

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



**Executive Director
Energy, Resources and Industry Assessments**

Sydney

2 March 2023

SCHEDULE 1

Application Number:	SSD-12469087
Applicant:	Gunlake Quarries Pty Ltd
Consent Authority:	Minister for Planning
Site:	The land defined in Appendix 1
Development:	Gunlake 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>
AHD	Australian Height Datum
Annual Review	The review required by condition D9
Applicant	Gunlake Quarries 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
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	Goulburn Mulwaree Council
Cured concrete waste	Cured concrete waste from a batch plant as defined in clause 49, Definitions of waste classifications, in Schedule 1 of the <i>POEO Act</i> , as in force from time to time
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 and Environment
Development	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent.
Development Layout	The plan in Appendix 2
DPE Crown Lands	Crown Lands Group within the Department
DPE Water	Water Group within the Department
EIS	Environmental Impact Statement titled <i>Gunlake Quarry Continuation Project</i> , dated September 2021 and prepared by EMM; Submissions Report, dated March 2022 and prepared by EMM; Additional information responses from Gunlake Quarries dated 12 October 2022, 17 August 2022, 29 August 2022, 21 September 2022, 29 September 2022, 7 November 2022, 9 January 2023, 10 January 2023 and 11 January 2023
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 2021</i>
EPL	Environment Protection Licence under the <i>POEO Act</i>
Evening	The period from 7 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 trucks	Trucks transporting quarry products from the site and/or trucks transporting cured concrete materials 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	Is harm that: • 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) This definition excludes “harm” that is authorised under either this consent or any other statutory approval’
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, or delegate
Minor	Not very large, important or serious
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
NPfl	Noise Policy for Industry (NSW EPA, 2017)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Primary Transport Route	Transportation route to and from the site along Brayton Road, Ambrose Road and Red Hills Road as shown in Appendix 3
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
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials on the site and the associated removal of vegetation, topsoil and overburden, and the associated emplacement of overburden within the eastern and western emplacement areas.
Quarry pit	Area shown in the Development Layout for the extraction of hard rock resource
Quarry products	Includes all saleable quarry products, but excludes 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 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
Secondary Transport Route	Transportation route to and from the site along Brayton Road, across George Street and under the Hume Highway as shown in Appendix 3
Site	The area shown in Appendix 2
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 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 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(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 date of commencement, or other timeframe agreed by the Planning Secretary:
- (a) a registered surveyor must be engaged to mark out the boundaries of the approved areas of extraction 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 areas of extraction 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 30 years from the date of the commencement of 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.

- A8. Extraction must not be undertaken below a level of 546 m AHD.
- A9. The Applicant must not transport more than 4.2 million tonnes per annum of quarry products from the site by road in any calendar year.
- A10. The Applicant must not receive more than 50,000 tonnes of cured concrete waste on the site in any calendar year. The volume of cured concrete waste held on site at any one time must not exceed 2,500 tonnes. No other material classified as waste under the *EPA Waste Classification Guidelines 2014* (or its latest version) may be received on site.

Transport Operations

- A11. The Applicant must limit truck movements to:
- (a) a maximum of 375 inbound movements and 375 outbound movements, including no more than 38 outbound movements on the Secondary Transport Route per working day; and
 - (b) an average of no more than 25 outbound movements on the Secondary Transport Route per working day (averaged over the working days in each quarter).

Notes: Under this condition:

- 'working day' means any day on which the Applicant may load and despatch laden trucks permitted under condition A12; and

- 'quarter' means a three-monthly period, comprising January to March, April to June, July to September and October to December (inclusive) in a calendar year.

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	• 7 am to 6 pm Monday to Friday • 8 am to 1 pm Saturday • At no time on Sunday or public holidays
Quarrying operations (excluding overburden removal/emplacement and drilling)	• 24 hours a day but not between 6 pm Saturday and 2 am Monday • At no time on Sunday or public holidays
Overburden removal/emplacement and drilling	• 7 am to 6 pm Monday to Saturday • At no time on Sunday or public holidays
Blasting	• 9 am to 5 pm Monday to Friday • At no time on Saturday, Sunday or public holidays
Loading and dispatching	• 24 hours a day but not between 6 pm Saturday and 2 am Monday • At no time on Sunday or public holidays
Transportation on the Primary Transport Route	• 24 hours a day but not between 6 pm Saturday and 2 am Monday • At no time on Sunday or public holidays
Transportation on the secondary transport route	• 6 am to 7 pm Monday to Saturday • At no time on Sunday or public holidays
Maintenance and environmental management	• 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 Gunlake Quarry Extension Project (SSD-7090, as modified: NSW LEC 2020/00327172) 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.

CONTRIBUTIONS TO COUNCIL

- A17. The Applicant must pay annual financial contributions to Council towards the maintenance of roads used for haulage of quarry products along the Primary and Secondary Transport Routes. The contributions must be determined in accordance with the *Goulburn Mulwaree Local Infrastructure Contributions Plan 2021* (including any updated or revised version of this plan), or as otherwise agreed by Council. Contributions must be paid to Council within one month of commencement of development under this consent, and within one month of the anniversary of the date of this consent each year, or as otherwise agreed by Council, and reported in the Annual Review.

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).
- A19. The CCC may be combined with the CCC for the existing Gunlake Quarry Extension Project.

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

- A20. 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; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) 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

- A21. 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).
- A22. 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

- A23. 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 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

- A24. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A25. 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.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

A26. All plant and equipment used on site, or to monitor the performance of 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. 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

A30. 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, or as otherwise agreed by MEG.

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 D9).

CROWN LAND

A32. Prior to undertaking any development on Crown Land or Crown Roads at the site, the Applicant must consult with DPE Crown Lands and lodge an application to purchase.

