

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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



Jessie Evans
Director, Energy and Resource Assessments

Sydney

2 March 2023

SCHEDULE 1

Application Number:

SSD 10417

Applicant:

Holcim (Australia) Pty Limited

Consent Authority:

Minister for Planning

Site:

The land defined in Appendices 1 and 2

Development:

Dubbo Quarry Continuation Project

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DEFINITIONS

Aboriginal object / Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
Annual Review	The review required by condition D9
Applicant	Holcim (Australia) Pty Limited
Approved extraction areas	Areas identified as the Southern Extension Area and the Western Extension Area on the Development Layout
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee required by condition A18
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
Council	Dubbo Regional Council
CPHR	Conservation Programs, Heritage and Regulation Group within NSW DCCEEW
Date of commencement	The date notified to the Department by the Applicant under condition A14 for the commencement of construction or quarrying operations.
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, Housing and Infrastructure
Development	The development described in the document/s listed in condition A2, as modified by the conditions of this consent.
Development Layout	The plan in Appendix 2
EA (MOD 1)	Modification Application SSD-10417 MOD 1, and the accompanying Environmental Assessment titled <i>Dubbo Quarry Continuation Project (SSD-10417 Mod 1 Modification Report)</i> prepared by EMM on behalf of the Applicant and dated July 2024; associated Response to Submissions titled <i>Dubbo Quarry – Modification 1 (Surface Water Diversion) Submission Report</i> prepared by EMM on behalf of the Applicant and dated July 2025
EIS	The Environmental Impact Statement titled <i>“Dubbo Quarry Continuation Project”</i> , prepared EMM Pty Limited dated January 2021, submitted with the application for consent for the development, including the Applicant’s Submissions Report dated June 2021, Addendum Submissions Report dated September 2022, Amendment Report dated October 2022 and additional information provided by the Applicant dated December 2022.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	NSW Environment Protection Authority
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
GPS	Global Positioning System

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
Laden heavy vehicle	Heavy vehicle transporting quarry products or pre-mixed concrete from the site and/or heavy vehicle transporting rehabilitation materials, aggregates or blending agents to the site
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	<p>Is harm that:</p> <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	Department of 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
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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 products	Includes all saleable quarry products, but excludes wastes and rehabilitation material
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials on the site and the associated removal of vegetation, topsoil and overburden
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 2019</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
Site	The development layout boundary shown in Appendix 2
Southern Extension Area	Extraction boundary defined in the Development Layout
Stripping Activities	The removal of overburden in the Southern Extraction Area and Western Extraction Area. This activity is also a subset of Quarrying Operations.
TfNSW	Transport for NSW

Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Water Group	Water Group within the DCCEEW
Western Extension Area	Extraction boundary defined in the Development Layout

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented 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; and
- (c) generally in accordance with the EIS, EA (MOD 1) and Development Layout.

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. In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2, 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 date of commencement of the development, or other timeframe agreed by the Planning Secretary:

- (a) a registered surveyor must be engaged to mark out the boundaries of the approved extraction areas within the site (as set out in Appendix 2); and
- (b) the Planning Secretary must be provided with a survey plan of such boundaries and their GPS coordinates.

A6. The boundaries of the approved extraction areas 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.

Quarrying Operations

A7. Quarrying operations may be carried out on the site for a period of 25 years from the date of the commencement of the development.

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.*

Extraction, Importation and Transportation Limits

A8. Extraction must not be undertaken below a level of 285 metres AHD in the Western Extension Area and 288.5 metres AHD in the Southern Extension Area and must be 2 m above the regional alluvial aquifer.

A9. The Applicant must not transport more than 500,000 tonnes of quarry products by road from the site in any calendar year.

A10. The Applicant must not receive at the site more than:

- (a) 10,000 tonnes of fly ash in any calendar year; and
- (b) 10,000 tonnes of concrete washout materials in any calendar year.

The fly ash and concrete washout materials must only be used for the purposes of blending with basalt products. No other material classified as waste under the *EPA Waste Classification Guidelines 2014* (or its latest version) may be received at the site.

A11. The Applicant must limit heavy vehicles leaving the site to:

- (a) 20 laden trucks per hour; and
- (b) 121 laden trucks per day.

Note: Heavy vehicle movements to and from the site are also controlled by the operating hours specified in condition A12 and provisions in condition B44.

Hours of Operation

A12. The Applicant must comply with the operating hours set out in Table 1.

Table 1: Operating hours

Activity	Permissible Operating Hours
Construction work	<ul style="list-style-type: none">7 am to 6 pm Monday to Friday8 am to 1 pm SaturdayAt no time on Sundays or public holidays
Quarrying operations	<ul style="list-style-type: none">7 am to 6 pm Monday to SaturdayAt no time on Sundays or public holidays
Blasting	<ul style="list-style-type: none">Once per week between 9 am to 5 pm Monday Friday
Heavy vehicle loading and road transportation	<ul style="list-style-type: none">4 am to 6 pm Monday to SaturdayAt no time on Sundays or public holidaysNo road haulage between 24 December and 1 January, inclusiveNo product heavy vehicle haulage along Sheraton Road (from 8:30 am to 9:00 am and 2:45 pm to 3:30 pm during school days) between Boundary Road roundabout and Mitchell Highway.
Maintenance and environmental management	<ul style="list-style-type: none">At any time provided that the activity is not audible at any privately owned residence

A13. The following activities may be carried out outside the hours specified in Table 1.

- delivery or dispatch of materials as requested by Police or other public authorities; and
- emergency work to avoid the loss of lives, property 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

A14. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:

- commencement of development under this consent;
- commencement of quarrying operations;
- cessation of quarrying operations; and
- any period of suspension of quarrying operations.

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 for the Dubbo Quarry, issued by the former Talbragar Shire Council in accordance with the EP&A Regulation.

A16. Upon the commencement of development under this consent, and before the surrender of the existing development consent required under condition A15, the conditions of this consent prevail to the extent of any inconsistency with the conditions of the existing consent.

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.

PLANNING AGREEMENT

A17. Within three months of the commencement of quarrying operations or other timeframe agreed by the Planning Secretary, the Applicant must enter into a Planning Agreement with Council in accordance with:

- Division 7.1 of Part 7 of the EP&A Act; and
- the terms detailed in Table 2.

Note: Commencement of quarrying operations is detailed by condition A14(b).

Table 2: Planning Agreement Contribution

Item	Contribution Amount and Purpose	Timing
Contribution Part 1	Single lump sum payment of \$600,000 (plus 1 year of CPI) for improvements to Sheraton Road nearby the schools (towards Mitchell Highway), along the proposed transport route.	Payable to Council within 1 year of commencement of the quarrying operations.
Contribution Part 2	Payment to Council of 10c per tonne for maintenance of Sheraton Road, along the proposed transport route	Following commencement of the quarrying operations, to be paid twice per year for quarry product haulage over a six-month period, as agreed with Council.
Indexing	CPI indexed	CPI indexed annually

COMMUNITY CONSULTATIVE COMMITTEE

A18. Within 6 months from the date of commencement of development, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019) or latest version.

