

Notice of Modification

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

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



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1 / 4 / 2016

SCHEDULE 1

The development consent (DA 283/97) for the Possum Brush Quarry, granted by the Minister for Urban Affairs and Planning on 25 May 1998.

SCHEDULE 2

1. Delete Schedule 2 and Figures 1 to 3, and insert the following:

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DEFINITIONS

Aboriginal object	Any item that provides evidence of the use of an area by Aboriginal people, as defined under the <i>National Parks and Wildlife Act 1974</i>
AHD	Australian Height Datum
Annual review	The review required by condition 9 of Schedule 5
Applicant	Pacific Blue Metal Pty Ltd or any other person or persons who rely on this consent to carry out the development that is subject to this consent
Asphalt activities	As approved under DA 1127/2005
BCA	Building Code of Australia
CCC	Community Consultative Committee
Condition of consent	Conditions contained in Schedule 2 to 5 inclusive
Council	Greater Taree City Council
Day	The period from 7 am to 6 pm, Monday to Saturday, and 8 am to 6 pm Sunday and Public Holidays
Department	Department of Planning and Environment
DRE	Division of Resources and Energy, within the NSW Department of Industry
Development	The development as described in the documents listed in condition 2 of Schedule 2
DPI Water	Department of Primary Industries Water
EIS	Development Application 283/97 lodged with Greater Taree City Council on 12 September 1997, and accompanying Environmental Impact Statement prepared by ERM Mitchell McCotter, dated September 1997
EA (Mod 1)	Modification Application MOD 1 52-7-2002, dated 18 July 2002
EA (Mod 2)	Modification Application MOD 2 105-8-2006, dated 15 August 2006
EA (Mod 3)	Modification Application DA 283/97 MOD 3 and accompanying Environmental Assessment titled <i>Environmental Assessment for An Additional Minor Area of Extraction at the Possum Brush Quarry</i> , prepared by R W Corkery and Co Pty Limited, dated November 2012
EA (Mod 4)	Modification Application DA 283/97 MOD 4 and accompanying Environmental Assessment titled <i>Environmental Assessment for the Stage 2 Operations and the Modification of Development Consent DA 283/97 at the Possum Brush Quarry, via Nabiac</i> , dated November 2015, and the Response to Submissions titled <i>Response to Submissions for the Stage 2 Operations and the Modification of Development Consent DA 283/97 at the Possum Brush Quarry, via Nabiac</i> , dated February 2016.
EPA	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 issued under the POEO Act
Evening	The period from 6 pm to 10 pm
Extractive material	Includes saleable material extracted from the development, but excludes tailings and other wastes
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
GPS	Global Positioning System
Incident	A set of circumstances that: <ul style="list-style-type: none"> • causes, or threatens to cause, material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this consent
INP	<i>NSW Industrial Noise Policy</i> (NSW EPA, 2000)
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
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Night	The period from 10 pm to 7 am, Monday to Saturday, and 10 pm to 8

OEH	am Sunday and Public Holidays
POEO Act	Office of Environment and Heritage
Public infrastructure	<i>Protection of the Environment Operations Act 1997</i> Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Quarrying operations	The extraction, processing and transportation of extractive materials on the site and the associated removal of vegetation, topsoil and overburden.
Quarry products	Includes extractive material, aggregates, road pavement products, asphalt products, recycled products and all other saleable products despatched from the site
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Recycling activities	As approved under DA 769/2009
Rehabilitation	The restoration of land disturbed by the development to a good condition, ensuring it is safe, stable, non-polluting environment and appropriately vegetated.
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Site	Includes Lot 109 DP 753195, Lot 3 DP 701903 and Lot 66 DP 608957

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

TERMS OF CONSENT

2. The Applicant shall carry out the development generally in accordance with the EIS, EA (Mod 1), EA (Mod 2), EA (Mod 3) and EA (Mod 4).
3. The Applicant shall carry out the development in accordance with the Development Layout Plans and the conditions of this consent.

Note: The Development Layout Plan for the development is shown in Appendix 1.

4. If there is any inconsistency between the documents identified in condition 2, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
5. The Applicant shall comply with any reasonable 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 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

Quarrying Operations

6. The Applicant may carry out quarrying operations on the site until 31 March 2046.

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

7. The Applicant shall not extract extractive materials below a level of 45 metres AHD.
8. The Applicant shall not extract more than 16.2 million tonnes of extractive material from the site under this consent.
9. The Applicant shall not transport more than 500,000 tonnes of quarry products from the site in any calendar year.

