Project Approval

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

As delegate of the Minister for Planning, the Planning Assessment Commission approves the project application referred to in Schedule 1, subject to the conditions in Schedules 2 to 5.

These conditions are required to:
- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Alan Coutts
Member of the Commission

David Johnson
Member of the Commission

Sydney 17 June 2014

SCHEDULE 1

Application Number:	09_0175
Proponent:	Karuah East Quarry Pty Limited
Approval Authority:	Minister for Planning
Land:	Lot 12 DP 1024564 Lot 13 DP 1024564 Lot 202 DP 1042537 Lot 26 DP 1024341 Lot 27 DP 1024341 Lot 16 DP 1024564 Lot 17 DP 1024564 Lot 11 DP 1024564
Project:	Karuah East Quarry Project

Green text represents Mod 1 (Increased disturbance area) – April 2018
Red text represents Mod 2 (Increased disturbance area) – December 2018
Note: Modifications 3 – 7 – withdrawn
Purple text represents Mod 8 (Operational noise criteria) – December 2020
Blue text represents Mod 9 (Extended operating hours) – November 2021
Orange text represents Mod 10 (Increased disturbance area) – May 2023
Light blue text represents Mod 11 (Karuah Pit Consolidation) – November 2026

FOR INFORMATION

CONSOLIDATED CONSENT

TABLE OF CONTENTS

TABLE OF CONTENTS i

DEFINITIONS i

ADMINISTRATIVE CONDITIONS 1

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT 1
TERMS OF APPROVAL 1
LIMITS ON APPROVAL 1
STRUCTURAL ADEQUACY 2
DEMOLITION 2
PROTECTION OF PUBLIC INFRASTRUCTURE 2
DEVELOPER CONTRIBUTIONS 2
OPERATION OF PLANT AND EQUIPMENT 2
STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM 3
PRODUCTION DATA 3
COMPLIANCE 3
APPLICABILITY OF GUIDELINES 3
EVIDENCE OF CONSULTATION 3

ENVIRONMENTAL PERFORMANCE CONDITIONS 4

IDENTIFICATION OF APPROVED LIMITS OF EXTRACTION 4
NOISE 4
ROAD TRAFFIC NOISE CRITERIA 4
BLASTING 5
BLASTING HOURS 6
AIR QUALITY 7
METEOROLOGICAL MONITORING 8
SOIL & WATER 8
TRANSPORT 9
LANDSCAPE 10
LONG TERM SECURITY OF OFFSETS 12
HERITAGE 15
VISUAL 15
EMERGENCY AND HAZARDS MANAGEMENT 15
WASTE 16

ADDITIONAL PROCEDURES 17

NOTIFICATION OF LANDOWNERS 17
INDEPENDENT REVIEW 17
MITIGATION UPON REQUEST 17

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING 18

ENVIRONMENTAL MANAGEMENT 18
REPORTING 20
INDEPENDENT ENVIRONMENTAL AUDIT 20
ACCESS TO INFORMATION 21

APPENDIX 1 DEVELOPMENT LAYOUT 22

APPENDIX 2 RESIDENCES (NOISE ASSESSMENT LOCATIONS) 25

APPENDIX 3 26

APPENDIX 4 CONCEPTUAL BIODIVERSITY OFFSET AREA 27

FOR INFORMATION

APPENDIX 5 REHABILITATION STRATEGY **28**
APPENDIX 6 ..... **29**
APPENDIX 7 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS **30**

FOR INFORMATION

CONSOLIDATED CONSENT

DEFINITIONS

Aboriginal object / place	Any item or object that provides evidence of the use of an area by Aboriginal people, as defined under the *National Parks and Wildlife Act 1974*
Annual review	The review required under condition 4 of Schedule 5
Applicant	Karuah East Quarry Pty Limited or any other person or company who rely on this consent to carry out the development that is the subject of this consent
BCT	Biodiversity Conservation Trust
Biodiversity offset strategy	The conservation and enhancement strategy described in MR MOD 10, and depicted conceptually in the figure in Appendix 4
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in Schedules 2 to 5 inclusive
Council	MidCoast Council
CPI	Australian Bureau of Statistics Consumer Price Index
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays.
DCA	Development Coordination Authority
Department	Department of Planning, Housing and Infrastructure
Development	The development as described in the document/s listed in condition 2(d) of Schedule 2, as modified by this consent
Development layout	The layout of the development as shown in the figures in Appendix 1
EA	Environmental Assessment titled *Environmental Assessment Report, Proposed Karuah East Hard Rock Quarry*, prepared by ADW Johnson Pty Limited and dated 31 January 2013, including the response to submissions prepared by ADW Johnson Pty Limited and dated 31 May 2013 and the Preferred Project Report titled *Preferred Project Report Proposed Karuah East Quarry*, prepared by ADW Johnson Pty Limited and dated 30 July 2013
EA (MOD 1)	Environmental Assessment titled *Karuah East Quarry Section 75W Application (MOD 1) Minor Increase to Approved Disturbance Area* prepared by ADW Johnson Pty Limited and dated 18 January 2018; including the response to submissions prepared by ADW Johnson Pty Limited and dated 9 March 2018
EA (MOD 2)	Environmental Assessment titled *Karuah East Quarry Section 75W Application (MOD 2) Minor Increase to Approved Disturbance Area* prepared by ADW Johnson Pty Limited and dated 30 August 2018, including the response to submissions prepared by ADW Johnson Pty Limited and dated 25 October 2018
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPBC Act	Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Extraction Area	The polygons identified as "Approved Karuah East Quarry Extraction Area" and "Proposed Karuah East Quarry Extraction Area" shown in Figure 1 of Appendix 1
Feasible	Feasible relates to engineering considerations and what is practical to build

FOR INFORMATION

Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree, or precinct of heritage significance, that is listed under any of the following: • the State Heritage Register under the *Heritage Act 1977;* • a state agency heritage and conservation register under section 170 of the *Heritage Act 1977*; • a Local Environmental Plan under the EP&A Act; • the World Heritage List; • the National Heritage List or Commonwealth Heritage List under the EPBC Act; or • anything identified as a heritage item under the conditions of this consent.
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Karuah Hard Rock Quarry	The adjacent development approved under State Significant Development consent DA 265-10-2004, as modified.
Land	Has the same meaning as the definition of the term in in section 1.4 of the EP&A Act, except where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at NSW Land Registry Services at the date of this consent
Material harm	Is harm that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual loss or property damage of an amount, or amounts in aggregate, exceeding $50,000 (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). Notes: • This definition excludes “harm” that is either authorised under this consent or any other statutory approval. • For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.
Minister	The Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important or serious.
Mitigation	Activities associated with reducing the impacts of the development
Modification 1	Modification 1 to the development, as described in EA (MOD 1)
Modification 2	Modification 2 to the development, as described in EA (MOD 2)
Modification 8	Modification 8 to the development, as described in SEE (MOD 8)
Modification 9	Modification 9 to the development, as described in MR (MOD 9)
Modification 11	Modification 11 to the development, as described in MR (MOD 11)
Morning Shoulder	The period from 5 am to 7 am
MR (MOD 9)	The Modification Report titled *S4.55(1A) Modification Report Proposed Modification to Extend Hours of Operation Project Approval 09_0175, dated April 2021 prepared by ADW Johnson* and the letter titled *Karuah East Quarry Project Mod 9 (MP09_0175 – Mod 9) Proposed Extended Hours of*

