

**Hawkesbury River Environment Centre and Neville Diamond v Planning NSW and Dixon Sand
(Penrith) Pty Ltd**

Land and Environment Court Proceedings No 10206 of 2003

CONDITIONS OF CONSENT

SCHEDULE 1

Development Application:	DA No. 250-09-01, lodged with the then Department of Urban Affairs and Planning on 21 September 2001;
Applicant:	Dixon Sand (Penrith) Pty Ltd (“the Applicant”);
Consent Authority:	The Minister for Infrastructure and Planning;
Land:	Lots 1 and 2, DP 547255, and Lots 29 and 196, DP 752025, Old Northern Road, Maroota, The Hills Shire local government area;
Proposed Development:	The operation of an extractive industry on Lots 1 and 2, DP 547255, and Lots 29 and 196, DP 752025; the continued use of the existing central processing plant on Lot 196 DP 752025; and water management and rehabilitation operations over Lots 1 and 2, DP 547255, and Lots 29 and 196, DP 752025, as described more particularly in Annexures “B” and “C”.
State Significant Development	The proposed development is within a class of development classified as State Significant development by virtue of a declaration made by the then Minister for Urban Affairs and Planning on 3 August 1999 under section 76A of the <i>Environmental Planning and Assessment Act</i> ;
Integrated Development	The proposed development requires an additional approval from the EPA under the <i>Protection of the Environmental Operations Act 1997</i> . Consequently it is classified as integrated development under section 91 of the <i>Environmental Planning and Assessment Act 1979</i> .
Designated Development	The proposed development would involve sand extraction and processing above the threshold in Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> . Consequently it is classified as designated development under clause 4 of the <i>Environmental Planning and Assessment Regulation 2000</i> .

BCA Classification:

This consent does not provide for construction of any buildings or structures.

This instrument includes changes made by DA 250-09-01 Mod 1 in February 2006 (marked in blue)

This instrument includes changes made by DA 250-09-01 Mod 2 in August 2008 (marked in red)

This instrument includes changes made by DA 250-09-01 Mod 3 in September 2012 (marked in green)

This instrument includes changes made by DA 250-09-01 Mod 4 in July 2015 (marked in purple)

This instrument includes changes made by DA 250-09-01 Mod 5 in November 2017 (marked in dark blue, note that Schedule 2 has been entirely replaced)

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DEFINITIONS

Aboriginal item or object	Any item or object that provides evidence of the use of an area by Aboriginal people, as defined under the <i>National Parks and Wildlife Act 1974</i>
Annual Review	The review required by condition 11 of Schedule 5.
AHD	Australian Height Datum
Applicant	Dixon Sand (Penrith) Pty Limited, or its successors in title
BCA	Building Code of Australia
Biodiversity Offset Strategy	The conservation and enhancement program as described in the EA (Mod 4), Table 4 and Appendix 3
CCC	Community Consultative Committee
Council	The Hills Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Department	Department of Planning and Environment
Development	The development as described in the documents listed in condition 2(a) of Schedule 2
DP	Deposited Plan
DPI Water	Department of Primary Industries - Water
DRG	Division of Resources and Geoscience of the Department
EIS	Environmental Impact Statement prepared by Southern Environmental Pty Limited, dated 1 June 1999, lodged with Baulkham Hills Shire Council on 30 August 1999, and supplementary information received by Baulkham Hills Shire Council on 22 November 1999, 4 January 2000 and 21 January 2000; and as amended by the Environmental Impact Statement titled <i>Maroota Quarry Extension – Environmental Impact Statement for Dixon Sand (Penrith) Pty Ltd</i> (one volume), dated August 2001, prepared by Environmental Resources Management Australia Pty Ltd
EA (Mod 3)	Environmental Assessment titled <i>Environmental Assessment Section 75W Modification DA 250-09-01 Dixon Sand (Penrith) Pty Ltd Old Northern Road Maroota</i> (2 volumes), dated 8 December 2011, prepared by Nexus Environmental Planning Pty Ltd, including the Response To Submissions prepared by from Nexus Environmental Planning Pty Ltd dated 17 July 2012;
EA (Mod 4)	Environmental Assessment titled <i>Environmental Assessment Section 75W Modification (4) DA 250-09-01 Dixon Sand (Penrith) Pty Ltd Old Northern Road Maroota</i> (2 volumes) dated 25 October 2013, prepared by Nexus Environmental Planning Pty Ltd, including the Response To Submissions prepared by Nexus Environmental Planning Pty Ltd dated 13 March 2014, the letter prepared by Australian Groundwater Technology dated 21 January 2015, and reports prepared by Cumberland Ecology and dated 10 June 2014 and 30 April 2015
EA (Mod 5)	Environmental Assessment titled <i>Proposed Modification to DA 250-09-01 – Old Northern Road Quarry, Maroota</i> , dated 27 February 2017, including the Response to Submissions dated 24 July 2017
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Haerses Road Sand Quarry Incident	The development approved under development consent DA 165-7-2005 A set of circumstances that: - causes or threatens to cause material harm to the environment; and/or - breaches or exceeds the limits or performance measures/criteria in this consent
Laden trucks	Trucks transporting quarry products from the site and/or trucks transporting extractive material to the site
Land	As defined in 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 as the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
M	Metres
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development
MTSGS	Maroota Tertiary Sands Groundwater Source
MTSGS buffer zone	A zone of 100 metre width from the edge of the mapped extent of the MTSGS, as shown in the figure in Appendix 2
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays

POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency or the Applicant (or its subsidiary) or another quarrying company
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive material carried out on the site and the associated removal of vegetation, topsoil and overburden
Quarry products	Includes all saleable quarry products, but excludes tailings, other wastes and rehabilitation material
Reasonable	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
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
SEE (Mod 1)	Statement of Environmental Effects (SEE) titled <i>Sand Quarry on Lots 29, 196, 1 & 2 Old Northern Road, Maroota, Section 96 Consent Modification</i> dated July 2005, prepared by Environmental Resource Management (Australia) Pty Limited
SEE (Mod 2)	Statement of Environmental Effects titled <i>Section 96 Modification for Dixon Sand Pty Ltd</i> dated August 2007, incorporating letters from Environmental Resources Management Australia to the Department dated 1 April 2008 and 29 May 2008
Shoulder	The period from 6.00 am to 7.00 am on Monday to Saturday
Site	The land referred to in Schedule 1

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 or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.

TERMS OF CONSENT

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), EA (Mod 3), EA (Mod 4) and EA (Mod 5); and
 - (b) in accordance with the conditions of this consent and the Development Layout Plan.

Note: The Development Layout Plan is shown in Appendix 1

3. If there is any inconsistency between the documents in condition 2(a), the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant must comply with any written requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
 - (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent;
 - (c) and the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

5. The Applicant may:
 - (a) carry out quarrying operations on the site until 24 May 2042; and
 - (b) continue to receive and process extractive material from Haerses Road Sand Quarry, and dispatch quarry products from the site, until 14 February 2046.

Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional requirements and undertakings to the satisfaction of the Secretary. Consequently, this consent will continue to apply until the rehabilitation of the site and those requirements and undertakings have been carried out to the standard required by the applicable conditions.

6. The combined production of quarry products from the site, including extractive material sourced from the Haerses Road Sand Quarry, must not exceed 495,000 tonnes per annum.
7. Truck movements at the site (i.e. one way trip, either arrival or dispatch), including truck movements between the site and the Haerses Road Sand Quarry, must not exceed:
 - (a) 180 per day; and
 - (b) 40 between 5.45 am and 7.00 am.

Note: Operating hours for arrival and dispatch of trucks are also controlled under condition 1 of Schedule 3.

STRUCTURAL ADEQUACY

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

Notes:

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

DEMOLITION

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

PROTECTION OF PUBLIC INFRASTRUCTURE

10. Unless the Applicant and the applicable authority agree otherwise the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition 12 below.

OPERATION OF PLANT AND EQUIPMENT

11. The Applicant must ensure that all the plant and equipment used at the site, or to monitor the performance of the development is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SECTION 94 CONTRIBUTIONS

12. The Applicant must pay Council an annual financial contribution toward the maintenance of local roads used for haulage of quarry products. The contribution must be determined in accordance with *The Hills Shire Council Contributions Plan No. 6 Extractive Industries*, or any subsequent relevant contributions plan adopted by Council.

PRODUCTION DATA

13. The Applicant must:
- (a) from the commencement of quarrying operations provide calendar year annual quarry production data to DRG using the standard form for that purpose; and
 - (b) include a copy of this data in the Annual Review.

COMPLIANCE

14. The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

LIMITS OF EXTRACTION

Buffer Zones

15. The Applicant must maintain the fenced buffer zones between the approved limits of extraction and nearby land uses or sensitive environmental areas. The boundary of the buffer zones must be located:
- (a) not less than 250 m from the boundary of Maroota Public School (Lot 78 DP 752025);
 - (b) not less than 10 m from the boundary of Lot 117 DP 752025 along the boundary of Lot 1 DP 547255;
 - (c) not less than 50 m from the existing house on Lot 1 DP 547255;
 - (d) not less than 50 m from the *Kunzea rupestris* plant species on Lot 29 DP 752025;
 - (e) not less than 10 m from the western boundary of Lot 196 DP 752025; and
 - (f) not less than 100 m from the mapped extent of the MTSGS, with the exception of the area in the north of Lot 1 DP 547255 shown in blue edging in the figure in Appendix 2.

Note: This condition does not establish a new requirement to undertake these actions following the approval of Modification 5. Rather, it continues the previous requirement to undertake these actions.

Identification of Areal Extraction Limits

16. The Applicant must:
- (a) engage a registered surveyor to mark out the boundaries of the approved areal limits of extraction, incorporating the buffer zones identified in condition 15 above, prior to the commencement of quarrying operations on Lots 1 and 2 DP 547255;
 - (b) submit a survey plan of the buffer zones and setback boundary to the Secretary for approval at least one month prior to the commencement of quarrying operations on Lots 1 and 2 DP 547255;
 - (c) establish and maintain fencing along the surveyed buffer zone boundaries to prevent vehicles and unauthorized persons entering the area(s);
 - (d) ensure that the boundaries of the approved limits of extraction are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits; and
 - (e) not commence work or operations on Lots 1 and 2, DP 547255 until the approved boundary has been fenced.

Note: This condition does not establish a new requirement to undertake these actions following the approval of Modification 5. Rather, it continues the previous requirement to undertake these actions. Refer to the figure in Appendix 2 for the location of the buffer zones and limits of extraction.

Maximum Extraction Depth

17. Extraction below a depth of 15.24 m below original ground level is restricted to Lot 196 DP 752025 within the hatched area shown in the figure in Appendix 2 and to a depth not greater than 127.5 m AHD.
18. Extraction on Lot 29 DP 752025 is limited to a depth not greater than 15.24 m below original ground level.
19. Extraction on Lots 1 and 2 DP 547255, with the exception of the MTSGS buffer zone, is limited to a depth not greater than 170 m AHD in the east, gradually reducing to 153 m AHD in the west, and as shown conceptually in the figure in Appendix 4.
20. The Applicant must ensure that no extraction occurs with 2 m of the highest recorded wet weather groundwater level within the MTSGS buffer zone.
21. The Applicant must:
 - (a) establish the highest recorded wet weather groundwater level within the MTSGS buffer zone based on all available (and at least 12 months) site specific groundwater monitoring data;
 - (b) engage a suitably qualified and experienced expert to establish the maximum depths to which extraction can be undertaken within the MTSGS buffer zone to comply with condition 20 above; and
 - (c) submit a Maximum Extraction Depth Map (contour map or similar) for the development, which demonstrates compliance with conditions 17 to 20 above (inclusive), to the Secretary for approval within 3 months of the approval of Modification 5.
22. The Applicant must comply with the extraction depths specified in the Maximum Extraction Depth Map to the satisfaction of the Secretary.
23. Within 3 months of the completion of the Independent Environmental Audit (see condition 13 of Schedule 5), the Applicant must review and update the Maximum Extraction Depth Map for the development to the satisfaction of the Secretary.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Hours of Operation

- The Applicant must comply with the operating hours set out in Table 1.

Table 1: Operating hours

Activity	Permissible Hours
Quarrying operations (excluding truck arrival, loading and dispatch)	7.00 am to 6.00 pm Monday to Saturday
	At no time on Sundays or public holidays
Truck arrival (unladen)	5.45 am to 6.00 pm Monday to Saturday
	At no time on Sundays or public holidays
Truck loading Truck dispatch Truck arrival (laden)	6.00 am to 6.00 pm Monday to Saturday
	At no time on Sundays or public holidays
Bund construction or rehabilitation works within 250 m of Maroota Public School	7.00 am to 6.00 pm Monday to Friday during school holiday periods unless otherwise approved in writing by the EPA
Maintenance	May be conducted at any time, provided that these activities are not audible at any privately-owned residence

- The following activities may be carried out outside the hours specified in condition 1 above:
 - delivery or dispatch of materials as requested by the NSW Police Force or other public authorities; and
 - emergency work to avoid the loss of lives, property or to prevent environmental harm.

In such circumstances, the Applicant must notify the Secretary and affected residents prior to undertaking the activities, or as soon as is practical thereafter.

- The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land or at the Maroota Public School.

Table 2: Noise criteria dB(A)

Receiver	Averaging Period	Shoulder (6.00 am to 7.00 am)	Day (7.00 am to 6.00 pm)
Any residence on privately owned land	L_{Aeq} (15 minute)	37	44
Any classroom at Maroota Public School	L_{Aeq} (1 hour)	-	45

Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Industrial Noise Policy*. Appendix 6 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

However, the noise criteria in Table 2 do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Note: Should an agreement with a landowner be terminated for any reason, the Applicant must comply with the noise criteria in Table 2.

