Annexure 1 Conditions of Consent

That consent be granted to Development Application Development Application DA-T6-14-67 for the establishment of an extractive industry to extract up to 450,000 tonnes per annum on 204 Crescent Head Road, South Kempsey, Lot 1 DP 914805, Lots 14 and 16 DP 1157615 and Lots 186, 187 and 189 DP 754400, subject to the following conditions of consent.

A. GENERAL CONDITIONS

Terms of Consent

A1 The development shall be carried out in accordance with the approved plans and the supporting documents set out in the table below, except where modified by any conditions of this consent.

In the event of any inconsistency between conditions of this development consent and the approved plans and supporting documents, the conditions of this development consent prevail. If there is any inconsistency between the plans and documentation referred to in the table, the most recent document shall prevail to the extent of the inconsistency.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times.

Document	Date
Development application form	Lodged 3 March 2014
Environmental Impact Statement prepared by GHD, Volumes 1 and 2	February 2014
Staging and Operational Plan prepared by Hopkins Consultants, Drawing Number 6798-0005-2, Rev A, Sheets 1 and 2	23 June 2014
Blast Management Plan & Control, Heilig & Partners	July 2014
Greenhouse Assessment prepared by GHD	July 2014
Additional Information letter from GHD	3 July 2014
Existing Road Safety Audit by GHD	August 2014
Response to Road Safety Audit Findings by GHD	15 August 2014
Email – Ecology Responses from GHD	27 August 2014
Koala Offset Proposal, letter from GHD	14 November 2014

Modification of Quarry Footprint and Access Road Location

A2 The approved plans are modified as follows:

a) The quarry footprint area shall exclude any land within 150m of any existing residence and within 50m from the northern boundary of Lots 186 and 187 DP 754400, and
b) The location of the internal access road is to be located no closer than 140m to

dwelling R5 referred to in the EIS,

c) The location of car parking, weighbridge and site facilities are to be shown and may be located outside of the quarry footprint,

d) A Construction Management Plan is to be submitted for approval in accordance with condition B1 that incorporates the modifications required by this condition.

Habitat Offset

A3 The developer shall ensure protection in perpetuity of the koala habitat offset area comprising all of Lot 16 DP 1157615 and Lot 189 DP 754400 and the balance of Lot 14 DP 1157615 and Lots 186 and 187 DP 754400 excluding the quarry footprint area, access road and approved site facilities. The koala habitat offset area shall be managed in accordance with the Vegetation Management Plan referred to in condition B3.

Obligation to Minimise Harm to the Environment

A4 In addition to meeting the specific performance criteria established under other conditions of this consent, the Developer shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

Extraction

A5 The total amount of extractive material extracted in any annual return period shall not exceed 450,000 tonnes. “Annual return period” means the period covered in any annual report required under condition C25 and C26. The developer shall ensure the development does not exceed this limit.

Haulage Volume and Route

A6 The total amount of extractive material transported from the site in any annual return period shall not exceed 450,000 tonnes. The developer shall ensure the development does not exceed this limit.

A7 Truck movements shall not exceed 90 loads (180 total movements in and out) in any one day. “Truck movements” includes truck and dog movements. The developer shall ensure the development does not exceed this limit.

A8 The haul route for material shall be along Crescent Head Road and left into Macleay Valley Way.

Life of Consent

A9 The period during which the development may be carried out is limited to 30 years from the date of commencement notified under condition B17. This condition does not prevent the undertaking of rehabilitation works under condition A10 after the expiration of 30 years.

Site Rehabilitation

A10 At the expiration of the consent under condition A9, the developer shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in accordance with the EIS: section 2.14 and Appendix C.

B. PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS CONSENT

Construction Management Plan

B1. The developer shall submit to Council a Construction Management Plan for the relocated site access road and reduced quarry footprint in accordance with condition A2. The plan is to include survey accurate positioning of the quarry footprint and access road, engineering design details, construction methods, sediment and erosion control, noise management measures and dust management measures and an estimated construction period. Works are not to commence until Council is satisfied that the Construction Management Plan is in accordance with the conditions of this consent.

