Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission of NSW (the Commission), as the declared consent authority under section 2.7 of the *State Environmental Planning Policy (Planning System) 2021* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979,* approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Terry Bailey (Chair)
Member of the Commission



Sarah Dinning
Member of the Commission

Sydney 25 November 2025

SCHEDULE 1

Application Number:	SSD-68063715
Applicant:	ARDG Deans Quarry Pty Limited
Consent Authority:	The Independent Planning Commission of NSW
Site:	The land defined in Appendix 1
Development:	Liverpool Range Quarry

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DEFINITIONS

Aboriginal object / Aboriginal place	Has the same meaning as the definition of the term in section 5 of the *National Parks and Wildlife Act 1974*
Agriculture	Has the same meaning as the definition of the term as per the *Standard Instrument—Principal Local Environmental Plan*
Access road	The quarry access road shown on the plan in Appendix 2
Annual Review	The review required by condition D8
Applicant	ARDG Deans Quarry Pty Limited, or any person carrying out any development under this consent
Approved extraction area	The area identified as the Main Pit and the Burrow Pit in Appendix 2
BC Act	*Biodiversity Conservation Act 2016*
Blast misfire	The failure of one or more holes in a blast pattern to initiate
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee
Conditions of this consent	Conditions contained in Schedule 2
Construction	All physical works to enable quarrying operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent
Council	Upper Hunter Council
CPHR	Conservation Programs, Heritage and Regulation Group of the NSW Department of Climate Change, Energy, the Environment and Water
Date of commencement	The date notified to the Department by the Applicant under condition A12 for the commencement of construction or quarrying operations.
Day	The period from 7 am to 6 pm on Monday to Saturday or 8 am to 6 pm on Sundays and public holidays
Decommission	The deconstruction or demolition and removal of works installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the document/s listed in condition A2(c), as modified by the conditions of this consent.
Development Layout	The plan in Appendix 2
EIS	The Environmental Impact Statement titled "*Liverpool Range Quarry Environmental Impact Statement*", dated August 2024 and prepared by Umwelt (Australia) Pty Limited; "*Liverpool Range Quarry Submissions Report*", dated February 2025 and prepared by Umwelt (Australia) Pty Limited; "*Liverpool Range Quarry Addendum Report to Biodiversity Development Assessment Report",* dated March 2025 and prepared by Umwelt (Australia) Pty Limited. As well as the Applicant's additional information responses in support of the application titled *"Response to TfNSW comments on RTS Report"*, dated March 2025; *"Response to Upper Hunter Shire Council Comments on RTS Report"*, dated March 2025; *"Response to Warrumbungle Shire Council Comments on RTS Report"*, dated March 2025; *"Liverpool Range Quarry Project – Request for Additional Information"*, dated April 2025; *"Request for Additional Information – Transportation"*, dated May 2025 and "*Liverpool Range Quarry Project (SSD-68063715) - Report on Preliminary Site Investigation Preliminary Site Investigation"*, dated 12 November 2025 and prepared by Umwelt (Australia) Pty Ltd.
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	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPBC Act	Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
GPS	Global Positioning System
Heritage NSW	Heritage NSW group of NSW Department of Climate Change, Energy, the Environment and Water
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Local roads	All public roads for which the Council of a local government area is the roads authority as prescribed under Clause 7 of the *NSW Roads Act 1993*
Material harm	Is harm that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual 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). ***Note**: This definition excludes "harm" that is either authorised under this consent or any other statutory approval.* ***Note**: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements*.
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important or serious
MNES	Matters of National Environmental Significance under the Commonwealth EPBC Act
Morning Shoulder	The period from 6 am to 7 am Monday to Saturday
NCC	National Construction Code
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and public holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW DCCEEW – Water Group	NSW Department of Climate Change, Energy, the Environment and Water – Water Group
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
PCT	Plant Community Type
Peak Construction Period	The peak number of heavy vehicle movements for the construction program described in the EIS for the Liverpool Range Wind Farm (SSD-6696)
POEO Act	*Protection of the Environment Operations Act 1997*

Privately-owned land	Land that is not owned by public agency or a mining, petroleum or extractive industry company (or its subsidiary or related party)
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials on the site and site establishment activities that are associated removal of overburden
Quarry products	Includes all saleable quarry products, but excludes wastes and rehabilitation material
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the *National Parks and Wildlife Regulation 2019*
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Residence	Existing or approved dwelling at the date of grant of this consent
RFS	NSW Rural Fire Service
Site	The area identified as the development footprint in Appendix 2
TfNSW	Transport for NSW
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

A2. The development may only be carried out:

(a) in compliance with the conditions of this consent;

(b) in accordance with all written directions of the Planning Secretary; and

(c) generally in accordance with the EIS and Development Layout.

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and

(b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Identification of Approved Extraction Area

A5. At least one month before the commencement of extraction:

(a) a registered surveyor must be engaged to mark out the boundaries of the approved extraction areas within the site (as set out in Appendix 2); and

(b) the Planning Secretary must be provided with a survey plan of such boundaries and their GPS coordinates.

A6. The boundaries of the approved extraction areas within the site must be clearly marked in a manner that allows them to be easily identified at all times during the carrying out of quarrying operations.

Quarrying Operations

A7. Quarrying operations may be carried out on the site for a period of 5 years from the date of the commencement of the development.