Notes:

- The CCC is an advisory committee only.
- In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.

EVIDENCE OF CONSULTATION

A19. Where conditions of this consent require consultation with an identified party, the Applicant must:

- consult with the relevant party prior to submitting the subject document; and
- provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

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

- 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);
- 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
- 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

A22. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by condition A17 of this consent.*

DEMOLITION

A23. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

A24. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *The Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A25. All plant and equipment used on site, or to monitor the performance of the development must be:

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

COMPLIANCE

A26. 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

A27. 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.

A28. However, 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, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

PRODUCTION DATA

A29. Each year, from the commencement of quarrying operations, the Applicant must provide calendar year quarry production data to MEG by no later than 30 January.

A30. 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 D9).

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 3 at any residence on privately-owned land.

Table 3: Operational noise criteria dB(A)

Noise Assessment Location	Daytime stripping L_{Aeq} (15 min)	Daytime all other quarrying operations L_{Aeq} (15 min)	Night L_{Aeq} (15 min)	Night L_{Amax}
R1 ¹	49	49	40	52
R2	46	44	35	52
R3	43	43	37	52
R4	41	41	35	52
R5	40	41	35	52
R23	42	42	37	52
All other non-project related privately owned residences	40	40	35	52

Notes:

- To identify the locations referred to in Table 3, refer to Appendix 3
- ¹Holcim currently has a negotiated agreement in place with the landowner of this residential property

B2. Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).

B3. The noise criteria in Table 3 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:

- limit stripping activities to the daytime and to a maximum of 8 weeks per year, unless otherwise agreed by the Planning Secretary;
- construct and maintain a 4-metre-high noise bund on the western side of the southern extension area;**
- take all reasonable steps to minimise all noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
- operate a noise management system commensurate with the risk of impact, such as using a combination of predictive meteorological forecasting and noise monitoring data to:
 - guide the day to day planning of quarrying operations, and the implementation of proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent; and
 - modify or stop operations on the site to ensure compliance with the relevant conditions of this consent;
- take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions; when the noise criteria in this consent do not apply; and
- carry out regular attended noise monitoring on an at least an annualised basis, unless otherwise agreed with or directed by the Planning Secretary, to determine whether the development is complying with the relevant conditions of this consent.

Noise Management Plan

B5. The Applicant must prepare a Noise Management Plan for the development. This plan must:

- be prepared by a suitably qualified and experienced person/s;
- be prepared in consultation with the EPA;
- describe the measures to be implemented to ensure:
 - compliance with the noise criteria and operating conditions in this consent; and
 - best practice management is being employed;

(d) include a monitoring program that:

- (i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;
- (ii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;
- (iii) monitors noise at the nearest and/or most affected residences;
- (iv) adequately supports the noise management system; and
- (v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

B6. The Applicant must not commence construction or quarrying operations until the Noise Management Plan is approved by the Planning Secretary.

B7. The Applicant must implement the approved Noise Management Plan.

BLASTING

Blasting Criteria

B8. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 4.

Table 4: Blasting criteria

Location	Airblast overpressure (dB(Lin Peak))	Ground Vibration (mm/s)	Allowable exceedance
Any residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a calendar year

B9. The blasting criteria in Table 4 does not apply if the Applicant has an agreement with the owner/s of the relevant residence to exceed the blasting criteria, and the Applicant has advised the Department in writing if the terms of this agreement.

Blasting Frequency

B10. The Applicant may carry out a maximum of one blast 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 to blasts required to ensure the safety of the mine, its workers or the general public.

Notes:

- For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the quarry.
- For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast.

Property Inspections

B12. If the Applicant receives a written request from the owner of any privately-owned land within 1 kilometre of any approved extraction areas on the site 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 2 kilometres of any approved extraction area on the site 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:

- commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and
- 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. During blasting operations, the Applicant must:

- take all reasonable steps to:
 - ensure the safety of people and livestock from blasting impacts of the development;
 - protect public or private infrastructure and property in the vicinity of the site from blasting damage associated with the development;
 - minimise blast-related dust and fume emissions; and
 - avoid blasting during unfavourable climatic conditions;
- ensure compliance with the blasting criteria and operating conditions of this consent;
- carry out regular blast monitoring to evaluate whether the development is complying with the relevant conditions of this consent;
- identify any blast-related exceedance, incident or non-compliance and notify the Department and relevant stakeholders of these events;
- ensure public notification occurs to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule; and
- investigate and respond to blast-related complaints.

AIR QUALITY

Odour

B18. The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

Air Quality Criteria

B19. The Applicant must ensure 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.

B20. 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

B21. The Applicant must:

- (a) take all reasonable steps to:
 - (i) minimise odour, fume, greenhouse gas and dust (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) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 5 above);
- (c) carry out routine air quality monitoring or as directed by the Planning Secretary, to determine whether the development is complying with the relevant conditions in this consent. All monitoring must be in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2022); and
- (d) regularly assess meteorological and air quality monitoring data to:
 - (i) 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; and
 - (ii) relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Air Quality Management Plan

B22. The Applicant must prepare an Air Quality Management Plan for the development. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the EPA;
- (c) describe the measures to be implemented to ensure:
 - (i) compliance with the air quality criteria and operating conditions in this consent;
 - (ii) best practice management is being employed; and
 - (iii) air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
- (d) include an air quality monitoring program, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2022), that:
 - (i) is capable of evaluating the performance of the development against the air quality criteria;
 - (ii) adequately supports the air quality management system; and
 - (iii) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

B23. The Applicant must not commence construction or quarrying operations until the Air Quality Management Plan is approved by the Planning Secretary.

B24. The Applicant must implement the approved Air Quality Management Plan

SOIL AND WATER

Water Supply and Licensing

B25. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development, within the limits of consent set out in Part A of Schedule 2, to match its available water supply.

B26. The Applicant must obtain any necessary Water Access Licence (WAL) for the development under the *Water Management Act 2000*.

B27. Should the maximum annual surface and groundwater water take exceed the entitlements in the existing WALs, the Applicant must acquire the necessary licence shares from the appropriate water sources in consultation with **Water Group**.

B28. The Applicant must report on the surface and groundwater take at the quarry each year in the Annual Review, separating water taken under each water access 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.*

Compensatory Water Supply

B29. 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 **Water Group**, and to the satisfaction of the Planning Secretary.

B30. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

B31. 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.

