

Notice of Modification

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

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



Howard Reed
Director Resource Assessments

Sydney

18th September 2017

SCHEDULE 1

The Project Approval (MP 07_0020) for the Blakebrook Quarry Project granted by the delegate for the Minister for Planning on 24 November 2009

SCHEDULE 2

1. Delete all words after Schedule 1 and replace with:

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	4
Obligation to Minimise Harm to the Environment	4
Terms of Consent.....	4
Limits on Approval.....	4
Structural Adequacy.....	4
Demolition	4
Protection of Public Infrastructure	5
Operation of Plant and Equipment	5
Section 94 Contributions	5
Production Data	5
Compliance	5
Identification of Boundaries	5
SPECIFIC ENVIRONMENTAL CONDITIONS	6
Noise	6
Blasting	7
Air Quality.....	8
Soil and Water.....	9
Transport.....	10
Aboriginal Heritage.....	11
Biodiversity and Rehabilitation	11
Visual	13
Waste.....	13
Liquid Storage.....	13
Dangerous Goods	14
Bushfire.....	14
ADDITIONAL PROCEDURES	15
Notification of Landowners	15
Independent Review	15

Property Inspections.....	15
Property Investigations	15
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	16
Environmental Management.....	16
Community Consultative Committee	17
Reporting.....	18
Independent Environmental Audit.....	18
Access to Information	19
APPENDIX 1: PROJECT LAYOUT PLAN	20
APPENDIX 2: STATEMENT OF COMMITMENTS	21
APPENDIX 3: RECEIVER LOCATION PLAN.....	35
APPENDIX 4: BIODIVERSITY OFFSET STRATEGY	36
APPENDIX 5: NOISE COMPLIANCE ASSESSMENT	37

DEFINITIONS

Aboriginal item or object	Any item or object that provides evidence of the use of an area by Aboriginal people, as defined under the <i>National Parks and Wildlife Act 1974</i>
Annual Review	The review required by condition 11 of Schedule 5.
AHD	Australian Height Datum
BCA	Building Code of Australia
Biodiversity Offset Strategy	The conservation and enhancement program as described in the EA (see also Table 5 and Appendix 4).
CCC	Community Consultative Committee
Council	Lismore City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
OEH	Office of Environment and Heritage
Department	Department of Planning and Environment
DPI Water	Department of Primary Industries - Water
DRG	Division of Resources and Geoscience of the Department
EA	Environmental Assessment titled <i>Blakebrook Quarry Expansion, Environmental Assessment Report, Final Report</i> , January 2009, and the Proponent's response to submissions titled <i>Blakebrook Quarry Expansion, Response to Submissions, Final Report</i> , August 2009
EA (Mod 1)	Environmental Assessment titled <i>Blakebrook Quarry Modification Application August 2017</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Incident	A set of circumstances that: <ul style="list-style-type: none"> • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this approval
INP	<i>NSW Industrial Noise Policy</i> (NSW EPA, 2000)
Laden	Trucks transporting quarry products from the site and/or trucks transporting topsoil or mulch to the site
Land	As defined in the EP&A Act, except where the term is used in the noise and air quality conditions in Schedules 3 and 4 of this approval, where it is defined as the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this approval
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the project
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency or the Proponent (or its subsidiary)
Project	The project as described in the documents listed in condition 2(a) of Schedule 2
Proponent	Lismore City Council, or its successors in title
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation, topsoil and overburden
Quarry products	Includes all saleable quarry products, but excludes tailings, other wastes and rehabilitation material
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services
SEPP 44	<i>State Environmental Planning Policy No. 44 – Koala Habitat Protection</i>
Secretary	Secretary of the Department, or nominee
Site	The land referred to in Schedule 1

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance measures and criteria established under this approval, the Proponent must implement all reasonable and feasible measures to prevent or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.

TERMS OF APPROVAL

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

Notes:

- *The Project Layout Plan is shown in Appendix 1;*
- *The Statement of Commitments is reproduced in Appendix 2.*

3. If there is any inconsistency between the documents in condition 2(a), the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent must comply with any written requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval (including any stages of these documents);
 - (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this approval;
 - (c) and the implementation of any actions or measures contained in these documents.
5. By 30 June 2010, the Proponent shall surrender development consent DA 95/239 to the relevant consent authority to the satisfaction of the Secretary.

LIMITS ON APPROVAL

6. The Proponent may carry out quarrying operations on the site until 31 December 2039.

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

7. The Proponent must not undertake quarrying operations below 55 m AHD in the northern pit or 105 m AHD in the southern pit.

Note: Drainage sumps may be constructed below this level with the agreement of the Secretary.

8. The Proponent must not:
 - (a) transport more than 600,000 tonnes of quarry materials from the site per calendar year; or
 - (b) dispatch more than 100 laden trucks from the site on any calendar day.

Note: Dispatch of laden trucks is also controlled under condition 1 of Schedule 3.

STRUCTURAL ADEQUACY

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

Notes:

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

DEMOLITION

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

PROTECTION OF PUBLIC INFRASTRUCTURE

11. Unless the Proponent and the applicable authority agree otherwise the Proponent must:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Note: This condition does not apply to damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition 13 of Schedule 2.

OPERATION OF PLANT AND EQUIPMENT

12. The Proponent must ensure that all the plant and equipment used at the site, or to monitor the performance of the project is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SECTION 94 CONTRIBUTIONS

13. The Proponent must pay Council an annual financial contribution toward the maintenance of local roads used for haulage of quarry products. The contribution must be determined in accordance with the *Lismore City Council Section 94 Contribution Plan, 2004*, or any subsequent relevant contributions plan adopted by Council.

PRODUCTION DATA

14. The Proponent must:
 - (a) from the commencement of quarrying operations provide calendar year annual quarry production data to DRG using the standard form for that purpose; and
 - (b) include a copy of this data in the Annual Review.

COMPLIANCE

15. The Proponent must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

IDENTIFICATION OF BOUNDARIES

16. The Proponent must ensure that the boundaries of the approved limits of extraction are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

**SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS**

NOISE

Hours of Operation

1. The Proponent must comply with the operating hours set out in Table 1.

Table 1: Operating hours

Activity	Permissible Hours
Quarrying operations including loading and dispatch of laden trucks	7 am to 6 pm Monday to Friday
	7 am to 3 pm Saturday
	At no time on Sundays or public holidays
Blasting	10 am to 3 pm Monday to Friday (except public holidays)
	At no time on Sundays or public holidays
Maintenance	May be conducted at any time, provided that these activities are not audible at any privately-owned residence

2. The following activities may be carried out outside the hours specified in condition 1 above:
- (a) delivery or dispatch of materials as requested by Police or other public authorities; and
 - (b) emergency work to avoid the loss of lives, property or to prevent environmental harm.

In such circumstances, the Proponent must notify the Secretary and affected residents prior to undertaking the activities, or as soon as is practical thereafter.

3. The Proponent must ensure that the noise generated by the project does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise criteria dB(A)

Receiver	Day <i>L_{Aeq} (15 minute)</i>
Location 2	36
All other locations	35

Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Industrial Noise Policy*. Appendix 5 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.

