

# Project Approval

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

I approve the project referred to in Schedule 1, subject to the conditions set out 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 on-going environmental management of the project.

Hon Kristina Keneally MP  
**Minister for Planning**

Sydney

2009

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### SCHEDULE 1

**Project Application:**

07\_0155

**Proponent:**

CEAL Limited trading as Multiquip Quarries

**Approval Authority:**

Minister for Planning

**Land:**

Extraction Area Lot 24, DP 1001312, Oallen Ford Road,  
Bungonia

Bypass Road Lot 2 DP 735523, Lot 82 DP 750022, Lot  
7005 DP 1002591 and Lot 7006 DP  
1002591

**Project:**

Ardmore Park Project

Red type represents October 2010 Modification (Mod 1).

Blue type represents November 2013 Modification (Mod 2).

Green type represents July 2020 Modification (Mod 3)

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## DEFINITIONS

Annual Review	The review required by condition 5 of Schedule 5
Bungonia Bypass Road	Private road between Oallen Ford Road and Mountain Ash Road depicted in Appendix 2
BCD	Biodiversity Conservation Division within in the Department
Council	Goulburn Mulwaree Shire Council
Department	Department of Planning, Industry and Environment
DPIE Crown Lands	Crown Lands Group within the Department
DPIE Water	Water Group within the Department
EA	Environmental Assessment for the project, including the: <ul style="list-style-type: none"> <li>○ Environmental Impact Statement titled <i>Environmental Assessment for the Modified Ardmore Park Quarry Project</i>, prepared by R.W. Corkery &amp; Co Pty Limited dated July 2008, submitted with the application for approval for the project, including the Proponent's Response to Submissions.</li> <li>○ Environmental Assessment titled <i>Supporting Documentation for a Request to Modify Project Approval PA 07_0155</i>, prepared by R.W. Corkery and Co. Pty Limited, dated May 2010, and the associated Response to Submissions, titled <i>Supporting Documentation for a Request to Modify Project Approval PA 07_0155</i>, dated August 2010</li> <li>○ Environmental Assessment titled <i>Environmental Assessment to support a S75W Modification of PA 07_0155</i>, dated June 2013, prepared by R.W. Corkery &amp; Co Pty Ltd, and the associated Response to Submissions titled <i>Response to Submissions for a S75W Modification of Ardmore Park Quarry (PA 07_0155) for Deliveries up to 20,000 tpa on Local Roads</i>, dated September 2013</li> <li>○ Environmental Assessment titled <i>Environmental Assessment for Modification 3 to PA 07_0155 (Ardmore Park Quarry)</i>, prepared by R.W. Corkery &amp; Co. Pty Limited, dated December 2017, the associated Response to Submissions titled <i>Response to Submissions for PA 07_0155 Mod 3</i>, dated 1 November 2018, and additional information provided in support of the application</li> </ul>
ENM	Excavated Natural Material as defined in the <i>Protection of the Environment Operations Act 1997</i>
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Extraction Area	The land described as the extraction area in Appendix 1
Feasible	<b>Feasible relates to engineering considerations and what is practical to build</b>
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
MEG	Mining, Exploration and Geoscience within the Department of Regional NSW
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the project
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
Minister	Minister for Planning and Public Spaces, or delegate
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Principal local haulage route	The product transport route as outlined in the EA (Mod 2) and Appendix 2
Privately owned land	Land not owned by a public agency or a quarry company (or its related companies)
Project	The development as described in the EA
Proponent	CEAL Limited trading as Multiquip Quarries, or its successors in title
Quarrying Operations	The extraction, processing and stockpiling of extractive materials (including screened waste material) carried out on the site and the associated removal of vegetation, topsoil and overburden
Quarry Products	Includes all saleable quarry products, screened waste material and bitumen, but excludes other wastes
Reasonable	<b>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</b>
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>

Screened waste material

Site  
TfNSW  
VENM

VENM, ENM and treated drilling mud, as defined under the relevant  
Resource Recovery Orders and Exemptions  
Land to which the project application applies  
Transport for NSW  
Virgin Excavated Natural Material, as defined in the *Protection of the  
Environment Operations Act 1997*

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## SCHEDULE 2 ADMINISTRATIVE

### Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

### Terms of Approval

2. The project may only be carried out:
  - (a) in compliance with the conditions of this approval;
  - (b) in accordance with all written directions of the Planning Secretary; and
  - (c) generally in accordance with the EA and the Project Layout in Appendix 1.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment of:
  - (a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and
  - (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.

### Limits on Approval

5. Extraction and processing operations may take place until 30 July 2047.

*Note: Under this approval, the Proponent is required to rehabilitate the site to the satisfaction of the Planning Secretary. Consequently, this approval will continue to apply in all other respects other than the right to conduct extraction and processing operations until the site has been rehabilitated to a satisfactory standard.*
6. A maximum of 580,000 tonnes of quarry products may be transported from the site in any calendar year.

*Note: Truck movements are further restricted under condition 27 of Schedule 3.*
- 6A. The Applicant must not extract any sand underlying the basalt resource within the Proposed Basalt Extraction Area (see Figure 1 of Appendix 1).

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

7. With the approval of the Planning Secretary, the Proponent may:
  - (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the project).

### Structural Adequacy

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

#### Notes:

- Under Part 6 of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works;
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

### Demolition

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

### **Crown Land**

12. The Proponent shall not commence any development authorised by this approval on Crown land without the prior approval of [DPIE Crown Lands](#).

### **Planning Agreement**

13. [Within six months of the date of determination of Modification 3, or other timeframe agreed by the Planning Secretary, the Proponent must enter into a Voluntary Planning Agreement with the Council in accordance with:](#)
  - (a) [Division 7.1 of Part 7 of the EP&A Act; and](#)
  - (b) [the terms of the offer in Appendix 4.](#)

## SCHEDULE 3 ENVIRONMENTAL PERFORMANCE

### GENERAL EXTRACTION AND PROCESSING PROVISIONS

#### Identification of Boundaries

1. One month before the commencement of extraction approved under Modification 3, or other timeframe agreed by the Planning Secretary:
  - (a) a registered surveyor must be engaged to mark out the boundaries of the approved areas of extraction within the site (as set out in Appendix 1); and
  - (b) the Planning Secretary must be provided with a survey plan of such boundaries and their GPS coordinates.
- 1A. The boundaries of the approved areas of extraction within the site must be clearly marked in a manner that allows them to be easily identified at all times during the carrying out of quarrying operations.

#### NOISE

##### Operational Noise Assessment Criteria

2. The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence or on more than 25 per cent of any privately-owned land.

*Table 1: Noise Impact Assessment Criteria*

<b>Noise Assessment Location</b>	<b>Day L<sub>Aeq</sub> (15 min)</b>	<b>5am – 7am L<sub>Aeq</sub> (15 min)</b>
Residence 6 & 9		36
Other privately-owned residences	40	35

*Notes:*

- *To interpret the locations referred to Tables 1, see the figure in Appendix 3.*
  - *The noise limits do not apply if the Proponent has an agreement with the relevant owner/s of these residences/land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.*
  - *The noise limits do not apply to the Bungonia By-pass. Noise generated on the Bungonia By-pass is controlled under conditions 27 and 29 of Schedule 3.*
3. Noise generated by the project is to be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry*. However, the Noise Impact Assessment Criteria are to apply during F-Class temperature inversions and 2 metres/second draining winds during the 5am – 7am morning shoulder, and 3 metres/second wind during the day.

