

# CONSOLIDATED CONSENT

## DETERMINATION OF A DEVELOPMENT APPLICATION FOR STATE SIGNIFICANT AND INTEGRATED DEVELOPMENT UNDER SECTION 80 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

I, the Minister for Infrastructure and Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- (i) Prevent, minimise, and/or offset adverse environmental impacts;
- (ii) Set standards and performance measures for acceptable environmental performance;
- (iii) Require regular monitoring and reporting; and
- (iv) Provide for the on-going environmental management of the development.

Craig Knowles MP  
Minister for Infrastructure and Planning  
Minister for Natural Resources

Sydney,

11 December 2003

File No. S03/00187

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

### SUMMARY OF MODIFICATIONS

Modification	Determination date	Modification Description
DA-317-7-2003-i MOD 1	4 August 2004	Increase the LPG Storage Capacity
DA-317-7-2003-i MOD 2	6 December 2004	Modify construction work hours on Sunday
DA-317-7-2003-i MOD 3	18 November 2015	Resolve inconsistent air quality monitoring conditions
DA-317-7-2003-i MOD 4	29 March 2023	Temporary 10,000 tonne coal stockpile and increase truck movements

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## SCHEDULE 1

<b>Development Application:</b>	DA-317-7-2003-i.
<b>Applicant:</b>	Barnu Pty Ltd.
<b>Consent Authority:</b>	Minister for Infrastructure and Planning.
<b>Land:</b>	Lot 3 DP 747544, predominantly within Mining Lease 1496, and portion 139 Parish of Bobbara in the County of Harden
<b>Proposed Development:</b>	The construction and operation of a lime kiln, to produce up to 150,000 tonnes per annum of quicklime, from limestone sourced from the adjacent Galong Limestone Mine; and the conversion of an existing grinding mill to a coal mill to feed the new kiln.
<b>BCA Classification:</b>	Class 8: Lime Kiln and associated structure Class 8: Lime Silo
<b>State Significant Development:</b>	The proposal is classified as State significant development under the provisions of Schedule 1 of <i>State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development</i> and Section 76(A)7 of the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Designated Development:</b>	The proposal is classified as designated development, under Section 77A of the <i>Environmental Planning &amp; Assessment Act 1979</i> , because it is for a limestone works kiln which could burn more than 30,000 tonnes per annum of limestone; and consequently meets the criteria for designated development in Schedule 3 of the <i>Environmental Planning &amp; Assessment Regulation 2000</i> .
<b>Integrated Development:</b>	The proposal is classified as integrated development, under Section 91 of the <i>Environmental Planning and Assessment Act 1979</i> , because it requires additional approvals from the: <ul style="list-style-type: none"><li>• Environment Protection Authority under the <i>Protection of the Environment Operations Act 1997</i>;</li><li>• Department of Infrastructure, Planning and Natural Resources (formerly the Department of Land and Water Conservation) under the <i>Rivers and Foreshores Improvements Act 1948</i>;</li></ul>

**Note:**

- 1) *The General Terms of Approval relating to the Part 3A Permit under the Rivers and Foreshores Improvements Act 1948 have been incorporated into this consent. Attachment 1 provides information relating to general administration and formal application procedures.*

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**Note:**

- 1) *To find out when this consent becomes effective, see Section 83 of the Act;*
  - 2) *To find out when this consent is liable to lapse, see Section 95 of the Act; and*
  - 3) *To find out about appeal rights, see Section 97 of the Act.*
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## SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant	Graymont (NSW) Pty Ltd, or any person carrying out any development under this consent
BCA	Building Code of Australia
Commissioning	the period between when construction has finished and prior to the commencement of operations
Construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Council	Hilltops Council
dB(A)	decibel (A-weighted scale)
Department	Department of Planning and Environment
Development	The development described in the document/s listed in Schedule 2 condition 1.2, as modified by the conditions of this consent
Dust	any solid material that may become suspended in air or deposited
EIS	The Environmental Impact Statement entitled <i>Environmental Impact Statement Galong Lime Kiln Project</i> , volumes 1-3, dated June 2002, and prepared by Olsen Environmental Consulting
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
L <sub>Aeq</sub> (15 minute)	equivalent average sound pressure level that is measured over a 15 minute period
Material harm	Is harm that: <ul style="list-style-type: none"><li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li><li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li></ul> This definition excludes “harm” that is authorised under either this consent or any other statutory approval
Minister	NSW Minister for Planning, or delegate
Non-compliance	An occurrence, or set of circumstances or development that is a breach of this consent
Operation	any activity that results in the production, or intended production of quicklime from the development, after conclusion of commissioning. <del>any activity that results in the production, or intended</del>

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~~production of electricity to be supplied to the grid, after commissioning of the development has finished~~

Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Secretary	Planning Secretary under the <i>Environmental Planning and Assessment Act 1979</i> , or nominee
Site	the land to which this consent applies

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## 1. GENERAL

### Obligation to Minimise Harm to the Environment

- 1.1 <sup>1</sup> The Applicant **must** implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the development.

