

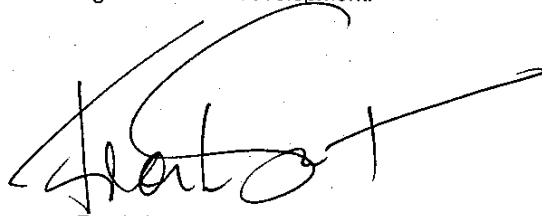
Development Consent

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

I, the Minister for Planning, approve the Development Application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

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



Frank Sartor MP
Minister for Planning

Sydney, *14 Feb*

2006

File No: 9039217

SCHEDULE 1

Development Application:	DA 165-7-2005.
Applicant:	Dixon Sand (Penrith) Pty Limited.
Consent Authority:	Minister for Planning.
Land:	Lot 170 DP 664767; Lots A and B DP 407341; Lots 176 and 177 DP 752039; Haerses Road; and the intersection of Wiseman's Ferry Road and Haerses Road.
Proposed Development:	Sand quarry
State Significant Development:	The proposal is classified as State significant development under section 76(A)(7) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) as it is an extractive industry that meets the criteria for State significance under the <i>State Environmental Planning Policy (State Significant Development) 2005</i> .
Integrated Development:	The proposal is classified as integrated development under section 91 of the EP&A Act as it requires additional approvals under the: <ul style="list-style-type: none">• <i>Protection of the Environment Operations Act 1997</i>; and• <i>Roads Act 1993</i>.
Designated Development:	The proposal is classified as designated development under Section 77A of the EP&A Act as it is an extractive industry that meets the criteria of Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation).

Note:

- To find out when this consent becomes effective, see section 83 of the EP&A Act;
- To find out when this 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.

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DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Dixon Sand (Penrith) Pty Limited, or its successors
BCA	Building Code of Australia
CCC	Community Consultative Committee
Council	Baulkham Hills Shire Council
DA	Development Application
Day	Day is defined as the period from 7am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
DEC	Department of Environment and Conservation
Department	Department of Planning
Development area/ site	Land to which the DA applies
Director-General	Director-General of Department of Planning, or delegate
DNR	Department of Natural Resources
DPI	Department of Primary Industries
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Existing quarry	Existing sand extraction operations and processing facilities on Lots 29 and 196 DP 752025 and Lots 1 and 2 DP 547255 off the Old Northern Road, Maroota
GTA	General Terms of Approval
Land	Land means 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
Minister	Minister for Planning, or delegate
Privately owned land	Land that is not owned by a public agency, or a quarrying company or its subsidiary
Receiver	As defined in the <i>NSW Industrial Noise Policy</i> (EPA 2000)
RTA	Roads and Traffic Authority
Truck Movement	Truck movements for the purposes of transporting sand extracted from the site.

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
 - (a) DA 165-7-2005;
 - (b) EIS titled *Dixon Sand (Penrith) Pty Limited Haerses Road Sand Quarry EIS*, dated June 2005, and prepared by Environmental Resources Management Australia Pty Limited; and
 - (c) conditions of this consent.
3. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits on Approval

5. This consent shall lapse 25 years after the date it commences.
6. The Applicant shall not extract more than 250,000 tonnes of sand a year from the quarry.
7. The Applicant shall not transport more than 60,000 tonnes of sand a year to local and regional markets directly from the quarry.
8. The Applicant shall not transport more than 190,000 tonnes of sand a year from the quarry to the existing quarry for processing.
9. The Applicant shall limit all truck movements from Wiseman's Ferry Road into the quarry to right hand turn movements that comprise of the following:
 - (a) a maximum of 10 right hand turn movements between the hours of 6am and 7am for the life of the development;
 - (b) a maximum of 15 right hand turn movements per day until such time that the intersection between Haerses Road and Wiseman's Ferry Road has been upgraded to a Type 'AUR' treatment to the satisfaction of the RTA (see condition 32 of Schedule 3);
 - (c) a maximum of 28 right hand turn movements per day following the upgrade of the intersection between Haerses Road and Wiseman's Ferry Road to a Type 'AUR' treatment to the satisfaction of the RTA (see condition 32 of Schedule 3);
10. The Applicant shall not undertake any extraction within 2 metres of the established wet weather groundwater level.

