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: • 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 *Environmental Planning and Assessment Act 1979* 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 *Environmental Planning and Assessment Act 1979* as it requires an additional approval under the *Protection of the Environment Operations Act 1997.*

FOR INFORMATION

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*

Blue text represents Mod 2 (Karuah Pit Consolidation) – November 2026

FOR INFORMATION

CONSOLIDATED CONSENT

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FOR INFORMATION

DEFINITIONS

Annual Review	The review required under condition 5 of Schedule 5
Applicant	Hunter Quarries Pty Limited, or its successors
CCC	Community Consultative Committee
Council	MidCoast Council
DA	Development Application
Day	The period from 7am to 6pm Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning, Housing and Infrastructure
Development	The development as described in the document/s listed in condition 2(c) of Schedule 2, as modified by this consent
DCA	Development Coordination Authority
EIS	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
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection License under the POEO Act
Evening	The period from 6pm to 10pm
Extraction Area	The areas identified as "Karuah Quarry Extraction Area" and "Proposed Karuah Quarry Extraction Area" shown in Figure 2 of Appendix 1
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 East Quarry	The adjacent development approved under State significant development consent MP09_0175, as modified.
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	NSW Minister for Planning and Public Spaces, or delegate
Morning Shoulder	The period from 5 am to 7 am
Modification 2	Modification 2 to the development, as described in MR (MOD 2)
MR (MOD 2)	The Modification Report titled *S4.55(2) Modification Report Karuah Pit Consolidation Project Modification 2 (MOD2) Development Consent DA 265-10-2004*, 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 2 (MOD2) Development Consent DA265-10-2004*, dated 10 August 2026 prepared by ADW Johnson Pty Ltd.
NCC	National Construction Code
NPfI	NSW Noise Policy for Industry
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, Hunter Quarries Pty Limited (or its subsidiary) or another quarry operator (or its subsidiary).

FOR INFORMATION

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	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Receiver	As defined in the NPfI
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Site	The development land shown in Figure 2 of Appendix 1, with land Lot and DP numbers identified in Schedule 1.
Stage 1	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.
Stage 2	Proposed quarry extension as marked on the map in Appendix 1.

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 all written directions of the Planning Secretary; and
   c) generally in accordance with the EIS and MR (MOD2).

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(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON APPROVAL

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.

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

7. Deleted.

SURRENDER OF CONSENTS

8. Deleted.

STRUCTURAL ADEQUACY

9. 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 detailed requirements for the certification of development.*

DEMOLITION

10. The Applicant must ensure that all demolition work is carried out in accordance with Australian Standard *AS 2601-2025: The Demolition of Structures,* or its latest version.

OPERATION OF PLANT AND EQUIPMENT

FOR INFORMATION

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 within the Extraction Area;
    (b) submit a survey plan of these boundaries and the proposed timing of extraction within the Extraction Area to the Planning Secretary; 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)

FOR INFORMATION

SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Noise Impact Assessment Criteria

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

Table 1: 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	40	40
B	35	52	43	43
C	35	52	41	41
D	35	52	43	43
E	35	52	40	38
All other residences	35	52	40	35

[a] *Noise Assessment Locations referred* to in Table 1 *are shown* in *Appendix 5*.

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.

1A. The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Operating Hours

2. The Applicant must comply with the operating hours in Table 2.

Table 2: Operating hours

Activity	*Operating hours*
Quarrying operations (extraction and processing)	• 7:00 am to 9:00pm, Monday to Friday • 7.00am to 10.00pm, Monday to Friday on 50 calendar days per year. • 7.00am to 6.00pm Saturday. • No drilling 6.00pm to 10.00pm, Monday to Friday or 1.00pm to 6.00pm Saturday. • No quarrying operations on Sundays or Public Holidays.
Product loading and dispatch	• 5.00am to 9.00pm, Monday to Friday. • 5.00am to 10.00pm, Monday to Friday on 50 calendar days per year. • 6.00am to 6.00pm Saturday. • No quarrying operations on Sundays or Public Holidays.
Construction Activities	• 7.00am to 6.00pm, Monday to Friday; • 8.00am to 1.00pm Saturdays unless noise from construction activities does not exceed 40 dB(A) LAeq(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.

Noise Management Plan

FOR INFORMATION

3. 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) 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);
   c) describe the noise management system in detail; and
   d) 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.

BLASTING AND VIBRATION

Blasting Criteria

4. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 3.

Table 3: Blasting criteria

Location	*Airblast overpressure (dB(Lin Peak))*	*Ground vibration (mm/s)*	*Allowable exceedance*
Residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a period of 12 months

However, the blasting criteria in Table 3 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

5. The Applicant must ensure that blasting on site is only carried out during the hours in Table 4.

Table 4: Blasting hours

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

Blasting Frequency

6. The Applicant must not carry out more than 2 blasts a week cumulatively between the development and Karuah East 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.