FOR INFORMATION

	Operation Response to NSW EPA Request for Additional Information Dated 7 September 2021, dated 30 September 2021 prepared by ADW Johnson
Modification 10	Modification 10 to the development, as described in MR (MOD 10)
MR (MOD 10)	The Modification Report titled *Karuah East Quarry S4.55(2) Modification Report Proposed Increased to Approved Disturbance Area Modification 10 (MOD 10)*, dated June 2022 prepared by ADW Johnson, together with the Applicant's Response to Submissions report titled *Submissions Report Karuah East Quarry Modification 10 (MP09_0175-MOD-10_ Proposed Increase to Approved Disturbance Area*, dated November 2022 prepared by ADW Johnson, and any additional information provided by the Applicant in support of Modification 10.
MR (MOD 11)	The Modification Report titled *S4.55(2) Modification Report Karuah Pit Consolidation Project Modification 11 (MOD 11)*, dated 30 April 2026 prepared by ADW Johnson Pty Ltd, together with the Applicant's Response to Submissions report titled *Submissions Report Karuah Pit Consolidation Project Modification 11 (MOD11)*, dated 10 August 2026 prepared by ADW Johnson Pty Ltd.
NCC	National Construction Code
NP&W Act	*National Parks and Wildlife Act 1974*
NPfI	NSW *Noise Policy for Industry 2017*
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
Privately-owned land	Land that is not owned by a public agency, Karuah East Quarry Pty Limited (or its subsidiary) or another quarry operator (or its subsidiary).
Product loading and dispatch	Empty haulage trucks entering the site and being loaded with stockpiled material before exiting the site via the weighbridge
Public infrastructure	Linear and other infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation and topsoil
Quarry products	Extractive material which is extracted from and transported from the site
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the *National Parks and Wildlife Regulation 2009*
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Residence	Existing or approved dwelling at the date of approval of Modification 1
SEE (MOD 8)	The Statement of Environmental Effects titled *Karuah East Quarry S4.55 (1A) Modification Report Proposed Modification to Operational Noise Criteria and Implementation of Improved Acoustic Measures* prepared by ADW Johnson Pty Limited and dated 20 June 2019.
Site	The development land shown in Figure 1 of Appendix 1, with land Lot and DP numbers identified in Schedule 1.
Statement of commitments	The Applicant's commitments in Appendix 6
TfNSW	Transport for NSW
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

FOR INFORMATION

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 if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF APPROVAL

2. The Applicant must carry out the development:
   (a) in compliance with the conditions of this consent;
   (b) in accordance with the statement of commitments in Appendix 6;
   (c) in accordance with all written directions of the Planning Secretary; and
   (d) generally in accordance with the EA, EA (MOD1), EA (MOD 2), SEE (MOD 8), MR (MOD 9), MR (MOD 10) and MR (MOD 11).

3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
   (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
   (b) the implementation of any actions or measures contained in any such document referred to in condition 3(a).

4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(d). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON APPROVAL

Quarrying Operations

5. The Applicant may carry out quarrying operations on the site until 31 December 2034.

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

Production Limit

6. The Applicant must not extract, process and transport more than 1.5 million tonnes of quarry products from the site in any calendar year.

Hours of Operation

7. The Applicant must comply with the operating hours in Table 1.

Table 1: Operating hours

Activity	*Operating Hours*
Quarrying Operations	7:00 am to 9:00 pm, Monday to Friday 7:00 am to 10:00 pm Monday to Friday on 50 calendar days per year; and 7:00 am to 6:00 pm, Saturday. No drilling 6:00 pm to 10:00 pm Monday to Friday or 1:00 pm to 6:00 pm Saturday No quarrying operations on Sundays or Public Holidays.

FOR INFORMATION

Activity	*Operating Hours*
Product loading and dispatch	5:00 am to 9:00 pm Monday to Friday 5:00 am to 10:00 pm Monday to Friday on 50 calendar days per year 6:00 am to 6:00 pm Saturday No product loading and dispatch on Sundays or Public Holidays
Construction activities	7.00 am to 6.00 pm, Monday to Friday; and 8.00 am to 1.00 pm, Saturdays, unless noise from these activities does not exceed 40 dB(A) $L_{Aeq(15\ min)}$ at any privately-owned residence.
Maintenance activities	24 hours a day, 7 days per week, providing maintenance activities are inaudible at any privately-owned residence

Note: This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons regarding works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.

STRUCTURAL ADEQUACY

8. The Applicant must 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 NCC.

Notes:
- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any 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 on site is carried out in accordance with *AS 2601-2001: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

10. 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.

DEVELOPER CONTRIBUTIONS

11. The Applicant must pay Council, in accordance with Council's *Great Lakes Wide Development Contributions Plan (November 2007) – Amended*:
    (a) a one-off Headquarters Building contribution of $1.00 per $1,000.00 of capital value of the development; and
    (b) annual road maintenance contributions of $.037 per tonne per km, for every tonne of quarry products transported from the site on local roads in accordance with Council's *Great Lakes Wide Development Contributions Plan (November 2007) – Amended.* Each payment must be: (i) paid to Council at the end of each calendar year;
        i based on weighbridge records of the quantity of quarry products transported from the site; and
        ii increased annually over the life of the development in accordance with the CPI.

Note: If the parties are not able to agree on any aspect of the road maintenance contributions, either party may refer the matter to the Planning Secretary for resolution.

OPERATION OF PLANT AND EQUIPMENT

12. All plant and equipment used on site, or to monitor the performance of the development, must be:

FOR INFORMATION

(a) maintained in a proper and efficient condition; and
(b) operated in a proper and efficient manner.

STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM

13. With the approval of the Planning Secretary, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

Notes:
- *While any strategy, plan or program may be submitted on a progressive basis, the Applicant will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

PRODUCTION DATA

14. Each year from the commencement of quarrying operations approved under Mod 11, the Applicant must report the calendar year total quantity of quarry product transported from the development in the Annual Review (required under condition 4 of Schedule 5).

COMPLIANCE

15. The Applicant must ensure that all employees, contractors and sub-contractors are made aware of, and instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

16. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this consent.

However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.

EVIDENCE OF CONSULTATION

17. 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;
(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.

FOR INFORMATION

SCHEDULE 3
ENVIRONMENTAL PERFORMANCE CONDITIONS

IDENTIFICATION OF APPROVED LIMITS OF EXTRACTION

1. The Applicant shall, prior to carrying out quarrying operations on the site:
   (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction within the Extraction Area; and
   (b) submit a survey plan of the extraction boundaries,
   to the satisfaction of the Planning Secretary.

2. The Applicant must ensure that the extraction boundaries are clearly marked at all times while quarrying operations are being carried out, in a manner that allows the limits of extraction to be clearly identified.

NOISE

Operational Noise Criteria

3. Except for the carrying out of construction works, the Applicant must ensure that the operational noise generated by the development does not exceed the criteria in Table 2 at any residence[a] on privately-owned land.

Table 2: Operational noise criteria dB

Noise Assessment Location[a]	Morning Shoulder $L_{Aeq\ (15\ min)}$	Morning Shoulder L_{Amax}	Day $L_{Aeq\ (15\ min)}$	Evening $L_{Aeq\ (15\ min)}$
A	35	52	42	40
B	35	52	40	40
G	35	52	43	39
H	35	52	45	47
I	35	52	40	37
All other residences	35	52	40	35

[a] *Noise Assessment Locations referred to in Table 2 are shown in Appendix 2.*

Noise generated by the development must be monitored and measured in accordance with the relevant procedures and modifications (including certain meteorological conditions) of the NPfI.

3A. 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.

Road Traffic Noise Criteria

4. The Applicant must take all reasonable and feasible measures to ensure that the traffic noise generated by the development does not cause additional exceedances of the criteria in Table 3 at any residence on privately-owned land.

Table 3: Road traffic noise criteria

Road	Criteria (Day[a])
Pacific Highway	60 dB(A) $L_{Aeq\ (15\ hour)}$
Local roads	55 dB(A) $L_{Aeq\ (1\ hour)}$

[a] *Day is the period from 7 am to 10 pm every day in accordance with the EPA's NSW Road Noise Policy (2011).*

5. Deleted

FOR INFORMATION

Noise Operating Conditions

6. The Applicant must:
   (a) take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, associated with the development;
   (b) implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas;
   (c) operate a comprehensive noise management system commensurate with the risk of impact;
   (d) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);
   (e) carry out quarterly attended noise monitoring (unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
   (f) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

7. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
   (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
   (b) (deleted);
   (c) describe the measures to be implemented to ensure:
      (i) compliance with the noise criteria and operating conditions in this consent;
      (ii) best practice management is being employed;
      (iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);
   (d) describe the noise management system in detail; and
   (e) include a monitoring program that:
      (i) is capable of evaluating the performance of the development;
      (ii) monitors noise at the nearest and/or most affected residences;
      (iii) adequately supports the noise management system;
      (iv) includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and
      (v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.