Note: The wet weather groundwater level shall be established in accordance with condition 2 of Schedule 3.

Structural Adequacy

11. The Applicant shall 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 the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of development.

Demolition

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

Operation of Plant and Equipment

13. The Applicant shall ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Protection of Public Infrastructure

14. The Applicant shall:
 - (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.

Section 94 Contributions

15. The Applicant shall pay a contribution of 75 cents per tonne of material hauled from the site, to Council for the maintenance/ repair of public roads in accordance with Council's *Contributions Plan No: 6 – Extractive Industries*, to the satisfaction of Council.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

GENERAL EXTRACTION PROVISIONS

Setbacks and boundaries

1. 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; and
 - buffer zones and setback requirements of the Baulkham Hills Shire Council Development Control Plan No. 16 – Extractive Industries;
 - (b) submit a survey plan of these boundaries to the Director-General; and
 - (c) ensure that the boundaries of each operational extraction area is clearly marked on site in a permanent manner that allows operating staff and inspecting officers to clearly identify these limits,
 to the satisfaction of the Director-General.

Maximum Extraction Depth Map

2. Prior to carrying out any development, the Applicant shall:
 - (a) establish the wet weather groundwater level for the site based on at least 12 months of site specific groundwater monitoring data;
 - (b) engage an appropriately qualified and experienced expert to establish the maximum extraction depths to which extraction can be undertaken on site, to comply with condition 10 of Schedule 2;
 - (c) submit a Maximum Extraction Depth Map (contour map or similar) for the development to the Director-General; and
 - (d) comply with the extraction depths specified in the map,
 to the satisfaction of the Director-General.
3. Within 3 months of the completion of the Independent Environmental Audit (see condition 5 of Schedule 5), the Applicant shall review and update the Maximum Extraction Depth Map for the development to the satisfaction of the Director-General.

Extraction Sequence

4. Unless otherwise authorised by the Director-General, the Applicant shall ensure that extraction is undertaken in accordance with the extraction plan and sequence in Figures 2.3 (a-d) of the EIS (as reproduced in Appendix 1).

¹ NOISE

Note: The Applicant is required to obtain a licence for the development under the Protection of the Environment Operations Act 1997.

Noise Impact Assessment Criteria

5. The Applicant shall ensure that the noise generated by the development does not exceed the noise impact assessment criteria in Table 1.

Table 1: Noise impact assessment criteria dB(A)

Day <i>L_{Aeq}(15 minute)</i>	Shoulder (6am to 7am) <i>L_{Aeq}(15 minute)</i>		Land
	<i>L_{Aeq}(15 minute)</i>	<i>L_A(max)</i>	
37	37	45	1. F & J Roberts and J & D Young
40	40		2. E. Ramm
38	38		3. M. Ramm
37	37		4. B Ramm
35	35		All other residences on privately owned land

¹ Incorporates DEC GTA

Notes:

- However, if the Applicant has a written negotiated noise agreement with any landowner of the land listed in Table 1, and a copy of this agreement has been forwarded to the Department and the DEC, then the Applicant may exceed the noise limits in Table 1 in accordance with the negotiated noise agreement.
- Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the $L_{Aeq(15 \text{ minute})}$ noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the DEC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- Noise from the development is to be measured at 1 metre from the dwelling façade to determine compliance with the $L_{A(Max)}$ noise limits in the above table.
- The noise emission limits identified in the above table apply under meteorological conditions of wind speeds of up to 3 m/s at 10 metres above ground level, except under conditions of temperature inversions.

