

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces I approve the development application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Stephen O'Donoghue
Director Resource Assessments
Energy, Resources and Industry

Sydney

29 September 2023

SCHEDULE 1

Application Number:	SSD 10369
Applicant:	Cleary Bros (Bombo) Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	The land defined in Appendix 1
Development:	Albion Park Quarry Stage 7 Extension

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the NP&W Act
AHD	Australian Height Datum
Annual Review	The review required by condition D10
Applicant	Cleary Bros (Bombo) Pty Ltd, or any person carrying out any development under this consent
Approved disturbance area	The area identified as such on the development layout
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity & Conservation Division within the Department
BCT	Biodiversity Conservation Trust
Biodiversity stewardship agreement	As defined in Division 2 of Part 5 of the <i>Biodiversity Conservation Act 2016</i>
Blast misfire	The failure of one or more holes in a blast pattern to initiate
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee required by condition A17
Conditions of this consent	Conditions contained in Schedule 2
Construction	All physical works to enable quarrying operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders during development of post-approval documents. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation is not limited to one-way notification about the project.
Council	Shellharbour City Council
Date of commencement	The date notified to the Department by the Applicant under condition A13
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The deconstruction or demolition and removal of works installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds, and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the document/s listed in condition A2(c)
Development Layout	The plan in Appendix 2 of this consent
DPE Water	Water Group within the Department
EIS	<p>The Environmental Impact Statement <i>titled</i> Environmental impact statement for the Albion Park Quarry Extraction Area Stage 7 Extension, prepared by R.W. Corkery and Co, dated April 2022, submitted with the application for consent for the development, and;</p> <ul style="list-style-type: none"> • the Applicant's report titled – Submissions Report for the Albion Park Quarry Extraction Area Stage 7 Extension dated October 2022 • the Applicant's report titled – Amendment Report for the Albion Park Quarry Extraction Area Stage 7 Extension dated May 2023 • the Applicant's revised Biodiversity Development Assessment Report titled – Albion Park Quarry Stage 7 Extension Amended Biodiversity Development Assessment Report dated July 2023 • and the Applicant's additional information responses in support of the application and included in Appendix C of the Department's assessment report on the Albion Park Quarry Stage 7 Extension project.

Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
Financial year	A period of 12 months from 1 July to 30 June
GPS	Global Positioning System
Heavy vehicle	A vehicle that has a combined Gross Vehicle Mass or Aggregate Trailer Mass of more than 4.5 tonnes
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree, or precinct of heritage significance that is listed under any of the following: <ul style="list-style-type: none"> • the State Heritage Register under the <i>Heritage Act 1977</i>; • a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; • a Local Environmental Plan under the EP&A Act; • the World Heritage List; • the National Heritage List or Commonwealth Heritage List under the EPBC Act; or • anything identified as a heritage item under the conditions of this consent
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
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean 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 consent
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or • 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) <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
MEG	Regional NSW – Mining, Exploration and Geoscience
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important, or serious
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Negotiated agreement	Means an agreement involving the negotiation of a package of mitigation and/or compensatory benefits for landowners of affected land. The agreement is negotiated between the applicant and the landowner.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays

Noise sensitive areas	Areas where quarrying operations are being carried out that have potential to lead to increased noise at privately-owned residences, such as elevated areas or areas near the boundary of the site
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
'Non-road' mobile diesel equipment	Mobile equipment used in quarrying operations that is fitted with a diesel engine with a capacity >30 litres and that is self-propelled or transportable and primarily designed for off-road use
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
NPfl	<i>NSW Noise Policy for Industry 2017</i>
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Privately-owned land	Land that is not owned by a public agency or a mining, petroleum, or extractive industry company (or its subsidiary or related party)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc
Quarry closure	Decommissioning and final rehabilitation of the site following the cessation of quarrying operations
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 and other wastes and rehabilitation material
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2009</i>
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable, and non-polluting
Residence	Existing or approved dwelling at the date of grant of this consent
RFS	NSW Rural Fire Service
Single blast event	A single blast event means a blast which involves either a single detonation or a number of individual blasts fired in quick succession in a discrete area of the development. Should an additional blast be required after a blast misfire, the additional blast and the blast misfire are counted as a single blast event.
Site	The land defined in Appendix 1
Stage 7 extraction area	The section of the approved disturbance area identified as Stage 7a to 7e by the documents listed under condition A2(c)
Surface activities disturbance	Quarrying operations that involve disturbing the pre-quarrying surface, including but not limited to demolition works, vegetation removal, soil stripping, drilling, and constructing or clearing vehicle access.
TfNSW	Transport for NSW
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report, or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of an inconsistency, ambiguity, or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity, or conflict.

LIMITS OF CONSENT

Identification of Approved Extraction Area

- A5. One month before the commencement of quarrying operations in the Stage 7 extraction area, or other timeframe agreed by the Planning Secretary:
- (a) a registered surveyor must be engaged to mark out the boundaries of the approved disturbance area and the Stage 7 extraction areas within the site (Stages 7a to 7e as set out in Appendix 2);
 - (b) the Planning Secretary must be provided with a survey plan of such boundaries and their GPS coordinates.
- A6. The boundaries of the approved disturbance area and the Stage 7 extraction stage being actively quarried within the site must be clearly marked in a manner that allows them to be easily identified at all times during the carrying out of quarrying operations.

Extraction Depth

- A7. Extraction must not be undertaken below a level of 15 metres AHD.

Note: *Drainage sumps may be constructed and used below this level with the approval of the Planning Secretary.*

Quarrying operations

- A8. Quarrying operations may be carried out on the site, within the approved disturbance area, for a period of 30 years from the date of commencing quarrying operations in the Stage 7 extraction area under this consent.

Note: *Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to quarrying operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of quarrying operations until the rehabilitation of the site and other requirements have been carried out to the required standard.*

Quarry Product Extraction and Transport

- A9. A maximum of 900,000 tonnes of quarry products may be extracted from the approved disturbance area in any financial year.
- A10. A maximum of 100,000 tonnes of VENM/ENM may be imported to the approved disturbance area for rehabilitation activities in any financial year.

Hours of Operation

- A11. The Applicant must comply with the operating hours set out in Table 1.

Table 1: Operating hours

Activity	Permissible Operating hours
Quarrying operations	<p>7 am to 6 pm Monday to Friday</p> <p>7 am to 1pm Saturdays within Stages 1 to 6 as shown on the development layout</p> <p>7 am to 1 pm on a maximum of 16 Saturdays per calendar year within Stage 7 as shown on the development layout</p> <p>At no time on Sundays or public holidays</p>
Blasting	<p>9 am to 5 pm Monday to Friday</p> <p>At no time on Saturdays, Sundays, or public holidays</p>

- A12. The following activities may be carried out outside the hours specified by condition A11.
- delivery or dispatch of materials as requested by NSW Police or other public authorities for safety reasons; and
 - emergency work to avoid the loss of lives, property and/or to prevent environmental harm.
- In such circumstances, the Applicant must notify the Department and affected residents prior to undertaking the activities, or as soon as is practical thereafter.

NOTIFICATION OF COMMENCEMENT

- A13. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least two weeks before that date:
- commencement of development under the consent;
 - commencement of quarrying operations under the consent;
 - commencement of each extraction stage within the Stage 7 extraction area as shown on the development layout;
 - cessation of quarrying operations (i.e., quarry closure); and
 - any period of suspension of quarrying operations (i.e., care and maintenance).
- A14. If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A15. Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent (LEC Consent No. 10639 of 2005) in accordance with the EP&A Regulation.
- A16. Upon the commencement of development under this consent, and before the surrender of existing development consents required under condition A15, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Note: *This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.*

COMMUNITY CONSULTATIVE COMMITTEE

- A17. Within six months of commencing quarrying operations in the Stage 7 extraction area, the Applicant must establish a Community Consultative Committee (CCC) in accordance with the Department’s *Community Consultative Committee Guidelines: State Significant Projects* (2019). The CCC must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary.
- Notes:**
- The CCC is an advisory committee only.
 - In accordance with the Guidelines, the Committee must comprise an independent chair and appropriate representation from the Applicant, Council, affected stakeholder groups and the local community.

EVIDENCE OF CONSULTATION

- A18. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) lodge documentary evidence and a tabulated summary of the consultation with the subject document via the Major Projects Website, or its latest version, including:
 - (i) dates of the consultation with the identified party, copies of the party's response, and a summary of the issues raised;
 - (ii) the outcome of that consultation, matters resolved and unresolved; and
 - (iii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS

A19. Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under LEC Consent No. 10639 of 2005, to the satisfaction of the Planning Secretary.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A20. With the approval of the Planning Secretary, the Applicant may:

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

A21. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A22. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

PAYMENT OF REASONABLE COSTS

A23. The applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced, and independent expert(s) to review the adequacy of any strategy, plan, program, or report required under the consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

A24. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure^a that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure^a that needs to be relocated as a result of the development.