Note: Extractive material provided to Council free of charge for roads works on Possum Brush Road in accordance with condition 19 of Schedule 2 shall be excluded from the limit specified above.

Quarry Product Transport

10. The Applicant shall ensure that:
 - (a) no more than 36 truck movements occur per hour; and
 - (b) no more than 420 truck movements occur per day.

Note: Truck movements mean heavy vehicle one-way trips, either entering or leaving the site, including trucks associated with the asphalt and recycling activities.

HOURS OF OPERATION

11. The Applicant shall comply with the operating hours in Table 1.

Table 1: Operating Hours

Activity	Operating Hours
Extraction and processing operations	6:30 am to 6 pm Monday to Friday 7 am to 3 pm Saturday
Maintenance operations	6 am to 9 pm Monday to Friday 6 am to 9 pm Saturday
Loading and dispatch of laden trucks	6:30 am to 6 pm Monday to Friday 7 am to 3 pm Saturday
Blasting	9 am and 3 pm Monday to Friday. No blasting is allowed on Saturdays, Sundays or public holidays, or at any other time without the written approval of the Secretary.

The following activities may be carried out on the site outside the hours specified in Table 1:

- (a) delivery or dispatch of materials as requested by Police or other authorities; and
- (b) emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

In such circumstances, the Applicant shall notify the Secretary and affected residents prior to undertaking the activities, or as soon as is practical thereafter. The Applicant shall keep a record of all such events and report on the same in the Annual Review (see condition 9 of Schedule 5).

STRUCTURAL ADEQUACY

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

Notes:

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

DEMOLITION

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

PROTECTION OF PUBLIC INFRASTRUCTURE

14. The Applicant shall:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to damage to roads caused as a result of general road usage.

OPERATION OF PLANT AND EQUIPMENT

15. The Applicant shall ensure that all the plant and equipment used at the site is maintained and operated in a proper and efficient manner.

IDENTIFICATION OF APPROVED LIMITS OF EXTRACTION

16. Prior to 30 September 2016, unless otherwise agreed by the Secretary, the Applicant shall:
 - (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction within the development area (see Appendix 1); and
 - (b) submit a survey plan of these boundaries with applicable GPS coordinates to the Secretary.
17. While quarrying operations are being carried out, the Applicant shall ensure that these boundaries are clearly marked at all times in a manner that allows operating staff and inspecting officers to clearly identify the approved limits of extraction.

PRODUCTION DATA

18. The Applicant shall:
 - (a) provide annual quarry production data to DRE using the standard form for that purpose; and

- (b) include a copy of this data in the Annual Review (see condition 9 of Schedule 5).

CONTRIBUTIONS TO COUNCIL

- 19. The Applicant shall provide extractive material to Council free of charge for ongoing maintenance of Possum Brush Road between the quarry entrance and the Pacific Highway.
- 20. The Applicant shall pay to Council a monthly contribution for the maintenance of Possum Brush Road between the quarry entrance and the Pacific Highway. The rate of the contribution for all quarry products transported from the site is:
 - (a) 7.5 cents per tonne for five years from 25 May 2008;
 - (b) 10 cents per tonne for the next five years from 25 May 2013; and
 - (c) further increases indexed annually to changes in the Consumer Price Index (Road & Bridge Construction) (NSW Index) from 25 May 2018 and thereafter.

**SCHEDULE 3
ENVIRONMENTAL PERFORMANCE CONDITIONS**

NOISE

Noise Impact Assessment Criteria

1. The Applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise criteria dB(A)

Receiver	Day/Evening	Night	
	L_{Aeq}(15 min)	L_{Aeq}(15 min)	L_{A1}(max)
R1 – 5 St Peters Close	39	39	45
R2 – 175 Possum Brush Road	38	38	45
R3 – 55 Possum Brush Road	37	37	45
All other residences	35	35	45

Note: Receiver locations are shown in Appendix 2.

Noise generated by the development is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 3 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Operating Conditions

2. The Applicant shall:
 - (a) implement best practice management to minimise the operational and road transportation noise of the development;
 - (b) minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 3);
 - (c) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent; and
 - (d) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent, to the satisfaction of the Secretary.