Operating Hours

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

Table 2: Operating Hours

Activity	Days of the Week	Time
<ul style="list-style-type: none"> • vehicle access to and from the site; and • sand loading onto vehicles. 	Monday – Saturday	6am to 7am
	Sunday and public holidays	No work at any time
<ul style="list-style-type: none"> • topsoil/ overburden stripping; • sand extraction and screening; • vehicle access to and from the site; • vehicle refuelling and washing; • sand loading onto vehicles; • site rehabilitation; and • maintenance works 	Monday – Saturday	7am to 6pm
	Sunday and public holidays	No work at any time
<ul style="list-style-type: none"> • road and intersection works on Haerses Road and Wiseman's Ferry Road; and • acoustic bund construction. 	Monday to Friday	8am to 5pm
	Saturday, Sunday and public holidays	No work at any time

Note: Delivery of material outside of the hours of operation permitted by condition 6 is only allowed, where that delivery is required by the police or other authorities for safety reasons; and/or where the operation or personnel or equipment are endangered. In such circumstances, prior notification be provided to the DEC and affected residents as soon as possible, or within a reasonable period in the case of emergency.

Acoustic Bund Construction

7. The Applicant shall construct the two acoustic bunds outlined in Figure 6.8 of the EIS (as reproduced in Appendix 2) to the satisfaction of the Director-General. The construction of the acoustic bunds must be restricted to the following construction schedule:
- Western Bund: 3 weeks per year for 3 years starting in year 9; and
 - Northern Bund: 3 weeks in year 11.
8. Prior to the construction of any acoustic bunds, the Applicant shall develop (and following approval implement) an Acoustic Bund Construction Noise Management Plan, which details the procedures that would be undertaken to:
- keep surrounding residents informed of the proposed timing and duration of bund construction;
 - minimise and mitigate the noise impacts generated by the works; and
 - receive, handle and respond to complaints relating to the works.

Continuous Improvement

9. The Applicant shall:
- investigate ways to reduce the noise generated by the development, including noise impacts that may be enhanced by temperature inversions during the shoulder period (6am to 7am, Monday to Saturday);
 - implement all reasonable and feasible best practice noise mitigation measures on the site; and
 - report on the implementation of any new noise mitigation measures on site in the AEMR.
- to the satisfaction of the Director-General.

Monitoring

10. Prior to carrying out any development, the Applicant shall prepare (and following approval implement) a Noise Monitoring Program for the development, in consultation with the DEC, and to the satisfaction of the Director-General. This program must include a combination of attended and unattended noise monitoring and a noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this consent.

²AIR QUALITY

Note: The Applicant is required to obtain a licence for the development under the Protection of the Environment Operations Act 1997.

Impact Assessment Criteria

11. The Applicant shall ensure that the dust generated by the development does not cause any additional exceedences of the air quality impact assessment criteria listed in Tables 3, 4, and 5 at any residence on any privately owned land, listed in Table 1.

Table 3: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 $\mu\text{g}/\text{m}^3$
Particulate matter < 10 μm (PM_{10})	Annual	30 $\mu\text{g}/\text{m}^3$

Table 4: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 μm (PM_{10})	24 hour	50 $\mu\text{g}/\text{m}^3$

Table 5: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 $\text{g}/\text{m}^2/\text{month}$	4 $\text{g}/\text{m}^2/\text{month}$

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

Operating Conditions

12. The Applicant shall implement all practical measures to minimise and/or prevent the emission of dust from the site.
13. The Applicant shall ensure that all vehicles entering or leaving the site, carrying a load that may generate dust, are covered at all times, except during loading and unloading.

Monitoring

14. Prior to carrying out any development, the Applicant shall prepare (and following approval) implement an Air Quality Monitoring Program for the development, in consultation with the DEC, and to the satisfaction of the Director-General. This program must include an air monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this consent.

