

Project Approval

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

I approve the application referred to in schedule 1, subject to the conditions in schedules 2 to 5.

These conditions are required to:

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

The Hon Kristina Keneally MP
Minister for Planning

Sydney

2008

SCHEDULE 1

Application Number:	06_0264
Proponent:	Buttai Gravel Pty Limited (Daracon Quarries)
Approval Authority:	Minister for Planning
Land:	Lot 1 DP 1001734 Lot 218 DP 751028 Lot 1 DP 1164494 Lot 39 DP 751028 Lot 49 DP 751028 Lot 187 DP 751028 Various Crown public roads
Project:	Ardglen Quarry Extension

[Blue type represents December 2010 modification \(MOD 1\)](#)

[Green type represents March 2021 modification \(MOD 2\)](#)

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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>
Annual Review	The review required by condition 4 in Schedule 5
Applicant	Buttai Gravel Pty Limited (Daracon Quarries), or any person carrying out any development under this consent
ARTC	Australia Rail Track Corporation
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate within the Department
BCT	Biodiversity Conservation Trust
Biodiversity Offset Areas	The areas shown conceptually in Appendix 3
Biodiversity Offset Strategy	The Biodiversity Offset Strategy described in the EA and Response to Submissions and as shown conceptually in Appendix 3, subject to any revisions required under condition 25 of Schedule 3
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in Schedules 2 to 5
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	Liverpool Plains Shire Council
Day	The period from 7.00am to 6.00pm on Monday to Saturday, and 8.00am to 6.00pm on Sundays and Public Holidays
Department	Department of Planning, Industry and Environment
Development	The development as described in the documents listed in condition 2 of Schedule 2, as modified by the conditions of this consent
DPIE Crown Lands	Crown Lands Group within the Department
DPIE Water	Water Group within the Department
EA	Environmental assessment titled <i>Ardglen Quarry Extension Environmental Assessment</i> , dated June 2007, including the response to submissions, dated November 2007
EA MOD 2	Means: <ul style="list-style-type: none"> • the amended environmental assessment titled <i>Section 4.55 Modification to Existing Consent</i> dated May 2019 prepared by Monteath & Powys; • the Response To Submissions dated 14 November 2018 prepared by Monteath & Powys; • additional information dated 12 September 2019 prepared by Monteath & Powys; and • additional information dated 24 October 2019, 28 February 2020 and 23 April 2020 prepared by Daracon
EEC	Endangered Ecological Community as defined under the NSW <i>Biodiversity Conservation Act 2016</i>
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Evening	The period from 6.00pm to 10.00pm
Extension Area	The Extension Area as shown in Appendix 1
Feasible	Means what is possible and practical in the circumstances
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
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 blending products to the site
Land	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent

Material harm	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
MEG	Regional NSW – Mining, Exploration and Geoscience
Minister	Minister for Planning and Public Spaces, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
MOD 2	The modification described in EA MOD 2
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Night	The period from 10.00pm to 7.00am on Monday to Saturday, and 10.00pm to 8.00am on Sundays and Public Holidays
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Privately-owned Land	Land that is not owned by a public agency, or a quarrying company (or its subsidiary)
Processing	Includes all crushing, grinding or screening undertaken in the production of quarrying products
Quarry access route	The access route from the New England Highway to the site entrance, comprising Ardglan Street (Main Street), High Street (Swinging Ridges Road), St Stephen Street and Warra Street
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation, topsoil and overburden
Quarrying products	Includes all saleable quarry products, but excludes tailings and other wastes and rehabilitation material
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
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
Site	The land referred to in Schedule 1 and shown outlined in red in Appendix 1
Statement of Commitments	The Applicant’s commitments in Appendix 4
TfNSW	Transport for NSW
Truck movements	Means combined inbound and outbound movements
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. 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

2. The Applicant must carry out the development:
 - (a) generally in accordance with the EA;
 - (b) generally in accordance with the EA MOD 2;
 - (c) generally in accordance with the Statement of Commitments; and
 - (d) in compliance with the conditions of this consent.

Note: The general layout of the development is shown in Appendix 1.

3. The conditions of this consent and any reasonable and feasible requirement/s of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(a)-(c) of this Schedule. In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(a)-(c) of this Schedule, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.
4. The Applicant must comply with any reasonable and feasible requirement/s of the Planning Secretary arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.

Limits on Consent

5. This consent expires on 31 August 2038.

Note: Under this consent, the Applicant is required to rehabilitate the site and implement biodiversity offsets to the satisfaction of the Planning Secretary. Consequently, this consent will continue to apply in all other respects other than the right to conduct extractive operations until the site has been rehabilitated and the biodiversity offset provided to a satisfactory standard.

6. The Applicant must not extract or process more than 500,000 tonnes of material on the site each year.
7. The Applicant must not transport more than:
 - (a) 250,000 tonnes of quarrying products from the site by rail a year;
 - (b) 500,000 tonnes of quarrying products from the site by road a year; and
 - (c) a combined total of 500,000 tonnes of quarrying products by rail and/or road a year.
8. The Applicant must not import more than 80,000 tonnes of materials for the purposes of blending and product quality improvement each year.

Surrender of Consents

9. Within 3 years of this consent, the Applicant must surrender all development consents or continuing use rights for the Ardglan Quarry, to the satisfaction of the Planning Secretary.

Management Plans/Monitoring Programs

10. With the approval of the Planning Secretary, the Applicant may submit any management plan or monitoring program required by this consent on a progressive basis.

Structural Adequacy

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

Notes:

- Under Division 6.2 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 development.

Demolition

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

Operation of Plant and Equipment

13. The Applicant must ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Protection of Public Infrastructure

14. The Applicant must:
 - (a) repair, or pay all reasonable costs associated with repairing any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay all reasonable costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

Use of Crown Roads

- 14A. The Applicant must make reasonable efforts to assist in the transfer of any Crown roads forming part of the quarry access route to Council, prior to undertaking any works in the Extension Area.

Revision of Strategies, Plans or Programs

15. Within three months of:
 - (a) the submission of an incident report under condition 3 of Schedule 5;
 - (b) the submission of an Annual Review under condition 4 of Schedule 5;
 - (c) the submission of an Independent Environmental Audit under condition 5 of Schedule 5;
 - (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise),

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

16. The Applicant must continue to apply existing management strategies, plans or programs approved prior to the approval of MOD 2, until the approval of a similar plan, strategy or program following the determination of MOD 2.
17. 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.*

18. 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 to the Department 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.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

HOURS OF OPERATION

- The Applicant must comply with the hours of operation in Table 1.

Table 1: Hours of Operation

Activity	Day	Time
Topsoil/overburden removal/emplacement	Monday-Saturday	7.00am to 5.00pm
	Sunday	None
Blasting	Monday-Friday	10:00am to 3.00pm
	Saturdays, Sundays and Public Holidays	None
In-pit activities (including drilling, extraction, and transfer of material out of the pit)	Monday-Saturday	7.00am to 5:30pm
	Sundays and Public Holidays	None
Out-of-pit activities (including processing, and stockpiling)	Monday-Saturday	7.00am to 5:30pm
	Sundays and Public Holidays	None
Maintenance (if inaudible at nearby residences)	Monday-Sunday	Any time
Truck loading and distribution	Monday-Saturday	6.30am to 5.30pm
	Sundays and Public Holidays	None
Rail loading	Monday-Sunday	7:00am to 10:00pm

Note:

- The Applicant may load no more than 2 trains each year outside the hours listed in Table 1 (see condition 41).
- The Applicant may carry out blasting operations outside the hours listed in Table 1 for safety reasons provided the Applicant has notified EPA and the local community about the proposed blast.

NOISE

Noise Impact Assessment Criteria

- The Applicant must ensure that the combined construction and operational noise generated by the development does not exceed the noise impact assessment criteria in Table 2 at any residence on privately-owned land, except where construction works are authorised under a Construction Noise Protocol which has been approved by the Planning Secretary under condition 4A of this Schedule.