Note: The DCA may be consulted on the preparation of this plan.

The Applicant must implement the plan as approved by the Planning Secretary.

7A. Deleted.

BLASTING

Blasting Criteria

8. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 4.

Table 4: Blasting criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
	120	10	0%

FOR INFORMATION

Residence on privately-owned land	115	5	5% of the total number of blasts over a period of 12 months

However, the blasting criteria in Table 5 do not apply if the Applicant has a written agreement with the relevant landowner or infrastructure provider/owner, and the Applicant has advised the Department in writing of the terms of this agreement.

Blasting Hours

9. The Applicant must ensure that blasting on site is only carried out during the hours in Table 5.

Table 5: Blasting hours

Day	***Blasting hours***
Monday – Friday	9.00 am to 5.00 pm
Saturdays, Sundays and Public Holidays	No blasting

Blasting Frequency

10. The Applicant must not carry out more than 2 blasts a week cumulatively between the development and Karuah Hard Rock Quarry, unless an additional blast is required following a blast misfire.

Note: A blast may involve a number of explosions within a short period, typically less than two minutes.

Operating Conditions

11. The Applicant must:
    (a) implement best blast management practice to:
        - protect the safety of people and livestock in the surrounding area;
        - protect public or private infrastructure/property in the surrounding area from any damage; and
        - minimise the dust and fume emissions of any blast;
    (b) schedule blasts to avoid the blasting schedule of any nearby quarrying operation;
    (c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on the site, and
    (d) not undertake blasting within 500 metres of:
        (i) any public road without the approval of the relevant road authority; or
        (ii) any land outside the site not owned by the Applicant, unless:
            - the Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement, or
            - the Applicant has:
                - demonstrated to the satisfaction of the Planning Secretary that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and
                - updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land,

    to the satisfaction of the Planning Secretary.

Blast Management Plan

12. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
    (a) be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary;

FOR INFORMATION

(b) be prepared in consultation with Council and submitted to the Planning Secretary for approval prior to the commencement of construction activities;
(c) describe the measures that would be implemented to ensure:
- best management practice is being employed; and
- compliance with the relevant conditions of this consent;

(d) include a road closure protocol if blasting occurs within 500 metres of a public road;
(e) include a specific blast fume management protocol, to demonstrate how emissions will be minimised including risk management strategies if blast fumes are generated; and
(f) include a monitoring program for evaluating the performance of the development including:
- compliance with the applicable criteria; and
- minimising fume emissions from the site.

Note: The DCA may be consulted on the preparation of this plan.

The Applicant must implement the plan as approved by the Planning Secretary.

AIR QUALITY

Air Quality Criteria

13. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not exceed the criteria in Tables 7 to 8 at any residence on privately-owned land.

Table 7: Long-term impact assessment criteria for particulate matter

Pollutant	Averaging period	[c] Criterion
Total suspended particulates (TSP)	Annual	[a] 90 µg/m^3
Particulate matter < 10 µm (PM_{10})	Annual	[a] 25 µg/m^3
Particulate matter <2.5 ($PM_{2.5}$)	Annual	[a] 8 µg/m^3

Table 8: Short-term impact assessment criteria for particulate matter

Pollutant	Averaging period	[c] Criterion
Particulate matter < 10 µm (PM_{10})	24 hour	[b] 50 µg/m^3
Particulate matter <2.5 ($PM_{2.5}$)	24 hour	[b] 25 µg/m^3

Notes to Tables 7-8:
- *[a] Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all other sources);*
- *[b] Incremental impact (ie incremental increase in concentrations due to the development on its own);*
- *[c] Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Planning Secretary in consultation with EPA.*

Greenhouse Gas Emissions

14. The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site.

Operating Conditions

15. The Applicant must:
(a) implement best management practice to minimise dust emissions by the development;
(b) regularly assess air quality monitoring data and relocate, modify, and/or stop operations on site as may be required to ensure compliance with the air quality criteria in this consent;
(c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note c under Tables 7-8); and
(d) minimise surface disturbance of the site, other than as permitted under this consent.

FOR INFORMATION

Air Quality Management Plan

16. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
    (a) be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary;
    (b) be prepared in consultation with Council, and submitted for approval to the Planning Secretary prior to the commencement of construction activities;
    (c) describe the measures that would be implemented to ensure:
        - compliance with the relevant air quality conditions of this consent;
        - best management practice is employed; and
        - the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
    (d) describe the proposed air quality management system; and (e) include a 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.

Note: The DCA may be consulted on the preparation of this plan.

The Applicant must implement the plan as approved by the Planning Secretary.

METEOROLOGICAL MONITORING

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

SOIL & WATER

Water Supply

18. The Applicant must ensure it has sufficient water during all stages of the development, and if necessary, adjust the scale of quarrying operations on site to match its available supply.

Surface Water Discharges

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

Effluent Management

20. The Applicant must:
    (a) not irrigate, discharge or dispose of sewage or bathroom effluent from the site; and
    (b) operate and maintain a suitable effluent storage facility, to the satisfaction of Council and EPA.

Water Management Plan

21. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
    (a) be prepared by suitably qualified and experienced person/s whose appointment has been approved by the Planning Secretary;
    (b) be submitted to the Planning Secretary for approval prior to the commencement of quarrying activities approved under Mod 11;
    (c) include:
        (i) a Site Water Balance that includes details of:

FOR INFORMATION

- sources and security of water supply, including contingency planning;
- water use on site; and
- measures that would be implemented to minimise use of clean water and maximise recycling of dirty water on the site;

(ii) a Surface Water Management Plan, that includes:

- baseline data on surface water flows and quality in the watercourses that could be affected by the development;
- a detailed description of the surface water management system on the site, including the design objectives and performance criteria for the:
  - clean water diversions;
  - erosion and sediment controls;
  - water storages (including Maximum Harvestable Rights requirements); and
  - control of water pollution from areas of the site that have been rehabilitated;
- surface water impact assessment criteria, to be developed following analysis of baseline data, including trigger levels for investigating any potentially adverse surface water quality impacts;
- a program to monitor:
  - any surface water discharges;
  - the effectiveness of the water management system;
  - surface water flows and quality in local watercourses; and
  - ecosystem health of local watercourses; and
- an assessment of appropriate options to improve storage and retention times in accordance with Managing Urban Stormwater: Soils and Construction (Landcom);

(iii) a Groundwater Management Plan, that includes:

- baseline data of groundwater levels surrounding the site;
- comprehensive details for all monitoring boreholes, including bore logs, site photographs, and relevant maps and diagrams showing bore locations;
- groundwater impact assessment criteria, to be developed following analysis of baseline data, including trigger levels for investigating any potentially adverse groundwater impacts;
- a groundwater quality monitoring program consistent with existing EPA requirements for surface water, with results presented in tabular form and supported by interpretation and, where necessary, appropriate management or response actions;
- quarterly measurement of all standing water levels across all monitoring bores, supported by all available historical data, with results clearly tabulated and presented as properly annotated hydrographs for each bore;
- an updated interpretation of the water table, along with relevant hydrogeological cross-sections across the site; and

(iv) a Trigger Action Response Plan (TARP), including appropriate surface water and ground water trigger levels, and a protocol to be implemented when trigger levels are exceeded.

Note: The DCA may be consulted on the preparation of this plan.

The Applicant must implement the plan as approved by the Planning Secretary.

TRANSPORT

Roadworks

22. The Applicant must, at its own cost, complete the following roadworks shown conceptually in Figure 2 of Appendix 1, prior to transporting quarry products from the site:
    (a) extending Blue Rock Close, with tar seal and appropriate pavement, road markings and advance warning signage, to the satisfaction of Council and TfNSW;
    (b) realigning and upgrading the Blue Rock Close/Andersite Road intersection with appropriate road markings, pavement thickening and advance warning signage, to the satisfaction of Council;

FOR INFORMATION

(c) upgrading the Branch Lane/Andersite Road intersection with appropriate road markings and advance warning signage, to the satisfaction of Council;
(d) constructing the site access road on Lots 12 and 13 DP 1024564 with appropriate pavement and advance warning signage, to the satisfaction of Council; and (e) installing a wheel-wash facility on the site.

