Remnant Vegetation Conservation Plan; and
 - c) a Conservation Offset Management Plan.
20. The Vegetation Clearing Protocol shall describe the procedures that would be implemented for:
 - a) minimising the areas of remnant vegetation to be cleared;
 - b) delineating areas of remnant vegetation to be cleared;
 - c) protecting areas outside of the disturbance areas;
 - d) undertaking pre-clearance surveys (including observations/surveys for threatened species);
 - e) identification of fauna management strategies;
 - f) conserving and reusing topsoil;
 - g) collecting seed from the site for rehabilitation works;
 - h) salvaging and reusing material from the site for habitat enhancement; and
 - i) controlling weeds.
21. The Remnant Vegetation Conservation Plan shall:
 - a) describe what measures would be implemented to conserve, maintain and enhance the vegetation on the site which will not be cleared as part of the development (in particular sub-populations of *Tetraloche juncea* (Black-eyed Susan)); and
 - b) describe how the performance of these measures would be monitored over time.
22. The Conservation Offset Management Plan shall:
 - a) describe the habitat in the conservation offset area for following threatened species:
 - *Phascogale tapoatafa* (Brush-tailed Phascogale);
 - *Ninox strenua* (Powerful Owl);
 - *Phascogale cinereus* (Koala); and
 - *Tetraloche juncea* (Black-eyed Susan).
 - b) justify why this area is suitable as a conservation offset for the species described in (a) above;
 - c) establish baseline data for the existing habitat in the proposed conservation offset area;
 - d) describe how the proposed conservation offset area would be managed, including long-term measures for:
 - feral animal control;
 - weed management;
 - stock management; and
 - bush fire management.
 - e) describe how the ecological performance of the conservation offset area would be monitored over time.

Reporting

23. The Applicant shall include a progress report on the implementation and performance of the Flora and Fauna Management Plan and the Conservation Offset Strategy in the AEMR.

⁵**SURFACE WATER**

Pollution of Waters

24. Except as may be expressly provided by an Environment Protection License, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the development.

Water Discharge Limit

25. The Applicant shall only discharge water from the development in accordance with the provisions of a DEC Environment Protection License

Site Water Management Plan

26. Within 12 months of the date of this consent, the Applicant shall prepare, and subsequently implement, a Site Water Management Plan for the development, in consultation with the DEC, and to the satisfaction of the Director-General. The plan shall detail how site water management on site will be integrated with existing surface water management and erosion and sediment control systems and address surface water management and erosion and sediment control at both the construction and operation phases of the development. This plan must include:
- an Erosion and Sediment Control Plan;
 - a Surface Water Monitoring Program; and
 - a site water balance.

Erosion and Sediment Control

27. The Erosion and Sediment Control Plan must:
- be consistent with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual;
 - identify activities that could cause soil erosion and generate sediment;
 - describe what measures would be implemented to minimise soil erosion and off-site sediment transport from the following locations:
 - the active quarry face and pit;
 - product and top soil stockpile sites;
 - haul roads;
 - workshop areas;
 - rehabilitation areas; and
 - all other exposed and disturbed surfaces within the site.
 - describe the location and function of erosion and sediment control structures and their capacity to contain runoff in relation to above average rainfall events;
 - describe what measures would be implemented to maintain the structures over time;
 - describe how the effectiveness of the Erosion and Sediment Control Plan will be measured and monitored.

Surface Water Monitoring

28. The Applicant shall:
- measure:
 - the volume of water discharged from the site via licensed discharge points;
 - water use on the site;
 - water transfers across the site; and
 - dam and water structure storage levels.
 - regularly monitor the quality of the surface water discharged from the licensed discharge points on the site;
to the satisfaction of the DEC and the Director-General.

VISUAL IMPACT

29. The Applicant shall
- implement all practicable measures to minimise the visual impacts of the development;
 - retain, re-vegetate and subsequently maintain a visual bund within the Stage 1 works area (in accordance with Figures 13 and 14 of the EIS) to minimise the visual impacts of development;
 - include a progress report on the re-vegetation and maintenance of the visual bund in the AEMR, to the satisfaction of the Director General.

⁵ Incorporates DEC GTAs

⁶TRAFFIC AND TRANSPORT

Pacific Highway

30. The Applicant shall ensure that vehicular access to and from the quarry and the Pacific Highway is via the newly constructed grade separated interchange at Branch Lane.

