

Appendix 3

EPL12513 and EPBC2015/7608



Environment Protection Licence

Licence - 12513

Licence Details	
Number:	12513
Anniversary Date:	25-July

Licensee	
DIXON SAND PTY LTD	
PO BOX 4019	
PITT TOWN NSW 2756	

Premises	
DIXON SAND PTY LTD	
HAERSES ROAD AND INTERSECTION OF WISEMANS FERRY ROAD	
MAROOTA NSW 2756	

Scheduled Activity	
Crushing, grinding or separating	
Extractive activities	
Resource recovery	

Fee Based Activity	Scale
Crushing, grinding or separating	> 100000-500000 T annual processing capacity
Extractive activities	> 100000-500000 T annually extracted or processed
Recovery of general waste	Any general waste recovered

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Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).



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The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

DIXON SAND PTY LTD
PO BOX 4019
PITT TOWN NSW 2756

subject to the conditions which follow.



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1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Crushing, grinding or separating	Crushing, grinding or separating	> 100000 - 500000 T annual processing capacity
Extractive activities	Extractive activities	> 100000 - 500000 T annually extracted or processed
Resource recovery	Recovery of general waste	Any general waste recovered

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
DIXON SAND PTY LTD
HAERSES ROAD AND INTERSECTION OF WISEMANS FERRY ROAD
MARROOTA
NSW 2756
LOT A DP 407341, LOT B DP 407341, LOT 170 DP 664766, LOT 170 DP 664767, LOT 176 DP 752039, LOT 177 DP 752039, LOT 216 DP 752039

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Ancillary Activity
Receipt and processing of VENM and receipt of ENM.

A4 Information supplied to the EPA

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application,

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except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

- P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Ambient air monitoring		Ambient air monitoring site location near the Maroota Public School as marked in "Figure 1.3 - Existing and Proposed Development" provided 30 November 2004.
3	Ambient air monitoring		Dust deposition gauge located on the site between Stage 4 works and the west dam on the site near Stage 4 works

- P1.2 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

<i>Noise/Weather</i>		
EPA identification no.	Type of monitoring point	Location description
2	Meteorological Station	Meteorological station near Maroota Public School as marked in "Figure 1.3 - Existing and Proposed Development" provided to the DEC (by Fax) on 30 November 2004

3 Limit Conditions

L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with



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section 120 of the Protection of the Environment Operations Act 1997.

L2 Waste

- L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below.
- Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below.
- Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below.
- This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Waste	Waste received must be VENM or ENM that meets all the conditions of a resource recovery order (made under clause 93 of the POEO (Waste) Regulation 2019) at the time it is received.	-	No more than 250,000 tonnes of VENM and ENM in total, can be received at the premises in any calendar year.

- L2.2 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal of any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3 Noise limits

- L3.1 Noise generated at the premises must not exceed the noise limits presented in the table below. Note that the noise limits represent the noise contribution from the Haerses Road sand quarry site at Maroota.

Receiver	Location	Day	Shoulder (6am to 7am)	Shoulder (6am to 7am)
		LAeq(15 minutes)	LAeq(15 minutes)	LA(max)
R1	1710 Wisemans Ferry Road	40	35	52
R2	1700 Wisemans Ferry Road	40	35	52
R3	1643 Wisemans Ferry Road	40	37	52
R4	1617 Wisemans Ferry Road	40	35	52

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R6	1543 Wisemans Ferry Road	41	35	52
R7	1539 Wisemans Ferry Road	40	35	52
R8	1521 Wisemans Ferry Road	40	35	52
All other residences on privately owned land		40	35	52
R5	1579 Wisemans Ferry Road	41	35	52

L3.2 For the purpose of condition L3.1

- Day is defined as the period from 7am to 6pm Sunday and Public Holidays.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

L3.3 Noise from the premises is to be measured at the most affected point or within the residential boundary or the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary to determine compliance with the $L_{Aeq(15\text{ minutes})}$ noise limit in condition L3.1.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternate means of determining compliance. See relevant chapter of NSW Noise Policy for Industry.

The modification factors presented in Fact Sheet C of the NSW Noise Policy for Industry must also be applied to the measured noise levels where applicable.

Definition:

$L_{A10(15\text{ minutes})}$ is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Note: Noise measurement

For the purpose of noise measures required for this condition, the L_{A10} noise level must be measured or computed at any point specified in the table above over a period of 15 minutes using "FAST" response on the sound level meter.

For the purpose of the noise criteria for this condition, 5dBA must be added to the measures level if the noise is substantially tonal or impulsive in character. The location or point of impact can be different for each development. Measurement locations can be:

- 1 metre from the façade of the residence for night time assessment;
- at the residential boundary, 30 metres from the residence (rural situations) where boundary is more than 30 metres from residence.

L3.4 Noise from the premises is to be measured at 1 metre from the dwelling façade to determine compliance with the $L_{A(max)}$ noise level in condition L3.1.

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- L3.5 The noise emission limits identified in condition L3.1 apply under all meteorological conditions (wind speed up to 3m/s at 10 metres above ground level, except under conditions of temperature inversions must be addressed by:
- Documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions; and
 - Where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.
- L3.6 Activities at the premises, other than construction work, may only be carried out between 0600 hours and 1800 hours Monday to Saturday, and at no time on Sundays and Public Holidays.
- L3.7 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.6, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- L3.8 The hours of operation specified in conditions L3.6 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L4 Potentially offensive odour

- L4.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

- O1.1 Licensed activities must be carried out in a competent manner.
This includes:
- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- a) must be maintained in a proper and efficient condition; and
 - b) must be operated in a proper and efficient manner.



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O3 Dust

- O3.1 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- O3.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
- O3.3 The licensee must maintain and operate a continuous dust monitoring device at monitoring Point 1 identified in condition P1.1. The device must be fitted with an automatic alarm system alerting quarry managers once the trigger value for PM10 (42µg/m3) is reached.
- O3.4 Dust deposition gauges installed at the site must be operated and maintained in accordance with the current Australian Standard: *Ambient air - Particulate matter Determination of deposited matter expressed as insoluble solids, ash, combustible matter, soluble solids and total solids*for deposition gauges.
- O3.5 The licensee must operate and maintain a continuous automatic meteorological station at monitoring Point 2 identified in condition P1.2 of the licence according to the requirements of the current Australian Standard: *Ambient air - Guide for measurement of horizontal wind for air quality applications*.
- Wind monitoring components of the meteorological station must be interfaced with the continuous dust monitoring device identified in condition P1.1.
- O3.6 The licensee must ensure that dust generated by the development does not cause any additional exceedances of the air quality impact assessment criteria listed in the table below at any residence on any privately owned land, listed in condition L3.1.

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

Pollutant	Averaging period	Reference Condition	Criterion
Total suspended particulate (TSP)	Annual	Long term	90 ug/m3
Particulate matter <10 um (PM10)	Annual	Long term	30 ug/m3
Particulate matter <10 um (PM10)	24 hour	Short term	50 ug/m3
Deposited dust	Annual	Long term	4g/m2/month (max total) 2g/m2/month (max increase)

O4 Processes and management

- O4.1 A Site Water Management Plan (SWMP) must be implemented at the premises. The plan must include a Soil

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and Water Management Plan, a Stormwater Management Scheme and a Groundwater Monitoring Program.

O4.2 The Soil and Water Management Plan must:

a) describe what measures will be implemented to minimise soil erosion, and the discharge of sediment and other pollutants, during each stage of the development including:

- i) road and intersection works;
- ii) initial clearing and topsoil stripping;
- iii) extraction; and
- iv) noise bund construction.

b) include control measures that have the capacity to contain rainfall and stormwater runoff generated from a 90th percentile, 5 day rainfall event for the life of the development.

O4.3 The Groundwater Monitoring Program must:

- a) describe what measures would be put in place to establish wet weather groundwater levels at the premises;
- b) monitor any potential adverse impacts of the development on groundwater levels and quality;
- c) detail contingency measures that would be put in place in the event that groundwater is breached and/or contaminated.

The SWMP should be prepared in accordance with the requirements of *Managing Urban Stormwater Soil and Construction* Latest Edition.

O4.4 The Stormwater Management Scheme mentioned in condition O4.1 must mitigate the impacts of stormwater run-off from and within the premises at all times. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in the latest edition of Landcom's Manual titled *"Managing Urban Stormwater Soil and Construction Volume 1"*.

O4.5 The licensee must construct and maintain sediment dams for every stage of the extraction area for the life of the quarry. Sediment dams must be in place prior to any extraction taking place in the respective strip of each stage and must be designed and constructed in accordance with the most recent edition of *Managing Urban Stormwater Soil and Construction*.