Monitoring of Product Transport

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

Parking

24. The Applicant must provide sufficient parking on-site for all development-related traffic, in accordance with Council's parking codes, to the satisfaction of the Planning Secretary.

Operating Conditions

25. The Applicant must ensure that all development-related heavy vehicles:
(a) enter and exit the site in a forward direction; and
(b) exit the site with loads covered.

Transport Management Plan

26. The Applicant must prepare a Transport Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
(a) be prepared by a suitably qualified traffic consultant whose appointment has been approved by the Planning Secretary;
(b) be prepared in consultation with Council, and submitted to the Planning Secretary for approval prior to the commencement of construction activities;
(c) include a Driver Code of Conduct;
(d) describe the measures that would be implemented to ensure:
- compliance with the relevant conditions of this consent;
- that drivers of development-related heavy vehicles are aware of potential safety issues along the haulage routes; and
- that drivers of development-related heavy vehicles comply with the Driver Code of Conduct; and

(e) include a program to monitor the effectiveness of these measures.

Note: The DCA may be consulted on the preparation of this plan.

The Applicant must implement the plan as approved by the Planning Secretary.

LANDSCAPE

Tetratheca Juncea Translocation

27. The Applicant must develop a translocation program for *Tetratheca juncea* to the satisfaction of the Planning Secretary. This program must:
(a) be prepared by a suitably qualified and experienced ecologist whose appointment has been approved by the Planning Secretary;
(b) be submitted to the Planning Secretary for approval prior to the commencement of construction activities that involve clearing of or potential harm to *Tetratheca juncea*;
(c) include measures for the translocation of all *Tetratheca juncea* stems in the area of disturbance to nearby areas with similar physical and biological habitat features;
(d) include a monitoring program to study the *Tetratheca juncea* stems before and after translocation;
(e) include short and long-term goals and performance criteria to measure the effectiveness of the program; and

FOR INFORMATION

(f) provide for the transfer of information obtained as a result of implementing the program to the Department.

Biodiversity Offset Strategy

28. The Applicant must, prior to the commencement of vegetation clearing activities for Modification 10, finalise the Biodiversity Offset Strategy, as described in documents listed in condition 2 of Schedule 2, summarised in Table 10 and Table 10A and shown conceptually in Figure 1 of Appendix 4, in consultation with Council, and to the satisfaction of the Planning Secretary.

Table 10: Biodiversity Offset Strategy – land-based offsets

Area	***Offset Type***	***Minimum Size (ha)***
Offset Area	Existing vegetation to be managed and enhanced	130.36 ha

Table 10A: Biodiversity Offset Strategy – ecosystem and species credit requirements

Credit Type	***Credits Required***
Ecosystem Credits	
PCT 1619: Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands	188
PCT 695: Blackbutt – Turpentine – Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion	7
Total	**195**
Species Credits	
Tetratheca juncea (Black-eyed Susan)	260
Grevillea parviflora subsp. parviflora (Small-flower Grevillea)	250
Squirrel Glider (*Petaurus norfolcensis*)	260
Southern Myotis (*Myotis macropus*)	107
Total	**877**

Notes:
1. *The Biodiversity Offset Strategy must direct that the land proposed as the Offset Area must be free of any dwelling-houses and associated sheds, bushfire asset protection zones and other related utilities or structures so as to preserve the integrity and function of that offset area. The Biodiversity Offset Strategy must also provide details of the revegetation of any parts of the offset area that are cleared of native vegetation or are in an otherwise substantially modified state, other than required management trails and boundary fencing buffer distances.*
2. *Credits required for impacts to EPBC Act listed species and associated habitats must be like-for-like.*

28A Prior to commencement of vegetation clearing in the additional disturbance area for Modification 11, (identified as 'Subject Site' on Figure 3 in Appendix 1), the Applicant must retire the biodiversity credit of the number and class specified in Table 10B in accordance with the Biodiversity Offsets Scheme of the Biodiversity Conservation Act 2016.

Table 10B: MOD 11 Biodiversity Offset Strategy – ecosystem and species credit requirements

Credit Type	***Credits Required***
Ecosystem Credits	

FOR

PCT 3433: Hunter Coast Foothills Spotted Gum- Ironbark Grassy Forest	1
Total	**1**

The Applicant must implement the strategy as approved by the Planning Secretary.

Long Term Security of Offsets

29. The long-term security of the offset area listed in Table 10 and the retirement of the credits listed in Table 10A must be carried out prior to the commencement of vegetation clearing activities for Modification 10, in accordance with the Biodiversity Offset Scheme of the BC Act.

Rehabilitation Objectives

30. The Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must:
    (a) be consistent with the rehabilitation strategy as described in the EA and shown conceptually in Figure 1 in Appendix 5; and
    (b) comply with the objectives in Table 11.

Table 11: Rehabilitation Objectives

Feature	***Objective***
Site (as a whole)	Safe, stable & non-polluting.
Surface Infrastructure	To be decommissioned and removed, unless the Planning Secretary agrees otherwise.
Quarry Wall Benches	Landscaped and revegetated utilising native tree and understorey species, ensuring that the tree canopy is restored and integrated with the surrounding tree canopy.
Quarry Pit Floor	Landscaped and revegetated with woodland vegetation.
Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of: • native endemic species; and • a landform consistent with the surrounding environment.
Community	Ensure public safety. Minimise the adverse socio-economic effects associated with quarry closure.

Progressive Rehabilitation

31. The Applicant must:
    (a) rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance;
    (b) take all reasonable and feasible measures to minimise the total area of the site exposed at any time; and
    (c) implement interim rehabilitation strategies where areas prone to dust generation cannot yet be permanently rehabilitated.

Landscape and Rehabilitation Management Plan

32. Within 6 months of the date of approval of Modification 1, the Applicant must prepare a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the quarry and all perimeter lands. This plan must:
    (a) be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary;
    (b) be prepared in consultation with Council, and submitted to the Planning Secretary for approval prior to the commencement of construction activities;

FOR PUBLICATION

(c) describe how the implementation of the *Tetratheca juncea* Translocation Program would be integrated with the overall rehabilitation of the site;
(d) describe the short, medium and long-term measures that would be implemented to:
- manage remnant vegetation and habitat on the site; and
- ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations of this consent.

(e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, including triggers for any remedial action;
(f) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial preparation of the plan), including the procedures to be implemented for:
- ensuring compliance with the rehabilitation objectives and progressive rehabilitation obligations of this consent;
- enhancing the quality of remnant vegetation and fauna habitat;
- restoring native endemic vegetation and fauna habitat within the rehabilitation area, including details of the target revegetation communities of the rehabilitated landform;
- coordinating the relocation of native fauna to protected habitats associated with pre-clearing fauna surveys;
- maximising the salvage of environmental resources within the approved disturbance area - including tree hollows, vegetative and soil resources - for beneficial reuse in the enhancement of the rehabilitation area;
- collecting and propagating seed;
- ensuring minimal environmental consequences for threatened species, populations and habitats;
- minimising the impacts on native fauna on site, including the details and implementation of appropriate pre-clearance surveys;
- minimising the impacts on fauna movement between undisturbed areas of the site and nearby vegetation (including potential fauna crossings);
- controlling weeds and feral pests;
- controlling erosion;
- controlling access and providing for management trails; and
- bushfire management and implementation of ecologically appropriate bushfire intervals.

(g) include a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;
(h) identify the potential risks to successful implementation of the Tetratheca juncea Translocation Program and rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate these risks;
(i) include details as to how the rehabilitated land would be permanently conserved and managed as part of the broader Biodiversity Offset Area approved in these conditions;
(j) include details of who would be responsible for monitoring, reviewing, and implementing the plan; and
(k) include details as to the timing of actions set-out in the plan

Note: The DCA may be consulted on the preparation of this plan.