Parking

31. The Applicant shall provide sufficient parking on-site for all quarry-related traffic to the satisfaction of the Director-General.

Road Haulage

32. The Applicant shall ensure that all loaded vehicles entering or leaving the site are covered.
33. The Applicant shall ensure that sediment and/or other pollutants are not tracked onto any public roads servicing the development.

⁷WASTE MANAGEMENT

34. The Applicant shall:
- monitor the amount of waste generated by the development;
 - investigate ways to minimise waste generated by the development;
 - implement reasonable and feasible measures to minimise waste generated by the development; and
 - report on waste management and minimisation in the AEMR.
- to the satisfaction of the Director-General.
35. The Applicant must not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal or any waste generated at the site to be disposed of at the site, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

Note: the above condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the site if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

BUSHFIRE MANAGEMENT

36. The Applicant shall:
- ensure that the development is suitably equipped to respond to any fires on-site; and
 - assist the Rural Fire Service and Emergency Services as much as possible if there is a fire on-site.; and within 6 months of the date of this consent, the Applicant shall prepare a conservation sensitive Bushfire Management Plan for the development, to the satisfaction of Council and the Rural Fire Service.

PRODUCTION DATA

37. The Applicant shall:
- provide annual production data to the DPI (Minerals) using the standard form for that purpose; and
 - include a copy of this data in the AEMR.

REHABILITATION

38. The Applicant shall progressively rehabilitate the site to the satisfaction of the Director-General.

Rehabilitation Management Plan

39. Within 6 months of the date of this consent, the Applicant shall prepare, and subsequently implement, a Rehabilitation Management Plan for the site, which integrates rehabilitation works for both Stage 1 and Stage 2 areas, to the satisfaction of the Director-General: This plan must:
- identify the disturbed area at the site (both Stage 1 and Stage 2);
 - describe in general the short, medium, and long term measures that would be implemented to rehabilitate the site;
 - describe in detail the measures that would be implemented over the next 5 years to rehabilitate the site; and
 - describe in detail how rehabilitation measures will be integrated with:

⁶ Incorporates DEC GTAs

⁷ Incorporates DEC GTAs

- erosion and sediment control works on site;
 - remnant vegetation and habitat enhancement and conservation works; and
 - visual screening works;
- e) describe how the performance of these measures would be monitored over time.
40. Within 5 years of providing the Rehabilitation Management Plan to the Director-General, and every 5 years thereafter, the Applicant shall review and update the plan to the satisfaction of the Director-General.

Reporting

41. The Applicant shall include a progress report on the Rehabilitation Management Plan in the AEMR.

Rehabilitation Bond

42. Within 6 months of the date of this consent, the Applicant shall lodge a suitable conservation and rehabilitation bond for the development with the Director-General. The sum of the bond shall be calculated at \$2.50/m², or as otherwise agreed to with the Director-General, for the area of disturbance at the development.

Notes:

- *If the rehabilitation is completed to the satisfaction of the Director-General, the Director-General will release the rehabilitation bond.*
 - *If the rehabilitation is not completed to the satisfaction of the Director-General, the Director-General will call in all, or part of, the rehabilitation bond, and arrange for the satisfactory completion of these works.*
43. Within 3 years of lodging the rehabilitation bond with the Director-General, and every 5 years thereafter, unless the Director-General directs otherwise, the Applicant shall review, and if necessary revise, the sum of the rehabilitation bond to the satisfaction of the Director-General. This review must consider:
- a) the effects of inflation;
 - b) any changes to the area of disturbance; and
 - c) the performance of any progressive rehabilitation which has been undertaken at the site.

QUARRY CLOSURE PLAN

44. At least 3 years prior to the cessation of quarrying, the Applicant shall prepare a Quarry Closure Plan for the development, in consultation with the Council, and to the satisfaction of the Director-General. The plan must:
- a) define the objectives and criteria for quarry closure;
 - b) investigate options for the future use of the site, including any final void(s);
 - c) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and
 - d) describe how the performance of these measures would be monitored over time.

