

# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

I, the Minister for Planning approve the project referred to in schedule 1, subject to the conditions set out in schedules 2 to 5.

The reason for these conditions is 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 project.

Frank Sartor MP  
**Minister for Planning**

Sydney

2007

File No. 9040608

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### SCHEDULE 1

<b>Project Application:</b>	06_0074
<b>Proponent:</b>	Boral Resources (NSW) Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	See Appendix 1
<b>Project:</b>	Marulan South hard rock quarry and associated infrastructure

**Red type represents March 2009 Modification**  
**Blue type represents November 2011 Modification**  
**Green type represents October 2012 Modification**  
**Purple type represents August 2016 Modification**

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## DEFINITIONS

Annual Review	The review required by condition 10 of Schedule 5
BCA	Building Code of Australia
CCC	Community Consultative Committee
Council	Goulburn Mulwaree Council
Department	Department of Planning and Environment
DPI Water	Department of Primary Industries - Water
DRE	Division of Resources and Energy, within the NSW Department of Industry
EA	Environmental Assessment for the project titled <i>Marulan South Quarry Environmental Assessment Report</i> Volumes 1 and 2 dated October 2006 and prepared by ERM, including the submissions report titled <i>Marulan South Quarry Submissions Report</i> dated December 2006
EA (MOD 1)	Modification Application 06_0074 MOD 1 and the accompanying Statement of Environmental Effects entitled <i>Marulan South Quarry Statement of Environmental for a Pre-commencement Exploratory Test Pit</i> dated 13 November 2008, and letter from Boral Resources Pty Ltd to the Department dated 13 February 2009
EA (MOD 2)	Modification Application 06_0074 MOD 2 and the accompanying EA titled <i>Boral Peppertree Quarry Section 75W Modification Report</i> dated June 2011 and prepared by ERM Australia, and the responses to issues raised in submissions, including those titled <i>Peppertree Quarry Submissions Report</i> dated 24 August 2011, <i>Response to OEH Submission</i> dated 12 October 2011, and <i>Response to Armitth Submission</i> dated 25 October 2011
EA (MOD 3)	Modification Application 06_0074 MOD 3 and the accompanying EA titled <i>Peppertree Quarry Modification 3 Environmental Assessment</i> dated August 2012 and prepared by EMGA Mitchell McLennan Pty Limited, and the responses to issues raised in submissions titled <i>Response to Submissions Peppertree Quarry Modification 3</i> dated 3 October 2012
EA (MOD 4)	Modification Application DA 06_0074 MOD 4 and the accompanying Environmental Assessment titled <i>Peppertree Quarry Modification 4 Environmental Assessment</i> dated April 2016 and prepared by Element Environment, including the Response to Submissions report dated July 2016 and prepared by Element Environment
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 under the <i>Protection of the Environment Operations Act 1997</i>
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
Habitat Management Area Incident	The area identified as such on the figure in Appendix 5 A set of circumstances that: <ul style="list-style-type: none"> <li>• causes or threatens to cause material harm to the environment; and/or</li> <li>• breaches or exceeds the limits or performance measures/criteria in this approval</li> </ul>
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 approval, 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 approval
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 project
Negligible	Small and unimportant, such as to be not worth considering
Noise Bund	<b>Bunds built for noise and visual mitigation purposes and which do not exceed 10 metres in height</b>
OEH	<b>Office of Environment and Heritage</b>
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency, the Proponent or another quarrying or mining company
Project	<b>Development to which the Project Approval applies</b>
Proponent	Boral Resources (NSW) Pty Ltd or any other person or persons who rely on this approval to carry out the project that is subject to this approval
Public infrastructure	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.

Quarry operations	Extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation, topsoil and overburden
Quarry products	Includes all saleable quarry products, but excludes tailings and other wastes
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 project to a good condition, and for the purpose of establishing a safe, stable and non-polluting environment
RL	Reduced level
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Site	Land to which the Project Approval applies (see Appendix 1)

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## SCHEDULE 2 ADMINISTRATIVE CONDITIONS

### Obligation to Minimise Harm to the Environment

1. The Proponent **must** implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

### Terms of Approval

2. The Proponent must carry out the project:
  - (a) generally in accordance with the EA, EA (Mod 1), EA (Mod 2), EA (Mod 3) and EA (Mod 4); and
  - (b) in accordance with the Project Layout Plan and the conditions of this approval.

*Note: The Project Layout Plan is included in Appendix 2.*

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. The conditions of this approval shall prevail over the documents in condition 2(a) to the extent of any inconsistency.
4. The Proponent must 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 approval (including any stages of these documents);
  - (b) any reviews, reports or audits commissioned by the Department regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in these documents.

### Limits on Approval

5. The Proponent may carry out quarrying operations on the site until 31 December 2038.

*Note: Under this approval, the Proponent is required to rehabilitate the site and carry out additional undertakings to the satisfaction of the Secretary. Consequently this approval will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those additional undertakings have been carried out to a satisfactory standard.*

6. The Proponent must not transport more than 3.5 million tonnes of quarry products from the site in any calendar year.
7. All quarry products must normally be transported from the site by rail. However, with the written approval of the Secretary, the Proponent may transport quarry products by road in an emergency or in other limited and exceptional circumstances.

### Structural Adequacy

8. The Proponent **must** ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

*Notes:*

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

### Demolition

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

### Protection of Public Infrastructure

10. The Proponent **must**:
  - (a) repair, or pay all reasonable costs associated with repairing any public infrastructure that is damaged by the project; and
  - (b) relocate, or pay all reasonable costs associated with relocating any public infrastructure that needs to be relocated as a result of the project.

### Operation of Plant and Equipment

11. The Proponent **must** ensure that all plant and equipment used at the site is:
  - (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient condition.

12.

*(deleted)*

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## SCHEDULE 3 ENVIRONMENTAL PERFORMANCE CONDITIONS

### GENERAL EXTRACTION AND PROCESSING PROVISIONS

#### Identification of Boundaries

1. Prior to the commencement of construction, or as otherwise directed by the **Secretary**, the Proponent **must**:
  - (a) engage an independent registered surveyor to survey the boundaries of the approved limit of extraction;
  - (b) submit a survey plan of these boundaries to the **Secretary**; and
  - (c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits

*Note: The limit of extraction is shown conceptually on the plan in Appendix 2.*

- 1A. The proponent **must**:
  - (a) prior to the commencement of construction of the Southern Overburden Emplacement Area, or as otherwise agreed by the **Secretary**, engage an independent registered surveyor to survey the boundary of the emplacement area and submit a survey plan of this boundary to the **Secretary**; and
  - (b) ensure that, during its construction and use, the boundary of the Southern Overburden Emplacement area is clearly marked in a manner that allows operating staff and inspecting officers to clearly identify its location.

*Note: The boundary of the Southern Overburden Emplacement Area is shown on the figure in Appendix 2.*

### NOISE

#### Construction of Bunds

2. In carrying out the construction of the noise bunds, the Proponent **must**:
  - (a) comply with the construction noise criteria in the *Environmental Noise Control Manual 1994* for the first three months of the construction work; and
  - (b) thereafter, comply with the daytime operational noise criteria in condition 4.