^a *This condition does not apply to any damage to roads caused as a result of general road usage*

DEMOLITION

A25. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

OPERATION OF PLANT AND EQUIPMENT

A26. All plant and equipment used on site, or in connection with the development, must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

COMPLIANCE

A27. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

- A28. References in the conditions of this consent to any guideline, protocol, Australian Standard, or policy are to such guidelines, protocols, Standards, or policies in the form they are in as at the date of this consent.
- A29. Notwithstanding condition A28, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, required compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.

PRODUCTION DATA

- A30. Each year, from the commencement of quarrying operations, the Applicant must provide MEG with annual quarry production data, covering a full financial year, by no later than 31 October the following financial year.
- A31. The data must be provided using the relevant standard form and a copy of the data must be included in the Annual Review (required under condition D10).

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Operational Noise Criteria

- B1. The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any residence on privately-owned land.

Table 2: Operational noise criteria

Residence^(a)	Day L_{Aeq} (15 min) dB(A)
R1	49
R2	46
R3	48
R4	40
R5	42
R6	40
R7	40
R8	40
R9	40
R10	40
R11	40

^aThe receiver locations referred to in Table , are shown in Appendix 3

- B2. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017). The noise enhancing meteorological conditions determined by monitoring at the meteorological station required under condition B30 and as defined in Part D of the *NSW Noise Policy for Industry* (EPA, 2017) apply to the noise criteria in Table .
- B3. The noise criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Operating Conditions

- B4. The Applicant must:
- (a) implement all reasonable and feasible mitigation and management measures to minimise:
 - (i) noise from quarrying operations, including low frequency noise and other audible characteristics;
 - (ii) the noise impacts of the development during noise-enhancing meteorological conditions; when the noise criteria in this consent do not apply (see Appendix 4);
 - (b) install and use noise attenuation kits on surface operating equipment undertaking quarrying operations in the approved disturbance area, including dozers and drill rigs, to reduce the sound power level of each piece of equipment, unless otherwise agreed by the Planning Secretary;
 - (c) implement acoustic screening of drill rig(s) operating within 10 metres AHD of the pre-quarrying surface within the approved disturbance area to minimise the transmission of noise to any privately-owned residence, unless otherwise agreed by the Planning Secretary;
 - (d) position the mobile crushing and screening plant operating within the approved disturbance area to achieve maximum topographic protection from any privately-owned residence;
 - (e) operate the secondary mobile crushing screening plant on the pit floor;

- (f) fit all trucks and mobile plant operating within the approved disturbance area with broad-spectrum reversing alarms;
- (g) operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide day to day planning of quarrying operations and implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent, unless otherwise agreed by the Planning Secretary;
- (h) assess the real-time noise monitoring data daily and modify or stop quarrying operations on the site to ensure compliance with the relevant conditions of this consent, unless otherwise agreed by the Planning Secretary;
- (i) record daily adaptive management measures implemented on the site, including how quarrying operations were modified or stopped to comply with the noise criteria in Table 2, and make these records available at the request of the Department or the EPA;
- (j) carry out attended noise monitoring on two separate occasions each financial year (unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
- (k) ensure that attended noise monitoring includes a range of quarrying operations, including quarrying operations identified by the documents listed in condition A2(c) as short-term activities, unless those activities are not undertaken during the financial year.

Noise Monitoring

- B5. Prior to the commencement of quarrying operations in Stage 7 extraction area, the Applicant must prepare and implement a noise monitoring program for the development to identify whether the mitigation of noise emissions from the development is effective and to demonstrate compliance with the performance criteria listed in Table 2.
- B6. The noise monitoring program must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) use a combination of real-time and supplementary attended monitoring to evaluate the performance of the development, unless otherwise agreed by the Planning Secretary;
 - (c) monitor noise at locations representative of the residences with the greatest risk of experiencing impacts to noise amenity;
 - (d) include a program to calibrate and validate the real-time noise monitoring results with attended noise monitoring results over time; and
 - (e) include a protocol for collecting and using noise monitoring data to distinguish between noise emissions of the development and any neighbouring development.

BLASTING

Blasting Criteria

- B7. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria at the locations in Table 3.

Table 3: *Blasting criteria*

Location	Airblast Overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Residence on privately-owned land <i>(or other sensitive receiver location (e.g., a school or hospital))</i>	120	10	0%
	115	5	5% of the total number of blasts over a financial year
All public infrastructure	-	50 <i>(or a limit determined to the satisfaction of the Planning Secretary by the structural design methodology in AS 2187.2-2006, or its latest version)</i>	0%

^a The locations referred to in Table 3 are shown in Appendix 3.

- B8. The blasting criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.
- B9. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria at the locations in Table 4.

Table 4: *Blasting criteria – heritage items*

Location	Airblast Overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance
Heritage items listed in Appendix 5	120	10	0%
	115	5	5% of the total number of blasts over a financial year

Blasting Frequency

- B10. The Applicant may carry out a maximum of 1 single blast event per week.
- B11. Condition B10 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers, or the general public.

Property Inspections

- B12. If the Applicant receives a written request from the owner of any privately-owned land within 1.3 kilometres of the approved disturbance area for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:
- (a) commission a suitably qualified, experienced, and independent person, whose appointment is acceptable to both parties to:
 - (i) establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and
 - (ii) identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and
 - (b) give the landowner a copy of the new or updated property inspection report.
- B13. If there is a dispute over the selection of the suitably qualified, experienced, and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Planning Secretary for resolution.

Property Investigations

- B14. If the owner of any privately-owned land within 1.3 kilometre of the approved disturbance area or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within 2 months of receiving this written claim the Applicant must:
- (a) commission a suitably qualified, experienced, and independent person, whose appointment is acceptable to both parties to investigate the claim; and
 - (b) give the landowner a copy of the property investigation report.
- B15. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.
- B16. If there is a dispute over the selection of the suitably qualified, experienced, and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

Blast Operating Conditions

- B17. The Applicant must:
- (a) implement all reasonable and feasible mitigation and management measures to:
 - (i) ensure the safety of people and livestock from blasting impacts of the development;
 - (ii) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and
 - (iii) minimise blast-related dust and fume emissions;

- (b) ensure that blasting on the site does not impact the heritage values of The Hill Complex;
- (c) operate a comprehensive blast management system that uses a combination of meteorological forecasts and predictive blast modelling to guide the planning of blasts to minimise blasting impacts;
- (d) operate a system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site and any associated road closures, including notification via SMS message (or other method as agreed by the Planning Secretary) of the blasting schedule and associated road closures for that day and any variations to that schedule and closures;
- (e) co-ordinate the timing of blasting at the site with any nearby quarries to minimise cumulative blasting impacts, unless otherwise agreed by the Planning Secretary; and
- (f) monitor each blast undertaken for the development to determine whether the development is complying with the relevant conditions of this consent.

Blast Management Plan

- B18. The Applicant must prepare a Blast Management Plan for the development. The plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) describe the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;
 - (c) include a blast fume management strategy for minimising blast fume events, rating and recording blast fume events and reporting significant blast fume events to the Department and the EPA;
 - (d) include a fly rock risk management strategy. The strategy must:
 - (i) be prepared in consultation with the owner of any public or private land located within 250 m of a blast, unless the blast generates a vibration of 0.5 mm/s or less on the landowner's land;
 - (ii) include procedures to prevent access to the Dunsters Lane road reserve to ensure the safety of the public;
 - (iii) include procedures to ensure the safety of people and livestock on private land; and
 - (iv) include an adaptive management protocol if the procedures to manage the safety of people and livestock cannot be implemented;
 - (e) include a strategy to manage potential blast interactions with nearby quarries;
 - (f) include a strategy to monitor, assess, mitigate, and manage the effects of blasting on The Hill Complex, incorporating baseline a dilapidation survey and five yearly dilapidation surveys of structures identified by the heritage listing (refer to Appendix 5) (subject to landowner access arrangements);
 - (g) include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent;
 - (h) include a protocol for identifying any blast-related exceedance, incident, or non-compliance and for notifying the Department, the EPA, and relevant stakeholders of these events; and
 - (i) include public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule.
- B19. Prior to the commencement of any blasting within the Stage 7 extraction area, the Applicant must submit the Blast Management Plan to the Planning Secretary for approval.
- B20. The Applicant must not undertake any blasting within the Stage 7 extraction area until the Blast Management Plan is approved by the Planning Secretary.
- B21. The Applicant must implement the Blast Management Plan as approved by the Planning Secretary.

AIR QUALITY AND GREENHOUSE GAS

Odour

- B22. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

Greenhouse Gas

- B23. The Applicant must implement all reasonable and feasible mitigation and management measures to improve the energy efficiency of the development and to reduce greenhouse gas emissions of the development.