#### Operating Hours

4. The Proponent shall comply with the operating hours in Table 3.

*Table 3: Operating hours*

<b>Activity</b>	<b>Permissible Hours</b>
Construction work	<ul style="list-style-type: none"> <li>• 7 am to 6 pm Monday to Friday</li> <li>• 8 am to 1 pm Saturday</li> <li>• At no time on Sundays or public holidays</li> </ul>
Quarrying operations	<ul style="list-style-type: none"> <li>• 7 am to 6 pm Monday to Friday</li> <li>• 7 am to 1 pm Saturday</li> <li>• At no time on Sundays or public holidays</li> </ul>
Product loading and dispatch	<ul style="list-style-type: none"> <li>• 5 am to 6 pm Monday to Friday</li> <li>• 6 am to 1 pm on Saturday</li> <li>• At no time on Sundays or public holidays</li> </ul>

Activity	Permissible Hours
Maintenance, security, office work, cleaning, etc	<ul style="list-style-type: none"> <li>May be conducted at any time, provided that these activities are not audible at any residence on privately-owned land</li> </ul>

**Notes:**

- This condition does not apply to delivery of material if that delivery is required by police or other authorities for safety reasons, and/or the operation or personnel or equipment are endangered. In such circumstances, notification is to be provided to EPA and the affected residents as soon as possible, or within a reasonable period in the case of emergency.

**Additional Noise Mitigation Measures**

- The Proponent shall construct the western earth mound and acoustic barrier prior to the commencement of any extraction (apart from overburden extraction for the purpose of constructing the mound) or processing activities to the east of the earth mound and acoustic barrier, unless otherwise agreed by the Planning Secretary.

**Noise Monitoring**

- The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Planning Secretary. This plan must:
  - be prepared in consultation with EPA, and be submitted to the Planning Secretary for approval prior to carrying out any development on site;
  - include details of how the noise performance of the project would be monitored, and include a noise monitoring protocol for evaluating compliance with the relevant noise limits in this approval; and
  - describe the measures to be implemented to minimise noise from the project.

**AIR QUALITY**

**Impact Assessment Criteria**

- The Proponent shall ensure that particulate matter emissions generated by the project do not cause exceedances of the criteria in Table 4 at any residence on privately-owned land.

*Table 4: Air quality criteria*

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>
<sup>d</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:**

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

**Operating Conditions**

- The Proponent shall ensure any visible air pollution generated by the project is assessed regularly, and that quarrying operations are relocated, modified, and/or stopped as required to minimise air quality impacts on privately owned land.

**Air Quality Monitoring**

- The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Planning Secretary. This program shall:



- (a) be prepared in consultation with EPA, and be submitted to the Planning Secretary for approval prior to carrying out any development on site;
- (b) include an air quality monitoring program that:
  - (i) is capable of evaluating the performance of the project against the air quality criteria;
  - (ii) includes monitoring of particulate matter using a high-volume air sampler for at least three years following the determination of Modification 3; and
  - (iii) includes a protocol for evaluating compliance with the relevant air quality criteria.

## METEOROLOGICAL MONITORING

10. During the life of the project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline.

## WATER

### Water Supply

11. The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of operations to match its water supply.

*Note: The Proponent is required to obtain necessary water licences for the project under the Water Act 1912 and/or Water Management Act 2000.*

### Discharges

12. The Proponent shall not discharge any water from the quarry or its associated operations except in accordance with an EPL.

### Water Management and Monitoring

13. The Proponent shall prepare a Water Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared in consultation with DPIE Water, EPA, and Water NSW, and be submitted to the Planning Secretary for approval prior to carrying out any development on site; and
  - (b) include a:
    - Site Water Balance;
    - Erosion and Sediment Control Plan;
    - Surface Water Monitoring Program;
    - Groundwater Monitoring Program; and
    - Surface and Groundwater Response Plan.

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

14. The Site Water Balance must:
- (a) include details of:
    - sources and security of water supply;
    - water use on site;
    - water management on site, including the location and capacity of water storages on site and the means of access;
    - off-site water transfers; and
    - reporting procedures; and
  - (b) investigate and describe measures to minimise water use by the project.
15. 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) include principles for the design and construction of waterway crossings along the transport route;
  - (e) describe the location, function, and capacity of erosion and sediment control structures;
  - (f) demonstrate that the design capacity of basins intended to collect storm runoff will not be compromised by storage of operational water; and
  - (g) describe what measures would be implemented to maintain (and if necessary decommission) the structures over time.
16. The Surface Water Monitoring Program must include:
- (a) detailed baseline data on surface water flows and quality in downstream watercourses that could be affected by the project;

- (b) surface water quality and stream health impact assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts;
  - (c) a program to monitor and evaluate:
    - any surface water discharges;
    - the effectiveness of the water management system;
    - impacts on water supply for other water users; and
    - surface water flows and quality, channel stability and stream health in watercourses that could potentially be impacted by the project; and
  - (d) a detailed description of the surface water management system on the site, including the:
    - clean water diversion system;
    - erosion and sediment controls;
    - dirty water management system; and
    - water storages.
17. The Groundwater Monitoring Program must include:
- (a) detailed baseline data on groundwater levels, flows and quality in the region, and particularly any groundwater bores, springs and seeps (including spring and seep fed dams) that may be affected by operations on site;
  - (b) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts including impacts on the water supply to any landowner of privately-owned land; and
  - (c) a program to monitor:
    - groundwater levels and quality in new and existing monitoring bores, including the new bore to be constructed to the north of the extended extraction area;
    - the impacts of the project on:
      - any groundwater bores, springs and seeps (including spring and seep fed farm dams) on privately-owned land; and
      - any groundwater dependent ecosystems.
18. The Surface and Groundwater Response Plan must include:
- (a) a protocol for the investigation, notification and mitigation of any exceedances of the surface and ground water impact assessment criteria; and
  - (b) the procedures that would be followed if any unforeseen impacts are detected during the project.

### Compensatory Water Supply

- 18A. The Proponent must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of quarrying operations, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.
- 18B. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed by the landowner.
- 18C. If the Proponent and the landowner cannot agree on whether the loss of water is attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.
- 18D. If the Proponent is unable to provide an alternative long term supply of water, then the Proponent must provide compensation, to the satisfaction of the Planning Secretary.
- 18E. However, conditions 18A to 18D do not apply if the Proponent has a compensatory water agreement with the owner/s of the land and the Applicant has advised the Department in writing of the terms of this agreement.

**Note:** The Water Management Plan (see conditions 16 and 17) is required to include trigger levels for investigating potentially adverse impacts on water supplies.