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.

FOR INFORMATION

8. Throughout the life of the development, the Applicant shall notify all registered individuals of up coming blasting operations at the development site.

Property Inspections

9. Within 3 months of this consent, the Applicant shall advise all landowners within 1 kilometer 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 kilometer of the development, the Applicant shall within 3 months of receiving this request:
    a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to inspect the condition of any building or structure on the land, and if necessary recommend measures to mitigate any potential blasting impacts; and
    b) 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:
    (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to investigate the claim; and
    (b) give the landowner a copy of the property investigation report.

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

    If the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

    If the matter cannot be resolved within 21 days, the Planning Secretary shall refer the matter to an Independent Dispute Resolution Process (see Appendix 3).

Operating Conditions

12. The Applicant must:
    a) implement best blast management practice to:
        (i) protect the safety of people and livestock in the surrounding area;
        (ii) protect public or private infrastructure/property in the surrounding area from any damage; and
        (iii) 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.

    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.

Blast Management Plan

12A. 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:
   (i) best management practice is being employed; and
   (ii) 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:
   (i) compliance with the applicable criteria; and
   (ii) 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 Impact Assessment Criteria

13. 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 5 and 6 at any residence on, or on more than 25 percent of, any privately owned land.

Table 5: 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 6: 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 5-6:
- *[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.*

Operating Conditions

14. 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 5-6); and
d) minimise surface disturbance of the site, other than as permitted under this consent.

Monitoring

15. 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, to the satisfaction of the Planning Secretary.

METEOROLOGICAL MONITORING

16. 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.

FOR INFORMATION

FLORA AND FAUNA

Conservation Offset Area

17. The Applicant must 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 Planning Secretary.

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 Planning Secretary.

    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 Planning Secretary. 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 Tetratheca 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);
        - Phascolarctos cinereus (Koala); and
        - Tetratheca 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 Annual Review (required under condition 5 of Schedule 5).

FOR INFORMATION

SURFACE WATER

Water Supply

24. 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

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

Site Water Management Plan

26. The Applicant must prepare a Site 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 operations;
    c) include:
        (i) a Site Water Balance that includes details of:
            - 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); and
        (iii) a Trigger Action Response Plan (TARP), including appropriate surface 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.

Erosion and Sediment Control

27. Deleted.

Surface Water Monitoring

28. Deleted.

VISUAL IMPACT

29. The Applicant shall
    a) implement all practicable measures to minimise the visual impacts of the development;
    b) 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;

FOR INFORMATION

c) include a progress report on the re-vegetation and maintenance of the visual bund in the Annual Review (required under condition 5 of Schedule 5),

to the satisfaction of the Planning Secretary.

TRAFFIC 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 Planning Secretary.

Monitoring of Product Transport

32. 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.

Operating conditions

33. The Applicant must ensure that all development-related heavy vehicles:
    a) enter and exit the site in a forward direction;
    b) exit the site with loads covered; and
    c) do not track sediment and/or other pollutants onto any public roads servicing the development.

Transport Management Plan

33A. 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 quarrying operations approved under Modification 2;
    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.

WASTE MANAGEMENT

34. The Applicant must:
    a) take all reasonable steps to minimise the waste generated by the development;
    b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
    c) dispose of all waste at appropriately licensed waste facilities; and
    d) monitor and report on the effectiveness of waste minimisation and management measures in the Annual Review (required under condition 5 of Schedule 5).

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.

FOR INFORMATION

BUSHFIRE MANAGEMENT

36. The Applicant shall:
    a) ensure that the development is suitably equipped to respond to any fires on-site; and
    b) assist the Rural Fire Service and Emergency Services 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. Each year, from the commencement of quarrying operations approved under Modification 2, the Applicant must report the calendar year total quantity of quarry product transported from the development in the Annual Review (required under condition 5 of Schedule 5).

REHABILITATION

38. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

    Note: This condition does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated.

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 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) be prepared in consultation with Council;
    c) include detailed performance and completion criteria for evaluating the performance of rehabilitation of each phase, including triggers for remedial action, where these performance or completion criteria are not met;
    d) describe the short, medium, and long-term measures to be undertaken to ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations of this consent
    e) identify the potential risks to the successful implementation of the final rehabilitation, and include a description of the contingency measures to be implemented to mitigate against these risks; and
    f) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

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

40. Within 5 years of providing the Rehabilitation Management Plan to the Planning Secretary, and every 3 years thereafter, the Applicant shall review and update the plan to the satisfaction of the Planning Secretary.