Noise Management Plan

3. The Applicant shall prepare a Noise Management Plan for the development to the satisfaction of the Secretary. In addition to the standard requirements for management plans (see condition 2 of Schedule 5) this plan must:
 - (a) be submitted to the Secretary for approval within three months of the date of approval of Modification 4, unless otherwise agreed by the Secretary;
 - (b) describe the measures that would be implemented to ensure:
 - compliance with the noise criteria in this consent;
 - best practice management is being employed; and
 - the noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply (see Appendix 3);
 - (c) describe the proposed noise management system; and
 - (d) include a monitoring program that will be put in place to measure noise from the development against the noise criteria in Table 2, and which evaluates and reports on the effectiveness of the noise management system on site; and

The Applicant shall implement the management plan as approved from time to time by the Secretary.

BLASTING

Blasting Impact Assessment Criteria

4. The Applicant shall ensure that blasting on site does not cause any exceedance of the criteria in Table 3.

Table 3: Blasting criteria

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

However, these criteria do not apply if the Applicant has a written agreement with the relevant owner to exceed the limits in Table 3, and the Applicant has advised the Department in writing of the terms of this agreement.

Blasting Frequency

5. The Applicant may carry out a maximum of 2 blasts per calendar month, unless an additional blast is required following a blast misfire. This condition does not apply to blasts required to ensure the safety of the quarry or workers on site.

Note: For the purposes of this condition a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the quarry.

Operating Conditions

6. During blasting operations, the Applicant shall:
- implement best management practice to:
 - protect the safety of people and livestock in the areas surrounding blasting operations;
 - protect public or private infrastructure/property in the surrounding area from damage from blasting operations; and
 - minimise the dust and fume emissions of blasting;
 - operate a suitable system to enable the local community to get up-to-date information on the proposed blasting schedule on site; and
 - carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent, to the satisfaction of the Secretary.
7. Upon written request of the owner of any existing dwelling house located within 1.25 kilometres of the development, the Applicant shall arrange at its own costs, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any existing dwelling house. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner within fourteen days of receipt of the report.

Should the inspection report find that structural damage to the dwelling house has occurred as a result of blasting at the quarry, the owner of that dwelling house may request the Applicant to carry out works to remedy or mitigate that damage. Such works shall be carried out at the Applicant's expense and shall be agreed to by the owner of the dwelling house.

In the event of a dispute between the Applicant and the owner of an existing dwelling house arising from the requirements of this condition, the Applicant shall refer the matter for the consideration and decision of the Secretary.

Blast Management Plan

8. The Applicant shall prepare a Blast Management Plan for the development to the satisfaction of the Secretary. In addition to the standard requirements for management plans (see condition 2 of Schedule 5) this plan must:
- be submitted to the Secretary for approval within three months of the date of approval of Modification 4, unless otherwise agreed by the Secretary;
 - describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
 - include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;

- (d) include community notification procedures for the blasting schedule; and
- (e) include a protocol for investigating and responding to complaints.

The Applicant shall implement the management plan as approved from time to time by the Secretary.

AIR QUALITY

Air Quality Impact Assessment Criteria

9. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Tables 4 at any residence on privately-owned land.

Table 4: Air quality criteria

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

Notes for Table 4:

- a. Cumulative impact (ie increase in concentrations due to the development plus background concentrations due to all other sources).
- b. Incremental impact (ie incremental increase in concentrations due to the development on its own, 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 to by the Secretary.

Operating Conditions

10. The Applicant shall:
- (a) implement best practice management to minimise the dust emissions of the development;
 - (b) carry out periodic air quality monitoring to determine whether the development is complying with the relevant conditions of this consent;
 - (c) regularly assess meteorological and air quality monitoring data and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this consent;
 - (d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d under Table 4); and
 - (e) minimise the area of surface disturbance and maximise progressive rehabilitation of the site, to the satisfaction of the Secretary.

Quarry-owned Land

11. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 4 at any occupied residence on quarry-owned land unless:
- (a) the tenant has been notified of any health risks associated with such exceedances in accordance with the notification requirements under Schedule 4 of this consent; and
 - (b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice, to the satisfaction of the Secretary.

Air Quality Management Plan

12. The Applicant shall prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. In addition to the standard requirements for management plans (see condition 2 of Schedule 5) this plan must:
- (a) be submitted to the Secretary for approval by within three months of the date of approval of Modification 4, unless otherwise agreed by the Secretary;
 - (b) describe the measures that would be implemented to ensure:
 - compliance with the relevant 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;
- (c) describe the proposed air quality management system; and
- (d) include an air quality monitoring program that:
- is capable of evaluating the performance of the development;
 - includes a protocol for determining any exceedances of the relevant conditions of consent;
 - effectively supports the air quality management system; and
 - evaluates and reports on the adequacy of the air quality management system.