B32. 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.

Note: *The Water Management Plan (see condition B39) is required to include trigger levels for investigating potentially adverse impacts on water supplies.*

Surface Water Diversions

B33. Within 12 months of the date of commencement of quarrying operations, unless otherwise agreed by the Planning Secretary, the Applicant must install a clean water diversion as shown in Appendix 2. The clean water diversion must be:

- (a) designed to prevent:
 - (i) water from the upstream catchments entering the existing extraction area; **and**
 - (ii) scour and erosion impacts to Eulomogo Creek through the implementation of appropriate protective measures, in consultation with **Water Group**.
- (b) designed in accordance with *Managing Urban Stormwater Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries* (DECC 2008);
- (b2) designed with appropriate consideration of the *Guidelines for stabilising stream banks with riparian vegetation* (Abernethy and Rutherford - CRCCH 1999), *Guidelines for instream works on waterfront land* (DCCEEW 2025) and *Guidelines for outlet structures on waterfront land* (DCCEEW 2025); and
- (c) detailed within the Water Management Plan in condition B39.

Water Discharge Management

B34. The Applicant must ensure that all surface water discharges from the site comply with the relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.

B35. Within 12 months of the completion of the clean water diversion installation required by conditions B33, the Applicant must prepare a Discharge Characterisation Report for the development and submit it to the Planning Secretary for information. This report must:

- (a) be prepared by suitably qualified and experienced person/s whose appointment has been approved by the Planning Secretary
- (b) be prepared in consultation with the EPA and **Water Group**;
- (c) include:
 - (i) measures to avoid the need for discharges as far as reasonable and feasible;
 - (ii) analysis of the frequency and volume of discharges during dry, median (or average) and wet weather conditions;
 - (iii) sufficient baseline water quality data from the East Pit;
 - (iv) characterisation of the expected water quality and frequency of proposed discharges;
 - (v) assessment of the impact of discharges to Eulomogo Creek; and
 - (vi) measures to prevent pollution of Eulomogo Creek and any other potential downstream impacts.

Sediment Basins

B36. The Applicant must design, locate and construct the sediment basins in consultation with **Water Group**, in accordance with:

- (a) the *NSW Guidelines for Controlled Activities on Waterfront Land* (NRAR 2018); and
- (b) *Managing Urban Stormwater Volume 1 (Landcom 2004)* and *Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries (DECC 2008)*.

The designs must be included in the Water Management Plan required under condition B39.

Eulomogo Creek Crossing

B37. The Applicant must construct the creek crossing on the Eulomogo Creek at the location shown in the Development Layout in Appendix 2. The Applicant must engage a suitably qualified person/s approved by the Planning Secretary to undertake the detailed design of the creek crossing in consultation with **Water Group**. The design must include:

- (a) consideration of *NSW Guidelines for Controlled Activities on Waterfront Land* (NRAR 2018);
- (b) rectangular box culverts;
- (c) minimise flooding impacts to surrounding land; and
- (d) be submitted to the Planning Secretary prior to construction works commencing.

B38. The Applicant must maintain the box culverts in the creek crossing to prevent clogging with debris and ensure impacts to hydrology, hydraulics and geomorphology in the Eulomogo Creek are minimised.

Water Management Plan

B39. The Applicant must prepare a Water Management Plan for the development. This plan must:

- (a) be prepared by suitably qualified and experienced person/s whose appointment has been approved by the Planning Secretary;
- (b) be prepared in consultation with the EPA, **Water Group** and Council; and
- (c) include a:
 - (i) **Site Water Balance** that:
 - includes details of:
 - sources and security of water supply;
 - water use and management on the site;
 - any off-site discharges or water transfers;
 - metering of captured water volumes in all water storages and measuring of volumes of water pumped between water storages; and
 - reporting procedures, including the annual preparation of a Site Water Balance; and
 - uses accurately measured volumes of captured water and water pumped around the water storages within the development's water management system and measured groundwater inflows to the water storages; and
 - minimises clean and potable water use on the site;
 - (ii) **Surface Water Management Plan** that includes:
 - detailed baseline data on surface water flows, water quality, riparian condition and geomorphic stability in watercourses and/or water bodies that could potentially be affected by the development;
 - surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts, and surface water management performance measures;
 - a detailed description of the surface water management system on the site, including the:
 - clean water diversion system;
 - erosion and sediment controls;
 - dirty water management system; and
 - water storages;
 - a program to monitor and report on:
 - any surface water discharges;
 - stream stability, riparian condition and geomorphic processes in receiving watercourses;
 - the effectiveness of the water management system;
 - surface water flows and quality in watercourses and/or waterbodies that could potentially be impacted by the development; and

- a protocol for identifying and investigating any exceedances of the surface water impact assessment criteria and for notifying the Department and relevant stakeholders of these events.

(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 and groundwater dependent ecosystems;
- a detailed description of the groundwater management system;
- groundwater performance criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
- a program to monitor and report on:
 - groundwater levels, yield and quality of groundwater resources potentially impacted by the development;
 - groundwater inflows into the extraction areas;
 - impacts of the development on groundwater dependent ecosystems; and
 - impacts of the development on groundwater supply for other water users;
- a protocol for identifying and investigating any exceedances of the groundwater performance criteria and for notifying the Department and relevant stakeholders of these events; and
- a protocol to obtain appropriate water licence(s) to cover the volume of any unforeseen groundwater inflows into the extraction areas including details to monitor and verify water take.

B40. The Applicant must not commence quarrying operations until the Water Management Plan is approved by the Planning Secretary.

B41. The Applicant must implement the approved Water Management Plan.

TRANSPORT

Monitoring of Product Transport

B42. The Applicant must keep accurate records of all laden heavy vehicle movements from the site (including hourly heavy vehicle movements) and provide a summary of these records to the Department on request.

Road Upgrades

B43. The Applicant is required to enter into a Works Authorisation Deed (WAD) with Council before finalising the design or undertaking any construction work within or connecting to the road reserve of Sheraton Road.

Transport Operating Conditions

B44. The Applicant must:

- adhere to the approved haulage route shown in Appendix 4, unless otherwise agreed by the Planning Secretary in consultation with Council;
- ensure that all laden heavy vehicles entering or exiting the site have their loads covered;
- ensure that no heavy vehicles arrive at the site prior to 4:00 am;
- take all reasonable steps to minimise traffic safety issues and disruption to local road users; and
- take all reasonable steps to ensure that appropriate signage is displayed on all heavy vehicles used to transport quarry products from the development so they can be easily identified by other road users.