Table 2: Noise impact assessment criteria dB(A)

Land	Day	Evening	Night	
	<i>L_{Aeq}(15 min)</i>	<i>L_{Aeq}(15 min)</i>	<i>L_{Aeq}(15 min)</i>	<i>LA1(1 min)</i>
4	44	35	35	45
5, 6	45	35	35	45
9	37	35	35	45

Land	Day	Evening	Night	
	<i>L_{Aeq}(15 min)</i>	<i>L_{Aeq}(15 min)</i>	<i>L_{Aeq}(15 min)</i>	<i>L_{A1}(1 min)</i>
10	38	35	35	45
12, 14	36	35	35	45
15	43	35	35	45
16	40	35	35	45
All other privately-owned land	35	35	35	45

However, if the Applicant has a written negotiated noise agreement with any landowner of the land listed in Table 2, and a copy of this agreement has been forwarded to the Department and EPA, then the Applicant may exceed the noise limits in Table 2 in accordance with the negotiated noise agreement. The Applicant may also exceed the $L_{A1(1 \text{ min})}$ and $L_{Aeq(15 \text{ min})}$ noise impact assessment criteria during out of hours rail loading activities provided they are conducted in accordance with condition 41 below.

Notes:

- For information on the numbering and identification of properties used in this approval see Appendix 5.
 - Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy (EPA, 2000). Appendix 6 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.
3. The Applicant must undertake all construction work within standard construction hours (7.00am to 6.00 pm Monday to Friday and 8.00am to 1.00pm Saturday, excluding Sundays and Public Holidays).
 4. The Applicant must ensure that combined construction and operational noise generated by the development does not exceed the limits outlined in Table 2 of this Schedule, except where:
 - (a) the Applicant has a written negotiated agreement with the owner(s) of the relevant residence/land as outlined in condition 2 of this Schedule; or
 - (b) an alternative temporary limit has been approved by the Planning Secretary for specific construction works or for a fixed period of time.
 - 4A. In order to seek an alternative temporary construction noise limit under condition 4(b) of this Schedule, the Applicant must submit a Construction Noise Protocol to the Planning Secretary for approval, prior to undertaking the nominated construction works. This protocol must:
 - (a) be prepared in consultation with the EPA and any landowners who may be affected by noise generated by the nominated construction works; and
 - (b) address the relevant requirements of the Interim Construction Noise Guideline (DECC 2009).
 - 4B. The Applicant must implement any Construction Noise Protocol as approved by the Planning Secretary.

Operating Conditions

- 4C. The Applicant must:
 - (a) take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, as well as road noise associated with the development;
 - (b) operate a noise management system to guide day to day planning of quarrying operations and implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (c) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions, particularly when the noise criteria in this consent do not apply (see Appendix 6);
 - (d) carry out regular noise monitoring (at least once a month while quarrying operations are being carried out, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and
 - (e) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.
- 4D. Prior to carrying out any processing activities under this consent, the Applicant must implement the recommended noise mitigation measures as outlined in the MOD 2 EA to the satisfaction of the Planning Secretary.

- 4E. The Applicant must not operate processing equipment while undertaking:
- rail loading; and/or
 - topsoil/overburden removal or emplacement.

Continuous Improvement

5. The Applicant must:
- investigate ways to reduce the noise generated by the development, including off-site road and rail noise and maximum noise levels which may result in sleep disturbance; and
 - report on these investigations and the implementation and effectiveness of these measures in the Annual Review, to the satisfaction of the Planning Secretary.

Monitoring

6. The Applicant must prepare a Noise Monitoring Program for the development in consultation with EPA and to the satisfaction of the Planning Secretary. The program must:
- include:
 - a combination of attended and unattended noise monitoring measures;
 - detailed measures to comply with condition 4C of this Schedule; and
 - a noise monitoring protocol for evaluating compliance with the noise criteria in Table 2 of this Schedule; and
 - be submitted to the Planning Secretary for approval within three months of the determination of MOD 2 (or other timeframe as agreed by the Planning Secretary).
- 6A. The Applicant must implement the Noise Monitoring Program as approved by the Planning Secretary.

BLASTING AND VIBRATION

Airblast Overpressure Criteria

7. The Applicant must ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 5 at any privately-owned residence.

Table 5: Airblast overpressure impact assessment criteria

Airblast overpressure level (dB(Lin Peak))	Allowable exceedance
115	5% of the total number of blasts over a period of 12 months
120	0%

Ground Vibration Impact Assessment Criteria

8. The Applicant must ensure that the ground vibration level from blasting at the development does not exceed the criteria in Table 6 at any privately-owned residence.

Table 6: Ground vibration impact assessment criteria

Peak particle velocity (mm/s)	Allowable exceedance
5	5% of the total number of blasts over a period of 12 months
10	0%

Blasting Frequency

9. The Applicant must not carry out more than 30 blasts a year, or more than 1 blast per day, without the written approval of the Planning Secretary.

Operating Conditions

10. The Applicant must implement best blasting practice to:
- protect the safety of people, property, public infrastructure and livestock; and

- (b) minimise the dust and fume emissions from blasting at the development, to the satisfaction of the Planning Secretary.

11. The Applicant must not undertake blasting within 500 metres of any privately-owned land or any land not owned by the Applicant, unless suitable arrangements have been made with the landowner and any tenants to minimise the risk of flyrock-related impact to the property to the satisfaction of the Planning Secretary.

Public Notice

12. The Applicant must:
- (a) notify the landowner/occupier of any residence within 1 kilometre of the quarry pit who registers an interest in being notified about the blasting schedule at the quarry;
 - (b) operate a Blasting Hotline, or alternate system agreed to by the Planning Secretary, to enable the public to get up-to-date information on the blasting schedule at the quarry;
 - (c) keep local residents informed about this hotline (or any alternative notification protocols), to the satisfaction of the Planning Secretary.

Property Investigations

13. If any landowner of privately-owned land within 1 kilometre of the site claims that buildings and/or structures on his/her land have been damaged as a result of blasting at the site, following commencement of operations within the extension area, then he/she may ask the Planning Secretary in writing to investigate the claim.

If the Planning Secretary is satisfied that an independent property investigation is warranted, the Applicant must within 3 months of the Planning Secretary's determination:

- (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to investigate the claim; and
- (b) give the landowner a copy of the property investigation report.

If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damages to the satisfaction of the Planning Secretary.

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

Blast Monitoring Program

14. The Applicant must prepare a Blast Monitoring Program for the development in consultation with the EPA and to the satisfaction of the Planning Secretary. This program must:
- (a) include a protocol for demonstrating compliance with the blasting criteria in Table 6 of this Schedule; and
 - (b) be submitted to the Planning Secretary for approval within three months of the determination of MOD 2 (or other timeframe as agreed by the Planning Secretary).

- 14A. The Applicant must implement the Blast Monitoring Program as approved by the Planning Secretary.

AIR QUALITY

Impact Assessment Criteria

15. The Applicant must ensure that the dust emissions generated by the development do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 8, 9 and 10 at any residence on privately-owned land.

Table 8: Long term impact assessment criteria for particulate matter

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

Table 9: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	24 hour	^b 25 µg/m ³

Table 10: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
^d Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

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

- 15A. The air quality criteria in Tables 8, 9 and 10 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.

Operating Conditions

16. The Applicant must:
- (a) take all reasonable steps to:
 - (i) minimise the particulate matter (including PM₁₀ and PM_{2.5}) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;
 - (ii) improve energy efficiency and reduce greenhouse gas emissions of the development;
 - (iii) minimise any visible off-site air pollution generated by the development; and
 - (iv) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
 - (b) operate an air quality management system to guide the day to day planning of quarrying operations and 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 Tables 8 to 10 above);
 - (d) carry out regular 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.

Monitoring

17. The Applicant must prepare an Air Quality Monitoring Program for the development in consultation with EPA and to the satisfaction of the Planning Secretary. This program must:
- use a combination of high volume air samplers and dust deposition gauges to monitor the dust emissions from the development;
 - include a protocol for demonstrating compliance with the air quality impact assessment criteria in this approval; and
 - be submitted to the Planning Secretary for approval prior to within three months of the determination of MOD 2 (or other timeframe as agreed by the Planning Secretary).
- 17A. The Applicant must implement the Air Quality Monitoring Program as approved by the Planning Secretary.