Habitat Offset

B2. Prior to commencement of any clearing on site, the developer shall:

a) obtain Council approval for a Vegetation Management Plan for the offset land. Condition B3 describes the requirements for the Vegetation Management Plan.

b) register on the title of the land, at its cost, positive covenants for the implementation and maintenance of the Vegetation Management Plan referred to in condition B3.

B3. The developer shall prepare a Vegetation Management Plan, to Council's satisfaction, that includes:

a) Pre-clearing surveys of fauna and flora habitat by a qualified ecologist that includes:

i. Mapping and marking of hollow-bearing trees that would require removal,

ii. Mapping and marking any significant habitat features (large woody debris or hollow logs) for relocation into adjacent habitat areas,

iii. Inspections of habitat trees for resident fauna, including inspections of hollows, nests and under exfoliating bark,

iv. Active searches for reptiles, including checking of exfoliating rock, rock crevices and woody debris within the quarry footprint,

v. Surveys for threatened plants in areas of potentially suitable habitat. Target species to include:

- Hairy-joint Grass (Arthraxon hispidus),
- Leafless Tongue Orchid (Cryptostylis hunteriana),
- White-flowered Wax Plant (Cynanchum elegans),
- Euphrasia argute,
- Clear Milkvine (Marsdenia longiloba),
- Milky Silkpod (Parsonsia dorrigoensis),
- Austral Toadflax (Thesium australe),

vi. Protocols to protect any identified threatened plants from construction works whilst appropriate mitigation options are assessed,

vii. Consideration of feasibility of site/species specific mitigation techniques, including seed collection/cuttings,

viii. All other measures detailed in section .5.4 of the EIS (GHD February 2014).

b) Implementation of measures and protocols identified in the pre-clearing surveys,

c) Protective fencing or barriers to ensure no incursions of construction or quarrying activities into the koala habitat offset area,

d) A vegetation condition assessment of the koala habitat offset land, clearly identifying the areas of retained habitat and areas requiring replanting.

e) In respect to the retained habitat areas, the Vegetation Management Plan shall include:

i. Boundary fencing and/or other necessary measures to prevent access and use by recreational vehicles and other potentially damaging activities undertaken on site,

ii. A comprehensive weed management plan,

f) In respect to the land to be revegetated:

i. pre-revegetation forest cover and composition;

ii. post-revegetation forest cover and composition targets;

iii. the species to be planted (all should be endemic natives not horticultural hybrids), number of trees/plants to be planted, location and density of replanted vegetation;

iv. PKFTs seedlings must be of a minimum size and maturity to best ensure survival. Any loss of seedlings within the agreed maintenance period must be replaced by the developer.

v. details of the sourcing of all seedlings (demonstrating local seedstock has been used);

vi. bush regeneration methods, timeframes and objectives;

vii. a schedule of management, monitoring and maintenance activities to ensure establishment and ongoing protection and management of replanted vegetation;

viii. the length of proposed monitoring and management periods, the timing of key milestones, and reporting requirements;

ix. provisions for planting mortality replacements; and

x. responsible parties for undertaking and funding all works and activities included in the plan.

g) In respect to hollow bearing tree/habitat tree clearance:

i. Incorporation into the Vegetation Management Plan, the number and location of suitable nesting boxes required to mitigate the number of hollows to be lost, at a rate not less than 1 to 1,

ii. Installation of the nesting boxes prior to removal of hollow bearing trees and in no case, no later than 12 months after commencement of consent.

