

Development Consent

Section 80 of the *Environmental Planning & Assessment Act 1979*

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), approve the Development Application referred to in Schedule 1, subject to the conditions in Schedules 3 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 on-going environmental management of the development.

Diane Beamer, MP
**Minister Assisting the Minister for
Infrastructure and Planning
(Planning Administration)**

Sydney

2004

File No. S03/01960

SCHEDULE 1

Development Application:	DA 470-11-2003.
Applicant:	Boral Resources (NSW) Pty Limited (ABN: 51 000 756 507).
Consent Authority:	Minister Assisting the Minister for Infrastructure and Planning (Planning Administration).
Land:	See Appendix 1.
Proposed Development:	Increase production at the Dunmore Quarry from 1.2 million tonnes per annum (Mtpa) to 2.5 Mtpa, by: <ul style="list-style-type: none">• increasing operating hours;• making minor changes to equipment types and configuration, mainly within the crushing and conveying circuit; and• increasing rail and road transportation of product.
State Significant Development:	The proposal is classified as State significant development, under section 76A(7) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is an extractive industry where the proposed rate of production exceeds the threshold limits specified in the Ministerial declaration, dated 3 August 1999.
Integrated Development:	The proposal is classified as integrated development, under section 91 of the <i>Environmental Planning and Assessment Act 1979</i> , because it requires additional approvals under the: <ul style="list-style-type: none">• <i>Protection of the Environment Operations Act 1997</i>;• <i>National Parks & Wildlife Act 1974</i>;• <i>Rivers and Foreshores Improvement Act 1948</i>.
Designated Development:	The proposal is classified as designated development, under section 77A of the <i>Environmental Planning & Assessment Act 1979</i> , because it is for an extractive industry that would "obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year...". Consequently, it meets the criteria for designated development in schedule 3 of the <i>Environmental Planning & Assessment Regulation 2000</i> .

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Note:

- *To find out when this development consent becomes effective, see Section 83 of the Environmental Planning and Assessment Act 1979 (EP&A Act);*
- *To find out when this development consent is liable to lapse, see Section 95 of the EP&A Act; and*
- *To find out about appeal rights, see Section 97 of the EP&A Act.*

This instrument includes changes made by Modification 1 in December 2005 (marked in blue)

This instrument includes changes made by Modification 2 in June 2006 (marked in red)

This instrument includes changes made by Modification 3 in May 2008 (marked in green)

This instrument includes changes made by Modifications 4 and 5 in November 2008 (marked in pink)

Modification 6 (January 2014) marked in purple

Modification 7 (October 2015) marked in maroon

Modification 8 (November 2016) marked in orange

Modification 10 (June 2017) marked in aqua

Modification 9 (September 2017) marked in light green

Modification 11 (March 2019) marked in yellow highlight

Modification 12 (September 2021) marked in cornflower blue

FOR INFORMATION

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SCHEDULE 2 DEFINITIONS

Annual Review	Annual Review, as required under condition 9 of schedule 5
Applicant	Boral Resources (NSW) Pty Limited
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate, within the Department
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee
Council	Shellharbour City Council
Croome West Pit	Western extension of the extraction area approved in Modification 9
DA	Development Application
Day	Day is defined as the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning, Industry and Environment
DPIE Water	Water Group within the Department
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	Evening is defined as the period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
GTA	General Term of Approval
Incident	A set of circumstances that: <ul style="list-style-type: none">• causes or threatens to cause material harm to the environment; and/or• breaches or exceeds the limits or performance measures/criteria in this consent
Land	As defined in the EP&A Act, except where the term is used in the noise and air quality conditions in Schedules 4, 4A and 5 of this consent, where it is defined as a 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.
Laden trucks	Trucks transporting quarry products from the site
Material harm	Is harm to the environment that: <ul style="list-style-type: none">• involves actual or potential harm to the health or safety 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)
MEG	Regional NSW – Mining, Exploration and Geosciences
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces, or delegate
Night	Night is defined as the period from 10pm to 6am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Privately-owned land	Land not owned by the Applicant or its related companies or where a private agreement does not exist between the Applicant and the landowner
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Quarrying operations	Includes the removal of overburden and extraction, processing, handling, storage and transportation of extractive material on the site
Quarry products	Includes all saleable quarry products, but excludes tailings, other wastes and rehabilitation material
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Planning Secretary	Planning Secretary of the Department, or nominee
SEE	Statement of Environmental Effects
Shoulder	Time interval from 6am to 7am, Monday to Saturday
Site	Land to which the DA applies
TfNSW	Transport for NSW
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

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SCHEDULE 3 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Approval

2. The Applicant must carry out the development generally in accordance with the:
 - (a) DA 470-11-2003;
 - (b) EIS titled *Environmental Impact Statement for the proposed Dunmore Quarry Production Increase*, Volumes 1 & 2, dated November 2003, and prepared by R. W. Corkery & Company Pty Limited;
 - (c) The letter from Boral Quarries to the Department dated 20 October 2005 about the application to modify Dunmore Quarry development consent DA 470-11-2003, and accompanying plans 4034032_01 issue E, and 4034032_EL issue B;
 - (d) modification application MOD 59-4-2006 and letter from Boral Quarries to the Department dated 13 April 2006;
 - (e) Modification Application 470-11-2003 Mod 3, letter to the Department dated 28 March 2008, and accompanying plans GE-DU-2961-02 Rev D; GE-DU-2962-01 Rev B; GE-DU-2963-01 Rev 0; and GE-DU-2964-02 Rev 0;
 - (f) Modification Application 470-11-2003 Mod 4 and accompanying SEE titled *Statement of Environmental Effects for the proposed Dunmore Hard Rock Quarry Extension*, dated May 2008, and letter from Boral Quarries & Recycling to the Department dated 22 September 2008;
 - (g) Modification Application 470-11-2003 Mod 5 and accompanying letter from Boral Quarries & Recycling to the Department dated 16 September 2008 (and accompanying plan GE-DU-2966-01 Rev E);
 - (h) Modification Application 470-11-2003 Mod 6 and accompanying document titled *Environmental Assessment Dunmore Hard Rock Quarry – Modification 6*, prepared by EMGA Mitchell McLennan and dated 19 November 2012;
 - (i) Modification Application 470-11-2003 Mod 7 and accompanying document titled *Proposed Blending Plant Dunmore Hardrock Quarry DA 470-11-2003 – Modification 7, Environmental Assessment*, dated December 2014;
 - (j) Modification 470-11-2003 Mod 8 and accompanying document titled *Dunmore Quarry – Modification 8 Environmental Assessment*, dated August 2016 and accompanying Response to Submissions, dated 22 September 2016;
 - (k) Modification Application 470-11-2003 Mod 10 and accompanying documents titled *Environmental Assessment: Dunmore Quarry Modification 10*, dated 23 May 2017, and supplementary Environmental Assessment titled *Environmental Assessment: Dunmore Quarry Modification 10*, dated 16 June 2017;
 - (l) Modification Application 470-11-2003 Mod 9 and accompanying documents titled *Dunmore Quarry – Modification 9 Environmental Assessment*, dated 17 February 2017, and Response to Submissions titled *Dunmore Quarry – Modification 9 Response to Submissions*, dated 17 August 2017;
 - (m) Modification Application 470-11-2003 Mod 11 and accompanying document titled *Dunmore Quarry – Modification 11 Environmental Assessment*, dated 28 September 2018, Response to Submissions titled *Dunmore Quarry – Mod 11 Response to Submissions*, dated 7 November 2018, and additional information titled *Traffic Impact Assessment Addendum*, dated 24 January 2019; and
 - (n) Modification Application 470-11-2003 Mod 12 and accompanying document titled *Statement of Environmental Effects - Laden truck dispatch restriction amendments*, prepared by Boral Land and Property Group, dated June 2021, and letter from Boral Property Group dated 04 August 2021 with additional information.
- 2A The Applicant must carry out the development in accordance with the conditions of this consent.
3. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition 2. In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.
4. 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
 - (a) the implementation of any actions or measures contained in any such document referred to in condition 4(a).