Notwithstanding the above, the dams must have sufficient capacity to contain rainfall and runoff generated from a 90th percentile, five day rainfall event ("the design event") for the life of the quarry.

O4.6 If mud, sediment or other raw materials are found to be tracked off the premises the Company must install, operate and maintain on the premises an automatic wheel wash or similar facility that will be capable of washing the underside of vehicles, wheels, wheel arches and axles of all vehicles leaving the premises. In addition to this, appropriate measures must be put in place that ensures that all vehicles leaving premises must go through the wheel wash facility.

O4.7 The entrance to the premises must be maintained in a sealed state.

O4.8 The sealed access road to the premises must be kept free of dust, sediment and other raw materials at all times.

O4.9 The licensee must prevent any tracking of mud on public roads by vehicles leaving the premises.

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O5 Waste management

O5.1 No more than 250,000 tonnes of VENM and ENM in total, can be received at the premises in any calendar year.

Note: ENM may be received at the premises, as per this condition, provided it meets the conditions of a resource recovery order at the time it is received.

5 Monitoring and Recording Conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- a) the date(s) on which the sample was taken;
 - b) the time(s) at which the sample was collected;
 - c) the point at which the sample was taken; and
 - d) the name of the person who collected the sample.
- M1.4 The licensee must keep in an electronic format the following records for monitoring Point 1 identified in licence condition P1.1:
- (a) each 15 minute PM10 result;
 - (b) each rolling 24-hour average PM10 results (15 minutes);
 - (c) each daily 24-hour average PM10 result (midnight to midnight); and
 - (d) the rolling annual average PM10 result (each day, midnight to midnight, and over the total number of days of monitoring since monitoring began for first year of monitoring only).
- M1.5 The licensee must keep in an electronic format the following records for Point 2 identified in licence condition P1.2: each 15 minute, 1 hour and 24 hour result as indicated in the table at condition M4.1.

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:
- M2.2 Air Monitoring Requirements

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POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Continuous	Australian Standard 3580.9.8 - 2001

- M2.3 If any rolling 24-hour average PM10 result measured at Point 1 in licence condition M2.2 is found to be greater than 42 µg/m³ and the prevailing wind at the site is between 180 and 240 degrees as measured at Point 2:
- i) the licensee must take immediate action to reduce its PM10 emissions;
 - ii) the licensee must immediately notify the EPA Manager Sydney Industry;
 - iii) if the dust level does not return to below 42 µg/m³ within 1 hour then all dust generating activity on site must stop; and,
 - iv) dust generating activity may only recommence when the rolling 24-hour average PM10 result measured at Point 1 is less than 42 µg/m³ for four consecutive 15-minute periods.
- M2.4 A comprehensive written action plan must be developed and implemented to ensure compliance with condition M2.3.

M3 Testing methods - concentration limits

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2021* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
 - b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
 - c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

M4 Weather monitoring

- M4.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

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POINT 2

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Temperature at 10 metres	AM-4	degrees Celsius	1 hour	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	-	15 minutes	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous
Sigma Theta	AM-2 & AM-4	-	15 minutes	Continuous
Rainfall	AM-4	millimetres	24 hours	Continuous

M5 Recording of pollution complaints

- M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M5.2 The record must include details of the following:
- a) the date and time of the complaint;
 - b) the method by which the complaint was made;
 - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the licensee, the reasons why no action was taken.
- M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

- M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- M6.3 The preceding two conditions do not apply until 3 months after the date of the issue of this licence.

6 Reporting Conditions

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R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

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R2 Notification of environmental harm

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
 - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

7 General Conditions

G1 Copy of licence kept at the premises or plant

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

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G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Other general conditions

G2.1 A community environment liaison committee must be maintained, comprising representatives of the community and the applicant, that will meet at least every 6 months. Discussion at the meetings must include implementation of the development consent and other statutory approvals, and provide adequate time for the community to raise matters of concern associated with the environmental impacts of the operation, with a view to achieving mutually satisfactory solutions.

Environment Protection Licence

Licence - 12513

Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .



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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste

Mr Kieran Horkan

Environment Protection Authority

(By Delegation)

Date of this edition: 25-July-2006

End Notes

1	Licence varied by updating references to the Clean Air Reg, issued on 12-Sep-2006, which came into effect on 12-Sep-2006.
2	Licence varied by Change to schedule 1, issued on 07-May-2008, which came into effect on 07-May-2008.
3	Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
4	Licence varied by notice 1550965 issued on 11-Mar-2019
5	Licence varied by notice 1580892 issued on 05-Feb-2020
6	Licence varied by notice 1615102 issued on 03-Jun-2022



VARIATION OF CONDITIONS ATTACHED TO APPROVAL

Haerses Road Quarry Extension, Maroota, New South Wales (EPBC 2015/7608)

This decision to vary conditions of approval is made under section 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Approved action

Person to whom the approval is granted	Dixon Sand (Penrith) Pty Ltd ACN: 002 278 686
Approved action	To expand the existing Haerses Road Quarry, a sand extraction facility, located at Maroota, New South Wales [See EPBC Act referral 2015/7608].

Variation

Variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 4 and 7 attached to the approval and substitute with the conditions 4 and 7 in the table below.</p> <p>Add conditions 7A and 7B to the conditions attached to the approval as in the table below.</p> <p>Add the definitions of BC Act, Business Day, Clear/Cleared/Clearing, Compliance Report, EA (Mod1), EA (Mod2), Incident, MR (Mod3), MR (Mod4), Plan(s), Sensitive Ecological Data, Shapefile(s) and website to the definitions attached to this notice as in the table below.</p> <p>Delete Attachment 3 and replace with the Attachment 3 in the table below.</p>
Date of effect	This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position	Kim Farrant Assistant Secretary Environment Assessments (Vic, Tas) and Post Approvals Branch
Signature	
Date of decision	18 July 2022

Date of decision	Conditions attached to the approval		
Original dated 06/08/2018	1. To minimise the impacts of the approved action on EPBC Act listed <i>Darwinia biflora</i> , the approval holder must not clear more than 17.82 hectares (ha) at the approved action site in accordance with Attachment1.		
Original dated 06/08/2018	2. To minimise the impacts of the approved action on EPBC Act listed Coastal Upland Swamps in the Sydney Basin Bioregion, the approval holder must not clear more than 0.08 hectares (ha) at the approved action site in accordance with Attachment 1.		
Original dated 06/08/2018	3. To minimise the impacts of the approved action on EPBC Act listed Dural Land Snail habitat, the approval holder must not clear more than 2.99 hectares (ha) at the approved action site in accordance with Attachment 2.		
As varied on the date this instrument was signed	4. For the protection of listed threatened species and communities , the approval holder must comply with the following conditions of the NSW conditions of consent , where those conditions relate to avoiding, mitigating, offsetting, managing, recording or reporting on impacts to listed threatened species and communities (See Attachment 3 for NSW conditions of consent in full). The approval holder must inform the Department within 10 days of any changes to the NSW conditions of consent .		
	Schedule	Condition	Subject
	Administrative conditions		
	2	2	Requirements to undertake the action in accordance with the NSW conditions of consent and generally in accordance with the Environmental Impact Statement for the facility and the Environmental Assessment, EA (Mod1), EA (Mod2), MR (Mod3) and MR (Mod4) for the action.
	Biodiversity and rehabilitation		
	3	30	Requirement to retire 3 ecosystem credits (for Coastal Upland Swamps in the Sydney Basin Bioregion), 360 species credits for <i>Darwinia biflora</i> and 98 species credits for the Dural Land Snail (<i>Pommerhelix duralensis</i>) prior to commencing vegetation clearing within the extraction area, except the minimum clearing

Date of decision	Conditions attached to the approval		
			required to comply with condition 16 of Schedule 3.
		31	Requirement to retire 132 species credits for the Dural Land Snail prior to commencing any vegetation clearing in extraction cells 2A, 2B or 3B as shown in Attachment 2, except the minimum clearing required to comply with condition 16 of schedule 3
		33	Requirement to apply the approval holder's Biodiversity Offset Strategy (Attachment 3, Appendix 4) or may, with the agreement of the NSW Department of Planning and Environment, use other land, the NSW Biodiversity Conservation Fund or alternate mechanisms permitted under the Biodiversity Offsets Scheme of the BC Act . If the credits are to be retired in accordance with the Biodiversity Offset Scheme of the BC Act , the identified credits that were calculated in accordance with <i>the Framework for Biodiversity Assessment: NSW Biodiversity Offsets Policy for Major Projects</i> will need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act .
		35	Requirement to rehabilitate the site progressively as soon as reasonably practicable following disturbance. Implement measures to minimise the total area exposed for dust generation at any time. Implement interim stabilisation measures to control dust emissions from disturbed areas which are not active or ready for rehabilitation.
		36	Requirement to prepare and implement an approved Biodiversity and Rehabilitation Management Plan (BRMP). The BRMP must be approved by the NSW Department of Environment and Planning and the final approved copy provided to the Department . The approved BRMP must be implemented.
Original dated 06/08/2018	5. Within 20 business days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement .		