METEOROLOGICAL MONITORING

18. The Applicant must ensure the development has a suitable meteorological station in the vicinity of the site that:
- complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
 - is capable of measuring meteorological conditions in accordance with the *NSW Industrial Noise Policy* (EPA, 2000),
- unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

SURFACE AND GROUND WATER

- 18A. The Applicant must ensure that the sediment basin described in EA MOD 2 and any associated drainage structures required for the carrying out of the development are located wholly within the site, except as authorised in writing by ARTC and/or DPIE Crown Lands (as relevant).
- 18B. The Applicant must obtain any necessary licences and/or approvals from DPIE Crown Lands under the *Crown Lands Management Act 2016* prior to:
- carrying out any works on Crown Land; or
 - allowing the controlled discharge of water from the site to Doughboy Hollow Creek.
- 18C. The Applicant must obtain any necessary licences and/or approvals from the ARTC prior to carrying out any works described in the MOD 2 EA within the Right of Carriageway which burdens Lot 1 DP 1001734.
- 18D. The Applicant must not undertake any excavation exceeding 2 m in depth within 25 m of the Main Northern Railway corridor unless otherwise approved in writing by ARTC.^a
- ^a *The 25 m setback is to be measured from the site boundary adjacent to the Main Northern Railway.*
- 18E. Prior to commencing quarrying operations in the Extension Area (or other timeframe as agreed by the Planning Secretary), the Applicant must install a groundwater monitoring bore with a minimum depth equivalent to the finished depth of the in-pit sump, in consultation with DPIE Water.
- Notes:*
- The in-pit sump is shown in Appendix 1*
 - The purpose of the groundwater monitoring bore is to inform the development of the Groundwater Monitoring Program*
- 18F. The Applicant must ensure that any works to be conducted on waterfront land are carried out in accordance with *Guidelines for Controlled Activities on Waterfront Land* (2018) and in consultation with DPIE Water.

Surface Water Discharges

19. The Applicant must only discharge water from the site in accordance with the provisions of an EPL.

Site Water Management Plan

20. The Applicant must prepare a Site Water Management Plan for the development,^a in consultation with EPA, DPIE Water, DPIE Crown Lands and ARTC, and to the satisfaction of the Planning Secretary. This plan must be prepared by suitably qualified expert/s whose appointment/s have been approved by the Planning Secretary, and must include:
- a Site Water Balance;
 - an Erosion and Sediment Control Plan; and
 - a Surface Water Management Plan;

- (d) a Groundwater Monitoring Program; and
- (e) a Dewatering Management Plan.^b

^a The Site Water Management Plan must incorporate the existing quarry operations and operations within the extension area

^b In accordance with condition 23D of this Schedule, the Planning Secretary may waive the requirement for a Dewatering Management Plan if no pit dewatering is required

Site Water Balance

21. The Site Water Balance must include details of:
- (a) sources and reliability of water supply;
 - (a1) predicted annual inflows to and outflows from the site;
 - (b) water storage capacity;
 - (c) water use and management on the site;
 - (d) licensed discharge points and limits;
 - (e) reporting procedures, including the annual preparation of an updated site water balance during quarrying operations.

Erosion and Sediment Control

22. The Erosion and Sediment Control Plan must:
- (a) be consistent with the requirements of the *Managing Urban Stormwater: Soils and Construction Manual* (Landcom 2004, or its latest version);
 - (b) identify activities that could cause soil erosion and generate sediment;
 - (c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
 - (d) describe the location, function, and capacity of erosion and sediment control structures; and
 - (e) describe what measures would be implemented to maintain the structures over time.

Surface Water Management Plan

23. The Surface Water Management Plan must include:
- (a) detailed baseline data on surface water quality in Doughboy Hollow Creek;
 - (b) flow modelling of Doughboy Hollow Creek;
 - (c) surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts, and surface water management performance measures;
 - (d) a detailed description of the surface water management system on the site, including the:
 - (i) clean water diversion system;
 - (ii) erosion and sediment controls;
 - (iii) dirty water management system; and
 - (iv) water storages;
 - (e) a program to monitor and evaluate:
 - (i) any surface water discharges;
 - (ii) the effectiveness of the water management system, particularly in minimising the risk of uncontrolled discharges from the site; and
 - (iii) surface water flows and quality in watercourses and/or waterbodies that could potentially be impacted by the development;
 - (f) 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; and
 - (g) a trigger action response plan to respond to any exceedances of the relevant performance measures or performance criteria.

- 23A. The Applicant must submit the Site Water Balance, Erosion and Sediment Control Plan and Surface Water Management Plan to the Planning Secretary for approval within three months of the determination of MOD 2 (or other timeframe as agreed by the Planning Secretary).

Groundwater Monitoring Program

- 23B. The Groundwater Monitoring Program must:
- (a) incorporate at least 12 months of baseline data on groundwater levels obtained from the monitoring bore required under condition 18E of this Schedule;

- (b) include groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts (or trends) associated with the development;
- (c) include a program to identify, report on and respond to any unauthorised groundwater interference, including inflows into extraction areas or interaction between on-site water storages and the groundwater system; and
- (d) include a protocol to obtain appropriate water licence(s) for any groundwater take; and
- (e) be submitted to the Planning Secretary for approval within 12 months of commencing quarrying operations in the Extension Area (or other timeframe as agreed by the Planning Secretary).

Dewatering Management Plan

23D. Unless otherwise agreed by the Planning Secretary^a, the Applicant must prepare a Dewatering Management Plan for the overburden infill area^b to the satisfaction of the Planning Secretary. This plan must:

- (a) include details of:
 - (i) any pumping or pipeline infrastructure to be used for dewatering activities;
 - (ii) proposed water transfer and discharge arrangements; and
- (b) include a program to monitor and report on any dewatering activities that involves any discharges from the site; and
- (c) be submitted to the Planning Secretary for approval prior to carrying out emplacement activities in the overburden infill area.

^a The Planning Secretary may waive the requirement for a Dewatering Management Plan if no pit dewatering is required

^b The overburden infill area is shown in Appendix 2

23E. The Applicant must implement the Site Water Management Plan as approved by the Planning Secretary.

REHABILITATION AND LANDSCAPE MANAGEMENT

Rehabilitation

24. The Applicant must progressively rehabilitate the site in a manner that is generally consistent with the conceptual rehabilitation principles and proposed rehabilitation strategy in the documents listed in condition 2(a)-(c) of Schedule 2 and as shown conceptually in Appendix 2, and must comply with the objectives in Table 11.

Table 11: Rehabilitation objectives

Feature	Objective
<i>All areas of the site affected by the development</i>	<ul style="list-style-type: none"> • Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the intended post-quarrying operations land use(s) • Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
<i>Surface infrastructure</i>	<ul style="list-style-type: none"> • Decommissioned and removed, unless otherwise agreed by the Planning Secretary
<i>Quarry benches and pit floor</i>	<ul style="list-style-type: none"> • Landscaped and vegetated using native tree and understorey species representative of Yellow Box White Box Blakely's Red Gum Woodland EEC
<i>Overburden infill area^a</i>	<ul style="list-style-type: none"> • Backfilled areas integrated with surrounding natural landforms as far as is reasonable and feasible • Emplacement areas integrated with the site water management system • Establish grassland to support sustainable agricultural activities • Use species found in the local area that are suitable for pasture production

^a The overburden infill area is shown in Appendix 2

Offset Strategy

25. Prior to undertaking any works in the Extension Area, the Applicant must revise the Biodiversity Offset Strategy described in the EA and Response to Submissions (shown conceptually in Appendix 3), to the satisfaction of the Planning Secretary. The revised strategy must be prepared in consultation with the BCS, and include additional areas where Yellow Box White Box Blakely's Red Gum Woodland EEC would be actively re-established within the identified Biodiversity Offset Areas shown in Appendix 3.
26. Prior to undertaking any works in the Extension Area (or other timeframe as agreed by the Planning Secretary), the Applicant must make suitable arrangements to provide appropriate long term security for the Biodiversity Offset Areas to the satisfaction of the BCT.
- 26A. By the end of June 2021, the Applicant must ensure that the Biodiversity Offset Areas are fenced to an appropriate standard to exclude stock access. The Applicant must maintain the exclusionary fencing over the life of the development, to the satisfaction of the Planning Secretary.