Reporting

41. The Applicant shall include a progress report on the Rehabilitation Management Plan in the Annual Review (required under condition 5 of Schedule 5).

Rehabilitation Bond

42. The Applicant must lodge a conservation and rehabilitation bond for the development with the Planning Secretary. The sum of the bond must be determined by:
    a) calculating the cost of rehabilitating the disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
    b) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Planning Secretary.

    Notes:
    - *If the rehabilitation is completed to the satisfaction of the Planning Secretary, the Planning Secretary will release the rehabilitation bond.*
    - *If the rehabilitation is not completed to the satisfaction of the Planning Secretary, the Planning Secretary will call in all, or part of, the rehabilitation bond, and arrange for the satisfactory completion of these works.*

FOR INFORMATION

43. Within 3 months of each Independent Environmental Audit (see condition 6 of Schedule 5), the Applicant must review, and if necessary revise, the sum of the rehabilitation bond to the satisfaction of the Planning Secretary. This review must:
    a) consider the rehabilitation of the site to date;
    b) consider the effects of inflation; and
    c) calculate the cost of rehabilitating the disturbed areas of the site (taking into account the likely surface disturbance over the next 3 years of quarrying operations).

QUARRY CLOSURE PLAN

44. Deleted.

FOR INFORMATION

SCHEDULE 4
ADDITIONAL PROCEDURES

NOTIFICATION OF EXCEEDANCES

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 15 of Schedule 5 (Incident reporting) or condition 16 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 of the Planning Secretary's decision, or as otherwise agreed by the Planning Secretary and the landowner, 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 any relevant criterion, identify measures that could be implemented to ensure compliance with that criterion;
   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.

FOR INFORMATION

SCHEDULE 5
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 Planning Secretary. 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 Planning Secretary.

ENVIRONMENTAL MONITORING PROGRAM

3. Within 6 months of the date of this consent, the Applicant shall prepare an Environmental Monitoring Program for the development to the satisfaction of the Planning Secretary. This program must consolidate the various monitoring requirements in Schedule 5 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 Planning Secretary.

ANNUAL REVIEW

5. 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(c) 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.

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 2 years of the date of this consent, and every 3 years thereafter, unless the Planning Secretary 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 Planning Secretary;
   b) 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;

FOR INFORMATION

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 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.

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

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

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 Planning Secretary. 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 Planning Secretary may agree to its disbandment.

ADAPTIVE MANAGEMENT

11. 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

12. 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(c) of Schedule 2;

FOR INFORMATION

- any relevant limits or performance measures/criteria; and
- the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

c) a description of the measures that 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.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

13. Within 3 months of:
    a) the submission of an annual review under condition 5 above;
    b) the submission of an incident report under condition 15 below;
    c) the submission of an audit report under condition 6 above; or
    d) any modification to the conditions of this consent, (unless the conditions require otherwise),

    the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

14. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary and submitted to the Planning Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

REPORTING AND AUDITING

Incident Notification

15. 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:
    - date, time and location,
    - a brief description of what occurred and why it has been classified as an incident;
    - a description of what immediate steps were taken in relation to the incident; and
    - identifying a contact person for further communication regarding the incident.

15A The Applicant must provide the Department with a subsequent incident report in accordance with the requirements set out in Appendix 6 (Incident Notification and Reporting Requirements).

Non-Compliance Notification

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

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

ACCESS TO INFORMATION

FOR INFORMATION

17. Before the commencement of quarrying operations until the completion of all rehabilitation required under this consent, the Applicant must:
    a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
        i) the document/s listed in condition 2(c) of Schedule 2;
        ii) all current statutory approvals for the development;
        iii) all approved strategies, plans and programs required under the conditions of this consent;
        iv) minutes of CCC meetings;
        v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
        vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
        vii) a summary of the current stage and progress of the development;
        viii) contact details to enquire about the development or to make a complaint;
        ix) a complaints register, updated quarterly;
        x) the Annual Reviews of the development;
        xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;
        xii) any other matter required by the Planning Secretary; and
    b) keep such information up to date.