Operating Conditions

- The Applicant must:
 - construct all bunds on the eastern, south-eastern and northern sides of Lots 1 and 2 DP 547255 to at least 5 m above the existing ground level;
 - not use the bulldozer concurrently with any other plant on strips 4, 5 and 6 of Lots 1 and 2 DP 547255 for any operations at quarry depths between existing ground level and six metres below the existing ground level;

- (c) only use the bulldozer for clearing, topsoil stripping and bund construction on Lots 1 and 2 DP 547255 in calm wind conditions;
 - (d) implement best practice management to minimise the construction, operational and road transportation noise of the development;
 - (e) minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 6);
 - (f) engage an independent person/s to conduct noise monitoring at sensitive residential locations and Maroota Public School every six months, or as otherwise agreed by the Secretary, to determine whether the development is complying with the relevant conditions of this consent; and
 - (g) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent,
- to the satisfaction of the Secretary.

Note: Required frequency of noise monitoring may be reduced if approved by the Secretary. Refer to the figure in Appendix 2 for the location of the bunds and strips.

5. In the event that noise from the site exceeds the noise criteria in Table 2, or a negotiated agreement with landowner is terminated for any reason, then the Applicant must actively manage noise in excess of the criteria at the affected receptor. The Applicant must:
 - (a) implement a reactive management system where site operations are modified in adverse weather conditions identified through meteorological monitoring;
 - (b) implement additional controls or treatments on individual sources on the site, or otherwise modify operations to ensure compliance; or
 - (c) provide other forms of benefit or amelioration of noise impacts agreed between the Applicant and the affected party, as providing acceptable compensation for noise levels experienced; and
 - (d) identify long term strategies to eliminate noise levels that exceed the noise criteria in Table 2.

Noise Management Plan

6. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - (a) be prepared in consultation with the EPA;
 - (b) be submitted to the Secretary for approval within 3 months of the approval of Modification 5, unless otherwise agreed by the Secretary;
 - (c) describe the measures to be implemented to ensure:
 - compliance with the noise criteria and operating conditions of this consent;
 - best practice management is being employed; and
 - the noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply (see Appendix 6);
 - (d) describe the proposed noise management system;
 - (e) include a noise monitoring program that:
 - is capable of evaluating the performance of the development;
 - includes a protocol for determining any exceedances of the relevant conditions of this consent;
 - includes a specific program to be implemented in the event that noise from the site exceeds the noise criteria in Table 2, including, as a minimum, the measures described in condition 5 above; and
 - effectively supports the noise management system.

The Applicant must implement the Noise Management Plan as approved by the Secretary.

AIR QUALITY

Air Quality Impact Assessment Criteria

7. The Applicant must ensure that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 3 at any residence on privately-owned land or at the Maroota Public School.

Table 3: Air quality criteria

Pollutant	Averaging Period	Criterion	
Particulate matter < 10 µm (PM ₁₀)	Annual	a,d 30 µg/m ³	
Particulate matter < 10 µm (PM ₁₀)	24 hour	b 50 µg/m ³	
Total suspended particulates (TSP)	Annual	a,d 90 µg/m ³	
^c Deposited dust	Annual	^b 2 g/m ² /month	a,d 4 g/m ² /month

Notes to Table 3:

a Cumulative impact (ie increase in concentrations due to the development plus background concentrations due to all other sources).

b Incremental impact (ie increase in concentrations due to the development alone, with zero allowable exceedances of the criteria over the life of the development).

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

d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.

Operating Conditions

8. The Applicant must:
- (a) implement best practice management to minimise the dust emissions of the development;
 - (b) operate a continuous monitoring system to minimise air quality impacts at sensitive sites such as the Maroota Public School, including:
 - a monitoring device that is connected to an alarm system at the site;
 - trigger level(s) as agreed with the EPA; and
 - procedures to cease or modify operations in the event that the trigger level(s) are reached, to ensure compliance with the criteria in condition 7 of Schedule 3, to the satisfaction of the EPA;
 - (c) assess meteorological and air quality monitoring data on an ongoing basis and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this consent;
 - (d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d under Table 3);
 - (e) monitor and report on compliance with the relevant air quality conditions in this consent; and
 - (f) minimise the area of surface disturbance and undertake progressive rehabilitation of the site, to the satisfaction of the Secretary.

Air Quality Management Plan

9. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the EPA;
 - (b) be submitted to the Secretary for approval within 3 months of the approval of Modification 5, unless otherwise agreed by the Secretary;
 - (c) describe the measures to be implemented to ensure:
 - compliance with the air quality criteria and operating conditions of this consent;
 - best practice management is being employed; and
 - the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
 - (d) describe the proposed air quality management system; and
 - (e) include an air quality monitoring program that:
 - is capable of evaluating the performance of the development and informing day to day operational decisions;
 - includes a protocol for determining any exceedances of the relevant conditions of this consent; and
 - effectively supports the air quality management system.

The Applicant must implement the Air Quality Management Plan as approved by the Secretary.

Meteorological Monitoring

10. 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 and Analysis of Air Pollutants in New South Wales* guideline.

Greenhouse Gas Emissions

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

SOIL AND WATER

Water Supply

12. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of operations under the consent to match its available water supply, to the satisfaction of the Secretary.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development.

Water Discharges

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

Groundwater Management

14. The Applicant must ensure that all bores and associated groundwater monitoring equipment for the development are maintained, and/or replaced if necessary, throughout the life of the development, to the satisfaction of DPI Water.

Note: MW4 may be removed immediately prior to quarrying in that area.

15. Prior to commencing works associated with Modification 4, the Applicant must install additional monitoring bores within the MTSGS buffer zone within Lot 2 DP 547255 (south of MW2), including at least one deep monitoring bore that targets the regional groundwater table and at least one shallow groundwater monitoring bore.

Note: This condition does not establish a new requirement to undertake these actions following the approval of Modification 5. Rather, it continues the previous requirement to undertake these actions.

16. Seepage of groundwater from the MTSGS buffer zone into the quarry pit must be measured and recorded (if there is sufficient water volume to pump and measure).
17. The Applicant must ensure that groundwater in the regional groundwater source managed under the *Water Sharing Plan for the Greater Metropolitan Groundwater Sources 2011* is not intercepted or contaminated by its operations. In the event of this groundwater being intercepted or contaminated, operations are to cease within the vicinity of the affected area and the Applicant must consult with the Secretary and DPI Water to determine the basis upon which extraction may recommence.

Note: Perched groundwater lenses that are above the regional groundwater source and are outside the MTSGS buffer zone may be intercepted however Water Access Licences must be held to account for all groundwater taken.
18. In the event that the regional groundwater table is intercepted by any on-site dams, the Applicant must carry out remedial works, such as backfilling to the depth of the water table, to the satisfaction of the Secretary.