Landscape Management Plan

27. The Applicant must prepare a detailed Landscape Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:
 - (a) be prepared by suitably qualified expert/s whose appointment/s have been approved by the Planning Secretary;
 - (b) submitted to the Planning Secretary for approval within three months of the determination of MOD 2 (or other timeframe as agreed by the Planning Secretary); and
 - (c) include a:
 - Doughboy Hollow Creek Rehabilitation Strategy;
 - Rehabilitation and Biodiversity Offset Management Plan; and
 - Quarry Closure Plan.

Note: The Department accepts that the initial Landscape Management Plan may not include the detailed Quarry Closure Plan. However, if this occurs, the Applicant will be required to seek approval from the Planning Secretary for an alternative timetable for the completion and approval of the Quarry Closure Plan.

Doughboy Hollow Creek Rehabilitation Strategy

28. The Doughboy Hollow Creek Rehabilitation Strategy must:
 - (a) be prepared in consultation with BCS, DPIE Crown Lands and DPIE Water;
 - (b) describe the measures that would be implemented to:
 - remove the weir from Doughboy Hollow Creek;
 - rehabilitate sections of the creek within or directly adjacent to Lot 1 DP1001734 and Lot 39 DP 751028; and
 - rehabilitate and/or re-establish riparian vegetation within Lot 39 DP 751028.

Rehabilitation and Biodiversity Offset Management Plan

29. The Rehabilitation and Biodiversity Offset Management Plan must:
 - (d) be prepared by suitably qualified expert/s whose appointment/s have been approved by the Planning Secretary;
 - (e) describe in general the short, medium, and long term measures that would be implemented to:
 - rehabilitate the site;
 - implement the Biodiversity Offset Strategy and Doughboy Hollow Creek Rehabilitation Strategy; and
 - manage the remnant vegetation and habitat on the site;
 - (f) include a detailed description of what measures would be implemented over the next 3 years to implement the Biodiversity Offset Strategy and Doughboy Hollow Creek Rehabilitation Strategy;
 - (g) include a detailed description of what measures would be implemented over the next 5 years to rehabilitate the site, including the procedures to be implemented for:
 - progressively rehabilitating areas disturbed by quarrying as shown conceptually in Appendix 2;
 - implementing revegetation and regeneration as shown conceptually in Appendix 2, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata;
 - managing the remnant vegetation and habitat on site;
 - managing impacts on fauna;

- reducing the visual impacts of the development, including the vegetation of the noise barrier shown in Appendix 2 and the establishment of screen planting as described in EA MOD 2 and the Statement of Commitments;
 - landscaping the site to minimise visual impacts;
 - protecting areas outside the disturbance areas;
 - conserving and reusing topsoil;
 - collecting and propagating seeds for rehabilitation works;
 - salvaging and reusing material from the site for habitat enhancement;
 - controlling weeds and feral pests;
 - controlling access; and
 - bushfire management;
- (h) detailed performance and completion criteria for the rehabilitation of the site and implementation of the Biodiversity Offset Strategy and Doughboy Hollow Creek Rehabilitation Strategy;
- (i) a detailed description of how the performance of the rehabilitation of the site and implementation of the Biodiversity Offset Strategy and Doughboy Hollow Creek Rehabilitation Strategy would be monitored over time to achieve the relevant objectives and completion criteria;
- (j) a description of the potential risks to successful revegetation and/or rehabilitation in the offset areas and development area, and a description of the contingency measures that would be implemented to mitigate these risks; and
- (k) details of who is responsible for monitoring, reviewing and implementing the plan.

Quarry Closure Plan

30. The Quarry Closure Plan must:
- (l) define the objectives and criteria for quarry closure;
 - (m) investigate options for the future use of the site, including any final void(s);
 - (n) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development ; and
 - (o) describe how the performance of these measures would be monitored over time.
- 30A. The Applicant must implement the Landscape Management Plan as approved by the Planning Secretary.

Rehabilitation Bond

31. Within 6 months of the approval of the Rehabilitation and Biodiversity Offset Management Plan, the Applicant must lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the plan and the relevant conditions of this consent. The sum of the bond must be an amount agreed by the Planning Secretary and determined by:
- (a) calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
 - (b) employing a suitably qualified, independent and experienced person to verify the calculated costs.

The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 2 months prior to the lodgement of the bond.

32. The Rehabilitation Bond must be reviewed and, if required, an updated bond must be lodged with the Department within 3 months following:
- (a) any update or revision to the Rehabilitation and Biodiversity Offset Management Plan;
 - (b) the completion of an Independent Environmental Audit in which recommendations relating to rehabilitation have been made; or
 - (c) in response to a request by the Planning Secretary.
- 32A. If rehabilitation is completed generally in accordance with the relevant performance and completion criteria, to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.
- 32B. If rehabilitation is not completed generally in accordance with the relevant performance and completion criteria, the Planning Secretary will call in all, or part of, the bond and arrange for the completion of the relevant works.

TRANSPORT

Product Transport

33. The Applicant must:
- (a) keep records of the:
 - amount of quarry materials imported onto the site each calendar year;
 - amount of quarrying products transported from the site each calendar year;
 - number of truck movements generated by the development on an hourly basis on any days in which truck loading and distribution occurs;
 - registration plate details and time of departure for all laden trucks dispatched from the quarry;
 - number of train movements generated by the development, on a weekly basis;
 - date and time of each train movement generated by the development;
 - (b) provide annual production data to MEG using the standard form for that purpose; and
 - (c) include these records in the Annual Review.

Road Safety and Condition Audit

- 33A. Prior to truck movements associated with the development exceeding 55 movements per day, the Applicant must undertake (and complete) all agreed actions outlined in the Road Safety and Condition Audit Report prepared by Crossroads Civil Design dated October 2018, to the satisfaction of the relevant roads authority (i.e. TfNSW or Council). If there is a dispute about the implementation of these measures, then the Applicant may refer the matter to the Planning Secretary for resolution.
34. By 31 December 2025 or within five years of commencing quarrying operations in the Extension Area (whichever is the latter), the Applicant must undertake a Road Safety and Condition Audit for the development, to the satisfaction of the Planning Secretary. This audit must:
- (a) be prepared by a suitably independent and qualified expert/s whose appointment has been approved by the Planning Secretary;
 - (b) be prepared in consultation with the TfNSW and Council;
 - (c) assess the safety, performance and condition of the Ardglen Street (Main Street)-New England Highway intersection and the quarry access route; and
 - (d) identify any road works that are required to comply with relevant AUSROAD standards or other relevant TfNSW or Council requirements.
35. Within 12 months of completing the Road Safety and Condition Audit required under condition 34 of this Schedule, unless otherwise agreed by the Planning Secretary, the Applicant must undertake (and complete) any road works recommended in the Audit, to the satisfaction of the relevant roads authority (i.e. TfNSW or Council). If there is a dispute about the implementation of these measures, then the Applicant may refer the matter to the Planning Secretary for resolution.

Road Signage

36. Within 3 months of this approval, the Applicant must install warning signs ("Truck Turning") on the northern and southern approaches to the quarry access route on the New England Highway, to the satisfaction of the TfNSW.

Road Maintenance

37. The Applicant must maintain the quarry access route until the cessation of quarrying operations on the site, to the satisfaction of Council.

If the Applicant and the Council fail to reach agreement on the road maintenance requirements, then either party may refer the matter to the Planning Secretary for resolution. Any determination by the Planning Secretary on this matter will be binding on the Applicant and the Council.

Road Haulage

38. The Applicant must ensure that truck movements associated with the development do not exceed:
- (a) a total of 110 movements per day;
 - (b) a total of 5 movements between 6.30 am and 7.00 am; and
 - (c) a total of 30 movements per hour between 7.00 am and 5.30 pm.
39. The Applicant must not use trucks which are larger than truck and dog combination vehicles^a or have a capacity of greater than 38 tonnes to transport product from the site, unless otherwise agreed in writing by TfNSW.