Vegetation Protection Works

B4. Prior to any clearing of the site, the developer shall:

a) install a protective barriers/measures identified in the Vegetation Management Plan between existing vegetation and all quarry operations. The barrier shall be sufficient to prevent accidental incursions beyond the existing extent of quarry operations.

b) Submit to Council a survey prepared by a registered surveyor identifying the location of the barrier. Council shall inspect the location of the barrier to determine if the barrier is correctly located and may instruct the developer to move the barrier if it is considered that the barrier does not protect any area of existing vegetation. The developer shall relocate the barrier where directed and submit a revised survey to Council.

c) The developer shall be responsible for ensuring no incursions into the protected vegetation areas including instructing all operators on site to remain within the permitted area.

Construction Certificate Application

B5. The developer shall submit a Construction Certificate application for the proposed weighbridge, site office, car park and amenities buildings and noise mitigation walls.

Noise mitigation walls located closer than 6m to the Crescent Head Rd frontage shall not exceed 1.8m in height. For noise walls greater than 6m from Crescent Head Rd and exceed 1.8m in height the walls are be setback a minimum of 1.0m from the lot boundary. Finished surface details are to be submitted to Council for approval and are to be a dress finish with earthy or muted tones.

A Long Service Levy must be paid to the Long Service Payments Corporation, based on the cost of the work and currently 0.35% of the cost. This is a State Government Levy and is subject to change. Payments may be made at Council's Administration Office. Cheques are to be made payable Council.

Acceptable Means to Weigh Material Hauled from the Site

B6. If haulage of extractive material from the site under this consent is to commence prior to the construction of the weighbridge, the developer shall provide an alternative suitable means to weigh all material hauled from the site. Details are to be submitted to Council for approval prior to commencement of haulage. Loader scales are to be regularly tested for calibration. Test reports and certification of the loader scales or weighbridge are to be submitted to Council with the annual return.

Road Works

B7. The developer shall construct the following road works prior to commencement of truck movements associated with the development. The works are to be at the full cost of the developer. The developer is to submit an application under section 138 of the Roads Act 1993 and gain Council approval before undertaking the works. All works are to be undertaken in accordance with a Traffic Management Plan approved by Council.

a) Upgrade of the intersection of the internal access road with Crescent Head Road to an intersection type Austroads CHR(S) and BAL, including sealing the northern gravel shoulder, signage, linemarking, alignment markers, and clearing of vegetation to improve sight distance,
b) Relocation of the existing bus stop on the north side of Crescent Head Road to a preferred location determined in consultation with the local bus company,

Road Safety Audit: Truck Management Plan and Drivers' Code of Conduct

B8. The developer shall engage a relevantly qualified traffic engineer to:

a) prepare a Road Safety Audit for the haulage route to identify safety risks in areas of higher level of activity (residential areas and school zones). This is to include a review of bus stops to assess geometric constraints that limit sight distance, vegetation requiring removal and warning signs where relocation is impractical and undertake any identified works and implement the required works in consultation with the local bus company, and
b) prepare a Truck Management Plan and Drivers' Code of Conduct based on the findings of the Road Safety Audit to ensure that trucks associated with the development adhere to the approved haulage route, operating hours for travel to and from the site, and other measures including travelling speeds, reducing traffic noise levels, maintaining appropriate distances between haul trucks, traffic safety consciousness and courteousness.

Environmental Management Plan

B9. The developer shall prepare and implement an Environmental Management Plan for the development to the satisfaction of Council. The Plan must:

a) Be submitted to Council for approval prior to commencement of operations under the consent,
b) Be prepared by a suitably qualified and experienced expert,
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:
   i) Keep the local community and relevant agencies informed about the operation and environmental performance of the development,
   ii) Receive, handle, respond to, and record complaints,
   iii) Resolve any disputes that may arise,
   iv) Respond to any non-compliance,
   v) Respond to emergencies, and

f) include the implementation of the following operational conditions of this consent including:

i) Operation of plant and equipment,
ii) Hours of operation,
iii) Requirements of any licences,
iv) Water quality management,
v) Air quality management,
vi) Noise management,
vii) Blasting Impacts management,
viii) Truck Management including Code of Conduct for haulage drivers,
ix) Ecological management including vegetation management and habitat offset revegetation,
x) Weed management,
xi) Greenhouse gas management,
xii) Waste management,
xiii) Cultural heritage management,
xiv) Hazards and risk management,
xv) Complaints management,
xvi) Management of records of haulage amounts,
xvii) Rehabilitation preparation and management,

g) Incorporate the recommendations identified in chapter 6 of the EIS and summarised in Table 6-1, and the recommendations in the supplementary report titled "Greenhouse Assessment Proposed Expanded Quarry" (GHD July 2014).

B10. Preparation of the Environmental Management Plan shall:

a) Have regard to the Guideline for the Preparation of Environmental Management Plans prepared by the Department of Planning and Infrastructure, 2004,

b) include the monitoring and reporting requirements of the conditions of consent.

Limit of Quarry Operations

B11. The limit of the quarry footprint, including all proposed vegetation clearing, stockpiling, access road and site facilities, as identified in the approved quarry plan, shall be clearly marked on site using durable pegs or other markers and shall remain in place for the life of the consent. The developer shall ensure all contractors and employees on the site are made aware of the boundary markers and that no works extend beyond the markers.

Initial Environmental Management Works

B12. Prior to commencement of site operations, all initial environmental management works identified in the approved Environmental Management Plan and identified as being required prior to commencement of works shall be completed including:

a) Vegetation protection works,
b) Sediment and erosion control works,
c) Water quality management measures,
d) Dust suppression measures,
e) Acoustic barriers.

B13. Provision of toilet facilities at the rate of one toilet for every 20 persons or part thereof employed at the site. Each toilet must be an approved temporary chemical closet or there must be a licenced on site effluent disposal system installed. Application is to be made to Council under section 68 of the Local Government Act 1993 for the installation of an on site effluent disposal system.

Utilities and Services

B14. Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Development shall be undertaken. The cost of any such arrangements shall be borne by the developer.

Site Rehabilitation Sinking Fund

B15. The developer shall engage a relevantly qualified person to estimate the costs of works associated with the implementation of the site rehabilitation plan in accordance with condition A10. The developer shall establish in conjunction with the land owner a rehabilitation sinking fund to ensure funds are set aside over the life of the quarry sufficient to implement the site rehabilitation plan. Proof of the establishment of the sinking fund is to be provided prior to commencement of operations.

Certification that Works Required Prior to Commencement Have Been Completed

B16. The developer shall provide to Council written certification from relevant experts confirming that all consent conditions required to be satisfied prior to commencement of operations have been so satisfied.

B17. The developer shall notify Council in writing of the commencement date of operations under this consent. Council will provide written confirmation of the lapsing date for quarry operations under this development consent.

C. OPERATIONAL CONDITIONS

Operation of Plant and Equipment

C1. The developer shall ensure that all plant and equipment used on site are maintained in a proper and efficient condition; and operated in a proper and efficient manner.

Hours of Operation

C2.

a) Hours of operation shall be limited to the hours set out in the table to this condition.

	Days	Hours
Blasting	Monday to Friday	9am-3pm
Drilling	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Crushing and Screening within Quarry Pit	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Stockpiling and Loading	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Transport (empty trucks in)	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Transport (loaded trucks out)	Monday to Friday	7am-6pm
	Saturday	8am-1pm
Staff Maintenance and Servicing of Plant and Equipment Onsite	As required	
Emergency	As required	

General Terms of Approval – Environment Protection Authority and NSW Office of Water

C3. The development shall be carried out in accordance with:

a) an Environmental Protection Licence issued by the Environment Protection Licence and in accordance with the General Terms of Approval attached in Annexure A to this consent.
b) any controlled activity approval issued by the NSW Office of Water and in accordance with the General Terms of Approval attached in Annexure B to this consent.