### Terms of Approval

- 1.2 <sup>2</sup> The Applicant **must** carry out the development generally in accordance with the:

- (a) [DA-317-7-2003-i](#);
- (b) The Environmental Impact Statement entitled *Environmental Impact Statement Galong Lime Kiln Project, volumes 1-3 dated June 2003 and prepared by Olsen Environmental Consulting*;
- (c) All additional information submitted to the Department during the assessment period, being from 10 August 2003 to 21 November 2003;
- (e) [Modification Application DA-317-7-2003-i MOD 3 and supporting letter from Sibelco Australia to the Department dated 5 June 2015](#);
- (f) Modification Application DA-317-7-2003-i MOD 4 and supporting Modification Report titled *Galong – MOD4 Kiln Coal Stockpile Modification Report* dated 22 November 2022 and *Submissions Report* dated 7 March 2023; and
- (g) conditions of this approval.

If there is an inconsistency between any of the above documents and the conditions of consent then the conditions of this consent shall prevail to the extent of the inconsistency. If there is an inconsistency between any of the above documents, excluding the conditions of this consent, then the most recent document shall prevail to the extent of the inconsistency.

- 1.3 The Applicant **must** ensure that the Lime Kiln generates generally no more than 150,000 tonnes per annum of quicklime.

*Note: For the purposes of this development “generally no more than 150,000 tonnes per annum” means that the Applicant may generate up to 10% above the stated 150,000 tonnes per annum, during temporary peak production periods.*

- 1.4 The Applicant **must** ensure that the Lime Kiln utilises only limestone sourced from the adjacent Galong Limestone Mine.

- 1.5 <sup>3</sup> The Applicant **must** only utilise either coal and/or natural gas as fuel for the Lime Kiln.

*Note: Condition 1.5 of this consent does not permit the transportation, storage, management or use of natural gas at the development without the prior relevant approvals being sought and received from the relevant regulatory authorities.*

- 1.6 The Applicant **must** operate the development such that it is consistent with any current and operating consent applicable to the adjacent Limestone Mine.

*Note: Nothing in this consent permits the Applicant to not comply with conditions of any consent, licence or permit currently operating on the adjacent Limestone Mine.*

<sup>1</sup> Incorporates an EPA general term of approval (1.2)

<sup>2</sup> Incorporates an EPA general term of approval (1.1)

<sup>3</sup> Incorporates an EPA general term of approval (4.1.2)

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## Provision of Information

- 1.7 Where practicable, the Applicant **must** provide all documents and reports required to be submitted to the **Secretary** under this consent in an appropriate electronic format. Provision of documents and reports to other parties, as required under this consent, **must** be in a format acceptable to those parties and **must** aim to minimise resource consumption.

*Note: At the date of this consent, an appropriate electronic format for submission to the **Secretary** is the “portable document format” (pdf) or another format that may be readily converted to pdf.*

## Statutory Requirements

- 1.8 The Applicant **must** ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

## Compliance

- 1.9 The Applicant **must** ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent. The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.

- 1.10 Prior to the commencement of each of the events listed from a) to b) below, or within such period as otherwise agreed by the **Secretary**, the Applicant **must** certify in writing, to the satisfaction of the **Secretary**, that it has complied with all conditions of this consent applicable prior to the commencement of that event.

Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the **Secretary**, stage the submission of compliance certification consistent with the staging of activities relating to that event. The events referred to in this condition are as follows:

- a) construction of the development; and
- b) operation of the development.

- 1.11 Notwithstanding condition 1.10 of this consent, the **Secretary** may require an update on compliance with all, or any part, of the conditions of this consent. Any such update **must** meet the reasonable requirements of the **Secretary** and be submitted within such period as the **Secretary** may agree.

- 1.12 The Applicant **must** comply with any reasonable requirement/s of the **Secretary**, within such time as the **Secretary** may agree, arising from the Department's assessment of:

- (a) Any reports, plans or correspondence that are submitted in accordance with this consent; and
- (b) The implementation of any actions or measures contained in these reports, plans or correspondence.

## Protection of Public Infrastructure

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

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## Operation of Plant and Equipment

- 1.14 The Applicant **must** ensure that all plant and equipment at the site, or used in connection with the development, are:
- Maintained in a proper and efficient condition; and
  - Operated in a proper and efficient manner.

## Section 94 Contribution

- 1.15 The Applicant **must** pay Council the relevant quantum of contributions in accordance with the formula and Schedule described within Council's Section 94 Contribution Plan: *Road Works as a result of Unpredictable Development Which Generates Additional Heavy Vehicle Traffic Movements* for the trucks associated with the proposed development, in particular the coal haulage vehicles. Should the limestone and quicklime trucks be subject to Section 94 contributions under any existing and operating consent for the Galong Limestone Mine, then such trucks would not be considered for contributions for this development.

## 2. CONSTRUCTION AND OCCUPATION CERTIFICATION

- 2.1 In relation to the construction and occupation of the development, the Applicant **must** provide to the **Secretary** and Council the following:
- written notification of the appointment of a Principal Certifying Authority;
  - copies of all Construction Certificates issued for the development;
  - written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification **must** be provided prior to the commencement of construction the subject of each Certificate;
  - copies of all Occupation Certificates issued for the development; and
  - written notification of the intention to occupy all relevant components of the development for which an Occupation Certificate has issued, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification **must** be provided prior to the occupation the subject of each Certificate.

*Note: Part 4A of the Environmental Planning and Assessment Act 1979 provides specific details of the Applicant's obligations in relation to certification and provides the overarching requirements in this regard. These requirements have been summarised and reproduced under condition 2.1 of this consent to highlight the need for this certification.*

- 2.2 Prior to the commencement of any construction work associated with the development, the Applicant **must** erect at least one sign at the site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign **must** indicate:
- the name, address and telephone number of the Principal Certifying Authority;
  - the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
  - a statement that unauthorised entry to the construction site is prohibited.