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Quarrying Operations

5. The Applicant may carry out quarrying operations on the site until 30 September 2034.

Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of the Planning Secretary. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.

6. The Applicant **must** not produce or transport more than 2.5 million tonnes of quarry products a calendar year from the development.

Transportation

7. A maximum of 2.5 million tonnes of quarry products may be transported from the site in any calendar year.

- 7A. The Applicant **must** not dispatch more than:

- (a) 50 laden trucks per hour from the site between 6 am and 6 pm, with only 33 laden trucks per hour between 6 am and 9 am permitted to head northwest into Albion Park Rail from the intersection of New Lake Entrance Road / Princes Highway;
- (b) 23 laden trucks from the site in any hour between 6 pm and 6 am; and
- (c) a total of 400 laden trucks from the site on per day.

Note: In this condition, "day" means any 24-hour period.

Surrender of Consents

8. *Deleted*

Structural Adequacy

9. The Applicant **must** ensure that any 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 Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any building works.
- Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of development

Demolition

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

Protection of Public Infrastructure

11. The Applicant **must**:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by 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.

Operation of Plant and Equipment

12. The Applicant **must** ensure that all plant and equipment at the site, or used in connection with the development, are:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Compliance

13. The Applicant **must** ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

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SCHEDULE 4 SPECIFIC ENVIRONMENTAL CONDITIONS

IDENTIFICATION OF BOUNDARIES

1. Within 6 months of the date of this consent **and any subsequent modification involving a change to the approved limits of extraction**, the Applicant **must**:
 - (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction;
 - (b) submit a survey plan of these boundaries to the **Planning Secretary**; and
 - (c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

ACQUISITION UPON REQUEST

2. Upon receiving a written request for acquisition from the landowner of the land listed in Table 1, the Applicant **must** acquire the land in accordance with conditions 3 and 4 below.

Land Owner(s)	Land Identification
Creagan	Lot 5 DP1001931
Stocker	Lot 1 DP745632
McParland/ Fogarty	Lot 10 DP977931
Kimmorley Property	Lot 1 DP998321

Table 1: Land Subject to Acquisition on Request

Note: Land titled 'McParland/Fogarty' has been acquired and is now quarry-owned.

3. Within 6 months of receiving a written request from the landowner, the Applicant **must** pay the landowner:
 - (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 the subject of this DA, having regard to the:
 - existing and permissible use of the land, in accordance with the applicable environmental planning instruments at the date of the written request; and
 - 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; and
 - (b) the reasonable costs associated with:
 - relocating within the Shellharbour or Kiama local government areas, or to any other local government area determined by the **Planning Secretary**; and
 - obtaining legal 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.

However, if within 6 months of receiving this written request, 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.

Upon receiving such a request, the **Planning Secretary** shall request the **NSW President of the Australian Property Institute** to appoint a qualified independent valuer to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or the terms upon which the land is to be acquired.

If either party disputes the independent valuer's determination, the independent valuer must refer the matter back to the **Planning Secretary for resolution**.

If the landowner refuses to accept this offer within 6 months of the date of the Applicant's offer, the Applicant's obligations to acquire the land cease, unless otherwise agreed by the **Planning Secretary**.

4. The Applicant **must** bear the costs of any valuation or survey assessment requested by the independent valuer or the **Planning Secretary**, and the costs of determination referred to in Condition 3 above.
5. If the Applicant and landowner agree that only part of the land should be acquired, then the Applicant **must** pay all reasonable costs associated with obtaining Council approval for any plan of subdivision, and registration of the plan at the Office of the Registrar-General.
6. While the land listed in Table 1 is privately-owned land, the Applicant **must** comply with the requirements applying to this land in these conditions of consent.

ADDITIONAL MITIGATION UPON REQUEST

- 6A. Upon receiving a written request from the landowner of any residence on the land listed in Table 1 or Table 1A, 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, 2014), as may be updated or replaced from time to time. They must also be reasonable and feasible and proportionate to the level of predicted impact.

If within 3 months of receiving this request from the landowner, 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.

Receiver Locations	Mitigation Basis
Locations AA, D, F, G and Z	Noise

Table 1A: Land Subject to Mitigation on Request

NOISE

Noise Limits

7. ¹The Applicant **must** ensure that the noise generated by the development does not exceed the criteria specified in Table 2.

Receiver Locations	Noise Limits dB(A)					
	L _{Aeq} (15minute)				L _{A1} (1minute)	
	Day	Evening	Night	Shoulder	Night	Shoulder
Location K Stocker Residence	49	44	38	47	48	55
Location O Dunmore Lakes	49	44	38	47	48	55
Location J Creagan Residence	Negotiated Agreement in Place					
Location AA	38	38	38	38	45	45
Locations AB and T	36	36	36	36		
Locations D, F, G and Z	40	40	40	40		
Location S	37	37	37	37		
Other privately-owned residences	35	35	35	35		

Table 2: Noise Impact Assessment Criteria for the Development

Notes:

- Receiver locations are shown in Appendix 2.
- The above table may be varied if the Applicant enters into a negotiated agreement with any of the affected residents, or if existing agreements become void.
- Noise from the development is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary, to determine compliance with the L_{Aeq(15 minute)} noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors presented in Section 4 of the NSW Industrial Noise Policy **must** also be applied to the measured noise levels where applicable.
- Noise from the development is to be measured at 1m from the dwelling façade to determine compliance with the L_{A1(1minute)} noise limits in above table.
- The noise emission limits identified in Table 1 apply under meteorological conditions of:
 - Wind speed up to 3m/s at 10 metres above ground level; or

¹ Incorporates EPA GTA

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- Temperature inversion conditions of up to 3°C/100m and wind speed up to 2m/s at 10 metres above the ground.

