

# Development Consent

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

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

These conditions are required to:

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

SIGNED

Frank Sartor, MP  
Minister for Planning

Sydney      28 October      2005      S03/00976

### SCHEDULE 1

<b>Development Application:</b>	DA 94-4-2004.
<b>Applicant:</b>	<a href="#">Hanson Construction Materials Pty Ltd.</a>
<b>Consent Authority:</b>	Minister for Planning.
<b>Land:</b>	Lot 2 in DP 229889, Peats Ridge Road, Calga.
<b>Proposed Development:</b>	Calga Sand Quarry Extension (Stage 3).
<b>State Significant Development:</b>	The proposal is classified as State significant development under section 76A(7) of the <i>Environmental Planning and Assessment Act 1979</i> , as it meets the criteria specified in a declaration made by the Minister on 3 August 1999.
<b>Integrated Development:</b>	The proposal is classified as integrated development under section 91 of the <i>Environmental Planning and Assessment Act 1979</i> , as it requires additional approvals under the: <ul style="list-style-type: none"><li>• <i>Water Act 1912</i>; and</li><li>• <i>Protection of the Environment Operations Act 1997</i>.</li></ul>
<b>Designated Development:</b>	The proposal is classified as designated development under section 77A of the <i>Environmental Planning and Assessment Act 1979</i> , as it is for an extractive industry that meets the criteria in schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> .

Note:

- To find out when this development consent becomes effective, see section 83 of the *Environmental Planning and Assessment Act 1979* (EP&A Act);
- To find out when this development consent is liable to lapse, see section 95 of the EP&A Act; and
- To find out about appeal rights, see section 97 of the EP&A Act.

June 2012 modification in red  
June 2017 modification in blue

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## DEFINITIONS

Annual Review Amendment Report	The review required by condition 10 of Schedule 5 Report titled <i>Amendment to a Proposal Submitted as Development Application (DA 94-4-2004) for an Extension to the Calga Sand Quarry</i> , dated June 2005
Applicant	Hanson Construction Materials Pty Ltd, or its successors
BCA	Building Code of Australia
Bore	Any bore or well or excavation or other work connected or proposed to be connected with sources of sub-surface water, and used or proposed to be used or capable of being used to obtain supplies of such water whether the water flows naturally at all times or has to be raised whether wholly or at times by pumping or other artificial means
CCC	Community Consultative Committee
Council	Central Coast Council
Crushing System	The diesel-powered sandstone crushing system described in EA (MOD 3)
DA	Development Application
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
Department	Department of Planning and Environment
Development	The development as described in the documents listed in condition 2(a) of Schedule 2
DPI	Department of Primary Industries
DPI Water	Department of Primary Industries – Water
DRG	Division of Resources and Geoscience of the Department
EA (MOD 1)	Modification Application DA 94-4-2004 MOD 1, and the accompanying Environmental Assessment titled <i>Environmental Assessment for the Relocation of the Administration Centre at the Calga Sand Quarry</i> prepared by R.W. Corkery & Co. Pty Ltd and dated January 2012
EA (MOD 3)	Modification Application DA 94-4-2004 MOD 3, and the accompanying Environmental Assessment titled <i>Installation and Operation of a Crushing System at the Calga Sand Quarry</i> prepared by R.W. Corkery & Co. Pty Ltd and dated August 2016, including the associated Response to Submissions report titled <i>Response to Submissions for the Installation and Operation of a Crushing System at the Calga Quarry</i> , dated February 2017
EIS	Environmental Impact Statement for the Proposed Calga Sand Quarry Extension, dated May 2004
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 POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
GTA	General Term of Approval
Incident	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 consent</li> </ul>
Land	Land means the whole of a lot in a current plan registered at the Land Titles Office at the date of this development 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
Night	The period from 10pm to 6am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Privately-owned land/bore	Land/bore that is not owned by a public agency, a quarrying company or its subsidiary
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition and for the purpose of establishing a safe, stable and non-polluting environment

RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Shoulder	Time interval from 6am to 7am, Monday to Saturday
Site	Land to which the DA applies
Stage 3	The quarry staging described in the Amendment Report, including the ongoing use of Stages 1 and 2
Quarrying operations	Includes the removal of overburden and extraction, processing, handling, storage and transportation of extractive material on the site

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## SCHEDULE 2 GENERAL ADMINISTRATIVE CONDITIONS

### Obligation to Minimise Harm to the Environment

1. The Applicant **must** implement all practicable 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 Approval

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

*Note: The Project Layout Plans are included in Appendix 1;*
3. If there is any inconsistency between the documents in condition 2(a), the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail over the documents in condition 2(a) to the extent of any inconsistency.
4. The Applicant **must** comply with any requirement/s of the Secretary arising from the Department's assessment of:
  - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
  - (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this consent; and
  - (c) the implementation of any actions or measures contained in these documents.

### Limits on Approval

5. This Applicant may carry out quarrying operations on the site until 1 July 2030.

*Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional requirements and undertakings to the satisfaction of the Secretary. Consequently, this consent will continue to apply in all respects other than the right to conduct quarrying operations until the rehabilitation of the site and those requirements and undertakings have been carried out to the standard required by the applicable conditions.*
6. This consent is granted for Stage 3 only, as described in the Amendment Report, and shown conceptually on the plan in Appendix 1.
7. The Applicant **must** not transport more than 400,000 tonnes of product per year from the site.