FOR INFORMATION

APPENDIX 1: DEVELOPMENT LAYOUT

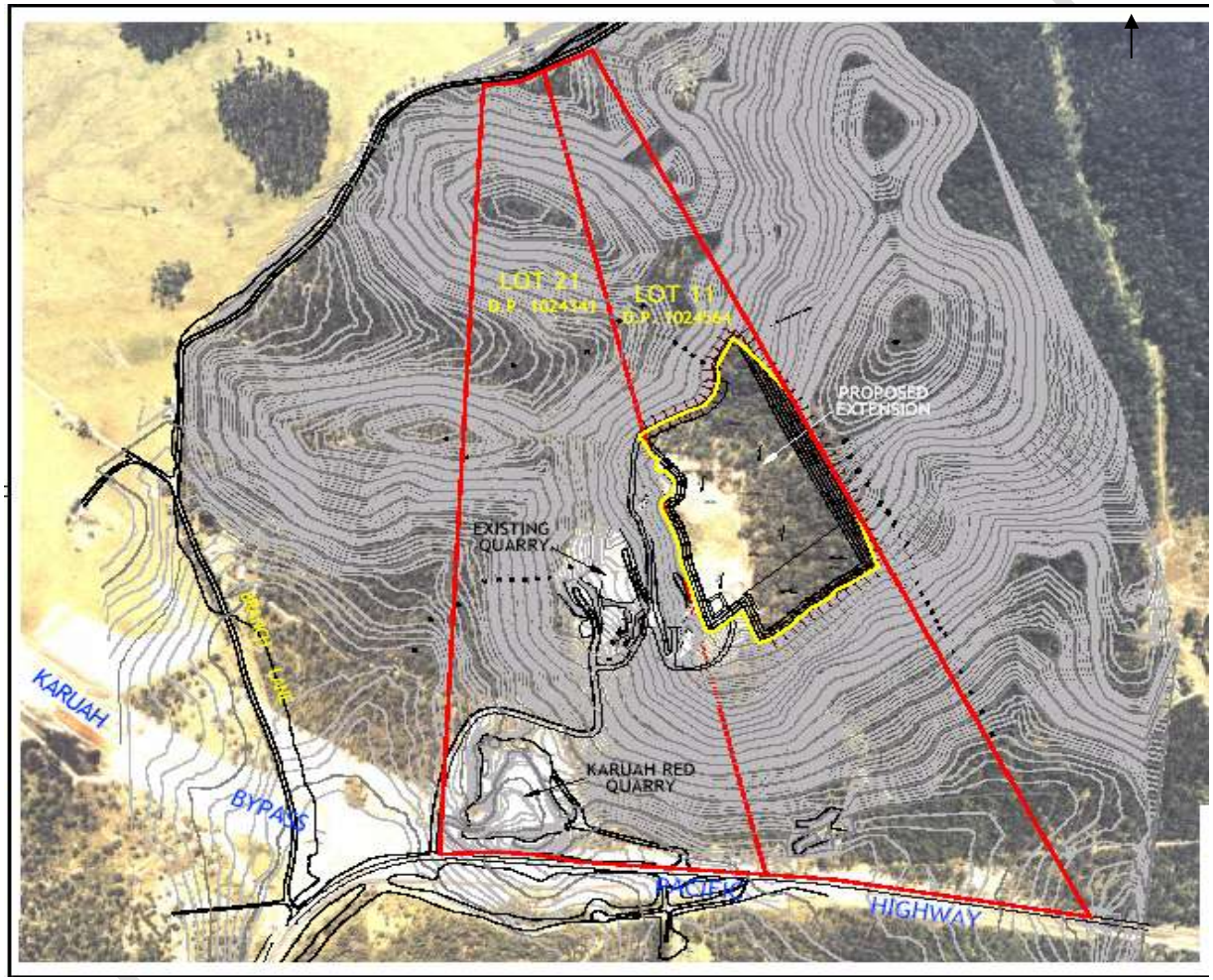