The Applicant shall implement the management plan as approved from time to time by the Secretary.

Meteorological Monitoring

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

Greenhouse Gas Emissions

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

SOIL AND WATER

Water Supply

15. The Applicant shall ensure it has sufficient water for all stages of the development, and if necessary, adjust the scale of quarrying operations to match the available water supply.

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

Water Discharges

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

Groundwater

17. In the event that groundwater in excess of negligible quantities is intersected during quarrying operations, the Applicant shall undertake a hydrogeological investigation, in consultation with DPI Water, to the satisfaction of the Secretary. The investigation must report on groundwater sources, levels, yield and quality; identify any risks to groundwater users or groundwater dependent ecosystems and propose recommended management measures.

The Applicant must implement reasonable and feasible management measures to the satisfaction of the Secretary.

Water Management Plan

18. The Applicant shall prepare a Water Management Plan for the development to the satisfaction of the Secretary. In addition to the standard requirements for management plans (see condition 2 of Schedule 5) this plan must:
- (a) be prepared in consultation with the EPA and DPI Water;
 - (b) be submitted to the Secretary for approval within three months of the date of approval of Modification 4, unless otherwise agreed by the Secretary;
 - (c) include a Site Water Balance that includes details of:
 - sources and security of water supply;
 - water uses, losses and management on site;
 - any off-site water transfers; and
 - reporting procedures; and
 - (d) include a Surface Water Management Plan that includes:
 - 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;

- stormwater runoff controls;
- dirty water management system; and
- water storages; and
- a program to monitor and report on:
 - any surface water discharges;
 - the effectiveness of the water management system; and
 - surface water flows and quality in local watercourses; and
- measures that would be implemented to minimise water use on site;
- identification of all reasonable and feasible measures to improve the quality of surface water within and around the site;

The Applicant shall implement the management plan as approved from time to time by the Secretary.

LANDSCAPE AND REHABILITATION

Rehabilitation Objectives

19. The Applicant shall rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be in accordance with the objectives in Table 5.

Table 5: Rehabilitation objectives

Feature	Objective
Site (as a whole)	<ul style="list-style-type: none"> ● Safe, stable and non-polluting. ● Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and designed to minimise the visual impacts of the development when viewed from surrounding land. ● Restored with native, endemic vegetation
Vegetated land	<ul style="list-style-type: none"> ● Conserved and enhanced with native, endemic vegetation. ● Containing self-sustaining ecosystems.
Surface Infrastructure	<ul style="list-style-type: none"> ● Decommissioned and removed, unless the Secretary agrees otherwise.
Quarry Benches & Pit Floor	<ul style="list-style-type: none"> ● Landscaped and vegetated using native trees and understorey species.
Final Void	<ul style="list-style-type: none"> ● Minimise the height and slope of batters. ● Minimise the drainage catchment.
Community	<ul style="list-style-type: none"> ● Ensure public safety. ● Minimise the adverse socio-economic effect of quarry closure.

Progressive Rehabilitation

20. The Applicant shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible 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 disturbance in the future.

Landscape and Rehabilitation Management Plan

21. The Applicant shall prepare a Landscape and Rehabilitation Management Plan for the development to the satisfaction of the Secretary. In addition to the standard requirements for management plans (see condition 2 of Schedule 5) this plan must:
- (a) be prepared in consultation with OEH and Council;
 - (b) be submitted to the Secretary for approval within three months of the date of approval of Modification 4, unless otherwise agreed by the Secretary;
 - (c) provide details of the conceptual final landform and associated land uses for the site;
 - (d) describe the short, medium and long-term measures that would be implemented to ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;
 - (e) include a program to progressively improve the structure and floristic composition of the established wildlife corridor which includes:
 - maintaining a fence around the wildlife corridor to exclude grazing stock;

- maintaining wildlife warning signs and speed limits on internal roads; and
 - making suitable arrangements to protect in perpetuity the wildlife corridor; and
- (f) include a program to monitor Rudder's Box within the Applicant's property;
- (g) include a detailed description of the measures that would be implemented to:
- maximise the salvage of environmental resources within the approved disturbance area for beneficial reuse;
 - protect vegetation and fauna habitat outside the approved extraction area;
 - minimise tree or native vegetation removal or destruction;
 - use pre-existing or local plant species for revegetation;
 - minimise the impacts on native fauna and flora, including Brush-tailed Phascogale and Rudder's Box;
 - landscape the site to minimise visual and lighting impacts;
 - control weeds and feral pests;
 - control erosion;
 - control access; and
 - bushfire management; and
- (h) include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
- (i) identify the potential risks to the successful rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate these risks; and
- (j) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

The Applicant shall implement the management plan as approved from time to time by the Secretary.