Traffic Management Plan

B45. The Applicant must prepare a Traffic Management Plan for the development. This plan must:

- be prepared by a suitably qualified and experienced person/s approved by the Planning Secretary;
- be prepared in consultation with TfNSW and Council;
- include details of:
 - all transport routes and traffic types to be used for development-related traffic, including identification of bridge load restrictions;
 - processes in place for the control of heavy vehicle movements entering and exiting the site;
 - measures to be implemented to:
 - comply with the traffic operating conditions and other traffic related conditions of this consent;
 - manage the traffic impacts from contractors and sub-contractors;
 - minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school operations including school buses;
 - minimise the tracking of material onto the surface of public roads from vehicles exiting the site;

- monitor driver behaviour; and
- participate in transport management investigations initiated by Council;

(d) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:

- (i) adhere to posted speed limits or other required travelling speeds;
- (ii) adhere to designated transport routes and travel times; and
- (iii) implement safe and quiet driving practices; and

(e) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

B46. The Applicant must not commence quarrying operations until the Traffic Management Plan is approved by the Planning Secretary.

B47. The Applicant must implement the approved Traffic Management Plan.

BIODIVERSITY

Biodiversity Offset Strategy

B48. The Applicant must retire the biodiversity Ecosystem **and Species** Credits specified in Table 6 prior to commencing vegetation clearing under the consent.

The retirement of credits must be carried out in consultation with **CPHR** and in accordance with the Biodiversity Offset Scheme of the BC Act¹.

Table 6: Biodiversity ecosystem *and species* credit requirements

Credit Type	Disturbance Area (ha)	Number of Credits
Ecosystem Credits		
PCT 599 - Blakeley's Red Gum – Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion_medium	0.64	21
PCT 599 – Blakeley's Red Gum – Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion_other	1.25	37
PCT 599 – Blakeley's Red Gum – Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion_poor	1.18	24
PCT 599 – Blakeley's Red Gum – Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion_Derived Native Grass	2.75	45
6 Paddock trees assigned to the PCT 599 – Blakeley's Red Gum – Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	NA	5
PCT 599 – Blakeley's Red Gum – Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion_Remnant	0.15	5
Species Credits		
Masked Owl (<i>Tyto novaehollandiae</i>)	0.15	4
Total	6.12	141

¹ The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.

Biodiversity Management Plan

B49. The Applicant must prepare a Biodiversity Management Plan for the development. The plan must:

- (a) be prepared by suitably qualified and experienced person/s approved by the Planning Secretary;
- (b) be prepared in consultation with **CPHR**;
- (c) describe the short, medium, and long-term completion criteria to:
 - (i) implement the Biodiversity Offset Strategy required under condition B48;
 - (ii) manage any remnant vegetation and fauna habitat; and
 - (iii) manage biodiversity values within existing and future rehabilitation areas;
- (d) include a detailed description of the management measures to be implemented on the site to:
 - (i) enhance the quality of existing vegetation, vegetation connectivity and fauna habitat, including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;
 - (ii) maximise the salvage of resources, including tree hollows and soil resources, for beneficial reuse including fauna habitat enhancement;
 - (iii) minimise impacts on tree hollows where reasonable and feasible;
 - (iv) minimise impacts on fauna, including undertaking pre-clearance surveys;
 - (v) manage potential indirect impacts on threatened plant and animal species, endangered ecological communities; and
 - (vi) control unrestricted access, weeds and feral pests, with consideration of actions identified in relevant threat abatement plans;
 - (vii) minimise the amount of clearing within the approved disturbance area where reasonable and feasible;
 - (viii) protect vegetation and fauna habitat outside the approved disturbance area;
 - (ix) protecting the Eulomogo Creek riparian vegetation;
 - (x) establish and/or retain vegetation screening to minimise the visual impacts of the development on surrounding receivers;
 - (xi) control erosion;
 - (xii) manage the collection and propagation of seed; and
 - (xiii) manage bushfire hazards;
- (e) include a seasonally-based program to monitor and report on the effectiveness of the above measures and to progressively include improvements in the program that could be implemented to improve biodiversity outcomes;
- (f) include remedial actions when the monitoring shows the completion criteria are not being met or when management measures are not being effectively implemented; and
- (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B50. The Applicant must not commence construction or quarrying operations under the consent until the Biodiversity Management Plan is approved by the Planning Secretary.

B51. The Applicant must implement the approved Biodiversity Management Plan.

HERITAGE

Protection of Aboriginal Heritage

B52. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified Aboriginal object located outside the approved disturbance areas, beyond those predicted in the document/s listed in condition A2(c).

B53. If any previously unknown Aboriginal object or Aboriginal place is discovered on the site, or suspected to be on the site:

- (a) all work in the immediate vicinity of the object or place must cease immediately;
- (b) a 10-metre buffer area around the object or place must be cordoned off; and
- (c) Heritage NSW and the Department must be contacted immediately.

B54. Work in the immediate vicinity of any newly discovered Aboriginal object or place may only recommence if:

- (a) the potential Aboriginal object or place is confirmed by Heritage NSW in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place; or
- (b) the Planning Secretary is satisfied as to the measures to be implemented in respect of the Aboriginal object or place and makes a written direction in that regard.

B55. The Applicant must ensure:

- (a) salvage of known Aboriginal objects within the disturbance footprint occurs in accordance with the procedures and commitments detailed in the document/s listed in condition A2(c);
- (b) that all known Aboriginal objects or Aboriginal places on the site are properly recorded, those records are kept up to date and are reported to the Aboriginal Heritage Information Management System;
- (c) all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or places, and that suitable records are kept of these inductions;
- (d) that the Applicant facilitates ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and
- (e) the appropriate care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long-term occurs in consultation with Registered Aboriginal Parties.

REHABILITATION

Rehabilitation Objectives

B56. The Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must be consistent with the rehabilitation strategy set out in the EIS and the conceptual final landform plan in Appendix 5, and must comply with the objectives in Table 7.

Table 7: Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none">• Safe• Hydraulically and geotechnically stable• Non-polluting• Fit for the intended post-quarrying operations land use(s)• Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
Surface infrastructure areas	<ul style="list-style-type: none">• All infrastructure decommissioned and removed, unless otherwise agreed by the Planning Secretary
Quarry pits and benches	<ul style="list-style-type: none">• Long term stable• Landscaped and vegetated using native species described in the EIS.• Designed and managed to withstand flooding
Final voids	<ul style="list-style-type: none">• Minimise the size, depth and slope of the batters of the final voids• Managed to protect water quality and reduce salinity impacts

Progressive Rehabilitation

B57. The Applicant must rehabilitate 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.