Figure 1: Stage 1 and Stage 2 quarry operations

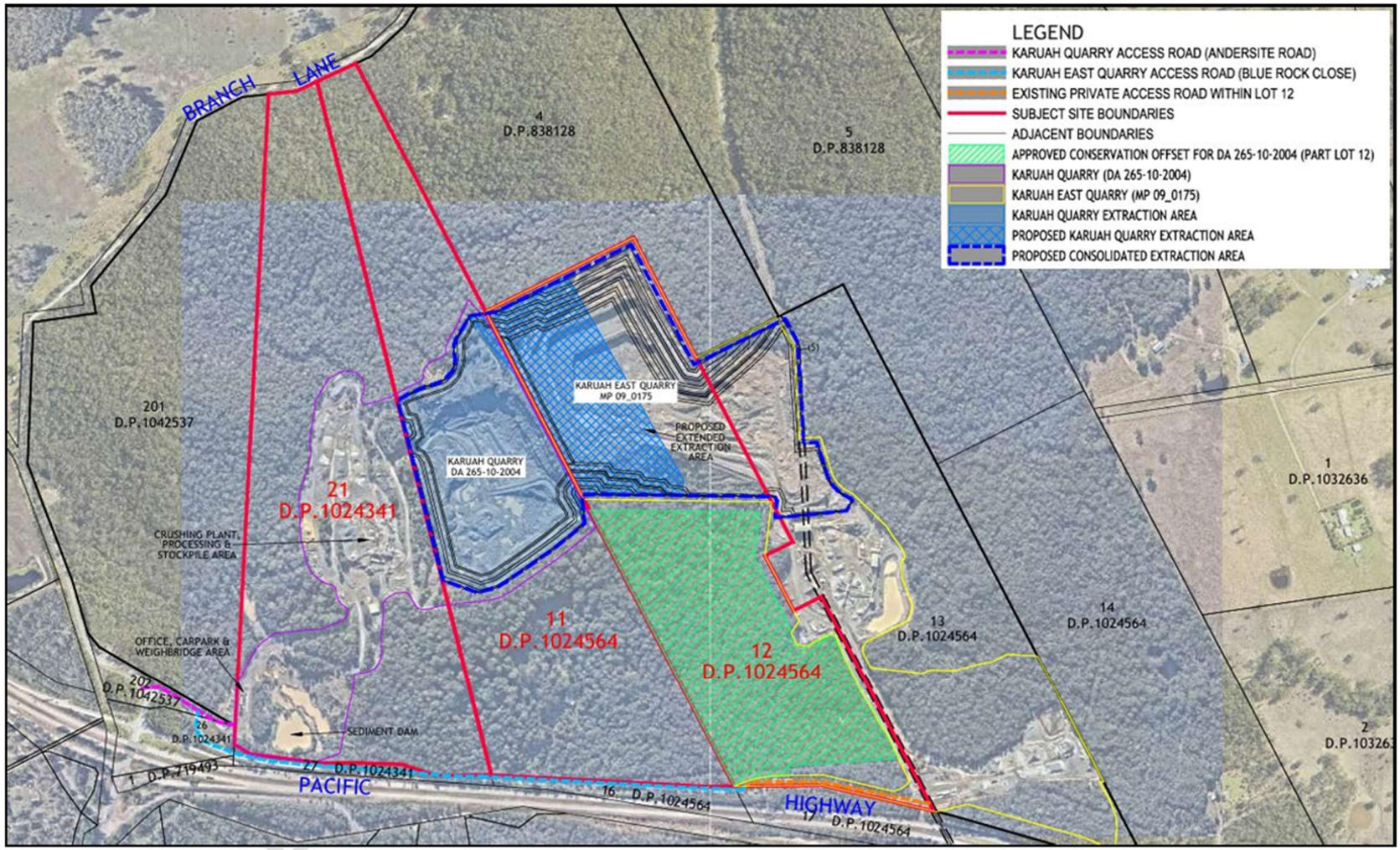