Noise Investigations

8. Deleted

Operating Hours

9. The Applicant **must** comply with the operating hours in Table 3:

Activity	Days of the Week	Time
Extraction and Processing	Monday – Saturday	6-00am to 10-00pm
Product Transfer to Stockpiles	Monday - Saturday	6-00am – Midnight
Maintenance	Monday – Sunday	24 hrs
Construction (including construction of the bund under Modification 8)	Monday – Saturday	7-00am to 6-00pm Monday to Friday 8-00am to 1-00pm Saturday

Table 3: Operating Hours for the Development

10. Deleted

Oversized Material

11. ²The Applicant **must** not process any oversized raw feed material at the development during the shoulder period.

Note: For the purpose of this condition “oversized raw feed material” is defined as where more than 50% of the shot is over 900mm in diameter.

Noise Operating Conditions

11A. The Applicant must:

- take all reasonable steps to minimise the construction, operational and transport noise associated with the development;
- take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions; when the noise criteria in this consent do not apply; and
- regularly assess noise monitoring data, and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent, to the satisfaction of the [Planning Secretary](#).

Noise Monitoring

12. Deleted

13. ³Within 3 months of the date of this consent, and annually thereafter, unless directed otherwise by the [Planning Secretary](#), the Applicant **must**:

- commission a suitably qualified person to assess whether the development is complying with the noise impact assessment criteria in Table 2, in general accordance with the NSW Industrial Noise Policy and Australian Standard (AS) 1055-1997: “Description and Measurement of Environmental Noise”; and
- provide the results of this assessment to the EPA and [Planning Secretary](#) within a month of commissioning the assessment.

Noise Management Plan

14. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the [Planning Secretary](#). This plan must:

- be prepared in consultation with the EPA;
- be submitted to the [Planning Secretary](#) for approval prior to commencing quarrying operations in the Croome West Pit, unless the [Planning Secretary](#) agrees otherwise;
- describe the measures to be implemented to ensure:
 - compliance with the noise criteria and operating conditions of this consent;

² Incorporates EPA GTA

³ Incorporates EPA GTA

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- best practice management is being employed;
 - noise impacts of the development are minimised during stage 3 extraction of the Croome West Pit, particularly during the shoulder period; and
 - noise impacts of the development are minimised during meteorological conditions under which the noise criteria in this consent do not apply;
- (d) describe the proposed noise management system; and
- (e) include a monitoring program to be implemented to measure noise from the development against the noise criteria in Table 2.

The Applicant must implement the Noise Management Plan as approved by the [Planning Secretary](#).

Reporting

15. Deleted

BLASTING AND VIBRATION

Airblast Overpressure Criteria

16. The Applicant **must** ensure that the airblast overpressure level from blasting at the development does not exceed the criteria in Table 4 at any residence or sensitive receiver on privately-owned land.

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

Table 4: Airblast Overpressure Limits

Ground Vibration Criteria

17. The Applicant **must** ensure that the peak particle velocity from blasting at the development does not exceed the criteria in Table 5 at any residence or sensitive receiver on privately - owned land.

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

Table 5: Ground Vibration Limits

Blasting Restrictions

18. ⁴Blasting operations at the site may only take place:
- between 9am and 5pm Monday to Saturday inclusive;
 - are limited to 2 blasts each day; and
 - at such other times as may be approved by [EPA](#).

Blast Operating Conditions

19. During blasting operations, the Applicant must:
- take all reasonable steps to:
 - protect the safety of people in the surrounding area;
 - protect public or private infrastructure/property in the surrounding area from any damage; and
 - minimise blast-related dust and fume emissions; and
 - operate a suitable system to enable members of the public to get up-to-date information on the proposed blasting schedule on the site, to the satisfaction of the [Planning Secretary](#).

⁴ Incorporates [EPA](#) GTA

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Blast Management Plan

20. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the **Planning Secretary**. This plan must:
- be submitted to the **Planning Secretary** for approval within 6 months of Modification 8, or as otherwise agreed by the **Planning Secretary**;
 - describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
 - include measures to manage and monitor the avoidance of impacts on the heritage values on the buildings on Lot 10 DP977931;
 - include measures to manage flyrock;
 - include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;
 - include community notification procedures for the blasting schedule, in particular to nearby residences; and
 - include a protocol for investigating and responding to complaints.

The Applicant must implement the approved Blast Management Plan as approved from time to time by the **Planning Secretary**.

Note: Prior to the approval of the Blast Management Plan revised under Modification 8, the most recent approved version must continue to have full force and effect and must be implemented.

Blast Monitoring

21. ⁵The Applicant **must** monitor the airblast overpressure and peak particle velocity impacts of the development at the permanent monitoring station **as** approved by the **EPA**, to the satisfaction of the **EPA** and **Planning Secretary**, using the specified units of measure, frequency, sampling method, and location in Table 6.

Parameter	Units of Measure	Frequency	Sampling Method	Measurement Location
Airblast overpressure	dB(Lin Peak)	During every blast	AS2187.2-1993 ¹	Not less than 3.5m from a building or structure (or as otherwise agreed by EPA)
Peak particle velocity	mm/s	During every blast	AS2187.2-1993	Not more than 30m from a building or structure (or as otherwise agreed by EPA)

Table 6: Airblast overpressure and peak particle velocity monitoring

¹ Standards Australia, 1993, AS2187.2-1993: Explosives - Storage, Transport and Use of Explosives

AIR QUALITY

Impact Assessment Criteria

22. The Applicant must ensure that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 7 at any residence on privately-owned land.

Pollutant	Averaging period	Criterion	
Particulate matter < 10 µm (PM ₁₀)	Annual	a,d 25 µg/m ³	
Particulate matter < 10 µm (PM ₁₀)	24 hour	b 50 µg/m ³	
Particulate matter < 2.5 µm (PM ₁₀)	Annual	a,d 8 µg/m ³	
Total suspended particulates (TSP)	Annual	a,d 90 µg/m ³	
^c Deposited dust	Annual	b 2 g/m ² /month	a,d 4 g/m ² /month

Table 7: Air Quality Impact Assessment Criteria

⁵ Incorporates **EPA** GTA

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Notes:

a Cumulative impact (ie increase in concentrations due to the development plus background concentrations due to all other sources).

b Incremental impact (ie increase in concentrations due to the development alone, with zero allowable exceedances of the criteria over the life of the development).

c 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.

d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the [Planning Secretary](#).

Air Quality Operating Conditions

23. The Applicant must:

- (a) take all reasonable steps to minimise dust, fume and greenhouse gas emissions of the development;
 - (b) 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;
 - (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d to Table 7 above); and
 - (d) minimise any visible off-site air pollution,
- to the satisfaction of the [Planning Secretary](#).

Air Quality Management Plan

24. The Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the [Planning Secretary](#). This plan must:

- (a) be submitted to the [Planning Secretary](#) for approval within 6 months of the determination of Modification 9, unless otherwise agreed by the [Planning Secretary](#);
- (b) describe the measures to be implemented to ensure:
 - compliance with the air quality criteria and operating conditions of this consent;
 - best practice management is being employed; and
 - the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
- (c) describe the proposed air quality management system;
- (d) include an air quality monitoring program that:
 - is capable of evaluating the performance of the development and informing day to day management decisions;
 - includes a protocol for determining any exceedances of the relevant conditions of consent; and
 - effectively supports the air quality management system.