Note: Except as may be expressly provided by an Environment Protection License, the Air Quality Monitoring Program for the development shall include the following PM_{10} monitoring procedure:

² Incorporates DEC GTA

- if any rolling 24-hour average PM_{10} result measured at the existing TEOM air quality monitoring station near the Maroota Public School is found to be greater than $42 \mu g/m^3$, and the prevailing wind as measured at the existing metrological station location near the Maroota Public School, is from the south-south west quadrant (between 180° and 240°), the Applicant shall:
 - immediately notify the DEC;
 - take immediate action to reduce PM_{10} emissions generated by the development; and
 - if dust levels do not return to levels below $42 \mu g/m^3$ within 1 hour, cease all dust generating activities at the site; and
- dust generating activities on site may only recommence when the rolling 24-hour average PM_{10} result as measured at the existing TEOM air quality monitoring station near the Maroota Public School, is less than $42 \mu g/m^3$ for 4 consecutive 15 minute periods.

³SURFACE AND GROUNDWATER

Note: The Applicant is required to obtain a licence for the development under the Protection of the Environment Operations Act 1997.

Pollution of Waters

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

Operating Conditions

16. The Applicant shall:
 - (a) install and maintain sediment basins with sufficient capacity to contain the rainfall and runoff generated from a 90 percentile, 5 day rainfall event ('the design event'), for the life of the development;
 - (b) ensure that the accumulated sediment in all sediment dams is kept below 30% of their design capacity;
 - (c) ensure that no fuel, oil, or other chemicals are stored on site; and
 - (d) undertake appropriate measures to ensure that vehicles do not track any material onto public roads.

Site Water Management Plan

17. Prior to carrying out any development the Applicant shall develop (and following approval) implement a Site Water Management Plan for the development, in consultation with the DEC, DNR and to the satisfaction of the Director-General. The plan shall include:
 - (a) a Soil and Water Management Plan; and
 - (b) a Groundwater Monitoring Program.
18. The Soil and Water Management Plan shall:
 - (a) describe what measures would be implemented to minimise soil erosion, and the discharge of sediment and other pollutants, during each stage of the development including:
 - road and intersection works;
 - initial clearing and topsoil stripping;
 - extraction; and
 - noise bund construction;
 - (b) include control measures that have the capacity to contain the rainfall and runoff generated by the 'design event' specified in condition 18 above; and
 - (c) be consistent with the *Landcom Managing Urban Stormwater: Soils and Construction Manual* (Volume 1, addition 4, March 2004).
19. The Groundwater Monitoring Program shall:
 - (a) describe what measures would be put in place to establish the site's wet weather groundwater levels;
 - (b) monitor any potential adverse impacts of the development on groundwater levels and quality;
 - (c) detail the contingency measures that would be put in place in the event that groundwaters are breached and/ or contaminated.

³ Incorporates DEC GTA

⁴ Incorporates Council GTA

20. Within 3 months of the completion of each Independent Environmental Audit (see condition 5 of Schedule 5), the Applicant shall review, and if required, revise the Site Water Management Plan to the satisfaction of the Director-General.

REHABILITATION AND LANDSCAPE MANAGEMENT

Specific Measures

21. The Applicant shall:
- (a) progressively rehabilitate all disturbed areas on site to a final landuse of agricultural land (minimum class 4), and in general accordance with the final landform in Figure 2.4 of the EIS (as reproduced in Appendix 3);
 - (b) consult with the landowners of Lot 167 DP 752039 to ensure that a consistent final landform is achieved on either side of Hitchcock Road;
 - (c) conserve, maintain and enhance the vegetation on site that would not be disturbed by the development;
 - (d) establish at least 2 hectares of vegetation on or adjacent to the site to replace the remnant vegetation removed by the development; and
 - (e) undertake screen plantings in general accordance with Figure 2.2 of the EIS (as reproduced in Appendix 4),
- to the satisfaction of the Director-General.