The Applicant must implement the plan as approved by the Planning Secretary.

Biodiversity Offset Area Management Plan

33. The Applicant must prepare a Biodiversity Offset Area Management Plan for the development to the satisfaction of the Planning Secretary. This Plan would relate to the area of the Biodiversity Offset Area required in these conditions. This plan must:
(a) be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary;
(b) be prepared in consultation with Council;
(c) describe how the implementation of the *Tetratheca juncea* Translocation Program would be integrated with the Biodiversity Offset Area management;
(d) describe the short, medium and long-term measures that would be implemented to manage remnant vegetation and habitat on the Biodiversity Offset Area;

FOR INFORMATION

(e) include detailed performance and completion criteria for evaluating the performance of the conservation, restoration and management of the Biodiversity Offset Area, including triggers for any remedial action;
(f) providing for the transfer of environmental resources from the approved disturbance area - including tree hollows, vegetative and soil resources - for beneficial reuse in the enhancement of the Biodiversity Offset Area;
(g) providing for the incorporation of the final rehabilitated landform into the Biodiversity Offset Area and its management;
(h) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial preparation of the plan), including the procedures to be implemented for:
- enhancing the quality of remnant vegetation and fauna habitat;
- restoring native endemic vegetation and fauna habitat within the parts of the Biodiversity Offset Area that are cleared or modified, including details of the target revegetation communities of the restored landform;
- coordinating the relocation of native fauna to protected habitats associated with pre-clearing fauna surveys;
- collecting and propagating seed;
- maximising the protection and restoration of threatened species, populations and habitats in the Biodiversity Offset Area;
- maximising fauna movement between the Biodiversity Offset Area and adjacent habitats;
- controlling weeds and feral pests;
- controlling erosion;
- controlling access and providing for management trails; and
- bushfire management and implementation of ecologically appropriate bushfire intervals.

(i) include a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;
(j) identify the potential risks to successful implementation of the Biodiversity Offset program, and include a description of the contingency measures that would be implemented to mitigate these risks;
(k) include details of who would be responsible for monitoring, reviewing, and implementing the plan;
(l) include details of the indicative costs of management actions; and
(m) include details as to the timing of actions set-out in the plan.

Note: The DCA may be consulted on the preparation of this plan.

Conservation & Rehabilitation Bond

34. The Applicant must lodge a Conservation and Rehabilitation Bond with the Department to ensure that the Biodiversity Offset Strategy and the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Landscape and Rehabilitation Management Plan. The sum of the bond must be determined by:
(a) calculating the cost of implementing the Biodiversity Offset Strategy over the next 3 years;
(b) calculating the cost of rehabilitating disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
(c) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Planning Secretary.

Notes:
- *If capital and other expenditure required by the Landscape and Rehabilitation Management Plan is largely complete, the Planning Secretary may waive the requirement for the lodgement of a bond in respect of the remaining expenditure.*
- *If the Biodiversity Offset Strategy and rehabilitation of the site area are completed to the satisfaction of the Planning Secretary, then the Planning Secretary will release the bond. If the Biodiversity Offset Strategy and rehabilitation of the site are not completed to the satisfaction of the Planning Secretary, then the Planning Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.*

FOR INFORMATION

- *The component of the bond relating to the implementation of the Biodiversity Offset Strategy may be waived, if a separate arrangement is entered into which satisfactorily replaces that component, to the satisfaction of the Planning Secretary.*

35. Within 3 months of each Independent Environmental Audit (see condition 9 of Schedule 5), the Applicant must review, and if necessary, revise the sum of the Conservation and Rehabilitation Bond to the satisfaction of the Planning Secretary. This review must:
    (a) consider the performance of the implementation of the Biodiversity Offset Strategy and rehabilitation of the site to date;
    (b) consider the effects of inflation; and
    (c) calculate the cost of implementing the Biodiversity Offset Strategy and rehabilitating the disturbed areas of the site (taking into account the likely surface disturbance over the next 3 years of quarrying operations).

HERITAGE

Heritage Management Plan

36. The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
    (a) be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary;
    (b) be prepared in consultation with the local Aboriginal community, and submitted to the Planning Secretary for approval prior to the commencement of construction activities;
    (c) describe the measures that would be implemented to:
        - monitor initial surface disturbance on site for Aboriginal cultural heritage sites or objects;
        - manage the discovery of Aboriginal cultural heritage sites, objects or human remains on site; and
        - ensure ongoing consultation with Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage values on site.

    Note: The DCA may be consulted on the preparation of this plan.

    The Applicant must implement the plan as approved by the Planning Secretary.

VISUAL

37. The Applicant must:
    (a) ensure that clearing vegetation from any visually prominent ridgeline is undertaken in a progressive manner, to provide for a maximum of 6 months of future quarrying operations; and
    (b) mitigate the visual impact of the development through the progressive and early rehabilitation of the upper quarry benches in accordance with the objectives in Table 11,
    to the satisfaction of the Planning Secretary.

Advertising Signage

38. The Applicant must not erect or display any advertising structure or sign on the site without the written approval of the Planning Secretary.

    Note: This condition does not apply to business identification, traffic management, and/or safety or environmental signs.

EMERGENCY AND HAZARDS MANAGEMENT

Dangerous Goods and Hazardous Materials

39. The Applicant must ensure that the storage, handling, and transport of dangerous goods and hazardous materials is conducted in accordance with the relevant *Australian Standards*, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

Safety

FOR INFORMATION

40. The Applicant must secure the site to ensure public safety at all times, to the satisfaction of the Planning Secretary.

Bushfire Management

41. The Applicant must:
    (a) ensure that the development is suitably equipped to respond to any fires on site;
    (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area; and
    (c) ensure new construction complies with Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' or the relevant requirements of the NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015); and the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.

WASTE

42. The Applicant must:
    (a) minimise the waste generated by the development; and
    (b) ensure that the waste generated by the development is appropriately stored, handled, and disposed of,

    to the satisfaction of the Planning Secretary.

FOR INFORMATION

SCHEDULE 4
ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting, water, or air quality criterion in Schedule 3 of this consent, the Applicant must:
   (a) provide the details of the exceedance to any affected landowners and tenants; and
   (b) publish on its website, the full details of the exceedance.

   Note: An exceedance of any criteria in Schedule 3 may require reporting in accordance with condition 7 of Schedule 5 (Incident reporting) or condition 7B of Schedule 5 (non compliance reporting).

   For any exceedance of any air quality criterion in Schedule 3 of this consent, the Applicant must also provide to any affected landowners and tenants a copy of the fact sheet entitled "*Mine Dust and You*" (NSW Health, 2023).

INDEPENDENT REVIEW

2. If a landowner considers the development to be exceeding any noise, blasting or air quality criterion in Schedule 3 of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their land.

3. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.

4. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
   (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
      (i) consult with the landowner to determine their concerns;
      (ii) conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3 of this consent; and
      (iii) if the development is not complying with that criteria, identify measures that could be implemented to ensure compliance with the relevant criteria;
   (b) give the Planning Secretary and landowner a copy of the independent review; and
   (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

MITIGATION UPON REQUEST

5. Upon receiving a written request for mitigation from the owner of any residence on privately-owned land listed in Table 12, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2014). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of quarrying operations.

Table 12: Land subject to additional mitigation upon request

Mitigation Basis	Land[a]
Noise	H

a The location of the land referred to in Table 12 is shown in Appendix 2

FOR INFORMATION

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 Planning Secretary. This strategy must:
   (a) be submitted to the Planning Secretary for approval prior to the commencement of construction activities;
   (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 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; and
   - 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 required to be carried out under the conditions of this consent.

   The Applicant must implement the strategy as approved by the Planning Secretary.

Adaptive Management

2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in this consent. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

   Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:
   (a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur;
   (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
   (c) implement remediation measures as directed by the Planning Secretary.