Note: For the purposes of this consent, suitable arrangements to protect the wildlife corridor in perpetuity may include the use of Public Positive Covenants in combination with Restrictions on Use of Land on the land title/s of the wildlife corridor. Other arrangements such as the use of Biobanking Agreements or transfer of lands to the national parks estate would also be considered for their suitability.

Rehabilitation and Conservation Bond

22. Within 6 months of the approval of the Landscape and Rehabilitation Management Plan, the Applicant shall lodge a Rehabilitation and Conservation Bond with the Department to ensure that the management of biodiversity and the rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the Landscape and Rehabilitation Management Plan. The sum of the bond shall be determined by:
- (a) calculating the cost of rehabilitating the site taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
 - (b) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Secretary.

Note: If the rehabilitation of the site is completed to the satisfaction of the Secretary, then the Secretary will release the bond. If the rehabilitation of the site is 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.

23. Within 3 months of each Independent Environmental Audit (see condition 10 of Schedule 5), the Applicant shall review, and if necessary revise, the sum of the Rehabilitation and Conservation Bond to the satisfaction of the Secretary. This review must consider the:
- (a) effects of inflation;
 - (b) likely cost of rehabilitating the site (taking into account the likely surface disturbance over the next 3 years of the development); and
 - (c) performance of the implementation of the rehabilitation of the site to date.

ABORIGINAL CULTURAL HERITAGE

24. If any item or object of Aboriginal heritage significance is identified on site, the Applicant shall ensure that:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately;
 - (b) a 10 m buffer area around the suspected item or object is cordoned off with high visibility flagging tape, or the like; and
 - (c) OEH is contacted immediately.

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

TRANSPORT

Transport Routes

25. No trucks associated with the development are to travel on Bullocky Way, Tritton Road or the section of Possum Brush Road to the west of the intersection with the quarry access road and other minor roads off this section of road unless delivering products to a property fronting onto these roads or providing materials for the maintenance of the roads themselves, without the written agreement of the Secretary.

Pacific Highway Intersection

26. The Applicant shall ensure that appropriate advance warning truck signage is installed or replaced on the northbound and southbound lanes of the Pacific Highway, to the satisfaction of the RMS.

Operating Conditions

27. The Applicant shall ensure that:
- all company owned trucks associated with the quarry have appropriate signage, so they can be easily identified by road users;
 - all laden trucks entering or exiting the site have their loads covered;
 - all laden trucks exiting the site are cleaned of materials that may fall on the road, before leaving the site; and
 - road maintenance requirements, including the removal of any obstructing roadside vegetation, are reported to Council for Possum Brush Road and to RMS for the Pacific Highway.

Transport Management Plan

28. The Applicant shall prepare a Transport Management Plan for the development to the satisfaction of the Secretary. In addition to the standard requirements for management plans (see condition 2 of Schedule 5) this plan must:
- be prepared in consultation with RMS and Council;
 - be submitted to the Secretary for approval by within three months of the date of approval of Modification 4, unless otherwise agreed by the Secretary;
 - include a Drivers' Code of Conduct that details the safe and quiet driving practices that must be used by drivers transporting products to and from the quarry, particularly having regard to early morning truck arrivals, school bus routes and the location of residential properties; and
 - describe the measures that would be put in place to ensure compliance with the Drivers' Code of Conduct.

The Applicant shall implement the management plan as approved from time to time by the Secretary.

Monitoring of Product Transport

29. The Applicant shall keep accurate records of:
- the amount of quarry products transported from the site (calendar month and year);
 - the number of truck movements entering and leaving the site (hour, day, calendar month and year); and
 - include these records in the Annual Review (see condition 9 of Schedule 5).

Note: Records must include material provided to Council, referred to in condition 19 of Schedule 2.

VISUAL IMPACTS

30. The Applicant shall:
- implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development; and
 - take all practical measures to shield views of quarrying operations from users of public roads and privately-owned residences, to the satisfaction of the Secretary.