The Applicant must implement the approved Air Quality Management Plan as approved by the [Planning Secretary](#).

METEOROLOGICAL MONITORING

25. For the duration 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* (DEC, 2007) (as may be updated or replaced from time to time); and
- (b) is capable of continuous real-time measurement of atmospheric stability category determined by the sigma theta method in accordance with the NSW Industrial Noise Policy (EPA, 2000), (as may be updated or replaced from time to time) unless a suitable alternative is approved by the [Planning Secretary](#) following consultation with the EPA.

26. Deleted

SURFACE AND GROUND WATER

Pollution of Waters

27. Except as may be expressly provided by an Environment Protection Licence, the Applicant **must** comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the development.

Water Supply

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- 28A. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of quarrying operations to match its available water supply.

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

Water Discharge Limit

28. The Applicant must comply with the discharge limits in any EPL, or with section 120 of the POEO Act.

Site Water Balance

29. In each Annual Review, the Applicant must:
- recalculate the site water balance for the development; and
 - provide information on evaporative losses, dust suppression, dam storage levels and implications of obtaining any water supplies from off-site; and
 - evaluate water take against licensing requirements.

Storm Water Management System

30. The Applicant must ensure that the storm water management system for the development is designed, constructed and operated to capture and treat polluted waters from storm event(s) of up to and including the 5-day, 95th percentile rainfall event.
31. The Applicant must ensure that the basins in the storm water management system are managed in accordance with the operating principles within the revised Water Management Plan prepared by Evans and Peck, dated April 2008, or any subsequent Water Management Plan approved by the Planning Secretary, to maintain the required storm water storage volume.

Offline Dam

32. By 18 May 2008, or as otherwise agreed to by the Planning Secretary, the Applicant must:
- modify the existing dam at the site to create increased capacity offline from Rocklow Creek;
 - construct dams within the site of sufficient capacity to ensure that the water quality criteria in condition 29 can be met for all rainfall events up to and including the 5-day duration 95th percentile rainfall event;
 - ensure the discharge and overflow points of the dams do not cause erosion at the point of discharge/overflow;
 - rehabilitate and stabilise the banks of the dams; and
 - ensure the integrity of the dams would not be compromised by flooding; to the satisfaction of the EPA and the Planning Secretary.
33. Prior to carrying out any of these works, the Applicant must prepare a Dam Upgrade Plan in consultation with the EPA, and to the satisfaction of the Planning Secretary. This plan must include:
- the detailed design and specifications of the proposed works, which have been certified by a practicing registered engineer;
 - an erosion and sediment control plan for the proposed works, that is consistent with the requirements in the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
 - a vegetation and rehabilitation plan, setting out how the banks of the dams and other relevant pollution control features would be rehabilitated and stabilized;
 - an acid sulfate soil management plan that is consistent with the *NSW Acid Sulfate Soil* manual;
 - a construction program for the proposed works; and
 - a program setting out how the modified dam and associated revegetation works would be maintained during the life of the development.

The Applicant must implement the approved management plan as approved from time to time by the Planning Secretary.

34. Within 1 month of completing the construction works in the Dam Upgrade Plan, the Applicant must submit an as-executed report, certified by a practicing registered engineer, to the satisfaction of the EPA and Planning Secretary.

Lower Dam Transition Plan

- 35A. Within 3 months of the determination of Modification 9, or as otherwise agreed by the Planning Secretary, the Applicant must prepare a Lower Dam Transition Plan in consultation with the EPA and to the satisfaction of the Planning Secretary. The plan must include a program to:
- undertake a broader assessment of the site's water management system and potential water pollution impacts; and

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- (b) investigate reasonable and feasible mitigation measures to improve water quality outcomes for the site, including altering the design of the Lower Dam or else transitioning away from its use, within two years.

The Applicant must not alter the Lower Dam until this plan is approved by the [Planning Secretary](#). The Applicant must implement the approved plan as approved by the [Planning Secretary](#).

Flocculant Management

35. The Applicant **must not use flocculants on the site**.
36. *Deleted*

Other Water Management Works

37. ⁶Within 18 months of the date of this consent, the Applicant **must** carry out the following works:
- (a) *Workshop and Fuel Storage Area*
- desilt drains and culverts upstream of the workshop to limit flooding;
 - construct a first flush collection basin to capture and store the first 13mm of run-off from the external service bays before it is treated by the oil/water separator; and
 - bund and roof the drum storage area;
- (b) *Magazine Area*
- reinstate drain through access road to magazines to direct stormwater flows to the main drain;
- (c) *deleted*
- to the satisfaction of [EPA](#) and the [Planning Secretary](#).

Bunding

38. ⁷Impervious bunds must be constructed around all fuel, oil and chemical storage areas and the bund volume must be large enough to contain 110 per cent of the volume held in the largest container. The bund must be designed and installed in accordance with the requirements of the [EPA](#) Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

Monitoring

39. The Applicant **must**:
- (a) measure:
- the volume of water discharged from the site via licenced discharge points;
 - water use on the site;
 - water transfers across the site;
 - dam and water structure storage levels;
- (b) monitor the quality of the surface water:
- discharged from the licence discharge point/s of the development;
 - upstream and downstream of the development;
- (c) monitor flows in Rocklow Creek; and
- (d) monitor regional groundwater levels and quality;
- to the satisfaction of the [EPA](#) and the [Planning Secretary](#).

Note: On the provision of two years of monitoring data that shows negligible impact on the regional groundwater network, the [Planning Secretary](#) may agree to suspend monitoring of regional groundwater levels and/or quality.

Site Water Management Plan

40. Within 12 months of the date of this consent, the Applicant **must** prepare a Site Water Management Plan for the development, in consultation with the [DPIE Water](#), and to the satisfaction of the [Planning Secretary](#). This plan must include:
- (a) the predicted site water balance;
- (b) an Erosion and Sediment Control Plan;
- (c) a Surface Water Monitoring Program
- (d) a Ground Water Monitoring Program; and
- (e) an Integrated Water Management Strategy.