Date of decision	Conditions attached to the approval
Original dated 06/08/2018	<p>6. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the Biodiversity Offset Strategy (Attachment 3, Appendix 4) and Biodiversity and Rehabilitation Management Plan required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.</p>
As varied on the date this instrument was signed	<p>7. Following commencement of the action, the approval holder must prepare a compliance report for each previous 12 month calendar year period. The approval holder must:</p> <ul style="list-style-type: none"> a) publish each compliance report on the website on 30 April for the previous 12 month calendar year period; b) notify the Department by email that a compliance report has been published on the website within five business days of the date of publication; c) keep all compliance reports publicly available on the website until this approval expires; d) exclude or redact sensitive ecological data from compliance reports published on the website; and e) where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. <p>Note: Compliance reports may be published on the Department's website.</p>
As varied on the date this instrument was signed	<p>7A. The approval holder must notify the Department in writing of any: incident, non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no less than 7 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a) any condition which is or may be in breach b) a short description of the incident and/or non-compliance <p>the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</p>

Date of decision	Conditions attached to the approval
As varied on the date this instrument was signed	<p>7B. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 21 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future b) the potential impacts of the incident or non-compliance c) the method and timing of any remedial action that will be undertaken by the approval holder.
Original dated 06/08/2018	<p>8. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>
Original dated 06/08/2018	<p>9. If, at any time after five (5) years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister.</p>
Original dated 06/08/2018	<p>10. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans and strategies referred to in these conditions of approval on their website. This includes documents required indirectly through the NSW conditions of consent. Documents must remain published for the life of the approval.</p>

Date of decision	Definitions
Original dated 06/08/2018	<p>Commencement (also commence/commenced the action etc.) is the first instance of an activity described as part of the proposed action, excluding the erection of fences and signage.</p>
As varied on the date this instrument was signed	<p>BC Act means the <i>Biodiversity Conservation Act 2016</i>.</p>

Date of decision	Definitions
As varied on the date this instrument was signed	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
As varied on the date this instrument was signed	Clear/Cleared/Clearing means having cut down, felled, thinned, logged, removed, killed, destroyed, poisoned, ringbarked, uprooted or burnt vegetation.
As varied on the date this instrument was signed	<p>Compliance report means a written report:</p> <ul style="list-style-type: none"> i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii. consistent with the Department's Annual Compliance Report Guidelines (2014); iii. including a shapefile of all areas of listed threatened species and communities or their habitat cleared within the relevant 12 month period; and iv. annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 06/08/2018	Department Is the Australian Government department responsible for the administration of the EPBC Act .
As varied on the date this instrument was signed	EA (Mod1) means the Environmental Assessment titled <i>Dixon Sand Haerses Road Quarry Extraction Area Modification</i> dated October 2016, including the Response to Submissions dated June 2017, supplementary Response to Submissions dated October 2017, and additional information dated 11 December 2017, prepared by Umwelt (Australia) Pty Ltd
As varied on the date this instrument was signed	EA (Mod2) means the Environmental Assessment titled Application to modify DA 165-7-2005 for Haerses Road Quarry under Section 4.55(1) of the Environmental Planning & Assessment Act 1979, prepared by Umwelt (Australia) Pty Ltd, dated 28 November 2018
Original dated 06/08/2018	Environmental Assessment: Umwelt, September 2016. Haerses Road Quarry Extraction Area Modification, Environmental Assessment, Final.
Original dated 06/08/2018	Environmental Impact Statement: ERM, 2005. Proposed Sand Quarry at Haerses Road Maroota - Environmental Impact Statement.

Date of decision	Definitions
Original dated 06/08/2018	EPBC Act is the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
As varied on the date this instrument was signed	Incident means any event which has the potential to, or does, impact on one or more listed threatened species and communities except as authorised by this approval.
Original dated 06/08/2018	Listed threatened species and communities are flora and fauna species and ecological communities that are listed under the EPBC Act that may be impacted by the proposed action, including Coastal Upland Swamps in the Sydney Basin Bioregion, <i>Darwinia biflora</i> and Dural Land Snail.
As varied on the date this instrument was signed	MR (Mod3) means the Modification Report titled <i>Haerses Road Quarry Modification 3 Statement of Environmental Effects</i> , prepared by Umwelt (Australia) Pty Ltd, dated December NSW Government 4 Department of Planning, Industry and Environment 2019, including the Response to Submissions dated 9 April 2020, and additional information accompanying the Response to Submissions
As varied on the date this instrument was signed	MR (Mod4) means the Modification Report titled <i>Haerses Road Quarry Modification 4 Statement of Environmental Effects</i> , prepared by Umwelt (Australia) Pty Ltd, dated September 2020
As varied on the date this instrument was signed	Plan(s) means any of the documents required to be prepared, approved by the Minister , implemented by the approval holder and published on the website in accordance with these conditions (includes action management plans and/or strategies).
As varied on the date this instrument was signed	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
As varied on the date this instrument was signed	Shapefile(s) means an ESRI ArcGIS Shapefile, containing '.shp', '.shx.' and '.dbf' files and other files. Shapefiles must include appropriate metadata capturing attributes including but not limited to the EPBC Act reference number of the approved action and details of the EPBC Act listed threatened species and communities present within the offset, covenant or legal protection details, including type and identification. The department prefers shapefiles using the Geocentric Datum of Australia (GDA) 94.

Date of decision	Definitions
Original dated 06/08/2018	The Minister is the Australian Government minister responsible for administering the EPBC Act , and includes a delegate of the Minister .
Original dated 06/08/2018	NSW conditions of consent is the document at Attachment 3 recording the final approval for the Haerses Road Sand Quarry expansion by the delegate of the Minister for Planning, dated 22 January 2018 and titled 'Notice of Modification, Section 75W of the <i>Environmental Planning and Assessment Act 1979</i> '.
As varied on the date this instrument was signed	Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Date of decision	<u>Attachments</u>
Original dated 06/08/2018	Attachment 1: Extent of <i>Darwinia biflora</i> and <i>Coastal Upland Swamp in the Sydney Basin Bioregion</i> to be removed at the approved action site (within orange development site boundary) (Figure provided by Umwelt May 2, 2018)
Original dated 06/08/2018	Attachment 2: Extent of Dural Land Snail habitat to be removed at the approved action site (green shaded areas within yellow proposed extraction area boundary) (Figure 5 from NSW State Assessment Report)
As varied on the date this instrument was signed	Attachment 3: NSW Conditions of Consent