However, the noise criteria in Table 2 do not apply if the Proponent has an agreement with the relevant landowner to exceed the noise criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

Operating Conditions

4. The Proponent must:
- (a) implement best practice management to minimise the construction, operational and road transportation noise of the project;
 - (b) minimise the noise impacts of the project during meteorological conditions when the noise criteria in this approval do not apply (see Appendix 5);
 - (c) carry out noise monitoring (at least every 3 months or as otherwise agreed with the Secretary) to determine whether the project is complying with the relevant conditions of this approval; and
 - (d) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary.

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

Noise Management Plan

5. The Proponent must prepare a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the EPA;

- (b) be submitted to the Secretary within 3 months of the determination of Modification 1, unless otherwise agreed by the Secretary;
- (c) describe the measures to be implemented to ensure:
 - compliance with the noise criteria and operating conditions of this approval;
 - best practice management is being employed; and
 - the noise impacts of the project are minimised during meteorological conditions under which the noise criteria in this approval do not apply (see Appendix 5);
- (d) describe the proposed noise management system; and
- (e) include a monitoring program to be implemented to measure noise from the project against the noise criteria in Table 2.

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

BLASTING

Blasting Impact Assessment Criteria

- 6. The Proponent must ensure that blasting on site does not cause any exceedance of the criteria in Table 3.

Table 3: Blasting Criteria

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

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

Blasting Frequency

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

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

Operating Conditions

- 8. During blasting operations, the Proponent must:
 - (a) implement best practice management to:
 - protect the safety of people and livestock;
 - protect public or private infrastructure and property from damage; and
 - minimise the dust and fume emissions;
 - (b) operate a suitable system to enable the local community to get up-to-date information on the proposed blasting schedule on site; and
 - (c) carry out regular monitoring to determine whether the project is complying with the relevant conditions of this approval, to the satisfaction of the Secretary.

Blast Management Plan

- 9. The Proponent must prepare a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:
 - (a) be submitted to the Secretary for approval within 3 months of the determination of Modification 1, unless otherwise agreed by the Secretary;
 - (b) describe the measures to be implemented to ensure compliance with the blast criteria and operating conditions of this approval;
 - (c) include measures to manage flyrock to ensure the safety of people and livestock and to protect property;
 - (d) include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this approval;
 - (e) include local community notification procedures for the blasting schedule, in particular to nearby residences; and

- (f) include a protocol for investigating and responding to complaints related to blasting operations.

The Proponent must implement the Blast Management Plan as approved from time to time by the Secretary.

AIR QUALITY

Air Quality Impact Assessment Criteria

10. The Proponent must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not 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 ₁₀)	Annual	a,d 25 µg/m ³	
Particulate matter < 10 µm (PM ₁₀)	24 hour	b 50 µg/m ³	
Total suspended particulates (TSP)	Annual	a,d 90 µg/m ³	
^c Deposited dust	Annual	b 2 g/m ² /month	a,d 4 g/m ² /month

Notes to Table 4:

a Cumulative impact (ie increase in concentrations due to the project plus background concentrations due to all other sources).

b Incremental impact (ie increase in concentrations due to the project alone, with zero allowable exceedances of the criteria over the life of the project).

c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

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

e "Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in conditions 11, 12 and 13 to develop and implement an air quality management system that ensures operational responses to the risks of exceedance of the criteria.

Operating Conditions

11. The Proponent must:
- implement best practice management to minimise the dust emissions of the project;
 - regularly assess meteorological and air quality monitoring data and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this approval;
 - minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note d under Table 4);
 - monitor and report on compliance with the relevant air quality conditions in this approval; and
 - minimise the area of surface disturbance and undertake progressive rehabilitation of the site, to the satisfaction of the Secretary.

Air Quality Management Plan

12. The Proponent must prepare an Air Quality Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be submitted to the Secretary for approval within 3 months of the determination of Modification 1, unless otherwise agreed by the Secretary;
 - describe the measures to be implemented to ensure:
 - compliance with the air quality criteria and operating conditions of this approval;
 - best practice management is being employed; and
 - the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;
 - describe the proposed air quality management system;
 - include an air quality monitoring program that:
 - is capable of evaluating the performance of the project;
 - includes a protocol for determining any exceedances of the relevant conditions of approval; and
 - effectively supports the air quality management system.

The Proponent must implement the approved Air Quality Management Plan as approved from time to time by the Secretary.

Meteorological Monitoring

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

Greenhouse Gas Emissions

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

SOIL AND WATER

Water Supply

15. The Proponent must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of operations under the approval to match its available water supply, to the satisfaction of the Secretary.

Water Discharges

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

Groundwater Assessment

17. The Proponent must undertake a detailed groundwater assessment to the satisfaction of the Secretary. This assessment must be:
- prepared by a suitably qualified expert in consultation with DPI Water;
 - submitted to the Secretary for approval by 30 December 2018;
 - approved by the Secretary before any extraction below 105 m AHD in the northern pit or below 118.5 m AHD in the southern pit;
 - adequately assess groundwater resources affected by the northern and southern pits, to the proposed full extraction depths of those pits;
 - adequately assess all groundwater impacts associated with proposed extraction;
 - provide data for predicted groundwater pit inflows during and following extraction; and
 - propose management measures to address pit inflows and impacts to groundwater resources.

The Proponent must implement the management measures proposed in the groundwater assessment to the satisfaction of the Secretary.

Soil and Water Management

18. If groundwater is encountered during quarrying operations in the South Pit under EA (Mod 1), the Proponent must cease quarrying operations until authorised to recommence by the Secretary.
19. The Proponent must prepare a Soil and Water Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be prepared by suitably qualified and experienced person/s approved by the Secretary;
 - be prepared in consultation with the EPA and DPI Water;
 - be submitted to the Secretary for approval within 3 months of the determination of Modification 1, unless otherwise agreed by the Secretary; and
 - include a:
 - Site Water Balance that includes:
 - details of:
 - sources and security of water supply;
 - water use and management on site;
 - any off-site water transfers; and
 - reporting procedures; and
 - measures to be implemented to minimise clean water use on site;
 - Surface Water Management Plan, that includes:
 - a program for obtaining detailed baseline data on surface water flows and quality in water bodies that could potentially be affected by the project;
 - a detailed description of the surface water management system on site including the:
 - clean water diversion system;
 - erosion and sediment controls;
 - dirty water management system; and

- water storages; and
- a program to monitor and report on:
 - any surface water discharges;
 - the effectiveness of the water management system,
 - the quality of water discharged from the site to the environment;
 - surface water flows and quality in local watercourses;
- (iii) Groundwater Management Plan that includes:
 - a provision that requires the Proponent to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the quarry from the quarry face or floor; and
 - a monitoring program to manage potential impacts, if any, on any alluvium and associated surface water source near the proposed extraction area that includes:
 - identification of a methodology for determining threshold water level criteria;
 - contingency measures in the event of a breach of thresholds; and
 - a program to regularly report on monitoring.

The Proponent must implement the approved Soil and Water Management Plan as approved from time to time by the Secretary.

TRANSPORT

Monitoring of Product Transport

20. The Proponent must 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 6 months.

Road Upgrades

21. The Proponent must undertake the following road upgrade works generally in accordance with the recommendations in the EA, and to the satisfaction of the RMS:
- (a) upgrade the intersection of the Quarry Access and Nimbin Road to a 'Type AUR Intersection Treatment', prior to 31 December 2010;
 - (b) upgrade the guard rails on the approaches to Booerie Creek Bridge prior to 31 December 2010;
 - (c) upgrade the Booerie Creek Road and Nimbin Road intersection to a 'Type BAR Right Turn Treatment on the Through Road' prior to 31 December 2010;
 - (d) upgrade the Wilson Street and Nimbin Road intersection to a 'Type CHR Right Turn Bay Treatment' prior to 31 December 2010; and
 - (e) re-align Nimbin Road and the Quarry Access intersection to meet the AUSTRROADS sight distance requirements for vehicles travelling in both directions through the intersection prior to 31 December 2011.