### Structural Adequacy

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

#### Notes:

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

### Demolition

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

### Protection of Public Infrastructure

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

### Operation of Plant and Equipment

11. The Applicant **must** ensure that all plant and equipment at the site, or used in connection with the development, are:
  - a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient manner.

## SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

### GENERAL EXTRACTION AND PROCESSING PROVISIONS

#### Identification of Boundaries

1. Prior to carrying out any development, the Applicant **must**:
  - (a) engage a registered surveyor to mark out the boundaries of the approved limits 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, to the satisfaction of the **Secretary**.

*Note: The limit of extraction includes the area described in the documents listed in condition **Error! Reference source not found.** of schedule 2, and shown conceptually on the plan in Appendix 1.*

### NOISE

#### Impact Assessment Criteria

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

*Table 1: Noise impact assessment criteria dB(A)  $L_{Aeq}$  (15 min)*

Residential Location	Day	Evening	Night	Night ( $L_{A1(1min)}$ )
Residence 3 (CN-1) – Power	41	35	35	45
Residence 4 (CN-2) – King	40	35	35	45
Residence 5 (CN-3) - Kashouli	39	35	35	45
Residence 8 (CN-6) - Cauchi	36	35	35	45
Other residences	35	35	35	45

*Note: Receiver locations referred in Table 1 are shown in Figure 2 of Appendix 1.*

Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Industrial Noise Policy*. Appendix 4 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 Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

#### Land Acquisition

3. If the noise generated by the development exceeds the criteria in Table 1 by more than 5 dB(A), then the Applicant **must**, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-**Error! Reference source not found.** of schedule 4, unless there is a valid noise agreement between the Applicant and an affected landowner.

#### Noise Mitigation

4. Prior to carrying out any extraction, the Applicant **must** construct an acoustic barrier in accordance with the quarry design in the Amendment Report (as reproduced in Appendix 1), to the satisfaction of the **Secretary**. The construction of the acoustic barrier must be completed within 5 working weeks.

#### Operating Hours

5. <sup>1</sup>The Applicant **must** comply with the operating hours in Table 2:

<sup>1</sup> Incorporates EPA GTA

Table 2: Operating Hours

Activity	Day	Time
Extraction and processing	Monday – Friday	7:00am to 6:00pm
	Saturday	7:00am to 4:00pm
	Sunday and Public Holidays	Nil
Delivery and distribution	Monday – Friday	5:00am to 10:00pm
	Saturday	5:00am to 4:00pm
	Sunday and Public Holidays	Nil
Maintenance (if inaudible at neighbouring residences)	Any day	Anytime

Note: Construction activities, such as the construction of the acoustic barrier, **must** only be carried out between 7:00am to 6:00pm Monday to Friday, and 8:00am to 1:00pm on Saturdays. No construction activities are to be undertaken on Sundays or Public Holidays.

6. <sup>2</sup>The following activities may be carried out at the premises outside the hours specified in Table 2:
- the delivery of materials as requested by Police or other authorities for safety reasons; and
  - emergency work to avoid the loss of lives, property and/or to prevent environmental harm.
- In such circumstances the Applicant **must** notify **EPA** and affected residents prior to undertaking the works, or within a reasonable period in the case of emergency.

### Operating Conditions

7. The Applicant must:
- implement best practice management to minimise the construction, operational and road transportation noise of the development;
  - minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 4);
  - carry out noise monitoring (at least every 3 months or as otherwise agreed with the Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
  - regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent, to the satisfaction of the Secretary.

Note: Required frequency of noise monitoring may be reduced if approved by the Secretary.

### Noise Management Plan

- 7A. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:
- be prepared in consultation with the EPA;
  - be submitted to the Secretary prior to operating the crushing system, unless otherwise agreed by the Secretary;
  - describe the measures that would be implemented to ensure:
    - compliance with the noise criteria in this consent;
    - best practice noise management is being employed; and
    - noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply (see Appendix 4);
  - describe the proposed noise management system; and
  - include a monitoring program to be implemented to measure noise from the development against the noise criteria in Table 1, and which evaluates and reports on the effectiveness of the noise management system on site.

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

## AIR QUALITY

### Impact Assessment Criteria

8. The Applicant **must** ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated on site do not exceed the criteria in Table 3, Table 4 and Table 5 at any residence on privately-owned land, or on more than 25% of any privately-owned land.

<sup>2</sup> Incorporates **EPA** GTA

Table 3 - Long-Term Impact Assessment Criteria for Particulate Matter

<b>Pollutant</b>	<b>Averaging period</b>	<b><sup>d</sup> Criterion</b>
Total suspended particulates (TSP)	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 4 - Short Term Impact Assessment Criteria 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 5 - Long-Term Impact Assessment Criteria for Deposited Dust

<b>Pollutant</b>	<b>Averaging period</b>	<b>Maximum increase in deposited dust level</b>	<b>Maximum total 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:

- <sup>a</sup> Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all other sources);
- <sup>b</sup> Incremental impact (ie incremental increase in concentrations due to the development 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.
- <sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Secretary in consultation with EPA.