Air Quality Criteria

- B24. The Applicant must ensure that all reasonable and feasible mitigation and management measures are implemented so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 5 at any residence on privately-owned land.

Table 5: Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³
	24 hour	^b 50 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³
	24 hour	^b 25 µg/m ³
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³

Notes:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

B25. The air quality criteria in Table 5 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Air Quality Operating Conditions

B26. The Applicant must:

- (a) implement all reasonable and feasible mitigation and management measures to:
 - (i) minimise odour, fume, and particulate matter (including PM₁₀ and PM_{2.5}) emissions of the development;
 - (ii) minimise any visible off-site air pollution generated by the development; and
 - (iii) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (b) ensure that all 'non-road' mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology;
- (c) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day-to-day planning of quarrying operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
- (d) implement all reasonable steps to coordinate the air quality management system with the air quality management system at nearby quarries to minimise cumulative air quality impacts;
- (e) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 5 above);
- (f) assess meteorological and air quality monitoring data daily and modify operations on the site to ensure compliance with the relevant conditions of this consent; and
- (g) record daily adaptive management measures implemented on the site, including how operations were modified or stopped to comply with the air quality criteria in Table 5, and make these records available at the request of the Department or the EPA.

Air quality monitoring

B27. Prior to commencing quarrying operations in Stage 7 extraction area, the Applicant must prepare and implement an air quality monitoring program to identify whether the mitigation of dust emissions from the development is effective and to demonstrate compliance with the performance criteria listed in condition B24.

B28. The air quality monitoring program must:

- (a) be prepared by a suitably qualified and experienced person/s endorsed by the Planning Secretary;
- (b) be undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in NSW* (EPA, 2022) and *Ambient Air Monitoring Guidance Note* (EPA, 2022);
- (c) use air quality monitoring equipment approved by the Planning Secretary;
- (d) use air quality monitors to collect data that can be used evaluate the performance of the development against the air quality criteria in this consent and guide day to day planning of quarrying operations;

- (e) include a protocol for collecting and using air quality monitoring data to distinguish between the dust emissions of the development and the dust emissions of any neighbouring developments; and
- (f) adequately support the air quality management system required by condition B26(c).

B29. The Applicant must review the air quality monitoring program annually and report any updates to the program in the annual review required by condition D10.

METEOROLOGICAL MONITORING

B30. Prior to the commencement of quarrying operations in Stage 7 extraction area and for the life of the development, the Applicant must operate a suitable meteorological station in close proximity to the site that:

- (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
- (b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017),

unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

SOIL AND WATER

Water Supply

B31. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

B32. The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.

Note: Under the *Water Act 1912* and/or the *Water Management Act 2000*, the Applicant is required to obtain all necessary water licences for the development.

Water Management Performance Measures

B33. The Applicant must ensure that the development complies with the performance measures in Table 6.

Table 6: Water management performance measures

Feature	Performance measure
Water management – general	<ul style="list-style-type: none"> • Minimise the use of clean potable water on the site • Maximise water recycling, reuse, and sharing opportunities • Design, install, operate, and maintain water management systems in a proper and efficient manner • Identify, minimise, and mitigate risks to the receiving environment and downstream water users
Clean water diversions	<ul style="list-style-type: none"> • Design development footprint and maintain clean water diversions to prevent the inflow of water from Watercourse 6 during a 1% AEP 72-hour rainfall event • Maximise as far as reasonable, the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site
Fractured rock aquifer	<ul style="list-style-type: none"> • Development does not reduce the beneficial use category of the groundwater source located more than 40 metres from the approved disturbance area
Water use	<ul style="list-style-type: none"> • Annual take of groundwater and surface water (exempt and licensed) is measured and reported against entitlements and/or licenses held
Erosion and sediment control works	<ul style="list-style-type: none"> • Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1: Blue Book (Landcom, 2004)</i>, <i>Volume 2A: Installation of Services (DECC, 2008)</i>, <i>Volume 2C: Unsealed Roads (DECC,2008)</i>, <i>Volume 2D: Main Road Construction (DECC, 2008)</i> and <i>Volume 2E: Mines and Quarries (DECC, 2008)</i> • Design, install and maintain any new infrastructure, or any approved disturbance within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land (DPI Water, 2012)</i>
Quarry water storages	<ul style="list-style-type: none"> • Design, install and maintain quarry water storage infrastructure to avoid unlicensed or uncontrolled discharge of dirty water • Operational water storages designed to contain the 1% AEP 24-hour storm event

Feature	Performance measure
	<ul style="list-style-type: none"> On-site storages are suitably designed, installed, and maintained
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard
Overburden emplacements and backfill	<ul style="list-style-type: none"> Design, install and maintain emplacements to encapsulate and prevent migration of potentially acid forming materials Acidic soils neutralised to prevent the production of acid during the reuse of soil resources
Riparian corridors	<ul style="list-style-type: none"> Maintain the inner zone of vegetated riparian zones as a vegetated buffer and minimise harm to riparian corridors Maximise the preservation of the outer area riparian zone and where the development encroaches on the outer area riparian zone, establish an encroachment offset Maintain or improve baseline channel stability
Aquatic and riparian ecosystems	<ul style="list-style-type: none"> Negligible environmental consequences beyond those predicted in document/s listed in condition A2(c) Develop site-specific in-stream water quality objectives in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC & ARMCANZ, 2000) and Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC, 2006) or its latest version

B34. The performance measures in Table 6 apply to the entire site, including all landforms constructed under previous development consents. However, these performance measures do not require any additional earthmoving works to be undertaken for landforms that have been approved and constructed under previous consents, except where those earthworks are required for the establishment of a stable and non-polluting landform.

Compensatory Water Supply

B35. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with DPE Water, and to the satisfaction of the Planning Secretary.

B36. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply must be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

B37. If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

B38. If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.

Notes:

- The Water Management Plan (see condition B40) is required to include trigger levels for investigating potentially adverse impacts on water supplies.
- The burden of proof that any loss of surface water or groundwater access is not due to quarrying impacts rests with the Applicant.

B39. In the event of any complaint relating to a privately-owned spring fed dam or licensed groundwater bore which may, in the opinion of the Planning Secretary, have been adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), the Applicant must, as soon as practicable, facilitate the provision of a temporary water supply, pending the outcome of any groundwater investigation and/or the provision of an alternative long-term supply of water as required under conditions B35 and B36, to the satisfaction of the Planning Secretary.

Water Management Plan

B40. The Applicant must prepare a Water Management Plan for the development. The plan must:

- be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- be prepared in consultation with DPE Water; and
- include a:
 - Site Water Balance** that includes details of:

- predicted annual inflows to and outflows from the site;
 - sources and security of water supply for the life of the development (including authorised entitlements and licences);
 - water storage, use and management on the site;
 - licenced discharge points and limits;
 - reporting procedures, including the annual preparation of an updated site water balance;
- (ii) **Surface Water Management Plan**, that includes:
- detailed baseline data on surface water flows, water quality, riparian condition and geomorphic stability in watercourses that could potentially be affected by the development;
 - a detailed description and mapping of the surface water management system required to achieve the relevant performance measures detailed in Table 6;
 - surface water performance criteria, including trigger levels for identifying and investigating potentially adverse impacts (or trends) associated with the development and any potential non-compliance with the relevant performance measures detailed in Table 6;
 - a program to monitor, evaluate and report on:
 - compliance with the performance measures listed in Table 6 and the performance criteria in the plan;
 - impacts on water supply for other water users;
 - surface water inflows, controlled discharges, uncontrolled discharges, and storage volumes to inform the Site Water Balance;
 - any surface water discharges;
- (iii) **Groundwater Management Plan** that includes:
- detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development, including groundwater supply for other water users;
 - a spring fed dam monitoring program to determine whether the spring fed dams identified by documents listed in condition A2(c) have been adversely and directly impacted as a result of the development (subject to landowner access arrangements). The program must include baseline and ongoing monitoring of water levels, groundwater flow and discharge volumes;
 - a detailed description of the groundwater management system required to achieve the performance measures detailed in Table 6;
 - groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts (or trends) associated with the development and any potential non-compliance with the performance measures detailed in Table 6;
 - a program to monitor, evaluate and report on:
 - compliance with the performance measures listed in Table 6 and the performance criteria in the plan;
 - water loss/seepage from water storages into the groundwater system, including from any final void;
 - groundwater inflows, outflows, and storage volumes, to inform the Site Water Balance;
 - impacts on groundwater supply for other water users, including spring fed dams;
 - the effectiveness of the groundwater management system;
 - a protocol to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the extraction areas; and
- (d) a protocol for identifying and investigating any non-compliance with the performance measures or exceedances of performance criteria for surface water or groundwater, and relevant stakeholders of these events;
- (e) a trigger action response plan to respond to any exceedances of the performance measures or performance criteria, and repair, mitigate and/or offset any adverse surface water or groundwater impacts of the development.
- B41. Prior to commencing quarrying operations in the Stage 7 extraction area, the Applicant must submit the Water Management Plan to the Planning Secretary for approval.
- B42. The Applicant must not commence quarrying operations in the Stage 7 extraction area until the Water Management Plan is approved by the Planning Secretary.
- B43. The Applicant must implement the Water Management Plan approved by the Planning Secretary.