The sign(s) **must** be maintained for the duration of construction works.



## 3. ENVIRONMENTAL PERFORMANCE

### Air Quality Impacts

#### **Dust Emissions**

- 3.1 <sup>4</sup> The Applicant **must** design, construct, operate and maintain the development in a manner that minimises dust (including limestone dust) emissions from the site.
- 3.2 The Applicant **must** design, construct, operate and maintain the development in a manner that minimises the amount of dust (including limestone and quicklime dust) allowed to settle on the ground outside of the bunded areas.
- 3.3 The Applicant **must** take all practicable measures to ensure that all vehicles entering or leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading, in a manner that will prevent emissions of dust from the vehicle.
- 3.4 All trafficable areas and vehicle manoeuvring areas on the site **must** be maintained in a condition that will minimise the generation or emission of wind blown or traffic generated dust from the site at all times.

#### **Load Limits**

- 3.5 <sup>5</sup> The Applicant **must** ensure that the actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutants, coarse particulates, fine particulates, nitrogen oxides and sulfur oxides within the EPA's Environment Protection Licence. The actual load of an assessable pollutant must be calculated in accordance with the relevant load calculation protocol.

*Note: The Load Limits will be negotiated with the licensee following the submission of the post commissioning air monitoring report required under condition 4.3.*

#### **Concentration Limits**

- 3.6 The Applicant **must** comply with all air emission discharge limits and requirements for the Kiln Exhaust Stack as specified by the EPA in the EPL(s) for the site.
- 3.7 The Applicant **must** comply with all air emission discharge limits and requirements for the Coal Mill Exhaust Stack as specified by the EPA in the EPL(s) for the site.

#### **Design Specifications**

- 3.8 <sup>6</sup> Prior to construction, the Applicant **must** submit Manufacturers Design Specifications for discharge points described as the Lime kiln stack and the Coal Mill exhaust, demonstrating to the satisfaction of the EPA, and forward a written approval from the EPA to the **Secretary** to that effect, that these sources of air pollutants will comply with the:
- The emission concentration limits specified in condition 3.6 and 3.7; and
  - The emission concentration limits specified in the *Clean Air (Plant and Equipment) Regulation 1997*.

<sup>4</sup> Incorporates an EPA general term of approval (4.2.1)

<sup>5</sup> Incorporates an EPA general terms of approval (3.1.2 and 3.1.3)

<sup>6</sup> Incorporates EPA general terms of approval (6.2.1 and 6.2.2)

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## Greenhouse Gas Emissions

- 3.9 The Applicant **must** ensure that the development is operated in such a manner as to minimise the emissions of greenhouse gases. In particular the Applicant **must** investigate mechanisms by which the emissions of greenhouse gases can be reduced on site, or can be off-set in accordance with the Environment Enhancement Strategy described in condition 6.6. In particular the Applicant must investigate the feasibility of utilising natural gas at the development. All activities and/or investigations to mitigate greenhouse gas emissions must be described within the annual Environment Enhancement Strategy.

## Noise Impacts

### Construction

- 3.10 <sup>7</sup> Subject to compliance with the requirements of this consent, the construction of the development may occur 6 am to 6 pm Monday to Saturday. **Where construction activities are inaudible at any residential receiver, such activities may occur between 7:00 am and 6:00 pm on Sundays. No construction activities are to occur on public holidays.**
- 3.11 <sup>8</sup> The Applicant **must** ensure that the noise generated by the development during construction does not exceed the sound pressure level (noise) limits presented in Table 3.

**Table 3: Construction Noise Limits**

Location	Time	Project specific LA10 construction noise level goal
All residential locations	6:00 am to 7:00 am Monday to Friday 1:00 pm to 6:00 pm Saturday	35 dB(A)
All residential locations	7:00 am to 6:00 pm Monday to Friday 7:00 am to 1:00 pm Saturday	40 dB(A)

### Operation

- 3.12 Subject to compliance with the requirements of this consent, the development may be operated 24 hours per day, 7 days per week.
- 3.13 <sup>9</sup> The Applicant **must** ensure that the noise from the premises must not exceed the sound pressure level (noise) limits presented in Table 4, during operation of the development.

**Table 4: Operation Noise Limits**

Day		Evening		Night		
L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (day)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (evening)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (night)	L <sub>A1</sub> (1 minute)
35 dB(A)	N/A	35 dB(A)	N/A	35 dB(A)	N/A	45 dB(A)

**Notes:**

- 1) These limits represent the sound pressure level (noise) contribution, at the most affected noise sensitive location, as a result of activities carried out at the premises.
- 2) Noise from the premises is to be measured at the most affected point on or within the residential boundary. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance in accordance with Chapter 11 of the NSW Industrial Noise Policy.
- 3) The modification factors presented in Section 4 of the NSW Industrial Noise Policy **must** also be applied to the measured noise level where applicable. 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
- 5) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

<sup>7</sup> Incorporates an EPA general term of approval (3.3.1)

<sup>8</sup> Incorporates an EPA general term of approval (3.4.1)

<sup>9</sup> Incorporates EPA general terms of approval (3.5.1, 3.5.2, 3.5.3 and 3.5.4)