Note: The road works must be constructed in accordance with the relevant RMS or AUSTRROADS standards, and signposted and lit in accordance with AS:1742 – Manual of Uniform Traffic Control Devices and AS/NZ 1158:2005 – Lighting for Roads and Public Spaces.

Operating Conditions

22. The Proponent must:
- (a) restrict truck movements from the quarry to an average of 50 laden trucks a day until all road upgrades works required by condition 20 of Schedule 3, are met or unless otherwise approved by the Secretary;
 - (b) ensure that all laden trucks entering or exiting the site have their loads covered, with the exception of loads consisting solely of boulders greater than one tonne in weight;
 - (c) ensure that all laden trucks exiting the site are cleaned of material that may fall from vehicles, before leaving the site; and
 - (d) use its best endeavours to ensure that appropriate signage is displayed on all trucks used to transport product from the project so they can be easily identified by road users.

Traffic Management Plan

23. The Proponent must prepare a Traffic Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the RMS and Council;
 - (b) be submitted to the Secretary for approval within 3 months of the determination of Modification 1, unless otherwise agreed by the Secretary;
 - (c) describe the processes in place for the control of truck movements entering and exiting the site;
 - (d) include a Drivers' Code of Conduct that details the safe and quiet driving practices that must be used by drivers transporting products to and from the quarry;

- (e) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct; and
- (f) propose measures to minimise the transmission of dust and tracking of material onto the surface of the public road from vehicles leaving the quarry.

The Proponent must implement the approved Traffic Management Plan as approved from time to time by the Secretary.

ABORIGINAL HERITAGE

Aboriginal Heritage Management Plan

24. The Proponent must prepare an Aboriginal Heritage Management Plan for the project to the satisfaction of the Secretary. The plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with OEH and the Registered Aboriginal Parties;
 - (c) be submitted to the Secretary for approval within 3 months of the determination of Modification 1, unless otherwise agreed by the Secretary; and
 - (d) include a description of the measures that would be implemented to:
 - protect, monitor and manage known sites of archaeological significance;
 - manage any new Aboriginal objects or relics that are discovered;
 - store Aboriginal heritage items salvaged on site; and
 - ensure ongoing consultation and involvement of the Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.

The Proponent must implement the approved Aboriginal Heritage Management Plan as approved from time to time by the Secretary.

25. If any item or object of Aboriginal heritage significance is identified on site, the Proponent must ensure that:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately;
 - (b) a 10 m buffer area around the suspected item or object is cordoned off; and
 - (c) the OEH is contacted immediately.

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

BIODIVERSITY AND REHABILITATION

Biodiversity Offset Strategy

5. The Proponent must:
- (a) implement the Biodiversity Offset Strategy (see Table 5);
 - (b) ensure that adequate resources are dedicated towards the implementation of this strategy;
 - (c) provide appropriate long term security for the offset area; and
 - (d) provide a timetable for the implementation of the offset strategy prior to 30 June 2010, or as otherwise agreed by the Secretary,
- to the satisfaction of the Secretary.

Table 5: Biodiversity Offset Strategy

Offset Areas	Minimum Size
On-site offset (Protection Zone in Appendix 4)	17.6 hectares
Off-site offset (within Lismore local government area, and not already within a conservation area)	45 hectares
Total	62.6 hectares

Note: Mechanisms to provide appropriate long-term security to the land within the Biodiversity Offset Strategy in accordance with the NSW Biodiversity Offset Policy for Major Projects 2014, include a BioBanking Agreement, Voluntary Conservation Agreement or an alternative mechanism that provides for a similar conservation outcome.

Rehabilitation Objectives

26. The Proponent must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be generally consistent with the rehabilitation strategy in the EIS and must comply with the objectives in Table 6.

Table 6: Rehabilitation Objectives

Feature	Objective
<i>All areas of the site affected by the project</i>	<ul style="list-style-type: none"> • Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the intended post-mining land use(s) • Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
<i>Surface Infrastructure</i>	<ul style="list-style-type: none"> • Decommissioned and removed, unless otherwise agreed by the Secretary
<i>Quarry benches and pit floor</i>	<ul style="list-style-type: none"> • Landscaped and vegetated using native tree and understorey species
<i>Final Void</i>	<ul style="list-style-type: none"> • Minimise the size, depth and slope of the batters of the final void • Minimise the drainage catchment of the final void

Progressive Rehabilitation

27. The Proponent must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to future re-disturbance.

Biodiversity and Rehabilitation Management Plan

28. The Proponent must prepare a Biodiversity and Rehabilitation Management Plan for the project to the satisfaction of the Secretary. This plan must:
- be prepared by a suitably qualified expert;
 - be prepared in consultation with OEH and Council;
 - be submitted to the Secretary for approval within 3 months of the determination of Modification 1, unless otherwise agreed by the Secretary;
 - provide details of the conceptual final landform and associated land uses for the site;
 - describe how the implementation of the Biodiversity Offset Strategy will be integrated with the overall rehabilitation of the site;
 - include a Koala Management Plan prepared in accordance with SEPP 44;
 - include detailed performance and completion criteria for evaluating the performance of the Biodiversity Offset Strategy and rehabilitation of the site (including progressive rehabilitation), including triggers for any necessary remedial action;
 - describe the short, medium and long term measures to be implemented to:
 - manage remnant vegetation and habitat on site, including within the Biodiversity Offset Strategy area; and
 - ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this approval;
 - include a detailed description of the measures described in paragraph (h) to be implemented over the next 3 years (to be updated for each 3 year period following initial approval of the plan) including the procedures to be implemented for:
 - maximising the salvage of environmental resources within the approved disturbance area, including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the offset area or site rehabilitation;
 - restoring and enhancing the quality of native vegetation and fauna habitat in the biodiversity offset and rehabilitation areas through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;
 - protecting vegetation and fauna habitat outside the approved disturbance area on-site, including core Koala habitat;
 - minimising the impacts on native fauna, including undertaking pre-clearance surveys;
 - establishing vegetation screening to minimise the visual impacts of the site on surrounding receivers;
 - ensuring minimal environmental consequences for threatened species, populations and habitats;
 - collecting and propagating seed;
 - controlling weeds and feral pests;
 - controlling erosion; and
 - managing bushfire risk;

- (j) include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
- (k) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures to be implemented to mitigate these risks; and
- (l) include details of who is responsible for monitoring, reviewing, and implementing the plan.

The Proponent must implement the Biodiversity and Rehabilitation Management Plan as approved from time to time by the Secretary.

Biodiversity and Rehabilitation Bond

29. Within 6 months of the approval of the Biodiversity and Rehabilitation Management Plan, the Proponent must lodge a Biodiversity and Rehabilitation Bond with the Department to ensure that the Biodiversity Offset Strategy and rehabilitation of the site are implemented 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 determined by:
- (a) calculating the full cost of implementing the Biodiversity Offset Strategy;
 - (b) 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
 - (c) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Secretary.