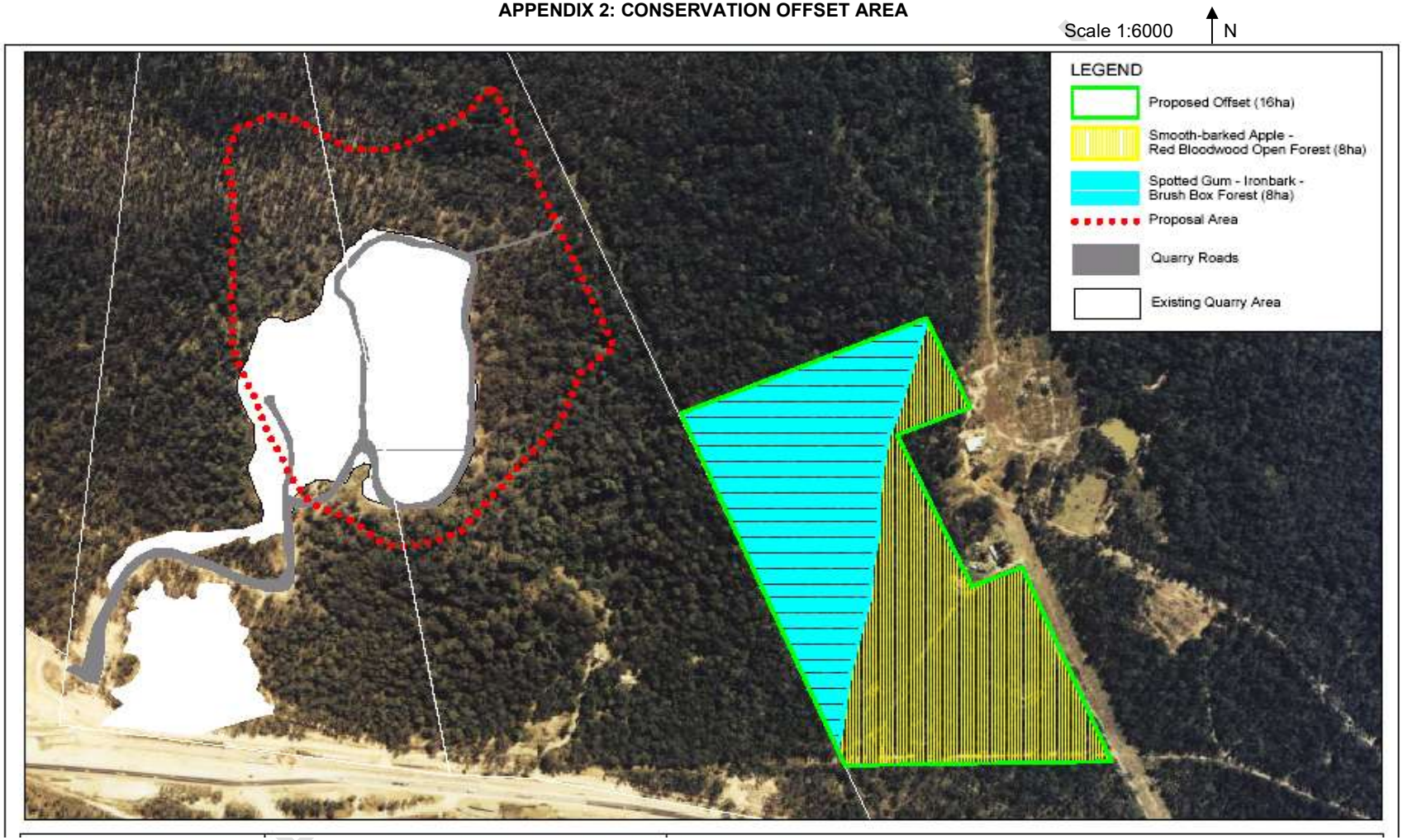
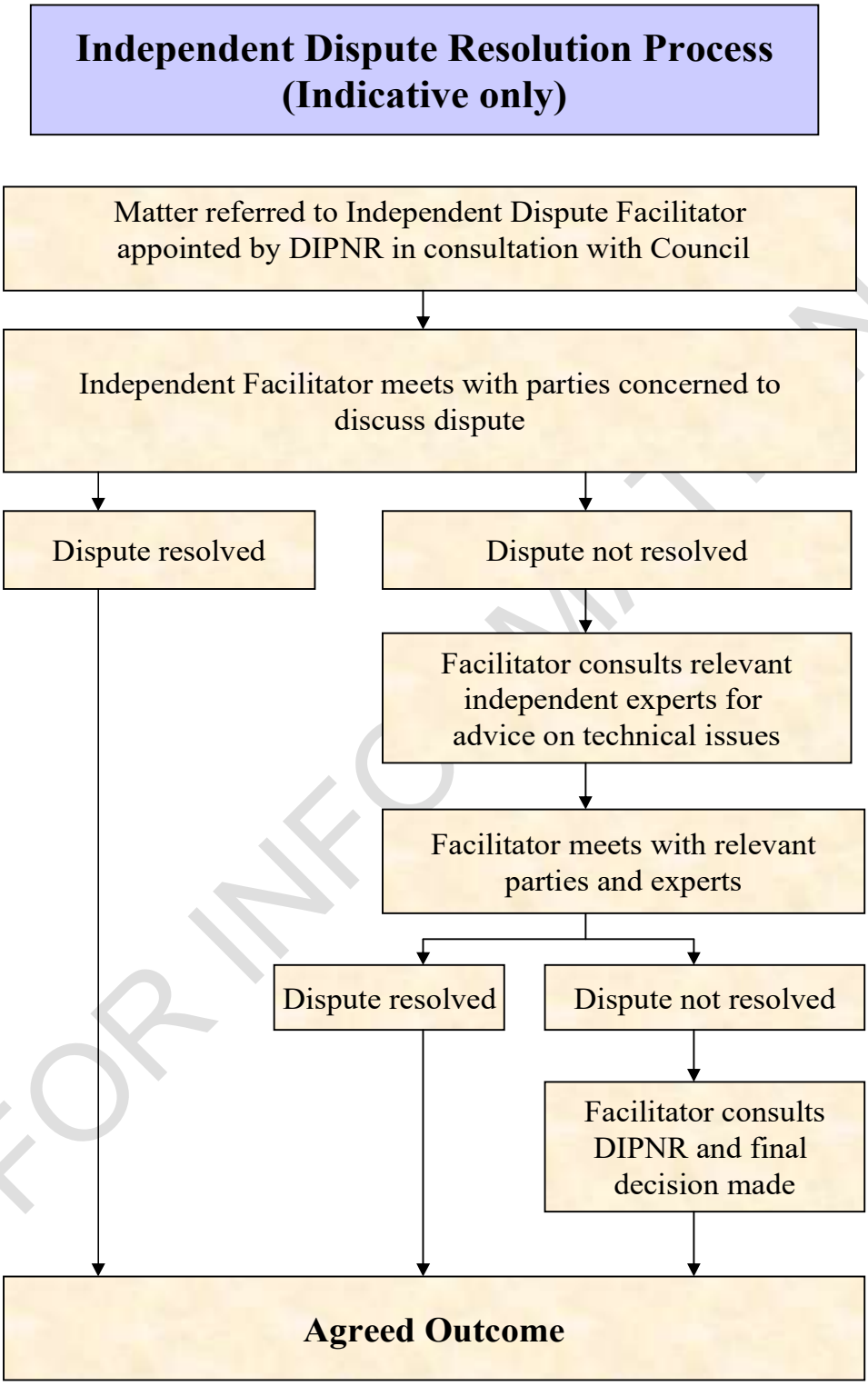