#### Construction Noise Management Plan

3. The Proponent **must** prepare and implement a Construction Noise Management Plan for the project to the satisfaction of the **Secretary**. This plan must be submitted to the **Secretary** for approval prior to the commencement of construction, and include:
  - (a) a detailed description of the measures that would be implemented to achieve the construction noise limits in the *Environmental Noise Control Manual 1994* and the operational noise criteria in condition 4;
  - (b) a community notification protocol for the proposed construction activities;
  - (c) a description of the measures that would be implemented where the construction noise limits and/or operational noise limits are unlikely to be achieved or are not being achieved; and
  - (d) details of who would be responsible for monitoring, reviewing and implementing the plan.

#### Operational Noise Impact Assessment Criteria

4. The Proponent **must** ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land.

*Table 1: Noise Impact Assessment Criteria dB(A)*

<b>Residential Receiver Location</b>	<b>Day (7:00am to 7:00pm)</b> <i>L<sub>Aeq</sub>(15 minute)</i>	<b>Evening (7:00pm to 10:00pm)</b> <i>L<sub>Aeq</sub>(15 minute)</i>	<b>Night (10:00pm to 7:00am)</b>	
			<i>L<sub>Aeq</sub>(15 minute)</i>	<i>L<sub>A1</sub>(1 minute)</i>
R3 (5)	35	35	35	45
R2 (6)	35	35	35	45
R8 (16)	41	35	35	45

Any other residence on privately-owned land	35	35	35	45
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Notes:

- Residential receiver locations are shown on the plan in Appendix 3.
- Receiver numbers in parentheses are those identified in the approval prior to the notification of Modification 4 in 2016.

Noise generated by the development is to be measured in accordance with the relevant requirements of the Industrial Noise Policy (as may be updated from time-to-time). Appendix 7 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

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

### Land Acquisition Criteria

- If the noise generated by the project exceeds the criteria in Table 2, the Proponent must, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 6-8 of Schedule 4.

Table 2: Land Acquisition Criteria

<b>Residential Receiver</b>	<b>Day (7:00am – 7:00pm) <i>L<sub>Aeq</sub>(15 minute)</i></b>	<b>Evening / Night (7:00pm – 7:00am) <i>L<sub>Aeq</sub>(15 minute)</i></b>
R3 (5)	40	40
R2 (6)	40	40
R8 (16)	44	44

Notes:

- Residential receiver locations are shown on the plan in Appendix 3.
- Receiver numbers in parentheses are those identified in the approval prior to the notification of Modification 4 in 2016.

- (deleted)
- (deleted)
- (deleted)

### Operating Conditions

- The Proponent must:
  - implement best practice noise management, including all reasonable and feasible noise mitigation measures to minimise the noise generated by the project;
  - investigate ways to minimise the noise generated by the project;
  - operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and noise monitoring data to guide the day to day planning of quarrying operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this approval;
  - minimise noise impacts during adverse weather conditions; and
  - report on these investigations and the implementation and effectiveness of these measures in the Annual Review,
 to the satisfaction of the Secretary.

### Noise Management Plan

- The Proponent must prepare a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must be prepared in consultation with EPA and submitted to the Secretary for approval by the end of March 2012, and must:
  - describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval;
  - describe the noise management system;
  - include a noise monitoring program that:
    - supports the noise management system;

- provides information to evaluate the performance of the project;
  - includes a protocol for determining exceedances of relevant conditions of this approval;
  - provides for the use of real-time and/or supplementary attended monitoring measures, if directed by the Secretary;
  - includes regular attended and unattended monitoring at appropriate locations, including at receiver locations R4 and R17; and
  - includes a program to characterise and measure low frequency noise (dB(C)) emissions.
- (d) include a community notification protocol for the proposed construction activities; and  
(e) detail who would be responsible for monitoring, reviewing and implementing the plan.

The Proponent must implement the approved management plan as approved from time to time by the Secretary.

### Hours of Operation

11. The Proponent must comply with the hours of operation in Table 3.

<b>Activity</b>	<b>Day</b>	<b>Time</b>
Construction works	Monday-Friday	7.00am to 6.00pm
	Saturday	8.00am to 1.00pm
	Sunday and public holidays	None
Topsoil/overburden removal/emplacement	Any day	7.00am to 7.00pm
Blasting	Monday-Saturday	9.00am to 5.00pm
	Sunday and public holidays	None
In-pit activities (including drilling, extraction, processing, and transfer of material out of the pit)	Any day	5.00am to 11.00pm
Out-of-pit activities (including processing, stockpiling, train loading and distribution, and maintenance)	Any day	24 hours

Table 3 – Hours of Operation

- 11A. Between the hours of 5:00am to 7:00am and 7:00pm to 11:00pm the:
- (a) in-pit crusher must not operate above RL 555; and
  - (b) mobile plant in the pit, including excavators, front-end loaders and trucks, must not operate above RL 570.

### BLASTING AND VIBRATION

#### Airblast Overpressure Criteria

12. The Proponent must ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 4 at any residence on privately-owned land.

<b>Airblast overpressure level (dB(Lin Peak))</b>	<b>Allowable exceedance</b>
115	5% of the total number of blasts over a period of 12 months
120	0%

Table 4: Airblast Overpressure Impact Assessment Criteria

#### Ground Vibration Criteria

13. The Proponent must ensure that the ground vibration level from blasting at the project does not exceed the criteria in Table 5 at any residence or sensitive receiver on privately-owned land.

<b>Peak particle velocity (mm/s)</b>	<b>Allowable exceedance</b>
5	5% of the total number of blasts over a period of 12 months
10	0%

Table 5: Ground Vibration Impact Assessment Criteria for Residences on Privately-owned Land

## Operating Conditions

14. The Proponent **must** implement best blasting practice to:
- ensure that no flyrock leaves the site;
  - protect the safety of people, property, and livestock; and
  - minimise the dust and fume emissions from blasting on the site, to the satisfaction of the Secretary.

## Public Notice

15. The Proponent **must**:
- notify the landowner/occupier of any residence within 2 kilometres of the quarry pit who registers an interest in being notified about the blasting schedule on site;
  - operate a blasting hotline, or alternative system agreed to by the Secretary, to enable the public to get up-to-date information on blasting operations at the project; and
  - keep the public informed about this hotline (or any alternative system), to the satisfaction of the Secretary.

## Monitoring

16. The Proponent **must** prepare a Blast Monitoring Program for the project to the satisfaction of the Secretary. This program must:
- be submitted to the Secretary for approval prior to the commencement of construction;
  - be prepared in consultation with the EPA; and
  - monitor the performance of the project against the relevant blasting criteria.

The Proponent must implement the approved monitoring program as approved from time to time by the Secretary.

## AIR QUALITY

### Air Quality Impact Assessment Criteria

17. The Proponent **must** ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria listed in Tables 6, 7 and 8 at any residence on privately owned land, or on more than 25 percent of any privately owned land.