Notes:

- *Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a BioBanking Agreement, or transfer to conservation reserve estate can be used to reduce the liability of the Biodiversity and Rehabilitation Bond.*
- *If capital and other expenditure required by the Biodiversity and Rehabilitation Management Plan is largely complete, the Secretary may waive the requirement for lodgement of a bond in respect of the remaining expenditure.*
- *If the Biodiversity Offset Strategy and/or rehabilitation of the site area are completed (or partially completed) to the satisfaction of the Secretary, then the Secretary will release the bond (or relevant part of the bond). If the Biodiversity Offset Strategy and rehabilitation of the site are not completed to the satisfaction of the Secretary, then the Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.*

30. Within 3 months of each Independent Environmental Audit (see condition 12 of Schedule 5), the Proponent must review, and if necessary revise, the sum of the Biodiversity and Rehabilitation Bond to the satisfaction of the Secretary. This review must consider the:
- (a) effects of inflation;
 - (b) likely cost of implementing the Biodiversity Offset Strategy and rehabilitating all disturbed areas of the site (taking into account the likely surface disturbance over the next 3 years of the project); and
 - (c) performance of the implementation of the Biodiversity Offset Strategy and rehabilitation of the site to date.

VISUAL

31. The Proponent must implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the project to the satisfaction of the Secretary.

WASTE

32. The Proponent must:
- (a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of the EPA and Council;
 - (b) minimise the waste generated by the project;
 - (c) ensure that the waste generated by the project is appropriately stored, handled, and disposed of; and
 - (d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.
33. Except as expressly permitted in an EPL, the Proponent must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

LIQUID STORAGE

34. The Proponent must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

DANGEROUS GOODS

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

BUSHFIRE

36. The Proponent must:
- (a) ensure that the project is suitably equipped to respond to any fires on site; and
 - (b) assist the Rural Fire Service and emergency services to the extent practicable if there is a fire in the vicinity of the site.

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. As soon as practicable, and no longer than 7 days, after obtaining monitoring results showing:
 - (a) an exceedance of any criteria in Schedule 3, the Proponent must notify the affected landowners in writing of the exceedance, and provide regular monitoring results, at least every 3 months, to each affected landowner until the project is again complying with the relevant criteria; and
 - (b) an exceedance of any air quality criteria in Schedule 3, the Proponent must send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and current tenants of the land (including the tenants of land which is not privately-owned).

INDEPENDENT REVIEW

2. If an owner of privately-owned land considers the project to be exceeding the relevant criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land.

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

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:
 - consult with the landowner to determine his/her concerns;
 - conduct monitoring to determine whether the project is complying with the relevant criteria in Schedule 3; and
 - if the project is not complying with these criteria, then identify measures that could be implemented to ensure compliance with the relevant criteria; and
- (b) give the Secretary and landowner a copy of the independent review; and
- (c) comply with any written requests made by the Secretary to implement any findings of the review.

PROPERTY INSPECTIONS

3. Prior to 30 June 2010, the Proponent must advise all owners of privately-owned land within 2 kilometres of proposed blasting activities, and any other landowner nominated by the Secretary, that they are entitled to a property inspection to establish the baseline condition of the property.
4. If the Proponent receives a written request for a property inspection from any such landowner, the Proponent must:
 - (a) commission a suitably qualified person, whose appointment has been approved by Secretary, to inspect and report on the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and
 - (b) give the landowner a copy of this property inspection report.

Note: It is preferable for the property inspection to be carried out prior to the commencement of blasting activities on the site, and the Proponent should facilitate this occurring wherever possible.

PROPERTY INVESTIGATIONS

5. If any owner of privately-owned land within 2 kilometres of proposed blasting activities, or any other landowner nominated by the Secretary, claims that his/her property, including vibration-sensitive infrastructure such as water supply or underground irrigation mains, has been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this request:
 - (a) commission a suitably qualified person whose appointment has been approved by the Secretary to investigate the claim and prepare a property investigation report; and
 - (b) give the landowner a copy of the report.

If this independent investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage to the satisfaction of the Secretary.

If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution.

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

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

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

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

Evidence of Consultation

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

Management Plan Requirements

3. The Proponent must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (c) a description of the measures that to be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the project; and
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and

- (h) a protocol for periodic review of the plan.

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

Application of Existing Management Plans

4. The Proponent must continue to apply existing approved management plans, strategies or monitoring programs that have most recently been approved under this approval, until the approval of a similar plan, strategy or program under this approval.

Revision of Strategies, Plans & Programs

4. Within 3 months of the submission of an:
- (a) incident report under condition 9 below;
 - (b) Annual Review under condition 11 below;
 - (c) audit report under condition 12 below; and
 - (d) any modifications to this approval,
- the Proponent must review the strategies, plans and programs required under this approval, to the satisfaction of the Secretary. The proponent must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.

Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.

Updating and Staging of Strategies, Plans or Programs

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

The Secretary may approve a revised strategy, plan or program required under this approval, or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the Proponent may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this approval.

While any strategy, plan or program may be submitted on a staged basis, the proponent will need to ensure that the operations associated with the project are covered by suitable strategies, plans or programs at all times.

If the submission of any strategy, plan or program is to be staged; then the relevant strategy, plan or program must clearly describe the specific stage/s of the project to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.

Adaptive Management

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

Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must as soon as becoming aware of any exceedance:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;
 - (b) consider all reasonable and feasible options for remediation (where relevant);
 - (c) within 14 days of the exceedance occurring, submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action; and
 - (d) implement remediation measures as directed by the Secretary;
- to the satisfaction of the Secretary.

COMMUNITY CONSULTATIVE COMMITTEE

7. The Proponent must establish and operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Secretary. The CCC must be operated in general accordance with the Department's *Community Consultative Committee Guidelines, November 2016* (or later version).

Notes:

- *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.*
- *In accordance with the guidelines, the Committee should comprise an independent chair and appropriate representation from the Proponent, Council and the local community.*

REPORTING

Incident Reporting

8. The Proponent must immediately notify the Secretary (using the contact name, email address and phone number provided by the Department from time to time) and any other relevant agencies of any incident.
9. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. This report must include the time and date of the incident, details of the incident, measures implemented to prevent re-occurrence and must identify any non-compliance with this approval.

Regular Reporting

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

Annual Review

11. By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent must submit a review to the Department reviewing the environmental performance of the project to the satisfaction of the Secretary. This review must:
 - (a) describe the project (including any progressive 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, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this approval;
 - monitoring results of previous years; and
 - relevant predictions in the documents listed in condition 2(a) of Schedule 2;
 - (c) evaluate and report on:
 - the effectiveness of the air quality and noise management systems; and
 - compliance with the performance measures, criteria and operating conditions in this approval.
 - (d) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance;
 - (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;
 - (g) describe what measures will be implemented over the current calendar year to improve the environmental performance of the project.

The Proponent must ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 7 of Schedule 5) and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

12. Within three years of the date of grant of this project approval, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission, commence and pay the full cost of an Independent Environmental Audit of the project. This audit must:
 - (a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) include consultation with the relevant agencies and the CCC;
 - (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL or necessary water licences for the project (including any assessment, strategy, plan or program required under these approvals);
 - (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals;

- (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and
 - (f) be conducted and reported to the satisfaction of the Secretary.
13. Within 12 weeks of commencing this audit, or as otherwise agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these recommendations as required. The Proponent must implement these recommendations, to the satisfaction of the Secretary.