## LANDSCAPE MANAGEMENT

### Rehabilitation

19. The Proponent must:
- (a) rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must be consistent with the conceptual rehabilitation plan in Appendix 5 and must comply with the objectives in Table 5; and
  - (b) rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance.

Table 5: Rehabilitation Objectives

Feature	Objective
All areas of the site affected by the project	<ul style="list-style-type: none"> <li>• Safe</li> <li>• Hydraulically and geotechnically stable</li> <li>• Non-polluting</li> <li>• Fit for the intended post-quarrying operations land use(s)</li> <li>• Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>• Provides at least 14.7 hectares of Yellow Box – Red Gum Woodland</li> </ul>
Surface infrastructure	<ul style="list-style-type: none"> <li>• Decommissioned and removed, unless otherwise agreed by the Planning Secretary</li> </ul>
Quarry benches and pit floor	<ul style="list-style-type: none"> <li>• Landscaped and vegetated using native tree and understorey species</li> </ul>
Final void	<ul style="list-style-type: none"> <li>• No final void permitted</li> </ul>

### Landscape Management Plan

20. The Proponent shall prepare and implement a Landscape Management Plan for the project to the satisfaction of the **Planning Secretary**. This plan must:
- be prepared in consultation with **BCD** by suitably qualified expert/s whose appointment/s have been approved by the **Planning Secretary**, and be submitted to the **Planning Secretary** for approval prior to the commencement of quarrying operations; and
  - include a:
    - Rehabilitation Management Plan; and
    - Quarry Closure Plan.

*Note: The Department accepts that the initial Landscape Management Plan may not include a detailed Quarry Closure Plan. However, the initial plan must include an outline and a timetable for completion of the detailed Quarry Closure Plan.*

### Rehabilitation Management Plan

21. The Rehabilitation Management Plan must include:
- the rehabilitation objectives for the site;
  - a description of the short, medium, and long term measures that would be implemented to:
    - rehabilitate the site; and
    - maintain and enhance existing site vegetation outside the disturbance area;
  - detailed performance and completion criteria for the site rehabilitation, **including triggers for remedial action, where these performance or completion criteria area not met;**
  - a detailed description of the measures that would be implemented for:
    - progressively rehabilitating disturbed areas;
    - protecting vegetation and soil outside the disturbance areas;
    - rehabilitating creeks and drainage lines on the site to ensure no net loss of stream length and aquatic habitat;
    - undertaking pre-clearance surveys;
    - managing impacts on fauna;
    - landscaping the site to minimise visual impacts, including a landscape plan for the visual/noise bund and other boundaries of the site;
    - conserving and reusing topsoil;
    - **screened waste material** quality assurance;
    - collecting and propagating seed for rehabilitation works;
    - salvaging and reusing material from the site for habitat enhancement;
    - controlling weeds and feral pests;
    - controlling access; and
    - bushfire management;
  - a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;
  - a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
  - details of who would be responsible for monitoring, reviewing, and implementing the plan.

## Quarry Closure Plan

22. The Quarry Closure Plan must:
- (a) include provision for certification from a qualified geotechnical engineer that the final proposed landform is stable;
  - (b) define the objectives and criteria for closure of the quarry;
  - (c) investigate options for the future use of the site, including any final void;
  - (d) describe the measures that would be implemented to minimise or manage the ongoing (post closure) environmental effects of the project; and
  - (e) describe how the performance of these measures would be monitored over time.

## Rehabilitation Bond

23. Within three months of the approval of the Landscape Management Plan, the Proponent must lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is undertaken in accordance with the performance and completion criteria set out in the plan and the relevant conditions of this approval. The sum of the bond must be an amount agreed by the Planning Secretary and determined by:
- (a) calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
  - (b) employing a suitably qualified, independent and experienced person to verify the calculated costs.
- 23A. The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 1 month prior to the lodgement of the bond.
- 23B. The Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:
- (c) any update or revision to the Landscape Management Plan;
  - (d) the completion of an Independent Environmental Audit in which recommendations relating to rehabilitation have been made; or
  - (e) in response to a request by the Planning Secretary,
- 23C. If rehabilitation of the site is completed generally in accordance with the relevant performance and completion criteria, to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.
- 23D. If rehabilitation of the site is not completed generally in accordance with the relevant performance and completion criteria, the Planning Secretary will call in all, or part of, the bond, and arrange for the completion of the relevant works.

## ABORIGINAL HERITAGE

24. The Proponent **must** prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared in consultation with the BCD and Registered Aboriginal Parties, and be submitted to the Planning Secretary for approval prior to the commencement of extraction approved under Modification 3; and
  - (b) include a:
    - description of the subsurface test pit investigations that would be implemented in the extraction area to determine if archaeological material is present and the significance of any such material;
    - 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.

## TRAFFIC AND TRANSPORT

### Road Upgrades

25. Prior to truck movements at the site (ie either arrival or dispatch) exceeding 88 per day or the dispatch of heavy vehicles before 7:00 am, the Proponent must implement the findings of *Audit of Existing Transport Route for Ardmore Park Quarry Ref. 17126* (prepared by Transport & Urban Planning Pty Ltd and dated 24 September 2018) and the relevant terms of the Planning Agreement (see Appendix 4), to the satisfaction of Council.

### Road Maintenance

26. The Proponent must contribute toward the maintenance of local roads used for haulage of quarry products, in accordance with the Voluntary Planning Agreement (see condition 13 of Schedule 2).

## Transport Limits

27. Truck movements at the site (ie either arrival or dispatch), must not exceed:

- (a) 124 per day Monday to Friday;
- (b) 84 per day on Saturday;
- (c) 8 in any hour between:
  - (i) 5:00 am and 8:00 am;
  - (ii) 4:00 pm and 6:00 pm;
- (d) 14 in any hour between 8:00 am and 4:00 pm;

**Note:** *Truck movements to and from the site are also controlled by the operating hours specified in condition 4 of Schedule 3 and provisions in conditions 28 and 29 of Schedule 3.*

## Principal Local Haulage Route Restrictions

28. The Proponent must, in relation to the principal local haulage route:

- (a) restrict product transport to 20,000 tonnes per annum, to be transported at a maximum rate of five laden trucks per day and to be delivered to customers located only within 100km of the site;
- (b) adhere to limits on weight-restricted bridges and roads at all times;
- (c) avoid use of the western section of Lumley Road, west of Windellama Road during and after periods of heavy rain;
- (d) ensure no truck movements occur between the hours of 5:00 am and 7:00 am;
- (e) ensure no truck movements occur by Windellama Public School between the hours of 8:00 am to 9:30 am and 2:30 pm to 4:00 pm and also ensure that trucks adhere to a speed limit of 40 km/h in the vicinity of the school during school hours; and
- (f) consult and enter into arrangements with drivers of local school buses along the route to minimise heavy vehicles on the road during school bus pick up and drop off times.