^a In this condition, 'truck and dog combination vehicle' means National Class 2 Performance Based Standards Level 1 & 2A Truck and Dog Trailer (or equivalent) as determined by the National Heavy Vehicle Regulator

40. The Applicant must:
- (a) implement a speed limit of not more than 40 kilometres per hour for quarry-related truck movements^a along the quarry access route;
 - (b) investigate options to impose a speed limit of 20 kilometres per hour for all heavy vehicle movements along the High Street bridge and install appropriate warning signage, in consultation with Council;
 - (c) ensure that all laden trucks entering or leaving the site are covered, and are cleaned of materials that may fall onto public roads;
 - (d) ensure that all laden trucks pass through a wheel wash prior to departing the site; and
 - (e) take all reasonable steps to minimise traffic safety issues and disruption to local road users.

^a In this condition, 'quarry-related truck movements' means trucks used for the transport of quarrying products or the importation of blending material to the site

- 40A. Prior to commencing increased truck movements as described in EA MOD 2, or other timing as agreed by the Planning Secretary, the Applicant must undertake road widening along Ardglen Street (Main Street) to achieve a minimum pavement width of 7 m (excluding road shoulders), to the satisfaction of Council.

Rail Loading

41. The Applicant may only load a maximum of 2 trains outside the rail loading and distribution hours in Table 1 in any 12 month period, unless agreed to in writing by the Planning Secretary.
42. If the Applicant intends to undertake out of hours rail loading, it must use its best endeavours to notify all local residents at least 12 hours prior to the proposed rail loading, to the satisfaction of the Planning Secretary.

Traffic and Transport Management Plan

43. The Applicant must prepare a Traffic and Transport Management Plan, to the satisfaction of the Planning Secretary. The plan must:
- (a) include a driver code of conduct which outlines:
 - safety initiatives for haulage through the village and along school bus routes;
 - an induction procedure for truck drivers; and
 - complaints handling and disciplinary procedures;
 - (b) include:
 - measures that would be put in place to ensure compliance with the driver code of conduct;
 - measures that would be implemented to ensure compliance with condition 40 of this Schedule;
 - measures that would be taken to avoid night time train loading operations; and
 - procedures for notifying local residents about night time train loading activities when these occur; and
 - (c) be submitted to the Planning Secretary for approval prior to truck movements associated with the development exceeding 55 movements per day, (or other timeframe as agreed by the Planning Secretary).
- 43A. The Applicant must implement the Traffic and Transport Management Plan as approved by the Planning Secretary.

VISUAL IMPACT

44. The Applicant must:
- (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;
 - (b) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the Planning Secretary.

ABORIGINAL CULTURAL HERITAGE

45. The Applicant must not destroy any known Aboriginal object or Aboriginal place (as defined in the *National Parks and Wildlife Act 1974*) without the written approval of the Planning Secretary.

- 45A. If any previously unknown Aboriginal object or Aboriginal place is discovered 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.
- 45B. Work in the immediate vicinity may only recommence if:
- (a) the potential Aboriginal object or Aboriginal place is confirmed by Heritage NSW upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place; or
 - (b) an Aboriginal Cultural Heritage Management Plan is prepared in consultation with Registered Aboriginal Parties and Heritage NSW, and to the satisfaction of the Planning Secretary; or
 - (c) 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.
- 45C. If suspected human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police and Heritage NSW, and work must not recommence in the area until authorised by NSW Police and NSW.

GREENHOUSE GAS

46. The Applicant must:
- (a) monitor the greenhouse gas emissions generated by the development;
 - (b) investigate ways to reduce greenhouse gas emissions generated by the development; and
 - (c) report on greenhouse gas monitoring and abatement measures in the Annual Review, to the satisfaction of the Planning Secretary.

WASTE MINIMISATION

47. The Applicant must:
- (a) manage on-site sewage treatment and disposal in accordance with the requirements of an applicable EPL, and to the satisfaction of EPA and Council;
 - (b) minimise the waste generated by the development;
 - (c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
 - (a) report on waste minimisation and management in the Annual Review.
48. The Applicant must ensure that all waste generated or stored on site is assessed, classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste*.
-

SCHEDULE 4 ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS

1. If the results of monitoring required in Schedule 3 identify that impacts generated by the development are greater than the relevant impact assessment criteria, then the Applicant must notify the Planning Secretary and the affected landowners and/or existing or future tenants (including tenants of quarry owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the relevant criteria.

NOTIFICATION OF EXCEEDANCES

- 1A. 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 Schedule 3 of this consent, the Applicant must provide the details of the exceedance to any affected landowners and/or tenants. For any exceedance of any air quality criterion in Schedule 3 of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the fact sheet entitled "*Mine Dust and You*" (NSW Health, 2017).

INDEPENDENT REVIEW

2. If a landowner (excluding quarry owned properties) considers that the operations of the development are exceeding the impact assessment criteria in Schedule 3 then he/she may ask the Planning Secretary in writing for an independent review of the impacts of the development on his/her land.
 3. 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.
 4. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or as otherwise agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
 - (i) consult with the landowner to determine their concerns;
 - (ii) conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3 of this consent; and
 - (iii) if the development is not complying with that criteria, identify measures that could be implemented to ensure compliance with the relevant criteria; and
 - (b) give the Planning Secretary and landowner a copy of the independent review; and
 - (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.
-

SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Applicant must prepare and implement an Environmental Management Strategy 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 requirements that apply to the development;
 - (c) describe in general how the environmental performance of the development would be monitored and managed;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the development;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (e) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.

- 1A. The Applicant must not carry out quarrying operations under this consent until the Environmental Management Strategy is approved by the Planning Secretary.

ENVIRONMENTAL MONITORING

2. 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.

- 2A. 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 Schedule 3, providing that these representative monitoring locations are set out in the respective management plan(s) and/or monitoring program(s).

REPORTING

Incident Notification

3. 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 to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

- 3A. 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 compliance@planning.nsw.gov.au 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 Reporting

4. By the end of March in each year after the granting of the development consent, 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 financial/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 2(a)-(c) of Schedule 2.
 - (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 of this consent;
 - (e) identify any trends in the monitoring data over the life of the development;
 - (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.

INDEPENDENT ENVIRONMENTAL AUDIT

5. Prior to 31 December 2012, and every 5 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
 - (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
 - (c) be carried out in consultation with the relevant agencies and the CCC;
 - (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
 - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
 - (g) be conducted and reported to the satisfaction of the Planning Secretary.
6. 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.