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- 6) *These limits apply under meteorological conditions of:*
- Wind speed up to 3 metres per second at 10 metres above ground level.*
  - Temperature inversion conditions of up to 3°C/100metres and wind speeds up to 2 metres per second at 10 metres above ground level.*

### Water Quality Impacts

#### Construction

- 3.14 <sup>10</sup> The Applicant **must** ensure that sediment or turbid runoff is prevented from being washed into Limestone Creek, during construction of the development.
- 3.15 <sup>11</sup> The Applicant **must** ensure that all temporary sediment and erosion control measures are inspected at appropriately scheduled regular intervals and following extreme climatic events.
- 3.16 <sup>12</sup> The Applicant **must** ensure that any temporary sediment and erosion control works **must** be properly installed and maintained for the duration of the road construction activity and until such time as permanent soil and water management works and rehabilitation works have stabilised the site
- 3.17 <sup>13</sup> The Applicant **must** ensure that soil and water management measures are appropriately designed to convey sediment and runoff to the designated disposal and treatment areas without causing erosion.
- 3.18 <sup>14</sup> Any soil removed from the area of road construction **must** be utilised for rehabilitation at an appropriate location where the soil cannot be swept back into the waterway during a flood. Other excavated material **must** be disposed of in accordance with the applicable legislation.

#### Operations

- 3.19 <sup>15</sup> The Applicant **must** ensure that all surface water run-off collected from the kiln development site is:
- collected and stored for on-site reuse; or
  - collected, stored, analysed and treated as necessary prior to discharge to Limestone Creek.
- 3.20 The Applicant **must** ensure that surface water run-off which collects from the kiln development site is not mixed with groundwater out-pumped from the Galong Limestone Mine prior to any use on-site or discharge to Limestone Creek.
- 3.21 <sup>16</sup> The Applicant **must** ensure that the development is operated so as not cause damage or increase the erosion on adjacent banks.

#### Groundwater Impacts

- 3.22 The Applicant **must** construct a new surface water detention/storage basin to collect surface water run-off generated from the development site. The Applicant **must** ensure that all surface water detention and/or storage basins, including walls and floors of such basins, have an impermeability of  $1 \times 10^{-9}$  m/s.

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<sup>10</sup> Incorporates a general term of approval under the Rivers and Foreshores Improvement Act 1948 (2.1)

<sup>11</sup> Incorporates an EPA General Term of Approval (M3.2)

<sup>12</sup> Incorporates a general term of approval under the Rivers and Foreshores Improvement Act 1948 (2.2)

<sup>13</sup> Incorporates a general term of approval under the Rivers and Foreshores Improvement Act 1948 (2.3)

<sup>14</sup> Incorporates general terms of approval under the Rivers and Foreshores Improvement Act 1948 (2.8, 2.9)

<sup>15</sup> Incorporates a general term of approval under the Rivers and Foreshores Improvement Act 1948 (2.11)

<sup>16</sup> Incorporates a general term of approval under the Rivers and Foreshores Improvement Act 1948 (2.7)

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- 3.23 The Applicant **must** carry out the development in accordance with Licence 40BL189001 issued under Part V of the *Water Act 1912* on 11 March 2003, until such time as that Licence ceases to operate, in so far as it relates to the Lime Kiln development.

### Traffic and Transport Impacts

- 3.24 The Applicant **must** dispatch quicklime produced at the Lime Kiln within the heavy vehicle traffic constraints and parameters of any operating consent applicable to the adjacent Galong Limestone Mine.

*Note: This consent permits the Applicant to dispatch quicklime only in heavy vehicles that could otherwise have been carrying limestone from Galong Limestone Mine. In this manner this consent does not permit an increase in the quantity of heavy vehicles which are permitted to transport lime product from the Mine in its totality, over and above that approved by any operating consent applicable to the Galong Limestone Mine.*

- 3.25 The Applicant is permitted a maximum of 6 heavy vehicle movements (3 in / 3 out) per day for the purposes of hauling coal to the site, **except as provided for by condition 3.25A**. Any coal haulage above this limit requires the prior approval of the **Secretary**.
- 3.25A From the date of approval of MOD 4 until 31 December 2023, the Applicant is permitted a maximum of 12 heavy vehicle movements (6 in / 6 out) per day for the purposes of hauling coal to the site.
- 3.25B Coal haulage associated with MOD 4 must only be undertaken within the hours of 7:00 am and 7:00pm Monday to Saturday.
- 3.25C Heavy vehicles associated with MOD 4 must only utilise the approved heavy vehicle haulage route south of Eubindal Road to the Galong/Burley Griffin Way intersection, via Eubindal Road, Galong Road, Ryan Street and Crescent Street.
- 3.26 The Applicant **must** ensure that drivers of heavy vehicles, whether associated with kiln construction works or hauling coal to the site during operations of the development, are subject to the same protocols as determined for the heavy vehicle drivers associated with any operating consent applicable to the adjacent Galong Limestone Mine.

### Alternative Transport

- 3.27 The Applicant **must** investigate the feasibility of utilising alternative transport routes and alternative modes of transport (in particular rail) for transporting goods associated with the kiln, especially coal and quicklime products. All activities and/or investigations must be described within the annual Environment Enhancement Strategy.