The developer shall submit copies of licences and approvals to Council within 1 month of receipt and shall provide copies to Council of annual return documents submitted to the EPA in accordance with the licence.

Water Quality

C4. The developer shall:

a) Implement sediment and erosion control measures for the quarry footprint, all internal roads, parking areas and any other site facilities. Measures are to be implemented in accordance with Managing Urban Stormwater Soils and Construction – Volume 2e Mines and quarries (DECC, 2008).
b) Ensure no works are undertaken within 40m of the unnamed watercourse within the site without a controlled activity approval under the Water Management Act 2000.

Air Quality

C5. The developer shall:

a) Bitumen seal, in accordance with the current Austroad Design Guide and industry standards, the full length of the access road to the current floor level prior to

commencement of haulage operations,

b) Implement dust mitigation measures described in section 5.4.8 of the EIS including water sprays on crushing and screening plant and haul truck routes,

c) ensure dust emissions at any offsite residential receiver do not exceed the following criteria:

Pollutant	Averaging period	Criterion
PM10	24 hours	50 ìg/m3
	Annual	30 ìg/m3
TSP	Annual	90 ìg/m3
Dust deposition (insoluble fraction)	Annual	2 g/m2/month*

** Maximum Increment. Maximum allowable cumulative impact of 4 g/m2/month*

d) Undertake compliance dust emissions monitoring of PM10, TSP and dust deposition levels during the initial 3 months of operation to verify if the modelled levels are confirmed and submit a report on the results to Council within 1 month of the 3 month period.

e) Respond to any complaint from a resident at the nearest residential receivers R1, R2, R3, R4, R5, R6, R9, R10 and 21 identified in the EIS and at the dwelling on Lot 12 DP 1157615, that dust emissions at the residential receiver exceed any of the criteria, by undertaking monitoring of PM10, TSP and dust deposition levels at the receiver location and shall provide a copy of a report on the results to the complainant within 3 months of receiving the complaint.

f) Identify and implement additional mitigation measures if the results of monitoring identify that the dust emissions exceed any of the criteria at any residence. Quarry operations are to cease or be modified until additional mitigation measures are installed to ensure continuous compliance with the criteria.

C6. Where a complainant under condition C5 e) receives from the developer a copy of a report of dust emissions monitoring that reveals any of the criteria are exceeded at the residential receiver, the landowner may, within 90 days of receiving the report, give a written request to the developer to:

a) Install mitigation measures on the landowner's land. If agreement is reached in writing between the land owner and the developer, the developer is to install the mitigation measures at the developer's cost, or

b) Purchase the owner's land in accordance with condition C11.

Noise Management

C7. The developer shall:

a) Implement noise mitigation measures described in section 5.3.4 of the EIS including noise barriers adjacent to crushing and screening plants, compliance with the approved hours of operation, minimising materials dropping heights into or out of trucks, selection of equipment to minimise noise emissions, fitting of equipment with silencers and maintaining in good working order, removal of machinery producing noise in excess of normal industry standards and reducing the annoyance from reversing alarms as far as possible,

b) Ensure noise levels do not exceed an L Aeq (15 minute) noise emission criterion of 38dB(A) for residential receivers R4, R5, R6, R9, R10 and R11 as identified in the EIS. During an initial interim construction phase, that shall not exceed four weeks,

the criterion is 43dB(A),

c) Undertake compliance noise monitoring in accordance with the EPA licence requirements and submit a copy of the report to Council at the same time as submitting to the EPA,

d) Respond to any complaint from a resident at the nearest residential receivers R4, R5, R6, R9, R10 and R11 identified in the EIS, that noise levels at the residential receiver exceed the specified criterion, by undertaking noise level monitoring and shall provide a copy of the report on the results to the complainant within 3 months of receiving the complaint,

e) Identify and implement additional mitigation measures if the results of noise monitoring identify that the noise criterion is exceeded at any residence. Quarry operations are to cease or be modified until additional mitigation measures are installed to ensure continuous compliance with the criteria.