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 dB(A)

Noise Assessment Location	Day <i>L_{Aeq}</i> (15 min)	Evening Shoulder <i>L_{Aeq}</i> (15 min)	Evening <i>L_{Aeq}</i> (15 min)	Night	
				<i>L_{Aeq}</i> (15 min)	<i>L_{A1}</i> (1 min)
R6 and R9	36	35	35	35	52
All other privately-owned residences	35	35	35	35	52

Note: To identify the locations referred to in Table 2, refer to Appendix 4

- 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 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:
- take all reasonable steps to minimise all noise from construction, operational and road transport activities, including low frequency noise and other audible characteristics;
 - operate a comprehensive noise management system commensurate with the risk of impact 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;
 - carry out regular attended noise monitoring (at least every three months, unless otherwise agreed with the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
 - regularly assess the noise monitoring data, and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Noise Management Plan

- B5. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. 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;
 - include an operational monitoring program that:
 - is undertaken by a suitably qualified and experienced person/s;
 - uses attended monitoring to evaluate the performance of the development;
 - monitors noise at the nearest and/or most affected residences;
 - adequately supports the noise management system; and
 - includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.
 - include a traffic noise monitoring program that:
 - is undertaken by a suitably qualified and experienced person/s;
 - monitors the traffic noise impacts of the development along the Primary and Secondary Transport Routes within two months of annual dispatches of quarry products exceeding 2.5 million, 3 million, 3.5 million and 4 million tonnes;

- (iii) assesses compliance of the traffic noise impacts against the relevant road noise criteria; and
- (iv) includes a protocol for identifying any traffic noise-related exceedances or non-compliance and for notifying the Department and relevant stakeholders of these events.

B6. The Applicant must not commence quarrying operations under this consent 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 3.

Table 3: *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 3 do 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 of the terms of this agreement.

Blasting Frequency

B10. The Applicant may carry out a maximum of 2 blasts 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 area 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:

- (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. During blasting operations, the Applicant must:
- (a) take all reasonable steps to:
 - (i) ensure the safety of people and livestock from blasting impacts of the development;
 - (ii) protect public or 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) operate a suitable system to enable members of the public to get up-to-date information on the proposed blasting schedule on the site; and
 - (c) carry out regular blast monitoring 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 to the satisfaction of the Planning Secretary. 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 that will be implemented to:
 - (i) ensure compliance with the blasting criteria and operating conditions of this consent;
 - (ii) avoid blasting during unfavourable climatic conditions;
 - (iii) manage flyrock;
 - (d) include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent;
 - (e) include a protocol for identifying any blast-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events;
 - (f) include public notification procedures to enable members of the public, particularly surrounding residents, to get up-to-date information on the proposed blasting schedule; and
 - (g) include a protocol for investigating and responding to blast-related complaints.
- B19. The Applicant must not undertake any blasting under this consent until the Blast Management Plan is approved by the Planning Secretary.
- B20. The Applicant must implement the approved Blast Management Plan.

AIR QUALITY

Odour

- B21. The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

Air Quality Criteria

- B22. The Applicant must ensure that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 4 at any residence on privately-owned land.

Table 4: Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, 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

Pollutant	Averaging period	Criterion
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.

- B23. The air quality criteria in Table 4 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

- B24. 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) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and 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;
- (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 4 above);
- (d) carry out routine air quality monitoring to determine whether the development is complying with the relevant conditions in this consent; and
- (e) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Air Quality Management Plan

- B25. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Planning Secretary. 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 a program of targeted air quality monitoring to validate the accuracy of predicted air quality impacts and the effectiveness of the proactive and reactive air quality mitigation measures described in the EIS;
- (e) 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.

- B26. The Applicant must not commence quarrying operations under this consent until the Air Quality Management Plan is approved by the Planning Secretary.

- B27. The Applicant must implement the approved Air Quality Management Plan.

Quarry-owned Land

- B28. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 4 at any occupied residence on quarry-owned land unless:
- (a) the tenant has been notified of any health risks associated with such exceedances in accordance with the notification requirements under Part C of this consent; and
 - (b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving reasonable notice,
- to the satisfaction of the Planning Secretary.

METEOROLOGICAL MONITORING

- B29. For the life of the development, the Applicant must ensure that there is a suitable meteorological station operating 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* (EPA, 2022); 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 and Licensing

- B30. 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.
- B31. 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.*

Compensatory Water Supply

- B32. Prior to quarrying activities intercepting the regional fractured rock groundwater source, the Applicant must complete a bore census for all licensed privately-owned groundwater bores that are located within 2 kilometres of the development providing:
- (a) notification of bore owners, including an indication of the level of risk of impact to their water supply;
 - (b) ongoing engagement and consultation with bore owners;
 - (c) detailed baseline data regarding groundwater levels, yield and quality for privately-owned groundwater bores; and
 - (d) a condition assessment of existing groundwater bores and monitoring equipment;
- to the satisfaction of the Planning Secretary.
- B33. 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.
- B34. 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.
- B35. 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.
- B36. 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.*

Water Discharges

- B37. The Applicant must not discharge waters offsite from any onsite water storages until the Surface Water Management Plan required under condition 39(c)(ii) is approved.
- B38. The Applicant must ensure that all surface water discharges from the site comply with all relevant provisions of the POEO Act, including but not limited to, section 120 or any discharge limits (both volume and quality) set for the development in any EPL.

Water Management Plan

- B39. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This 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 EPA, WaterNSW, BCD and DPE Water; 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;
 - reasonable and feasible re-use and disposal options to minimise/prevent offsite water discharges;
 - any offsite discharges or water transfers;
 - measuring of water volumes in all water storages and measuring of volumes of water pumped between water storages;
 - reporting procedures, including the annual preparation of a Site Water Balance;
 - minimises clean and potable water use on the site; and
 - is updated to incorporate the outputs of the numerical groundwater flow model required by condition B39(iv).
 - (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;
 - detailed information on predicted offsite discharges, including:
 - baseline data on water quality (including electrical conductivity) in water storages on the site, including the pit sump and pit dewatering dams;
 - predicted discharge volumes, frequencies and rates;
 - dirty water treatment options to ensure compliance with condition B38;
 - measures to minimise or mitigate adverse water quality and geomorphological impacts of receiving waters from controlled discharges;
 - 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; and
 - surface water flows and quality in watercourses and/or waterbodies that could potentially be impacted by the development;
 - the onsite wastewater and effluent management system; 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 localised shallow and regional groundwater levels, yield and quality for groundwater resources potentially impacted by the development and reference sites, including for:
 - the existing groundwater monitoring bores (identified as GM6 and GM13);
 - groundwater supply for other water users; and
 - groundwater dependent ecosystems, including the *Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion* plant community type identified in the vicinity of the site;
- a detailed description of the groundwater management system;
- groundwater performance criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
- an expanded program to monitor and report on:
 - groundwater levels (monthly), yield and quality of groundwater resources potentially impacted by the development, including any groundwater associated with groundwater dependent ecosystems;
 - groundwater inflows into the extraction area;
 - seepage/leachate into the surrounding groundwater system;
 - 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.