## Transport Operating Conditions

29. The Proponent must:

- (a) ensure that all laden trucks entering or exiting the site have their loads covered;
- (b) ensure that all laden trucks exiting the site are cleaned of material that may fall from vehicles, before leaving the site;
- (c) ensure that no project-related heavy vehicles<sup>1</sup> use King Street to get to or from the site, except in an emergency to avoid the loss of lives, property and/or to prevent environmental harm;
- (d) minimise traffic safety issues;
- (e) take all reasonable steps to ensure that appropriate signage is displayed on all trucks used to transport quarry products from the project so they can be easily identified by other road users;
- (f) ensure that no heavy vehicles arrive at the site prior to 5:00 am on weekdays and 6:00 am on Saturdays; and
- (g) keep accurate records of all laden truck movements to and from the site (including time of arrival and dispatch) and publish a summary of records on its website every month and in the Annual Review.

*Note 1: includes vehicles or trailers with a gross mass greater than 4.5 tonnes that are owned, operated or contracted by the project, including any mobile plant and equipment.*

## Traffic Management Plan

30. The Proponent must prepare a Traffic Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with TFNSW, Council and the Department of Education;
- (c) include details of all transport routes and traffic types to be used for project-related traffic;
- (d) include a noise validation program for truck movements between 5:00 am and 7:00 am to meet a road traffic noise level limit of  $L_{Aeq} (1 \text{ hour})$  of 50 dB(A);
- (e) describe traffic control measures during construction activities on public roads;
- (f) describe the processes in place for the control of truck movements entering and exiting the site;
- (g) include a protocol for the management of quarry vehicles on the Bungonia By-pass, including the prevention of trucks from queuing on Mountain Ash Road;

- (h) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school buses and stock movements;
- (i) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
  - (i) adhere to posted speed limits or other required travelling speeds;
  - (ii) adhere to designated transport routes;
  - (iii) avoid travelling on the haulage route prior to 5:00 am on weekdays and 6:00 am on Saturdays; and
  - (iv) implement safe and quiet driving practices;
- (j) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct; and
- (k) propose measures to minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles exiting the site.

The Proponent must ensure that truck movements at the site (ie either arrival or dispatch) do not exceed 88 per day until the Traffic Management Plan is approved by the Planning Secretary.

## **VISUAL**

### **Visual Amenity**

- 31. The Proponent shall minimise the visual impacts of the project to the satisfaction of the Planning Secretary.

### **Visual Impact Mitigation**

- 32. Within 6 months of this approval, the Proponent shall prepare a report that:
  - (a) identifies the privately-owned residences that are likely to experience significant visual impacts during the construction and operation of the project; and
  - (b) describes (in general terms) the additional mitigation measures that could be implemented to reduce the visibility of the quarry from these residences, to the satisfaction of the Planning Secretary.
- 33. Within 3 months of the Planning Secretary approving this report, the Proponent shall advise all owners of privately-owned residences identified in the report that they are entitled to additional mitigation measures to reduce the visibility of the quarry from their properties.
- 34. Upon receiving a written request from an owner of a residence identified in this report, the Proponent shall implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) in consultation with the landowner, and to the satisfaction of the Planning Secretary.

These mitigation measures must be reasonable and feasible.

If within 3 months of receiving this request from the owner, the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

*Note: The additional visual impact mitigation measures must be aimed at reducing the visibility of the quarry from significantly affected residences and do not necessarily require measures to reduce visibility of the quarry from other locations on the affected properties. The additional visual impact mitigation measures do not necessarily have to include measures on the affected property itself (i.e. the additional measures may consist of measures outside the affected property boundary that provide an effective reduction in visual impacts).*

- 34A. Prior to the commencement of extraction approved under Modification 3, the Proponent must establish and appropriately vegetate the visual bund wall depicted in Figure 1 of Appendix 2. The Proponent must maintain the vegetated bund for the life of the project.

### **Lighting Emissions**

- 35. The Proponent shall:
  - (a) take all practicable measures to mitigate off-site lighting impacts from the project; and
  - (b) 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 Planning Secretary.

### **Advertising**

- 36. The Proponent shall not erect or display any advertising structure(s) or signs on the site without the written approval of the Planning Secretary.

*Note: This does not include traffic management and safety or environmental signs.*

## WASTE MANAGEMENT

37. The Proponent must:
- (a) manage on-site sewage treatment and disposal in accordance with the requirements of an applicable EPL, and to the satisfaction of EPA and Council;
  - (b) minimise the waste generated by the project;
  - (c) ensure that the waste received and generated by the project is appropriately stored, handled, and disposed of;
  - (d) not receive waste at the site for storage, treatment, processing, reprocessing or disposal, unless expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 37A. The Proponent must prepare a Waste Management Plan for the project in consultation with the EPA and to the satisfaction of the Planning Secretary. This plan must:
- (a) identify the different types and quantities of screened waste material to be imported to site;
  - (b) describe:
    - (i) how and where screened waste material will be stored on site;
    - (ii) the process for handling screened waste material, including for use in rehabilitation, product blending and on-sell purposes;
  - (c) provide an indicative schedule of screened waste material to be imported to the site over the life of the project in order to achieve the conceptual final landform.

The Proponent must not import any screened waste material until the Waste Management Plan is approved by the Planning Secretary.

## EMERGENCY AND HAZARDS MANAGEMENT

### Dangerous Goods

38. The Proponent shall 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

39. The Proponent shall secure the project to ensure public safety to the satisfaction of the [Planning Secretary](#).

### Bushfire Management

40. The Proponent shall:
- (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

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

## SCHEDULE 4 ADDITIONAL PROCEDURES

### NOTIFICATION OF EXCEEDANCES

1. As soon as practicable and no longer than seven days after obtaining monitoring results showing an exceedance of any impact assessment criteria in Schedule 3 of this approval, the Proponent must notify the Planning 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 considers the project to be exceeding the impact assessment criteria in Schedule 3 of this approval, they may ask the Planning Secretary in writing for an independent review of the impacts of the project on their land.
  3. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision.
  4. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Proponent must:
    - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
      - (i) consult with the landowner to determine their concerns;
      - (ii) conduct monitoring to determine whether the project is complying with the relevant criteria in Schedule 3 of this approval; and
      - (iii) if the project is not complying with that criteria, identify measures that could be implemented to ensure compliance with the relevant criteria; and
    - (b) give the Planning Secretary and landowner a copy of the independent review; and
    - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.
-



## SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, REPORTING & AUDITING

### ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the **Planning Secretary**. This strategy shall be submitted to the **Planning Secretary** prior to carrying out any development on site, and must:
  - (a) provide the strategic context for environmental management of the project;
  - (b) identify the statutory requirements that apply to the project;
  - (c) describe in general how the environmental performance of the project would be monitored and managed;
  - (d) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the life of the project;
    - respond to any non-compliance;
    - manage cumulative impacts; and
    - respond to environmental incidents and emergencies; and
  - (e) describe the role, responsibility, authority, and accountability of the key personnel involved in the environmental management of the project.

### ENVIRONMENTAL MONITORING PROGRAM

2. The Proponent shall prepare an Environmental Monitoring Program for the project to the satisfaction of the **Planning Secretary**. This program must be submitted to the **Planning Secretary** prior to carrying out any development on site, and consolidate the various monitoring requirements in Schedule 3 of this approval into a single document.