Management Plan Requirements

3. The Applicant must ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:
   (a) detailed baseline data;
   (b) a description of:
   - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
   - any relevant commitments or recommendations identified in the documents listed in condition 2(d) of Schedule 2;
   - any relevant limits or performance measures/criteria; and
   - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

FOR INFORMATION

(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
(d) a program to monitor and report on the:
- impacts and environmental performance of the development; and
- effectiveness of any management measures (see (c) above);

(e) a contingency plan to manage any unpredicted impacts and their consequences;
(f) a program to investigate and implement ways to improve the environmental performance of the development over time;
(g) a protocol for managing and reporting any:
- incidents;
- complaints;
- non-compliances with statutory requirements; and
- exceedances of the impact assessment criteria and/or performance criteria; and

(h) a protocol for periodic review of the plan.

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Annual Review

4. By the end of March each year, the Applicant must review the environmental performance of the development to the satisfaction of the Planning Secretary. This review must:
(a) describe the development (including rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:
- the relevant statutory requirements, limits or performance measures/criteria;
- the monitoring results of previous years; and
- the relevant predictions in the documents referred to in condition 2(d) of Schedule 2 of this consent;

(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
(d) identify any trends in the monitoring data over the life of the development;
(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
(f) describe the measures that would be implemented over the current calendar year to improve the environmental performance of the development.

Revision of Strategies, Plans and Programs

5. Within 3 months of:
(a) the submission of an annual review under Condition 4 above;
(b) the submission of an incident report under Condition 7 below;
(c) the submission of an audit report under Condition 9 below; or
(d) any modification to the conditions of this consent, (unless the conditions require otherwise),
the Applicant must review the strategies, plans, and programs required under this consent, to the satisfaction of the Planning Secretary. Where this review leads to revisions in any such document, then within six weeks of the review the revised document must be submitted for the approval of the Planning 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.

Community Consultative Committee

6. The Applicant must establish and operate a Community Consultative Committee (CCC) for the development. The CCC must:
(a) be established and operated in general accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2023); and

FOR INFORMATION

(b) be established prior to the commencement of construction activities, to the satisfaction of the Planning Secretary.

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 guideline, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.*

REPORTING

Incident Notification

7. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
   (a) date, time and location,
   (b) a brief description of what occurred and why it has been classified as an incident;
   (c) a description of what immediate steps were taken in relation to the incident; and
   (d) Identifying a contact person for further communication regarding the incident.

7A The Applicant must provide the Department with a subsequent incident report in accordance with the requirements set out in Appendix 7 (Incident Notification and Reporting Requirements).

Non-compliance Notification

7B 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 and must be submitted via the NSW planning portal (Major Projects). The notification must 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, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, 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.

Regular Reporting

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

INDEPENDENT ENVIRONMENTAL AUDIT

9. Within 12 months of the commencement of development on the site, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
   (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;
   (b) include consultation with the relevant agencies;
   (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water Licence (including any assessment, plan or program required under these approvals);
   (d) review the adequacy of any approved strategy, plan or program required under these approvals;
   (e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals; and

FOR INFORMATION

(f) be conducted and carried out in accordance with the Independent Audit Post Approval Requirements in force at the time the audit commences, as approved by the Secretary and published on the Department's website.

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

10. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning 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 the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

ACCESS TO INFORMATION

11. The Applicant must:
    (a) make the following information publicly available on its website:
        - the documents referred to in condition 2(d) of Schedule 2 of this consent;
        - any statutory approvals for the development;
        - approved strategies, plans and/ programs;
        - a summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
        - a complaints register, updated quarterly;
        - minutes of CCC meetings;
        - annual reviews;
        - any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
        - any other matter required by the Planning Secretary; and

    (b) keep this information up-to-date, to the satisfaction of the Planning Secretary