WASTE

31. The Applicant shall:
- implement all reasonable and feasible measures to minimise the waste generated by the development;
 - ensure that the waste generated by the development is appropriately stored, handled and disposed of; and

- (c) monitor and report on effectiveness of the waste management and minimisation in the Annual Review (see condition 9 of Schedule 5), to the satisfaction of the Secretary.

ODOUR

32. The Applicant shall not cause or permit the emission of offensive odour beyond the boundaries of the site.

LIQUID STORAGE

33. The Applicant shall ensure that all liquid tanks and similar storage facilities (other than for water) are protected by appropriate bunding, which must exceed 110% of the stored volume of the liquid.

DANGEROUS GOODS

34. The Applicant shall 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

35. The Applicant shall:
- (a) ensure that the development is suitably equipped to respond to any fires on site; and
 - (b) assist the Rural Fire Service, emergency services and National Parks and Wildlife Service as much as possible if there is a fire in the surrounding area.

**SCHEDULE 4
ADDITIONAL PROCEDURES**

NOTIFICATION OF LANDOWNERS

1. As soon as practicable after obtaining monitoring results showing:
 - (a) an exceedance of any relevant criteria in Schedule 3, the Applicant shall notify the affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and
 - (b) an exceedance of any relevant air quality criteria in Schedule 3, the Applicant shall 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 an owner of privately-owned land considers the development to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land.
3. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant shall:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and
 - if the development is not complying with these criteria then identify measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the Secretary and landowner a copy of the independent review.

**SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. The Applicant shall prepare and implement 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 three months of the date of approval of Modification 4, unless otherwise agreed by the Secretary;
 - (b) provide the strategic framework for the environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (f) include:
 - copies of any strategies, plans and programs approved under the conditions of this development consent; and
 - a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.

Management Plan Requirements

2. The Applicant shall 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 would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the development; and
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

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

Updating & Staging Submission of Strategies, Plans or Programs

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

With the agreement of the Secretary, the Applicant may revise any strategy, plan or program approved under this consent without consulting with all the parties nominated under the applicable conditions of consent.

Notes:

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

Revision of Strategies, Plans & Programs

4. Within 3 months of the submission of an:
 - (a) Annual Review under condition 9 below;
 - (b) incident report under condition 7 below;
 - (c) audit report under condition 10 below; and
 - (d) any modifications to this consent,the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent, to the satisfaction of the Secretary.

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

Adaptive Management

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

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant shall, at the earliest opportunity:

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

COMMUNITY CONSULTATIVE COMMITTEE

6. The Applicant shall operate a Community Consultative Committee (CCC) for the development, to the satisfaction of the Secretary. This CCC must be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest versions)

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*
- *In accordance with the guideline, the committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, and the local community.*

REPORTING

Incident Reporting

7. The Applicant shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

8. The Applicant shall 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

9. By the end of March each year, or other timing as may be agreed by the Secretary, the Applicant shall review the environmental performance of the development to the satisfaction of the Secretary. This review must:
 - (a) describe the development (including rehabilitation and road maintenance) 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;
 - the monitoring results of previous years; and
 - the relevant predictions in the documents listed in condition 2 of Schedule 2;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the development;
 - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.

The Applicant shall ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 6 of Schedule 5) and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

10. By 30 September 2016, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL and/or Water License (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of any approved strategy, plan or program required under these approvals; and
 - (e) recommend measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under these approvals.