Rehabilitation and Landscape Management Plan

22. Within 6 months of the commencement of the development the Applicant shall prepare, and following approval, implement a Rehabilitation and Landscape Management Plan, in consultation with Council and DPI, and to the satisfaction of the Director-General. The plan must:
- (a) include a Vegetation Clearing Protocol;
 - (b) identify the areas likely to be disturbed by the development;
 - (c) describe in general the short, medium, and long-term measures that would be implemented to:
 - rehabilitate the site;
 - conserve, maintain and enhance the remnant vegetation on site; and
 - conserve, maintain and enhance the vegetation established on site for offset and screening purposes;
 - (d) describe in detail the measures that would be implemented over the next 5 years to:
 - rehabilitate the site;
 - conserve, maintain and enhance the remnant vegetation on site; and
 - conserve, maintain and enhance the vegetation established on site for offset and screening purposes;
 - (e) establish performance and completion criteria for:
 - the rehabilitation of the site;
 - the maintenance of remnant vegetation on site; and
 - the maintenance of vegetation established for offset and screening purposes;
 - (f) describe the measures that would be implemented to minimise or manage any ongoing environmental effects of the development; and
 - (g) describe how the performance of each measure described in the plan would be monitored over time.

Note: The Vegetation Clearing Protocol must be finalised prior to the commencement of any clearing works. The Applicant may wish to submit this plan separately.

23. Within 3 months of the completion of each Independent Environmental Audit (see condition 5 of Schedule 5), the Applicant shall review and if required revise the Rehabilitation and Landscape Management Plan for the development to the satisfaction of the Director-General.

Rehabilitation Bond

24. Prior to the commencement of the development, the Applicant shall lodge a suitable rehabilitation bond for the development with the Director-General. The sum of the bond shall be calculated at \$2.50/m², or as otherwise directed by the Director-General, for the area of disturbance in each 3 year review period.

Notes:

- If the rehabilitation is completed to the satisfaction of the Director-General, the Director-General will release the rehabilitation bond.
- If the rehabilitation is not completed to the satisfaction of the Director-General, the Director-General will call in all, or part of, the rehabilitation bond, and arrange for the satisfactory completion of these works.

25. Within 3 months of the completion of the Independent Environmental Audit (see condition 5 of Schedule 5), unless the Director-General directs otherwise, the Applicant shall review, and if necessary revise, the sum of the rehabilitation bond to the satisfaction of the Director-General. This review must consider:
- (a) the effects of inflation;
 - (b) any changes to the area of disturbance; and
 - (c) the performance of any progressive rehabilitation which has been undertaken at the site.

⁴TRAFFIC AND TRANSPORT

Note: The Applicant is required to obtain a permit for the development under the Roads Act 1993.

Transport Records

26. The Applicant shall:
- (a) keep records of the amount of sand transported from the site each year to the existing quarry for processing, and directly from the site to local and regional markets;
 - (b) keep records of all traffic movements in and out of the site each year; and
 - (c) include these records in the AEMR.

Road Works: Council

27. Prior to carrying out any development, the Applicant shall upgrade Haerses Road to meet the requirements for 'internal haul roads', under Baulkham Hills *Development Control Plan No. 16 – Extractive Industries*, to the satisfaction of Council.
28. The Applicant shall:
- (a) maintain safe access to the site to the public and emergency services for the duration of the development; and
 - (b) reinstate the extracted length of Haerses Road, to the satisfaction of Council.

Notes:

- The Applicant shall ensure that the final alignment and design of Haerses Road is approved by Council prior to the commencement of the development;
- The Applicant shall bear the full costs associated with the design, survey and construction of the road works, including the relocation of utilities, if required.
- All works are to be in accordance with Council's Design Guidelines and Work Specifications for Subdivisions and Developments;
- Following the reconstruction of Haerses Road, the Applicant shall rehabilitate any temporary access roads that were established on site.