FOR INFORMATION

APPENDIX 1
DEVELOPMENT LAYOUT

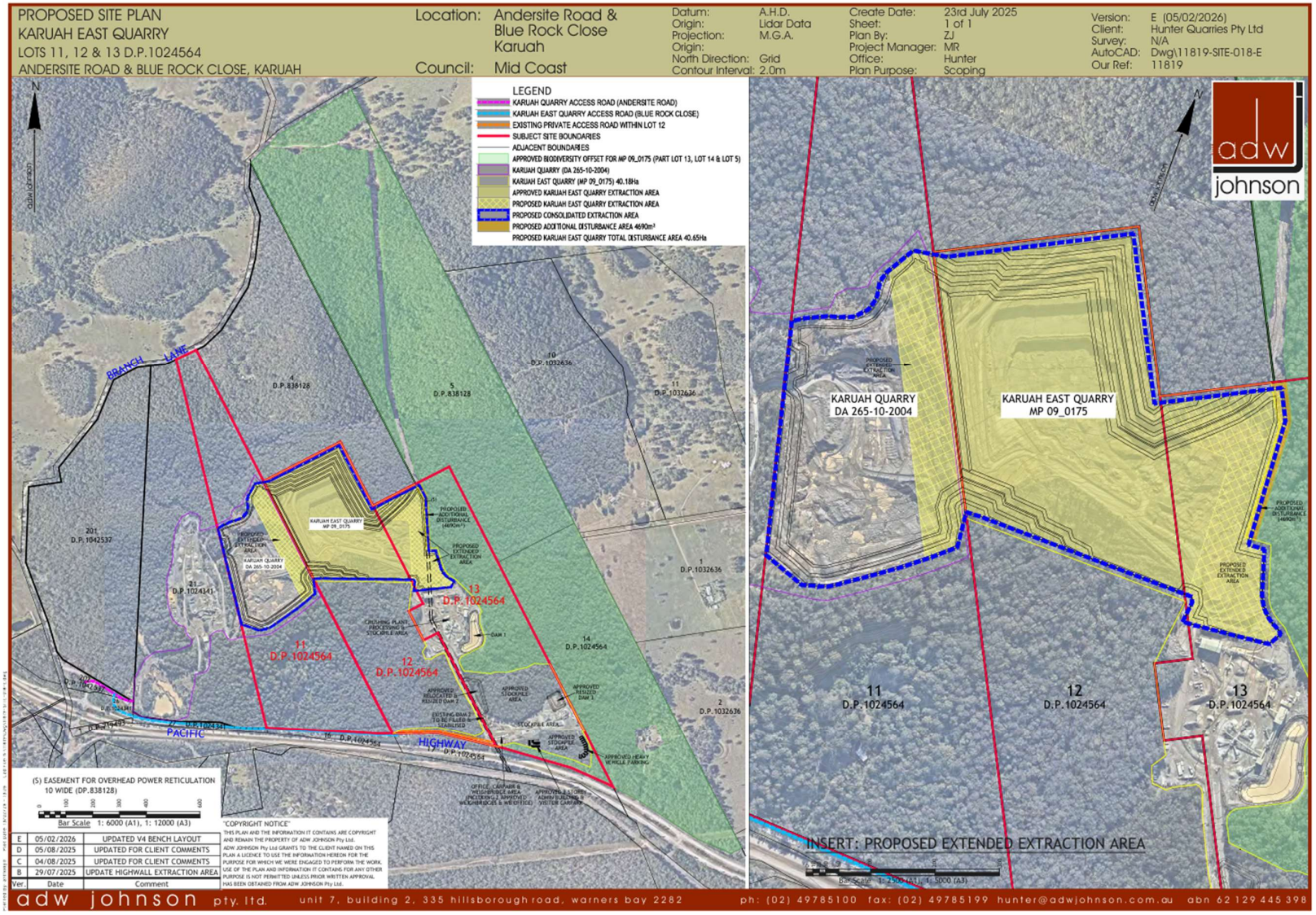


Figure 1: Development Layout

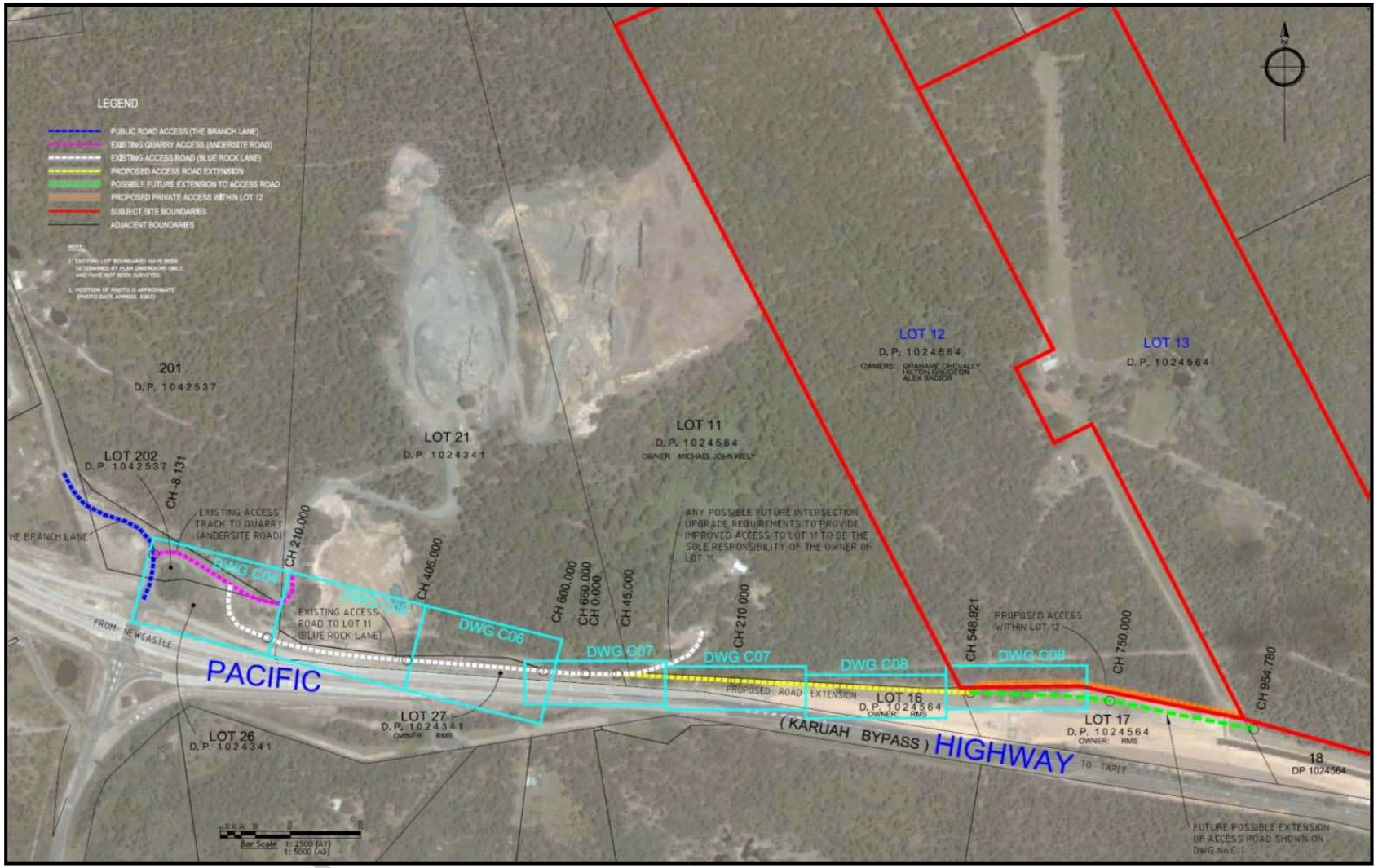


Figure 2: Proposed roadworks

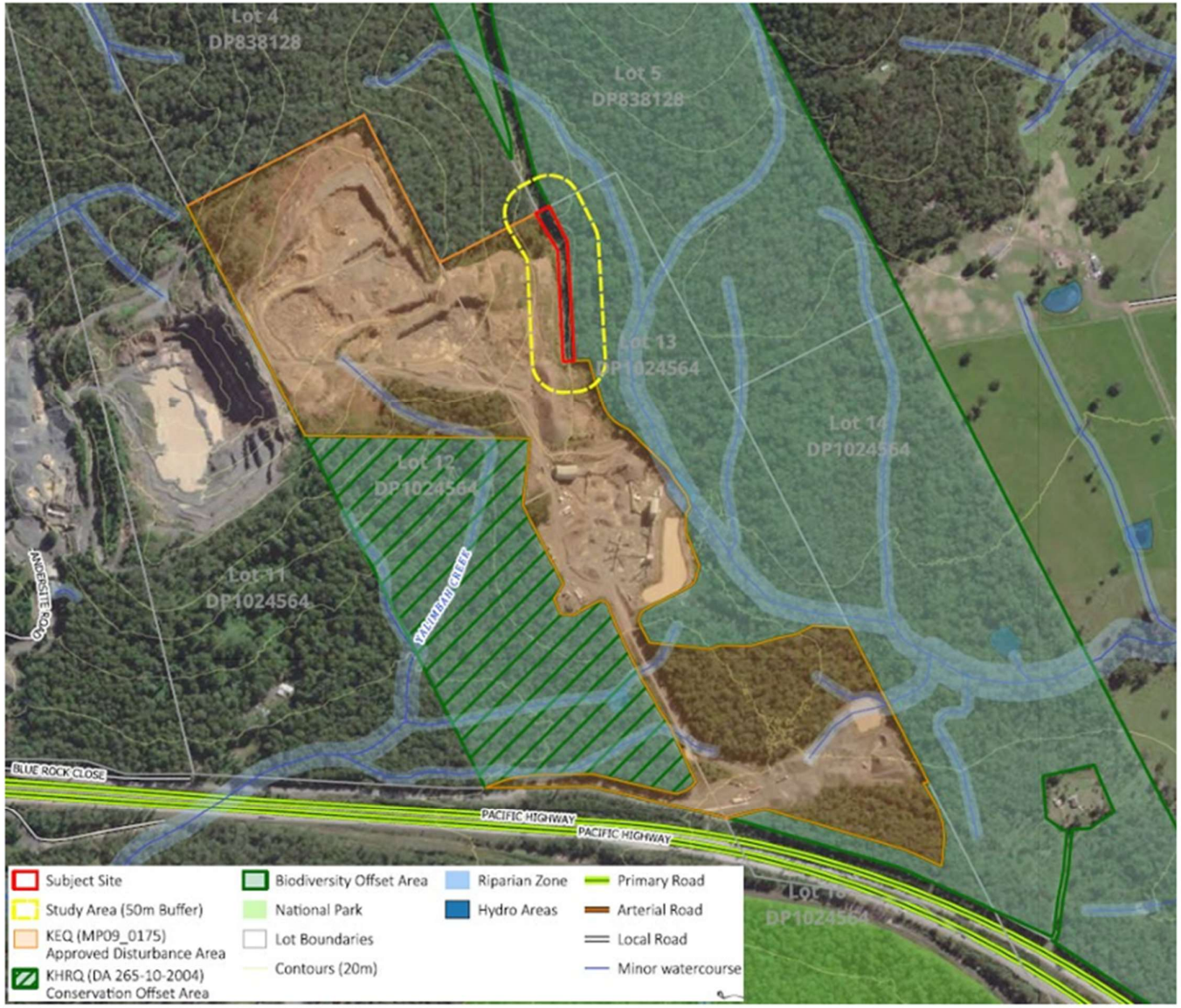


Figure 3: Additional disturbance area under Modification 11

APPENDIX 2
RESIDENCES (NOISE ASSESSMENT LOCATIONS)