Table 6: Long term impact assessment criteria for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>d</sup> Criterion</b>
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>

Table 7: Short term impact assessment criterion for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>d</sup> Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 50 µg/m <sup>3</sup>

Table 8: Long term impact assessment criteria for deposited dust

<b>Pollutant</b>	<b>Averaging period</b>	<b>Maximum increase<sup>2</sup> in deposited dust level</b>	<b>Maximum total<sup>1</sup> deposited dust level</b>
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

Notes to Tables 6-8

<sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);

<sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the project on its own);

<sup>c</sup> 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; and

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

### Land Acquisition Criteria

18. If particulate matter emissions generated by the project exceed the criteria in Tables 9, 10, and 11 at any residence on privately-owned land, or on more than 25 percent of any privately owned land, then upon

written request for acquisition from the landowner, the Proponent must acquire the land in accordance with the procedures in conditions 6-7 of schedule 4.

Table 9: Long term land acquisition criteria for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>d</sup> Criterion</b>
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>

Table 10: Short term land acquisition criteria for particulate matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>da</sup> Criterion</b>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 150 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>

Table 11: Long term land acquisition criteria for deposited dust

<b>Pollutant</b>	<b>Averaging period</b>	<b>Maximum increase<sup>2</sup> in deposited dust level</b>	<b>Maximum total<sup>1</sup> deposited dust level</b>
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month

Notes to Tables 9-11

<sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);

<sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the project on its own);

<sup>c</sup> 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; and

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

## Operating Conditions

19. The Proponent must:
- implement best management practice on site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the project;
  - minimise any visible air pollution generated by the project;
  - minimise the surface disturbance of the site generated by the project; and
  - operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and air quality monitoring data to guide the day to day planning of quarrying operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this approval;
- to the satisfaction of the Secretary.

## Air Quality Management Plan

20. The Proponent must prepare a detailed Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with EPA and submitted to the Secretary by the end of March 2012;
  - describe the measures that would need to be implemented to ensure compliance with the relevant conditions of this approval;
  - include a program for the implementation of the measures referred to in (b) above; and
  - include an air quality monitoring program that:
    - uses a combination of high volume samplers and dust deposition gauges to evaluate the performance of the project;
    - supports the air quality management system;
    - provides information to evaluate the performance of the project;
    - includes a protocol for determining exceedances of relevant conditions of this approval; and
    - provides for the use of real-time monitoring measures, if directed by the Secretary.

The Proponent must implement the approved management plan as approved from time to time by the Secretary.

## METEOROLOGICAL MONITORING

21. For the life of the project, the Proponent must ensure that there is a meteorological station in the vicinity of the site that:

- (a) complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline; and
- (b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the *NSW Industrial Noise Policy*.

## **SURFACE AND GROUND WATER**

### **Water Supply**

22. Prior to the commencement of construction, the Proponent **must** obtain the necessary approvals for the project under the *Water Act 1912*.

*Note: The Water Management Act 2000 may apply to the project. The Proponent **must** consult with DPI Water on the relevant approvals at the time the application is made.*

### **Discharges**

23. Except as may be expressly provided for by an EPL, the Proponent **must** not discharge any dirty water from the quarry or ancillary operational areas.
- 23A. The Proponent **must** prepare an onsite wastewater report for the proposed effluent management system consistent with the requirements of *WaterNSW – “Developments in Sydney’s Drinking Water Catchment” – Water Quality Information Requirements, 2011*. The effluent management system must be designed and constructed to be in accordance with this onsite wastewater report and its design must be approved by Council prior to construction.

### **Tangarang Creek Environmental Flow**

24. The proponent **must** provide an environmental flow to Tangarang Creek equivalent to 10% of average daily flows. Details of the management of these environmental flows **must** be included in the Site Water Balance for the project (see below).

### **Sediment Dams**

25. The Proponent **must** ensure that:
- (e) critical structures such as “dirty water” dams are designed, constructed and maintained to accommodate a 1 in 100 year ARI 24-hour event; and
  - (f) other dams and water management structures are designed, constructed and maintained to accommodate a 1 in 20 year ARI 24-hour event.

### **Water Management Plan**

26. The Proponent **must** prepare a Water Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be submitted to the Secretary for approval prior to the commencement of construction;
  - (b) be prepared in consultation with the **DPI Water**, **EPA** and **WaterNSW**; and
  - (c) include a:
    - Site Water Balance;
    - Erosion and Sediment Control Plan;
    - Surface Water Monitoring Program;
    - Ground Water Monitoring Program; and
    - Surface and Ground Water Response Plan to address any potential adverse impacts associated with the project.

The Proponent **must** implement the approved management plan as approved from time to time by the Secretary.

### **Site Water Balance**

27. The Site Water Balance **must**:
- (a) include details of all water extracted (including make up water), dewatered, transferred, used and/or discharged by the project; and
  - (b) describe measures to minimise water use by the project.

### **Erosion and Sediment Control**

28. The Erosion and Sediment Control Plan **must**:
- (a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction, Volume 1, 4<sup>th</sup> Edition, 2004* (Landcom);
  - (b) identify activities that could cause soil erosion and generate sediment;
  - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;

- (d) describe the location, function, and capacity of erosion and sediment control structures; and
- (e) describe what measures would be implemented to maintain (and if necessary decommission) the structures over time.

### Surface Water Monitoring

29. The Surface Water Monitoring Program **must** include:
- (a) detailed baseline data on surface water flows and quality in Tangarang Creek and Barbers Creek;
  - (b) surface water impact assessment criteria;
  - (c) a program to monitor surface water flows and quality;
  - (d) a protocol for the investigation of identified exceedances of the surface water impact assessment criteria; and
  - (e) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.

### Ground Water Monitoring Program

30. The Ground Water Monitoring Program **must** include:
- (a) detailed baseline data on ground water levels, flows, and quality, based on statistical analysis;
  - (b) groundwater impact assessment criteria for monitoring bores;
  - (c) a program to monitor regional ground water levels and quality; and
  - (d) a protocol for the investigation of identified exceedances of the ground water impact assessment criteria.
- 30A. In constructing and operating the Southern Overburden Emplacement Area, the Proponent **must** ensure that:
- (a) the surface water management system is constructed in accordance with the plan shown on the figure in Appendix 4; and
  - (b) the surface water management system includes appropriate scour protection at discharge points to ensure the potential for erosion and transport of sediment to downstream waters is minimised.
- 30B. On completing of the construction of the surface water management system for the Southern Overburden Emplacement Area, the Proponent **must** commission an audit by a suitably qualified, experienced and independent person, approved by the Secretary, to determine whether the system has been constructed in accordance with this approval. A copy of the audit report and the Proponent's response to its recommendations **must** be provided to the Secretary and WaterNSW within 12 weeks of its commissioning.

### TRAFFIC AND TRANSPORT

31. The Proponent **must** prepare and implement a construction traffic management plan for the project to the satisfaction of the RMS and Council.

### ABORIGINAL HERITAGE

32. The Proponent **must** prepare an Aboriginal Heritage Management Plan for the project to the satisfaction of the Secretary. This plan **must**:
- (a) be submitted to the Secretary for approval prior to the commencement of construction;
  - (b) be prepared in consultation with the OEH and relevant Aboriginal communities; and
  - (c) include a:
    - description of the measures that would be implemented for the mapping, and salvage or relocation of the archaeological relics in the Tangarang Creek Dam 1 area;
    - description of the measures that would be implemented if any new Aboriginal objects or relics are discovered during the project; and
    - protocol for the ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.