ACCESS TO INFORMATION

14. Within 3 months of the determination of Modification 1, until the completion of all works, including rehabilitation and remediation the Proponent must:
- (a) make the following information publicly available on its website:
 - the documents listed in condition 2(a) of Schedule 2;
 - current statutory approvals for the project;
 - all approved strategies, plans and programs required under the conditions of this approval;
 - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - a complaints register, updated monthly;
 - the annual reviews of the project;
 - any independent environmental audit as described in condition 12 above, and the Proponent's response to the recommendations in any audit; and
 - any other matter required by the Secretary; and
 - (b) keep this information up-to-date, to the satisfaction of the Secretary.

APPENDIX 1
PROJECT LAYOUT PLAN

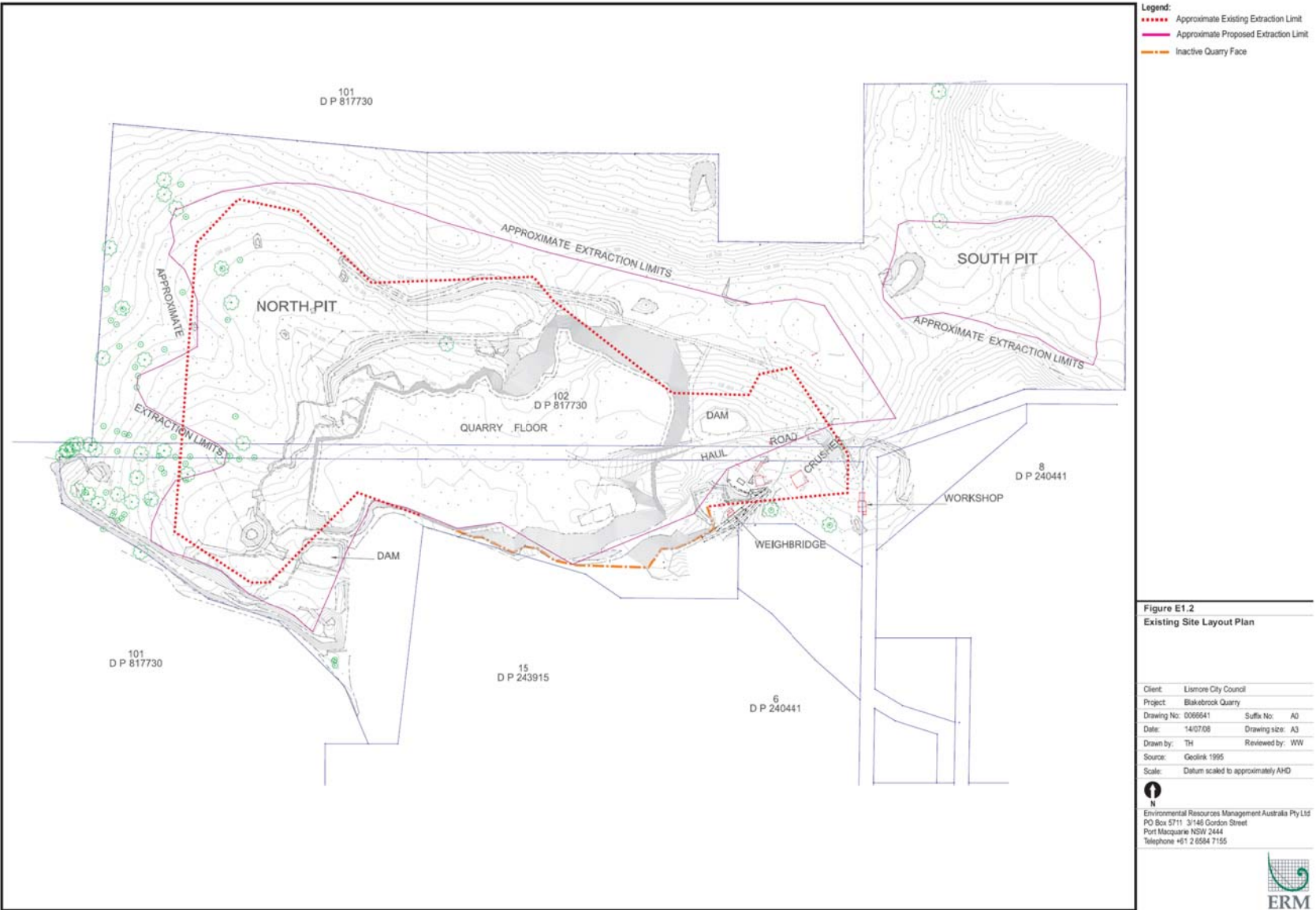


Table 3.1 Statement of Commitments

Item Number	Item	Commitment	Responsibility	Timing
1	Scope of Development			
1.1		<p>The development will be carried out as outlined in the documentation and plans listed below, except where amended by other items of this Statement of Commitments.</p> <ul style="list-style-type: none"> • Environmental Assessment (EA), prepared by ERM, 2009 and supporting reports; and • Quarry Plans (refer <i>Figures 2.3 to 2.5</i> of the EA (ERM, 2009). 	Lismore City Council and/or its successors	Ongoing
2	Roads			
2.1		The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:	Lismore City Council	Prior to the operation of the expanded quarry.
2.1.1		Construction of a type CHR intersection layout at the junction of the quarry access and Nimbin Road in accordance with AUSTROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance. The access road will remain sealed from at least 50m back from Nimbin Road to prevent fouling of the road surface, as per existing conditions.	Lismore City Council	Prior to the operation of the expanded quarry.
2.1.2		Construction of a type CHR intersection layout at the junction of Nimbin Road and Wilson Street in accordance with AUSTROADS Pt 5 "Intersections at Grade".	Lismore City Council	Prior to the operation of the expanded quarry.

Item Number	Item	Commitment	Responsibility	Timing
2.1.3		Construction of a 1m wide gravel shoulder and repair existing pavement of Nimbin Road for a length of 200 metres at a location 2.8 kilometres north of the intersection of Nimbin Road and Wilson Street as recommended within Appendix G, Traffic Impact Study, of the Environmental Assessment.	Lismore City Council	Prior to the operation of the expanded quarry.
2.1.4		Installation of guard rail in accordance with the relevant standard at Booerie Creek Bridge approaches as recommended within Appendix G, Traffic Impact Study, of the Environmental Assessment.	Lismore City Council	Prior to the operation of the expanded quarry.
2.1.5		Works identified in Tables 1 and 2 of Appendix G, Traffic Impact Study, of the Environmental Assessment that have not been individually detailed within conditions of consents.	Lismore City Council	Prior to the operation of the expanded quarry.
2.2		<p>Prior to the operation of the expanded quarry the applicant shall obtain a certificate of completion for the above works from Council. Prior to obtaining this certificate a practicing qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans, completed asset record forms and construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).</p> <p>The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with Council's Development, Design and Construction Manual (as amended). The proponent shall be responsible for any costs, including maintenance, for a period of six months from the date of approval of completion of the work. Required roadworks include:</p>		
2.2.1		Construction of a type BAR intersection layout at the junction of Nimbin Road and Booerie Creek Road in accordance with AUSTROADS Pt 5 "Intersections at Grade".	Lismore City Council	Once production rates reach 350,000 tonnes/ annum.