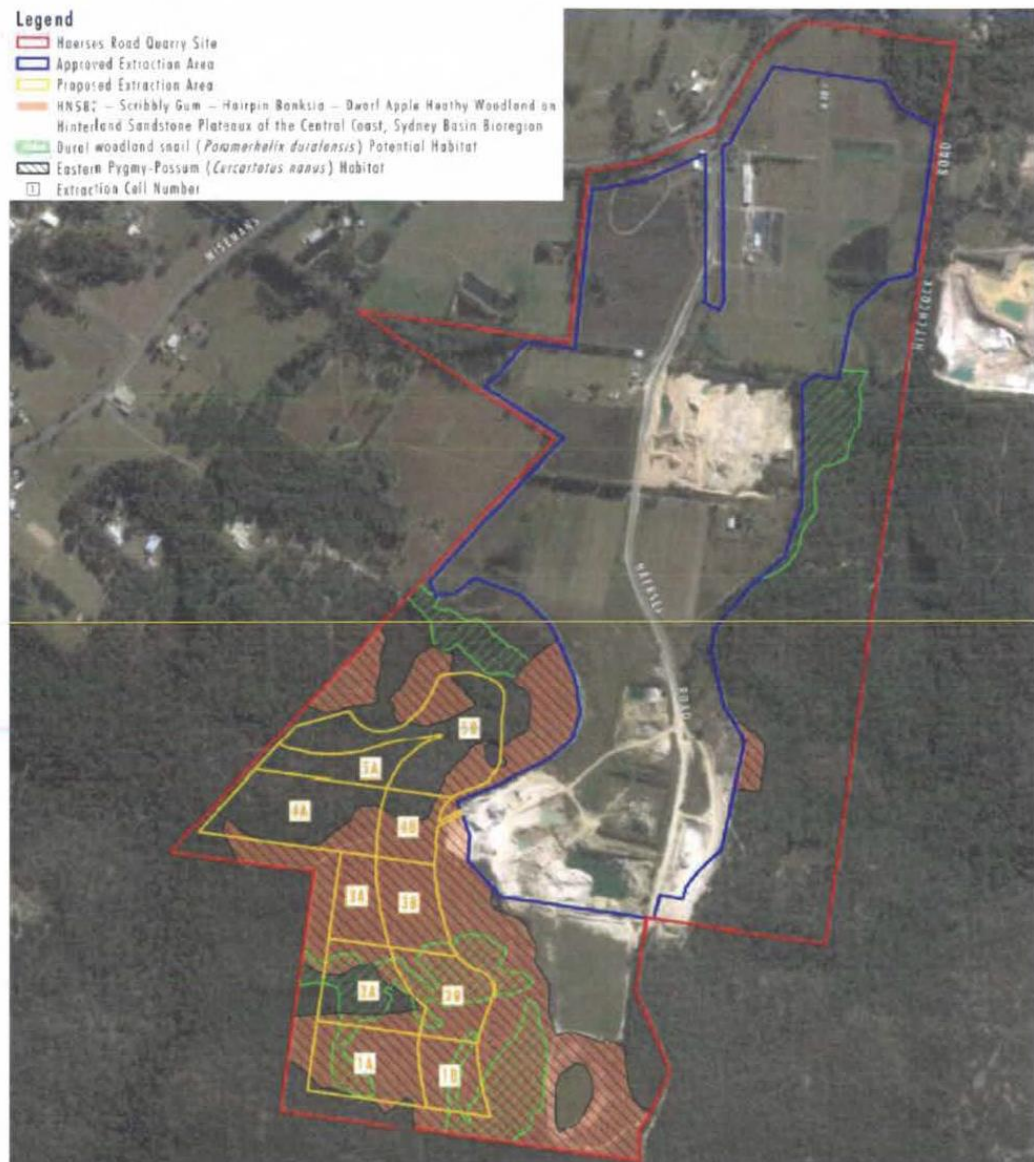
Attachment 1: Extent of *Darwinia biflora* and Coastal Upland Swamp in the Sydney Basin Bioregion to be removed at the approved action site (within orange development site boundary) (Figure provided by Umwelt May 2, 2018)



Legend
 Development Site
 Modification Area
 Coastal Upland Swamp in the Sydney Basin Bioregion EEC
Darwinia biflora Habitat

FIGURE 2.31
Darwinia biflora Habitat and Coastal Upland Swamps
 in the Sydney Basin Bioregion EEC within the Development Site
 and Modification Area

Attachment 2: Extent of Dural Land Snail habitat to be removed at the approved action site (green shaded areas within yellow proposed extraction area boundary) (Figure 5 from NSW State Assessment Report)



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 February 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 664766; Lot 170 DP 664767; Lots A and B DP 407341; Lots 176 and 177 DP 752039 and Lot 216 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.

(Schedules 2-5 updated in entirety during Modification 1, dated 22 January 2018)

Blue Text – January 2019 Modification

Green Text – June 2021 Modification

Red Text – July 2021 Modification

NSW Government
Department of Planning and Environment

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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 12 of Schedule 5.
AHD	Australian Height Datum
Applicant	Dixon Sand (Penrith) Pty Limited, or its successors in title
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
BCD	Biodiversity & Conservation Division within the Department
Biodiversity Offset Strategy	The conservation and enhancement program as described in EA (Mod 1) and Appendix 4
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
Department	Department of Planning, Industry and Environment
Development	The development as described in the documents listed in condition 2(a) of Schedule 2
DP	Deposited Plan
DPIE Crown Lands	Crown Lands Group within the Department
DPIE Water	Water Group within the Department
EA (Mod 1)	Environmental Assessment titled <i>Dixon Sand Haerses Road Quarry Extraction Area Modification</i> dated October 2016, including the Response to Submissions dated June 2017, supplementary Response to Submissions dated October 2017, and additional information dated 11 December 2017, prepared by Umwelt (Australia) Pty Ltd
EA (Mod 2)	The Environmental Assessment titled <i>Application to modify DA 165-7-2005 for Haerses Road Quarry under Section 4.55(1) of the Environmental Planning & Assessment Act 1979</i> , prepared by Umwelt (Australia) Pty Ltd, dated 28 November 2018
EIS	Environmental Impact Statement titled <i>Dixon Sand (Penrith) Pty Limited Haerses Road Sand Quarry EIS</i> , dated June 2005, and prepared by Environmental Resources Management Australia Pty Limited
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
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
Heritage NSW	The Heritage Group within the Department of Premier and Cabinet
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
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	Is harm that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) This definition excludes "harm" that is authorised under either this consent or any other statutory approval
MEG	Mining, Exploration and Geoscience, within the Department of Regional NSW
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development
Mod 1 Extraction Area	The area identified as <i>Sandstone Extraction Area A and Sandstone Extraction Area B</i> in Figure 1 of Appendix 1
MR (Mod 3)	The Modification Report titled <i>Haerses Road Quarry Modification 3 Statement of Environmental Effects</i> , prepared by Umwelt (Australia) Pty Ltd, dated December

MR (MOD 4)	2019, including the Response to Submissions dated 9 April 2020, and additional information accompanying the Response to Submissions The Modification Report titled <i>Haerses Road Quarry Modification 4 Statement of Environmental Effects</i> , prepared by Umwelt (Australia) Pty Ltd, dated September 2020
MTSGS	Maroota Tertiary Sands Groundwater Source
MTSGS buffer zone	The area identified as Sandstone Extraction Area B in Figure 1 of Appendix 1
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
Non-Compliance	An occurrence, set of circumstances or development that is a breach of this consent
NRAR	Natural Resources Access Regulator
Old Northern Road Quarry	The development approved under development consent DA 250-09-01
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: <ul style="list-style-type: none"> • extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation, topsoil and overburden; and • processing, stockpiling, blending and transportation of VENM and ENM carried out on the site
Quarry products	Includes all saleable quarry products, but excludes tailings, other wastes and rehabilitation material for use on the site or at the Old Northern Road Quarry
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
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Secretary	Planning Secretary under the EP&A Act, or nominee
Shoulder	The period from 6.00 am to 7.00 am on Monday to Saturday
Site	The land referred to in Schedule 1
SCBGS	Sydney Central Basin Groundwater Source
TfNSW	Transport for NSW
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
VENM	Virgin Excavated Natural Material

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, EA (Mod 1), EA (Mod 2), MR (Mod 4) and MR (Mod 3); and
 - (b) in accordance with the conditions of this consent and the Development Layout Plans.

Note: The Development Layout Plans are 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; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

5. The Applicant may carry out quarrying operations on 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 in all respects other than the right to conduct quarrying operations 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 Applicant must not extract more than 495,000 tonnes of quarry products per year from the quarry.
7. The Applicant must not transport more than 190,000 tonnes of quarry products per year to the Old Northern Road Quarry for processing.
8. Truck movements at the site (i.e. either arrival or dispatch), including truck movements between the site and the Old Northern Road Quarry, must not exceed:
 - (a) 180 per day; and
 - (b) 20 between 6.00 am and 7.00 am.

Note: Operating hours for arrival and dispatch of trucks are also controlled under condition 1 of Schedule 3.
9. The Applicant must not receive more than 250,000 tonnes of VENM and ENM (in total) at the site in any calendar year. No other materials classified as waste under the EPA's *Waste Classification Guidelines 2009* (or its latest version) may be received or processed on the site.
10. The Applicant must:
 - (a) maintain accurate records of all VENM and ENM received at the site (including the date, time and quantity received); and
 - (b) include a copy of this data in the Annual Review.

STRUCTURAL ADEQUACY

11. 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;
 - Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

DEMOLITION

12. 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

13. 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 15 below.

OPERATION OF PLANT AND EQUIPMENT

14. 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

15. The Applicant must pay Council a monthly 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

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

COMPLIANCE

17. 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

18. Within 6 months of the determination of [Modification 2](#), the Applicant must:
- (a) engage a registered surveyor to mark out the boundaries of the:
 - approved limits of extraction;
 - buffer zones shown in Appendix 2; and
 - MTSGS buffer zone;
 - (b) submit a survey plan of these boundaries to the Secretary; and
 - (c) ensure that the boundaries of each operational extraction area are 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 Secretary.

The Applicant must not undertake any quarrying operations within the buffer zones shown in Appendix 2.

Note: This condition does not prevent the construction or maintenance of acoustic bunds shown in Appendix 3.