The Proponent **must** implement the approved management plan as approved from time to time by the Secretary.

- 32A. If historical archaeological relics are unexpectedly discovered during works, all works **must** cease and a suitably qualified and experienced historical archaeologist be brought in to assess the find. Depending on the nature of the discovery, additional assessment and recording may be required prior to the recommencement of excavation in the affected area. The Heritage Council (or its Delegate) **must** be notified of this discovery in writing in accordance with section 146 of the *Heritage Act, 1977*.

## BIODIVERSITY AND REHABILITATION

### Rehabilitation and Habitat Management Area

33. The Proponent must:
- (a) rehabilitate the site in a manner that is generally consistent with the conceptual rehabilitation principles in Chapter 2.8 of the EA; and
  - (b) implement the Habitat Management Area in a manner that is generally consistent with the documents listed in condition 2 of schedule 3 (and shown conceptually in Appendix 3), including the establishment, conservation and maintenance of at least 13.5 hectares of vegetation species characteristic of Box Gum Woodland, to the satisfaction of the Secretary.

### Threatened Species Protection

- 33A. The Proponent must:
- (a) prior to clearing of vegetation and site preparation on the site of the Western Overburden Emplacement and extension, clearly and securely mark out the proposed boundary of the emplacement and extension;
  - (b) avoid disturbance of *Box Gum Woodland* Endangered Ecological Community and other native vegetation adjacent to the site of the Western Overburden Emplacement and extension;
  - (c) only undertake clearing of vegetation on the site of the Western Overburden Emplacement and extension following a recent fauna survey undertaken by a suitably qualified expert who has been approved by the Secretary; and
  - (d) seek to avoid clearing of native vegetation on the site of the Western Overburden Emplacement and extension during the period August to November of any year.

### Biodiversity Offset Strategy

34. The Proponent must:
- (a) implement the Biodiversity Offset Strategy described in EA (Mod 4);
  - (b) within 12 months of the commencement of the construction of the Southern Overburden Emplacement Area, retire a total of 225 ecosystem credits in accordance with the *Framework for Biodiversity Assessment - NSW Biodiversity Offsets Policy for Major Projects*, to offset the removal of 8.1 hectares of White Box Yellow Box Blakely's Red Gum Grassy Woodland; and
  - (c) provide long-term security and funding for the biodiversity offset area identified in the Biodiversity Offset Strategy through a Biobanking Agreement under the *Threatened Species Conservation Act 1995*;
- to the satisfaction of the Secretary.

*Note: The location and approximate area of the biodiversity offset area is shown on the figure in Appendix 6.*

### Biodiversity and Rehabilitation Management Plan

- 34A. The Proponent must prepare a Biodiversity and Rehabilitation Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with OEH and Council;
  - (b) be submitted to the Secretary for approval by 28 February 2017, unless the Secretary agrees otherwise;
  - (c) describe how the implementation of the Biodiversity Offset Strategy would be integrated with the management of the Habitat Management Area, and the overall rehabilitation of the site;
  - (d) provide details of the conceptual final landform and associated land uses for the site;
  - (e) include detailed performance and completion criteria for evaluating the performance of the Biodiversity Offset Strategy, the Habitat Management Area and the rehabilitation of the site, including triggers for any necessary remedial action;
  - (f) describe the short, medium and long term measures that would be implemented to:
    - manage native vegetation on site, including within the Biodiversity Offset Area and the Habitat Management area; and
    - comply with the rehabilitation principles in Chapter 2.8 of the EA;
  - (g) describe in detail the measures that would 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 approved disturbance areas, including tree hollows, vegetation and soil resources, for beneficial reuse in the Biodiversity Offset Area, the Habitat Management Area or for rehabilitating other areas of the site;
    - restoring and enhancing the quality of native vegetation and fauna habitat in the Biodiversity Offset Area, the Habitat Management Area and other areas of the site through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;

- protecting native vegetation and fauna habitat outside the approved disturbance area;
  - minimising the impacts of the project on native fauna, including the protocol for undertaking pre-clearance surveys;
  - establishing vegetation screening and landscaping the site (including the bunds and overburden emplacement areas) to minimise the visual impacts of the project on surrounding receivers;
  - ensuring minimal environmental consequences for threatened species, populations and habitats;
  - collecting and propagating seed;
  - controlling weeds and feral pests;
  - controlling access; and
  - bushfire management,
- (h) include a program to monitor and report on the effectiveness of these measures;
- (i) describe how the performance of these measures would be monitored over time; and
- (j) set completion criteria for the rehabilitation of the site.

The Proponent must implement the approved management plan as approved from time to time by the Secretary.

### Rehabilitation Bond

35. Within 3 months of the first Independent Environmental Audit the Proponent **must** lodge a rehabilitation bond for the project with the Secretary. The sum of the bond **must** be calculated at \$2.50/m<sup>2</sup> for the total area to be disturbed in each 5 year period, or as otherwise directed by the Secretary.

*Notes:*

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

36. Within 3 months of subsequent audits, the Proponent **must** review, and if necessary revise, the sum of the bond to the satisfaction of the Secretary. This review must consider:
- (a) the effects of inflation;
  - (b) any changes to the total area of disturbance; and
  - (c) the performance of the rehabilitation against the completion criteria of the Biodiversity and Rehabilitation Management Plan.

### VISUAL IMPACT

#### Visual Amenity and Lighting

37. The Proponent **must**:
- (a) *minimise the visual impacts, and particularly the off-site lighting impacts, of the project;*
  - (b) *revegetate overburden emplacements, emplacement extensions and bunds as soon as practicable;*
  - (c) *take all practicable measures to further mitigate off-site lighting impacts from the project; and*
  - (d) *ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 - Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Secretary.*

38. *(Deleted)*

39. *(Deleted)*

#### Advertising

40. The Proponent **must** not erect or display any advertising structure(s) or signs on the site without the written approval of the Secretary.

*Note – This does not include business identification, traffic management and safety or environmental signs.*

### WASTE MANAGEMENT

41. The Proponent **must**:
- (a) monitor the amount of waste generated by the project;
  - (b) investigate ways to minimise waste generated by the project;
  - (c) implement reasonable and feasible measures to minimise waste generated by the project; and
  - (d) report on waste management and minimisation in the **Annual Review** to the satisfaction of the Secretary.

42. The Proponent **must** ensure that all waste generated or stored on site is assessed, classified and managed in accordance with the EPA's *Environmental Guidelines: Assessment Classification and Management of Liquid and Non-Liquid Wastes*.

## **EMERGENCY AND HAZARDS MANAGEMENT**

### **Dangerous Goods**

43. The Proponent **must** ensure that the storage, handling, and transport of dangerous goods are conducted in accordance with the relevant *Australian Standards*, particularly AS1940 and AS1596, and the *Dangerous Goods Code*.