Soil and Water Management

19. The Applicant must consult with DPI Water prior to commencement of operations in strip 4 (as shown in the figure in Appendix 2) on Lots 1 and 2 DP 547255 and, if required, obtain a permit under the *Fisheries Management Act 1994* for works to be carried out on the site.
20. The Applicant must prepare a Soil and Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - (a) be prepared by a suitably qualified and experienced person/s approved by the Secretary;
 - (b) be prepared in consultation with the EPA and DPI Water;
 - (c) be submitted to the Secretary for approval within 3 months of the approval of Modification 5, unless otherwise agreed by the Secretary; and
 - (d) include a:
 - (i) Site Water Balance that includes:
 - details of:
 - sources and security of water supply;
 - water use and management on site;
 - any off-site water transfers; and
 - reporting procedures; and
 - measures to be implemented to minimise clean water use on site;
 - (ii) Surface Water Management Plan, that includes:
 - a program for obtaining detailed baseline data on surface water flows and quality in water bodies that could potentially be affected by the development;

- a detailed description of the surface water management system on site including the:
 - clean water diversion system;
 - erosion and sediment controls;
 - dirty water management system; and
 - water storages; and
 - a program to monitor and report on:
 - any surface water discharges;
 - the effectiveness of the water management system;
 - the quality of water discharged from the site to the environment; and
 - surface water flows and quality in local watercourses; and
- (iii) Groundwater Management Plan that includes:
- detailed management measures to ensure that quarrying operations, other than monitoring bores, do not intercept the highest recorded wet weather groundwater level within the MTS GS buffer zone and/or the regional groundwater table within the Sydney Basin Central Groundwater Source;
 - a protocol to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the quarry from the quarry face or floor; and
 - a monitoring program to manage potential impacts, if any, on any alluvium and associated surface water source near the proposed extraction area that includes:
 - identification of a methodology for determining threshold water level criteria;
 - contingency measures in the event of a breach of thresholds; and
 - a program to regularly report on monitoring.

The Applicant must implement the Soil and Water Management Plan as approved by the Secretary.

TRANSPORT

Monitoring of Product Transport

21. 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.

Operating Conditions

22. The Applicant must:
- (a) advise its drivers and its clients not to arrive at the site prior to 5:45 am on any day;
 - (b) ensure that all laden trucks have their loads covered when arriving at or leaving the site;
 - (c) ensure that all laden trucks are cleaned of material that may fall from vehicles, before leaving the site; and
 - (d) use its best endeavours to ensure that appropriate signage is displayed on all trucks used to transport product from the development so they can be easily identified by road users.

Traffic Management Plan

23. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the RMS and Council;
 - (b) be submitted to the Secretary for approval within 3 months of the approval of Modification 5, unless otherwise agreed by the Secretary;
 - (c) describe the processes in place to control the arrival and dispatch of trucks;
 - (d) include a Drivers' Code of Conduct that details the safe and quiet driving practices that must be used by drivers travelling to and from the site, particularly in the vicinity of the Maroota Public School;
 - (e) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct;
 - (f) include specific measures to minimise the impact of heavy vehicles, including restrictions on routes and times (particularly in relation to peak hours, holiday periods and times immediately before and after school hours, i.e. 8.30 am – 9.00 am and 3.00 pm – 3.30 pm); and
 - (g) propose measures to minimise the transmission of dust and tracking of material onto the surface of the public road from vehicles leaving the quarry.

The Applicant must implement the approved Traffic Management Plan as approved by the Secretary.

ABORIGINAL HERITAGE

24. If any suspected object or place of Aboriginal heritage significance is identified on site, the Applicant must ensure that:
- all work in the immediate vicinity of the suspected Aboriginal object or place ceases immediately;
 - a 10 m buffer area around the suspected Aboriginal object or place is cordoned off; and
 - the OEH is contacted immediately.

Work in the immediate vicinity of the suspected Aboriginal object or place may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

BIODIVERSITY AND REHABILITATION

Biodiversity Offset Strategy

25. The Applicant must:
- implement the Biodiversity Offset Strategy (see Table 4);
 - ensure that adequate resources are dedicated towards the implementation of this strategy;
 - provide appropriate long term security for the Haerses Road Biodiversity Offset Area; and
 - provide a timetable for the implementation of the offset strategy by the end of June 2016, or as otherwise agreed by the Secretary,
- to the satisfaction of the Secretary.

Table 4: Biodiversity Offset Strategy

Offset Areas	Minimum Size
Native Vegetation Corridor (on-site), as shown conceptually in Appendix 1	6.83 hectares
Haerses Road Biodiversity Offset Area (off-site)	8.70 hectares

Prior to 30 September 2015, the Applicant must confirm the boundary of the Haerses Road Biodiversity Offset Area to the satisfaction of the Secretary. No vegetation clearing is to occur within the expanded extraction area within Lot 2 DP 547255 approved under Modification 4 until the Secretary's approval for the boundary of the Haerses Road Biodiversity Offset Area is obtained.

Note: For the purposes of this consent suitable arrangements may include the use of Public Positive Covenants in combination with Restrictions in Use of Land on the land titles of the Offset Area. Other arrangements such as dedication of land under the National Parks and Wildlife Act 1974, Trust Agreements under the Nature Conservation Trust Act 2001 or a Property Vegetation Plan registered on title under the Native Vegetation Act 2003 would be considered for their suitability by the Secretary.

Rehabilitation Objectives

26. The Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be generally consistent with the conceptual final landform in Appendix 5 and must comply with the objectives in Table 5.

Table 5: Rehabilitation Objectives

Feature	Objective
All areas of the site affected by the development	- Safe - Hydraulically and geotechnically stable - Non-polluting - Fit for the intended final land use(s) - Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land - Landscaped and vegetated using native tree and understorey species or agricultural species in accordance with the Biodiversity and Rehabilitation Management Plan
Surface infrastructure	Decommissioned and removed, unless otherwise agreed by the Secretary

Progressive Rehabilitation

27. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and

feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to future re-disturbance.

Riparian Management

28. The Applicant must establish a riparian zone, revegetated with local native species, along the entire length of the reconstructed ephemeral waterway on the site. The riparian zone shall be no less than 20 m wide measured horizontally and at right angles to the flow from the top of both banks. No exotic plant species, other than sterile cover crops, are to be planted in the riparian zone.