HERITAGE

Protection of Aboriginal Heritage

- B44. If any suspected human remains are discovered and/or harmed in, on or under the land within the approved disturbance area, the Applicant must:
- (a) not further harm these remains;
 - (b) immediately cease all work at the location;
 - (c) secure the area to avoid further harm to the remains;
 - (d) notify NSW Police and NSW Heritage as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the location unless authorised in writing by the Planning Secretary.

Note: NSW Heritage must be notified via the Environment Line. At the time of this consent, the Environment Line number is 131 555.

- B45. If a suspected Aboriginal object is discovered within the approved disturbance area:
- (a) all work in the vicinity of the suspected Aboriginal object must cease immediately and the suspected Aboriginal object must not be moved;
 - (b) an exclusion area around the suspected Aboriginal object must be established to prevent any further impact to the object;
 - (c) the suspected Aboriginal object must be assessed by a suitably qualified archaeologist as soon as practicable;
 - (d) the Applicant must not recommence work in the immediate vicinity of an object confirmed as an Aboriginal object by a suitably qualified archaeologist unless the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object.
- B46. The Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal objects located outside the approved disturbance area.
- B47. The Applicant must ensure that surface disturbance activities within the approved disturbance area are supervised by an employee that is trained to recognise potential Aboriginal objects. The employee must be trained by a qualified archaeologist in partnership with registered Aboriginal parties.

Archival recording of the Belmont Homestead

- B48. The Applicant must prepare an archival recording of the Belmont Homestead. The archival recording must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with Council;
 - (c) be prepared in accordance with the NSW Heritage Office heritage information series *How to prepare archival records of heritage items 1998* and *Photographic recording of heritage items using film or digital capture 2006*;
 - (d) include:
 - (i) photographic recording;
 - (ii) three-dimensional virtual model required by Condition B50(c);
 - (iii) recording during work on the Belmont Homestead; and
 - (iv) catalogue or inventory of significant items.
- B49. The Applicant must:
- (a) prepare the archival recording prior to removing, during and on completion of the removal of the Belmont Homestead to capture the condition and appearance of the place prior to, during and after impact;
 - (b) publish the archival recording on the website required by Condition D15; and
 - (c) provide the archival recording to Council.

Heritage Interpretation Plan

- B50. Prior to the commencement of demolition of the Belmont Homestead or structures identified by the heritage listing I209, the Applicant must prepare a Heritage Interpretation Plan for the Belmont Homestead and the Wentworth Hills and Dunmore Valley Dairy Farming Landscape. The plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with Council, the landowner of any listed heritage item within 2 kilometres of the approved disturbance area, and local community;

- (c) include a three-dimensional virtual model of the Belmont Homestead, to capture and share the site's heritage values with the community;
- (d) include an animated re-creation of the Wentworth Hills and Dunmore Valley Dairy Farming Landscape, assisted by drone photogrammetry to support communication of the heritage values to the public; and
- (e) be available to the community via the Cleary Bros website required by Condition D15.

B51. Prior to the commencement of demolition of the Belmont Homestead or surrounds, the Applicant must provide a copy of the Heritage Interpretation Plan to Council.

Recovery of heritage items

B52. Prior to the commencement of the demolition of the Belmont Homestead, the Applicant must facilitate the recovery of items of interest from the Belmont Homestead. The Applicant must:

- (a) provide relevant stakeholder(s), organisations, or neighbouring landowners with at least two reasonable opportunities to retrieve items of interest;
- (b) provide notification of the dates and times available for retrieving items of interest to relevant stakeholders, organisations, and neighbouring landowners six weeks in advance of the first opportunity to retrieve items of interest; and
- (c) support the recovery of items of interest from the Belmont Homestead under the supervision of a suitably qualified archaeologist.

Archaeological investigation

B53. During the demolition and removal of the Belmont Homestead, the Applicant must undertake an archaeological investigation at the Belmont Homestead. The archaeological investigation must:

- (a) be undertaken by a suitably qualified archaeologist who meets the NSW Heritage Council's Excavation Director criteria;
- (b) be supported by the archaeological assessment included in the EIS and an archaeological research design prepared in consultation with Council.

Historic Heritage Management Plan

B54. The Applicant must prepare a Historic Heritage Management Plan for the development, in respect of all non-Aboriginal cultural heritage items. The plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with Council and relevant landowners and in accordance with the relevant Heritage NSW guidelines;
- (c) include a comprehensive description of the process for the preparation of the Heritage Interpretation Plan required by Condition B50;
- (d) include a detailed plan for recovering items of interest from the Belmont Homestead and property as required by Condition B52;
- (e) include a comprehensive plan for the deconstruction and removal of the Belmont Homestead including archaeological works to be carried out in accordance with Condition B53;
- (f) include a plan for the relocation and reconstruction of dry stone walls within the approved disturbance area. The plan must:
 - (i) identify the dry stone walls planned for salvage and a new location that is publicly accessible;
 - (ii) identify an experienced dry stone waller certified by the Dry Stone Wall Association of Australia;
 - (iii) describe any maintenance and monitoring of the relocated dry stone walls for the life of the quarry;
- (g) summarise the monitoring and management of potential blast and visual amenity impacts on The Hill Complex with reference to the blast management plan and rehabilitation management plan;
- (h) a contingency plan to manage unpredicted impacts on heritage values and their consequences and to ensure that ongoing impacts reduce to levels below the predictions of the documents listed in condition A2(c) and the requirements of this consent.

B55. Prior to the commencement of quarrying operations in Stage 7a extraction area, the Applicant must submit the Historic Heritage Management Plan to the Planning Secretary for approval.

B56. The Applicant must not commence any activities associated with the removal of dry stone walls, the demolition of the Belmont Homestead and or any structures identified by the heritage listing I209 until the Historic Heritage Management Plan is approved by the Planning Secretary.

B57. The Applicant must implement the Historic Heritage Management Plan as approved by the Planning Secretary.

BIODIVERSITY

Biodiversity Credits Required

B58. The Applicant must retire the biodiversity credits specified in Table 7 and Table 8 in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*, including the application of any ancillary rules published under clause 6.5 of the *Biodiversity Conservation Regulation 2017*.

Table 7: Biodiversity credit requirements – ecosystem credits

Credit Type	Credits Required									
	Total		Stage 1		Stage 2		Stage 3		Stage 4	
Ecosystem credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits
1300-Whalebone Tree – Native Quince dry subtropical rainforest on dry fertile slopes, southern Sydney Basin Bioregion	3.18	53	0.78	8	0	0	2.4	44	0.005	1
720-Bracelet Honey-myrtle – Australian Indigo dry shrubland on volcanics, southern Sydney Basin Bioregion	1.19	9	0	0	1.19	9	0	0	0	0

Table 8: Biodiversity credit requirements – species credits (flora)

Credit Type	Credits Required
	Prior to impacting biodiversity values in Stage 2 impact area
Zieria granulata	2,074

Staged retirement of biodiversity credits

B59. Prior to undertaking activities that would impact on biodiversity values within the:

- stage 1 impact area (as shown on Figure 3 in Appendix 6), the Applicant must retire the Stage 1 biodiversity credits as specified in Table 7;
- stage 2 impact area (as shown on Figure 3 in Appendix 6), the Applicant must retire the Stage 2 biodiversity credits as specified in Table 7 and Table 8;
- stage 3 impact area (as shown on Figure 3 in Appendix 6), the Applicant must retire the Stage 3 biodiversity credits as specified in Table 7;
- stage 4 impact area (as shown on Figure 3 in Appendix 6), the Applicant must retire the Stage 4 biodiversity credits as specified in Table 7.

B60. The Applicant must provide the Planning Secretary with evidence that confirms that the correct number and class of credits has been retired prior to impacting the biodiversity values associated with each stage identified by the plan included in Figure 3 in Appendix 6

Biodiversity Stewardship Agreement

B61. Within two years of the commencement of quarrying operations within the Stage 7 extraction area, the Applicant must establish a biodiversity stewardship agreement with a minimum area of 8.4 ha on Lot 7 DP3709 as identified on Figure 4 in Appendix 7.

B62. Within six months of the biodiversity stewardship agreement being established in accordance with condition B61, the Applicant must pay the Total Fund Deposit in full.