Maximum Extraction Depth

19. The Applicant must not undertake any extraction within 2 metres of the highest recorded wet weather groundwater level of both the MTSGS and the SCBGS.
20. Within 6 months of the determination of [Modification 1](#), the Applicant must:
- (a) establish the highest recorded wet weather groundwater levels for the site based on all available local and site-specific groundwater monitoring data; and

- (b) engage a suitably qualified and experienced person to prepare a Maximum Extraction Depth Map (contour map or similar) for the development to ensure compliance with condition 19 above and submit this map to the Secretary for approval.

Within 14 days of the approval of the Maximum Extraction Depth Map, the Applicant must submit a copy of the approved map and the supporting groundwater monitoring data to [DPIE Water and NRAR](#).

- 21. The Applicant must comply with the extraction depths specified in the approved Maximum Extraction Depth Map, to the satisfaction of the Secretary.
- 22. The Applicant must review and update the Maximum Extraction Depth Map:
 - (a) annually, for the duration of the baseline groundwater monitoring program (see condition 17 of Schedule 3); and
 - (b) within 3 months of the completion of each Independent Environmental Audit (see condition 13 of Schedule 5), 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, loading and dispatch	6.00 am to 6.00 pm Monday to Saturday At no time on Sundays or public holidays
Acoustic bund construction and road and intersection works on Haerses Road and Wisemans Ferry Road	8.00 to 5.00 pm Monday to Friday At no time on Saturdays, Sundays or public holidays
Maintenance	At any time, provided that these activities are not audible at any privately-owned residence outside of permissible hours for quarrying operations

- 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 operational noise generated by the development (excluding acoustic bund construction) does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Operational noise criteria dB(A)

Receiver	Day	Shoulder (6.00 am to 7.00 am)	
	<i>L_{Aeq} (15 minute)</i>	<i>L_{Aeq} (15 minute)</i>	<i>L_A(max)</i>
R05, R06	41	35	52
R03	40	37	
R13, R14	40	36	
All other receivers	40	35	

Noise generated by the development **must** be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry*.

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.

Notes:

- Should an agreement with a landowner be terminated for any reason, the Applicant must comply with the noise criteria in Table 2.
- Receiver locations are shown in Appendix 5

- The Applicant must manage noise from construction activities (including acoustic bund construction) in accordance with the noise management levels defined in Table 2 of the *Interim Construction Noise Guideline*, except where the Applicant has an agreement with the relevant landowner to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of the agreement.

Acoustic Bund Construction

5. The Applicant must:
 - (a) design, construct and maintain the acoustic bunds shown in Appendix 3 to the satisfaction of the Secretary; and
 - (b) limit all bund construction activities to a period of not more than four weeks in any calendar year, unless otherwise approved by the Secretary.
6. Prior to the construction of any acoustic bunds, the Applicant must prepare an Acoustic Bund Construction Noise Management Plan, which details the procedures that would be undertaken to:
 - (a) keep surrounding residents informed of the proposed timing and duration of bund construction;
 - (b) minimise and mitigate the noise impacts generated by the works; and
 - (c) receive, handle and respond to complaints relating to the works.

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

Operating Conditions

7. The Applicant must:
 - (a) take all reasonable steps to minimise the construction, operational, low frequency and road transportation noise of the development;
 - (b) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;
 - (c) operate a noise management system to guide the day to day planning of quarrying operations and the implementation of noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (d) carry out regular attended noise monitoring to determine whether the development is complying with the relevant conditions of this consent; and
 - (e) modify or stop operations on the site to comply with the relevant conditions of this consent.

Note: Monitoring under this consent is not required at all residences and the use of representative monitoring locations can be used to demonstrate compliance with criteria, if agreed to by the Secretary.

Noise Management Plan

8. 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 6 months of the determination of Modification 1, 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 noise-enhancing meteorological conditions;
 - (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; and
 - effectively supports the noise management system; and
 - (f) include a program to either:
 - attenuate the dump trucks prior to commencing quarrying operations in Stages 4 or 5; or
 - identify alternative mitigation measures and demonstrate that these measures will be implemented to achieve compliance with the noise criteria in this consent at all times.

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

AIR QUALITY

Air Quality Impact Assessment Criteria

9. 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.

Table 3: Air quality criteria

Pollutant	Averaging Period	Criterion
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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

10. The Applicant must:
- implement best practice management to minimise the dust emissions of the development;
 - 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 9 above,
 to the satisfaction of the EPA;
 - regularly 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;
 - minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d under Table 3);
 - monitor and report on compliance with the relevant air quality conditions in this consent; and
 - minimise the area of surface disturbance and undertake progressive rehabilitation of the site, to the satisfaction of the Secretary.

Air Quality Management Plan

11. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA;
 - be submitted to the Secretary for approval within 6 months of the determination of Modification 1, unless otherwise agreed by the Secretary;
 - 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;
 - describe the proposed air quality management system; and
 - 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; and
 - include a program to implement the air quality emissions controls detailed in MR (Mod 3), including sealing the Quarry Access Road between Wisemans Ferry Road and the processing plant. Relevant controls must be implemented before:
 - any increase in extractive operations above 250,000 tonnes of product per year; and
 - the commencement of quarrying operations in Stages 4 or 5.

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

Meteorological Monitoring

12. For the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of Maroota Public School that:
- (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
 - (b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017),
- unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

Greenhouse Gas Emissions

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

SOIL AND WATER

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

Water Supply

14. 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.

Water Discharges

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

Groundwater Management

16. Prior to the commencement of quarrying operations within the Mod 1 extraction area, the Applicant must:
- (a) install additional monitoring bores in accordance with EA (Mod 1);
 - (b) install one additional monitoring bore in the south-western corner of the Mod 1 extraction area;
 - (c) install loggers in each on-site bore to enable continuous groundwater level monitoring;
 - (d) install water level loggers in all existing on-site quarry dams and in new quarry dams when constructed; and
 - (e) carry out an aquifer pumping test within the SCBGS, to the satisfaction of [DPIE Water and NRAR](#).
17. Prior to commencing quarrying operations within the MTSGS buffer zone, the Applicant must complete a baseline groundwater monitoring program, in consultation with [DPIE Water and NRAR](#) and to the satisfaction of the Secretary. The program must include monthly monitoring of groundwater levels and quality within the MTSGS buffer zone for a period of not less than 2 years.

The Applicant must not commence quarrying operations within the MTSGS buffer zone without the prior approval of the Secretary.

18. The Applicant must ensure that groundwater in the regional groundwater sources 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 [DPIE Water and NRAR](#) to determine the basis upon which extraction may recommence.

Note: Perched groundwater lenses that are above the regional groundwater source may be intercepted, however Water Access Licences must be held to account for all groundwater taken.

Soil and Water Management

19. 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 [DPIE Water and NRAR](#);
 - (c) be submitted to the Secretary for approval prior to the commencement of quarrying operations within the Mod 1 extraction area, 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, including the area, depth and capacity of any in-pit sumps; 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 do not intercept the highest recorded wet weather groundwater level of the MTSGS and/or the SCBGS;
 - includes 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
 - includes a monitoring program to manage potential impacts, if any, on any alluvium and associated surface water source near the proposed extraction area that includes:
 - monitoring of groundwater inflows into the quarry from the quarry face or floor, or into any in-pit sumps;
 - 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

Road Works

20. Prior to carrying out any development, the Applicant must 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.
21. The Applicant must:
 - (a) maintain safe access to the site for 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 must ensure that the final alignment and design of Haerses Road is approved by Council prior to the commencement of the development.
 - The Applicant must 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 must rehabilitate any temporary access roads that were established on site.
22. Prior to carrying out any development, the Applicant must:
 - (a) provide for appropriate sight distances at the intersection of Haerses Road and Wisemans Ferry Road, by clearing and/or lopping vegetation along the eastern approach of Wisemans Ferry Road; and
 - (b) provide warning signage ("Truck Turning") on the eastern and western approaches of Wisemans Ferry Road, to the satisfaction of TfNSW.
23. Within 12 months of the commencement of the development, the Applicant must construct a Type 'AUR' treatment at the intersection of Haerses Road and Wisemans Ferry Road to the satisfaction of TfNSW. Until the intersection works have been completed to the satisfaction of TfNSW, the Applicant must limit the number of trucks entering the site to 15 truck movements per day.

Notes:

- Prior to the Construction Certificate being released the Applicant must:
 - enter into a Memorandum of Understanding with the TfNSW that the Type 'AUR' intersection treatment shall be fully constructed and handed over to the TfNSW within 12 months of the commencement of the development; and
 - issue a bank guarantee in favour of the TfNSW for the total cost of the intersection works (the cost to be determined following the approval of detailed design plans by the TfNSW).
 - The Applicant shall ensure that the intersection works comply with the TfNSW 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.
24. Prior to transporting any quarry products derived from quarrying operations within the Mod 1 extraction area, the Applicant must construct a channelised right-turn 'CHR' treatment at the intersection of Haerses Road and Wisemans Ferry Road to the satisfaction of TfNSW. The Applicant must:
- (a) submit detailed design plans to TfNSW for approval prior to the issue of a construction certificate by Council or the commencement of road works; and
 - (b) design and construct the intersection treatment in accordance with the Austroads Guide to Road Design.
- 24A. The Applicant must monitor trucks queuing within the right turn bay at the quarry intersection on Wisemans Ferry Road and, in the instance that there are trucks regularly queuing at the intersection, extend the length of the right turn bay to the satisfaction of TfNSW.