The Applicant **must implement the approved management plan as approved from time to time by the [Planning Secretary](#).**

⁶ Incorporates [EPA](#) GTA

⁷ Incorporates [EPA](#) GTA

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41. The Erosion and Sediment Control Plan **must**:
- be consistent with the requirements of the Department of Housing's *Managing Urban Stormwater: Soils and Construction* manual;
 - identify activities that could cause soil erosion and generate sediment;
 - describe measures to minimize soil erosion and the potential for the transport of sediment to downstream waters;
 - describe the location, function, and capacity of erosion and sediment control structures; and
 - describe what measures would be implemented to maintain the structures over time.
42. The Surface Water Monitoring Program **must** include:
- detailed baseline data on surface water flows and quality in Rocklow Creek;
 - surface water impact assessment criteria;
 - a program to monitor surface water flows and quality in Rocklow Creek;
 - a program to monitor and minimise surface water and groundwater ingress into the Lower Dam and water egress into Rocklow Creek;
 - a program to monitor bank and bed stability in Rocklow Creek; and
 - a program to monitor the effectiveness of the Erosion and Sediment Control Plan.
43. The Ground Water Monitoring Program **must** include:
- detailed baseline data on ground water levels and quality, based on statistical analysis;
 - ground water impact assessment criteria;
 - a program to monitor regional ground water levels and quality; and
 - a program to monitor groundwater inflows.
- Note: On the provision of two years of monitoring data that shows negligible impact on the regional groundwater network, the Planning Secretary may agree to suspend monitoring of regional groundwater levels and/or quality.*
44. ⁸The Integrated Water Management Strategy **must**:
- explore a range of options for a sustainable resource alternative for water supply to the site;
 - identification of all possible and available sources of water;
 - consistency with Government Water Reform initiatives and policies;
 - quality of water to meet usage requirements including any possible effects on product;
 - costs of supply;
 - health and environmental impacts;
 - legislative requirements;
 - assessment of the feasibility, benefits and costs of options;
 - a process to identify and evaluate preferred options for implementation; and
 - the identification of a timetable for implementation of the selected options.

FLORA AND FAUNA

Vegetation Offset Strategy

45. The Applicant **must**:
- establish, conserve, and maintain at least:
 - 4.6 hectares of *Melaleuca armillaris* Tall Shrubland; and
 - 8.2 hectares of Blue Gum-White Box Woodland/Forest, on Boral-owned land adjacent to the development;
 - conserve, maintain, and enhance the vegetation in the area to the south of the development marked on the map in Appendix 3 as Remnant Vegetation Conservation Area;
 - conserve, maintain, enhance and establish the vegetation in the area to the south of the development marked on the map in Appendix 3 as Offset Area, in accordance with the letter from Boral to the Department dated 22 September 2008 titled *Dunmore Quarry – Revised Offset for Quarry Extension*;
 - within 12 months of the date of Modification 8, the Applicant must provide a biodiversity offset strategy outlining the measures to offset 48 Illawarra Zieria individuals and 1.94 ha of native vegetation clearing (including 0.05 ha of Illawarra Subtropical Rainforest EEC), to the satisfaction of BCS and the Planning Secretary. The offset must demonstrate that the biodiversity values in the general vicinity of the site have been maintained or improved; and
 - within 12 months of the date of approval of Modification 9, the Applicant must provide a biodiversity offset strategy outlining measures to offset 162 Illawarra Zieria individuals by no less than 2,268 Illawarra Zieria credits, to the satisfaction of BCS and the Planning Secretary. The offset must demonstrate that the biodiversity values in the general vicinity of the site have been maintained or improved.

Note: The Compensatory Habit Area established to address paragraph (a) is marked on the map in Appendix 3.

- 46A. Within 12 months of the date of Modification Application 470-11-2003 Mod 4, the Applicant **must** make suitable arrangements in consultation with the BCS to provide appropriate long term security for the biodiversity offset referred to in condition 46 (c), to the satisfaction of the Planning Secretary.

⁸ Incorporates EPA GTA

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46B. Within 12 months of the date of providing the biodiversity offset strategy required under condition 46(d), the Applicant must make suitable arrangements to provide long term security for this strategy, to the satisfaction of the [Planning Secretary](#).

46C. Within 12 months of the date of providing the biodiversity offset strategy required under condition 46(e), the Applicant must make suitable arrangements to provide long term security for this strategy, to the satisfaction of the [Planning Secretary](#).

Note: Mechanisms to provide appropriate long term security to the land within a biodiversity offset strategy in accordance with the NSW Biodiversity Offset Policy for Major Projects 2014, include a BioBanking Agreement, Voluntary Conservation Agreement or an alternative mechanism that provides for a similar conservation outcome.

Flora and Fauna Management Plan

46. Within 12 months of the date of this consent, the Applicant **must** prepare a Flora and Fauna Management Plan for the development to the satisfaction of the [Planning Secretary](#). This plan must include:

- a Vegetation Clearing Protocol;
- a Compensatory Habitat Management Plan;
- a Remnant Vegetation Conservation Plan; and
- a Biodiversity Offset Management Plan.

The Applicant must implement the approved management plan as approved from time to time by the [Planning Secretary](#).

47. The Vegetation Clearing Protocol **must**:

- delineate the areas of remnant vegetation to be cleared; and
- describe the procedures that would be implemented for:
 - pre-clearance surveys;
 - progressive clearing;
 - fauna management;
 - conserving and reusing topsoil;
 - collecting seed from the site;
 - salvaging and reusing material from the site; and
 - controlling weeds.

48. The Compensatory Habit Management Plan **must**:

- describe the compensatory habitat proposal to satisfy condition 46(a);
- justify why this area(s) is suitable for the compensatory habitat proposal;
- establish baseline data for the existing habitat in the proposed compensatory habitat area(s);
- describe how the compensatory habitat proposal would be implemented;
- set completion criteria for the compensatory habitat proposal; and
- describe how the performance of the compensatory habitat management proposal would be monitored over time.

49. The Remnant Vegetation Conservation Plan **must**:

- describe what measures would be implemented to satisfy condition 46(b);
- establish baseline data for the existing vegetation in the area;
- set completion criteria for the Remnant Vegetation Conservation Area; and
- describe how the performance of the Remnant Vegetation Conservation Area would be monitored over time.

50A. The Biodiversity Offset Management Plan **must**:

- describe what measures would be implemented to satisfy condition 46(c);
- describe the biodiversity offset strategies in conditions 46(d)-(e);
- include a timetable for providing long term security of the offset areas;
- set performance and completion criteria for the offset areas; and
- include a program to monitor and report on the effectiveness of the implementation measures, and progress against the performance and completion criteria.

Reporting

50. The Applicant **must** include a progress report on the implementation of the Flora and Fauna Management Plan in the [Annual Review](#).

Independent Audit

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51. Within 3 years of the date of this consent, and every 5 years thereafter unless the **Planning Secretary** directs otherwise, the Applicant **must** commission, and pay the full cost of an Independent Audit of the Flora and Fauna Management Plan. This audit must:
- be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the **Planning Secretary**;
 - assess the performance of the Flora and Fauna Management Plan;
 - review the adequacy of the Flora and Fauna Management Plan; and, if necessary,
 - recommend actions or measures to improve the performance and/ or adequacy of the Flora and Fauna Management Plan.

REHABILITATION

Rehabilitation

52. The Applicant **must** progressively rehabilitate the site to the satisfaction of the **Planning Secretary**.

Rehabilitation Management Plan

53. Within 6 months of the date of this consent, the Applicant **must** prepare a Rehabilitation Management Plan for the site to the satisfaction of the **Planning Secretary**. This plan must:
- identify the disturbed area at the site;
 - describe in general the short, medium, and long-term measures that would be implemented to rehabilitate the site;
 - describe in detail the measures that would be implemented over the next 3 years to rehabilitate the site; and
 - describe how the performance of these measures would be monitored over time.