Note: *It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.*

Rehabilitation Management Plan

B58. Within 12 months of the date of commencement of development under this consent, the Applicant must prepare a Rehabilitation Management Plan for the development. This plan must:

- (a) be prepared:
 - (i) by suitably qualified and experienced person/s, approved by the Planning Secretary; and
 - (ii) in consultation with Council and **Water Group**;
- (b) provide detailed plans of the final landform, that demonstrates that the development will be consistent with the objectives in Table 7 and the nominated land uses;
- (c) include a conceptual closure plan that considers the hydrological and hydraulic impacts of the final void/s;
- (d) include detailed plans for scheduling of the progressive rehabilitation;

- (e) include detailed performance and completion criteria for evaluating the performance of rehabilitation of the site;
- (f) describe the measures needed to achieve the criteria in clause (e), including triggers for remedial action, where these performance or completion criteria are not met; and
- (g) include a program to monitor, independently audit and report on progress against the criteria in clause (e) and the effectiveness of the measures in clause (f).

B59. The Applicant must implement the Rehabilitation Management Plan as approved by the Planning Secretary.

Rehabilitation Bond

- B60. 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 undertaken 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 to 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 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.
- B61. The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 1 month prior to the proposed lodgement of the bond.
- B62. 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 Management Plan;
 - (b) completion of an Independent Environmental Audit in which recommendations relating to rehabilitation have been made; or
 - (c) in response to a request by the Planning Secretary,
- B63. If rehabilitation of this site is completed generally in accordance with the relevant performance and completion criteria, to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.
- B64. If rehabilitation of the site is not completed generally in accordance with the relevant performance and completion criteria, the Planning Secretary will call in all, or part of, the bond, and arrange for the completion of the relevant works.

VISUAL

- B65. The Applicant must:
 - (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
 - (b) ensure that all external lighting associated with the development complies with relevant Australian Standards including *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*;
 - (c) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape; and
 - (d) take all reasonable steps to shield views of quarrying operations and associated equipment from users of public roads and privately-owned residences.

WASTE

- B66. The Applicant must:
 - (a) manage onsite sewage treatment and disposal in accordance with the requirements of an applicable EPL and/or Council approval;
 - (b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
 - (c) minimise the waste generated by the development;
 - (d) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
 - (e) monitor and report on waste minimisation and management in the Annual Review referred to in condition D9.
- B67. 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.

LIQUID STORAGE

- B68. The Applicant must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

DANGEROUS GOODS

B69. The Applicant must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the latest version of the Australian Standards, particularly *AS 1940-2004 The storage and handling of flammable and combustible liquids* (Standards Australia, 2004) and *AS/NZS 1596:2014 The storage and handling of LP Gas* (Standards Australia, 2014), and the *Australian Dangerous Goods Code*.

BUSHFIRE MANAGEMENT

B70. The Applicant must:

- (a) ensure that the development provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline and ensure that there is suitable equipment to respond to any fires on the site; and
- (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

PART C ADDITIONAL PROCEDURES

ADDITIONAL MITIGATION UPON REQUEST

C1. Upon receiving a written request for mitigation from the owner of any residence on the privately-owned land listed in Table 8, 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.

Table 8: Land subject to mitigation upon request

Mitigation Basis	Land
Noise	Receiver R2, as shown on the figure in Appendix 3
Noise	Receiver R3, as shown on the figure in Appendix 3

C2. If within 3 months of receiving a request for additional mitigation 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. For the life of the development, the Applicant must continue to contribute to reasonable maintenance and recurrent operating costs associated with the mitigation measures installed at privately-owned residences under the development.

NOTIFICATION OF LANDOWNERS/TENANTS

Within one month of the date of this consent, the Applicant must notify in writing the owner of the residences on the land listed in Table 8 that they are entitled to ask the Applicant to install additional mitigation measures at the residence.

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 to any affected landowners and tenants; and
- publish on its website

the full details of the exceedance.

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 Minerals Council, 2011).

INDEPENDENT REVIEW

C6. If a landowner considers the development to be exceeding any 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 of the Planning Secretary’s decision, or as otherwise agreed by the Planning Secretary and the landowner, the Applicant must:

- commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
 - consult with the landowner to determine their concerns;
 - conduct monitoring to determine whether the development is complying with the relevant criteria in PART B of this consent; and
 - if the development is not complying with any relevant criterion, identify measures that could be implemented to ensure compliance with that criterion;
- give the Planning Secretary and landowner a copy of the independent review; and
- 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. An Environmental Management Strategy must be prepared for the development to the satisfaction of the Planning Secretary. This strategy must:

- (a) provide the strategic framework for environmental management of the development;
- (b) identify the statutory approvals that apply to 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 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;
 - (v) respond to emergencies; and
- (e) 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. The Applicant must not commence construction or quarrying operations until the Environmental Management Strategy is approved by the Planning Secretary.

D3. The Applicant must implement the approved Environmental Management Strategy.

Management Plan Requirements

D4. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

- (a) a summary of relevant background or baseline data;
- (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
- (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
- (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to condition A2(c);
- (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
- (g) a protocol for managing and reporting any:
 - (i) incident, non-compliance or exceedance of the impact assessment criteria or performance criteria;
 - (ii) complaint; or
 - (iii) failure to comply with statutory requirements; and
- (h) a protocol for periodic review of the plan.

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

REVISION OF STRATEGIES, PLANS AND PROGRAMS

D5. Within three months of:

- (a) the submission of an incident report under condition D7;
- (b) the submission of an Annual Review under condition D9;

- (c) the submission of an Independent Environmental Audit under condition D11;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

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

D6. 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

D7. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing through the Department's Major Projects website and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

D8. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to through the Department's Major Projects website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

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

Annual Review

D9. By the end of March in each year after the commencement of development, 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 calendar year, and the development that is proposed to be carried out over the current calendar year;
- (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the documents listed condition A2;
- (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- (d) evaluate and report on:
 - (i) the effectiveness of the noise and air quality management systems; and
 - (ii) compliance with the performance measures, criteria and operating conditions in 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 current calendar year to improve the environmental performance of the development.

D10. Copies of the Annual Review must be submitted to Council and **Water Group** and made available to the CCC and any interested person upon request.

Independent Environmental Audit

D11. Within one year of the commencement of development under this consent, 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 led and conducted by a suitably qualified, experienced and independent team of experts, whose appointment has been approved by the Planning Secretary;

- (b) be carried out in consultation with the relevant agencies and the CCC;
- (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and EPL for the development (including any assessment, strategy, plan or program required under these approvals);
- (d) review the adequacy of any approved strategy, plan or program required under this consent and the other abovementioned approvals;
- (e) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under this consent and the other abovementioned approvals; and
- (f) be conducted and reported to the satisfaction of the Planning Secretary.