### Flora and Fauna Impacts

#### Construction

- 3.28 The Applicant **must** ensure that there is no clearing of native vegetation outside of the exclusions (*Mining Act 1992*) and exemptions in the Native Conservation Act 1997 without receiving the required consent(s).
- 3.29 The Applicant **must** take all practical measures to minimise vegetation clearing and to maintain and conserve all mature trees inside the development's footprint.

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- 3.30 <sup>17</sup> No vegetation **must** be removed within 20 meters of Limestone Creek.
- 3.31 <sup>18</sup> The Applicant **must** ensure that after the completion of works, disturbed areas are revegetated in accordance with the Vegetation Management Plan described in condition 6.4c) of this consent.

### **Operation**

- 3.32 The Applicant **must** ensure that the riparian vegetation adjacent to Limestone Creek is not impacted by the development.

### **Visual Amenity Impacts**

- 3.33 The Applicant **must** carry out the development in a way that minimises the visual impacts of the development, to the satisfaction of the **Secretary**.

### **Lighting**

- 3.34 The Applicant **must** take all practicable measures to prevent any off-site lighting impacts from the development, to the satisfaction of the **Secretary**. In particular the Applicant **must** ensure that no lights are directed towards residences, roads or Villages. All external lighting associated with the development **must** comply with *Australian Standard AS4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

### **Hazards and Risk**

- 3.35 The Applicant **must** ensure that any storage, handling, and transport of liquid fuels and lubricants is in accordance with the relevant *Australian Standards* and the *Dangerous Goods Code*, in particular *AS1940*.
- 3.36 The Applicant **must** take the necessary measures to prevent spontaneous combustion of coal dust at the development.
- 3.36A The Applicant **must** implement the recommendations detailed in section 1.3 of *Blue Circle Southern Cement – Galong Lime Kiln Project, Preliminary Hazard Analysis* (prepared by Broadleaf Capital International Pty Ltd and dated August 2004) and *Blue Circle Southern Cement – Galong Lime Kiln Project, Fire Safety Study* (prepared by Broadleaf Capital International Pty Ltd and dated August 2004). The Applicant **must** certify to the satisfaction of the **Secretary** that these recommendations have been implemented prior to the commencement of hot commissioning the development, or within such period as otherwise agreed by the **Secretary**.
- 3.36B The Applicant **must** develop and implement maintenance and housekeeping procedures to ensure that coal dust does not accumulate on LPG equipment, particularly the LPG heater system.
- 3.36C The Applicant **must** submit for the approval of the NSW Fire Brigades detailed drawings of the fire waster system for the site and **must** implement all recommendations made by the Brigades following review of those drawings and as detailed in the letter from the NSW Fire Brigades to the Applicant, dated 1 September 2004 in relation to *Blue Circle Southern Cement – Galong Lime Kiln Project, Fire Safety Study* (prepared by Broadleaf Capital International Pty Ltd and dated August 2004).

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<sup>17</sup> Incorporates a general term of approval under the Rivers and Foreshores Improvement Act 1948 (2.12)

<sup>18</sup> Incorporates a general term of approval under the Rivers and Foreshores Improvement Act 1948 (2.5)

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## Waste Management

3.37 The Applicant **must** minimise the amount of waste generated at the development requiring disposal in accordance with the waste hierarchy to, reduce, reuse and recycle waste prior to disposal.

## Bushfire Impacts

3.38 The Applicant **must**:

- (a) Take all practicable measures to prevent bush fires originating on the site, particularly during bush fire season;
- (b) Ensure that the development is suitably equipped to respond to any fires on-site;
- (c) Assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site during the development.

## Heritage Impacts

3.39 If, during the course of the development the Applicant becomes aware of any heritage or archaeological objects or sites, all work likely to affect the material **must** cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities include NPWS, the Heritage Office, the Local Aboriginal Land Councils, and the holder of any Native Title (in accordance with the Native Title Act (Commonwealth)) over the site (in a. Any necessary permits or consents **must** be obtained and complied with prior to recommencement of work.

## Housing Impacts

3.40 Where practicable, the Applicant **must** implement the following measures to minimise the impact on the local accommodation supply:

- (a) construction work between the months of December and February should be minimised;
- (b) the workforce should be housed and located between at least two or more towns; and
- (c) the Applicant should give preference to local contractors.

## 4. ENVIRONMENTAL MONITORING AND AUDITING

### General

4.1 The results of any monitoring required to be conducted by this consent must be recorded and retained to the satisfaction of the EPA.

### Air Quality Monitoring

4.2 **The applicant must comply with all air quality monitoring requirements as specified by the EPA in the EPL(s) for the site.**

### Monitoring Report

4.3 <sup>19</sup> Within 3 months of the commissioning of the kiln the Applicant must submit a written report to the EPA detailing the results of post commissioning source emissions sampling and analysis undertaken in accordance with the requirements specified in condition 4.2 of this consent. The report must assess compliance with the limit conditions specified in condition 3.6 and 3.7 of this consent.

4.3a **Within three months of the commissioning of the “refurbished” kiln undertaken in 2015, the Applicant must submit a report to the EPA detailing the results of post**

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<sup>19</sup> Incorporates EPA general terms of approval (6.3.1)

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commissioning source emission validation monitoring undertaken in accordance with the requirements of the EPL(s). The report must assess compliance with the limit conditions in the EPL.

- 4.3b In the event the emission validation monitoring referred to in Condition 4.3a above identifies an exceedance, the Applicant **must** outline the measures to remediate the issue and prevent future incidents occurring. These measures **must** be determined in consultation with EPA, and the measures to be implemented and the timing of their implementation **must** be to the satisfaction of the Secretary.