## Operating Conditions

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

## Air Quality Management Plan

- The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
  - be prepared in consultation with the EPA;
  - be submitted to the Secretary prior to operating the crushing system, unless otherwise agreed by the Secretary;
  - 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;
  - describe the proposed air quality management system;
  - 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 must implement the approved Air Quality Management Plan as approved from time to time by the Secretary.



## SURFACE AND GROUNDWATER

*Note: The Applicant is required to obtain licences and permits for the development under the Protection of the Environment Operations Act 1997 and the Water Act 1912.*

### Groundwater Impact Assessment Criteria

10. The Applicant **must** provide compensatory water supply, in accordance with the Groundwater Contingency Strategy and to the satisfaction of the **Secretary**, where the development results in a reduction of pumping yield in privately-owned groundwater bores of 10 percent or greater.

*Notes:*

- *If the Applicant has reached a negotiated agreement with an affected landowner in regard to groundwater, and a copy of the agreement has been forwarded to the **Secretary**, then the Applicant may exceed the groundwater impact assessment criteria in accordance with the negotiated agreement.*
- *The Applicant must establish the basis for determining development-related impact in the Groundwater Monitoring Program (see condition 15).*
- *The Applicant **must** establish additional groundwater impact assessment criteria for its groundwater monitoring bores, in accordance with the Groundwater Monitoring Program, to provide advance warning of a potential exceedance of the groundwater impact assessment criteria.*

### Monitoring and Management

11. Prior to carrying out any development, the Applicant **must** prepare a Water Management Plan for the development, in consultation with the **DPI-Water**, and to the satisfaction of the **Secretary**. This plan must be prepared by a suitably qualified hydrogeologist/hydrologist whose appointment/s have been approved by the **Secretary**, and **must** include:
- a) a Water Balance;
  - b) an Erosion and Sediment Control Plan;
  - c) a Surface Water Monitoring Program; and
  - d) a Groundwater Monitoring Program.

**The Applicant must implement the approved Water Management Plan as approved from time to time by the Secretary.**

12. The Water Balance **must**:
- a) include details of all water extracted (including water make), dewatered, transferred, used and/or discharged by the quarry; and
  - b) describe measures to minimise water use by the development.
13. The Erosion and Sediment Control Plan **must**:
- a) be consistent with the requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
  - 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 the structures over time.
14. The Surface Water Monitoring Program **must** include:
- a) detailed baseline data on surface water flows and quality in waterbodies that could potentially be impacted by the quarry;
  - b) surface water impact assessment criteria;
  - c) a program to monitor surface water flows and quality;
  - d) a protocol for the investigation, notification and mitigation 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.
15. The Groundwater Monitoring Program **must** include:
- a) a program to collect detailed baseline data, based on sound statistical analysis, to benchmark the pre-quarrying natural variation in groundwater levels, yield and quality in groundwater bores within the predicted drawdown impact zone identified in the Amendment Report;
  - b) groundwater impact assessment criteria for monitoring bores and privately-owned bores;
  - c) a program to monitor impacts on the groundwater supply of potentially affected landowners, groundwater dependent ecosystems, and on vegetation; and
  - d) a protocol for the investigation, notification and mitigation of identified exceedances of the groundwater impact assessment criteria.

*Note: The Groundwater Monitoring Program **must** be prepared in accordance with the recommendations of the independent groundwater assessment reports (prepared by Mackie Environmental Research Pty Ltd, dated July 2005 and December 2004, available from the Department), unless otherwise authorised by the **Secretary**.*

## Groundwater Contingency Strategy

16. Within 6 months of the date of this consent, the Applicant **must** prepare a Groundwater Contingency Strategy for the development, in consultation with the **DPI-Water**, and landowners within the predicted drawdown impact zone identified in the Amendment Report, and to the satisfaction of the **Secretary**. The strategy **must** include:
- a) the procedures that would be followed in the event of any exceedance of the groundwater impact assessment criteria, or other identified impact on groundwater; and
  - b) measures to mitigate, remediate and/or compensate any identified impacts to provide an alternative long-term supply of water to the affected landowner that is equivalent to the loss attributed to the development.

*Note: The strategy **must** be prepared in accordance with the procedures detailed in schedule 4, and the recommendations of the independent groundwater assessment reports (prepared by Mackie Environmental Research Pty Ltd, dated July 2005 and December 2004, available from the Department), unless otherwise authorised by the **Secretary**.*

## Annual Independent Groundwater Audit

17. Each year from the date of this consent, or as otherwise directed by the **Secretary**, the Applicant **must** undertake an independent audit of the groundwater impacts of the development to determine compliance with the groundwater impact assessment criteria, to the satisfaction of the **Secretary**. The audit **must** be conducted by a suitably qualified and independent hydrogeologist whose appointment has been approved by the **Secretary**.