### REPORTING

#### Incident Reporting

3. The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be made in writing through the Department's Major Projects Website and identify the project (including the development application number and name) and set out the location and nature of the incident.
4. Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be made in writing through the Department's Major Projects website and identify the project (including the development application number and name), set out the condition of this approval that the project is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

**Note:** *A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance*

#### Annual Review

5. By the end of March each year, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the project, to the satisfaction of the Planning Secretary. This review must:
  - (a) describe the project (including any rehabilitation) that was carried out in the previous calendar year, and the project 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 project over the previous calendar year, including a comparison of these results against the:
    - (i) relevant statutory requirements, limits or performance measures/criteria;
    - (ii) requirements of any plan or program required under this approval;
    - (iii) monitoring results of previous years; and
    - (iv) relevant predictions in the documents listed condition 2 of Schedule 2.
  - (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
  - (d) evaluate and report on:
    - (i) the effectiveness of the noise and air quality management systems; and

- (ii) compliance with the performance measures, criteria and operating conditions of this approval;
- (e) identify any trends in the monitoring data over the life of the project;
- (f) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
- (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the project.

Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.

### Revision of Strategies, Plans and Programs

#### 5A. Within 3 months of:

- (a) the submission of an incident report under condition 4 above;
  - (b) the submission of an Annual Review under condition 5 above;
  - (c) the submission of an audit report under condition 7 below; or
  - (d) any modification to this approval,
- the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Planning Secretary.

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

### Management Plan Requirements

#### 5B. The Applicant shall ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:

- (a) detailed baseline data;
- (b) a description of:
  - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
  - any relevant limits or performance measures/criteria; and
  - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
- (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
- (d) a program to monitor and report on the:
  - impacts and environmental performance of the development; and
  - effectiveness of any management measures (see (c) above);
- (e) a contingency plan to manage any unpredicted impacts and their consequences;
- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
  - incidents;
  - complaints;
  - non-compliances with statutory requirements; and
  - exceedances of the impact assessment criteria and/or performance criteria; and
- (h) a protocol for periodic review of the plan.

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

### INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 2 years of the date of the commencement of quarrying operations, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- (a) be conducted by a suitably qualified, experienced, and independent person(s) whose appointment has been approved by the Planning Secretary;
  - (b) include consultation with the relevant agencies;
  - (c) assess the environmental performance of the project, and its effects on the surrounding environment;
  - (d) assess whether the project is complying with the relevant standards, performance measures and statutory requirements; and
  - (e) review the adequacy of any strategy/plan/program required under this approval, and, if necessary, recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

*Note: The person(s) conducting the audit should have expertise in the fields of traffic management, hydrogeology and quarry rehabilitation.*

7. Within 6 weeks of completion of each Independent Environmental Audit, the Proponent shall submit a copy of the audit report to the **Planning Secretary**, with a response to any of the recommendations in the audit report.
8. Within 3 months of submitting a copy of the audit report to the **Planning Secretary**, the Proponent shall review and if necessary revise the sum of the Rehabilitation Bond (see Schedule 3), to consider:
  - the effects of inflation;
  - any changes to the total area of disturbance; and
  - the performance of the revegetation against the completion criteria of the Rehabilitation Management Plan,
 to the satisfaction of the **Planning Secretary**.

#### **COMMUNITY CONSULTATIVE COMMITTEE**

9. The Proponent shall establish and operate a Community Consultative Committee (CCC) for the project to the satisfaction of the **Planning Secretary**, in general accordance with the Department's *Guideline for Establishing and Operating Community Consultative Committees for Mining Projects*. The CCC must be established within 3 months of the date of this approval, unless otherwise agreed by the **Planning Secretary**.

*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 comprise an independent chair and appropriate representation from the Proponent, Council, adjoining landholders, residents of Bungonia village and resident/s along the haulage route.*

#### **ACCESS TO INFORMATION**

10. **Within one month of the determination of Modification 3, until the completion of all rehabilitation required under this approval, the Proponent must:**
  - (a) **make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this approval) publicly available on its website:**
    - (i) the document/s listed in condition 2 (c);
    - (ii) all current statutory approvals for the project;
    - (iii) all approved strategies, plans and programs required under the conditions of this approval;
    - (iv) minutes of CCC meetings;
    - (v) regular reporting on the environmental performance of the project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
    - (vi) a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
    - (vii) a summary of the current phase and progress of the project;
    - (viii) contact details to enquire about the project or to make a complaint;
    - (ix) a complaints register, updated monthly;
    - (x) the Annual Reviews of the project;
    - (xi) audit reports prepared as part of any Independent Environmental Audit of the project and the Proponent's response to the recommendations in any audit report;
    - (xii) any other matter required by the Planning Secretary; and
  - (b) **keep such information up to date, to the satisfaction of the Planning Secretary.**
11. Deleted.