### Water Quality Monitoring

- 4.4 The Applicant **must** undertake water quality monitoring as detailed in the Soil and Water Monitoring and Management Plan described in condition 6.4 of this consent, to the satisfaction of the **Secretary**.

### Noise Compliance Auditing

- 4.5 At the request of the **Secretary**, the Applicant **must** commission, and pay the full cost of, an independent noise expert, approved by the **Secretary**, to conduct a Noise Compliance Audit of the development in accordance with the EPA's *Industrial Noise Policy*.
- 4.6 Within 3 months of the commencement of operations at the development, and thereafter as required by the **Secretary**, the Applicant **must** commission, and pay the full cost of, an independent noise expert, approved by the **Secretary**, to conduct a Traffic Noise Compliance Audit of the development. Specifically the Traffic Noise Compliance Audit must undertake traffic noise monitoring and measurements at the most effected parts of Galong Road in accordance with the methods described within the EPA's *Environmental Criteria for Road Traffic Noise*. The Applicant must provide a copy of this Audit to the Department.

### Auditing

- 4.7 Within two years of the commencement of commissioning of the development, and thereafter as directed by the **Secretary**, the Applicant **must** commission, and pay the full cost of, an independent person or team to undertake an Independent Environmental Audit of the development. The independent person or team **must** be approved by the **Secretary**, in consultation with the EPA, prior to the commencement of the Audit. An **Environmental Audit Report** **must** be submitted for comment to the **Secretary**, the EPA and Council, within one month of the completion of the Audit. The Audit **must**:
- be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
  - assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
  - assess the development against the predictions made and conclusions drawn in the EIS and additional information documents supplied during the development application and assessment process, as described in condition 1.2; and
  - review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

The **Secretary** may, having considered any submission made by the EPA and/or Council in response to the Environmental Audit Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works **must** be completed within such time as the **Secretary** may agree.

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## 5. COMMUNITY CONSULTATION AND INVOLVEMENT

- 5.1 During the life of the development, the Applicant must make all documents required under this consent publicly available on its website and keep such information up to date.

### Complaints Procedure

- 5.2 Prior to the commencement of construction for the development, the Applicant must ensure that the following are available for community complaints for the life of the development (including construction and operation):
- a) a telephone number on which complaints about operations on the site may be registered;
  - b) a postal address to which written complaints may be sent; and
  - c) an email address to which electronic complaints may be transmitted, should the Applicant have email capabilities.

The Applicant must ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. These details must also be provided on the Applicant's website.

- 5.3 The Applicant must record details of all complaints received through the means listed under condition 5.2 of this consent in an up-to-date Complaints Register. The Register must record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
  - b) the means by which the complaint was made (telephone, mail or email);
  - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
  - f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register must be made available for inspection by the EPA or the Secretary upon request.

### Community Consultation

- 5.4 The Applicant must ensure that there is a Community Liaison Group to oversee the environmental performance of the development. This committee must be established prior to the submission of the Construction Environmental Management Plan as described in section 6.2:
- (a) Be comprised of the following, whose appointment has been approved by the Secretary in consultation with the Council:
    - 1 or 2 representatives from the Applicant, including the person responsible for environmental management at the Lime Kiln;
    - 1 representative from Council;
    - 3 representatives from the local community (Galong), and
    - 1 representative from the Binalong community.
  - (b) Be chaired by a representative approved by the Secretary;
  - (c) Meet a minimum of once in every 6 month period; and
  - (d) Review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints.



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- 5.5 The Applicant **must**, at its own expense:
- (a) Ensure that 1 or 2 of its representatives attend the Committee's meetings;
  - (b) Provide the Committee with regular information on the environmental performance and management of the development;
  - (c) Provide meeting facilities for the Committee, where necessary;
  - (d) Arrange site inspections for the Committee, if requested;
  - (e) Take minutes of the Committee's meetings;
  - (f) Make these minutes available to the public for inspection within 14 days of the Committee meeting, or as agreed to by the Committee;
  - (g) Respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development;
  - (h) Maintain a record and a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations, to be provided to the **Secretary** upon request.

*Note: Nothing in condition 5.4 and 5.5 of this consent prevents the Applicant from combining the community consultation and meeting requirements under this consent with any other relevant community consultation requirements for the adjacent Galong Limestone Mine development.*

## 6. ENVIRONMENTAL MANAGEMENT

### Construction Environmental Management Plan (CEMP)

- 6.1 <sup>20</sup>The Applicant **must** prepare and implement a **Construction Environmental Management Plan (CEMP)** to outline environmental management practices and procedures to be followed during the construction of the development. The Plan **must** include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction, including an indication of stages of construction, where relevant;
  - b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - c) specific consideration of measures to address any requirements of the Department and the EPA during construction;
  - d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - e) a description of the roles and responsibilities for all relevant employees involved in construction;
  - f) a description of community consultation undertaken during the preparation of the CEMP to ensure that the potentially affected community has been able to provide input into the CEMP, and how the Applicant has addressed those impacts; and
  - g) the Management Plans listed under condition 6.2 of this consent.