The Applicant **must** implement the approved management plan as approved from time to time by the **Planning Secretary**.

Rehabilitation and Conservation Bond

54. Within 6 months of the date of this consent, the Applicant **must** lodge a Rehabilitation and Conservation Bond with the Department to ensure that the conservation commitments and rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the relevant plans and the relevant conditions of this consent. The sum of the bond must be an amount agreed by the **Planning Secretary** and determined by:
- calculating the full cost of implementing the compensatory habitat area (see condition 49) and the offset areas (see condition 50A);
 - 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 (see condition 54); and
 - employing a suitably qualified quantity surveyor or other expert to verify the calculated costs.

Notes:

- Alternative funding arrangements for long term management of the offset areas, such as provision of capital and management funding as agreed by BCS as part of a BioBanking Agreement, or transfer to conservation reserve estate can be used to reduce the liability of the bond.*
- If capital and other expenditure required by the Flora and Fauna Management Plan or the Rehabilitation Management Plan is largely complete, the **Planning Secretary** may waive the requirement for lodgement of a bond in respect of the remaining expenditure.*
- If the conservation commitments/or rehabilitation of the site area are completed (or partially completed) to the satisfaction of the **Planning Secretary** then the **Planning Secretary** will release the bond (or relevant part of the bond). If the Biodiversity Offset Strategy and rehabilitation of the site are not completed to the satisfaction of the **Planning Secretary**, then the **Planning Secretary** will call in all or part of the bond, and arrange for the completion of the relevant works.*

55. The Rehabilitation and Conservation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following an update or revision to the Flora and Fauna Management Plan or the Rehabilitation Management Plan, or following the completion of an Independent Environmental Audit. This review must consider the:
- effects of inflation;
 - likely cost of implementing the compensatory habitat area and offset areas and rehabilitating all disturbed areas of the site (taking into account the likely surface disturbance over the next 3 years of the development); and
 - performance of the implementation of the compensatory habitat area and offset areas and rehabilitation of the site to date.

56. Deleted

Reporting

CONSOLIDATED CONSENT

57. The Applicant **must** include a progress report on the Rehabilitation Management Plan in the **Annual Review**.

TRAFFIC AND TRANSPORT

North Kiama Bypass

58. The Applicant **must** facilitate access to the North Kiama Bypass along Tabbita Road in accordance with the terms set out in the Deed of Agreement between the Applicant and Dunmore Sand and Soil Pty Ltd, dated 29 July 2004.

Transport Management Plan

59. The Applicant **must** prepare a Transport Management Plan for the development to the satisfaction of the **Planning Secretary**. This plan must:

- (a) be prepared by a suitably qualified traffic consultant, in consultation with TfNSW and Council, and submitted to the **Planning Secretary** for approval by 31 May 2014;
- (b) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
 - (i) adhere to posted speed limits or other required travelling speeds;
 - (ii) minimise trucking into Albion Park Rail during the morning peak hour period;
 - (iii) avoid grouping or convoys, in particular at intersections; and
 - (iv) implement safe and quiet driving practices;
- (c) describe the measures that would be implemented to ensure:
 - all drivers of development-related vehicles comply with the Drivers' Code of Conduct; and
 - compliance with the relevant conditions of this consent; and
- (d) include a program to monitor the effectiveness of the implementation of these measures.

The Applicant **must** implement the approved management plan as approved from time to time by the **Planning Secretary**.

Cumulative Traffic Impact Study

60A. The Applicant **must**, in conjunction with the operators of the Bass Point Quarry and the Albion Park Quarry, cause to be prepared an independent Cumulative Traffic Impact Study. The study must:

- (a) be undertaken by a suitably qualified traffic consultant, whose appointment has been approved by the **Planning Secretary**;
- (b) be commissioned by 30 June 2014, and completed by 31 October 2014, or as otherwise agreed in writing by the **Planning Secretary**;
- (c) be co-funded by the operators of the Dunmore, Bass Point and Albion Park quarries, proportionate to the quarries' respective quarry product road transport limits, as approved at 30 June 2014;
- (d) include a comprehensive assessment of current and future projected cumulative traffic impacts of the three quarries on the classified road network, undertaken in consultation with the TfNSW; and
- (e) identify any reasonable and feasible measures that can be implemented to minimise the traffic and road safety impacts of quarry trucks on Mount Ousley Road, and the likely cost of implementing these measures.

60B. The Applicant **must**, in conjunction with the operators of the Bass Point Quarry and the Albion Park Quarry, prepare and implement a program to implement any reasonable and feasible measures identified in the Cumulative Traffic Impact Study not already undertaken by the Applicant, in an equitable manner with the two other quarry operators, to the satisfaction of the **Planning Secretary**. The program must be submitted to the **Planning Secretary** for approval by 28 February 2015, or as otherwise agreed in writing by the **Planning Secretary**.

Transport Options Review

60C. Within three years of the determination of Modification 11, and every five years thereafter (if directed to do so by the **Planning Secretary**), the Applicant **must** commission and pay the full costs 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) be prepared in 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 road);
- d) review and report on available rail terminal capacity;
- e) recommend any appropriate measures or actions to:
 - i. reduce the economic, social and environmental costs associated with transport of quarry products by road from the site; and
 - ii. maximise the use of rail deliveries from the site; and
- f) be conducted and reported to the satisfaction of the **Planning Secretary**.

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Within three months of commencing this review, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the review report to the Planning Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the review report.

Parking

60. The Applicant **must** provide sufficient parking on-site for all quarry-related traffic to the satisfaction of the Planning Secretary.

Road Haulage

61. The Applicant **must** ensure that all loaded vehicles entering or leaving the site are covered.
62. The Applicant **must** ensure all loaded vehicles leaving the site are cleaned of materials that may fall on the road before they are allowed to leave the site.

ABORIGINAL HERITAGE

Aboriginal Cultural Heritage Management Plan

63. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Planning Secretary. The plan must:
- be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
 - be prepared in consultation with BCS and the Registered Aboriginal Parties;
 - be submitted to the Planning Secretary for approval prior to commencing quarrying operations in the Croome West Pit, unless the Planning Secretary agrees otherwise; and
 - include a description of the measures that would be implemented to:
 - protect, monitor and manage known sites or potential areas of archaeological significance (including any proposed archaeological investigations or salvage measures);
 - manage unanticipated finds including new Aboriginal objects and Aboriginal skeletal remains that are discovered during the development;
 - store and display salvaged Aboriginal heritage items; and
 - ensure ongoing consultation and involvement of the Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.