### **Safety**

44. The Proponent **must** secure the project to ensure public safety to the satisfaction of the Secretary.

### **Bushfire Management**

45. The Proponent **must**:
- (a) ensure that the project is suitably equipped to respond to any fires on-site; and
  - (b) assist the rural fire service and emergency services as much as possible if there is a fire on-site.

## **PRODUCTION DATA**

46. The Proponent **must**:
- (a) provide annual production data to the DRE using the standard form for that purpose; and
  - (b) include a copy of this data in the [Annual Review](#).

## **QUARRY EXIT STRATEGY**

47. The Proponent **must** prepare and implement a Quarry Exit Strategy for the project to the satisfaction of the Secretary. This strategy must:
- (a) be submitted to the Secretary for approval at least 5 years prior to the cessation of the project;
  - (b) be prepared in consultation with the relevant agencies;
  - (c) define the objectives and criteria for quarry closure;
  - (d) investigate options for the future use of the site, including any final void/s;
  - (e) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and
  - (f) describe how the performance of these measures would be monitored over time.
-

## SCHEDULE 4 ADDITIONAL PROCEDURES

### NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in Schedule 3 identify that impacts generated by the project are greater than the relevant impact assessment criteria, then the Proponent **must** notify the Secretary and the affected landowners and/or existing or future tenants (including tenants of quarry owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria.

### INDEPENDENT REVIEW

2. If a landowner (excluding quarry owned properties) considers that the operations of the quarry are exceeding the impact assessment criteria in Schedule 3, then he/she may ask the Proponent in writing for an independent review of the impacts of the project on his/her land.

If the Secretary is satisfied that an independent review is warranted, **then within 2 months of the Secretary's decision, the Proponent must:**

- (a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:
    - consult with the landowner to determine his/her concerns;
    - conduct monitoring to determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and
    - if the project is not complying with these criteria then:
      - determine if the more than one quarry/mine is responsible for the exceedance, and if so the relative share of each quarry/mine regarding the impact on the land;
      - identify the 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.
3. If the independent review determines that the quarrying operations are complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Secretary.
  4. If the independent review determines that the quarrying operations are not complying with the relevant criteria in Schedule 3, and that the quarry is primarily responsible for this non-compliance, then the Proponent **must:**
    - (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the project complies with the relevant criteria; or
    - (b) secure a written agreement with the landowner to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Secretary.

If the independent review determines that the project is not complying with the relevant acquisition criteria, and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent **must** acquire all or part of the landowner's land in accordance with the procedures in condition 6-7 below.

5. If the independent review determines that the relevant criteria are being exceeded, but that more than one quarry/mine is responsible for this exceedance, then together with the relevant quarry/mine/s, the Proponent **must:**
  - (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until there is compliance with the relevant criteria; or
  - (b) secure a written agreement with the landowner and other relevant mine/s to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Secretary.

If the independent review determines that the project is not complying with the relevant acquisition criteria in schedule 3, but that more than one mine is responsible for this non-compliance, then upon receiving a written request from the landowner, the Proponent **must** acquire all or part of the landowner's land on as equitable a basis as possible with the relevant quarries/mine/s, in accordance with the procedures in conditions 6-7 below.

### LAND ACQUISITION

6. Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent **must** make a binding written offer to the landowner based on:

- (a) the current market value of the landowner's interest in the property at the date of this written request, as if the land was unaffected by the project the subject of the project application, having regard to the:
  - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
  - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in condition **Error! Reference source not found.** of Schedule 3;
- (b) the reasonable costs associated with:
  - relocating within the Goulburn Mulwaree local government area, or to any other local government area determined by the Secretary; and
  - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.

Upon receiving such a request, the Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:

- consider submissions from both parties;
- determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- prepare a detailed report setting out the reasons for any determination; and
- provide a copy of the report to both parties.

Within 14 days of receiving the independent valuer's report, the Proponent must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.

Within 14 days of this determination, the Proponent must make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.

If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land must cease, unless the Secretary determines otherwise.

7. The Proponent must pay all reasonable costs associated with the land acquisition process described in condition 6 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.
8. *(deleted)*

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

**ENVIRONMENTAL MANAGEMENT**

**Environmental Management Strategy**

1. If the Secretary requires, the Proponent must prepare an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:
  - (a) be submitted to the Secretary for approval within 6 months of the Secretary advising the Proponent that the strategy is required;
  - (b) provide the strategic framework for the environmental management of the project;
  - (c) identify the statutory approvals that apply to the project;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
  - (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 project;
    - receive, handle, respond to and record complaints;
    - resolve any disputes that may arise during the course of the project;
    - 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 approval; and
    - a clear plan depicting all the monitoring to be carried out under the conditions of this approval.

The Proponent must implement any approved Environmental Management Strategy as approved from time to time by the Secretary.

**Management Plan Requirements**

2. The Proponent must ensure that the management plans required under this approval 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 project 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 project; 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 project 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;
  - (h) a protocol for periodic review of the plan; and
  - (i) a document control table that includes version numbers, dates when the management plan was prepared and reviewed, names and positions of people who prepared and reviewed the management plan, a description of any revisions made and the date of the Secretary's approval.

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

### Revision of Strategies, Plans & Programs

3. 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 approval,the Proponent must review the strategies, plans and programs required under this approval, to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 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 project.*

4. Prior to approval of management plans required to be submitted by 30 November 2016, and the approval of the Biodiversity and Rehabilitation Management Plan required to be submitted by 28 February 2017, all management plans, monitoring programs, strategies, programs and protocols approved as at the date of approval of modification 4 to this approval will continue to have full force and effect, and may be revised under the requirements of condition 5 below as if subject to the conditions of this approval that applied prior to the approval of Modification 4, or otherwise with the approval of the Secretary.

### Updating and Staging of Strategies, Plans or Programs

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

With the agreement of the Secretary, the Proponent may prepare a revision of or a stage of a strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this approval.

#### Notes:

- *While any strategy, plan or program may be submitted on a staged basis, the Proponent 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

6. The Proponent must assess and manage project-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 approval 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 Proponent must, at the earliest opportunity:

- (a) take all reasonable and feasible measures to ensure that the exceedance ceases and does not re-occur;
- (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

7. The Proponent must operate a Community Consultative Committee (CCC) for the project, 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 version)

#### Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.*
- *In accordance with the guideline, the committee should be comprised of an independent chair and appropriate representation from the Proponent, Council and the local community.*
- *This condition may be fulfilled by the operation of a regional CCC for Boral's mining and quarrying activities in the Marulan area.*

## REPORTING

### Incident Reporting

8. The Proponent must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

### Regular Reporting

9. The Proponent must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.

### Annual Review

10. By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent must submit a report to the Department reviewing the environmental performance of the project to the satisfaction of the Secretary. This review must:
  - (a) describe the works (including rehabilitation) that were carried out in the previous calendar year, and the works that are proposed to be carried out over the current calendar year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the project 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 approval;
    - monitoring results of previous years; and
    - relevant predictions in the documents listed in condition 2(a) of Schedule 2;
  - (c) identify any non-compliance over the past calendar 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 project;
  - (e) identify any discrepancies between the predicted and actual impacts of the project, 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 project.