(iv) **Groundwater Modelling Plan** that:

- provides details for the future development and calibration of a numerical groundwater model which must be prepared in accordance with the *Australian Groundwater Modelling Guidelines* (Barnett et al. 2012) and completed within 2 years of the date of commencement of this consent, unless otherwise agreed by the Planning Secretary;
- is independently third-party reviewed;
- provides for the incorporation of the outcomes of groundwater modelling undertaken at surrounding quarry sites, including the Lynwood Quarry;
- considers field data and results of local and regional groundwater monitoring; and
- provides for periodic validation and where necessary recalibration, of the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions.

B40. The Applicant must not commence quarrying operations under this consent 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 detailed and accurate records of all truck movements to and from the site (including time of arrival and dispatch) and publish a comprehensive summary of records, which includes daily maximum and calendar month averages, on its website every three months.

Transport Operating Conditions

B43. The Applicant must:

- ensure that all laden trucks entering or exiting the site have their loads covered, with the exception of loads consisting solely of boulders greater than one tonne in weight;
- ensure that all laden trucks exiting the site are cleaned of material that may fall on the road, before leaving the site; and
- take all reasonable steps to minimise traffic safety issues and disruption to local road users.

Primary Transport Route

B44. Prior to transporting more than 2.6 million tonnes per calendar year of quarry products from the site, the Applicant must complete and implement:

- (a) **Culvert widening:** widening of Culverts A-E along the Primary Transport Route as described in *Road Safety Assessment Report* (Section 4.1.1) prepared by Australian Road Research Board (dated 15 September 2021);
- (b) **Road safety measures on the Primary Transport Route:** as described in the *Primary Transport Route - Road Safety Audit Report* (Table 3.1) prepared by Australian Road Research Board (dated 14 September 2021), including but not limited to:
 - (i) delineation measures (guideposts, line marking, signage and supplementary markers);
 - (ii) trimming/removing vegetation to ensure adequate lines of sight;
 - (iii) to the provision of a minimum 3 m clear zone, or installation of safety barriers where this cannot be achieved; and
- (c) **Hume Highway and Red Hills Road intersection repair works:**
 - (i) repair the existing damage to the intersection road shoulder and infrastructure; and
 - (ii) implement measures to stop/prevent vehicles cutting the corner when exiting the Hume Highway and entering Red Hills Road.

Note: The location of Culverts A-E is shown in Appendix 3.

B45. The Applicant must complete all works on the Primary Transport Route in accordance with the latest Austroads standards, in consultation with and to the satisfaction of Council.

Traffic Management Plan

- B46. The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
 - (b) be prepared in consultation with TfNSW and Council;
 - (c) include details of:
 - (i) all transport routes and traffic types to be used for development-related traffic, including identification of bridge / culvert load restrictions;
 - (ii) processes in place for the control of truck movements entering and exiting the site;
 - (iii) measures to be implemented to:
 - ensure compliance with the traffic operating conditions and other traffic related conditions of this consent;
 - manage the traffic impacts from contractors and subcontractors;
 - minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school bus operations;
 - minimise the transmission of dust and 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 Truck Drivers' Code of Conduct required that:
 - (i) require induction of all truck drivers, including a requirement to read and understand the Truck Driver Code of Conduct and sign a Truck Driver Induction Form, prior to commencing truck driving duties to and from the quarry site;
 - (ii) include all speed restrictions for the Primary Transport Route and Secondary Transport Route in the Truck Driver Induction Forms and the requirement for the truck drivers to adhere to these speed restrictions;
 - (iii) include the designated transport routes and travel times and the requirement for the truck drivers to adhere to these designated routes;
 - (iv) incorporate provisions regarding anti-social behaviour and anti-littering practices;
 - (v) incorporate details of the safe and quiet driving practices that must be adhered to by truck drivers transporting products to and from the quarry, particularly on the primary and secondary transport routes;
 - (vi) incorporate safe merging practices that the truck drivers that truck drivers must adhere to at the Hume Highway / Red Hill Road intersection when entering the Hume Highway;
 - (vii) incorporate provisions prohibiting overtaking moving vehicles on the Primary Transport Route and Secondary Transport Route;
 - (viii) incorporate provisions prohibiting the use of air brakes by in-bound trucks at the Hume Highway / Red Hills Road intersection (except in the case of emergencies) and to include provisions for truck drivers to be educated on the acceptable use of air brakes on local roads;

- (ix) include a copy of the Applicant's drug and alcohol policy; and
 - (x) incorporate mechanisms for ensuring compliance with the Truck Driver Code of Conduct including a mechanism for the Applicant's onsite manager to conduct random compliance checks (no less than once per quarter) of driver behaviour along the primary transport route and secondary transport route.
- (e) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

B47. The Applicant must not commence quarrying operations under this consent until the Traffic Management Plan is approved by the Planning Secretary.

B48. The Applicant must implement the approved Traffic Management Plan.

Transport Options Review

B49. Within 5 years of the date of this consent, and every 10 years thereafter, the Applicant must commission, commence and pay the full cost of a Transport Options Review for the development. This review must:

- (a) be conducted by a suitably qualified, experienced and independent expert/s whose appointment has been endorsed by the Planning Secretary;
- (b) include detailed consultation with TfNSW and Council;
- (c) review the economic, social and environmental costs and benefits of all reasonable and feasible options for the transport of quarry products from the site (including by rail and including truck movements currently permitted by this consent);
- (d) recommend any appropriate mitigation measures or actions to reduce the economic, social and environmental costs associated with transport of quarry products from the site, and
- (e) be conducted and reported to the satisfaction of the Planning Secretary.