C8. Where a complainant under condition C7 d) receives from the developer a copy of a report of noise monitoring that reveals noise criterion is exceeded at the residential receiver, the landowner may, within 90 days of receiving the report, give a written request to the developer to:

a) Install noise mitigation measures on the landowner's land. If agreement is reached in writing between the land owner and the developer, the developer is to install the noise mitigation measures at the developer's cost, or

b) Purchase the owner's land in accordance with condition C11.

Blasting Impacts

C9. The developer shall:

a) Prepare dilapidation surveys of all properties within 250m of the proposed quarry footprint prior to undertaking any blasting on site. Any damage caused by blasting shall be rectified at the cost of the developer. A copy of the dilapidation surveys and an insurance policy that covers the potential cost of any rectification works shall be submitted to Council prior to any blasting. The insurance cover shall be a minimum of $10 million.

b) Implement blasting mitigation measures described in the Blast Management Plan & Control report by Heilig and Partners dated July 2014.

c) Prior to any blasting for quarrying purposes, a series of single hole blast trials shall be completed to define the vibration-distance and overpressure-distance relationships for the site. A report prepared by a relevant expert shall be submitted to Council analysing the results compared with the predicted results of the Heilig Report. If there is a variation between the predicted results and the actual results, a revised model is to be prepared that identifies quarry design modifications required to achieve compliance with the criteria specified in paragraph e) and f) of this condition.

d) No blasting shall occur within 250m of any residence until a detailed monitoring program for both vibration and air overpressure levels is completed. The design of any blasting within 250m of any residence shall be in accordance with a Blast Management Plan based on the results of monitoring and demonstrating that environmental compliance will be achieved.

e) Ensure the airblast overpressure level from blasting operations must not exceed

115 dB (Un Peak) for more than 5% of the total number of blasts during each reporting period; and 120 dB (Un Peak) at any time, measured at the nearest residential receivers R1, R2, R3, R4, R5, R6, R9, R10 and R21 as identified in the EIS and at the dwelling on Lot 12 DP 1157615.

f) Ensure the ground vibration peak particle velocity from blasting operations must not exceed 5mm/s for more than 5% of the total number of blasts carried out during each reporting period; and 10 mm/s at any time measured at the nearest residential receivers R2, R9 and R10 as identified in the EIS.

g) Notify sensitive receptors prior to any planned blasting events.

h) Implement measures for dust and flyrock suppression for each blast.

i) Monitor each blasting event and shall provide a report on the results to the land owners of the nearest residential receivers R1, R2, R3, R4, R5, R6, R9, R10 and R21 and the dwelling on Lot 12 DP 1157615, within 1 month of the event.

General Requirements for Monitoring

C10. All monitoring of noise, air quality and blasting events and subsequent reporting shall be undertaken by an independent consultant with the appropriate qualifications and industry registration. The cost of monitoring and reporting is to be met by the developer.

Environmental Performance Conditions: Acquisition Upon Request

C11.

a) This condition acknowledges that it is the developer's responsibility to comply with the noise, air quality and blasting standards in conditions C5, C7 and C9 but recognises that breaches may occur due to a range of reasons and that land owners of the nearest residential receivers may be significantly affected by multiple breaches of noise, air quality and blasting standards.

b) Where a land owner of a property listed in Table 1 to this condition receives reports provided in accordance with condition C5 e), C7 d) or C9 i) that confirm environmental performance criteria have been exceeded on three or more occasions within any 2 year period the land owner may require the developer to acquire the land owner's land in accordance with the acquisition procedure detailed in this condition by giving written notice to the developer.

c) Within three (3) months from receiving a written request from the land owner with acquisition rights as determined in b) above, the developer must make a binding written offer to the land owner based on:

   i) the current market value of the land owner's interest in the land at the date of the written request, as if the land was unaffected by the development the subject of this consent, having regard to:-