The CEMP **must** be submitted for the approval of the **Secretary** prior to the commencement of construction of the development. Notwithstanding, where construction work is to be undertaken in stages, the Applicant may, subject to the agreement of the **Secretary**, stage the submission of the CEMP consistent with the staging of activities relating to that work. Construction of each stage **must** not commence until written approval has been received from the **Secretary**. Upon

<sup>20</sup> Incorporates a general term of approval under the Rivers and Foreshores Improvement Act 1948 (2.10)

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receipt of the **Secretary's** approval, the Applicant **must** supply a copy of the CEMP to the EPA as soon as practicable.

6.2 As part of the CEMP for the development, required under condition 6.1 of this consent, the Applicant **must** prepare and implement the following Management Plans:

- a) a **Fire Safety Study** for the development, covering all relevant aspects detailed in the Department's publication *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Guidelines*. The Study **must** be submitted for the approval of the Commissioner of the NSW Fire Brigades prior to inclusion in the CEMP. In particular, the Study **must** identify hazards related to dust explosions and detail the risk reduction measures proposed. The dust explosion related findings and actions arising from the Hazard and Operability Study **must** also be addressed in the Fire Safety Study.
- b) a **Hazard and Operability Study** of the coal and coal dust operations at the development, chaired by an independent, qualified person or team approved by the **Secretary**. The Study **must** be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*. The Study Report must be accompanied by a program for implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, justification must be included.
- c) <sup>21</sup> an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during construction of the development. In addition to approval from the **Secretary**, the Plan **must** be submitted to the EPA for approval. The Plan **must** include, but not necessarily be limited to:
  - i) demonstration that it is consistent with the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
  - ii) identification the aspects of the development that could cause soil erosion or discharge sediment or water pollutants from the site;
  - iii) provide a description of the location and capacity of all erosion and sediment control structures, and nominate which, if any, of these structures would be used as water sources for the development;
  - iv) reference to the impacts related to the construction related to the access road to the development, and these impacts are to be managed;
  - v) details of what actions and measures would be implemented to minimise soil erosion and the discharge of sediments or water pollutants from the site; and
  - vi) a description of how the effectiveness of these actions and measures would be monitored during the development.

6.2A *Notwithstanding condition 6.2b) of this consent, the Applicant **must** submit for the approval of the **Secretary**, a supplementary Hazard and Operability Study for the 22 kilolitre LPG tank and associated systems, chaired by an independent, qualified person or team approved by the **Secretary**. The Study **must** be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 – HAZOP Guidelines*. The Study must be accompanied by a program for implementation of all recommendations made in the Study. If the Applicant intends to defer the implementation of a recommendation, justification must be included.*

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<sup>21</sup> Incorporates EPA general terms of approval (4.3.1 and 4,3,2)

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### Operation Environmental Management Plan (OEMP)

6.3 The Applicant **must** prepare and implement an **Operation Environmental Management Plan (OEMP)** to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The plan **must** include, but not necessarily be limited to:

- a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
- b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;
- c) overall environmental policies and principles to be applied to the operation of the development;
- d) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved;
- e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
- f) the Management Plans listed under condition 6.4 of this consent; and
- g) the environmental monitoring requirements outlined under conditions 4.2 to 4.4 of this consent, inclusive.

The OEMP **must** be submitted for the approval of the **Secretary** no later than one month prior to the commencement of commissioning of the development, or within such period otherwise agreed by the **Secretary**. Operation **must** not commence until written approval has been received from the **Secretary**. Upon receipt of the **Secretary's** approval, the Applicant **must** supply a copy of the OEMP to the EPA and Council as soon as practicable.

*Note: nothing in Condition 6.3 of this consent prevents the Applicant from combining the preparation of management plan's to satisfy the requirements of the DMR.*

6.4 As part of the OEMP for the development, required under condition 6.3 of this consent, the Applicant **must** prepare and implement the following Management Plans:

- a) a **Compliance Report** detailing compliance with conditions 6.2 a) and b), in relation to the Fire Safety Study and the Hazard and Operability Study. The Report **must** include:
  - i) dates of submission of the relevant studies, dates of approval from the Department, dates relating to the commencement of construction and commissioning;
  - ii) actions taken or proposed to be taken, to implement the recommendations made in the relevant studies; and
  - iii) responses to any requirements made by the **Secretary** in response to the relevant studies
- b) a **Vegetation Management Plan** with an aim to conserve, protect and restore any vegetation areas on the site, or impacted by the development. This plan **must** include, but not necessarily be limited to:
  - i) identification of all noxious weeds on-site, and management measures to appropriately control such weeds;
  - ii) ensuring that the site is appropriately vegetated, to the satisfaction of the **Secretary**. The species used for any planting must be approved by the **Secretary**, in consultation NPWS.
- c) a **Soil and Water Monitoring and Management Plan** with an aim to protect the integrity of Limestone Creek. This plan **must** be prepared in consultation with the Department and the EPA, and **must** include, but not necessarily be limited to:

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- i) identification of all the potential sources of water pollution and soil contamination arising from the development;
- ii) a description of all measures taken to minimise potential for spillage of quicklime, and what procedures would be employed in the event of a spill;
- iii) a description of all measures, including the location and capacity, which would be employed to ensure that contaminated storm water is appropriately treated prior to discharge into Limestone Creek;
- iv) a description of all measures which would be employed to ensure that extracted mine water is not mixed with potentially contaminated storm water prior to discharging to the creek;
- v) calculations to determine appropriate water quality discharge limits in accordance with the *Australian Water Quality Guidelines for Fresh and Marine Waters* (Australian and New Zealand Environment and Conservation Council (ANZECC), 2001). The Plan must include, but not be limited to, consideration of pH and suspended solids; and
- vi) details of all monitoring to be carried out at the development to ensure compliance with the abovementioned water quality discharge limits, this consent and any other Licences or Permits; and the effectiveness of described actions and measures employed to manage potential pollutant discharge into Limestone Creek.