Biodiversity and Rehabilitation Management Plan

29. The Applicant must prepare a Biodiversity and Rehabilitation Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified expert;
 - (b) be prepared in consultation with OEH and Council;
 - (c) be submitted to the Secretary for approval within 3 months of the approval of Modification 5, unless otherwise agreed by the Secretary;
 - (d) provide details of the conceptual final landform and associated final land use(s) for the site;
 - (e) describe how the implementation of the Biodiversity Offset Strategy will be integrated with the overall rehabilitation of the site;
 - (f) describe the short, medium and long term measures to be implemented to:
 - manage remnant vegetation and habitat on site, including within the Biodiversity Offset Strategy area; and
 - ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;
 - (g) include a detailed description of the measures described in paragraph (f) to be implemented over the next 3 years (to be updated for each 3 year period following initial approval of the plan) including the procedures to be implemented for:
 - establishment and maintenance of the riparian zone required under condition 29 above;
 - 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 offset area or site rehabilitation;
 - restoring and enhancing the quality of native vegetation and fauna habitat in the biodiversity offset and rehabilitation areas through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;
 - protecting vegetation and fauna habitat outside the approved disturbance area on-site;
 - minimising the impacts on native fauna, including undertaking pre-clearance surveys and avoiding clearing activities during sensitive hibernation and breeding periods;
 - establishing vegetation screening to minimise the visual impacts of the site on surrounding receivers;
 - ensuring minimal environmental consequences for threatened species, populations and habitats;
 - collecting and propagating seed;
 - controlling weeds and feral pests;
 - controlling erosion; and
 - managing bushfire risk;
 - (h) include a program to monitor the effects of the development on flora and fauna, including known populations of *Tetratheca Glandulosa*, *Melaleuca deanei*, *Darwinia fascicularis subsp. oligantha*, and *Kunzea Rupestris* on the site, including annual surveys of any threatened species for the duration of quarrying operations;
 - (i) include a specific program to translocate, propagate, and revegetate threatened plant species on the site including *Melaleuca deanei*, *Darwinia Fascicularis susp. oligantha*, and *Kunzea rupestris*, to be implemented under the direction of a qualified ecologist;
 - (j) include detailed performance and completion criteria for evaluating the performance of the translocation program in paragraph (i), the Biodiversity Offset Strategy and the rehabilitation of the site (including progressive rehabilitation), including triggers for any necessary remedial action;
 - (k) include a program to monitor and report on the effectiveness of the measures described in paragraphs (f), (g) and (i), and progress against the performance and completion criteria;
 - (l) identify the potential risks to the successful implementation of the plan, and include a description of the contingency measures to be implemented to mitigate against or address these risks, including specific measures to be implemented in the event that the performance and completion criteria are not satisfied; and
 - (m) include details of who is responsible for monitoring, reviewing, and implementing the plan.

The Applicant must implement the Biodiversity and Rehabilitation Management Plan as approved by the Secretary.

Biodiversity and Rehabilitation Bond

30. Within 6 months of the approval of the Biodiversity and Rehabilitation Management Plan, the Applicant must lodge a Biodiversity and Rehabilitation Bond with the Department to ensure that the Biodiversity Offset Strategy and rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the Biodiversity and Rehabilitation Management Plan and the relevant conditions of this consent. The sum of the bond must be determined by:
- (a) calculating the full cost of implementing the Biodiversity Offset Strategy;
 - (b) calculating the cost of rehabilitating all 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 Secretary.

Notes:

- *Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a BioBanking Agreement, or transfer to conservation reserve estate can be used to reduce the liability of the Biodiversity and Rehabilitation Bond.*
 - *If capital and other expenditure required by the Biodiversity and Rehabilitation Management Plan is largely complete, the Secretary may waive the requirement for lodgement of a bond in respect of the remaining expenditure.*
 - *If the Biodiversity Offset Strategy and/or rehabilitation of the site area are completed (or partially completed) to the satisfaction of the Secretary, then the Secretary will release the bond (or relevant part of the bond). If the Biodiversity Offset Strategy and rehabilitation of the site are not completed to the satisfaction of the Secretary, then the Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.*
 - *Any redundant rehabilitation or biodiversity bonds currently held by the Department in relation to the development may be released following acceptance of the Biodiversity and Rehabilitation bond required under this condition.*
31. The Biodiversity and Rehabilitation Bond must be reviewed and (if required), an updated bond must be lodged with the Department within 3 months following:
- (a) an update or revision to the Biodiversity and Rehabilitation Management Plan;
 - (b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the Biodiversity Offset Strategy and/or rehabilitation of the site have been made; or
 - (c) in response to a request by the Secretary.

VISUAL

32. The Applicant must implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development to the satisfaction of the Secretary.

WASTE

33. The Applicant must:
- (a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Council;
 - (b) minimise the waste generated by the development;
 - (c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
 - (d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.
34. Except as expressly permitted in an EPL, the Applicant must not receive waste on the site for storage, treatment, processing, reprocessing or disposal.

LIQUID STORAGE

35. The Applicant must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

DANGEROUS GOODS

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

BUSHFIRE

37. The Applicant must:
- (a) ensure that the development is suitably equipped to respond to any fires on site; and
 - (b) assist the Rural Fire Service and emergency services to the extent practicable if there is a fire in the vicinity of the site.

PUBLIC SAFETY

38. The Applicant must implement appropriate measures, in consultation with DRG and Maroota Public School, to ensure public safety and restrict unsupervised access of school children to the quarry site. Those measures must include the erection of safety fencing around the highwall of the quarry or at the school boundary as well as the fencing referred to in condition 16 of Schedule 2.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. As soon as practicable, and no longer than 7 days, after obtaining monitoring results showing:
 - (a) an exceedance of any criteria in Schedule 3, the Applicant must notify the affected landowners in writing of the exceedance, and provide regular monitoring results, at least every 3 months, to each affected landowner until the development is again complying with the relevant criteria; and
 - (b) an exceedance of any air quality criteria in Schedule 3, the Applicant must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and current tenants of the land (including the tenants of land which is not privately-owned).

INDEPENDENT REVIEW

2. If a landowner considers the development to be exceeding the relevant criteria in Schedule 3, they may ask the Secretary in writing for an independent review of the impacts of the development on their land.

If the Secretary is not satisfied that an independent review is warranted, the 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.

If the Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Secretary and the landowner, of the Secretary's decision, the Applicant must:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and
 - if the development is not complying with these criteria, then identify measures that could be implemented to ensure compliance with the relevant criteria; and
- (b) give the Secretary and landowner a copy of the independent review; and
- (c) comply with any written requests made by the Secretary to implement any findings of the review.

SCHEDULE 5

ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
 - (a) be submitted to the Secretary for approval within 3 months of the approval of Modification 5;
 - (b) provide the strategic framework for environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) describe the procedures to be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, record, handle and respond to complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance;
 - respond to emergencies; and
 - (f) include a Community Relations Plan, developed in consultation with Council, the CCC, and the Maroota Public School, which includes:
 - identification of stakeholders potentially affected by the development;
 - detailed strategies to ensure open communication between the Applicant, the community and Maroota Public School;
 - detailed strategies to monitor and evaluate social impacts of the development on the local community and Maroota Public School; and
 - measures to improve community relations including:
 - quarry open days and education sessions to promote better understanding of quarry operations in the wider community;
 - participation in community activities; and
 - strategies involving in-kind exchanges of expertise and resources for activities such as bush regeneration, Landcare, Streamwatch, and other community-based environmental programs;
 - (g) include:
 - copies of any strategies, plans and programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring to be carried out under the conditions of this consent.

The Applicant must implement any Environmental Management Strategy as approved by the Secretary.

Evidence of Consultation

2. Where consultation with any State or local agency is required by the conditions of this consent, the Applicant must:
 - (a) consult with the relevant agency prior to submitting the required document to the Secretary for approval;
 - (b) submit evidence of this consultation as part of the relevant document;
 - (c) describe how matters raised by the agency have been addressed and any matters not resolved; and
 - (d) include details of any outstanding issues raised by the agency and an explanation of disagreement between any agency and the Applicant.