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

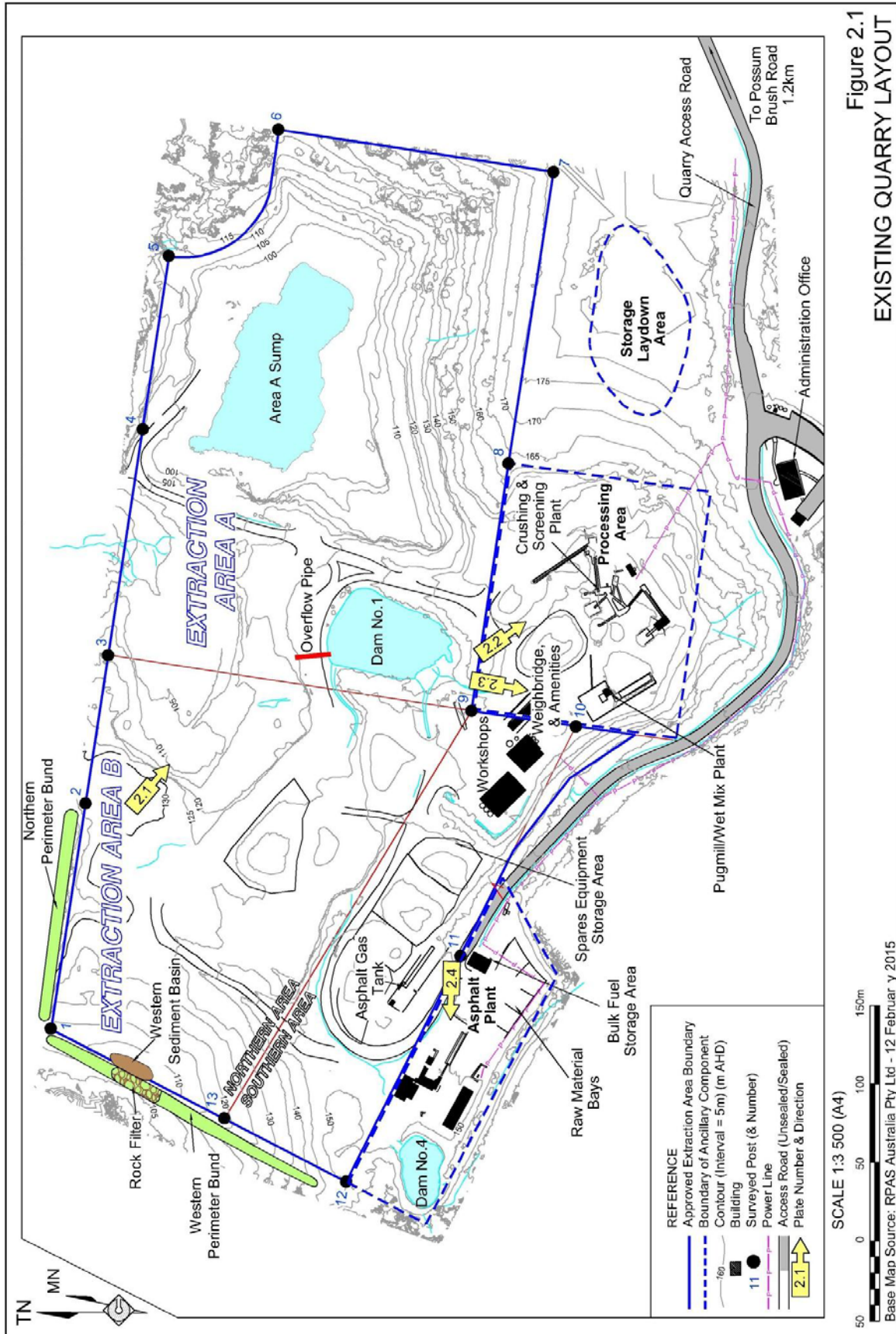
11. Within 6 weeks of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