## INDEPENDENT ENVIRONMENTAL AUDIT

11. Within 3 years of the date of the commencement of construction and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project. 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 and the CCC;
  - (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL or necessary water licence for the project (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 project, 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.

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

Within 10 weeks of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent must 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 30 November 2016, unless otherwise agreed by the Secretary, the Proponent 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 project;
    - all approved strategies, plans or programs required under the conditions of this approval;
    - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any plans and programs required under the conditions of this approval;

- 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 Proponent'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: SCHEDULE OF LAND

<i>Lot</i>	<i>DP</i>
23	867667
5	203290
95	750029
24	867667
109	750029
1	371167
1-6	261615
1	557562
143	750029
12	570616
2	557562
21	657523
100	1064794
4	106569
1-9	216767
11	570616
5	111641
22	867667
1	1124189
2	106569

APPENDIX 2: PROJECT LAYOUT

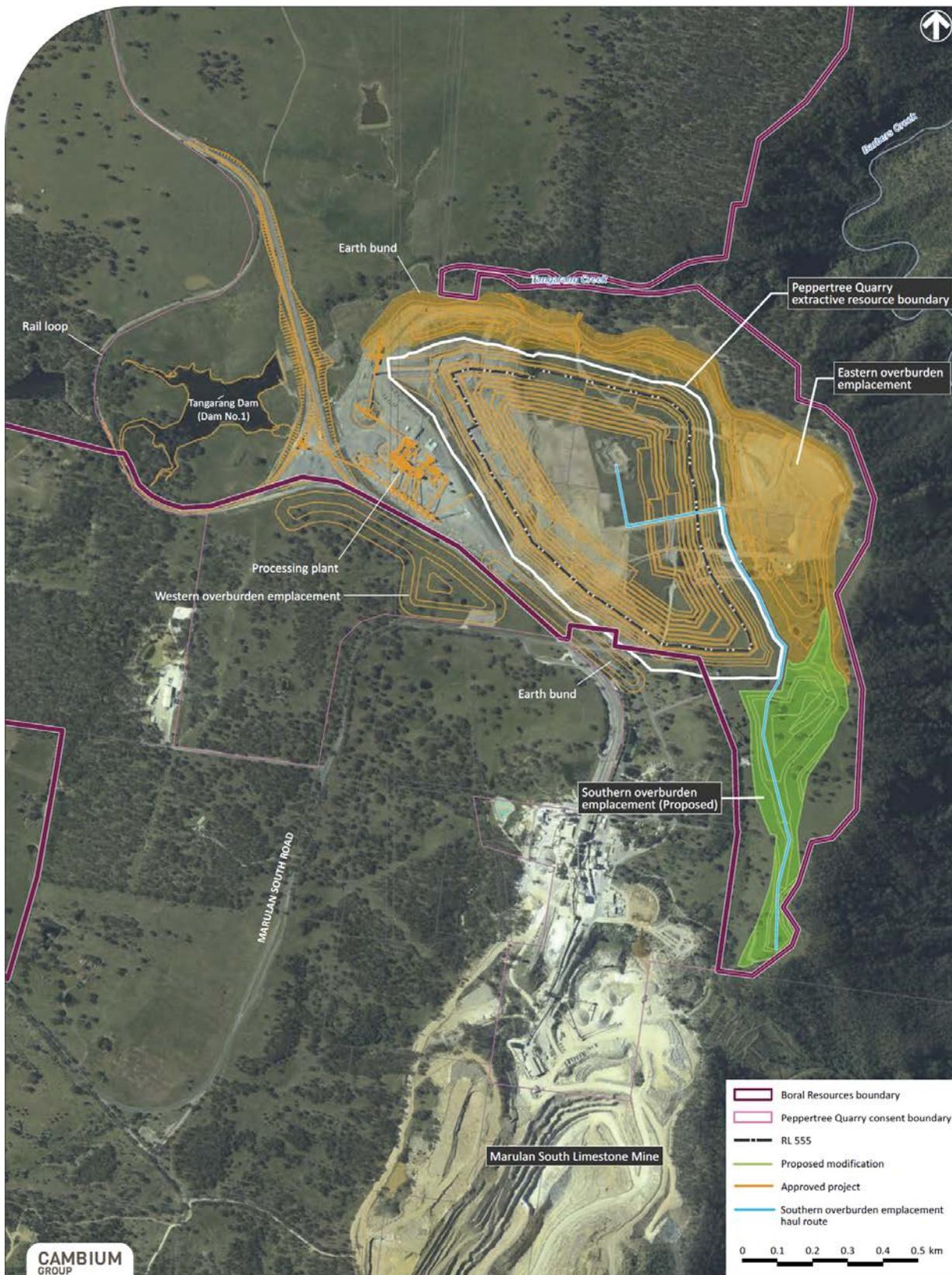


Figure showing the project layout

### APPENDIX 3: NOISE RECEIVER LOCATIONS

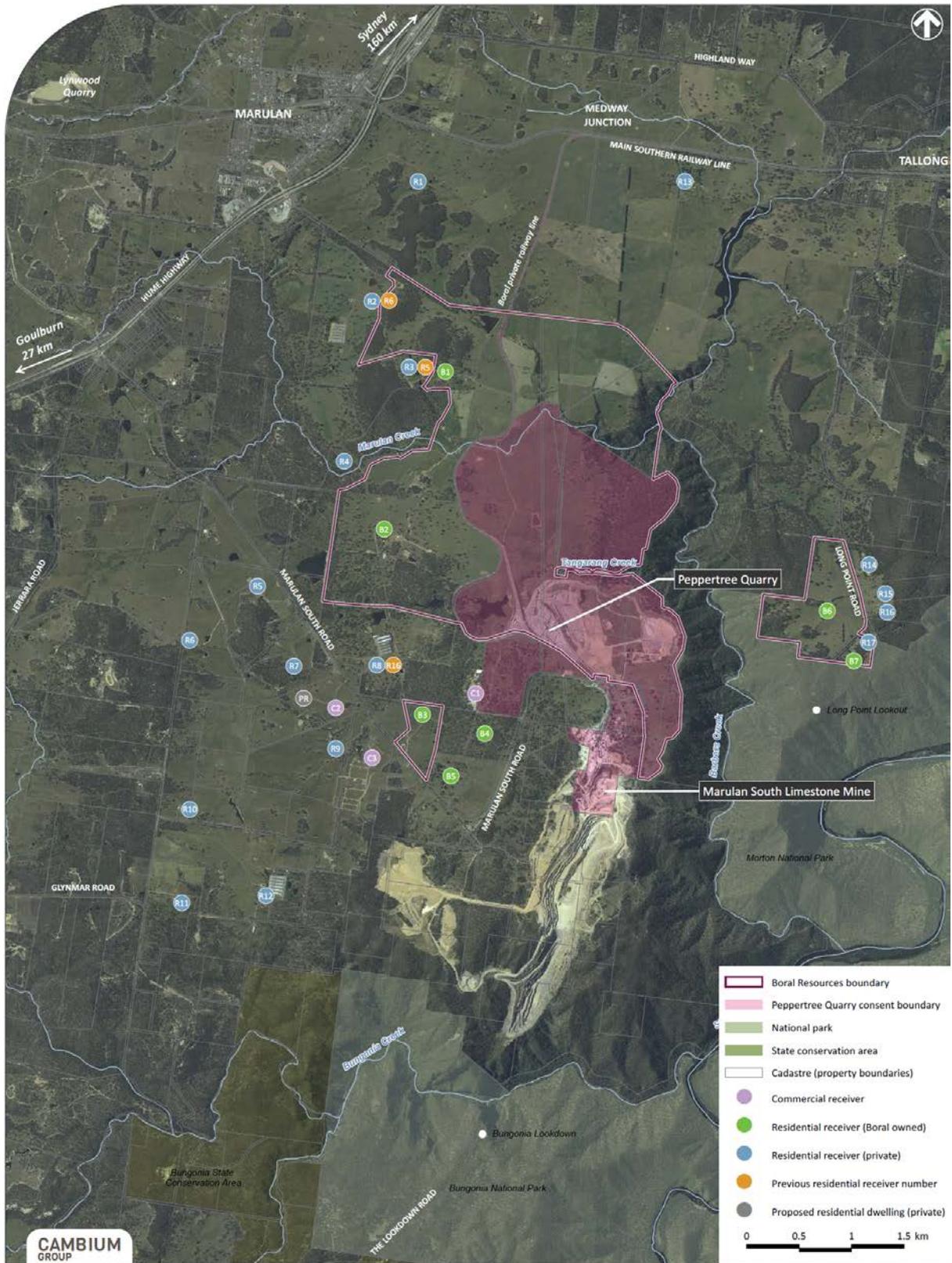


Figure showing the location of the residential receivers

**APPENDIX 4: SURFACE WATER MANAGEMENT SYSTEM FOR THE SOUTHERN OVERBURDEN EMPLACEMENT AREA**

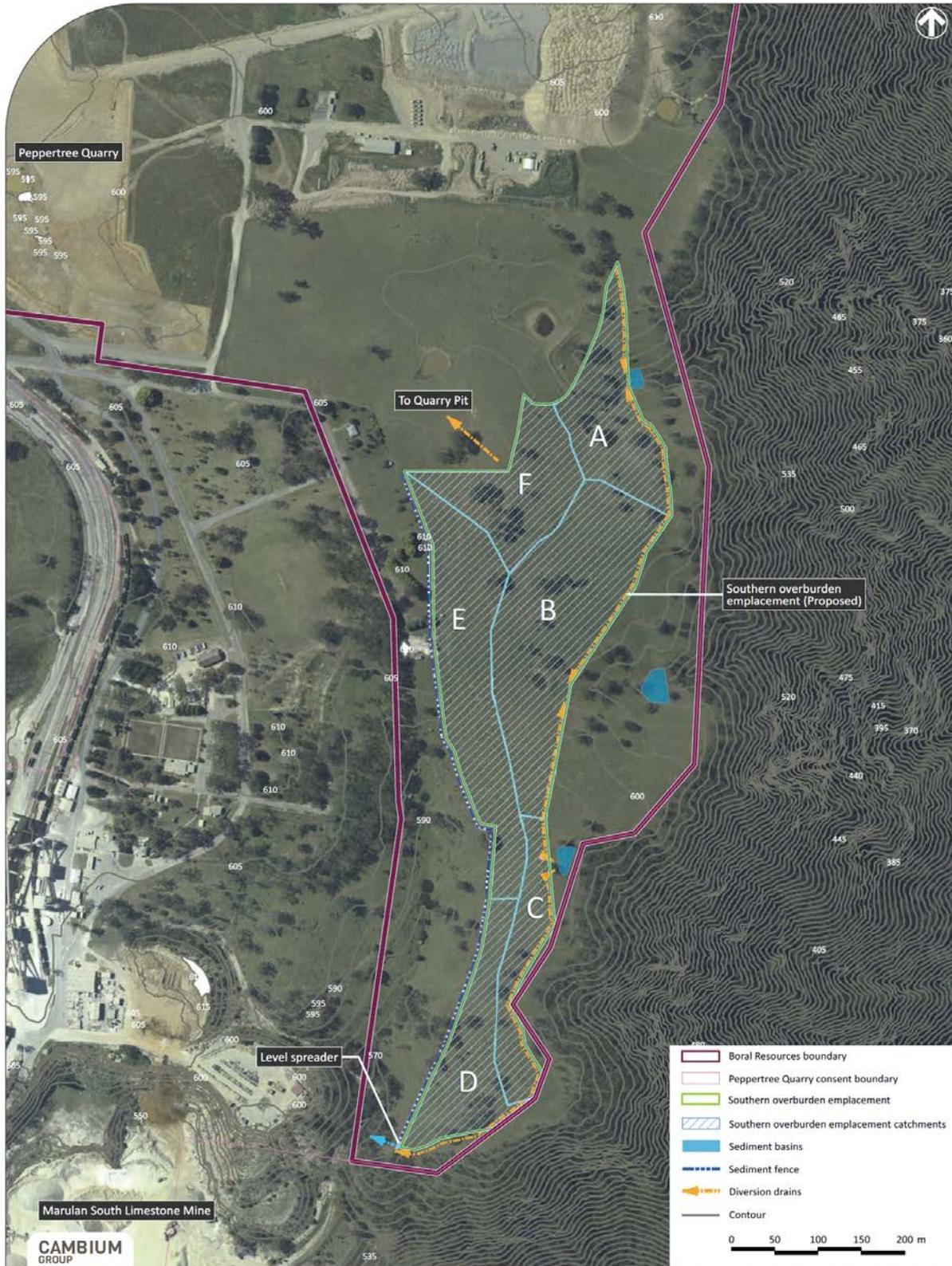


Figure showing the surface water management system for the southern overburden emplacement area