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

64. *Deleted*

VISUAL IMPACT

Visual Amenity

65. The Applicant **must** minimise the visual impacts of the development to the satisfaction of the Planning Secretary.
66. Prior to carrying out any development that would be visible from the areas to the south west of the quarry, the Applicant **must** construct, and subsequently maintain, the proposed visual/ noise bund between the Croome Farm extraction area and the Jamberoo Valley to the satisfaction of the Planning Secretary.
- 67A. The Applicant **must**:
- construct the blending plant in the location shown on the figure in Appendix 4; and
 - ensure the maximum height of the blending plant is no greater than 15.2 m.

Lighting Emissions

67. The Applicant **must** take all practicable measures to prevent and/or minimise any off-site lighting impacts from the development.
68. All external lighting associated with the development **must** comply with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

WASTE MANAGEMENT

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Waste Minimisation

69. The Applicant **must** minimise the amount of waste generated by the development to the satisfaction of the [Planning Secretary](#).

Waste Classification

70. ⁹All liquid and non liquid wastes resulting from activities and processes at the site must be assessed, classified and managed in accordance with the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-liquid Wastes (1999)*, or any other EPA document superceding this guideline.

Reporting

71. The Applicant **must** describe what measures have been implemented to minimise the amount of waste generated by the development in the [Annual Review](#).

EMERGENCY AND HAZARDS MANAGEMENT

Dangerous Goods

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

Safety

73. The Applicant **must** secure the development to ensure public safety to the satisfaction of the [Planning Secretary](#).

Emergency Management

74. ¹⁰Within 6 months of the date of this consent, the Applicant **must** document, and subsequently implement measures to minimise the environmental impacts of any emergency situations that could arise as a result of the operation of the Dunmore Quarry to the satisfaction of the EPA. This documentation must:
- identify any significant threats to the environment and/ or public health that could arise from activities associated with the operation of the quarry or construction works associated with the production increase. These threats may include excessive rainfall, problems during construction and operation, pump failures, excess flocculation, power or other utility failure, natural disaster, landslip, accidental spills and discharges, train derailment, spillage from trucks, fire etc;
 - identify any subsequent direct or indirect environmental effects as a result of the threats;
 - identify the pollution that would result due to these threats and impacts on operations and what impact the pollution would have on the health of the community and the environment;
 - develop actions to effectively respond to the disruption of operations so the risk of pollution is minimised;
 - develop a communications strategy for alerting relevant agencies and the potentially affected community in the event of the disruption to operations leading to significant pollution;
 - ensure that all relevant employees are familiar with the documentation; and
 - when developing this documentation identify any opportunities to integrate with Boral Emergency plans.

BUSHFIRE MANAGEMENT

75. The Applicant **must**:
- ensure that the development is suitably equipped to respond to any fires on-site; and
 - assist the Rural Fire Service and Emergency Services as much as possible if there is a fire on-site.
76. Within 6 months of the date of this consent, the Applicant **must** prepare a Bushfire Management Plan for the development, to the satisfaction of Council and the Rural Fire Service.

PRODUCTION DATA

77. The Applicant **must**:
- provide annual production data to the MEG using the standard form for that purpose; and
 - include a copy of this data in the [Annual Review](#).

⁹ Incorporates EPA GTA

¹⁰ Incorporates EPA GTA

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SCHEDULE 4A ADDITIONAL PROCEDURES

NOTIFICATION OF EXCEEDANCES

1. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise or air quality criterion in Schedule 4 of this consent, the Applicant must provide the details of the exceedance to any affected landowners and/or tenants.
2. For any exceedance of the air quality criteria in Schedule 4 of this consent, the Applicant must also provide to any affected landowners and/or tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017).

INDEPENDENT REVIEW

3. If a landowner considers the development to be exceeding any relevant noise or air quality criterion in Schedule 4 of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.
4. 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.
5. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:
 - (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:
 - (i) consult with the landowner to determine their concerns;
 - (ii) conduct monitoring to determine whether the development is complying with the relevant criterion in Schedule 4 of this consent; and
 - (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion;
 - (b) provide 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.

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SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

1. If the **Planning Secretary** requires, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the **Planning Secretary**. This strategy must:
 - (a) be submitted to the **Planning Secretary** for approval within 6 months of the **Planning Secretary** requiring preparation of the strategy by notice to the Applicant;
 - (b) provide the strategic framework for the environmental management of the development;
 - (c) identify the statutory approvals that apply to the development;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (e) 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
 - (f) include:
 - copies of any strategies, plans and programs approved under the conditions of this consent; and
 - a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.

The Applicant must implement any Environmental Management Strategy as approved from time to time by the **Planning Secretary**.

Evidence of Consultation

- 1A. Where consultation with any State or local agency is required by the conditions of this consent, the Applicant must:
 - (a) consult with the relevant agency prior to submitting the required document;
 - (b) submit evidence of this consultation as part of the relevant document;
 - (c) describe how matters raised by the agency have been addressed and any matters not resolved; and
 - (d) include details of any outstanding issues raised by the agency and an explanation of disagreement between any agency and the Applicant.

Management Plan Requirements

2. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria; and
 - 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 that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the development; and
 - effectiveness of any management measures (see (c) above);
 - (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:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria;
 - (h) a protocol for periodic review of the plan; and

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- (i) a document control table that includes version numbers, dates when the management plan was prepared and reviewed, names and positions of people who prepared and reviewed the management plan, a description of any revisions made and the date of the [Planning Secretary's](#) approval.

Note: The [Planning Secretary](#) may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Application of Existing Strategies, Plans or Programs

- 3A. The Applicant must continue to apply existing approved strategies, management plans, or monitoring programs that have most recently been approved under this consent, until the approval of a similar strategy, plan or program under this consent.

Updating & Staging Submission of Strategies, Plans or Programs

3. To ensure the strategies, plans or programs under this consent are updated on a regular basis, and that they incorporate any appropriate mitigation measures to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs to the [Planning Secretary](#) for approval. With the agreement of the [Planning Secretary](#), the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

With the agreement of the [Planning Secretary](#), the Applicant may revise any strategy, plan or program approved under this consent without consulting with all the parties nominated under the applicable conditions of consent.

Notes:

- *While any strategy, plan or program may be submitted on a staged basis, the Applicant will need to ensure that the existing operations associated with the development are covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage/s of the development to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.*

Revision of Strategies, Plans & Programs

4. Within 3 months of the submission of an:
- incident report under condition 7 below;
 - Annual Review under condition 9 below;
 - audit report under condition 10 below; and
 - any modifications to this consent,
- the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent, to the satisfaction of the [Planning Secretary](#).

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

Adaptive Management

5. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 4. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

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

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

COMMUNITY CONSULTATIVE COMMITTEE

6. The Applicant must operate a Community Consultative Committee (CCC) for the development, to the satisfaction of the [Planning Secretary](#). This CCC must be operated in general accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects (2016)* (as may be updated or replaced from time to time).

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Notes:

- The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.
- In accordance with the guideline, the committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, and the local community.
- The requirement for this CCC may be fulfilled by a regional CCC for any two or more of Boral's quarrying operations in the South Coast area.