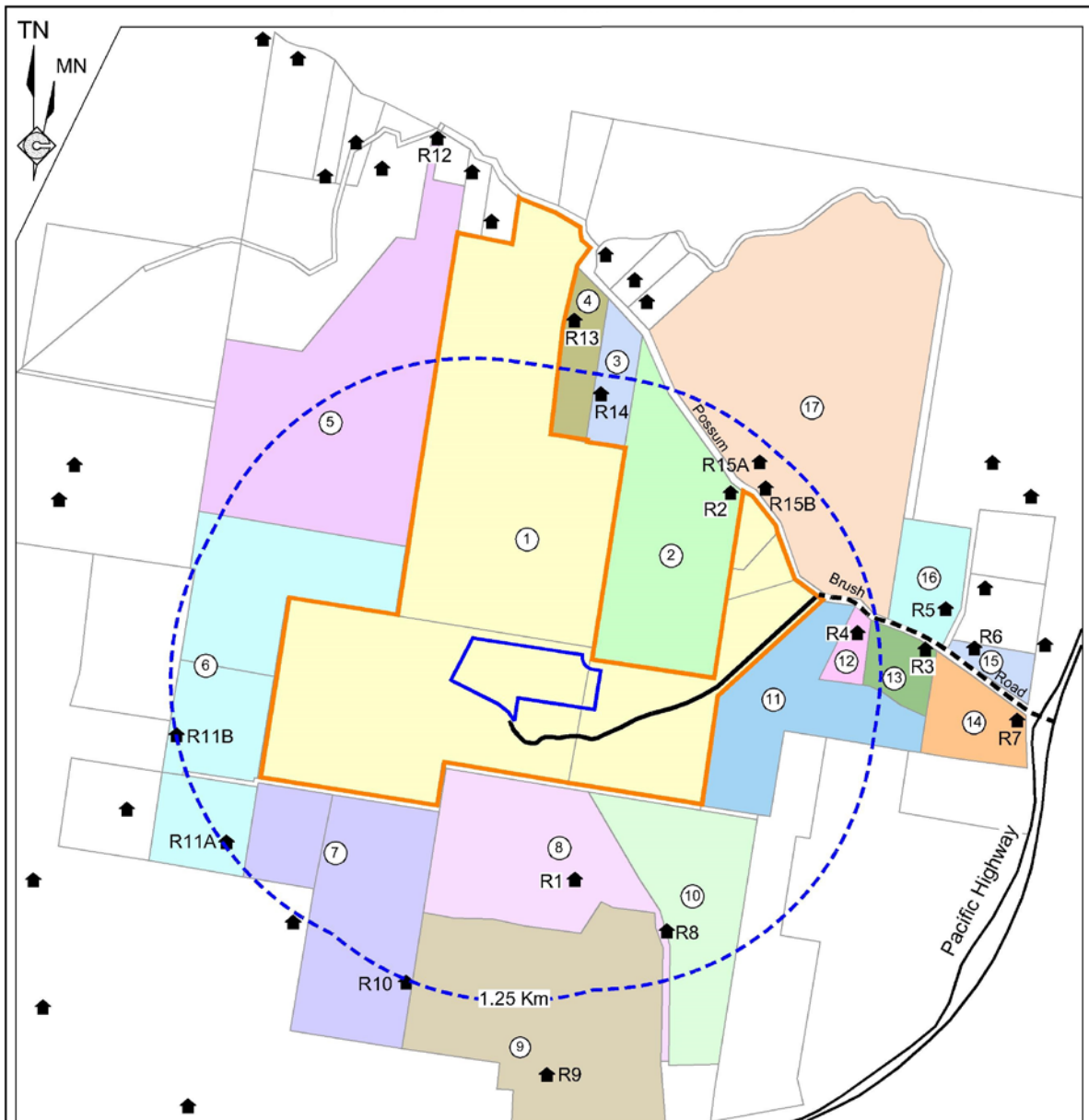
12. By 31 December 2016, unless otherwise agreed by the Secretary, the Applicant shall:
 - (a) make the following information publicly available on its website:
 - the documents listed in condition 2 of Schedule 2;
 - current statutory approvals for the development;
 - approved strategies, plans or programs;
 - a summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;
 - a complaints register, which is to be updated on a quarterly basis;
 - the Annual Reviews (over the last 5 years);

- any independent environmental audit, 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



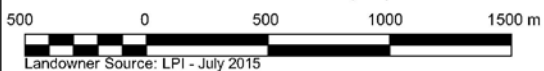
APPENDIX 2: NOISE RECEIVER LOCATIONS



- REFERENCE**
- Boundary of PBM-owned Land
 - Approved Extraction Area Boundary
 - Cadastral Boundary
 - ① Landowner Reference (See Table)
 - 🏠 R1 Residence & Identifier

Ref	Landowner
1	Pacific Blue Metal Pty Limited
2	Shannavalla Pty Ltd
3	Cetrad Pty Limited
4	C A Craig
5	S P & T A C Taylor
6	B & I L Priestly
7	G W & V E Hawkins
8	B R & J S Wynn
9	Vicron Constructions Pty Limited
10	D J & B J Brown
11	R B & C L Perry
12	G R & R F Phillips
13	Lifestyle Investment Partners Pty Ltd
14	J L A Smith & K M Sciberras
15	H M Dempsey
16	M J & S Y Earley
17	G J Apperloo

SCALE 1:30 000 (A4)



Landowner Source: LPI - July 2015

APPENDIX 3: NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Table 2 apply under all meteorological conditions except the following:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) wind speeds greater than 3 metres/second at 10 metres above ground level; or
 - (c) stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - (d) stability category G temperature inversion conditions.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station required under condition 33 of Schedule 3.

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. Unless otherwise directed by the Secretary, attended quarterly monitoring is to be used to evaluate compliance with the relevant conditions of this consent.

Note: The Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the development.

5. Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.