B63. Prior to any clearing of 720-Bracelet Honey-myrtle – Australian Indigo dry shrubland on volcanics, southern Sydney Basin Bioregion associated with the development, the Applicant must retire the credits generated by the biodiversity stewardship agreement required by condition B61.

Biodiversity Management Plan

- B64. The Applicant must prepare a Biodiversity Management Plan for the development. The Biodiversity Management Plan must:
- (a) be prepared:
 - (i) by a suitably qualified and experienced person/s;
 - (ii) in consultation with BCS;
 - (iii) in accordance with the *Biodiversity Assessment Method* and be consistent with the avoid and minimise commitments in the *Biodiversity Development Assessment Report* for the development (dated July 2023); and
 - (iv) with reference to any relevant Biodiversity Management Plan guidance material provided by BCS;
 - (b) include a description of the measures and timeframes that would be implemented for:
 - (i) minimising clearing and avoiding unnecessary disturbance of vegetation by the development;
 - (ii) minimising the impacts to flora and fauna on site and implementing fauna recovery and management protocols;
 - (iii) maximising the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement of rehabilitation of the site; and
 - (iv) controlling weeds, feral pests, and pathogens;
 - (c) include a program to monitor and report on the effectiveness of avoid, minimisation and mitigation measures;
 - (d) include an incidental threatened species finds protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered on site; and
 - (e) include details of who would be responsible for monitoring, reviewing, and implementing the plan.
- B65. Prior to the commencement of quarrying operations within the Stage 7 extraction area, the Applicant must submit the biodiversity management plan to the Planning Secretary for approval.
- B66. The Applicant must not commence quarrying operations within the Stage 7 extraction area until the biodiversity management plan is approved by the Planning Secretary.
- B67. The Applicant must implement the Biodiversity Management Plan approved by the Planning Secretary.

REHABILITATION

Rehabilitation Objectives

- B68. The Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. Rehabilitation of the site must comply with the objectives in Table 9.

Table 9: Rehabilitation objectives

Feature	Objective
<i>All areas of the site affected by the development</i>	<ul style="list-style-type: none"> • Safe and non-polluting • Hydraulically and geotechnically stable • Fit for the intended post-quarrying land use(s) • Establish the final landform and post-quarrying land use/s as soon as practicable after cessation of quarrying operations • Minimise post-quarrying environmental impacts • Integrated with surrounding natural landforms and other quarry rehabilitated landforms, to the greatest extent practicable • Minimise visual impacts when viewed from surrounding land to the greatest extent practicable • Ensure safety of native fauna and stock
<i>Areas proposed for nature conservation</i>	<ul style="list-style-type: none"> • Vegetation composition of rehabilitation contains species commensurate with native vegetation communities found in the local area • Vegetation structure of rehabilitation is similar to that of native vegetation communities found in the local area • Levels of ecosystem function have been established that demonstrate the rehabilitation is self-sustaining
<i>Areas proposed for agricultural land</i>	<ul style="list-style-type: none"> • Establish grassland areas to support sustainable agricultural activities • Use species found in the local area that are suitable for pasture production

Feature	Objective
<i>Infrastructure</i>	<ul style="list-style-type: none"> All infrastructure that is not to be used as part of the final land use is removed. All infrastructure that is to remain as part of the final land use is compatible with the intended post-quarrying land use/s, is safe and does not pose any hazard to the community.
<i>Water</i>	<ul style="list-style-type: none"> Water retained on the site is appropriately licensed and fit for the intended post-quarrying land use/s Groundwater quality is consistent with, or better than the pre-disturbance water quality
<i>Final void</i>	<ul style="list-style-type: none"> Optimise the size and depth of the final void to ensure the final landform is stable and non-polluting Minimise to the greatest extent practicable: <ul style="list-style-type: none"> the drainage catchment; any high wall instability risk; and the risk of flood interaction. Maximise potential for beneficial reuse, where practicable
<i>Final void drainage pipeline and water discharge</i>	<ul style="list-style-type: none"> Engineered to be hydraulically, geotechnically, and geomorphologically stable Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation
<i>Heritage</i>	<ul style="list-style-type: none"> Minimise visual amenity impacts on heritage values of the Hill Complex (identified in Appendix 5)
<i>Community</i>	<ul style="list-style-type: none"> Ensure public safety Ensure the risk of bushfire is similar to or less than the pre-quarrying environment Minimise adverse socioeconomic effects associated with quarry closure

B69. The rehabilitation objectives in Table 9 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed under previous consents, except where those earthworks are required for the establishment of a stable, non-polluting, and free-draining landform.

Progressive Rehabilitation

B70. The Applicant must rehabilitate^a the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

^a*This condition does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated.*

Rehabilitation Strategy

B71. The Applicant must prepare a Rehabilitation Strategy for all land disturbed by the development. The strategy must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with DPE Water, BCD, Council, and the CCC;
- (c) use a risk-based approach;
- (d) build upon the Rehabilitation Objectives in Table 9, describe the overall rehabilitation outcomes for the site and address all aspects of rehabilitation including quarry closure, final landform and final voids, post-quarrying land use/s and water management;
- (e) align with strategic rehabilitation and quarry closure objectives and address the principles of the *Strategic Framework for Mine Closure* (AMZMEC and MCA, 2000);
- (f) describe how the rehabilitation measures would be integrated with visual mitigation measures included in the progressive and final landform designs;
- (g) describe how rehabilitation will be integrated with the quarry planning process, including a plan to address premature or temporary quarry closure;
- (h) include indicative quarry plans and scheduling for life-of-quarry showing each rehabilitation domain;

- (i) include details of target vegetation communities and species to be established within proposed revegetation and tree screening areas;
- (j) include a strategic plan for the refinement and improvement of the final landform and final void outcomes over time;
- (k) include a post-quarry land use strategy to investigate and facilitate post-quarrying beneficial land uses for the site, that:
 - (i) align with regional and local strategic land use planning objectives and outcomes; and
 - (ii) support a sustainable future for the local community;
- (l) include a stakeholder engagement plan to guide rehabilitation and quarry closure planning processes and outcomes;
- (m) investigate ways to minimise adverse socio-economic effects associated with rehabilitation and quarry closure;
- (n) include a program to review and update the strategy every five years.

B72. Prior to the commencement of quarrying operations within the Stage 7 extraction area, the Applicant must submit the Rehabilitation Strategy to the Planning Secretary for approval.

B73. The Applicant must not commence quarrying operations in the Stage 7 extraction area until the Rehabilitation Management Plan is approved by the Planning Secretary.

B74. The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.

Detailed feasibility study and final landform design

B75. Within five years of commencing quarrying operations within the Stage 7 extraction area, the Applicant must prepare a detailed final landform feasibility assessment. The detailed feasibility assessment must:

- (a) be prepared by a suitably qualified and independent expert/s in relation to geotechnical, hydrological, and rehabilitation, whose appointment has been endorsed by the Planning Secretary;
- (b) include a conceptual final landform study that includes but is not limited to:
 - (i) an assessment of alternative means of discharging water (including the option of nil release of water) from the rehabilitated quarry, including conceptual designs and cost estimates;
 - (ii) an investigation and conceptual design of potential post-quarrying land use options, including opportunities to align with relevant local and regional strategic land use objectives and surrounding land uses; and
 - (iii) an assessment of how the rehabilitation of the project can be proactively integrated with the rehabilitation strategies of neighbouring quarries;
 - (iv) establishing in perpetuity vehicle access to the final landform that facilitates the proposed final land use;
- (c) include a geotechnical and engineering assessment of the construction and operation of the proposed pipeline or alternative water management options, that includes but is not limited to:
 - (i) a geotechnical feasibility assessment that:
 - identifies relevant risks and how these risks would be managed;
 - identifies geological structures that could affect the construction and operation of the proposed pipeline and how any associated risks would be managed;
 - assesses the loading conditions of tunnel boring with varying depths of cover and how this would be managed in the design of the proposed pipeline;
 - demonstrates pit walls will meet the rehabilitation objectives in Table 9;
 - (ii) a detailed engineering design for the proposed pipeline and any associated infrastructure, including consideration of the lifespan of construction materials;
 - (iii) an assessment of the erosion risks of the proposed pipeline during construction and operation;
- (d) include a safety assessment and maintenance strategy that provides:
 - (i) a detailed assessment of the safety risks of the proposed pipeline and how these risks would be managed to ensure the safety of people and fauna;
 - (ii) a process to manage blockages in the proposed pipeline;
 - (iii) an outline of the management and maintenance responsibilities that would be placed on future landowners;

B76. Within five years of commencing quarrying operations in the Stage 7 extraction area, the Applicant must submit the detailed final landform feasibility assessment to the Planning Secretary for approval.