Figure 2: Development layout

APPENDIX 2: CONSERVATION OFFSET AREA



APPENDIX 3: DISPUTE RESOLUTION PROCESS



FOR INFORMATION

APPENDIX 4: REHABILITATION STRATEGY

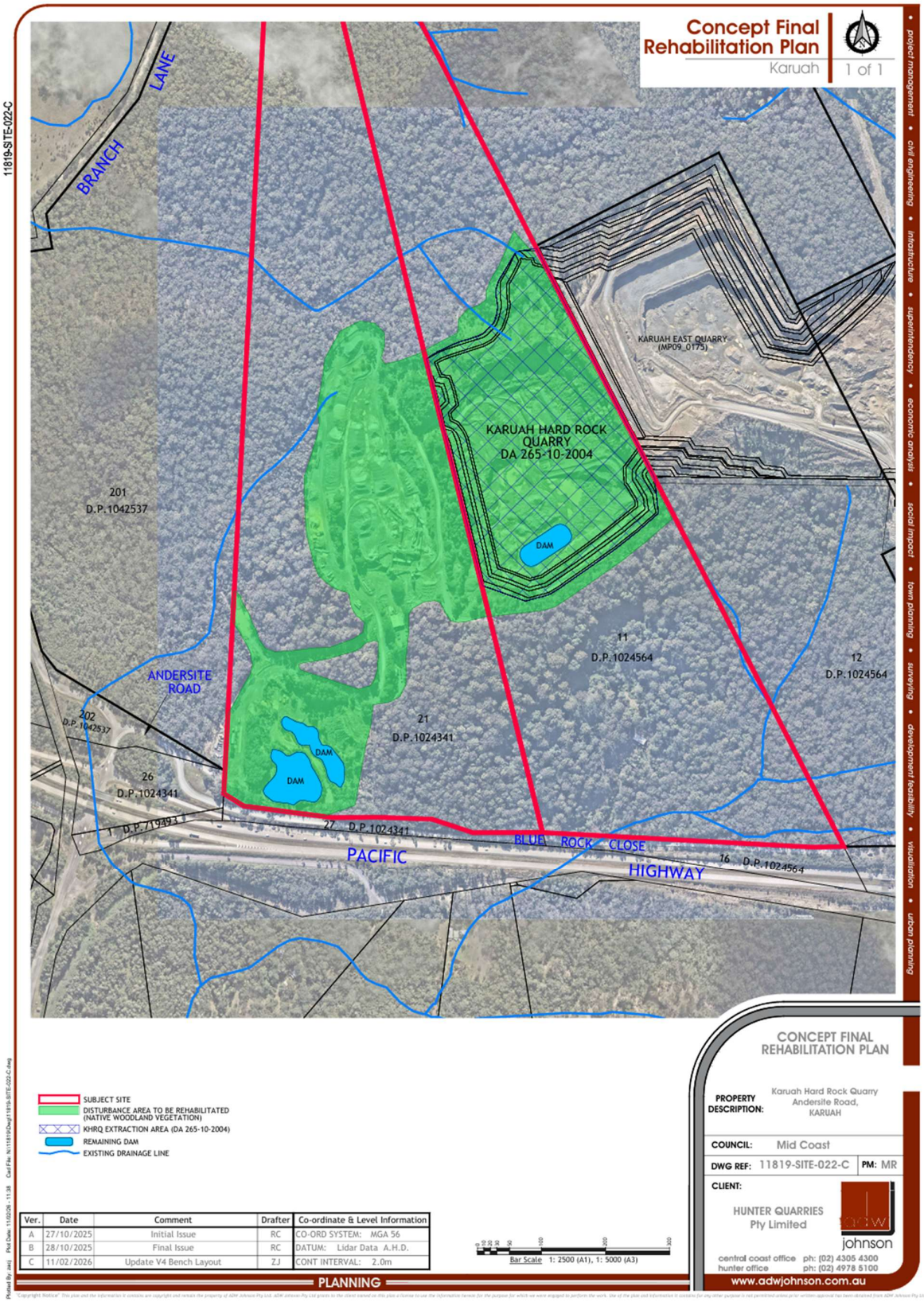


Figure 1: Conceptual Rehabilitated Landform

APPENDIX 5: NOISE ASSESSMENTLOCATIONS

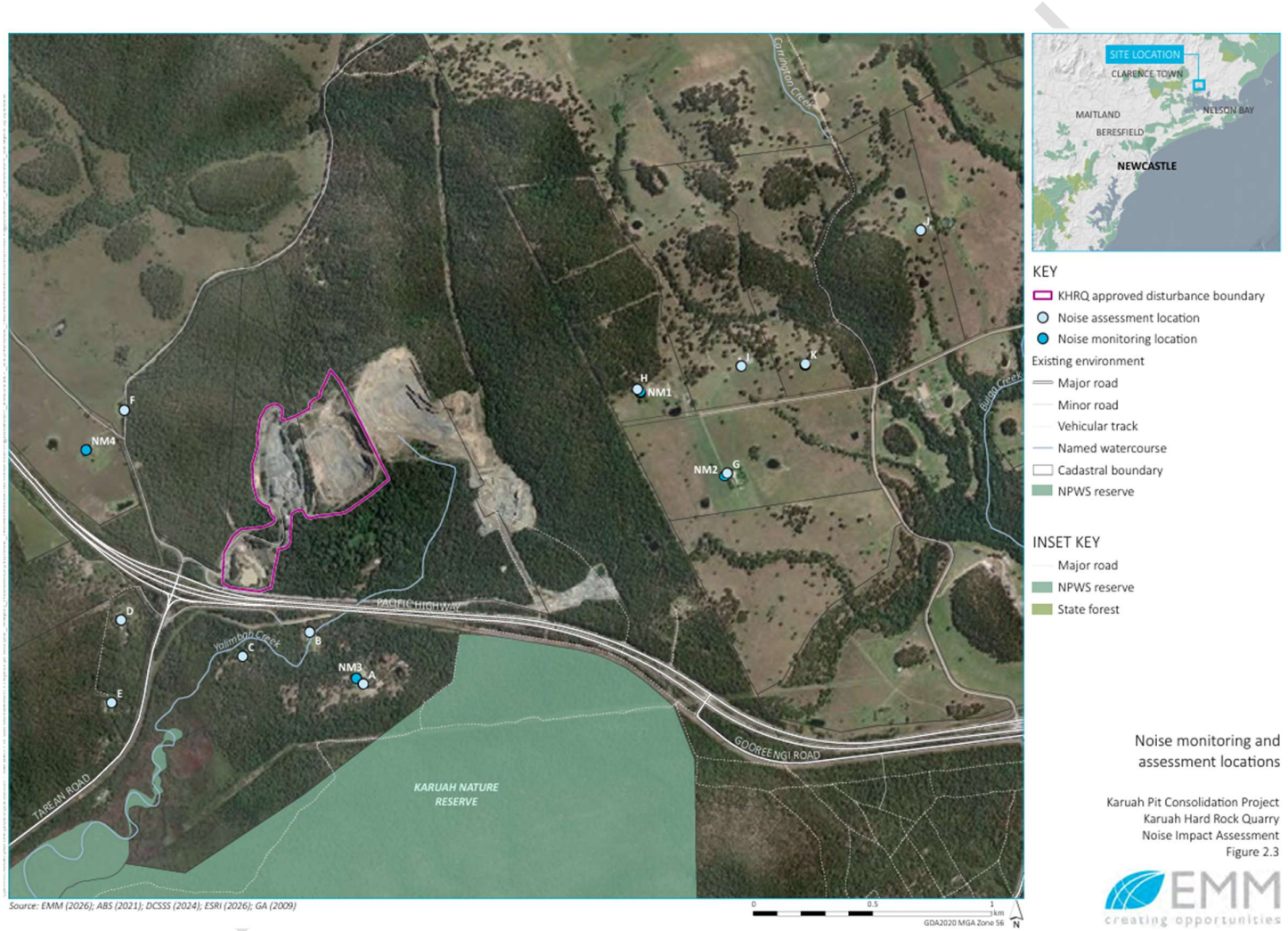


Figure 1: Noise assessment locations

APPENDIX 6:
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 15 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 15A 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

ATTACHMENT 1: AMENDMENT TO CONDITION 13 OF SCHEDULE 2

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

Appeal No. 10673 of 2006

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 3.16 cents per m^3 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:

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

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