REPORTING AND AUDITING

Incident Reporting

7. The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing via the 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

- 7A Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the 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, the way in which 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.

Regular Reporting

8. The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

Annual Review

9. By the end of September each year, or other timing as may be agreed by the **Planning Secretary**, the Applicant must submit a report 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 rehabilitation) that was carried out in the previous financial year, and the development that is proposed to be carried out over the current financial year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous financial year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this consent;
 - monitoring results of previous years; and
 - relevant predictions in the documents listed in condition 2 of Schedule 3;
 - (c) identify any non-compliance over the last financial year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the development;
 - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the current financial year to improve the environmental performance of the development.

The Applicant must ensure that copies of the Annual Review are submitted to Council and are available to the Community Consultative Committee (see condition 6 of Schedule 5) and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

10. Prior to 1 April 2017, and every three 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 conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the **Planning Secretary**;
 - (b) include 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 and any relevant EPL and/or Water Licences (including any assessment, plan or program required under these approvals);

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- (d) review the adequacy of any approved strategies, plans or programs required under the abovementioned approvals;
- (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, plan or program required under the abovementioned approvals; and
- (f) be conducted and reported to the satisfaction of the [Planning Secretary](#).

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the [Planning Secretary](#).

- 11. Within 12 weeks of commencing this audit, or as otherwise 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.

ACCESS TO INFORMATION

- 12. By 31 December 2016, unless otherwise agreed by the [Planning Secretary](#), the Applicant must:
 - (a) make the following information publicly available on its website:
 - the documents listed in condition 2 of Schedule 3;
 - current statutory approvals for the development;
 - approved strategies, plans or programs required under the conditions of this consent;
 - 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;
 - a complaints register, updated quarterly;
 - the Annual Reviews (over the last 5 years);
 - any independent environmental audit, and the Applicant's response to the recommendations in any audit;
 - any other matter required by the [Planning Secretary](#); and
 - (b) keep this information up-to-date, to the satisfaction of the [Planning Secretary](#).

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APPENDIX 1 SCHEDULE OF LAND

Land to which the Development Application refers:

Local Government Area:

Shellharbour

Suburb, town or locality:

Dunmore

Land:

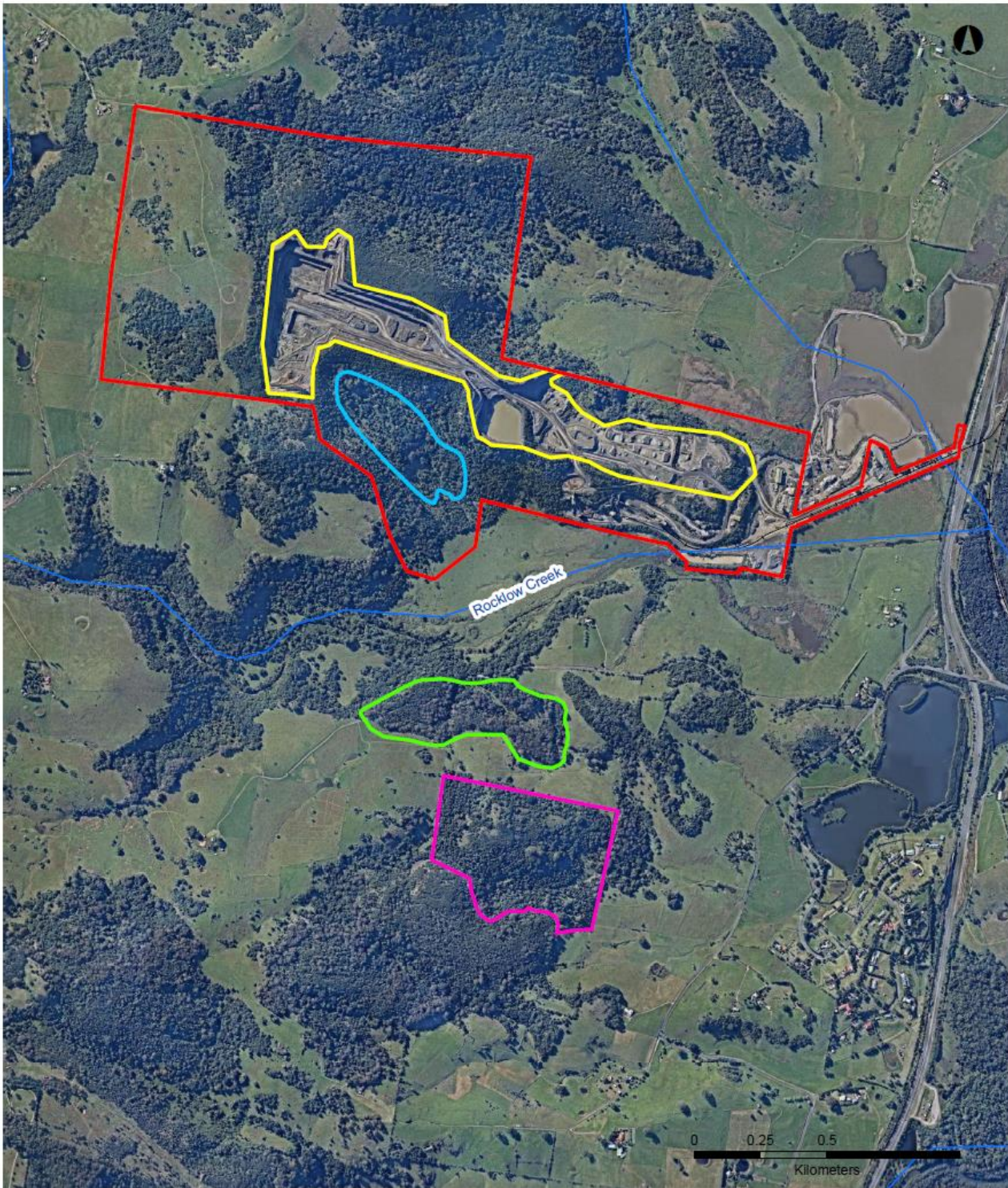
Lot No.	DP No.
Lot 1	DP 213575
Lot 3	DP 1030504
Lot 4	DP 1030504
Lot 4	DP 227046
Lot 1	DP 1002951
Lot 1	DP 224597
Lot 2	DP 224597
Lot 4	DP 571406
Lot 6	DP 1001931

APPENDIX 2
SENSITIVE RECEIVERS



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APPENDIX 3 CONSERVATION AREAS



LEGEND

- | | |
|--|--|
|  Site Boundary | Conservation Areas |
|  Hard Rock Quarry |  Compensatory Habitat Area |
|  Watercourse |  Offset Area |
| |  Remnant Vegetation Conservation Area |

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Conservation Areas (April 2016)

APPENDIX 4
LOCATION OF BLENDING PLANT

FIGURE 3
Blending plant location

DUNMORE HARD ROCK QUARRY - PROPOSED BLENDING PLANT



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APPENDIX 5 LOCATION OF BUND