Construction Traffic Management

25. Prior to commencement of the works referred to in condition 24 above, the Applicant must prepare and implement a Traffic Control Plan for the development to the satisfaction of the TfNSW.

Monitoring of Product Transport

26. 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 these records on its website every 6 months.

Operating Conditions

27. The Applicant must:
- (a) ensure that all laden trucks have their loads covered when arriving at or leaving the site;
 - (b) ensure that all laden trucks are cleaned of material that may fall from vehicles, before leaving the site; and
 - (c) 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

28. 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 TfNSW and Council;
 - (b) be submitted to the Secretary for approval within 6 months of the determination of Modification 1, 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 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);
 - (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; and
 - (h) include a protocol to monitor truck queuing behaviour in the right turn bay at the quarry intersection on Wisemans Ferry Road, and trigger points for implementing the intersection upgrade required under condition 24A.

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

ABORIGINAL HERITAGE

29. 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 [Heritage NSW](#) 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

30. The Applicant must retire the biodiversity credits specified in Table 4 to the satisfaction of the Secretary and [BCD](#). The Applicant must retire the credits prior to commencing any vegetation clearing within the Mod 1 extraction area, except the minimum clearing required to comply with condition 16 of this Schedule.

Table 4: Biodiversity credits to be retired prior to the commencement of vegetation clearing

Credit type	Number of Credits
Ecosystem Credits	
HN560 Needlebush – Banksia Wet Heath on Sandstone Plateaux of the Sydney Basin Bioregion	3
HN566 Red Bloodwood – Scribbly Gum Heathy Woodland on Sandstone Plateaux of the Sydney Basin Bioregion	377
HN582 Scribbly Gum – Hairpin Banksia – Dwarf Apple Heathy Woodland on Hinterland Sandstone Plateaux of the Central Coast, Sydney Basin Bioregion	181
HN586 Smooth-barked Apple – Red Bloodwood – Sydney Peppermint Heathy Open Forest on Slopes of Dry Sandstone Gullies of Western and Southern Sydney, Sydney Basin Bioregion	44
Species Credits	
<i>Darwinia biflora</i>	360
Dural Land Snail (<i>Pommerhelix duralensis</i>)	98
Eastern Pygmy Possum (<i>Cercartetus nanus</i>)	148
<i>Grevillea parviflora</i> subsp. <i>supplicans</i>	338
<i>Tetradlea glandulosa</i>	288

31. The Applicant must retire the biodiversity credits specified in Table 5 to the satisfaction of the Secretary and [BCD](#). The Applicant must retire the credits prior to commencing any vegetation clearing in extraction cells 2A, 2B or 3B (as shown in Appendix 1), except the minimum clearing required to comply with condition 16 of this Schedule.

Prior to commencing vegetation clearing in any of extraction cells 2A, 2B and 3B, the Applicant must demonstrate that the proportionate credits required in respect of that cell have been retired, to the satisfaction of the Secretary.

Table 5: Biodiversity credits to be retired prior to vegetation clearing in extraction cells 2A, 2B or 3B

Credit type	Number of Credits
Species Credits	
Dural Land Snail (<i>Pommerhelix duralensis</i>)	132

32. The Applicant must retire the biodiversity credits specified in Table 6 to the satisfaction of the Secretary and BCD. The Applicant must retire the credits prior to commencing any vegetation clearing in extraction cells 2A, 2B, 3A, 3B, 4A, 4B and 5B (as shown in Appendix 1), except the minimum clearing required to comply with condition 16 of this Schedule.

Prior to commencing vegetation clearing in any of extraction cells 2A, 2B, 3A, 3B, 4A, 4B and 5B, the Applicant must demonstrate that the proportionate credits required in respect of that cell have been retired, to the satisfaction of the Secretary.

Table 6: Biodiversity credits to be retired progressively

Credit type	Number of Credits
Ecosystem Credits	
HN582 Scribbly Gum – Hairpin Banksia – Dwarf Apple Heathy Woodland on Hinterland Sandstone Plateaux of the Central Coast, Sydney Basin Bioregion	357
Species Credits	
Eastern Pygmy Possum (<i>Cercartetus nanus</i>)	75

33. In retiring the ecosystem and species credits set out in conditions 30 to 32 above, the Applicant may apply the Biodiversity Offset Strategy (see Appendix 4) or, with the agreement of the Secretary, may use other land, the NSW Biodiversity Conservation Fund or alternate mechanisms permitted under the Biodiversity Offsets Scheme of the BC Act.

The credits identified in Tables 4, 5 and 6 were calculated in accordance with *Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects* (OEH, 2014) and may need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act, if the credits are to be retired in accordance with the Biodiversity Offsets Scheme of the BC Act.

Rehabilitation Objectives

34. The Applicant must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be generally consistent with the final landform shown in Appendix 6 and must comply with the objectives in Table 6.

Table 6: Rehabilitation Objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> 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
Surface infrastructure	<ul style="list-style-type: none"> Decommissioned and removed, unless otherwise agreed by the Secretary
Quarry benches and pit floor	<ul style="list-style-type: none"> Landscaped and vegetated using native tree and understorey species
Final void	<ul style="list-style-type: none"> Minimise the size, depth and slope of the batters of the final void Minimise the drainage catchment of the final void

Progressive Rehabilitation

35. 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.

Biodiversity and Rehabilitation Management Plan

36. 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 BCD and Council;
 - (c) be submitted to the Secretary for approval within 6 months of the approval of Modification 1, 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:
 - 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, paying particular attention to any occurrences of *Hibbertia superans* adjacent to the approved extraction areas;
 - 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;
 - (i) include detailed performance and completion criteria for evaluating the performance of the Biodiversity Offset Strategy and the rehabilitation of the site (including progressive rehabilitation), including triggers for any necessary remedial action;
 - (j) include a program to monitor and report on the effectiveness of the measures described in paragraphs (f) and (g), and progress against the performance and completion criteria;
 - (k) 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
 - (l) 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

37. 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 BCD 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.
38. 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

39. 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

40. 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.
41. Except as expressly permitted in an EPL and/or the conditions of this consent, the Applicant must not receive waste on the site for storage, treatment, processing, reprocessing or disposal.

LIQUID STORAGE

42. 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

43. 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

44. 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.
45. Within 6 months of the determination of Modification 1, the Applicant must prepare a Bushfire Management Plan for the site in consultation with Council and to the satisfaction of the Rural Fire Service.

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;
- (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 6 months of the approval of Modification 1, unless otherwise agreed by the Secretary;
 - (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:
 - 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 1, until the approval of a similar plan, strategy or program following the approval of Modification 1.

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 performance measures in this consent. Any exceedance of these criteria 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 or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement reasonable remediation measures as directed by the Planning 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 30 June 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 1 must continue to be operated in accordance with the procedures required by the consent prior to the approval of Modification 1 until such time as the CCC required by this condition is established.
- The Applicant may, with the approval of the Secretary, combine the function of this CCC with the functions of other CCCs in the area.