B50. Within 12 weeks of commencing this review or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the review report to the Planning Secretary, TfNSW and Council and any other person that requests it, together with its response to any recommendations contained in the review report.

HERITAGE

Protection of Aboriginal Heritage

B51. 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).

B52. 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 must be contacted immediately.

B53. Work in the immediate vicinity of any newly discovered Aboriginal object or Aboriginal place may only recommence if:

- (a) the potential Aboriginal object 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 Aboriginal place and makes a written direction in that regard.

B54. The Applicant must ensure 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.

Aboriginal Cultural Heritage Management Plan

B55. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:

- (a) be prepared by suitably qualified and experienced person/s;
- (b) be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;
- (c) describe the measures to be implemented on the site to:
 - (i) ensure all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
 - (ii) protect, monitor and manage identified Aboriginal objects and Aboriginal places within the approved disturbance areas;
 - (iii) provide for appropriate archaeological investigation and recording of all identified Aboriginal objects within the approved disturbance areas;

- (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance areas from impacts of the development;
 - (v) manage the discovery of suspected human remains and any new Aboriginal objects, including provisions for burials, over the life of the development; and
 - (vi) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and
- (d) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long-term.

B56. The Applicant must not commence quarrying operations under this consent until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary.

B57. The Applicant must implement the Aboriginal Cultural Heritage Management Plan.

BIODIVERSITY

Biodiversity Offset Strategy

B58. The Applicant must implement the Biodiversity Offset Strategy, including:

- (a) protecting, enhancing and maintaining the Biodiversity Areas identified in B59; and
 - (b) retiring the biodiversity credits identified in B61, in accordance with the *Framework for Biodiversity Assessment - NSW Biodiversity Offsets Policy for Major Projects*;
- to the satisfaction of the Secretary and BCD.

Biodiversity Areas

B59. The Applicant must protect, enhance and maintain the Biodiversity Areas described in Table 5 and shown conceptually on the plan in Appendix 5, to achieve the objectives in Table 5 to the satisfaction of the Secretary and BCD.

Table 5: Biodiversity areas

Biodiversity Area	Objective	Minimum Size (ha)
White Box-Yellow Box Blakely's Red Gum Woodland Endangered Ecological Community (Box Gum Woodland EEC)	Protect, maintain and enhance, including through assisted regeneration, Box Gum Woodland EEC on the site	32.66
Cleared land	Regenerate and/or replant cleared land on site with native vegetation representative of Box Gum Woodland EEC	46.16
Total		78.82

Security of Biodiversity Areas

B60. Prior to commencing quarrying operations under this consent, unless otherwise agreed with the Planning Secretary, the Applicant must make suitable arrangements to provide long-term security and funding for the Biodiversity Areas identified in B59, to the satisfaction of the Secretary and BCD.

Note:

Mechanisms to provide appropriate long-term security to the Biodiversity Area include a BioBanking Agreement, under the Threatened Species Conservation Act 1995, a Voluntary Conservation Agreement or an alternative mechanism that provides for a similar conservation outcome. Any mechanism must remain in force in perpetuity.

Biodiversity Offsets

B61. The Applicant must retire the biodiversity credits set out in Table 6, in accordance with the *Framework for Biodiversity Assessment - NSW Biodiversity Offsets Policy for Major Projects* to the satisfaction of the Secretary and BCD. The credits identified in Table 6 include credits arising from the carrying out of the Primary Transport Route upgrade works referred to in condition 26, Schedule 3 of the previous development consent for the Gunlake Quarry Extension Project (SSD-7090, as modified: NSW LEC 2020/00327172). If the vegetation to be removed is less than anticipated at the date of this consent the credits arising from these upgrade works may be reduced if approved by the Planning Secretary provided the number of credits does not fall below the minimum number identified in column 2 of the table.

Table 6: Biodiversity areas

Credit Type	Number of credits	Additional Credits resulting from Primary Transport Route Upgrade Works
Ecosystem Credits		
White Box-Yellow Box Blakely's Red Gum Grassy Woodland (PCT 1330)	373	13
White Box-Yellow Box Blakely's Red Gum Grassy Woodland Derived Native Grassland (PCT 1330)	185	-
Broad-leaved Peppermint – Red Stringybark grassy open forest (PCT 1734)	160	23
Broad-leaved Peppermint – Red Stringybark grassy open forest Derived Native Grassland (PCT 1734)	662	-
Total	1,380	36

Security of Offsets

B62. Prior to commencing quarrying operations under this consent, unless otherwise agreed with the Planning Secretary, the Applicant must make suitable arrangements to provide long-term security and funding for the Biodiversity Offset Areas used to retire the credits identified in B61, through a Biobanking Agreement under the *Threatened Species Conservation Act 1995*, to the satisfaction of BCD.

Biodiversity Management Plan

B63. The Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by suitably qualified and experienced person/s;
- (b) be prepared in consultation with BCD and Council;
- (c) describe the short, medium, and long-term measures to be undertaken to:
 - (i) implement the Biodiversity Offset Strategy required under condition B58; and
 - (ii) manage the remnant vegetation and fauna habitat on the site;
- (d) include a detailed description of the 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 within the approved disturbance area, including tree hollows, vegetative and soil resources, for beneficial reuse on site, 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;
 - (vi) minimise the amount of clearing within the approved disturbance area where reasonable and feasible;
 - (vii) protect vegetation and fauna habitat outside the approved disturbance area;
 - (viii) protecting the Chapmans Creek riparian buffer area shown on the figure in Appendix 6 in accordance with the *Policy and Guidelines for Fish Habitat Conservation and Management*;
 - (ix) establish and/or retain vegetation screening to minimise the visual impacts of the development on surrounding receivers;
 - (x) control weeds and feral pests, with consideration of actions identified in relevant threat abatement plans;
 - (xi) control erosion;