Road Works: RTA

29. Prior to carrying out any development, the Applicant shall:
- (a) provide for appropriate sight distances at the intersection of Haerses Road and Wiseman's Ferry Road, by clearing and/or lopping vegetation along the eastern approach of Wiseman's Ferry Road;
 - (b) provide warning signage ("Truck Turning") on the eastern and western approaches of Wiseman's Ferry Road to the satisfaction of the RTA.

Note: The Applicant shall contact the RTA's Traffic Management Centre prior to installation of warning signage ("Truck Turning") along Wiseman's Ferry Road.

30. Within 12 months of the commencement of operations, the Applicant shall construct a Type 'AUR' treatment at the intersection of Haerses Road and Wiseman's Ferry Road to the satisfaction of the RTA. Until the intersection works have been completed to the satisfaction of the RTA, the Applicant shall limit the number of trucks entering the site to 15 truck movements per day.

Notes:

- Prior to the Construction Certificate being released the Applicant shall:
 - enter into a Memorandum of Understanding with the RTA that the Type 'AUR' intersection treatment shall be fully constructed and handed over to the RTA within 12 months of the commencement of the development; and
 - issue a bank guarantee in favour of the RTA for the total cost of the intersection works (the cost to be determined following the approval of detailed design plans by the RTA).
- The Applicant shall ensure that the intersection works comply with the RTA's Road Design Guide.
- The Applicant shall bear the full costs associated with the design, survey and construction of the works, including the relocation of utilities, if required.

Construction Traffic Management

31. Prior to commencement of the works referred to in conditions 31 and 32 above, the Applicant shall prepare and implement a Traffic Control Plan for the development to the satisfaction of the RTA.

WASTE MINIMISATION

32. The Applicant shall:
- (a) monitor the amount of waste generated by the development;
 - (b) investigate ways to minimise waste generated by the development;
 - (c) implement reasonable and feasible measures to minimise waste generated by the development; and
 - (d) report on waste and management and minimisation in the AEMR, to the satisfaction of the Director-General.

BUSHFIRE MANAGEMENT

33. 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 during the development; and
 - (c) prepare a conservation sensitive Bushfire Management Plan for the site in consultation with, and to the satisfaction of Council and the Rural Fire Service.

PRODUCTION DATA

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

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in Schedule 3 identify that impacts generated by the development are greater than the relevant impact assessment criteria in Schedule 3, then the Applicant shall notify the Director-General and the affected landowners and/or existing or future tenants accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the criteria in Schedule 3.

INDEPENDENT REVIEW

2. If a landowner considers that the operations of the quarry are exceeding the impact assessment criteria in Schedule 3, then he/she may ask the Director-General in writing for an independent review of the impacts of the development on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Applicant shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
 - (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to determine whether the development is complying with the relevant criteria in Schedule 3, and identify the source/s and scale of any impact on the land, and the development's contribution to this impact; and
 - (c) give the Director-General and landowner a copy of the independent review.
3. If the independent review determines that the quarrying operations are complying with the relevant criteria in Schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.
 4. If the independent review determines that the quarrying operations are not complying with the relevant criteria in Schedule 3, and that the quarry is primarily responsible for this non-compliance, then the Applicant shall:
 - (a) take all practicable measures, in consultation with the landowner, to ensure that the development complies with the relevant criteria; and
 - (b) conduct further monitoring to determine whether these measures ensure compliance; or
 - (c) secure a written agreement with the landowner to allow exceedences of the relevant criteria in Schedule 3,to the satisfaction of the Director-General.

If the additional monitoring referred to above subsequently determines that the quarrying operations are complying with the relevant criteria in Schedule 3, then the Applicant may discontinue the independent review with the approval of the Director-General.

If the Applicant is unable to finalise an agreement with the landowner, then the Applicant or landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 5).