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 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 to 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 and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (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 Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Application of Existing Strategies, Plans and Programs

4. The Applicant must continue to apply existing management plans, strategies or monitoring programs approved prior to the approval of Modification 5, until the approval of a similar plan, strategy or program following the approval of Modification 5.

Revision of Strategies, Plans & Programs

5. Within 3 months of the submission of an:
 - (a) incident report under condition 10 below;
 - (b) Annual Review under condition 12 below;
 - (c) Independent Environmental Audit report under condition 14 below; and
 - (d) any modifications to this consent,
 the Applicant must review the strategies, plans and programs required under this consent, to the satisfaction of the Secretary. The Applicant must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.

Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.

Updating and Staging of Strategies, Plans or Programs

6. To ensure that strategies, plans or programs required under this consent are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

The Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the Applicant may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.

While any strategy, plan or program may be submitted on a staged basis, the Applicant will need to ensure that the operations associated with the development are covered by suitable strategies, plans or programs at all times.

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/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.

Adaptive Management

7. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must as soon as becoming aware of any exceedance:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;
 - (b) consider all reasonable and feasible options for remediation (where relevant);
 - (c) within 14 days of the exceedance occurring, submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action; and
 - (d) implement remediation measures as directed by the Secretary;
- to the satisfaction of the Secretary.

COMMUNITY CONSULTATIVE COMMITTEE

8. The Applicant must establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. The CCC must be established by 10 October 2018 and operated in general accordance with the Department's *Community Consultative Committee Guidelines, November 2016* (or later version).

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*
- *In accordance with the guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*
- *The CCC established and operated prior to the approval of Modification 5 must continue to be operated in accordance with the procedures required by the consent prior to the approval of Modification 5 until such time as the CCC required by this condition is established.*

REPORTING

Incident Reporting

9. The Applicant must immediately notify the Secretary (using the contact name, email address and phone number provided by the Department from time to time) and any other relevant agencies of any incident.
10. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. This report must include the time and date of the incident, details of the incident, measures implemented to prevent re-occurrence and must identify any non-compliance with this consent.

Regular Reporting

11. The Applicant must provide regular reporting 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.

Annual Review

12. By the end of March each year, or other timing as may be agreed by the Secretary, the Applicant must submit a review to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:
 - (a) describe the development (including any progressive rehabilitation) that was carried out in the previous 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;
 - requirements of any plan or program required under this consent;
 - monitoring results of previous years; and
 - relevant predictions in the documents listed in condition 2(a) of Schedule 2;
 - (c) evaluate and report on:
 - the effectiveness of the air quality and noise management systems; and
 - compliance with the performance measures, criteria and operating conditions in this consent.
 - (d) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance;
 - (e) identify any trends in the monitoring data over the life of the development;
 - (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies;
 - (g) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.

The Applicant must ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 8 of Schedule 5) and any interested person upon request.

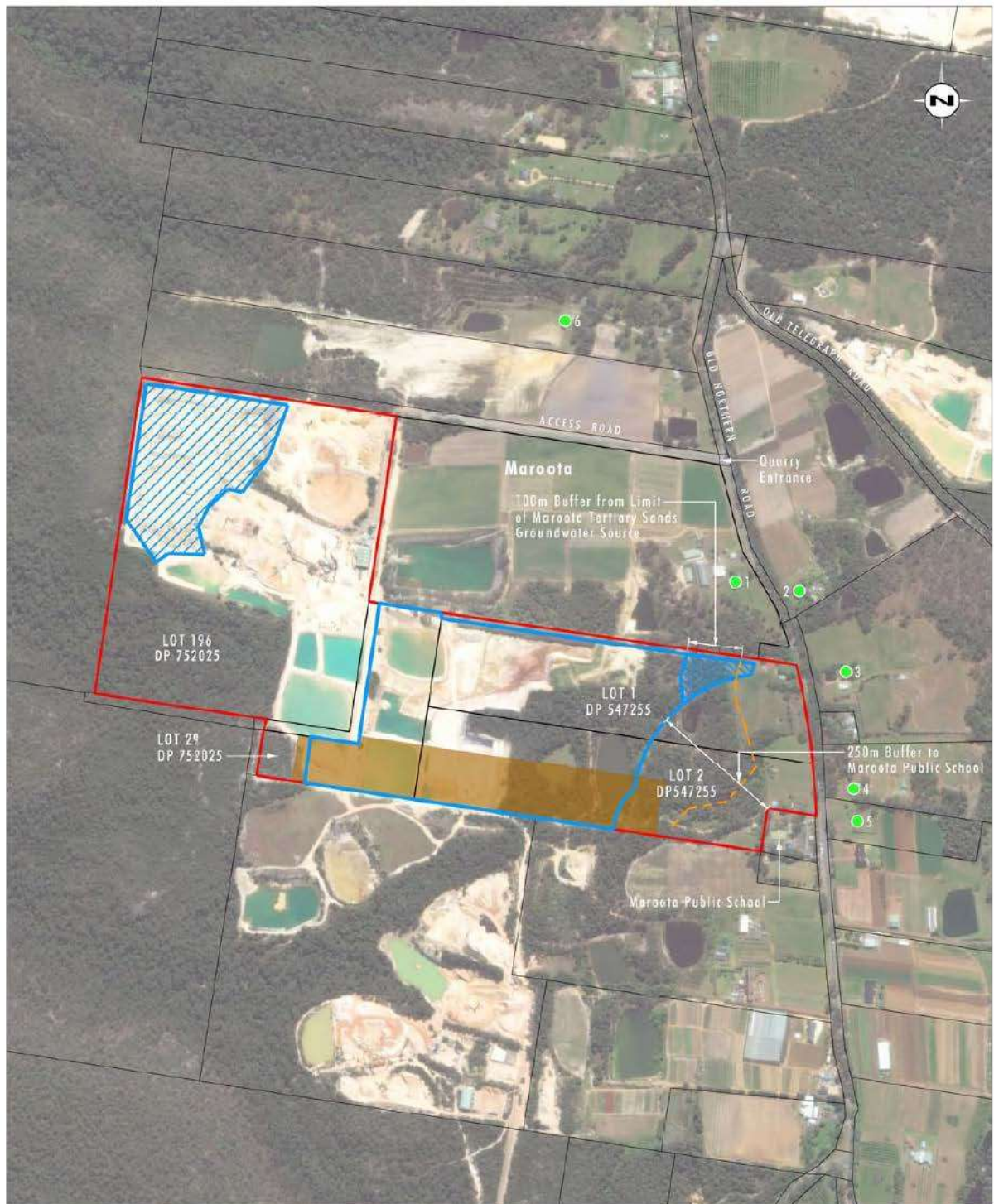
INDEPENDENT ENVIRONMENTAL AUDIT

13. By the end of November 2019, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies and the CCC;
 - (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or necessary water licences for the development (including any assessment, strategy, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals;
 - (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and
 - (f) be conducted and reported to the satisfaction of the Secretary.
14. Within 12 weeks of commencing this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these recommendations as required. The Applicant must implement these recommendations, to the satisfaction of the Secretary.