## Reporting

18. *Deleted*

## Quarry Closure Groundwater Management Plan

19. Prior to the commencement of quarrying in Stage 3/6 or 5 years prior to the cessation of quarrying (whichever is the sooner), the Applicant **must** commission a suitably qualified hydrogeologist, whose appointment has been approved by the **Secretary**, to assess the potential long term impacts of the final void on groundwater resources, and to develop a quarry closure and post-closure groundwater management plan. The plan **must**:
- a) be prepared in consultation with the **DPI-Water**, the CCC, and landowners within the predicted drawdown impact zone identified in the Amendment Report; and
  - b) include strategies, in accordance with the Groundwater Contingency Strategy, to ensure the long-term security of water supply to any landowner whose groundwater bores exceed, or are likely to exceed in the future, the groundwater impact assessment criteria, to the satisfaction of the **Secretary**.

## METEOROLOGICAL MONITORING

20. Prior to carrying out any development, the Applicant **must** establish and subsequently maintain a meteorological station in the vicinity of the development, to the satisfaction of the **EPA** and the **Secretary**. The station **must** as a minimum, unless otherwise authorised by the **Secretary**, monitor daily rainfall and evaporation in accordance with the requirements in *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

## REHABILITATION AND LANDSCAPING

### Rehabilitation

21. The Applicant **must** progressively rehabilitate the site to the satisfaction of the **Secretary**, in a manner that is generally consistent with the concept final landform in the Amendment Report (as reproduced in Appendix 2). The rehabilitation of the site must include at least 1 hectare of open heathland/sedgeland in low lying and drainage areas.

### Rehabilitation and Landscape Management Plan

22. Within 6 months of the date of this consent, the Applicant **must** prepare and subsequently implement a Rehabilitation and Landscape Management Plan for the development in consultation with Council and **OEHS**, and to the satisfaction of the **Secretary**. This plan must:
- a) identify the areas likely to be disturbed by the development;
  - b) describe in general the short, medium, and long-term measures that would be implemented to rehabilitate the site, **including consideration of avoiding impacts on Aboriginal cultural heritage and integrating the rehabilitated site with the Aboriginal cultural landscape**;
  - c) describe in detail the measures that would be implemented over the next 5 years to rehabilitate the site;

- d) describe how the performance of these measures would be monitored over time;
  - e) set completion criteria for the rehabilitation of the site;
  - f) include a Vegetation Clearing Protocol, a Pest and Weed Management Plan, and a Landscape Plan; and
  - g) include a program to monitor the development's effects on vegetation, including threatened species and groundwater dependent ecosystems.
23. Within 4 years of providing the Rehabilitation and Landscape Management Plan to the [Secretary](#), and every 5 years thereafter, the Applicant [must](#) review and update the plan to the satisfaction of the [Secretary](#).

#### Rehabilitation Bond

24. Within 12 months of the date of this consent, the Applicant [must](#) lodge a rehabilitation bond for the development with the [Secretary](#). The sum of the bond [must](#) be calculated at \$2.50/m<sup>2</sup> for the total additional area to be disturbed in each 5 year review 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 these works.
25. Within 4 years of lodging the rehabilitation bond with the [Secretary](#), and every 5 years thereafter, unless the [Secretary](#) directs otherwise, the Applicant [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 Rehabilitation and Landscape Management Plan.

#### TRAFFIC AND TRANSPORT

##### Site Access

26. Prior to the commencement of extraction in the applicable quarry stages, the Applicant [must](#):
- a) seal the internal access road from the site entrance to the Stage 3 extraction limit for Stages 3/1 and 3/2; and
  - b) seal the internal access road from the site entrance to the administration area for Stages 3/3 onwards,
- to the satisfaction of the [Secretary](#).
- Note: The access road and quarrying stages are as shown in Appendix 1.*
27. Prior to carrying out any development, the Applicant [must](#) provide a painted seagull arrangement to Peats Ridge Road, to improve egress for vehicles turning right from the access road, to the satisfaction of the [RMS](#).
28. The Applicant [must](#) ensure that the long term access road is designed to:
- a) accommodate heavy vehicle turning paths for the left hand turn from Peats Ridge Road into the access road, to the satisfaction of the [RMS](#) and the [Secretary](#); and
  - b) provide for vehicular access to the pit floor, to the satisfaction of the DPI and the [Secretary](#).
- 28A. The Applicant [must](#) prepare a Driver's Code of Conduct for the development to the satisfaction of the [Secretary](#). This code must:
- a) be submitted to the [Secretary](#) no later than 28 July 2017, or as otherwise agreed by the [Secretary](#);
  - b) include details of the safe and quiet driving practices that must be used by drivers transporting products to and from the quarry;
  - c) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

The Applicant [must](#) implement the Driver's Code of Conduct as approved from time to time by the [Secretary](#).

##### Parking

29. The Applicant [must](#) provide sufficient parking on-site for all quarry-related traffic, in accordance with Council's parking codes, and to the satisfaction of the [Secretary](#).

##### Road Haulage

30. The Applicant [must](#) ensure that all loaded vehicles entering or leaving the site are covered.

31. The Applicant [must](#) ensure that all loaded vehicles leaving the site are cleaned of materials that may fall on the road before they are allowed to leave the site.