D12. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Note: *The audit team must be led by a suitably qualified auditor and include experts in any fields specified 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 of this consent, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

D15. Before the commencement of construction 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 A2;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) minutes of CCC meetings;
 - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Annual Reviews of the development;
 - (xi) 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;
 - (xii) 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 LAND

<i>Lot</i>	<i>DP</i>
222	1247780
Part of 100	628628
Part of 221	1247780
<i>Natural Feature</i>	
Part of Eulomogo Creek, shown in Appendix 2	

APPENDIX 2: DEVELOPMENT LAYOUT

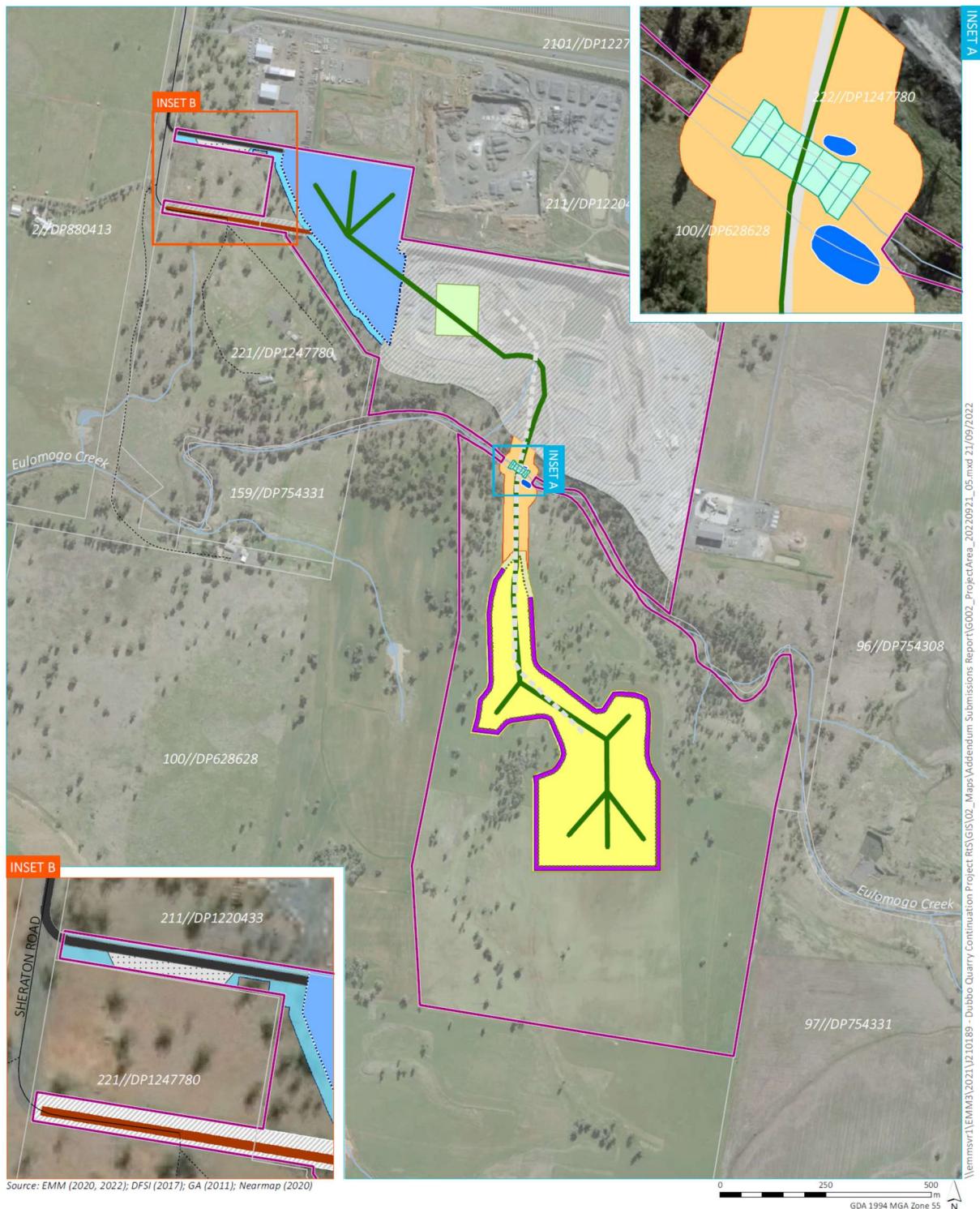


Figure 1: Development layout (note for culvert design refer to condition B37)