- B77. The Applicant must not undertake quarrying operations within Stage 7b, 7c, 7d, or 7e of the development until the Planning Secretary has approved the detailed final landform feasibility assessment.
- B78. The Applicant must revise the Rehabilitation Strategy to incorporate the outcomes of the detailed final landform feasibility assessment as approved by the Planning Secretary.

Rehabilitation Management Plan

- B79. The Applicant must prepare a Rehabilitation Management Plan for the development. The plan must:
- (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with the Department and Council;
 - (a) include a map of tree screens and areas of rehabilitation required as visual amenity mitigation measures for the development;
 - (b) include detailed quarry plans and scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next five years, or other suitable time period as agreed with the Planning Secretary;
 - (c) include a plan of water management infrastructure that is required to enable the function of the final landform after rehabilitation is complete;
 - (d) include detailed completion criteria for each rehabilitation objective included in Table 9, and any other rehabilitation objective identified in the rehabilitation strategy;
 - (e) describe the measures to be implemented on the site to achieve the completion criteria;
 - (f) describe in detail the performance indicators to be implemented to ensure compliance with each completion criteria and the rehabilitation objectives in Table 9;
 - (a) include a program to monitor, independently audit and report on progress against the completion criteria and the effectiveness of the measures implemented to achieve the completion criteria;
 - (g) describe an adaptive management process that will be implemented if monitoring indicates that the measures implemented to achieve the completion criteria are not effective and/or if progress against the completion criteria is not consistent with the Rehabilitation Management Plan or Rehabilitation Strategy;
 - (h) describe any further studies, work, research, or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes; and
 - (i) include a program to review and update the plan every five years including any revisions to the rehabilitation of the site identified by updates to the Rehabilitation Strategy.
- B80. Prior to commencing quarrying operations in Stage 7 extraction area, the Applicant must submit the Rehabilitation Management Plan to the Planning Secretary for approval.
- B81. The Applicant must not commence quarrying operations in the Stage 7 extraction area until the Rehabilitation Management Plan is approved by the Planning Secretary.
- B82. The Applicant must implement the Rehabilitation Management Plan as approved by the Planning Secretary.

Rehabilitation Bond

- B83. Within 6 months of the approval of the Rehabilitation Management Plan, the Applicant must lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the plan and the relevant conditions of this consent. The sum of the bond must be an amount agreed by the Planning Secretary and determined by:
- (a) calculating the cost of rehabilitating all existing and immediately proposed disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
 - (b) employing a suitably qualified, independent, and experienced person to verify the calculated costs.
- B84. The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 2 months prior to the lodgement of the bond.
- B85. The Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:
- (a) any update or revision to the Rehabilitation Strategy or Rehabilitation Management Plan;
 - (b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of rehabilitation have been made; or
 - (c) a request by the Planning Secretary,
- B86. If rehabilitation is completed generally in accordance with the relevant performance and completion criteria, to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.

B87. If rehabilitation is not completed generally in accordance with the relevant performance and completion criteria, the Planning Secretary will call in all, or part of, the bond, and arrange for the completion of the relevant works.

Final landform infrastructure bond

B88. Five years prior to the completion of quarrying operations in the approved disturbance area, unless otherwise agreed by the Planning Secretary, the Applicant must:

- (a) calculate the cost of maintaining any water management infrastructure incorporated in the final landform design, as identified in the Rehabilitation Management Plan required under condition B79, for a period of 30 years following completion of quarrying operations;
- (b) outline a final landform infrastructure bond process that:
 - (i) includes a covenant on the title of Lot 1 DP 858245 and Lot 7 DP3709;
 - (ii) requires future landowners to maintain the water management infrastructure for a period of 30 years; and
 - (iii) provides monetary funding for the maintenance of the water management infrastructure equivalent to the costing calculated in accordance with condition B88(a).

B89. The Applicant must submit the final landform infrastructure bond process required by condition B88 to the Planning Secretary for approval.

B90. The Applicant must implement the final landform infrastructure bond process as approved by the Planning Secretary prior to the completion of rehabilitation.

VISUAL

B91. The Applicant must:

- (a) implement all reasonable and feasible mitigation measures to:
 - (i) minimise the visual and off-site lighting impacts of the development;
 - (ii) shield views of quarrying operations and associated equipment from users of public roads and privately-owned residences; and
- (b) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*;

Mitigation of visual amenity impacts to heritage values

B92. Within two years of commencing quarrying operations in the Stage 7 extraction area, the Applicant must construct a tree screen between the northern extent of Stage 7d and the boundary of Lot 1 DP 858245 to mitigate the developments impact on the heritage values of The Hill Complex. The tree screen must be 10 metres of visual screening height prior to the commencement of Stage 7d and can include an amenity bund up to five metres tall if required.

WASTE

B93. The Applicant must:

- (a) implement all reasonable mitigation and management measures to minimise the waste generated by the development;
- (b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
- (c) dispose of all waste at appropriately licensed waste facilities;
- (d) manage on-site sewage treatment and disposal in accordance with the requirements of an applicable EPL, and to the satisfaction of EPA and Council; and
- (e) monitor and report on the effectiveness of waste minimisation and management measures in the Annual Review referred to in condition D10.

B94. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

DANGEROUS GOODS

B95. The Applicant must ensure that the storage, handling, and transport of dangerous goods is carried out in accordance with the relevant Australian Standards, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*.

BUSHFIRE MANAGEMENT

B96. The Applicant must:

- (a) ensure that the development:

- (i) provides for asset protection in accordance with the relevant requirements in *the Planning for Bushfire Protection* (RFS, 2006) guideline; and
 - (ii) ensure that there is suitable equipment to respond to any fires on the site;
 - (iii) has clearly displayed plans for on-site and off-site evacuation arrangements; and
 - (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.
- B97. The Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan for the development. The plan must include:
- (a) a contact person and 24 hour contact phone number;
 - (b) include provisions for the safe use of flammable fuels and/or explosives within the site;
 - (c) emergency/evacuation plan in accordance with the *Guidelines for the Preparation of Emergency/Evacuation Plans* (RFS) and Australian Standard *AS3745 Planning for Emergencies in Facilities*.
- B98. Prior to commencing quarrying operations within the Stage 7 extraction area, the Applicant must provide a copy of the Bush Fire Emergency Management and Evacuation Plan to the Local Emergency Management Committee for its information.

PART C ADDITIONAL PROCEDURES

ADDITIONAL MITIGATION UPON REQUEST

- C1. Unless the Applicant has a negotiated agreement with the owners of residence R1 or R2, upon receiving a written request for noise mitigation from the owner of residence R1 or R2 identified in Appendix 3, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the *Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development* (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of quarrying operations.
- C2. If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.
- C3. Unless the Applicant has a negotiated agreement with the owners of R1 and R2, for the life of the development, the Applicant must continue to contribute to reasonable maintenance and recurrent operating costs associated with the noise mitigation measures installed at privately-owned residences under the development and as described in the documents listed in condition A2(c).

NOTIFICATION OF EXCEEDANCES

- C4. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners and/or tenants.
- C5. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected landowners and tenants a copy of the fact sheet entitled "*Mine Dust and You*" (NSW Health, 2017).

INDEPENDENT REVIEW

- C6. If a landowner considers the development to be exceeding any relevant noise, blasting or air quality criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their land.
- C7. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.
- C8. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
 - (a) commission a suitably qualified, experienced, and independent person, whose appointment has been approved by the Planning Secretary, to:
 - (i) consult with the landowner to determine their concerns;
 - (ii) conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and
 - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and
 - (b) give the Planning Secretary and landowner a copy of the independent review; and
 - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- D1. The Applicant must prepare an Environmental Management Strategy for the development. The strategy must:
- (a) provide the strategic framework for environmental management of the development;
 - (b) provide an overview of other approvals and legislation that regulate the development;
 - (c) set out the role, responsibility, authority, and accountability of all key personnel involved in the environmental management of the development;
 - (d) set out the procedures (including timeframes) to be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive record, handle, and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident; and
 - (v) respond to emergencies;
 - (e) include an environmental risk assessment and a description of the measures that will be implemented to manage the identified risks, including commitments in the document(s) listed in condition A2(c). The environmental risk assessment must:
 - (i) consider the environmental factors assessed in the EIS and any other environmental risks identified by the Applicant; and
 - (ii) include the mitigation measures identified in the EIS and any other mitigation measure required to manage the risks identified by the environmental risk assessment;
 - (f) include a process to review the environmental risk assessment annually and determine whether the measures implemented to manage the risks identified are effective;
 - (g) include an adaptive management process to be implemented if the review of the risk assessment indicates that a measure implemented is not effective in managing the identified risk(s) and a process to update the strategy in accordance with condition D5 and/or condition D7 ;
 - (h) include:
 - (i) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.
- D2. Prior to the commencement of quarrying operations in the Stage 7 extraction area, the Applicant must submit the Environmental Management Strategy to the Planning Secretary for approval.
- D3. The Applicant must not commence quarrying operations in the Stage 7 extraction area until the Environmental Management Strategy is approved by the Planning Secretary.
- D4. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.