ACCESS TO INFORMATION

15. Within 3 months of the approval of Modification 5, until the completion of all works, including rehabilitation and remediation the Applicant must:
 - (a) make the following information publicly available on its website:
 - the documents listed in condition 2(a) of Schedule 2;
 - current statutory approvals for the development;
 - all approved strategies, plans and programs required under the conditions of this consent;
 - 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;
 - a complaints register, updated monthly;
 - the annual reviews of the development;
 - any independent environmental audit as described in condition 13 above, and the Applicant's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
 - (b) keep this information up-to-date, to the satisfaction of the Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLAN

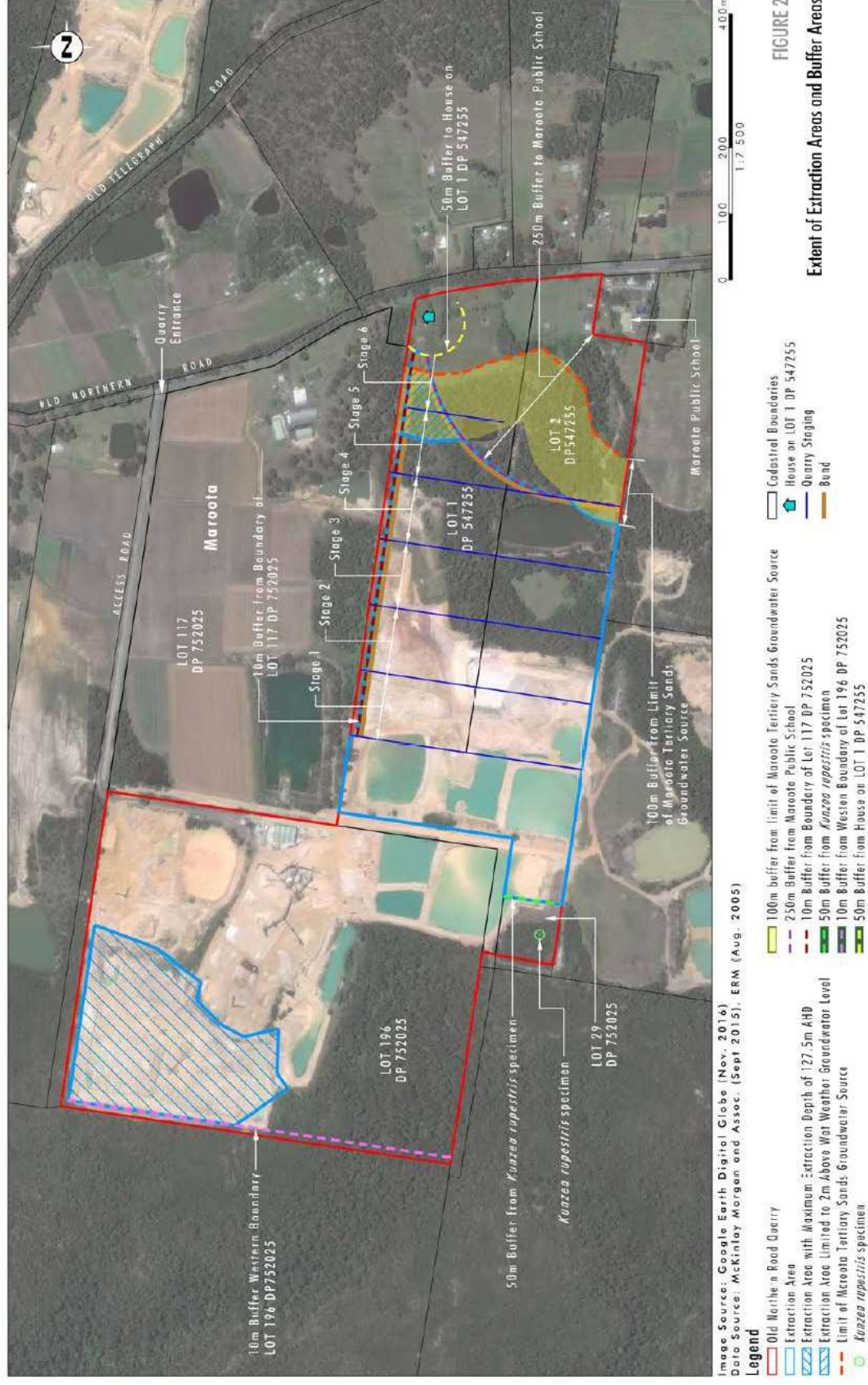


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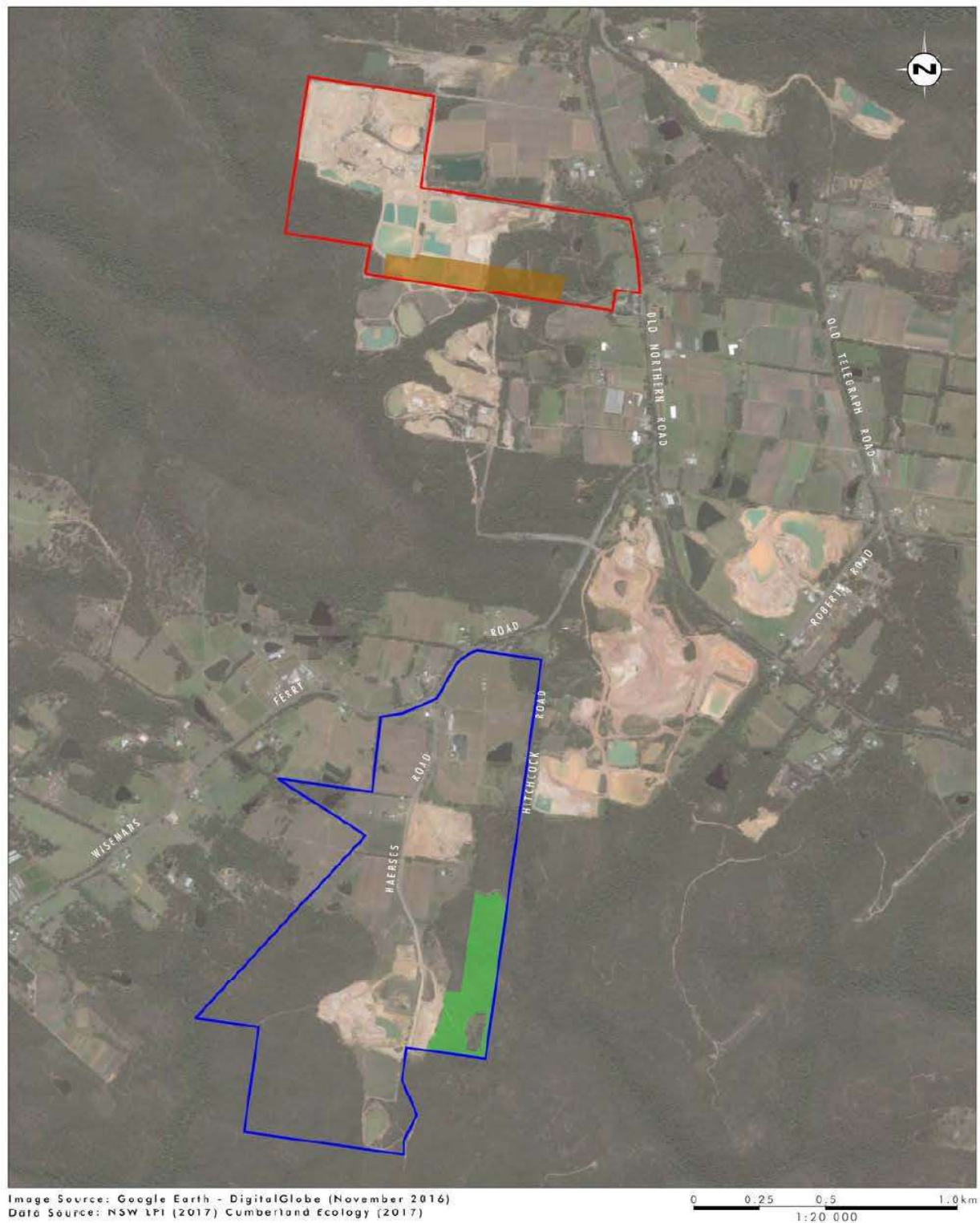
- Old Northern Road Quarry
- Extraction Area
- Extraction Area with Maximum Extraction Depth of 127.5m AHD
- Extraction Area limited to 2m Above Wet Weather Groundwater level
- Limit of Maroota Tertiary Sands Groundwater Source
- Native Vegetation Corridor Rehabilitation Offset
- Cadastral Boundaries
- Residence