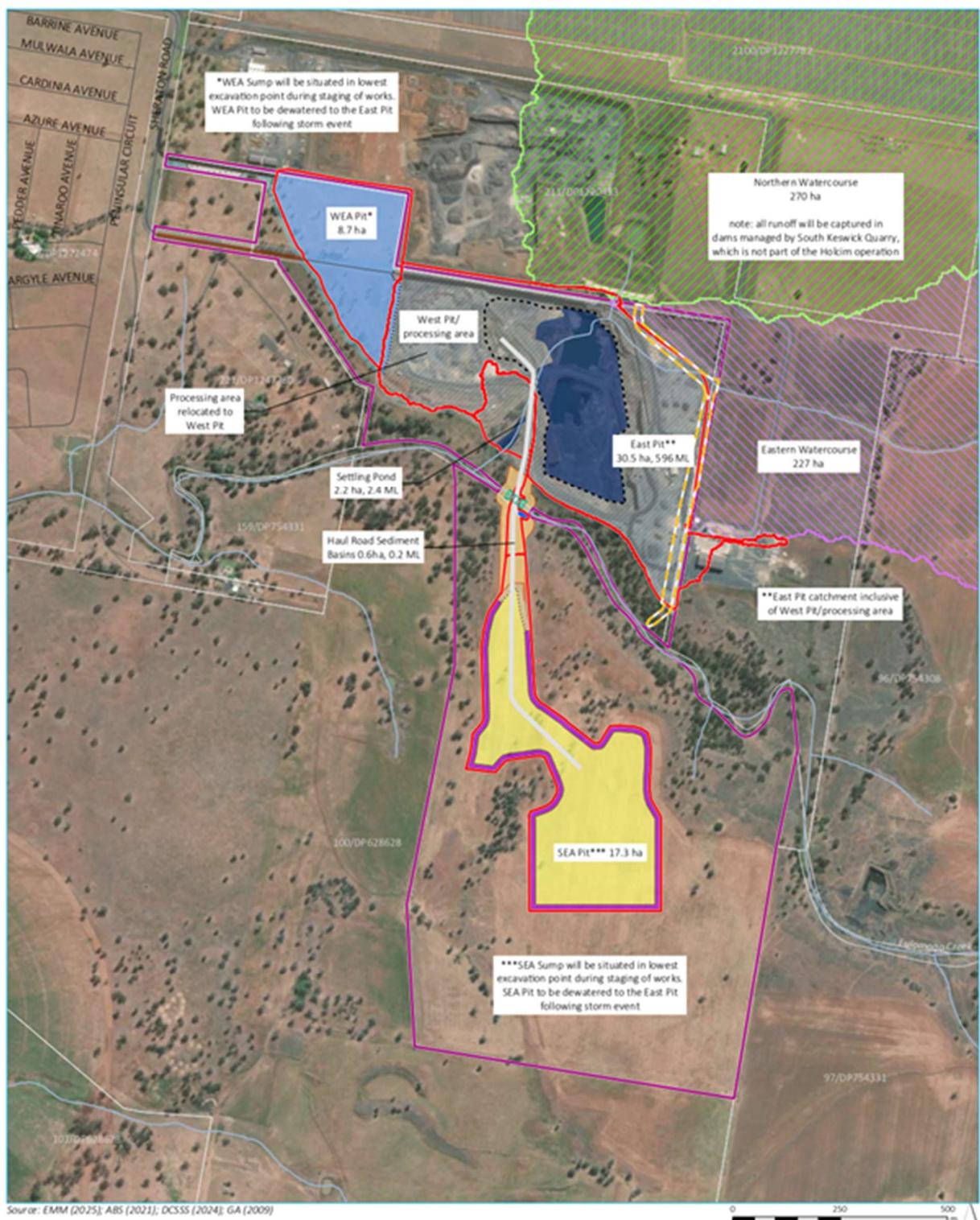


Figure 2: Water management system with surface water diversion

APPENDIX 3: SENSITIVE RECEIVER ASSESSMENT LOCATIONS

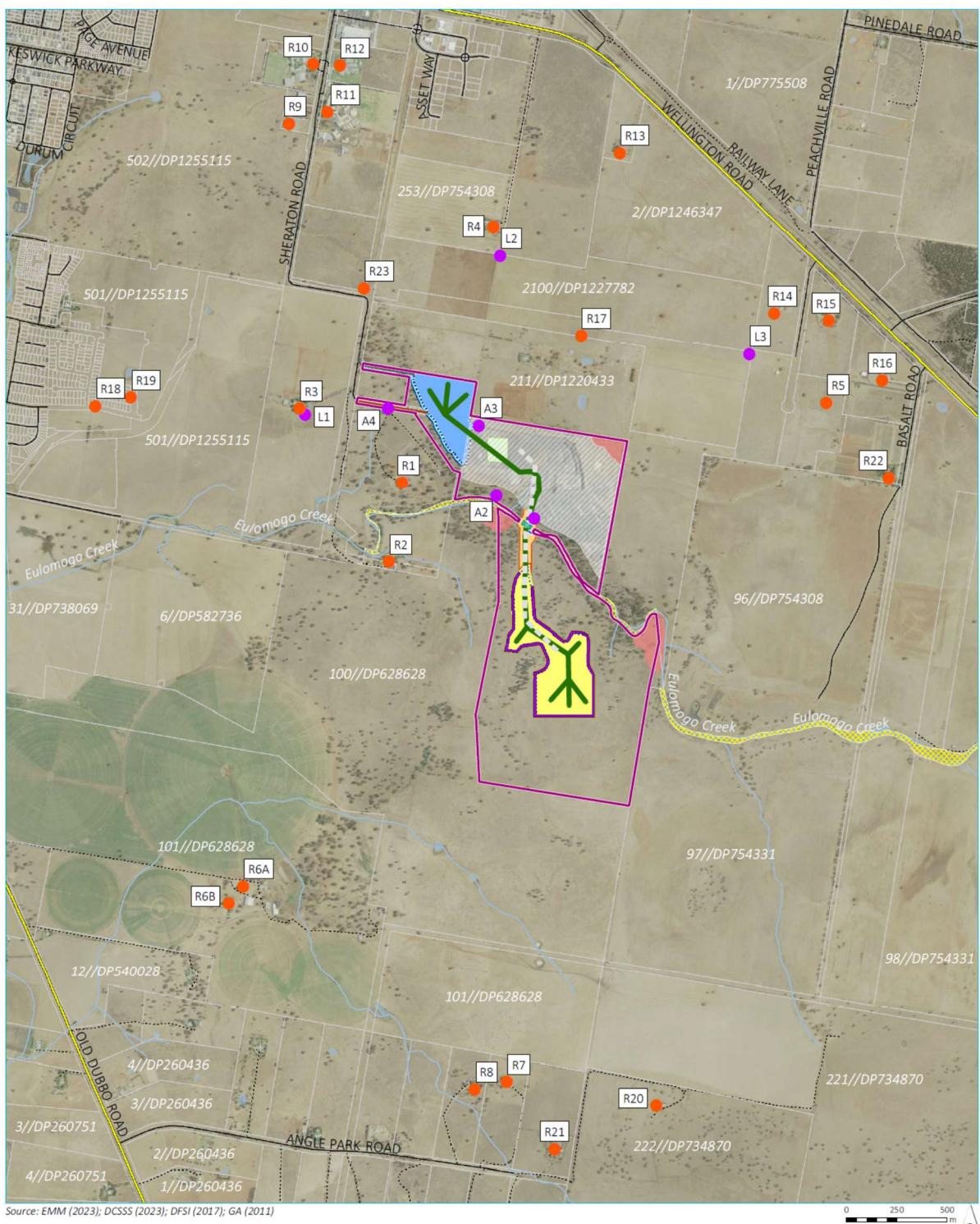
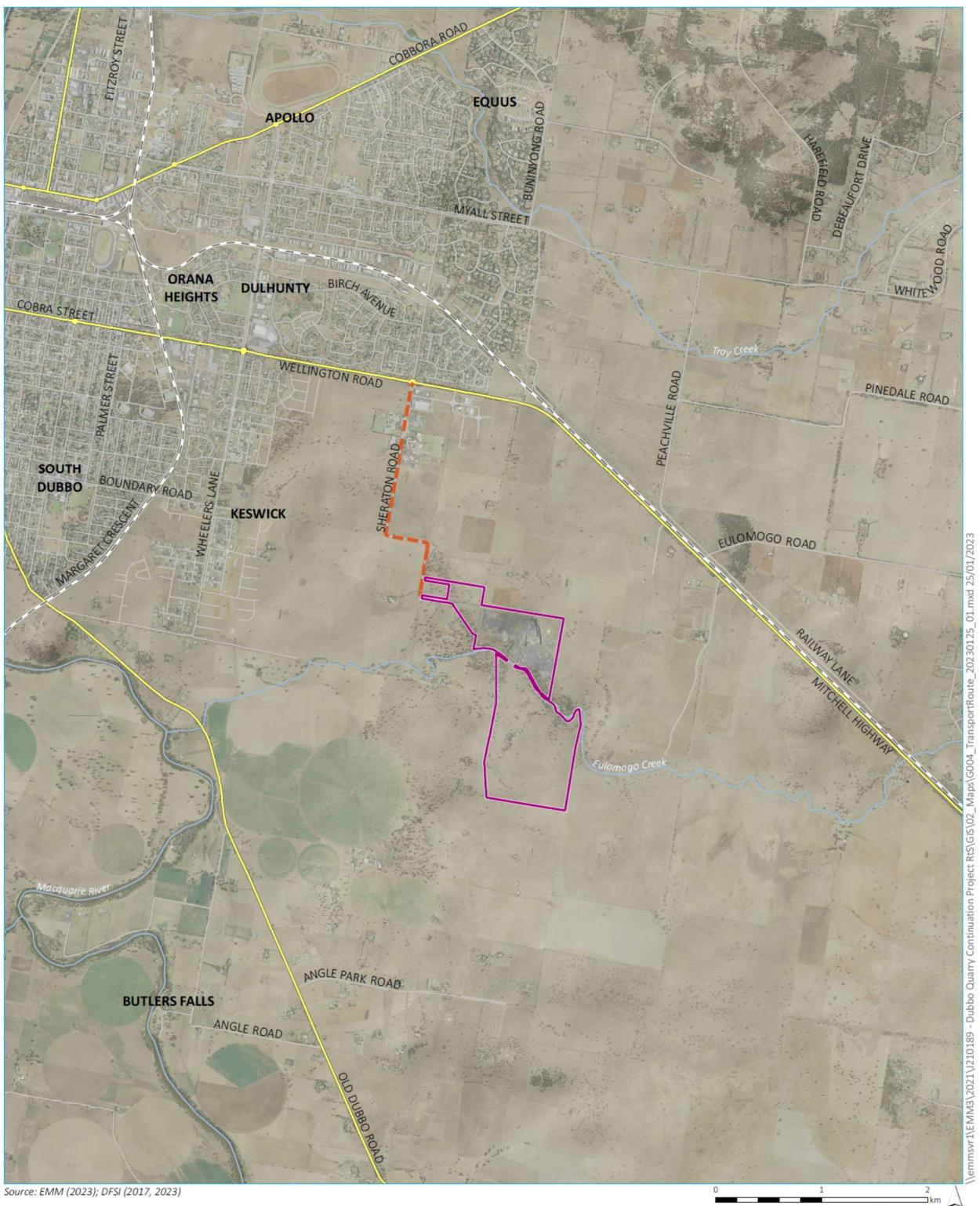