#### **Adaptive Management**

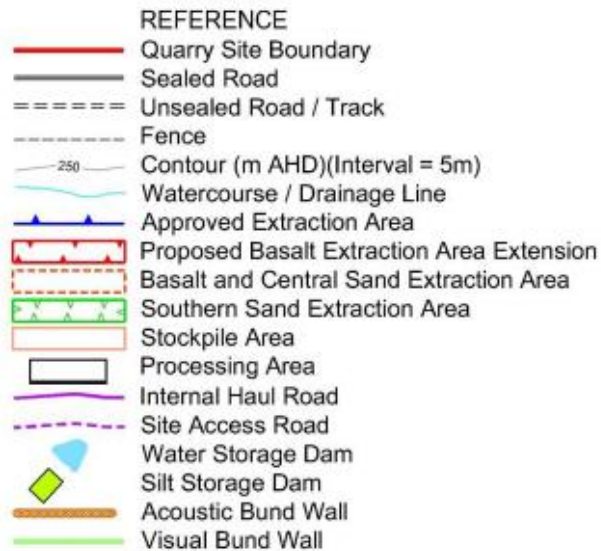
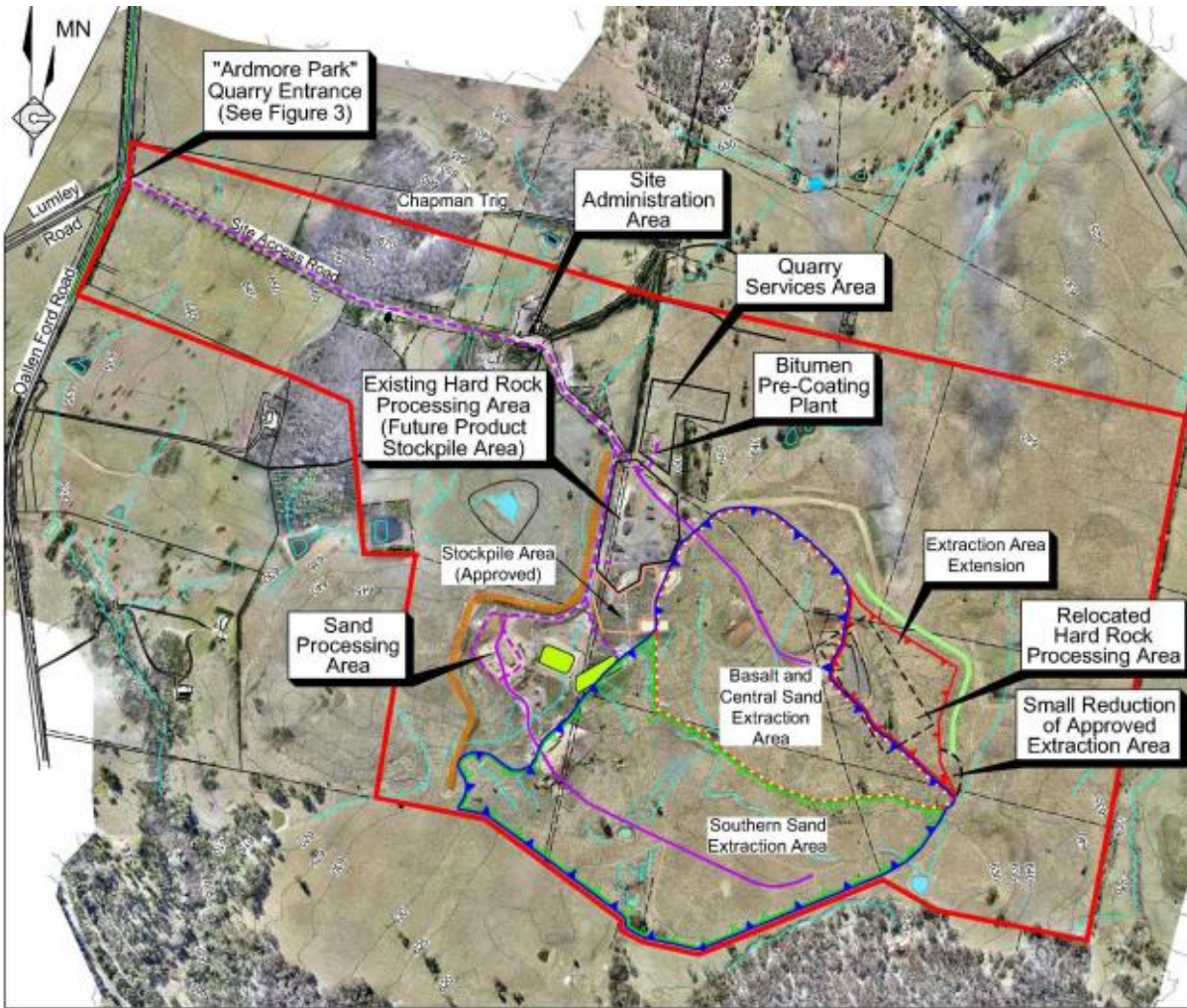
12. The Applicant shall assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence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

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

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

- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
  - (c) implement remediation measures as directed by the Planning Secretary; to the satisfaction of the Planning Secretary.
-

## APPENDIX 1 - GENERAL LAYOUT OF PROJECT



*Figure 1 – Project Layout*

APPENDIX 2 – HAULAGE ROUTES

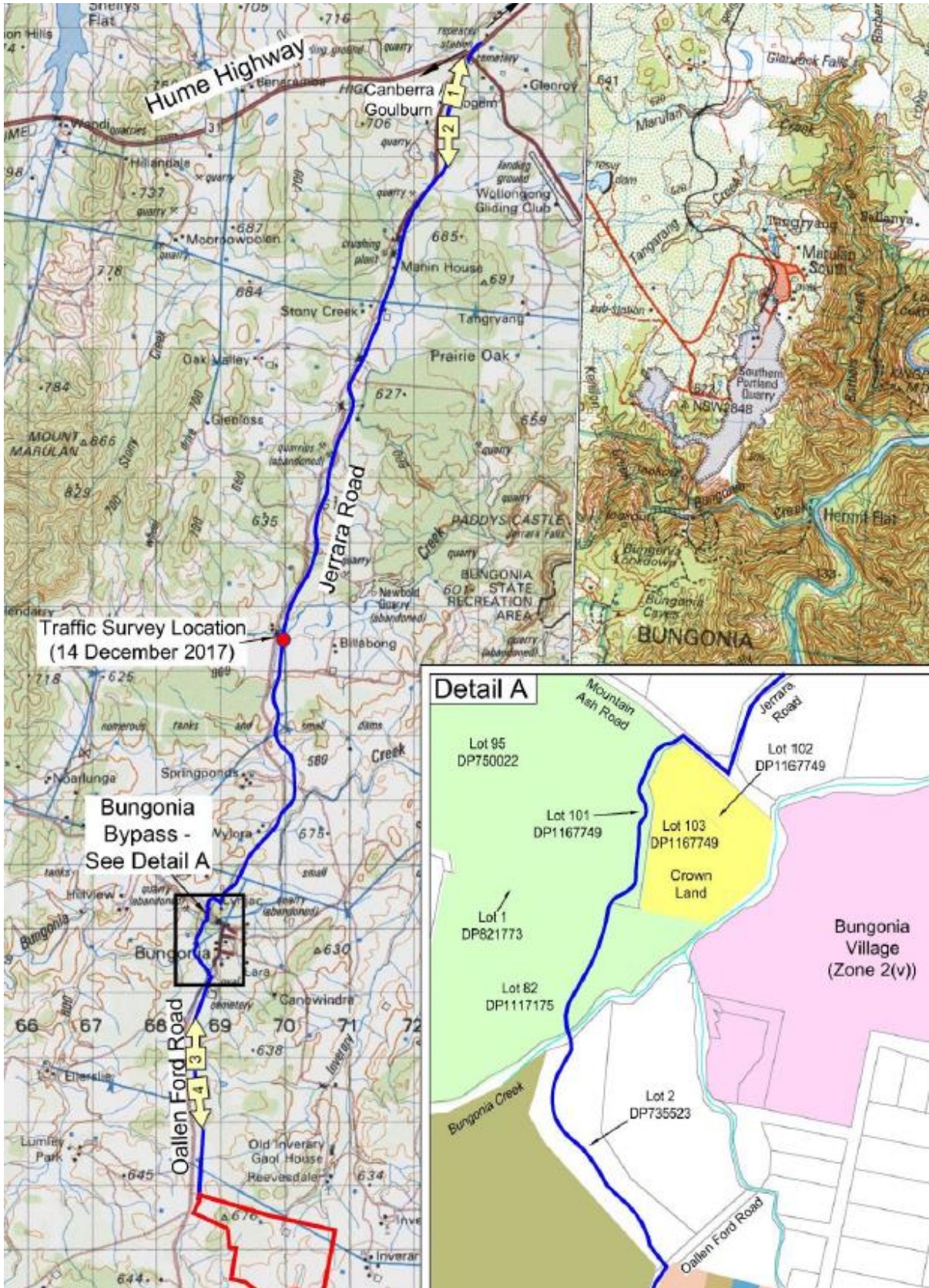


Figure 2 - Primary Haulage Route (including Bungonia By-pass)