- (xii) manage the collection and propagation of seed;
- (xiii) control unrestricted access;
- (xiv) manage bushfire hazards; and
- (xv) progressively rehabilitate the site and minimise disturbance areas;
- (e) include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance and completion criteria, and any progressive improvements that could be implemented to improve biodiversity outcomes;
- (f) include an adaptive management plan for groundwater dependent ecosystems that:
 - (i) is based on a Before After Control Impact (BACI) design to determine baseline conditions and identify any post-quarrying impacts to groundwater dependent ecosystems, including *Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion* identified in the vicinity of the site;
 - (ii) provides details of the baseline data for depth to localised shallow and regional groundwater within *Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion* and other potential groundwater dependent ecosystems within the predicted drawdown area and reference site(s) in accordance with condition B39(iii);
 - (iii) provides details of the baseline plot data for *Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion* and other potential groundwater dependent ecosystems, including vegetation composition, structure and health, and any candidate threatened species associated with the communities, completed in accordance with the *Biodiversity Assessment Method (BAM)* (DPIE, 2020);
 - (iv) provides for the collection of groundwater level monitoring data (monthly) to detect any groundwater drawdown during quarrying operations;
 - (v) provides for collection of BAM plot data every 2 years after groundwater drawdown is detected, and continuing for the lifetime of the operation; and
 - (vi) provides details of the offsetting regime that would be implemented in accordance with the Biodiversity Offsets Scheme of the BC Act if a change (partial or full direct impacts) in vegetation is detected and found to be caused by groundwater drawdown associated with the development; and
- (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B64. The Applicant must not commence quarrying operations under this consent until the Biodiversity Management Plan is approved by the Planning Secretary.

B65. The Applicant must implement the approved Biodiversity Management Plan.

REHABILITATION

Rehabilitation Objectives

B66. 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 must comply with the objectives in Table 7.

Table 7: Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	- 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	All infrastructure decommissioned and removed, unless otherwise agreed by the Planning Secretary
Land identified as the Biodiversity Area	Conserved and enhanced with native, endemic vegetation consistent with the objectives shown in Table 5
Riparian corridors along Chapmans Creek and its tributaries	Stabilised and vegetated
Quarry benches	Landscaped and vegetated using native woodland and understorey species

Feature	Objective
Final void	- Minimise the size, depth and slope of the batters of the final void - Minimise the drainage catchment of the final void

Progressive Rehabilitation

B67. 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

B68. The Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- be prepared by suitably qualified and experienced person/s;
- be prepared in consultation with BCD, DPE Water and Council;
- describe the short, medium, and long-term measures to be undertaken to ensure compliance with the rehabilitation objectives in this consent;
- include details of the conceptual final landform and associated land uses for the site;
- include a conceptual closure plan that considers the hydrological and hydraulic impacts of the final void;
- include detailed performance and completion criteria for evaluating the performance of rehabilitation of the site, including triggers for remedial action, where these performance or completion criteria are not met;
- include a detailed description of the measures to be implemented on the site to progressively rehabilitate the site and minimise disturbance areas;
- include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance and completion criteria, and any progressive improvements that could be implemented to improve biodiversity outcomes;
- identify the potential risks to the successful implementation of the final rehabilitation, and include a description of the contingency measures to be implemented to mitigate against these risks; and
- include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B69. The Applicant must not commence quarrying operations under this consent until the Rehabilitation Management Plan is approved by the Planning Secretary.

B70. The Applicant must implement the approved Rehabilitation Management Plan.

Rehabilitation Bond

B71. 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:

- calculating the cost of implementing the Biodiversity Offset Strategy over the next 3 years for the Biodiversity Areas identified in condition B59;
- 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
- employing a suitably qualified, independent and experienced person to verify the calculated costs.

Note: *Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by BCD can be used to reduce the liability of the Biodiversity and Rehabilitation Bond.*

B72. 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.

B73. The Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:

- any update or revision to the Biodiversity Management Plan and/or Rehabilitation Management Plan;
- completion of an Independent Environmental Audit in which recommendations relating to rehabilitation have been made; or
- in response to a request by the Planning Secretary.

- B74. 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.
- B75. 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

- B76. The Applicant must implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development to the satisfaction of the Planning Secretary.

WASTE

- B77. The Applicant must:
- (a) install a full sewage and effluent pump-out system with no discharge to the environment (including infiltration or irrigation) prior to the commencement of quarrying operations, unless otherwise agreed by the Planning Secretary;
 - (b) design, upgrade and manage a new on-site sewage and effluent treatment and disposal system in accordance with the requirements of an applicable EPL, and to the satisfaction of EPA and Council;
 - (c) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
 - (d) minimise the waste generated by the development;
 - (e) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
 - (f) monitor and report on waste minimisation and management in the Annual Review referred to in condition D9.
- B78. 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

- B79. 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

- B80. 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

- B81. 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, 2019) guideline; and
 - (ii) 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

ACQUISITION UPON REQUEST

- C1. Upon receiving a written request for acquisition from the owner of the privately-owned land listed in Table 8, the Applicant must acquire the land in accordance with the procedures in conditions C11 to C18 inclusive.

Table 8: Land subject to acquisition upon request

Acquisition Basis	Land
Noise	R2, as shown on the figure in Appendix 4

ADDITIONAL MITIGATION UPON REQUEST

- C2. Upon receiving a written request for mitigation from the owner of the residence on the privately-owned land listed in Table 9, 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 9: Land subject to mitigation upon request

Acquisition Basis	Land
Noise	R7, as shown on the figure in Appendix 4

- C3. 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.
- C4. 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 and as described in the documents listed in condition A2(c).

NOTIFICATION OF LANDOWNERS/TENANTS

- C5. Within one month of the date of this consent, the Applicant must notify in writing the owner of:
- (a) the land listed in Table 8 that they have the right to require the Applicant to acquire their land at any stage during the development; and
 - (b) the residences on the land listed in Table 9 that they are entitled to ask the Applicant to install additional mitigation measures at the residence.