Figure 1: Sensitive receiver locations

APPENDIX 4: PRODUCT TRANSPORT ROUTE



KEY

- Project area
- Transport route
- Rail line
- Major road
- Minor road
- Named watercourse

Transport route

Dubbo Quarry Continuation Project

Figure 1

Figure 1: Product transport route

APPENDIX 5: CONCEPTUAL REHABILITATION PLAN

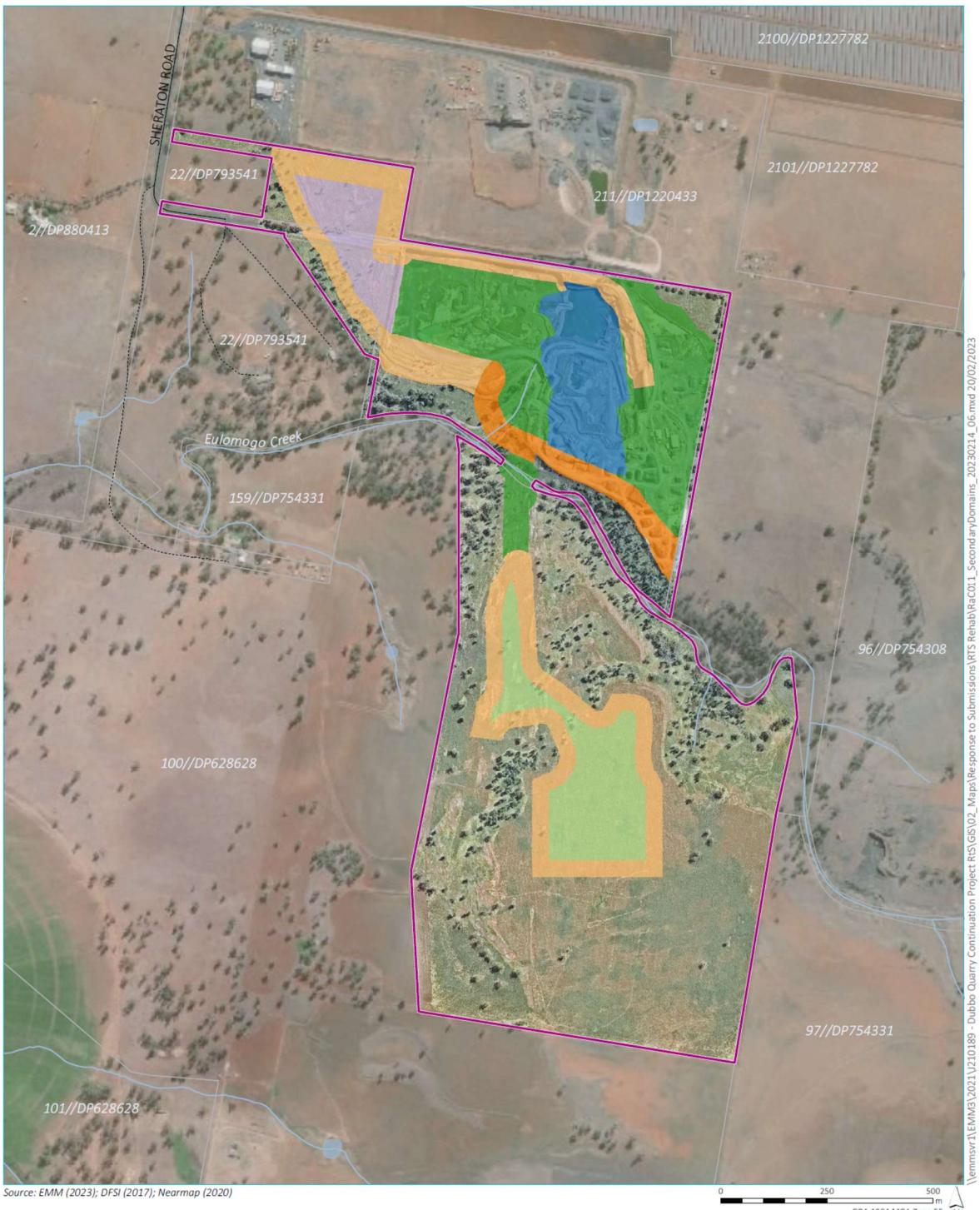


Figure 1: Conceptual Final Landform including native revegetation areas