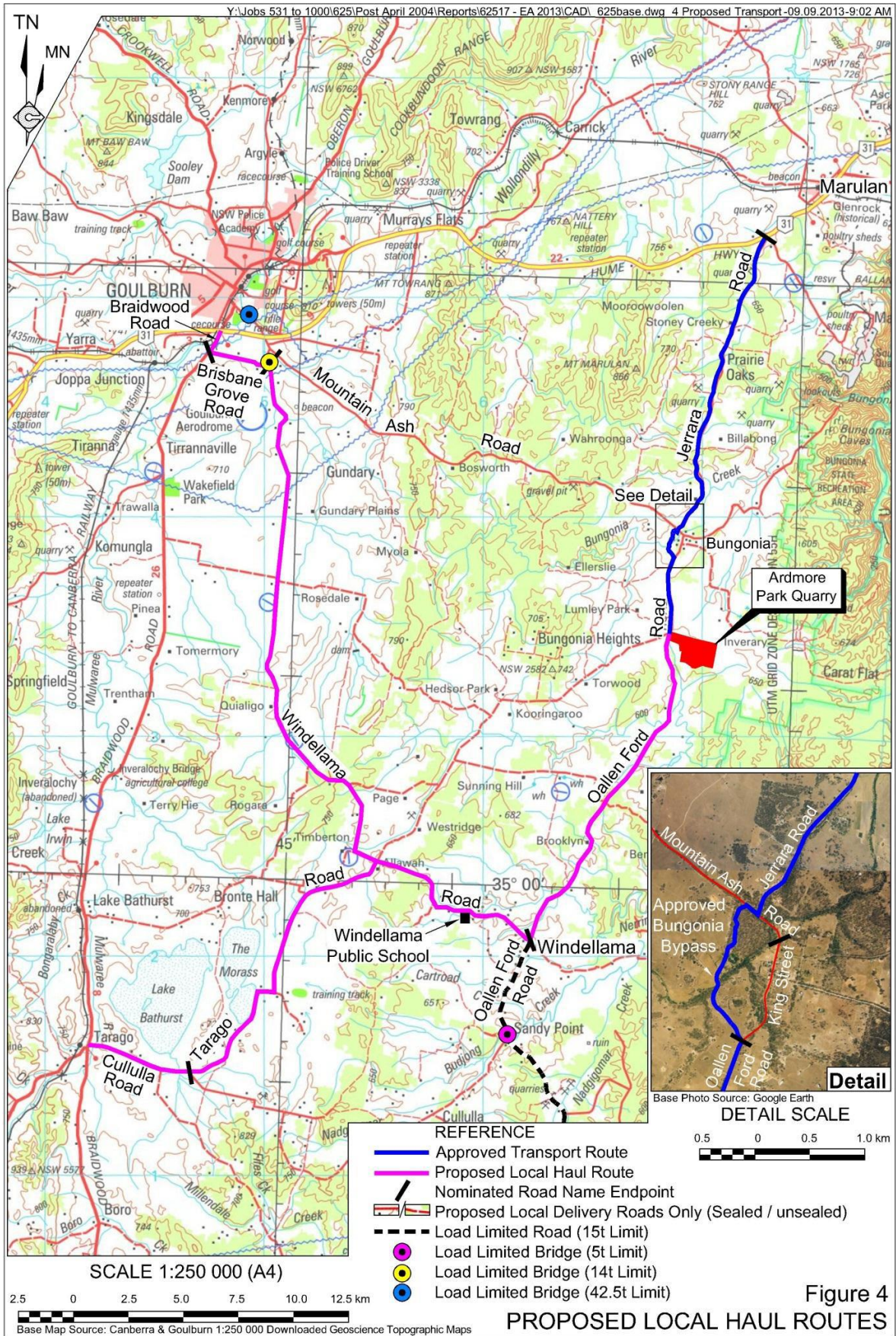


Figure 3 - Principle Local Haulage Route

APPENDIX 3 – NOISE ASSESSMENT LOCATIONS

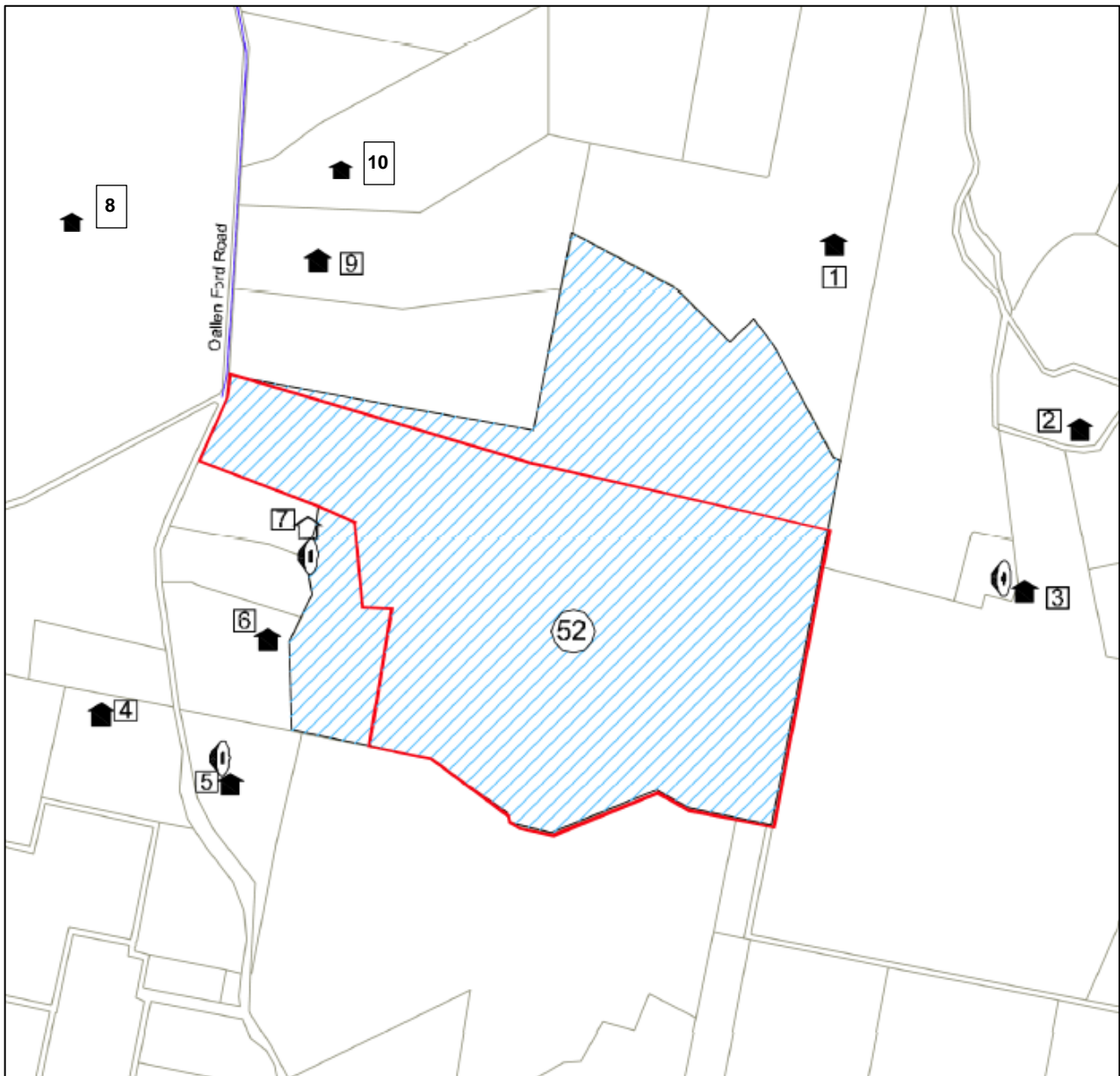


Figure 4: Noise Assessment Locations

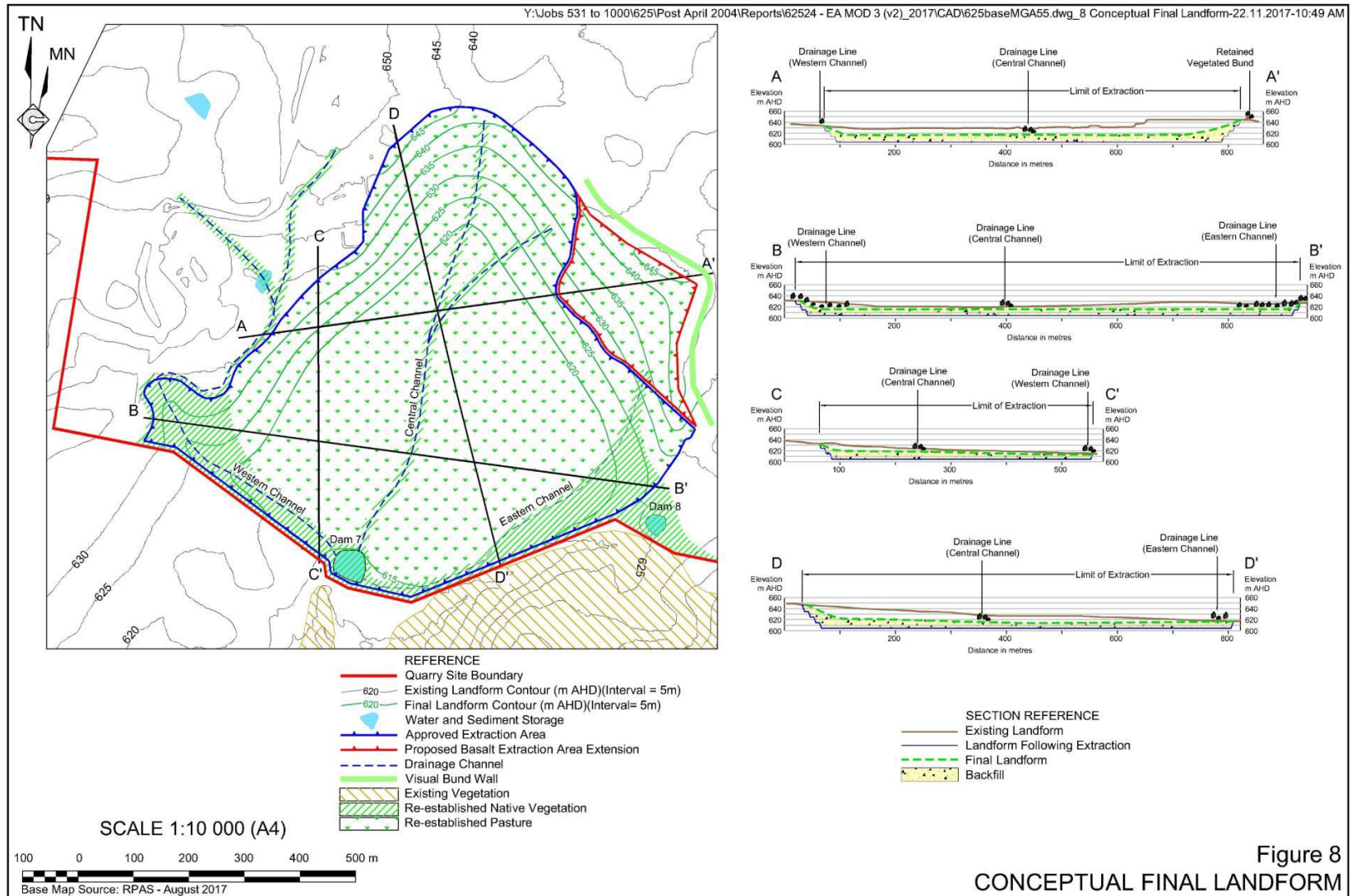


## APPENDIX 4 - PLANNING AGREEMENT

Table 1: General Terms of the Planning Agreement

Clause	Item
Clause 1	<p>Multiquip will contribute 3.85 cents per tonne per kilometre travelled on the nominated Council maintained roads, indexed by CPI annually from 1 July each year. The nominated Council maintained roads are as follows:</p> <ul style="list-style-type: none"> <li>• Oallen ford Road between the Quarry Site entrance and Bungonia By-pass Road (3.43km)</li> <li>• Jerrara Road between Mountain Ash Road and Marulan South Road (14.61km)</li> <li>• Mountain Ash Road between Jerrara Road and Bungonia Bypass Road (0.3km).</li> </ul>
Clause 2	<p>Multiquip will rehabilitate the pavement where the pavement life is shown as less than ten years as detailed in the <i>2018 Pavement Management Services study (Report R2017152 on Jerrara, Mountain Ash and Oallen Ford roads)</i>. Works are to be complete prior to the commencement of transport operations under Modification 3.</p>
Clause 3	<p>This contribution will be paid six monthly to Council and be supported by production/weighbridge records</p>