      (1) the existing use and permissible use of the land in accordance with the applicable environmental planning instruments at the date of the written request to purchase the property;

      (2) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the land owner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of any conditions of this consent;

   ii) the land owner's reasonable compensation for disturbance at the time of

acquisition pursuant to this condition including:-

(1) legal costs reasonably incurred by the persons entitled to compensation in connection with the acquisition of the land,

(2) valuation fees reasonably incurred by those persons in connection with the acquisition of the land,

(3) financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs),

(4) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land acquired),

(5) financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage),

(6) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.

d) In the event that the developer and the land owner cannot agree (within six (6) weeks of the written offer to the landowner), on the acquisition price referred above and/or the terms of the acquisition, then either party may refer the matter to the President of the NSW Division of the Australian Property Institute who is 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 property and/or terms upon which the property is to be acquired.

e) Within fourteen (14) days of receiving the independent valuer's determination, the developer must make a written offer to purchase the property at a price not less than the independent valuer's determination.

f) If the land owner refuses to accept the offer within six (6) months of the developer's offer, the developer's obligations to acquire the property shall cease.

g) The developer shall bear the costs of any valuation or survey assessment required by the independent valuer, Fellow of the Institute, and all relevant costs associated with determination of the acquisition price incurred through the processes referred to above.

Table 1: Land subject to acquisition upon request

R1 in EIS	Lot 13 DP 1157615
R2 in EIS	Lot 2 DP 598164
R3 in EIS	Lot 1 DP 568531
R4 in EIS	Lot 210 DP 863875
R5 in EIS	Lot 211 DP 863875
R6 in EIS	Lot 222 DP 1045027

R9 in EIS	Lot 445 DP 813607
R10 in EIS	Lot 1 DP 730141
R21 in EIS	Lot 86 DP 631227
Dwelling on Lot 12 DP 1157615	Lot 12 DP 1157615

Truck Management

C12. The developer shall adopt and enforce the Truck Management Plan and Drivers' Code of Conduct required by condition B8. for drivers

C13. Vehicle wash down areas and other measures shall be provided to minimise tracking of soil and particulates from the site.

Ecological Management

C14. The development shall comply with the Vegetation Management Plan approved under condition B3.

C15. The developer shall engage a relevantly qualified ecologist to undertake ecological condition assessment of the watercourse and riparian area on an annual basis to identify any impacts resulting from the quarry operation. Where impacts are identified, the annual report is to include recommendations for remedial works to address the impacts and the timeframe to be undertaken. The remedial works are to be implemented and the results are to be reported in the following annual report.

Weed Management

C16. Measures shall be implemented to prevent the spread of weeds including identification surveys, hygiene procedures for equipment, footwear and clothing, weed disposal protocols and other site management measures.

Greenhouse Gas Management

C17. The developer shall:

a) implement measures to reduce the consumption of fuel through optimisation of operational activities and logistics, the use of more efficient plant and vehicles and a fuel management strategy, and
b) investigate opportunities for the use of biodiesel and implement any recommendations as a result of the investigations.

Waste Management

C18. Measures shall be implemented to manage waste in accordance with the requirements of the Waste Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997, the OEH Waste Classification Guidelines 2009 and the "principles of waste management hierarchy" and the mitigation measures detailed in the EIS.

Cultural Heritage Management

C19. The developer shall provide all plant operators, that undertake initial ground disturbance within the site, with a cultural heritage induction to cover legislative requirements regarding Aboriginal cultural heritage, the importance of Aboriginal cultural heritage, an introduction on how to identify Aboriginal objects and the

procedure to be followed in the event that suspected Aboriginal material is uncovered within the site.

C20. If suspected Aboriginal material is uncovered within the site, work in the surrounding area is to stop immediately and the developer shall stop work and notify the NSW Office of Environment and Heritage. The developer is bound to comply with its legislative requirements in respect to any Aboriginal material encountered on site.