## **VISUAL IMPACT**

32. The Applicant [must](#)
- (a) implement all practicable measures to minimise the visual impacts of the development;
  - (b) establish, re-vegetate and subsequently maintain the acoustic barrier to minimise the visual impacts of development, in accordance with the concept final landform in the Amendment Report (as reproduced in Appendix 2);
  - (c) include a progress report on the re-vegetation and maintenance of the acoustic barrier in the [Annual Review](#), to the satisfaction of the Director General.
33. The Applicant [must](#) take all practicable measures to prevent and/or minimise any off-site lighting impacts from the development.
34. All external lighting associated with the development [must](#) comply with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

## **WASTE MANAGEMENT**

35. The Applicant [must](#):
- (a) monitor the amount of waste generated by the development;
  - (b) investigate ways to minimise waste generated by the development;
  - (c) implement reasonable and feasible measures to minimise waste generated by the development; and
  - (d) report on waste management and minimisation in the [Annual Review](#), to the satisfaction of the [Secretary](#).

## **HAZARD MANAGEMENT**

### **Dangerous Goods**

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

### **Safety**

37. The Applicant [must](#) secure the development to ensure public safety to the satisfaction of the [Secretary](#).

## **BUSHFIRE MANAGEMENT**

38. The Applicant [must](#):
- a) ensure that the development is suitably equipped to respond to any fires on site; and
  - b) assist the Rural Fire Service and emergency services as much as possible if there is a fire on site.

## **PRODUCTION DATA**

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

## **QUARRY EXIT STRATEGY**

40. At least 3 years prior to the cessation of quarrying, the Applicant [must](#) prepare a Quarry Exit Strategy for the development, in consultation with the Council, and to the satisfaction of the [Secretary](#). The plan must:
- (a) define the objectives and criteria for quarry closure;
  - (b) investigate options for the future use of the site, including any final void/s;
  - (c) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and
  - (d) describe how the performance of these measures would be monitored over time.

## **ABORIGINAL CULTURAL HERITAGE**

### **Condition Report**

41. Prior to the installation of the crushing system, the Applicant must prepare a condition report for the Women's Site (AHIMS # 45-3-00119 and 45-3-2195) to the satisfaction of the Secretary. The report must:
- (a) be prepared in consultation with the relevant Aboriginal parties by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
  - (b) assess the existing condition of the Women's Site;
  - (c) consider any damage to the Women's Site that may have arisen from quarrying in the past or that may occur from quarrying in the future;
  - (d) provide any further recommendations regarding the management of the Women Site's in respect of the operation of the crushing system.

The Applicant must submit the condition report to the Secretary and implement the recommendations of the report to the satisfaction of the Secretary.

42. For twelve months following the installation of the crushing system, or as otherwise directed by the Secretary, the Applicant must monitor ground vibration levels at a nearby appropriate location, provide accurate predictions of vibration impacts at the Women's Site and publish the monitoring results and predictions on its website.
43. After twelve months of operating the crushing system, the condition of the Women's Site must be reassessed by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary. Within six weeks of this reassessment, the Applicant must submit a revised condition report to the Secretary for review. The condition of the Women's Site must be reviewed in each Independent Environmental Audit.

### **Aboriginal Heritage Management Plan**

44. The Applicant must prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary. The plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
  - (b) be prepared in consultation with OEH and relevant Aboriginal parties;
  - (c) be submitted to the Secretary for approval prior to the installation of the crushing system, unless the Secretary agrees otherwise;
  - (d) identify any Aboriginal sites or potential archaeological deposits that may be affected through the continued operation of the development;
  - (e) describe the processes undertaken to identify the appropriate site for monitoring ground vibration levels, the installation and maintenance of the vibration monitoring equipment and the methods used to accurately predict vibration levels at the Women's Site;
  - (f) identify reasonable and feasible measures to be implemented to reduce intrusive noise at the Women's Site while it is in use;
  - (g) include a description of the measures that would be implemented to:
    - (i) protect and monitor known sites of archaeological and cultural significance within the vicinity of the site;
    - (ii) manage any new Aboriginal objects or relics that are discovered;
    - (iii) store Aboriginal heritage items salvaged on site; and
    - (iv) ensure ongoing consultation and involvement of the relevant Aboriginal parties in the conservation and management of Aboriginal cultural heritage on or surrounding the site.

## SCHEDULE 4 ADDITIONAL PROCEDURES

### NOTIFICATION OF LANDOWNERS

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

### INDEPENDENT REVIEW

2. If 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.

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

- a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
    - consult with the landowner to determine his/her concerns;
    - conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and
    - if the development is not complying with these criteria, then identify measures that could be implemented to ensure compliance with the relevant criteria; and
  - b) give the Secretary and landowner a copy of the independent review.
3. If the independent review determines that the quarrying operations are complying with the relevant criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the **Secretary**.
- 3A. Deleted
4. Deleted
  5. Deleted
  6. Deleted
- 6A. Deleted
7. Deleted

### LAND ACQUISITION

8. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant **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 property was unaffected by the development, 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 property 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;
  - b) the reasonable costs associated with:
    - relocating within the Gosford local government area, or to any other local government area agreed to 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 Applicant 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** shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

Within 14 days of receiving the independent valuer's report, the Applicant 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 Applicant 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 Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Secretary determines otherwise.

The Applicant must pay all reasonable costs associated with the land acquisition process described in this condition, 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.