Clause 4	<p>Council will report annually on contributions received and allocated</p>
Clause 5	<p>Multiquip will fund and complete the resealing of 50% of the transport route (timing to be confirmed). Contribution to 50% cost may be monetary or through materials and in-kind contributions to same value. Resealing works are to be complete prior to the commencement of transport operations under Modification 3.</p>
Clause 6	<p>Council will fund and complete the resealing of 50% of the transport route (timing to be confirmed).</p>
Clause 7	<p>Council will commission and complete a Road Safety Audit (RSA) at the completion of all nominated road works. Multiquip are to address any safety issues identified by the RSA.</p>
Clause 8	<p>Multiquip will fund and complete structural assessment of bridges/culverts of the transport route prior to the commencement of transport operations under the modified project approval. Note: <i>Bridge Design Pty Ltd Report B1833-R-01 03-09-18</i> submitted to Council.</p>
Clause 9	<p>The terms of this agreement are only applicable to Modification 3.</p>
Clause 10	<p>The agreement will be enforced whilst Multiquip uses local roads for the delivery of Quarry products.</p>

## APPENDIX 5 – CONCEPTUAL REHABILITATION PLAN



**Figure 8**  
**CONCEPTUAL FINAL LANDFORM**

*Figure 5: Conceptual Final Landform*