**SCHEDULE 4
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING**

ENVIRONMENTAL MANAGEMENT STRATEGY

1. Within 6 months of the date of this consent, the Applicant shall prepare, and subsequently implement an Environmental Management Strategy for the development to the satisfaction of the Director-General. This strategy must:
 - a) provide the strategic context for environmental management of the development;
 - b) identify the statutory requirements that apply to the development;
 - c) describe in general how the environmental performance of the development would be monitored and managed during the development;
 - d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance;
 - manage cumulative impacts; and
 - respond to emergencies; and
 - e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.
2. Within 3 months of the completion of the Independent Environmental Audit (see condition 6 below), the Applicant shall review, and if necessary revise, the Environmental Management Strategy to the satisfaction of the Director-General.

ENVIRONMENTAL MONITORING PROGRAM

3. Within 6 months of the date of this consent, the Applicant shall prepare an Environmental Monitoring Program for the development, in consultation with the relevant agencies, and to the satisfaction of the Director-General. This program must consolidate the various monitoring requirements in Schedule 4 of this consent into a single document.
4. Within 3 months of the completion of the Independent Environmental Audit (see condition 6 below), the Applicant shall review, and if necessary revise, the Environmental Monitoring Program to the satisfaction of the Director-General.

ANNUAL REPORTING

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

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 2 years of the date of this consent, and every 5 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
 - b) be consistent with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Systems Auditing*, or updated versions of this guideline;
 - c) assess the environmental performance of the development, and its effects on the surrounding environment;
 - d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;

- e) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and
 - f) if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.
7. Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, with a response to the recommendations contained in the audit report.

COMMUNITY CONSULTATIVE COMMITTEE

8. Within 3 months of the date of this consent the Applicant shall seek expressions of interest from members of the local community to serve as a member of a Community Consultative Committee for the development.
9. If at least two members of the local community express an interest to serve on the CCC the Applicant shall establish the CCC. The CCC shall:
- (a) be comprised of:
 - 2 representatives from the Applicant, including the person responsible for environmental management at the quarry;
 - 1 representative from Council (if available); and
 - at least 2 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council;
 - (b) be chaired by an independent chairperson, whose appointment has been endorsed by the Director-General;
 - (c) meet at least twice a year; and
 - (d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints.

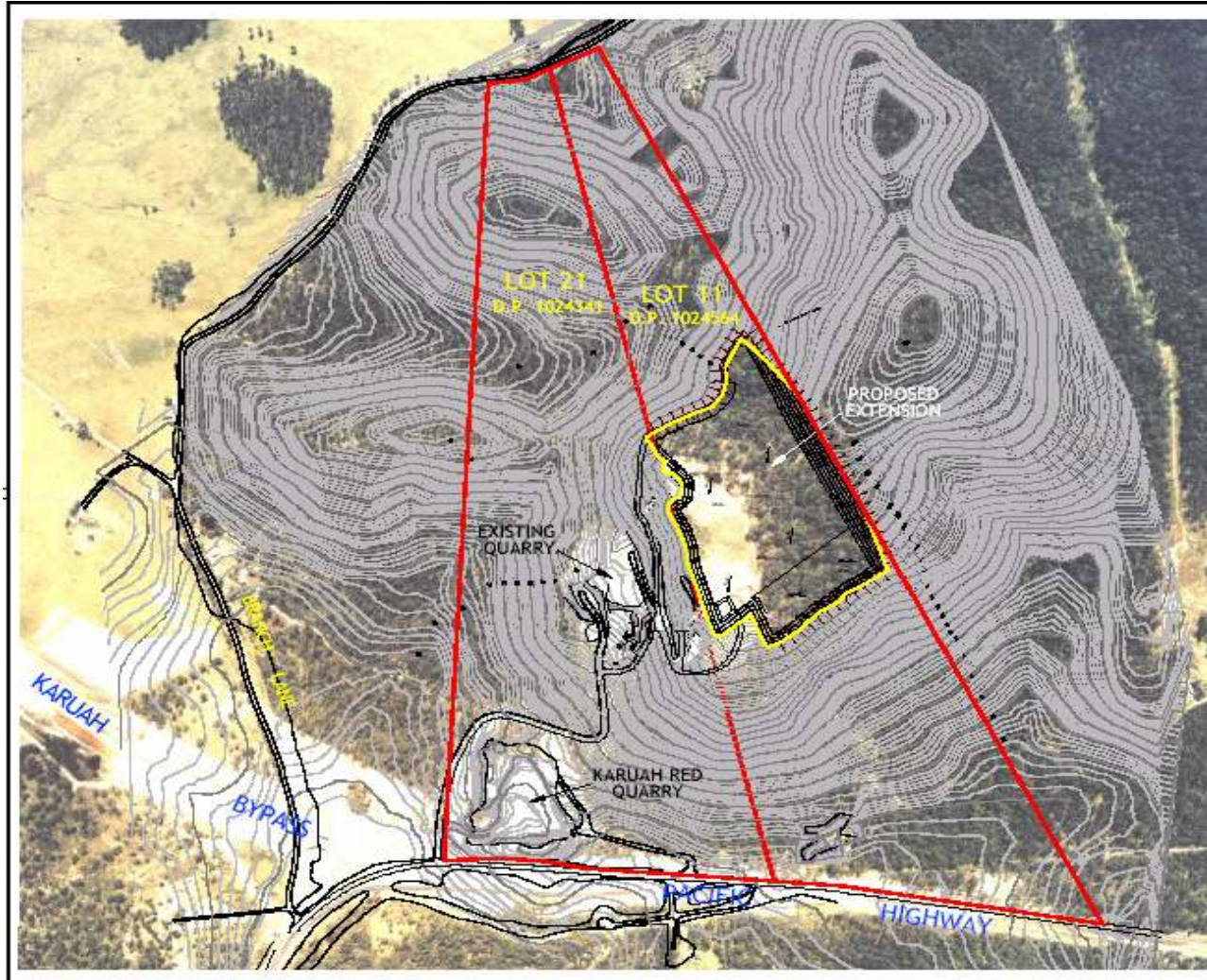
In addition, the Applicant shall, at its own expense:

- (a) ensure that 2 of its representatives attend the Committee's meetings;
 - (b) provide the Committee with regular information on the environmental performance and management of the development;
 - (c) provide meeting facilities for the Committee;
 - (d) arrange site inspections for the Committee, if necessary;
 - (e) take minutes of the Committee's meetings;
 - (f) make these minutes available to the public for inspection within 14 days of the Committee meeting, or as agreed to by the Committee;
 - (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and
 - (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of acceptance of the minutes by the Committee.
10. If the Applicant does not receive at least two expressions of interest to serve on the CCC the Applicant shall instead develop a communications strategy for consulting with Council and residents within 2 km of the development, to the satisfaction of the Director-General. This strategy should outline how the Applicant will advise Council and nearby residents on its environmental management plans, monitoring results, audit reports or complaints. This communication should occur twice a year.

Notes: If during the course of the development, a Community Consultative Committee that has been established is found to be no longer effective, the Director-General may agree to its disbandment.

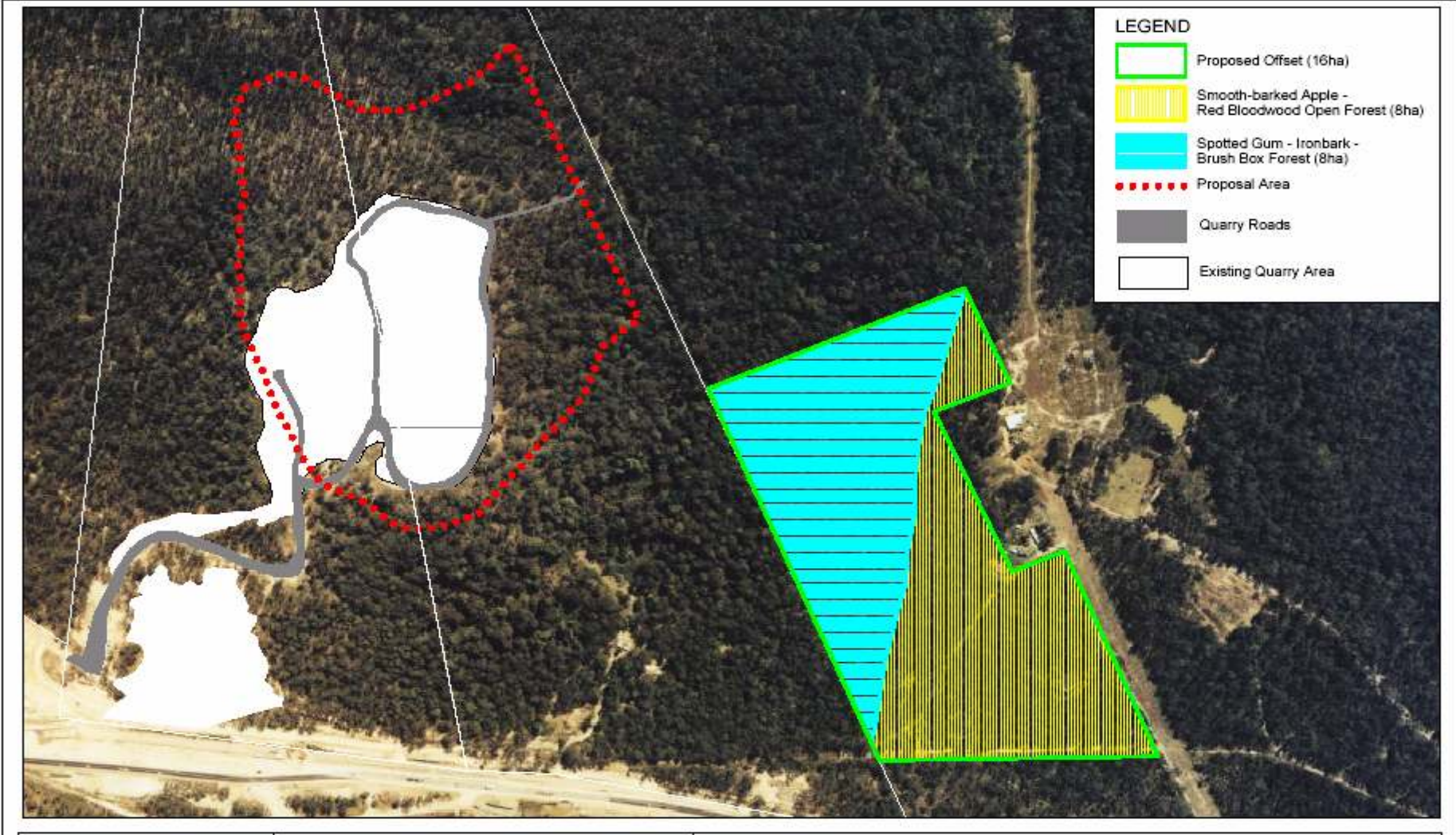
APPENDIX 1: STAGE 1 AND STAGE 2 QUARRY OPERATIONS

Scale 1:6000

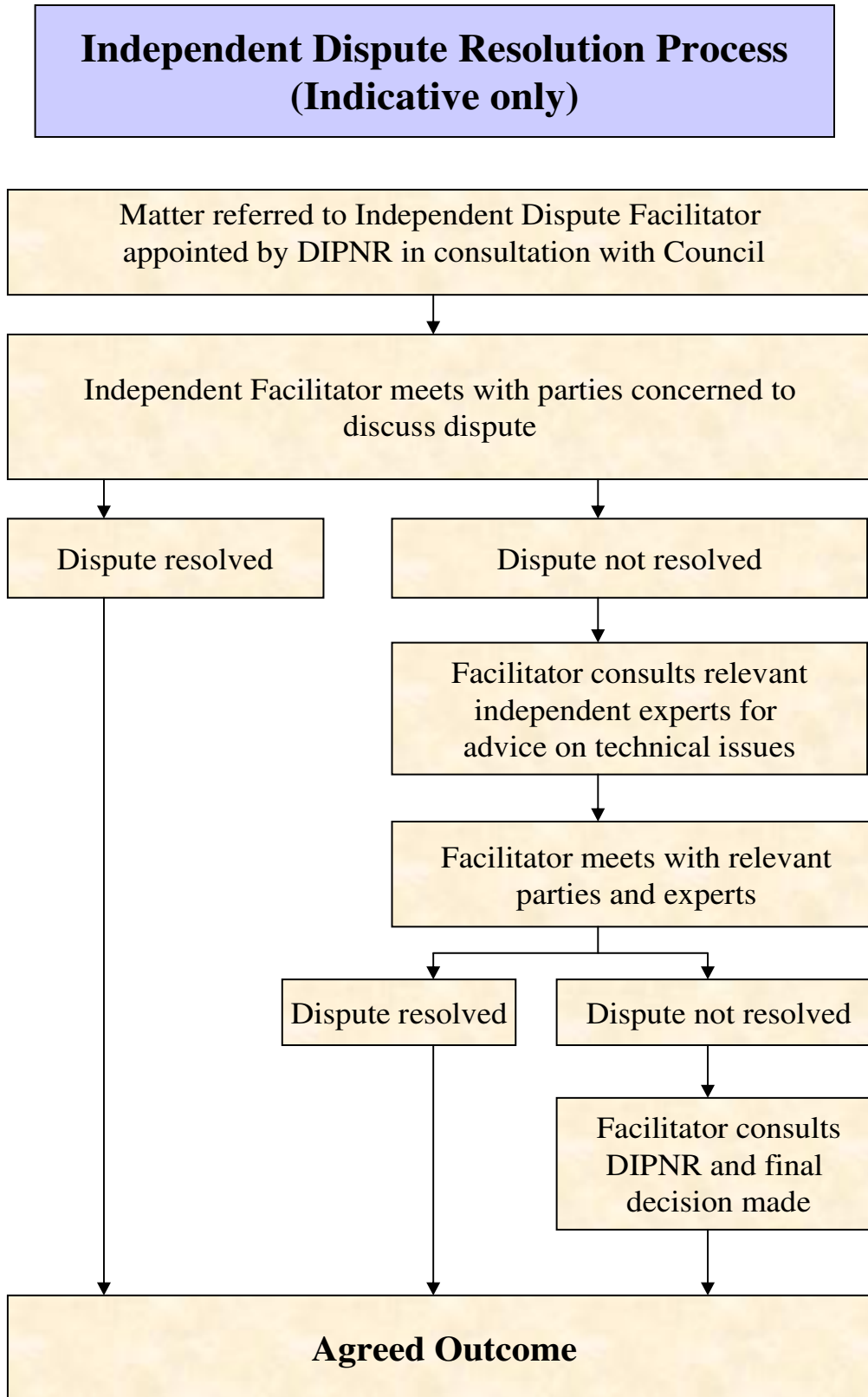


APPENDIX 2: CONSERVATION OFFSET AREA

Scale 1:6000 ↑ N



APPENDIX 3: DISPUTE RESOLUTION PROCESS



**In the Land and
Environment Court
of New South Wales**

No. 10673 of 2006

**Hunter Quarries
Pty Ltd**

Applicant

**Minister for
Planning**

Respondent

Order

The Court orders by consent that:

1. Appeal No. 10673 of 2006 is upheld.
2. Development consent No. 265-10-2004 granted by the Minister for Infrastructure, Planning and Natural Resources for the Karuah Hard Rock Quarry on 3 June 2005 is amended in accordance with attachment "A" hereto.
3. The exhibits are retained on the Court's file.

The Court notes the parties have agreed no order as to costs.

Ordered: 29 September 2006

By the Court

Susan Dixon
Registrar

rjs

Annexure 'A'
Conditions of Consent
Hunter Quarries Pty Ltd v Minister for Planning
DA No. 265-10-2004
Karuah Hard Rock Quarry



1. Delete condition 13 of Schedule 2 and replace with the following:

SECTION 94 CONTRIBUTIONS

- 13 The Applicant shall pay Council periodic contributions for the maintenance and repair of Council roads until the cessation of quarrying on site.

The first payment shall be made within 14 days of 31 December 2006, and cover the haulage undertaken on Council roads from 1 July 2006 to 31 December 2006. The first payment shall be calculated at a rate of 3.18 cents per m³ of material per kilometre hauled ("Initial Contribution Rate").

All subsequent payments shall be made on a yearly basis (within 14 days of 31 December) to cover the haulage undertaken on Council roads in each preceding 12 month period, and indexed at the time of each payment in accordance with the following formula:

$$\begin{array}{l} \text{Contribution} \\ \text{rate at the} \\ \text{time} \\ \text{of} \\ \text{payment} \end{array} = \begin{array}{l} \text{Initial} \\ \text{Contribution} \\ \text{Rate} \end{array} \times \frac{\text{CPI 1}}{\text{CPI 2}}$$

Where:

CPI 1 = CPI at the time of payment

CPI 2 = CPI at the date of the first payment (i.e. within 14 days of 31 December 2006)

CPI = the latest available Consumer Price Index (All Groups Index for Sydney)

K G Hoffman
Commissioner of the Court
rjs