## APPENDIX 5: HABITAT MANAGEMENT AREA

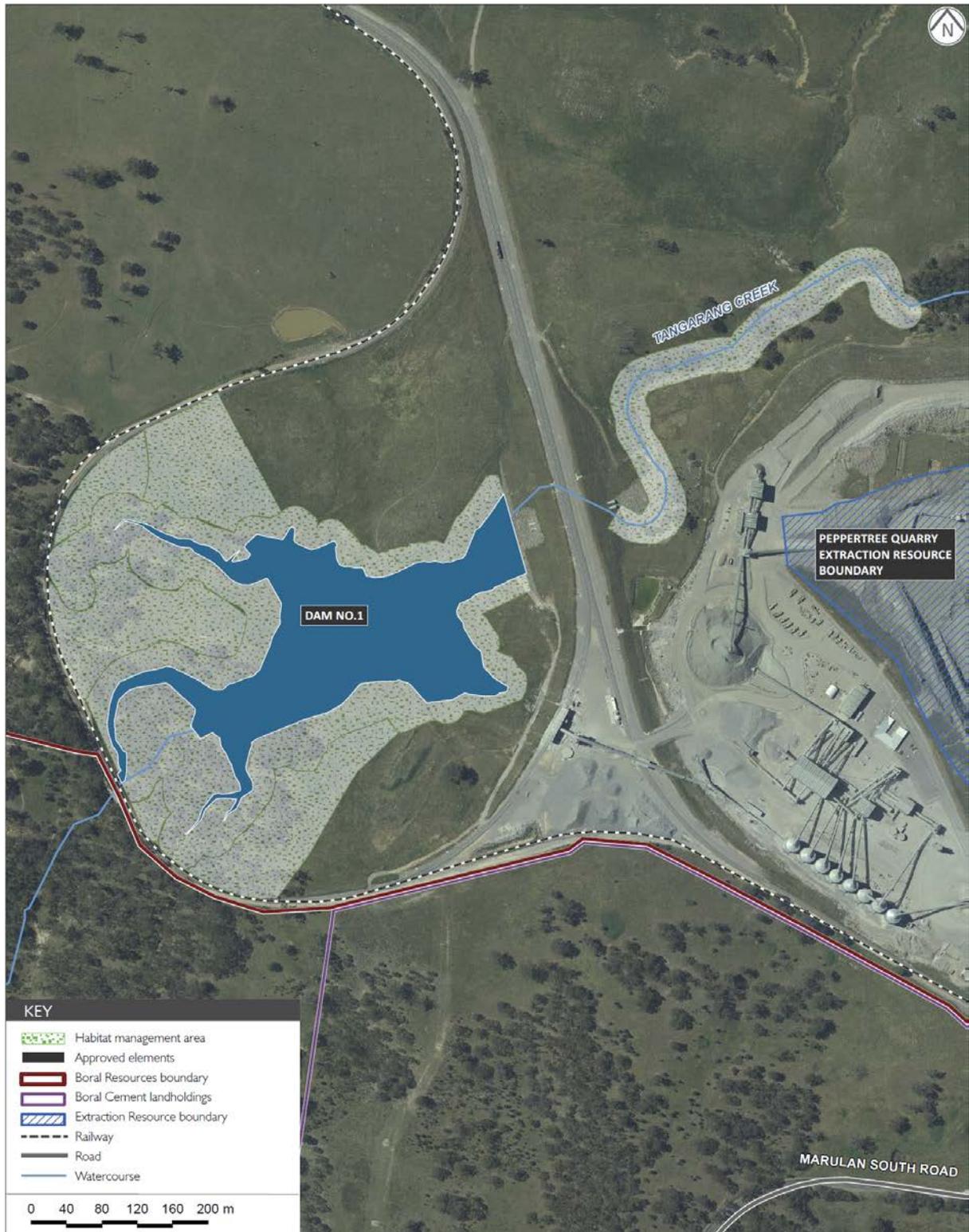
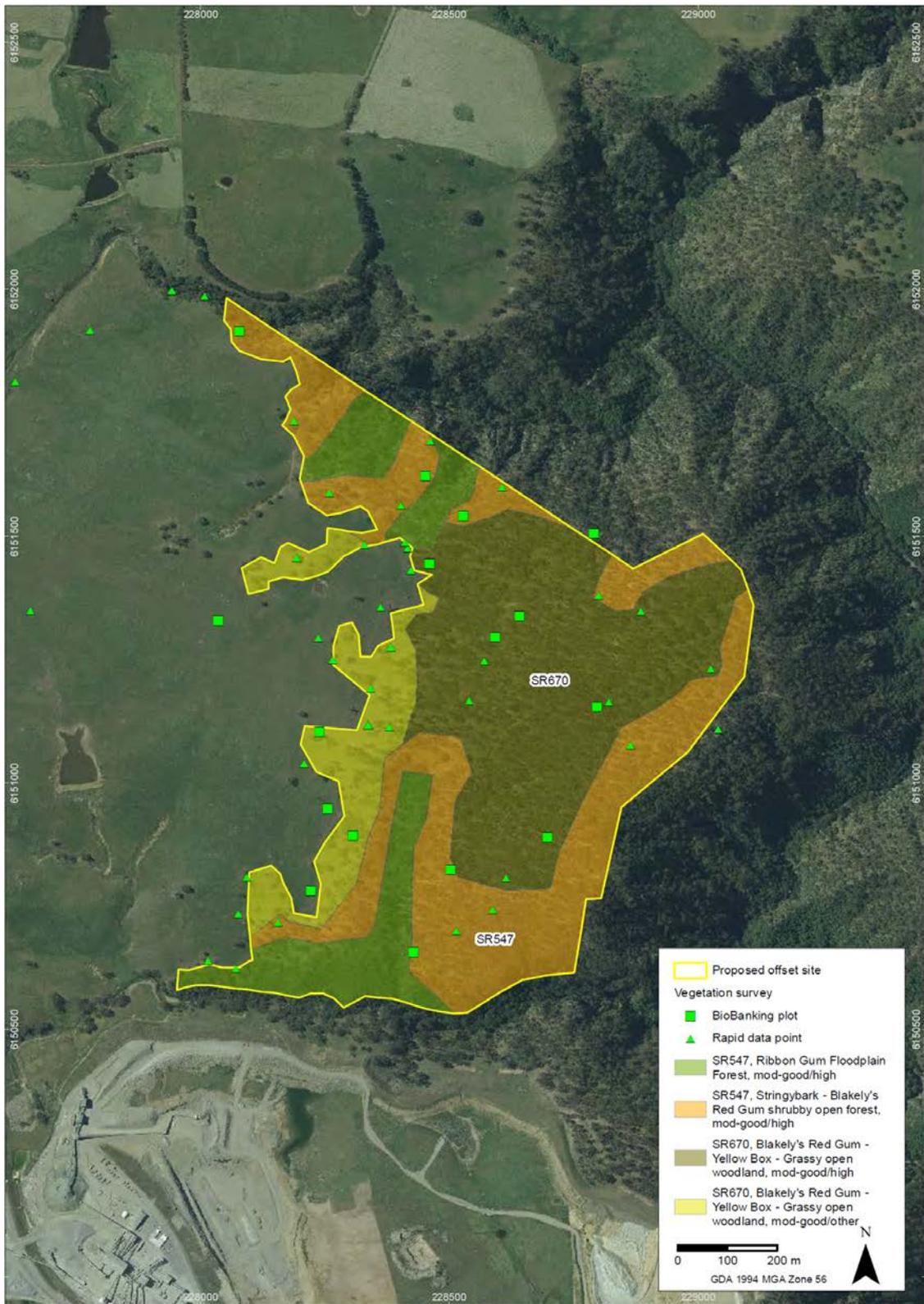


Figure showing the location of the Habitat Enhancement Area

## APPENDIX 6: BIODIVERSITY OFFSET AREA



Proposed offset area – Survey and vegetation mapping

Figure showing the location and approximate area of the biodiversity offset area

## APPENDIX 7: NOISE COMPLIANCE ASSESSMENT

### Applicable Meteorological Conditions

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

### Determination of Meteorological Conditions

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

### Compliance Monitoring

3. Unless the Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (as amended from time to time), in particular the requirements relating to:
  - a) monitoring locations for the collection of representative noise data;
  - b) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment;
  - c) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration; and
  - d) the use of an appropriate modifying factor for low frequency noise to be applied during compliance testing at any individual residence if low frequency noise is present (in accordance with the INP) and before comparison with the specified noise levels in the approval.