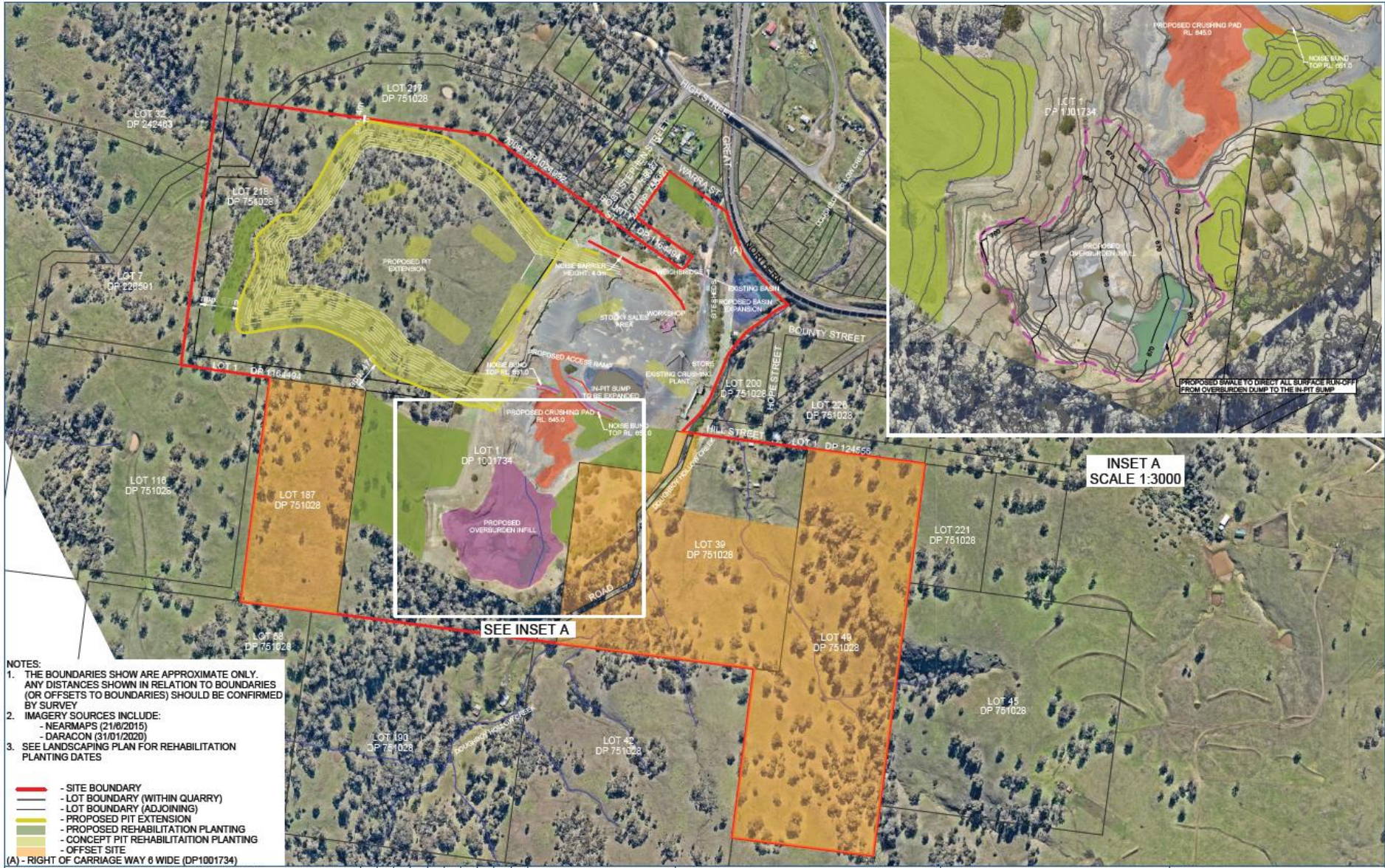
COMMUNITY CONSULTATIVE COMMITTEE

7. The Applicant must operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Planning Secretary, in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019).

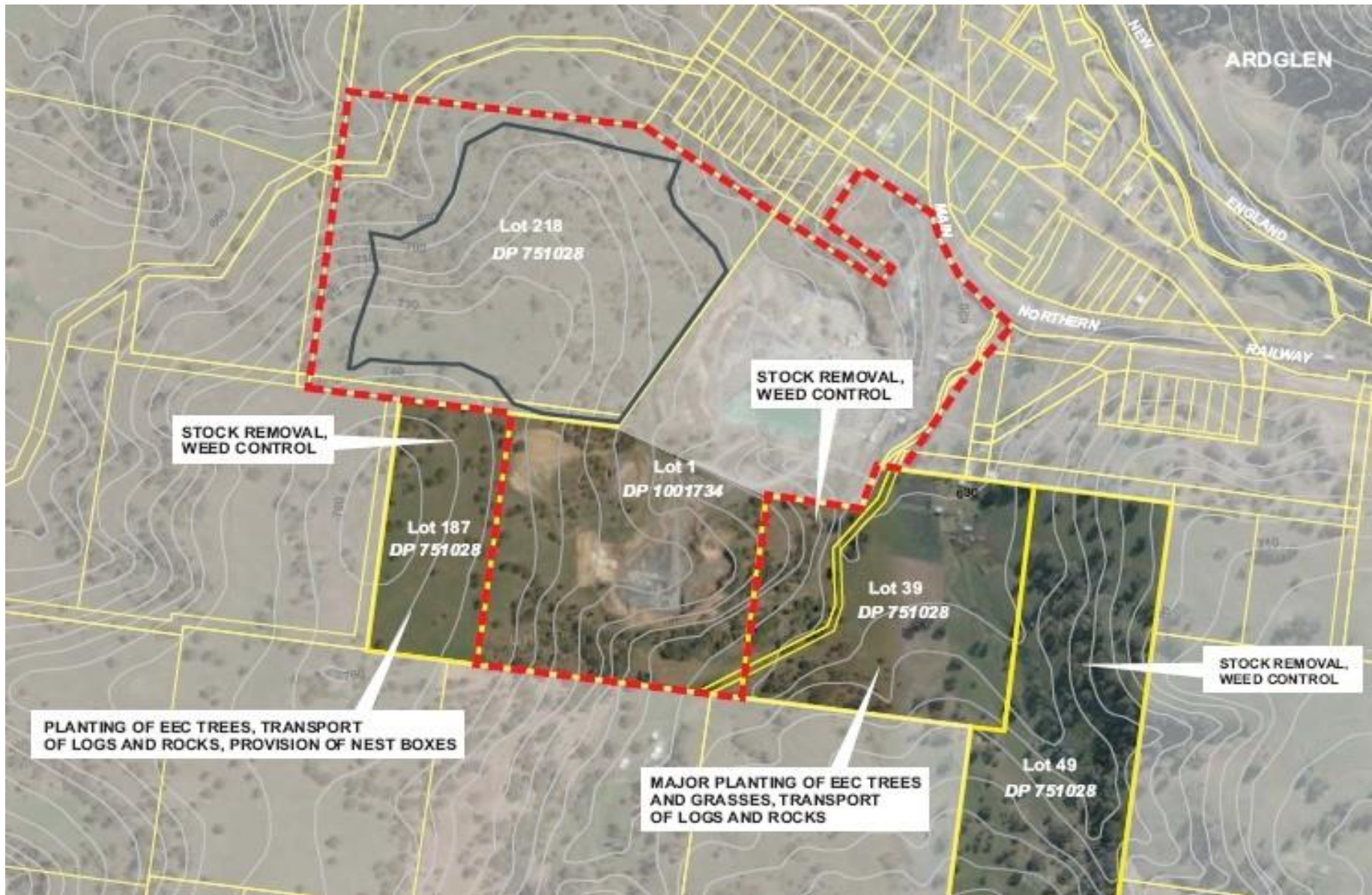
ACCESS TO INFORMATION

8. Within 3 months of the approval of any plan/strategy/program required under this consent (or any subsequent revision of these plans/strategies/programs), or the completion of the audits or Annual Reviews required under this consent, the Applicant must:
 - (a) provide a copy of the relevant document/s to the relevant agencies and CCC; and
 - (b) put a copy of the relevant document/s on its website.
 9. During the development, the Applicant must:
 - (a) include a copy of this consent, as may be modified from time to time, on its website;
 - (b) provide a full summary of monitoring results required under this consent on its website; and
 - (c) update these results on a regular basis (at least every 6 months).
-

APPENDIX 2 CONCEPTUAL REHABILITATION PLAN



APPENDIX 3 CONCEPTUAL OFFSET PLAN



APPENDIX 4 STATEMENT OF COMMITMENTS

Table 1: Statement of Commitments

Item Number	Item	Commitment	Responsibility	Timing
1	Scope of Development	The project will be carried out generally in accordance with the following plans and documentation, except where amended by the conditions of the project approval: <ul style="list-style-type: none"> the Environmental Assessment (EA) prepared by ERM (June, 2007) and accompanying specialist reports; the Response to Submissions report prepared by ERM (November, 2007); and this revised Statement of Commitments. 	Daracon Quarries	Ongoing for the duration of the project.
2	Statutory Requirements	All necessary licences, permits and approvals will be obtained and maintained for the project.	Daracon Quarries	Ongoing for the duration of the project.
3		In accordance with section 104A of the EP&A Act, the proponent will surrender the existing development consent applying to Lot 1 DP 1001734, issued by Murrumbidgee Shire Council in May 1994.	Daracon Quarries	Within 2 years of work commencing within the extension area.
4	General	The proponent will prepare and implement an Environmental Management System (EMS) based on the AS/NZA ISO 14001:2004 - Environmental Management Systems. The EMS will: <ul style="list-style-type: none"> incorporate an operational Environmental Management Plan (EMP); detail potential environmental risks due to operation of the proposed quarry; provide measures for the prevention, minimisation and management of these impacts to within acceptable limits; and provide a means for the project to improve environmental performance and move towards environmental sustainability. 	Daracon Quarries	EMS to be submitted for approval prior to work commencing within the extension area.
5	Water Management	The proponent will prepare and implement a Surface Water Management Plan for the project that will include: <ul style="list-style-type: none"> an Erosion and Sediment Control Plan (including procedures to minimise erosion, capture of sediment on-site, and maintenance of control structures); 	Daracon Quarries	Plan to be submitted for approval prior to work commencing within the extension area.