FIGURE 1
Old Northern Road Quarry

APPENDIX 2 EXTENT OF EXTRACTION



APPENDIX 3 HAERSES ROAD BIODIVERSITY OFFSET AREA AND NATIVE VEGETATION CORRIDOR



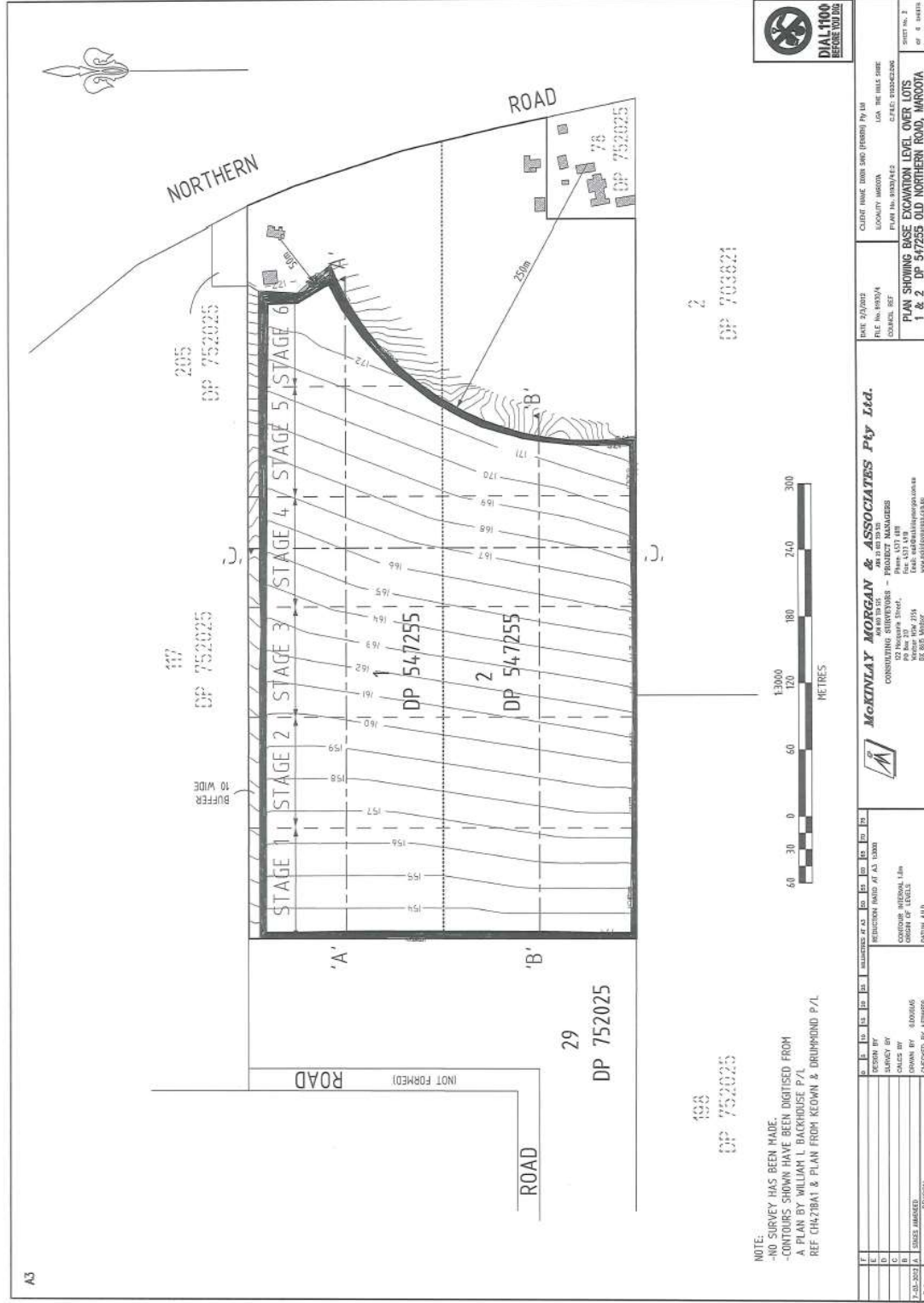
Legend

- ▬ Haerses Road Quarry Site
- ▬ Haerses Road Biodiversity Offset Area
- ▬ Old Northern Road Quarry Site
- ▬ Native Vegetation Corridor Rehabilitation Offset

FIGURE 3

Haerses Road Biodiversity Offset Area and
Native Vegetation Corridor Rehabilitation Offset

APPENDIX 4



[illegible]

APPENDIX 6 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Table 2 are to apply under all meteorological conditions except the following:
 - (a) wind speeds greater than 3 m/s at 10 m above ground level; or
 - (b) temperature inversion conditions between 1.5°C and 3°C/100 m and wind speed greater than 2 m/s at 10 m above ground level; or
 - (c) temperature inversion conditions greater than 3°C/100 m.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station required under condition 13 of Schedule 3.

Compliance Monitoring

3. A noise compliance assessment must be undertaken within three months of the approval of Modification 5. The assessment must be conducted by a suitably qualified and experienced acoustical practitioner and must assess compliance with the noise criteria in Table 2. A report must be provided to the Secretary and EPA within 1 month of the assessment.
4. Unless the Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment;
 - (c) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration; and
 - (d) the use of an appropriate modifying factor for low frequency noise to be applied during compliance testing at any individual residence if low frequency noise is present (in accordance with the *NSW Noise Policy for Industry* (2017, or its latest version) Fact Sheet C) and before comparison with the specified noise levels in this approval.