NOTIFICATION OF EXCEEDANCES

- C6. 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:
- (a) provide to any affected landowners and tenants; and
 - (b) publish on its website
- the full details of the exceedance.
- C7. 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

- C8. 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.
- C9. 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.
- C10. 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:

- (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 criteria in PART B of this consent; and
 - (iii) if the development is not complying with any relevant criterion, identify measures that could be implemented to ensure compliance with that criterion;
- (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.

LAND ACQUISITION

- C11. Within 3 months of receiving a written request for acquisition from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:
- (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the:
 - (i) existing and permissible use of the land, in accordance with the applicable environmental planning instruments at the date of the written request; and
 - (ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise mitigation measures in condition C2;
 - (b) the reasonable costs associated with:
 - (i) relocating within the Goulburn Mulwaree local government area, or to any other local government area agreed to by the Planning Secretary; and
 - (ii) obtaining independent legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
 - (c) reasonable compensation for any disturbance caused by the land acquisition process.
- C12. If, within two months of the binding written offer being made under condition C11, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.
- C13. Upon receiving a request, under condition C12, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:
- (a) consider submissions from both parties;
 - (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in condition C11;
 - (c) prepare a detailed report setting out the reasons for any determination; and
 - (d) provide a copy of the report to both parties.
- C14. Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.
- C15. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition C11, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.
- C16. Within 14 days of the Planning Secretary's determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than this determination.
- C17. If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.
- C18. The Applicant must pay all reasonable costs associated with the land acquisition process described in conditions C11 to C17 inclusive, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.

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 D4(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;
- (e) notification of a change in development stage under condition A14; or
- (f) 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 September 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).
 - (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 made available to the CCC and any interested person upon request.

Independent Environmental Audit

- D11. Within one year of the commencement any 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 endorsed 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 condition A2(c);
 - (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

Lot 13 DP 1123374 (Quarry site & Biodiversity Area)

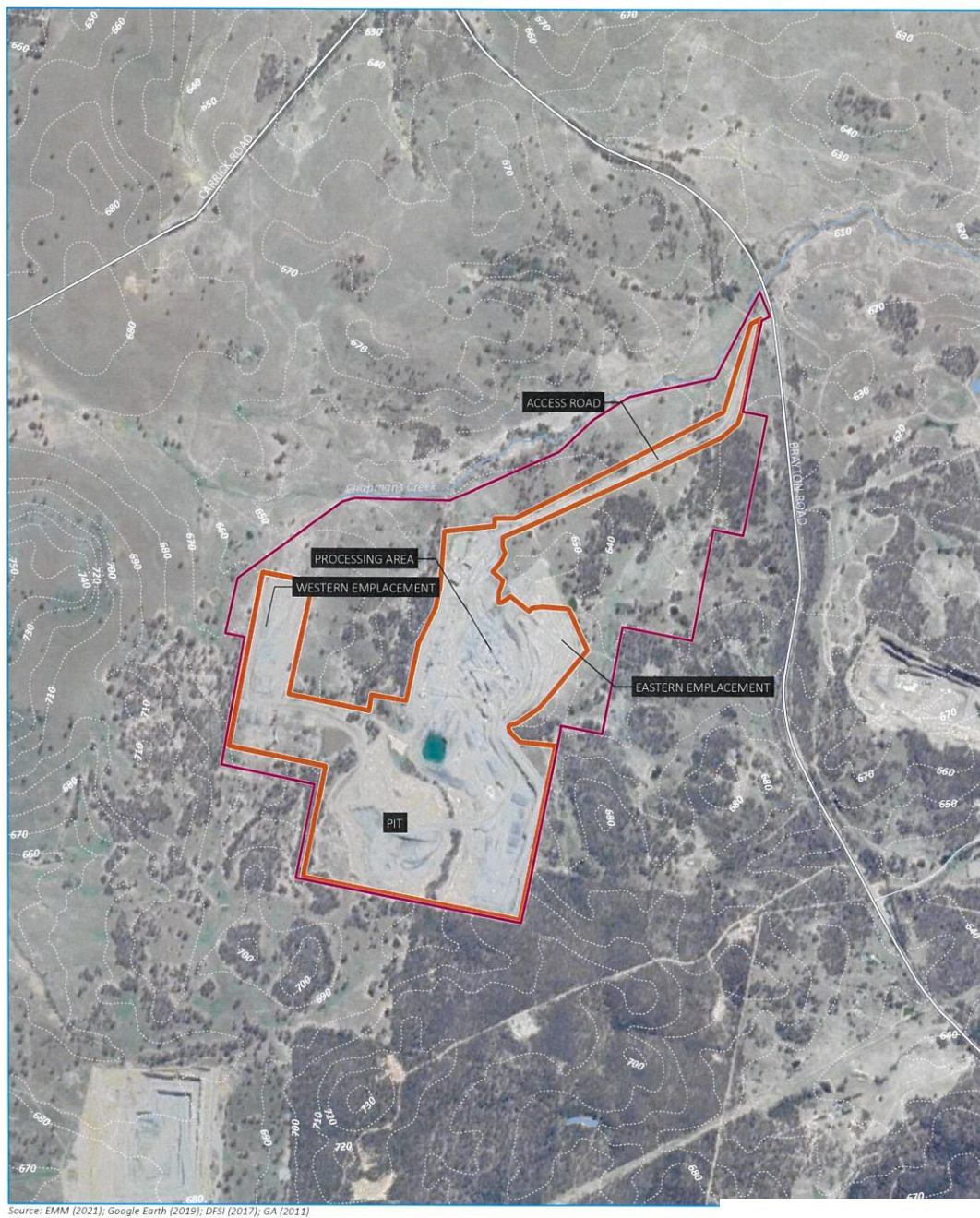
Lot 1 DP1246715 (Quarry Site)

Lot 12 DP 1123374 (Biodiversity Area)

Lot 271 DP 750053 (Biodiversity Area)

Lot 1 DP 841147 (Biodiversity Area)