Item Number	Item	Commitment	Responsibility	Timing															
		<ul style="list-style-type: none"> • a Site Water Balance; and • a Water Quality Monitoring Program 																	
6	Biodiversity	<p>The proponent will implement the biodiversity offset strategy outlined in the EA, which includes the conservation and long term protection of the areas described in <i>Table 1</i>.</p> <p><i>Table 1 Biodiversity Offset Areas</i></p> <table border="1"> <thead> <tr> <th>Land Description</th> <th>Area (ha)</th> <th>Proposed Management Strategy</th> </tr> </thead> <tbody> <tr> <td>Lot 187 DP 751028</td> <td>8.2</td> <td>stock removal, weed control, planting of EEC trees, transport of logs and rocks, provision of nest boxes</td> </tr> <tr> <td>Lot 39 DP 751028</td> <td>11.65</td> <td>stock removal, weed control, major planting of EEC trees and grasses, transport of logs and rocks</td> </tr> <tr> <td>Lot 49 DP 751028</td> <td>16.3</td> <td>stock removal, weed control</td> </tr> <tr> <td>Total</td> <td>36.15</td> <td></td> </tr> </tbody> </table>	Land Description	Area (ha)	Proposed Management Strategy	Lot 187 DP 751028	8.2	stock removal, weed control, planting of EEC trees, transport of logs and rocks, provision of nest boxes	Lot 39 DP 751028	11.65	stock removal, weed control, major planting of EEC trees and grasses, transport of logs and rocks	Lot 49 DP 751028	16.3	stock removal, weed control	Total	36.15		Daracon Quarries	Ongoing for the duration of the project.
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7		<p>The proponent will prepare a detailed biodiversity offset management plan in consultation with the DECC and submit it for approval by the Director-General. The plan will include:</p> <ul style="list-style-type: none"> ▪ proposed staging; ▪ planting details such as final density, species mix, sowing rates, fertiliser; ▪ proposed maintenance schedule; ▪ weed control; ▪ importation of rock and log shelter; ▪ topsoil handling; ▪ fencing; 	Daracon Quarries	Plan to be submitted for approval prior to work commencing within the extraction area.															

Item Number	Item	Commitment	Responsibility	Timing
		<ul style="list-style-type: none"> ▪ pre-clearing surveys of all hollow bearing trees within the proposed quarry extension area; ▪ herbivore control; and ▪ number and location of nest boxes. 		
8		The proponent will make suitable arrangements to provide appropriate long term security for the offset areas.	Daracon Quarries	Within 3 years of work commencing within the extraction area.
9	Noise	<p>The proponent will continue to implement the following measures, which are currently in place at Ardglan Quarry, to mitigate noise impacts:</p> <ul style="list-style-type: none"> ▪ quarry hours are restricted to between 6am and 5.30pm; ▪ noise created by the haul trucks, both empty and loaded, is reduced by imposing a speed limit of 50 km/h when travelling on local roads between the quarry and the highway. Trucks on site are limited to a speed of 25 km/h; ▪ all on-site, fixed and mobile diesel-powered plant, excluding road vehicles, are correctly fitted and maintained to manufacturer specifications. Particular attention is given to engine exhaust systems and the care and maintenance of mufflers. <p>Further noise control is nominated through the implementation of the following measures:</p> <ul style="list-style-type: none"> ▪ reduction of equipment through the separation of site activities to overburden stripping and extraction, whereby they do not occur simultaneously; ▪ rail loading will be limited to the day period (7am to 6pm) as much as practicable; ▪ the surge bin will be lined with latex or polymer liners to reduce impulsive noise; ▪ a sheet metal enclosure will be built around the rail loader discharge and extend to include the rail wagon being loaded. The enclosure will be constructed of sheet metal and will cover the length of a minimum of three wagons whereby the wagon being loaded will be in the centre of the enclosure. The enclosure will be open at the ends and will contain a roof which will be connected to the rail loader discharge. 	Daracon Quarries	Ongoing for the duration of the project.

Item Number	Item	Commitment	Responsibility	Timing																
		<p>Gaps between the loader discharge and the roof will be sealed;</p> <ul style="list-style-type: none"> ▪ the two scrapers initially assigned for overburden stripping will be replaced by one excavator and two articulated dump trucks; ▪ the existing three crushers will be acoustically treated by extending the metal cladding on the crushing and screening station building to ground level with no gaps or openings; ▪ the existing screens will be located behind earth bunds; and ▪ mobile acoustic barriers or earth mounds will surround the drill rig and any mobile plant situated on the surface during initial stripping; and ▪ where land slopes away from stripping activities to receivers, barriers will be raised to a height of 4 metres, so there is no direct line of sight to receivers. 																		
10		<p>Except during night-time rail loading activities, the proponent will ensure that the noise generated by the project does not exceed the levels set out in <i>Table 2</i>, at any privately-owned residence, unless a specific agreement is reached with the landholder, in which case the proponent may exceed the noise limits set out in <i>Table 2</i> in accordance with the negotiated noise agreement.</p> <p><i>Table 2 Noise Criteria</i></p> <table border="1"> <thead> <tr> <th>Land</th> <th>Noise Level LAeq dB(A)</th> </tr> </thead> <tbody> <tr> <td>1 - Burraston</td> <td>35</td> </tr> <tr> <td>2 - Rose</td> <td>35</td> </tr> <tr> <td>4 - CM Thomson</td> <td>44</td> </tr> <tr> <td>5 - M Taylor</td> <td>45</td> </tr> <tr> <td>6 - S Thompson</td> <td>45</td> </tr> <tr> <td>9 - Bates</td> <td>37</td> </tr> <tr> <td>10 - Avery</td> <td>38</td> </tr> </tbody> </table>	Land	Noise Level LAeq dB(A)	1 - Burraston	35	2 - Rose	35	4 - CM Thomson	44	5 - M Taylor	45	6 - S Thompson	45	9 - Bates	37	10 - Avery	38	Daracon Quarries	Ongoing for the duration of the project.
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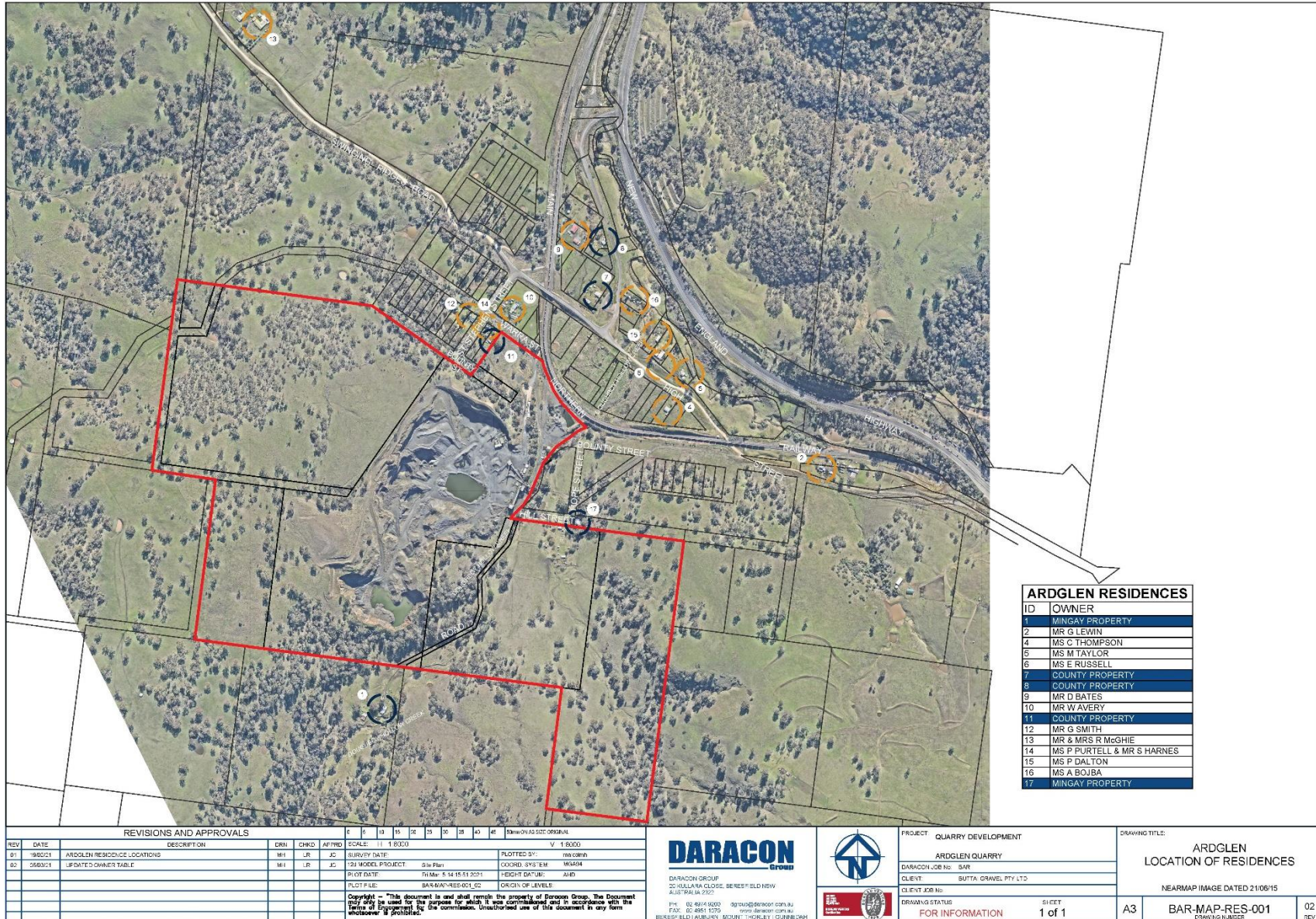
Item Number	Item	Commitment	Responsibility	Timing
		11 - Shipman		
		12 - Hall		
		13 - McGhie		
		14 - Purtell		
		15 - J Taylor		
		16 - Bojba		
11	Blasting and Vibration	<p>The proponent will implement the following measures to mitigate the impacts of blasting and vibration:</p> <ul style="list-style-type: none"> ▪ blasting will be limited to between the hours of 10am and 4pm, Monday to Friday and residents in the vicinity of the quarry will be given adequate notification of forthcoming blasts; ▪ air-blast overpressure from any blast will not exceed 120 dB(Lpeak) at any privately-owned residence for more than 5% of all blasts over a 12 month period. It will not exceed 115 dB(Lpeak) at any time, unless specific prior agreement is reached with the affected landholder; ▪ peak particle velocity (ppv) from ground vibration will not exceed 5 mm/s at any privately-owned residence for more than 5% of the total number of blasts over a 12 month period. The maximum level will not exceed 10 mm/s at any time; ▪ the existing blast management strategy will continue to be implemented to ensure appropriate charge masses are used to avoid excessive air blast overpressure and ground vibrations; and ▪ a Blast Monitoring Program will be prepared and submitted to the Director-General for approval 	Daracon Quarries	Ongoing for the duration of the project.