9. *Deleted*

10. *Deleted*



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

**ENVIRONMENTAL MANAGEMENT**

**Environmental Management Strategy**

1. If the Secretary requires, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
  - (a) be submitted to the Secretary for approval within 6 months of the Secretary requiring preparation of the strategy by notice to the Applicant;
  - (b) provide the strategic framework for environmental management of the development;
  - (c) identify the statutory approvals that apply to the development;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (e) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, record, handle and respond to complaints;
    - resolve any disputes that may arise during the course of the development;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (f) include:
    - copies of any strategies, plans and programs approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring to be carried out under the conditions of this consent.

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

**Evidence of Consultation**

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

**Management Plan Requirements**

3. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
  - (a) detailed baseline data;
  - (b) a description of:
    - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - any relevant limits or performance measures/criteria; and
    - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures that 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 and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - incidents;
    - complaints;
    - non-compliances with statutory requirements; and
    - exceedances of the impact assessment criteria and/or performance criteria; and
  - (h) a protocol for periodic review of the plan.

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



## Revision of Strategies, Plans & Programs

4. Within 3 months of the submission of an:
  - (a) incident report under condition 8 below;
  - (b) Annual Review under condition 10 below;
  - (c) audit report under condition 11 below; and
  - (d) any modifications to this consent,the Applicant must review the strategies, plans and programs required under this consent, to the satisfaction of the Secretary.

Within 4 weeks of conducting any such review, the Applicant must advise the Secretary of the outcomes of the review, and provide any revised documents to the Secretary for review and approval.

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

## Updating and Staging of Strategies, Plans or Programs

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

With the agreement of the Secretary, the Applicant 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 consent.

*Notes:*

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

## Adaptive Management

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

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

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;
  - (b) consider all reasonable and feasible options for remediation (where relevant) 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 Applicant must establish and operate a Community Consultative Committee (CCC) for the development to the satisfaction of the Secretary. The CCC must be operated in general accordance with the Department's Community Consultative Committee Guidelines State Significant Projects (November 2016), or later version.

*Note: The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.*

## REPORTING

### Incident Reporting

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

## Regular Reporting

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

## Annual Review

10. By the end of March each year, or other timing as may be agreed by the Secretary, the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:
  - (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
  - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the:
    - relevant statutory requirements, limits or performance measures/criteria;
    - requirements of any plan or program required under this consent;
    - monitoring results of previous years; and
    - relevant predictions in the documents listed in condition 2(a) of Schedule 2;
  - (c) 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 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 must ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 7 of Schedule 5) and any interested person upon request.

## INDEPENDENT ENVIRONMENTAL AUDIT

11. Within a year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:
  - (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or necessary water licences for the development (including any assessment, strategy, plan, report or program required under these approvals);
  - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals;
  - (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and
  - (f) be conducted and reported to the satisfaction of the Secretary.

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

12. Within 12 weeks of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant must submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report.

## ACCESS TO INFORMATION

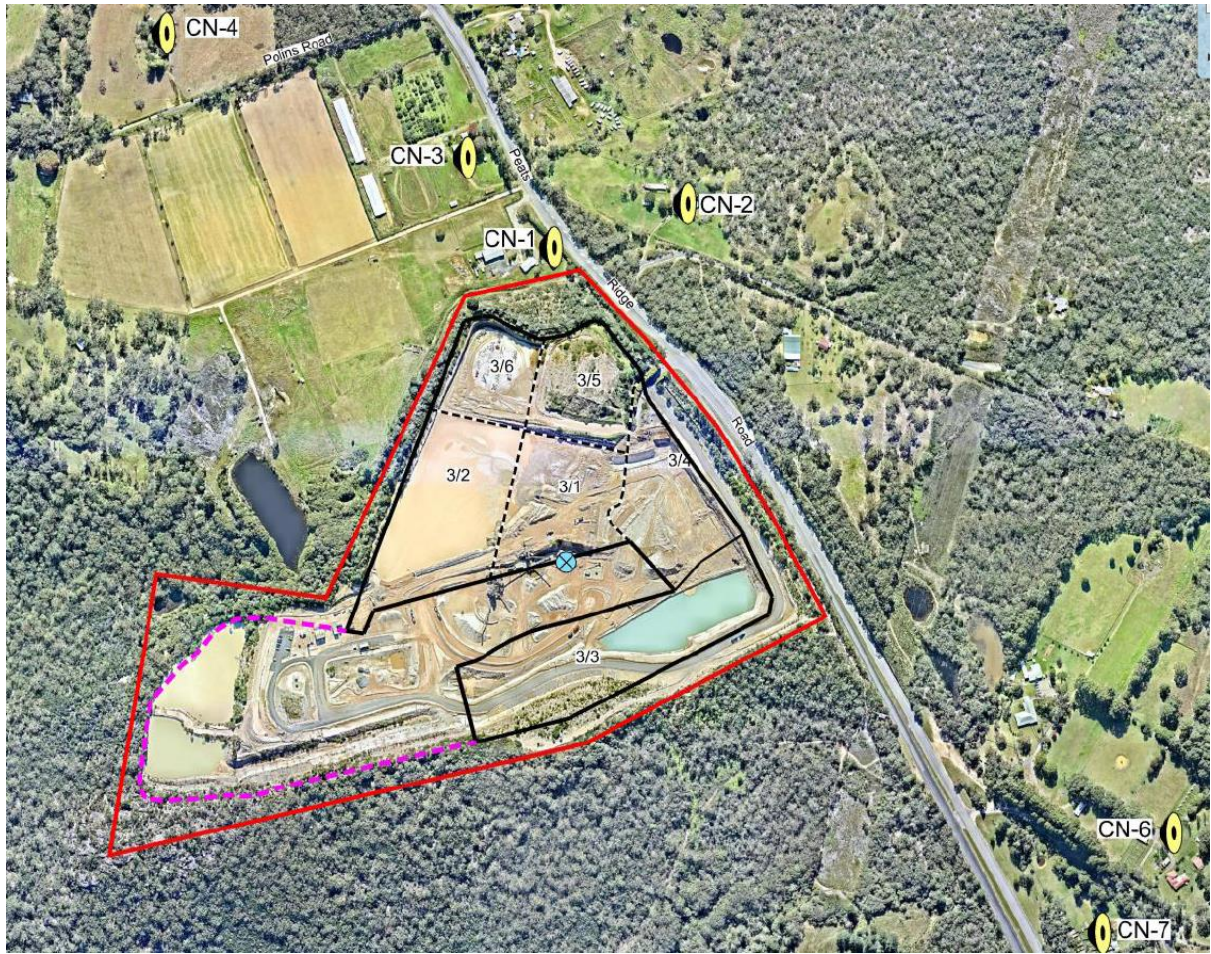
13. Within 6 months of the date of this consent, the Applicant must:
  - (a) make the following information publicly available on its website:
    - the documents listed in condition 2(a) of Schedule 2;
    - current statutory approvals for the development;
    - all approved strategies, plans and programs required under the conditions of this consent;
    - a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - a complaints register, updated monthly;
    - the annual reviews of the development;
    - any independent environmental audit, 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 PROJECT LAYOUT PLANS