Prior to exceeding an annual extraction rate of 350,000 tonnes in any one year the applicant shall obtain a certificate of completion for the above works from Council. Prior to obtaining this certificate a practicing qualified surveyor or engineer shall submit to Council for approval, a "works-as-executed" set of plans, completed asset record forms and construction certification. The certification shall certify that all roads, drainage and civil works required by this development consent and the approved design plans have been completed in accordance with Council's Development and Construction Manual (as amended).

Item Number	Item	Commitment	Responsibility	Timing
2.3		Prior to the operation of the expanded quarry a review of the Road Safety Audit contained within Tables 1 and 2 of Appendix G, Traffic Impact Study, of the Environmental Assessment shall be undertaken. All required works identified within the review that are not individually detailed within conditions of consents shall be completed prior to operation of the expanded quarry.	Lismore City Council	Prior to the operation of the expanded quarry.
2.4		Prior to the operation of the expanded quarry hinged "Truck Entering" warning signage, W5-22 signs, shall be erected at suitable locations, approximately 200 metres either side of the access, upon Nimbin Road advising of the traffic hazard. Signs shall be displayed during hours of haulage operations only.	Lismore City Council	Prior to the operation of the expanded quarry.
2.5		Prior to the commencement of works required by the above conditions the applicant shall obtain approval under section 138 of the Roads Act for the works upon the public road. For this approval full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council. Plans shall include details of works required to satisfy condition(s) RD1. Such plans shall be accompanied with the fee, as adopted at the time of the relevant payment as indicated in Councils Fees and Charges.	Lismore City Council	Prior to the commencement of works required by the above conditions.
2.6		Prior to the issue of the section 138 approval for works upon the public road the proponent shall have approved by Council a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include a Traffic Control Plan prepared by an RTA accredited person. All works shall comply with the Occupational Health and Safety Act.	Lismore City Council	Prior to the issue of the section 138 approval for works upon the public road.
2.7		The plan of management for the operation of the quarry shall incorporate a code of practice for trucking operations associated with the development. This code shall include a requirement for the use of CB radios for communication with buses and garbage trucks within all haulage vehicles as recommended within Appendix G, Traffic Impact Study, of the Environmental Assessment.	Lismore City Council	Prior to the issue of the section 138 approval for works upon the public road.

Item Number	Item	Commitment	Responsibility	Timing
2.8		The development shall provide adequate on site parking for all vehicles, plant and equipment associated with the development.	Lismore City Council	Prior to the operation of the expanded quarry.
2.9		The proposed access shall be sealed for the first 50 metre length from Nimbin Road. Driveways, access aisles and parking areas shall be provided with a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manual (as amended).	Lismore City Council	Prior to the operation of the expanded quarry.
2.10		All loading and unloading shall take place within the property boundaries, as will the parking of construction and private vehicles associated with the development.	Lismore City Council	Ongoing.
2.11		Vehicles using any off street loading/unloading and/or parking area must enter and leave in a forward direction in accordance with Councils Development Control Plan No.1, Part A, Chapter 7 - Off Street Parking Requirements. All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.	Lismore City Council	Ongoing.
2.12		The proponent shall provide Council, on or before January 31, April 30, July 31 and October 31 in each year, with extraction figures detailing quantities of all material removed from the site for the previous quarter of operations.	Lismore City Council	Ongoing.
2.13		Annual payment of contributions levied under Section 94 of the Environmental Planning and Assessment Act and Lismore City Council S94 Contributions Plan 2004 (as amended) are required. Such levies shall contribute towards the provision of public services and/or amenities identified. Such levies shall be calculated utilising extraction returns as required by the above condition. The rates and amounts applying at the date of this notice for the approved extraction rate of 600,000 tonnes, totalling \$560,628 annually, have been calculated as set out below for your information. Levies set out below shall be increased in accordance with the percentage increase as notified by the Consumer Price Index (Sydney) annually. Levies shall be paid within 30 days of the Council issuing an assessment for the preceding year.	Lismore City Council	Ongoing

Item Number	Item	Commitment	Responsibility	Timing
		<p>The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or the construction of any infrastructure or any other thing.</p> <p>GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.</p> <p>The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.</p> <p>The levy shall be calculated in accordance with Councils adopted section 94 plan as at this date and be based on the following information:</p> <ul style="list-style-type: none"> Road construction cost of \$369,000 per kilometre indexed for CPI annually from December 2003) Average haulage distance of 15 kilometres For use in calculations a conversion factor of 1.7 from m³ to tonnes has been adopted The first 5,000m³ (8,500 tonnes) per annum shall be exempt from levies. <p>Levy calculation for yearly extraction will be:</p> $(\$369,000/6.74 \times 10^6) \times 15\text{km} \times (\text{Annual tonnage extracted} - 8,500) \times 1.025 \times \text{CPI}$ $= (369,000/6.74 \times 10^6) \times 15\text{km} \times (600,000 - 8,500) \times 1.025 \times 1.126$ $= \$560,628$		

Item Number	Item	Commitment	Responsibility	Timing
2.14	A Traffic Noise Management Strategy (TNMS) be developed by the proponent to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:	Lismore City Council	Lismore City Council	Prior to the operation of the expanded quarry.
2.14.1	Driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;			
2.14.2	Best noise practice in the selection and maintenance of vehicle fleets;			
2.14.3	Movement scheduling where practicable to reduce impacts during sensitive times of the day;			
2.14.4	Communication and management strategies for non licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented;			
2.14.5	A system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS;			
2.14.6	Specific procedures to minimise impacts to identified sensitive receivers;			
2.14.7	Clauses in conditions of employment, or in contracts, of drivers that require adherence to noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.			
3	Ecological Considerations			
3.1	The vegetation on the site will be cleared and managed in accordance with the Vegetation and Habitat Management Plan provided as Appendix 4 to the <i>Ecological Site Assessment</i> (Conacher Environmental Group, 2008) (refer to <i>Appendix F</i>), including the following: <ul style="list-style-type: none"> • Revegetation in <i>Management Area A</i>; • Regeneration in <i>Management Area B</i>; • Protected Habitat in <i>Management Area C</i>; and 		Lismore City Council	Ongoing.

Item Number	Item	Commitment	Responsibility	Timing
3.2	Vegetation removal in <i>Management Area D</i> . The Koala Plan of Management prepared by Conacher Travers (2006) (refer to <i>Appendix F</i>) will be implemented including:	<ul style="list-style-type: none"> • Habitat protection works; • Habitat restoration works; • Traffic management controls; • Dog/ Feral Animal Management measures; and • Bushfire Management. 	Lismore City Council	Ongoing.
3.3		Lismore City Council will provide at least 45 hectares of mature, vegetated land to be retained to offset the 10.2 hectares to be lost as a result of the proposed development. The offset will be provided at a rate of approximately 4:1. The 45 hectares will be the same vegetation type as that to be removed (Tall Open Forest) or a type of higher ecological significance (such as Lowland Rainforest EEC or Koala Habitat) and may be located at a single site or numerous sites that Council own in the LGA, which are suitable to be set aside for ecological preservation. Lismore City Council will undertake ecological assessments of any land proposed to be identified as a vegetation offset site and develop an offset strategy for submission to the DoP and DECC for approval, taking into consideration DECC's document <i>Principles for the Use of Biodiversity Offsets in NSW</i> .	Lismore City Council	Prior to the removal of the existing vegetation.
4	Aboriginal Heritage			
4.1		The provision of nest and roost boxes will only be a short term measure, that is, provided as a measure for the protection and conservation of fauna during felling of hollow-bearing trees.		
		All site employees/contractors will undergo site induction training that includes stop work procedures if archaeological sites are discovered.	Lismore City Council	Ongoing.