Hazards and Risks Management

C21. The developer is to manage bushfire risks by engaging a relevantly qualified person to prepare a Bushfire Management Plan for the site. The developer shall implement the requirements of the Bushfire Management Plan at all times during the operation of the quarry.

Community Relations

C22. The developer shall erect a sign at the entrance of the quarry with the phone number and permanent site contact details so that complaints concerning the operation of the quarry can be received and addressed in a timely manner.

C23. Records of all complaints and follow up actions are to be included in the annual report required by condition C25.

Environmental Management Plan

C24. The developer shall implement the Environmental Management Plan approved in accordance with condition B9.

Monitoring and Annual Reporting

C25. By the end of March each year, or other timing as may be agreed by Council (to coincide with EPA licence reporting requirements), the developer shall submit an annual report in accordance with the Environmental Management Plan required by condition B9. Annual reports must review the environmental performance of the development including:

a) A description of the development that was carried out in the previous year, and the development that is proposed to be carried out over the next year.

b) A detailed topographic survey by a registered surveyor indicating surface levels of the extraction areas at the beginning and at the end of the reporting period.

c) A comprehensive review of the monitoring results and complaints records of the development over the previous year, which includes a comparison of these results against the:

   i) the relevant statutory requirements, limits or performance measures/criteria;

   ii) requirements of any plan or program required under this consent;

   iii) the monitoring results of previous years; and

   iv) the relevant predictions in the EIS.

d) Identification of any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance.

e) Identification of any trends in the monitoring data over the life of the development.

f) Identification of any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies.

g) A description of measures that will be implemented over the next year to improve the environmental performance of the development.

C26. Annual reports shall be submitted to Council within 1 month of the end of the reporting period.

C27. Monitoring and environmental reporting is to be completed by an independent and appropriately qualified person for each aspect of the environmental management plan.

Contributions – Road Maintenance Levy

C28. From the date of commencement of the operation identified in condition B17, the developer shall pay a cash contribution to Council at the rate of $0.19 per tonne (indexed as described below) of material extracted and transported from the land towards the upgrading and maintenance of Council's road system in accordance with the following:

a) Submission of a quarterly return to Council specifying the amount of material in tonnes extracted and transported within the previous three months. The quarterly return is to be submitted within fourteen days of the end of each period and is to be in the form of a Statutory Declaration given by the developer (or if the developer is a Corporation, by a Director of that Corporation) and is to include:-
   i) Copies of all invoices and Company records relating to the amount extracted,
   ii) Records of the weights recorded at the weigh bridge, or by any other approved method for weighing the material hauled,
   iii) Payment of the required contribution.

b) Any payments received after the specified periods shall accrue interest at a daily rate equivalent to 10% per annum, or equivalent to Council's current interest rate for late payment of annual Council rates, whichever is the lesser.

c) The contribution rate shall be subject to indexation in accordance with the "Price Index of Materials Used in Building Other Than House Building", as published by the Australian Bureau of Statistics or other approved system of indexation as may be adopted by Council from time to time.

d) Council shall have the right to request and inspect all relevant records at any time, subject to prior written notice being provided by Council.

Sinking fund for site rehabilitation

C29. The developer shall:

a) for the life of the quarry, maintain its obligation to contribute to the Rehabilitation Sinking Fund required by condition B15.

b) submit to Council a copy of the bank statement for the Rehabilitation Sinking Fund, with every 4th quarterly return referred to in condition C28 to demonstrate that adequate funds are available for rehabilitation of the site. The developer shall ensure the site is rehabilitated at the end of the life of the quarry and shall not

release any of the sinking fund unless satisfied the site will be or has been rehabilitated in accordance with condition A10.

Limit of Clearing and Quarry Operations

C30. No works, activities or vegetation clearing shall occur outside of the marked boundary required by condition B11.