5. If the landowner disputes the results of the independent review, either the Applicant or the landowner may refer the matter to the Director-General for resolution.

If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 5).

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

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

ENVIRONMENTAL MONITORING PROGRAM

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

ANNUAL REPORTING

5. Each year, the Applicant shall prepare an AEMR to the satisfaction of the Director-General. This report must:
 - (a) identify the standards and performance measures that apply to the development;
 - (b) include a summary of the complaints received during the past year, and compare this to the complaints received in the previous 5 years;
 - (c) include a summary of the monitoring results on the development during the past year;
 - (d) include an analysis of these monitoring results against the relevant:
 - limits/criteria in this consent;
 - monitoring results from previous years; and
 - predictions in the EIS;
 - (e) identify any trends in the monitoring over the life of the development;
 - (f) identify and discuss any non-compliance during the previous year; and
 - (g) describe what actions were, or are being, taken to ensure compliance.

Note: The Applicant may, with the approval of the Director-General, combine the reporting requirements for the development in the AEMR for the Applicant's existing quarry, however, if it does this it must ensure that the above obligations are fully met in the combined process.

INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 3 years of the date of this consent, and every 3 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General;
 - (b) be consistent with ISO 19011:2002 – Guidelines for Quality and/or Environmental Systems Auditing, or equivalent updated versions of these guidelines;

- (c) assess the environmental performance of the development, and its effects on the surrounding environment;
 - (d) assess whether the development is complying with the relevant standards, performance measures, and statutory requirements;
 - (e) review the adequacy of the Applicant's Environmental Management Strategy and Environmental Monitoring Program; and
 - (f) if necessary, recommend measures or actions to improve the environmental performance of the development, and/or the environmental management and monitoring systems.
7. Within 3 months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Director-General, with a response to any of the recommendations contained in the audit report.

COMMUNITY CONSULTATIVE COMMITTEE

8. Prior to the commencement of the development the Applicant shall:
- (a) establish a Community Consultative Committee to oversee the environmental performance of the development; or
 - (b) combine the function of this CCC with the function of CCC for the Applicant's existing quarry.
9. The CCC (or combined CCC) shall:
- (a) be comprised of:
 - 2 representatives from the Applicant, including the person responsible for environmental management at the quarry;
 - 1 representative from Council (if available); and
 - at least 2 representatives from the local community, whose appointment has been approved by the Director-General in consultation with the Council;
 - (b) be chaired by an independent chairperson, whose appointment has been endorsed by the Director-General;
 - (c) meet at least twice a year; and
 - (d) review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints.
10. The Applicant shall, at its own expense:
- (a) ensure that 2 of its representatives attend the Committee's meetings;
 - (b) provide the Committee with regular information on the environmental performance and management of the development;
 - (c) provide meeting facilities for the Committee;
 - (d) arrange site inspections for the Committee, if necessary;
 - (e) take minutes of the Committee's meetings;
 - (f) make these minutes available to the public;
 - (g) respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and
 - (h) forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Director-General within a month of the Committee meeting.

ACCESS TO INFORMATION

11. Within 1 month of the approval of any management plan/strategy or monitoring program required under this consent (or any subsequent revision of these management plans/strategies or monitoring programs), the completion of the independent audits required under this consent (see condition 6 above), or the completion of the AEMR (see condition 5 above), the Applicant shall:
- (a) provide a copy of the relevant document/s to the Council, relevant agencies and the CCC;
 - (b) ensure that a copy of the relevant documents is made publicly available at the quarry and/ or the Applicant's regional office; and
 - (c) put a copy of the relevant document/s on the Applicant's website, to the satisfaction of the Director-General.
12. During the life of the development, the Applicant shall:
- (a) make the results of the monitoring required under this consent publicly available both at the quarry (and/ or the Applicant's regional) and on the Applicant's website; and
 - (b) update these results on a regular basis (every 3 months or as soon as available), to the satisfaction of the Director-General.