Item Number	Item	Commitment	Responsibility	Timing
4.2		Information regarding heritage requirements will be made available on site for employees/contractors.	Lismore City Council	Ongoing.
4.3		If an Aboriginal item is found all work will cease and the police, relevant Aboriginal community groups and a suitably qualified archaeologist contacted.	Lismore City Council	Ongoing.
5	Noise			
5.1		The quarry will operate according to the following hours: <ul style="list-style-type: none"> Monday to Friday: 7.00am to 6.00pm; and Saturday: 7.00am to 3.00pm. No work will be undertaken on Sundays or public holidays.	Lismore City Council	Ongoing.
5.2		Speed limits within the quarry site will be restricted to 40km/h and compression braking prohibited.	Lismore City Council	Ongoing.
5.3		4 metre earth bunds will be constructed to the north east and south west of the southern quarry pit and a 5 metre earth bund will be constructed to the south of the existing Jaw Crusher as illustrated in Figures C.2 and C.3 in Annex C of the revised Noise Assessment (ERM, 2009 ⁽⁹⁾) provided as Annex B to the report. During the short construction period for these bunds, the noise limits will be relaxed. Nearby residents will be notified when this work will take place.	Lismore City Council	Prior to the operation of the expanded quarry.
5.4		Attended noise monitoring and plant equipment audits will be undertaken.	Lismore City Council	Annually.
5.5		Plant will be relocated to greater pit depths as the floor of the quarry gets deeper.	Lismore City Council	Ongoing.

Item Number	Item	Commitment	Responsibility	Timing
5.6	<p>Noise Management Plan - the licensee must develop a Noise Management Plan for the quarry which must incorporate but not be limited to, the following:</p> <ul style="list-style-type: none"> • noise compliance; • noise limits; • blasting noise; and • road traffic noise. 	<p>Noise Management Plan for the quarry which must incorporate but not be limited to, the following:</p> <ul style="list-style-type: none"> • noise compliance; • noise limits; • blasting noise; and • road traffic noise. 	Lismore City Council	Prior to the operation of the expanded quarry.
5.7	<p>A noise compliance assessment (including airblast overpressure and ground vibration from blasting) shall be submitted to the DECC within three (3) months of commencement of expanded operations at the premises. The assessment shall be prepared by a suitable qualified and experienced acoustical consultant and shall assess compliance with noise and blasting limits presented in conditions 5.8 and 6.1 - 6.4.</p>	<p>A noise compliance assessment (including airblast overpressure and ground vibration from blasting) shall be submitted to the DECC within three (3) months of commencement of expanded operations at the premises. The assessment shall be prepared by a suitable qualified and experienced acoustical consultant and shall assess compliance with noise and blasting limits presented in conditions 5.8 and 6.1 - 6.4.</p>	Lismore City Council	Within 3 months of commencement of expanded operations.

Item Number	Item	Commitment	Responsibility	Timing
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5.8 Noise from the premises must not exceed the sound pressure level (noise) limits presented in the Table below. Note: the limits represent the sound pressure level (noise) contribution at the nominated receiver locations in the table.

Location (1)	Noise Limits (dB(A))				
	Day(3)		Evening(4)		Night(5)
	L ₁ Aeq(15 mins)	38	L ₁ Aeq(15 mins)	N/A	L ₁ Aeq(15 mins)
1 Nimbin Road, Blakebrook & Keerrong Road, Blakebrook		38	N/A	N/A	N/A
145 Finchin Road, Coolmanger, Keerrong Road, Blakebrook, 365 Booverie Creek Road, Booverie Creek, 210 Booverie Creek Road & 484 Nimbin Road, Blakebrook.		35	N/A	N/A	N/A

- (1) Receiver locations as identified in Blakebrook Quarry Expansion – Environmental Assessment Report – Final Report Volume 1 (Report No. 0066641), Appendix C, ERM 2008.
- (2) Noise limits may be exceeded by no more than 2dB(A) for a maximum of ten days in any reporting period during operation of the permanent jaw crusher.
- (3) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- (4) Evening is defined as the period from 6pm to 10pm on any day;
- (5) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

Item Number	Item	Commitment	Responsibility	Timing
5.9	Noise from Blakebrook Quarry is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Condition 5.8 unless otherwise stated.		Lismore City Council	Ongoing.
5.10	Where it can be demonstrated that direct measurement of noise from the Blakebrook Quarry is impractical, the DECC may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.		Lismore City Council	Ongoing.
5.11	The noise emission limits identified in Condition 5.8 apply under meteorological conditions of wind speed up to 3 metres per second at 10 metres above ground level.		Lismore City Council	Ongoing.
6	Blasting Limits			
6.1	The overpressure level from blasting operations at the Blakebrook Quarry must not exceed 115dB (Lin Peak) for more than 5 per cent of the total blasts over each reporting period of 12 months. Error margins associated with any monitoring equipment used to measure this area are not to be taken into account in determining whether or not the limit has been exceeded.		Lismore City Council	Ongoing.
6.2	The overpressure level from blasting operations at the Blakebrook Quarry must not exceed 120dB (Lin Peak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.		Lismore City Council	Ongoing.
6.3	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than 5 per cent of the total number of blasts over each reporting period of 12 months. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.		Lismore City Council	Ongoing.

Item Number	Item	Commitment	Responsibility	Timing
6.4		<p>Blasting operations at the premises may only take place between 9.00am-5.00pm Monday to Friday. (Where compelling safety reasons exist, the Authority may permit a blast to occur outside the abovementioned hours. Prior written (or facsimile) notification of any such blast must be made to the Authority.</p> <p>To determine compliance with Conditions 6.1-6.4:</p> <p>a) airblast overpressure and ground vibration levels must be measured and electronically recorded at the closest and potentially most exposed receiver location in L6.1 to the blast activity for all blasts carried out in or on the premises; and</p> <p>b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.</p>	Lismore City Council	Ongoing.
7	Air Quality			
7.1		All unsealed haul routes on the site will be watered at a rate of 2 l/m ² /minute as required.	Lismore City Council	Ongoing.
7.2		Water sprays will be used on all mobile crushing, stockpiles and screening equipment to minimise airborne particulate matter.	Lismore City Council	Ongoing.
7.3		All road trucks must have tarpaulin covers in place prior to leaving the weighbridge.	Lismore City Council	Ongoing.
7.4		A dust deposition gauge network will be developed to ensure compliance with cumulative dust deposition criteria.	Lismore City Council	At or before production rates at the quarry reach 337,500 tonnes/ annum.
7.5		Stockpiles are to be seeded to minimize the potential for fugitive dust.	Lismore City Council	Ongoing.
8	Groundwater Management			

Item Number	Item	Commitment	Responsibility	Timing
8.1		A detailed groundwater assessment will be undertaken prior to the commencement of vertical extraction. This will involve the installation of nested ground water monitoring wells. The wells will be installed to at least two depths at a minimum of three separate locations around the perimeter of the quarry in order to intercept identified distinct water bearing zones.	Lismore City Council	Following approval of the quarry expansion and prior to the commencement of vertical extraction
8.2		A quarterly groundwater monitoring program will be undertaken as detailed in <i>Section 8.4.1</i> of the EA (ERM, 2009) and will involve analysis by a NATA laboratory.	Lismore City Council	Quarterly following approval of the quarry expansion and prior to the commencement of vertical extraction
8.3		Should it be determined that environmental flows from springs are being reduced by extraction activities, investigation will commence on supplementing flows using water collected in the quarry pit. Water collected in the quarry will have to meet water quality criteria before it is discharged, with discharge to be licensed under the DECC.	Lismore City Council	Ongoing.
9	Surface Water Management			
9.1		Clean run-off from the surround small sub-catchments will be diverted away from the quarry pits to existing ephemeral water courses. Water collected within the pits will be stored in in-pit dams and used for processing and dust suppression purposes. No quarry water is proposed to be discharged from the site as part of the proposed expansion activities.	Lismore City Council	Ongoing.