Adaptive Management

- D5. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

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

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement reasonable remediation measures as directed by the Planning Secretary.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- D6. Within three months of:
- (a) the submission of an incident report under condition D8 or D9;
 - (b) the submission of an Annual Review under condition D10;
 - (c) the submission of an Independent Environmental Audit under condition D11;
 - (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or

(e) notification of a change in development phase under condition A13.

the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

D7. If necessary, to either improve the environmental performance of the development, cater for a modification, or comply with a direction, the strategies, plans, and programs required under this consent must be revised, to the satisfaction of the Planning Secretary and submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification

D8. The Applicant must notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website (or other method prescribed by the Planning Secretary) and identify the development (including the development application number and name), set out the location, and nature of the incident.

Non-Compliance Notification

D9. 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 via 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 Review

D10. By the end of September in each year after the commencement of quarrying operations in the Stage 7 extraction area, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:

- (a) describe the development (including any rehabilitation) that was carried out in the previous financial year, and the development that is proposed to be carried out over the current financial year;
- (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous financial year, including a comparison of these results against the:
 - (i) relevant statutory requirements, limits, or performance measures/criteria;
 - (ii) the environmental risk assessment prepared as part of the environmental management strategy required by condition D1;
 - (iii) requirements of any plan or program required under this consent;
 - (iv) monitoring results of previous years; and
 - (v) relevant predictions in the documents listed condition A2(c).
- (c) identify any non-compliance or incident which occurred in the previous financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- (d) evaluate and report on:
 - (i) the effectiveness of the noise and air quality management systems; and
 - (ii) compliance with the performance measures, criteria, and operating conditions of this consent;
- (e) identify any trends in the monitoring data over the life of the development;
- (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (g) describe what measures will be implemented over the next financial year to improve the environmental performance of the development.

Independent Environmental Audit

D11. Within one year of commencement of quarrying operations within the Stage 7 extraction area, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:

- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (NSW Government 2020); and
- (b) be submitted, to the satisfaction of the Planning Secretary, within two months of undertaking the independent audit site inspection, unless otherwise agreed by the Planning Secretary.

- D12. In accordance with the specific requirements of the *Independent Audit Post Approval Requirements* (NSW Government 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Condition D11 of this consent;
 - (b) submit a response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations of the Independent Audit Report;
 - (c) implement the recommendations to the satisfaction of the Planning Secretary; and
 - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary.
 - (e) be led by a suitably qualified, experienced, and independent auditor whose appointment has been endorsed by the Planning Secretary;

Monitoring and Environmental Audits

- D13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy, or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

- D14. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s or strategies.

ACCESS TO INFORMATION

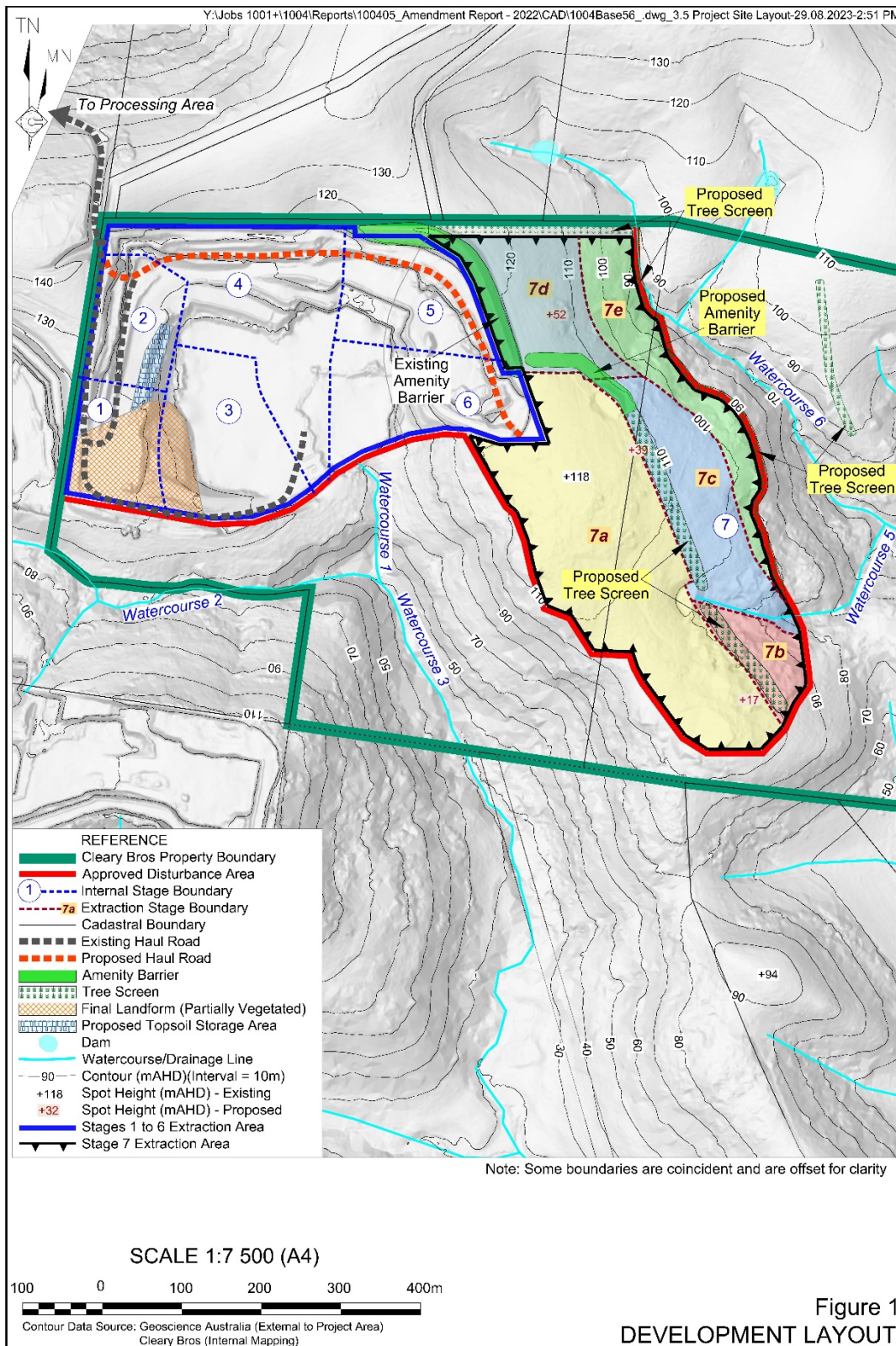
- D15. Prior to the commencement of quarrying operations in the Stage 7 extraction area until the completion of all rehabilitation required under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained, approved, or as otherwise stipulated within the conditions of this consent) publicly available on its website:
 - (i) the document/s listed in condition A2(c) of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all strategies, plans and programs required under the conditions of this consent;
 - (iv) any strategy, plan, or program developed in accordance with the documents listed in condition A2(c) or the conditions of this consent;
 - (v) the proposed staging plans for the development;
 - (vi) minutes of CCC meetings;
 - (vii) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs required by the conditions of this consent;
 - (viii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any strategies, plans and programs;
 - (ix) a summary of the current phase and progress of the development;
 - (x) contact details to enquire about the development or to make a complaint;
 - (xi) a complaints register, updated monthly;
 - (xii) the Annual Reviews of the development;
 - (xiii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant’s response to the recommendations in any audit report;
 - (xiv) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 SCHEDULE OF LANDS

Lot	DP
1	858245
7	3709

APPENDIX 2 DEVELOPMENT LAYOUT PLANS

Figure 1: Development Layout



APPENDIX 4 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in condition B1 are to apply under all meteorological conditions except the following:
 - (a) where 3°C/100 metres (m) lapse rates have been assessed, then:
 - (i) wind speeds greater than 3 metres/second (m/s) measured at 10m above ground level;
 - (ii) temperature inversion conditions between 1.5°C and 3°C/100m and wind speeds greater than 2m/s measured at 10m above ground level; or
 - (iii) temperature inversion conditions greater than 3°C/100m.
 - (b) where Pasquill Stability Classes have been assessed, then:
 - (i) wind speeds greater than 3m/s at 10m above ground level;
 - (ii) stability category F temperature inversion conditions and wind speeds greater than 2m/s at 10m above ground level; or
 - (iii) stability category G temperature inversion conditions.

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 B30.