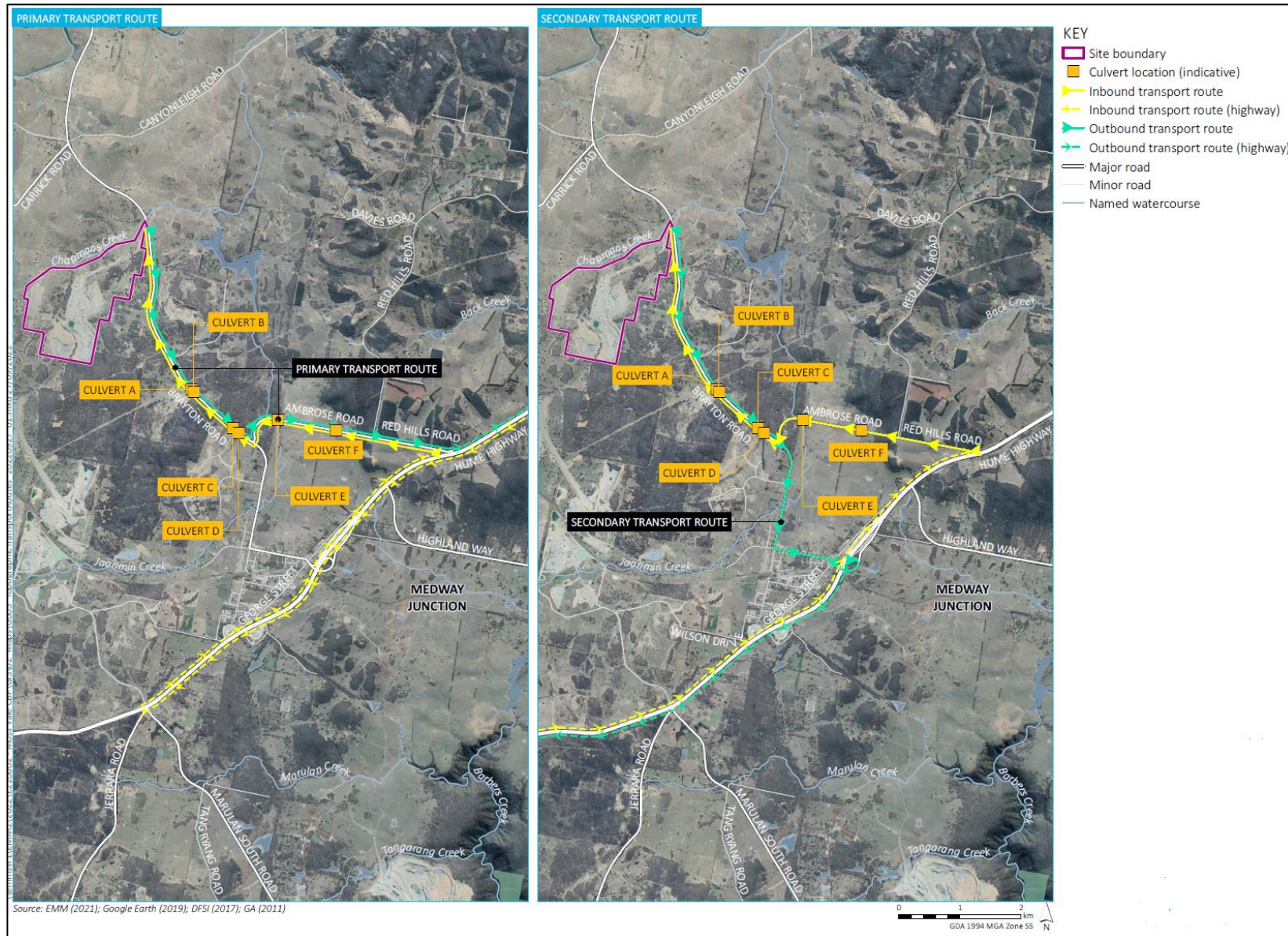
APPENDIX 2: DEVELOPMENT LAYOUT PLAN



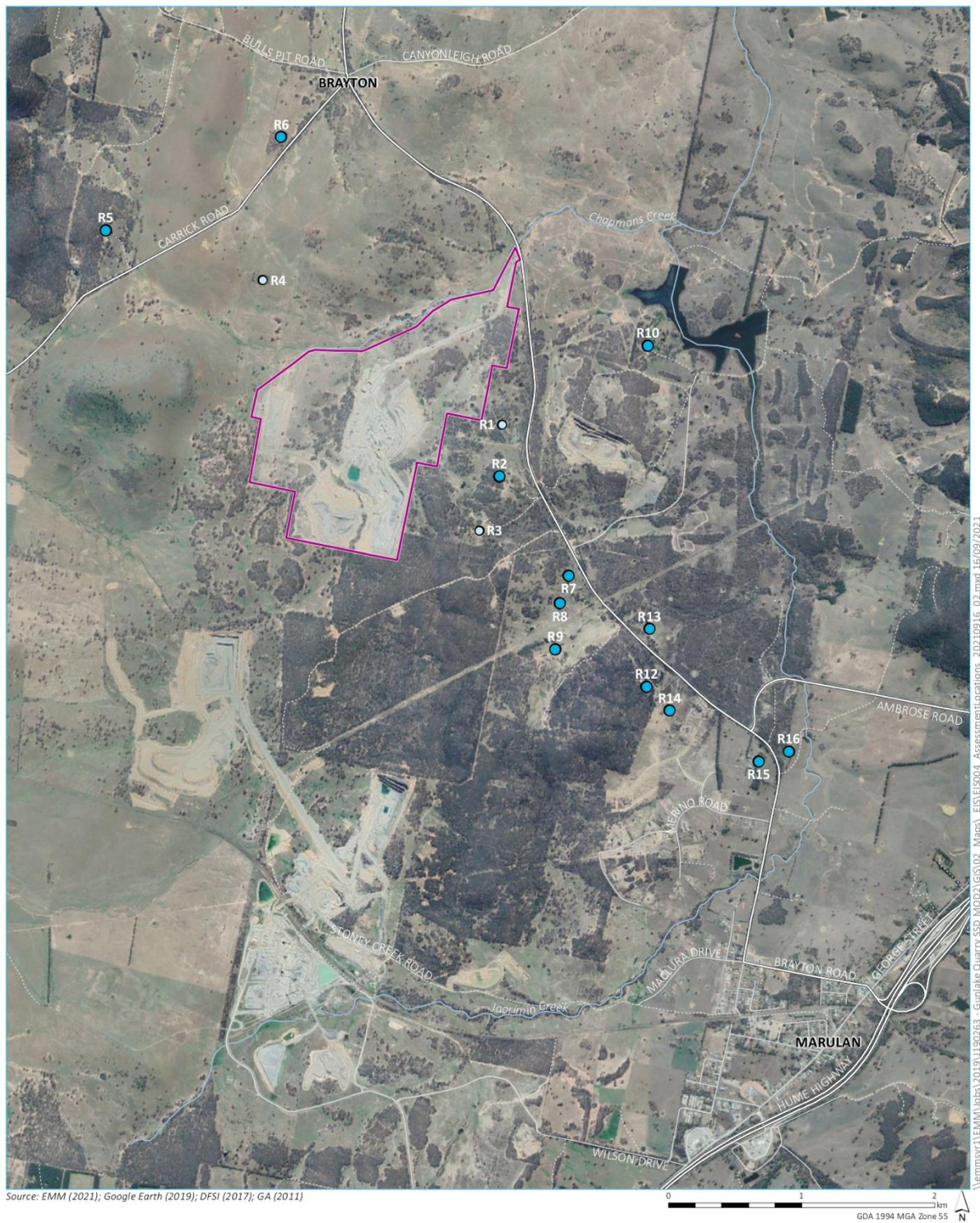
- KEY**
- Site boundary
 - Continuation project disturbance area
 - Major road
 - Minor road
 - Topographic contour (10 m interval)
 - Named watercourse
 - Waterbody