6.5 Within three years of the commencement of operation of the development, and at least every three years thereafter, the Applicant **must** undertake a formal review of the Operation Environmental Management Plan (OEMP) required under condition 6.3 of this consent. The review **must** ensure that the OEMP is up-to-date and all changes to procedures and practices since the previous review have been fully incorporated into the OEMP. The Applicant **must** notify the **Secretary**, Council and the EPA of the completion of each review, and **must** supply a copy of the updated OEMP to those parties on request. The Applicant **must** also make any revised OEMP available for public inspection on request.

6.5A. Prior to commencing additional coal haulage associated with MOD 4, the Applicant **must** undertake a review of the OEMP required under condition 6.3 of this consent to ensure that the OEMP reflects MOD 4 and the additional procedures and control measures identified in the documents listed in condition 1.2(f).

- 6.6 The Applicant **must** prepare an annual **Environmental Enhancement Strategy** with an aim to off-set the impacts of the development. The Strategy **must** be prepared in consultation with the community, including but not limited to the CLG, for the approval of the **Secretary**. The Strategy **must** describe works including, but not limited to:
- a) identification of the potential off-site projects, based in the local area, which may be undertaken to enhance the local community, including tree planting and the guaranteed provision of agricultural lime to the local market (local meaning Galong and surrounds);
  - b) a description of which projects will be undertaken;
  - c) a justification for excluding any of the projects identified in part a).

## 7. ENVIRONMENTAL REPORTING

### Incident Reporting

7.1 The Applicant **must** immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification **must** be in writing through the Department's Major Projects website and identify the

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development (including the development application number and name) and set out the location and nature of the incident.

### Non-Compliance Notification

- 7.2 Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to through the Department's Major Projects website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

### Annual Performance Reporting

- 7.3 The Applicant **must**, throughout the life of the development, prepare and submit for the approval of the **Secretary** an **Annual Review**. This report **must** review the performance of the development against the conditions of this consent and other licences and approvals relating to the development and must:
- Identify the standards and performance measures that apply to the development;
  - Include a detailed summary of the complaints received during the past year, and compare this to the complaints received in the previous 5 years;
  - Include a detailed summary of the monitoring results on the development during the past year,
  - Include a detailed analysis of these monitoring results against the relevant:
    - Impact assessment criteria;
    - Monitoring results from previous years; and
    - Predictions in the EIS;
  - Identify any trends in the monitoring over the life of the development;
  - Identify any non-compliance during the previous year; and
  - Describe what actions were, or are being, taken to ensure compliance.
- 7.4 The Applicant **must** submit a copy of the **Annual Review** to the **Secretary**, the EPA and Council every year, with
- the first **Annual Review** to be submitted within twelve months of commencement of commissioning of the development; and
  - the second and subsequent **Annual Reviews** to be submitted concurrently with the EPA's Annual Return.
- 7.5 The **Secretary** may require the Applicant to address certain matters in relation to the environmental performance of the development, in response to review of the **Annual Review** and any comments received from the EPA and/or Council. Any action required to be undertaken **must** be completed within such period as the **Secretary** may agree.

*Note: The **Annual Review** does not aim to satisfy any requirement of the EPA with regard to any Annual Return required under any licence issued for the development under the Protection of the Environment Operations Act 1997.*

## Attachment 1

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### General Administrative and Formal Application Issues PART 3A PERMIT

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- 1) If in the opinion of a DIPNR officer any work is being carried out in such a manner as it may damage or detrimentally affect the watercourse, or damage or interfere in any way with any work, the operation on that section of the watercourse shall cease immediately upon oral or written direction of such officer.
- 2) The permit holder and the owner or occupier of the land are responsible for any excavation or soil removal undertaken by any other person or company at this site.
- 3) Any permit subsequently granted is not transferable to any other person or Company and does not allow operations at any other site.
- 4) Any permit subsequently granted does not give the holder the right to occupy any land without the owner's consent nor does it relieve the holder of any obligation which may exist to also obtain permission from Local Government and other Authorities who may have some form of control over the site of the works and / or the activities you propose to undertake.
- 5) No interference shall be made to the flow of water in the stream except the excavation of a pool for the purpose of obtaining water for the operation of a treatment plant or water supply pump for use during the duration of the works.
- 6) If the operation will involve the installation of any water extraction plants or construction of any dams, levees, diversion banks or the like, on Limestone Creek application must be made to DIPNR to have such works licensed under the provisions of Part II or Part VIII of the Water Act.
- 7) If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of the DIPNR. If the necessary works are not completed then the permit holder shall pay a fee prescribed by the DIPNR for the initial breach inspection and all subsequent inspections.
- 8) A permit will be issued for the proposed works upon request.
- 9) A copy of these general terms of approval must be made available to DIPNR officers upon formal application.
- 10) Permits are generally granted for a period of 12 months from the date of formal approval and renewable on an annual basis. Any application for renewal shall be lodged three months prior to the expiry date.