Figure 1: Noise Assessment Locations

APPENDIX 3

Deleted

FOR INFORMATION

APPENDIX 4
CONCEPTUAL BIODIVERSITY OFFSET AREA

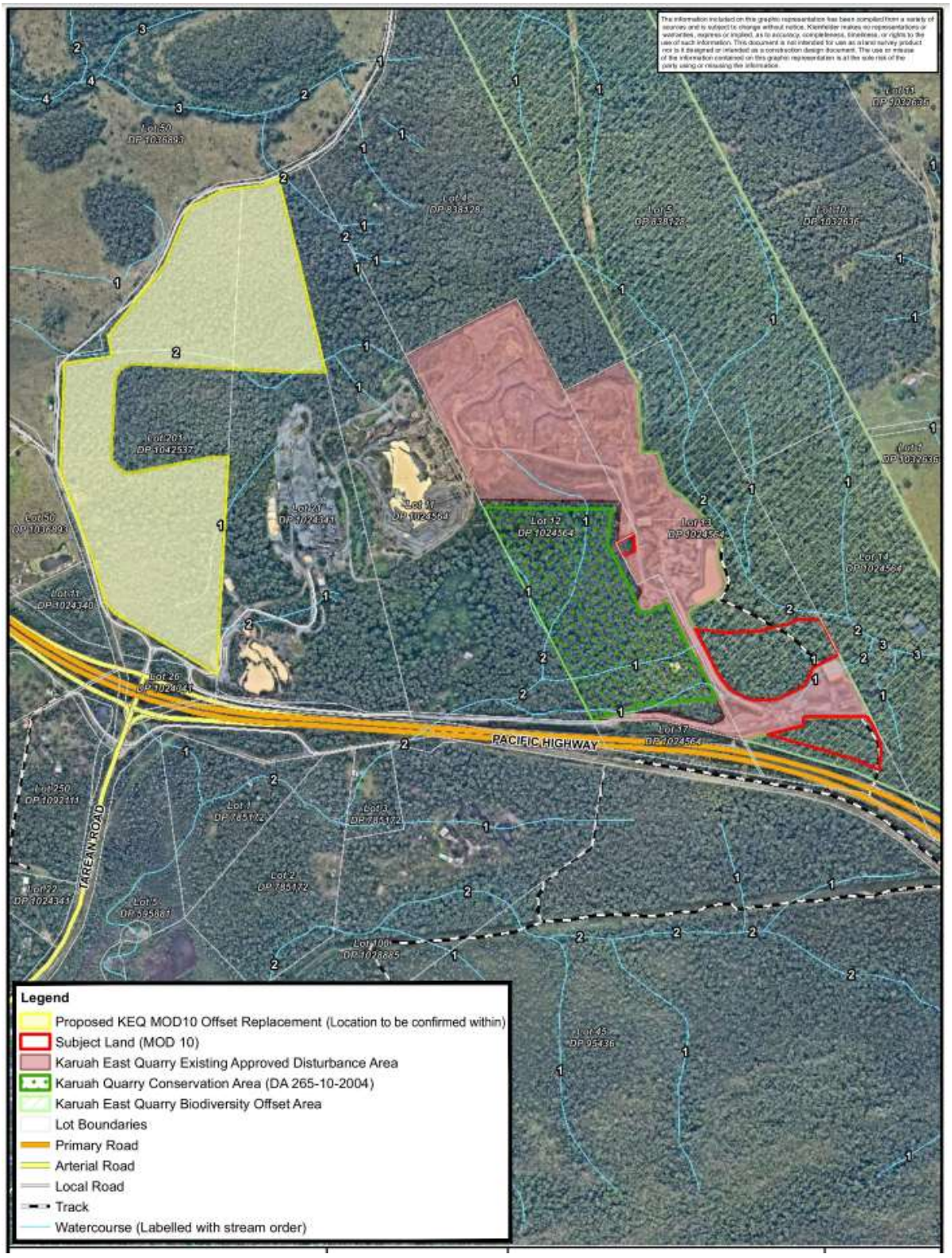


Figure 1: *Proposed KEQ MOD10 Offset Replacement Site Location*

APPENDIX 5
REHABILITATION STRATEGY

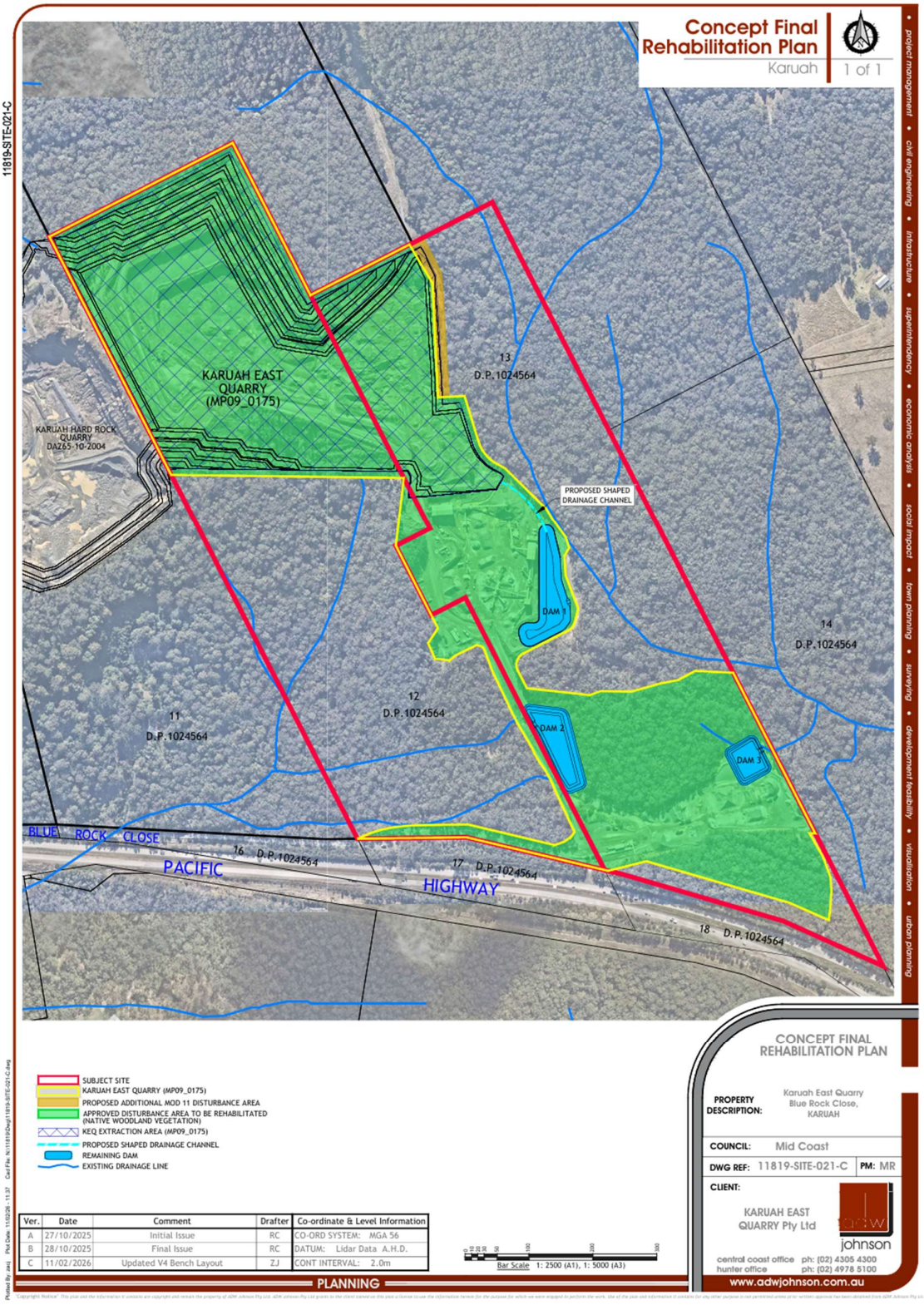


Figure 1: *Conceptual Rehabilitated Landform*

APPENDIX 6

Deleted

FOR INFORMATION

APPENDIX 7
INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).

2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition 7 of Schedule 5 or, having given such notification, subsequently forms the view that an incident has not occurred.

3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate 'incident notification (in accordance with condition 7A of Schedule 5, the Applicant is required to submit a subsequent incident report that:

   (a) identifies how the incident was detected;

   (b) identifies when the Applicant became aware of the incident;

   (c) identifies any actual or potential non-compliance with conditions of consent;

   (d) identifies further action(s) that will be taken in relation to the incident;

   (e) includes a summary of the incident;

   (f) specifies the outcomes of an incident investigation, including identification of the cause of the incident;

   (g) details the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and

   (h) details any communication with other stakeholders regarding the incident.

4. The Applicant must submit any further reports as directed by the Planning Secretary.

FOR INFORMATION