Item Number	Item	Commitment	Responsibility	Timing
12	Air Quality	In addition to the dust mitigation measures currently employed, the proponent will implement the following measures to ensure particulate matter emissions are minimised: <ul style="list-style-type: none"> revegetation of exposed surfaces where possible; sealing the haul road; limiting the speed limit on unpaved surfaces to 15 km/hr; high level watering of unpaved road surfaces (greater than 2L/m²/hr); covering all loads leaving the site; building a wheel wash at the end of the unpaved section of the haul road (after the weighbridge); and wet suppression or chemical coating of static stockpiles. 	Daracon Quarries	Ongoing for the duration of the project.
13		The proponent will prepare and implement an air quality monitoring program for the project. The program will include: <ul style="list-style-type: none"> a series of dust deposition gauges operated in accordance with Australian/New Zealand Standard AS/NZS 3580.10.1:2003; and a series of high volume or low volume air samplers to monitor levels of PM10, operated in accordance with Australian/New Zealand AS/NZS 3580.9.6:2003 and AS/NZS 3580.9.6:2003. 	Daracon Quarries	Program to be submitted for approval prior to work commencing within the extension area.
14	Rehabilitation	The proponent will prepare a detailed biodiversity offset plan to provide an integrated plan for the whole site, considering the existing quarry areas, the western extension, the areas of box-gum woodland to be preserved and the areas to be planted as offsets. This plan will be prepared in liaison with the DECC and lodged for approval by the Director-General.	Daracon Quarries	Plan to be submitted for approval prior to work commencing within the extension area.
15		The proponent will progressively rehabilitate the site, generally in accordance with the rehabilitation strategy outlined in the EA.	Daracon Quarries	Ongoing for the duration of the project.

Item Number	Item	Commitment	Responsibility	Timing
16		The proponent will lodge a rehabilitation bond with the Director-General to ensure that rehabilitation of the site is satisfactorily completed, generally in accordance with the rehabilitation strategy outlined in the EA.	Daracon Quarries	Within 6 months of work commencing within the extension area.
17	Traffic Management and Access	The proponent will not transport more than 500,000 tonnes of product from the site each year.	Daracon Quarries	Ongoing for the duration of the project.
18		The proponent will keep daily records of: <ul style="list-style-type: none"> ▪ the type and amount of product transported from the site and the method of transportation i.e. road or rail; and ▪ the type and amount of quarry material imported onto the site and the method of transportation i.e. road or rail. 	Daracon Quarries	Ongoing for the duration of the project.
19		The proponent will maintain the quarry access route from the New England Highway to the quarry entrance, to at least its present standard (two lane rural road), to the satisfaction of Council.	Daracon Quarries	Ongoing for the duration of the project.
20	Visual Amenity	The proponent will implement the following mitigation measures to reduce the potential visual impacts of the project: <ul style="list-style-type: none"> ▪ those areas of the quarry in which the resource has been exhausted will be progressively rehabilitated and revegetated; and ▪ further planting will be undertaken along the ridgeline to the west of the proposed extension area. 	Daracon Quarries	Further planting to be undertaken prior to work commencing within the extension area.

21	Aboriginal Cultural Heritage	Should any Aboriginal objects (artefacts) be exposed during ground surface disturbance, all works involving ground surface disturbance will be suspended. A representative of the Nungaroo Local Aboriginal Land Council and an archaeologist will conduct an assessment of the significance of the Aboriginal object(s) and identify appropriate mitigation and management measures.	Daracon Quarries	Ongoing for the duration of the project.
22	Community Consultation	The proponent will continue to engage the community in consultation, with the aim of providing the community with up-to-date information in relation to the project and quarry operations in general, and allowing the community to provide feedback and raise any issues or concerns. On-going consultation will include distribution of an annual community newsletter and individual face-to-face meetings with adjoining landowners and other stakeholders when required.	Daracon Quarries	Ongoing for the duration of the project.
23	Annual Reporting	The proponent will prepare and submit to the Director-General an Annual Environmental Management Report (AEMR). The AEMR will: <ul style="list-style-type: none"> ▪ include a summary of the environmental monitoring results for the project for the past year; ▪ include an analysis of the monitoring results against relevant limits/criteria and monitoring results from previous years; and ▪ identify and discuss any non-compliances during the past year and detail any actions taken to ensure compliance. 	Daracon Quarries	Report to be submitted annually

APPENDIX 5 LOCATION OF RESIDENCES



APPENDIX 6 NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

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

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station required under condition 18 of Schedule 3 .

Compliance Monitoring

3. A noise compliance assessment must be undertaken within two months of commencement of quarrying operations in the Extension Area. The assessment must be conducted by a suitably qualified and experienced acoustical practitioner and must assess compliance with noise criteria presented above. A report must be provided to EPA within 1 month of the assessment.
4. Unless otherwise agreed by the Planning Secretary, attended compliance monitoring must be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (EPA, 2000), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration,
 - (e) modifying factors apart from adjustments for duration,

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