Figure 2.1  
CALGA QUARRY - PROPOSED SITE LAYOUT

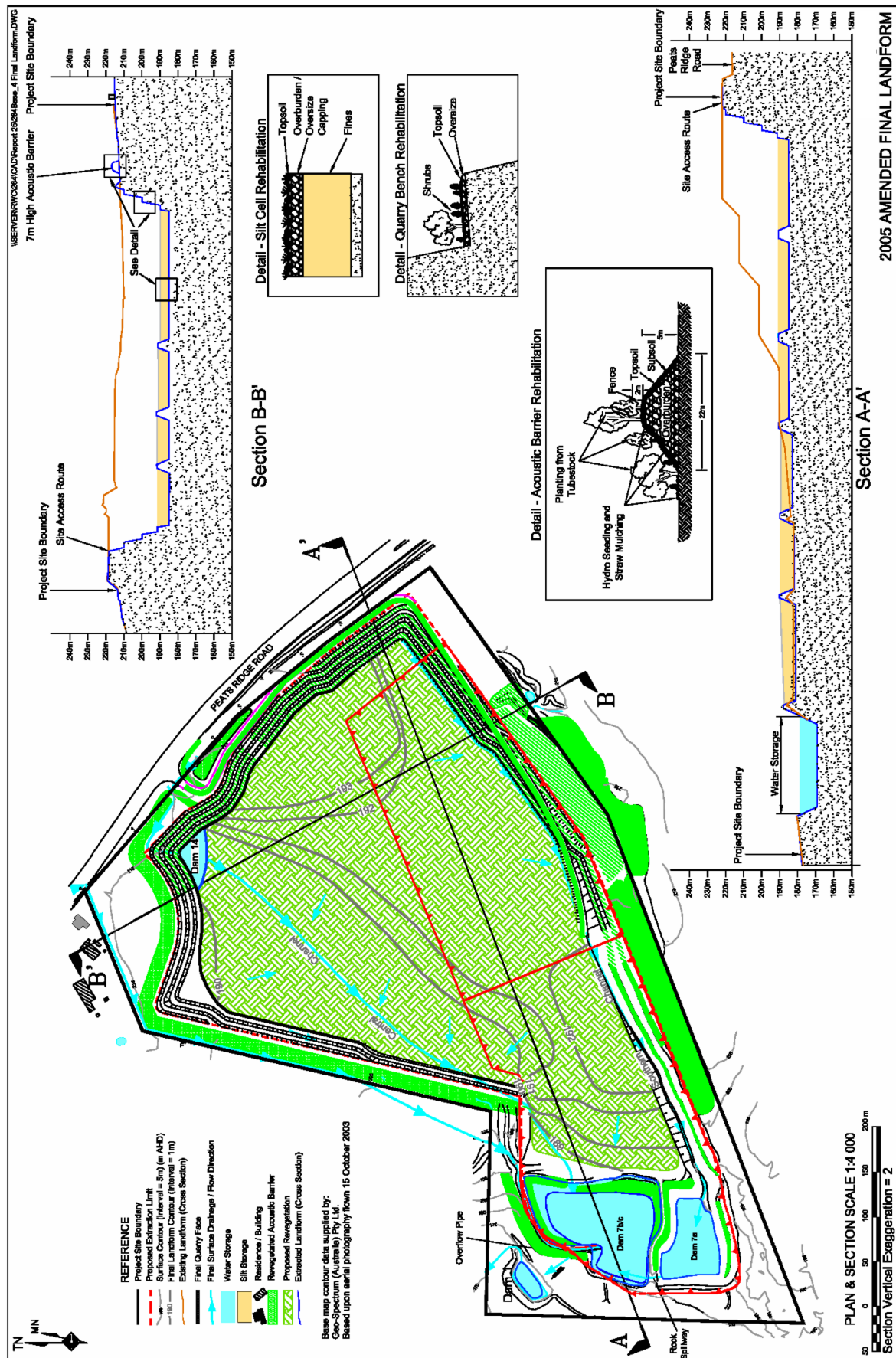




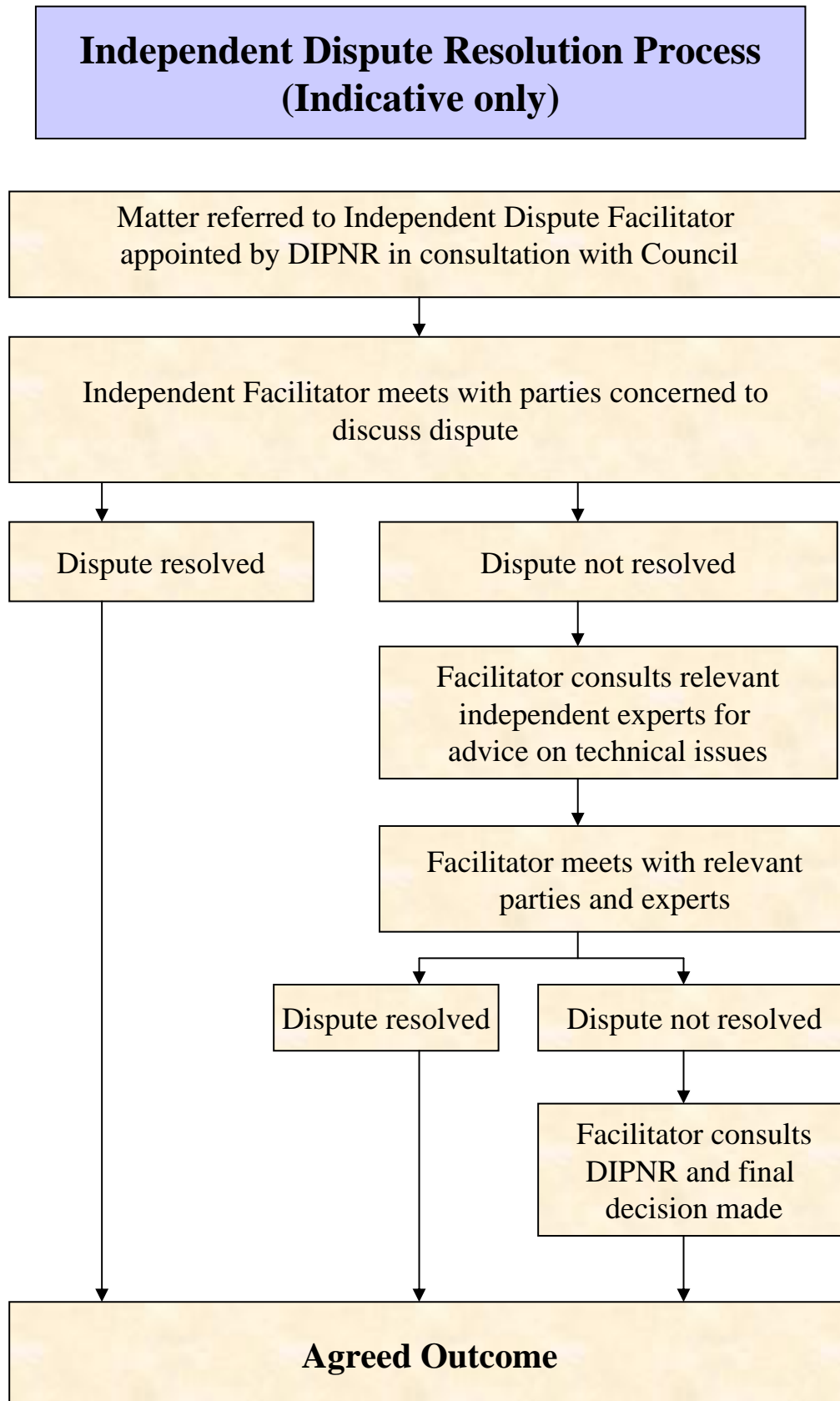
*Figure 2: Location of crushing system*



## APPENDIX 2 CONCEPT FINAL LANDFORM



**APPENDIX 3  
INDEPENDENT DISPUTE RESOLUTION PROCESS**



## **APPENDIX 4 NOISE COMPLIANCE ASSESSMENT**

### **Applicable Meteorological Conditions**

1. The noise criteria in Table 1 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 20 of Schedule 3.

### **Compliance Monitoring**

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this consent.
4. Unless the Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to:
  - (a) monitoring locations for the collection of representative noise data;
  - (b) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
  - (c) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.