REPORTING

Incident Notification

9. The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

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

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; and
 - (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

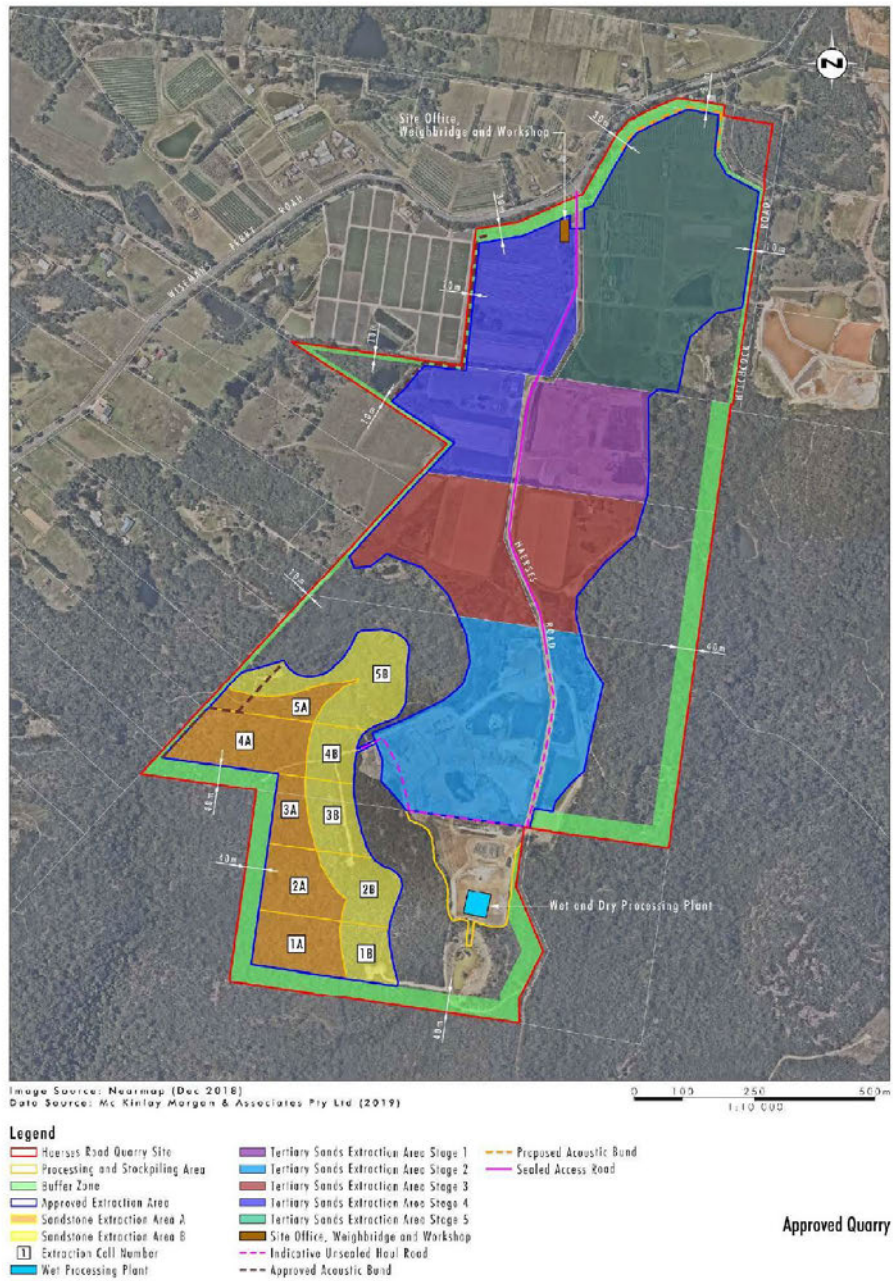
13. By the end of November 2019, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:

- (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.