Item Number	Item	Commitment	Responsibility	Timing
10	Quarry Rehabilitation			
10.1		A progressive rehabilitation approach will be undertaken to make safe the site and to rehabilitate the site and benches to tie into the surrounding woodland. All on-site infrastructure will be removed.	Lismore City Council	Ongoing and on completion of quarrying.
10.2		Lismore City Council will commit to the ongoing allocation of funds for the progressive rehabilitation of the Quarry in the determination of its annual operational budget. The allocation of funds will be tied to demand and the output of the Quarry, with the allocation to be in the order of \$30 000 to \$50 000. The allocated money will be accumulated pending the availability of areas to be rehabilitated. The budget allocation may also be increased over the lifetime of the quarry to reflect inflationary changes and rehabilitation needs as necessary.	Lismore City Council	Ongoing and on completion of quarrying
10.3		A suitably qualified and experienced professional will be engaged to carry out on-going maintenance and monitoring. This will involve activities such as bushland rehabilitation, weed removal and nest box erection.	Lismore City Council	Upon commencement of rehabilitation activities and upon completion of quarrying.
10.4		The success of the rehabilitation program will be monitored in accordance with the <i>Mine Rehabilitation Handbook</i> .	Lismore City Council	Upon commencement of rehabilitation activities and upon completion of quarrying.

APPENDIX 3 RECEIVER LOCATION PLAN



Legend

- Noise Logger
- Noise Assessment Locations

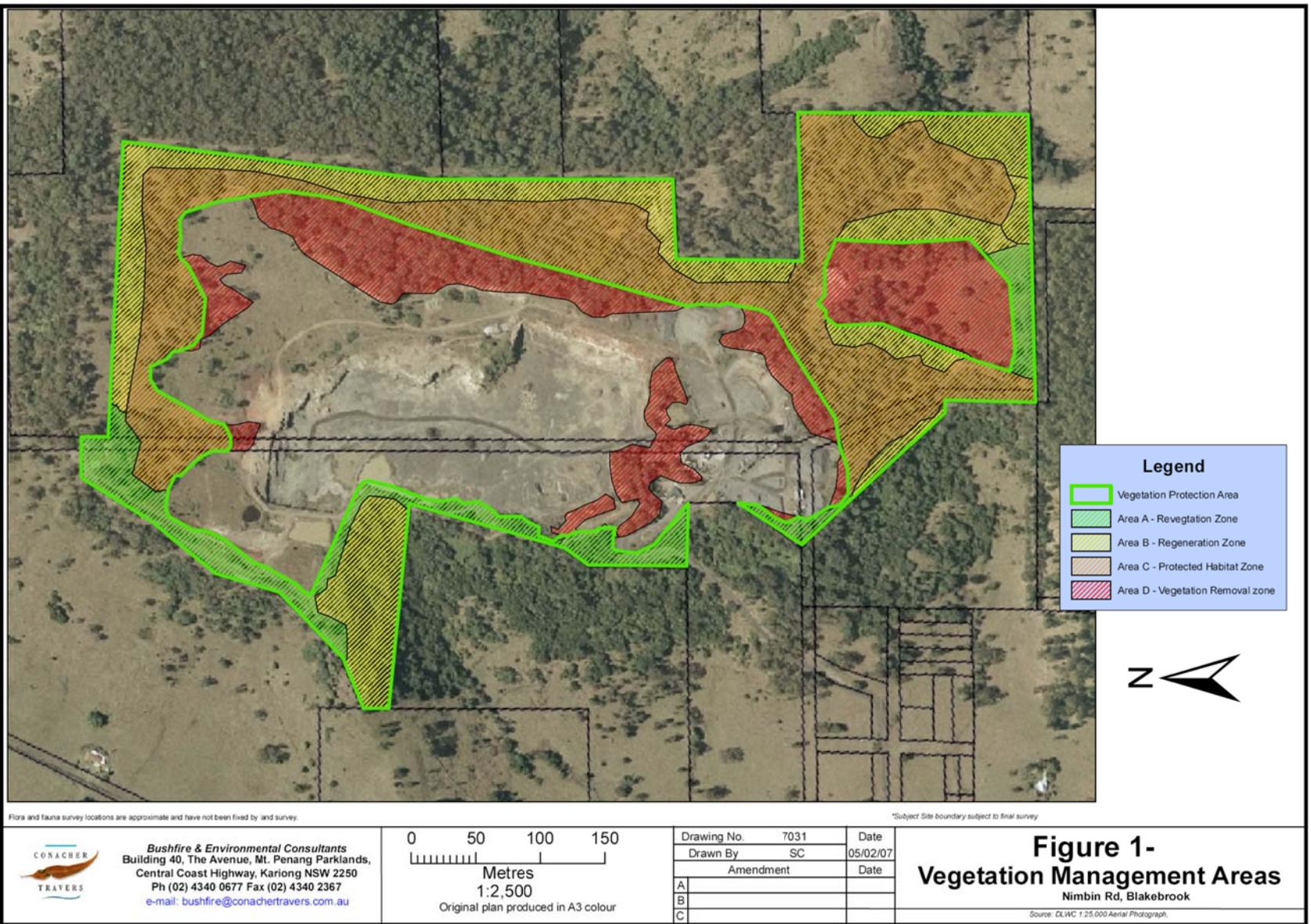
Figure 2.1

Noise Assessment and Logging Locations

Client: Lismore City Council	
Project: Blakebrook Quarry Noise Assessment	
Drawing No: 0066641s_01_R1	
Date: 11/06/2009	Drawing size: A4
Drawn by: GC	Reviewed by: MS
Source: -	
Scale: Not to Scale	

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APPENDIX 5 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

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

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station required under condition 13 of Schedule 3.

Compliance Monitoring

3. A noise compliance assessment must be undertaken within two months of commencing mining operations under EA (Mod 1). The assessment must be conducted by a suitably qualified and experienced acoustical practitioner and must assess compliance with the noise criteria in Table 2. A report must be provided to the Secretary and EPA within 1 month of the assessment.
4. Unless the Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment;
 - (c) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration; and
 - (d) the use of an appropriate modifying factor for low frequency noise to be applied during compliance testing at any individual residence if low frequency noise is present (in accordance with the INP) and before comparison with the specified noise levels in the approval.