Figure 1: Development Layout

APPENDIX 3: PRIMARY AND SECONDARY TRANSPORT ROUTE



APPENDIX 4: RECEIVER LOCATIONS



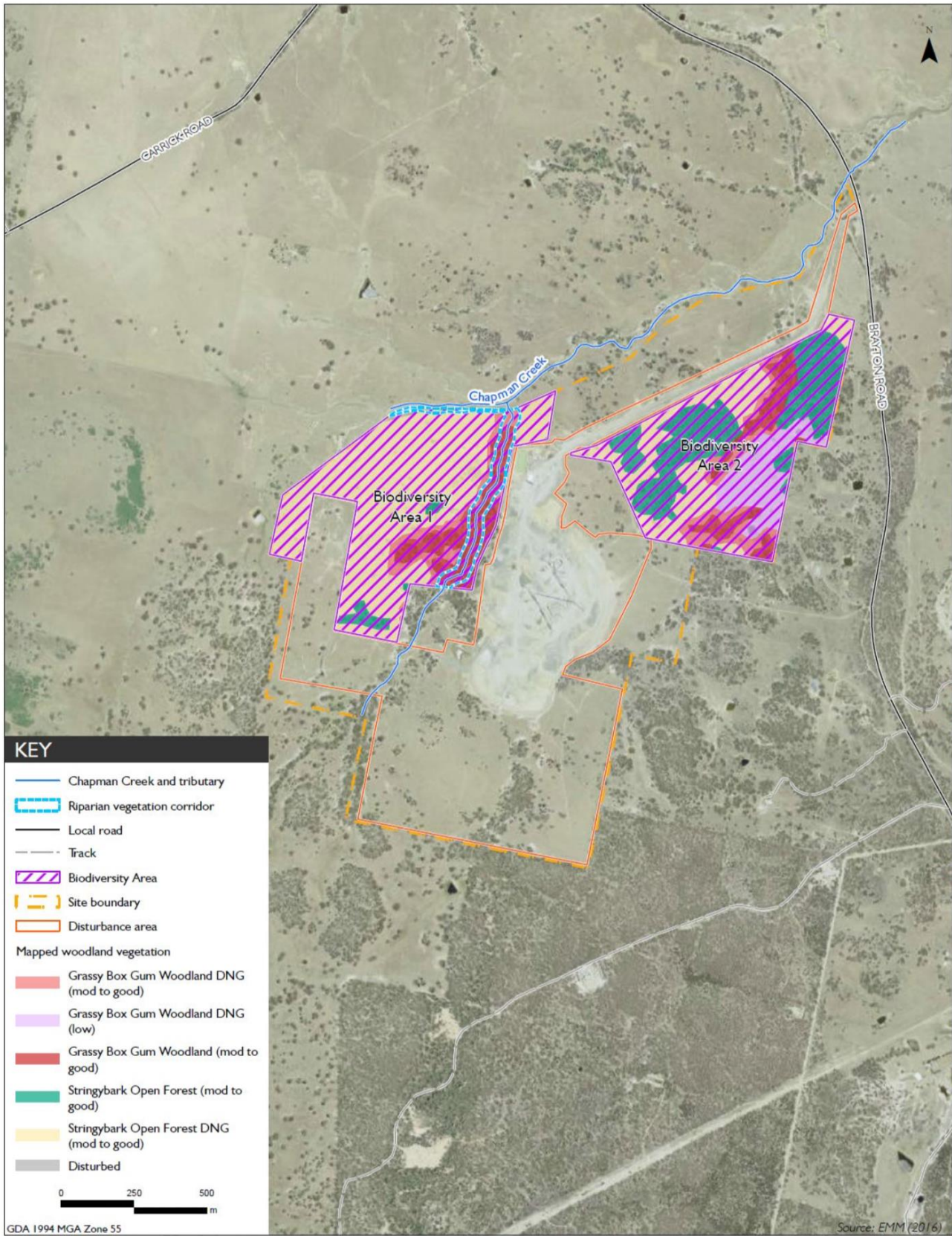
KEY

- Site boundary
- Noise assessment location
- Other property*
- Major road
- Minor road
- Vehicular track
- Named watercourse

Assessment locations

* R1, R3 and R4 are owned by Gunlake.

APPENDIX 5: BIODIVERSITY AREAS



APPENDIX 6: CHAPMANS CREEK RIPARIAN BUFFER