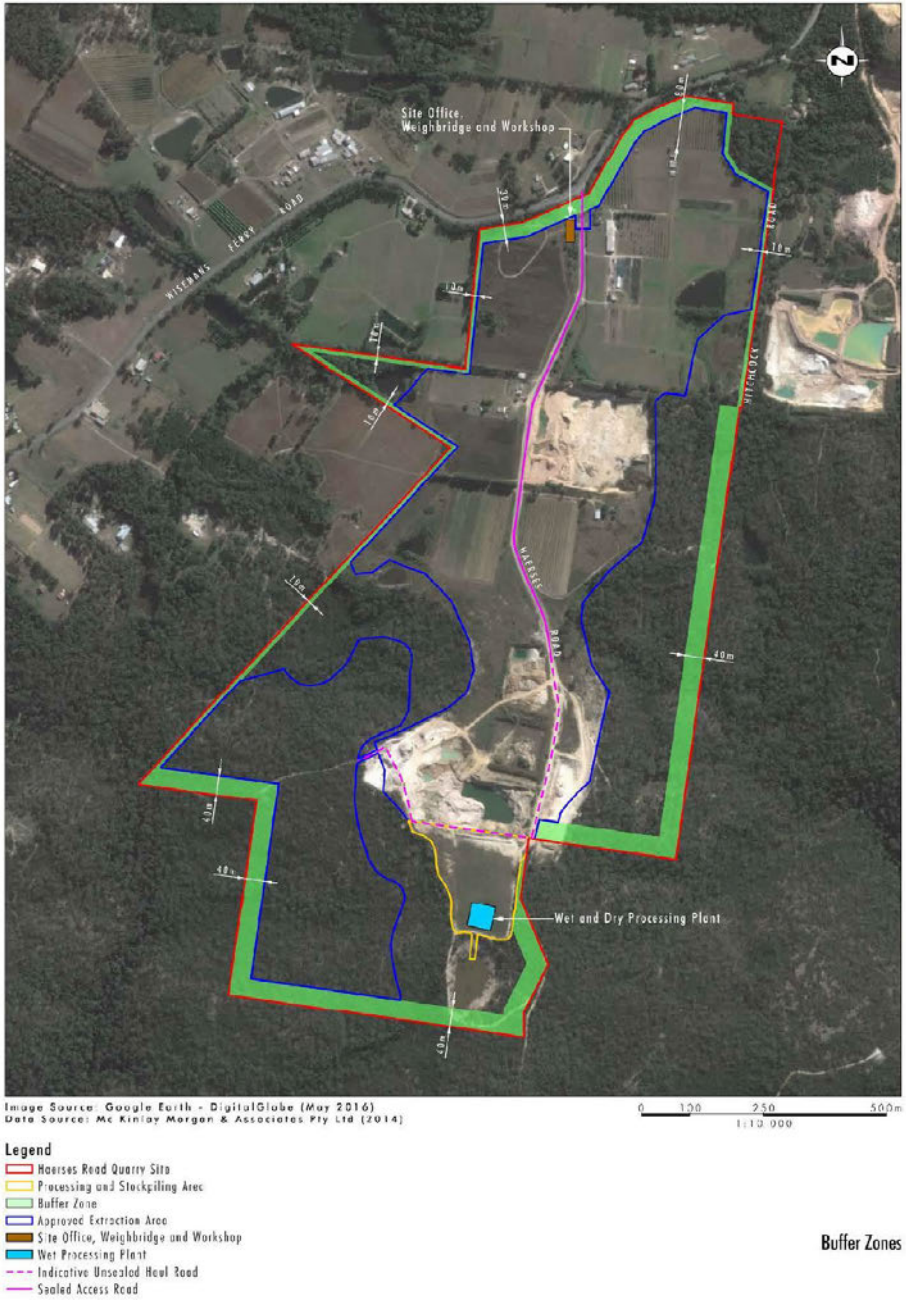
ACCESS TO INFORMATION

15. Within 3 months of the determination of Modification 1, 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 PLANS



APPENDIX 2
BUFFER ZONES



APPENDIX 3 LOCATION OF ACOUSTIC BUNDS

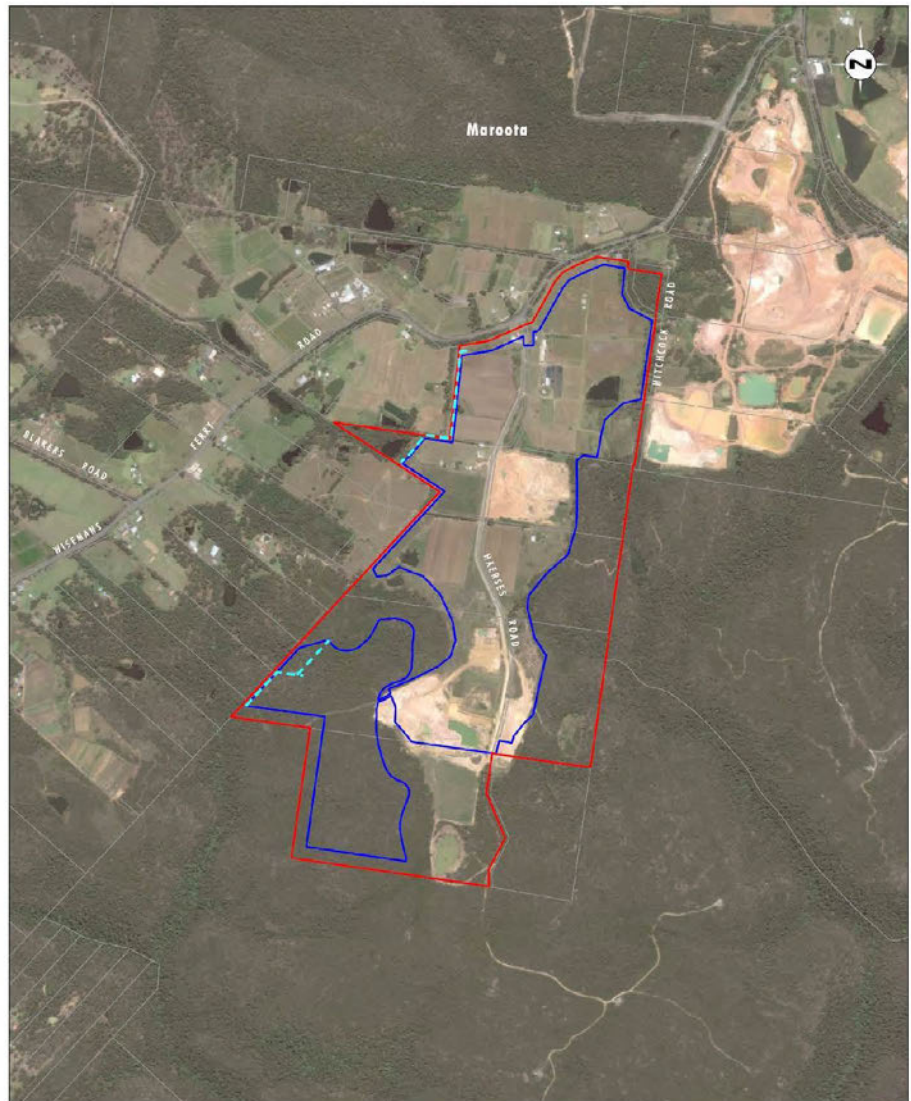


Image Source: Google Earth - DigitalGlobe (Dec 2016)
Data Source: Mc Kinlay Morgan & Associates Pty Ltd (2014)

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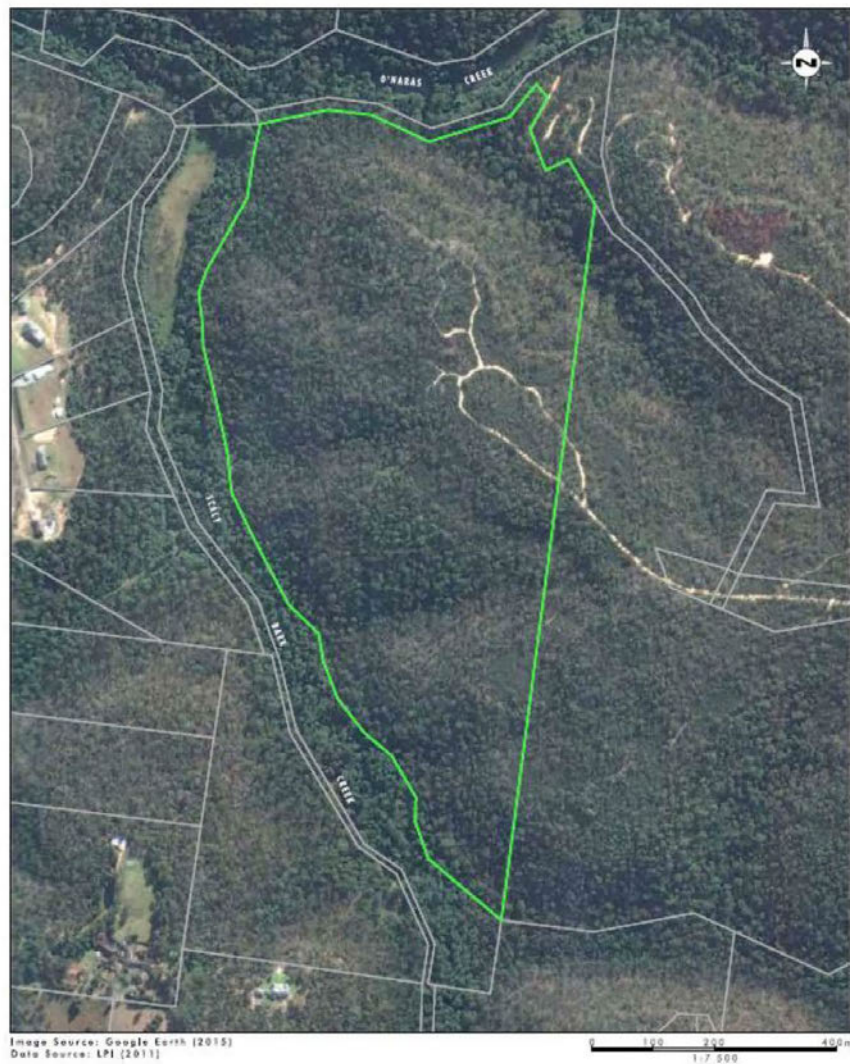
Legend
 Hares Road Quarry Site
 Approved Extraction Area
 Acoustic Bund

Acoustic Bunds

APPENDIX 4 BIODIVERSITY OFFSET STRATEGY



Figure 1– Haerses Road Offset Area



Legend
 Proposed Porters Road BioBank Site

Porters Road BioBank Site

Figure 2— Porters Road Offset Area

APPENDIX 5 RECEIVER LOCATIONS

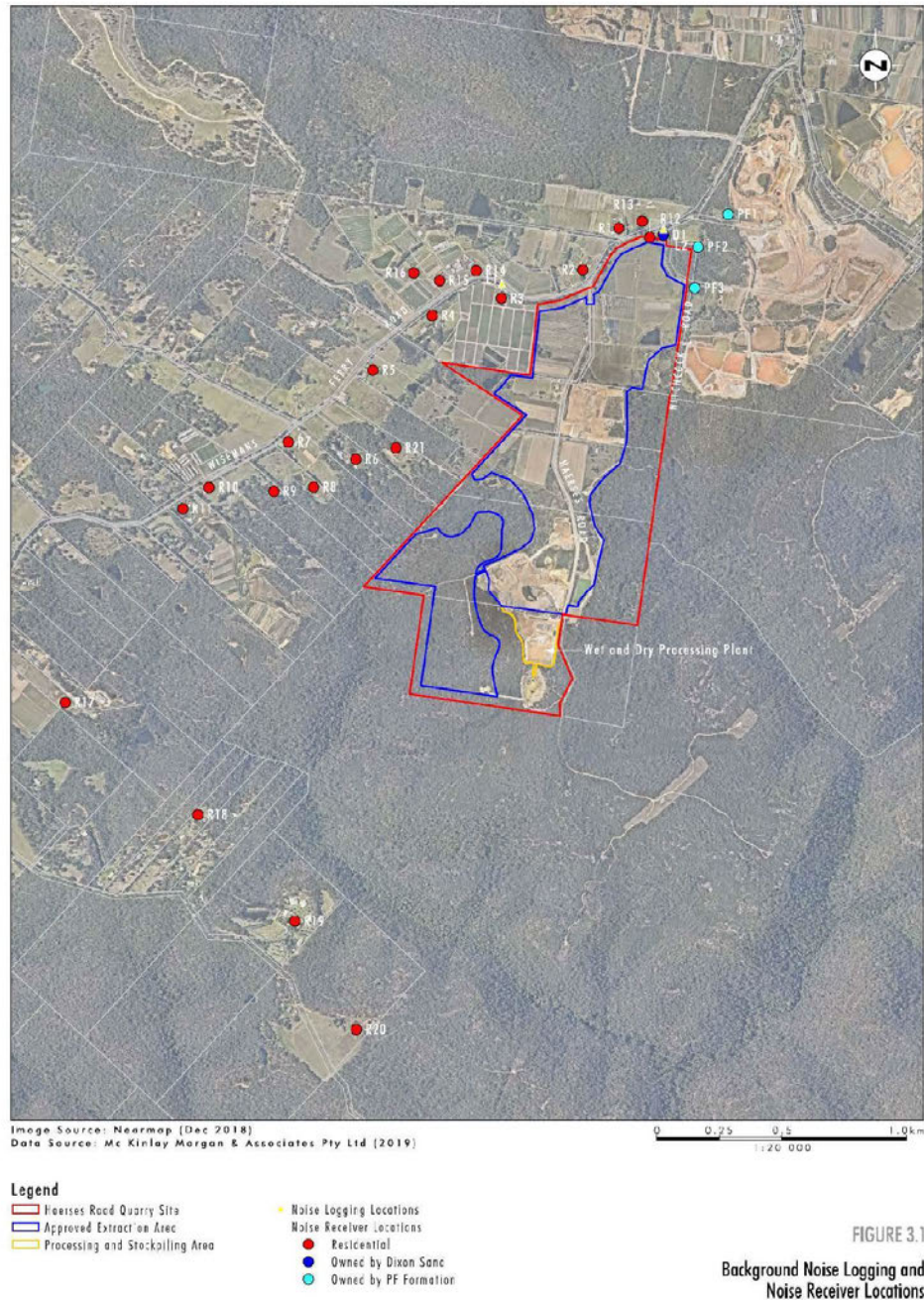


Figure 1 – Residential Receiver Locations

APPENDIX 6 FINAL LANDFORM