Attended noise monitoring

3. Unless otherwise agreed by the Planning Secretary, attended compliance monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (EPA, 2000), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration,
 - (e) modifying factors apart from adjustments for duration,

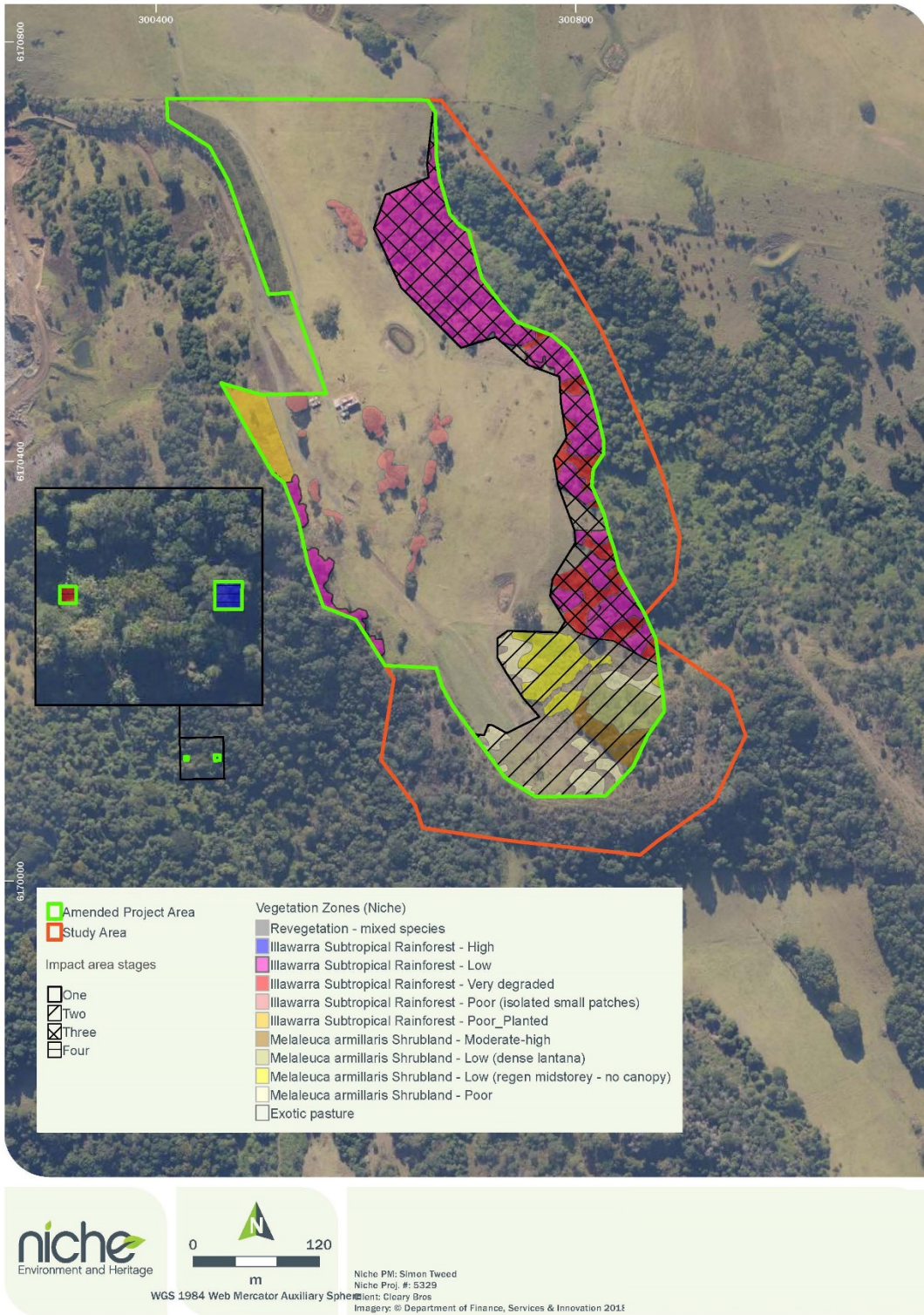
with the exception of applying appropriate modifying factors for low frequency noise during compliance testing. This must be undertaken in accordance with Fact Sheet C of the *NSW Noise Policy for Industry* (EPA, 2017).

APPENDIX 5 HERITAGE ITEMS

<i>ID – State Heritage Inventory</i>	<i>Planning Instrument</i>	<i>Title</i>	<i>Address</i>
1022	Shellharbour Local Environmental Plan 2013	The Hill Complex	195 Dunsters Lane CROOM NSW 2527
1024	Shellharbour Local Environmental Plan 2013	Kurrawong, trees, dry stone walls and silo	126 James Road CROOM NSW 2527
1025	Shellharbour Local Environmental Plan 2013	“St Ives” and fig trees	2 James Road CROOM NSW 2527

APPENDIX 6 STAGED RETIREMENT OF BIODIVERSITY CREDITS

Figure 3: Staged retirement of biodiversity credits



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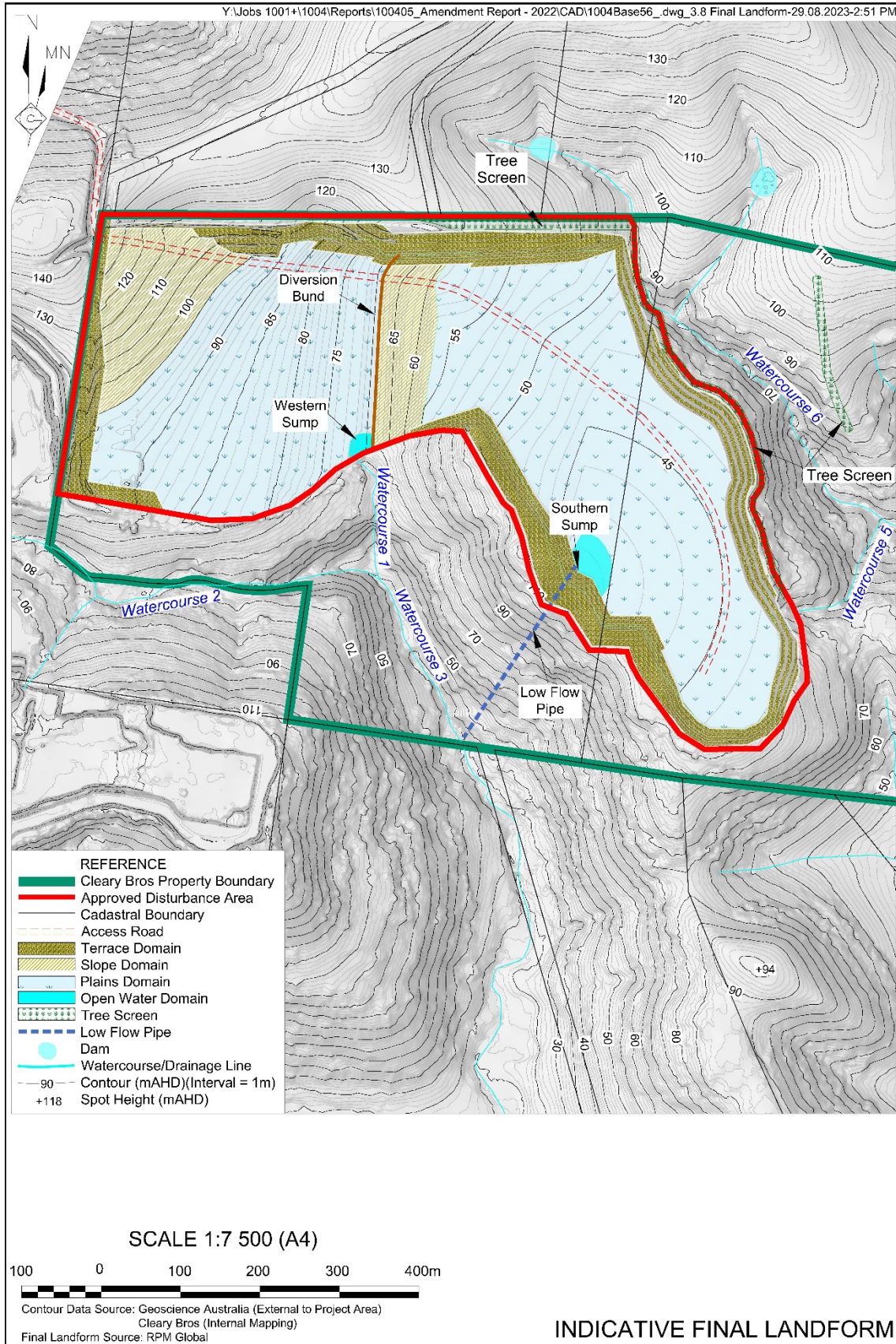
APPENDIX 7 BIODIVERSITY OFFSET STRATEGY

Figure 4: Location of biodiversity offset area



APPENDIX 8 CONCEPTUAL REHABILITATION PLAN

Figure 5: Conceptual rehabilitation plan



APPENDIX 9 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition D8 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.