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

A8. The Applicant must not extract more than 700,000 tonnes of hard rock quarry products at the site in each calendar year.

A9. Products extracted from the development must only be used in association with the construction of the Liverpool Range Wind Farm, as approved by development consent SSD-6696 (as modified). Any other commercial sale of quarry products from the development is prohibited.

Transport Operations

A10. The Applicant must limit the total laden heavy vehicle movements from the site to a maximum of:

(a) 118 per day during the peak construction period for the Liverpool Range Wind farm (SSD-6696);

(b) 80 per day for all other construction periods for the Liverpool Range Wind farm (SSD-6696); and

(c) 20 per hour.

Note: *Under this consent, the heavy vehicle movements are within the approved limits set in the Liverpool Range Wind Farm development consent (SSD -6698) and are not additional heavy vehicle movements.*

Hours of Operation

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

Table 1: *Operating hours*

Activity	***Permissible Operating Hours***
Quarrying operations and construction	• 7 am to 6 pm Monday to Friday • 7 am to 1 pm Saturday • At no time on Sundays or public holidays
Blasting	• 9 am to 5 pm Monday to Friday • At no time on Saturdays, Sundays or public holidays
Maintenance and environmental management	• 24 hours per day, 7 days per week provided that these activities are not audible at any privately-owned residence if undertaken outside of the quarrying operations operating hours

A12. The following activities may be carried out outside the hours and restrictions specified in Table 1:

(a) delivery or dispatch of materials as requested by Police or other public authorities; and

(b) emergency work to avoid the loss of lives, property or to prevent environmental harm.

In such circumstances, the Applicant must notify the Department and affected residents prior to undertaking the activities, or as soon as is practical thereafter. For the purposes of this condition *affected residents* means any non-associated resident located within 5 km of the development.

NOTIFICATION OF COMMENCEMENT

A13. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:

(a) commencement of construction under this consent;

(b) commencement of quarrying operations;

(c) cessation of quarrying operations; and

(d) any period of suspension of quarrying operations.

CONTRIBUTIONS TO COUNCIL

A14. Within three months of the commencement of quarrying operations, or as otherwise agreed by the Planning Secretary, the Applicant must enter into a Planning Agreement with Council in accordance with:

(a) Division 7.1 of Part 7 of the EP&A Act 1979;

(b) Council's letter dated 3 April 2025, to the Applicant; and

(c) the following general terms:

(i) a community enhancement contribution of $50,000; and

(ii) this contribution must be spent in the Cassilis area in consultation with the Cassilis District Development Group.

Note: *This contribution is in addition to the contribution obligations required under the Liverpool Range Wind Farm development consent (SSD-6696).*

A15. If there is a dispute over the determination of the contributions in condition A14, the Applicant or Council may refer the matter to the Planning Secretary for resolution. The decision of the Planning Secretary will be final.

COMMUNITY CONSULTATIVE COMMITTEE

A16. Within 6 months from the date of commencement of development, a CCC must be established for the development in accordance with the Department's Community *Consultative Committee Guidelines: State Significant Projects* (2023) for the life of the development.

A17. With the approval of the Secretary, and the agreement of the applicant for the Liverpool Range Wind Farm (SSD-6696, as amended), the CCC required by condition **A16** can be merged with the existing CCC for the Liverpool Range Windfarm (SSD 6696, as amended). If any subsequent merged CCC established via this condition dissolves or discontinues during the life of the development, a standalone CCC must be established as per the requirements of condition **A16**.

EVIDENCE OF CONSULTATION

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

(a) consult with the relevant party prior to submitting the subject document; and

(b) provide details of the consultation undertaken including:

(i) the outcome of that consultation, matters resolved and unresolved; and

(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A19. With the approval of the Planning Secretary, the Applicant may:

(a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

(b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and

(c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A20. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

A21. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

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

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

Note: *This condition does not apply to any damage to roads or public infrastructure caused as a result of general road usage or otherwise addressed by contributions required by condition A13 of this consent.*

DEMOLITION

A22. All demolition must be carried out in accordance with *Australian Standard AS 2601-2025 The Demolition of Structures* (or its latest version in force).

STRUCTURAL ADEQUACY

A23. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A24. All plant and equipment used on site, or to monitor the performance of the development, must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

COMPLIANCE

A25. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

A26. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A27. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

PRODUCTION DATA

A28. Each year, from the commencement of quarrying operations, the Applicant must report the calendar year total quantity of quarry product transported from the development in the Annual Review (required under condition D8).

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Operational Noise Criteria

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

Table 2: Operational noise criteria dB(A)

Noise Assessment Location	***Day*** $L_{Aeq\ (15\ min)}$
All privately-owned residences	40

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

B3. The noise criteria in Table *2* do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Operating Conditions

B4. The Applicant must:

(a) take all reasonable steps to minimise all noise from construction, operational and road transport activities, including low frequency noise and other audible characteristics;

(b) operate a noise management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;

(c) engage a suitably qualified and experienced person(s) to carry out regular attended noise monitoring to determine whether the development is complying with the relevant conditions of this consent;

(d) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent; and

(e) develop and implement a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

BLASTING

Blasting Criteria

B5. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 3.

Table 3: *Blasting criteria*

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

Blasting Frequency

B6. The Applicant may carry out a maximum of 2 blasts per day (not more than 4 per week) during construction and a maximum of 1 blast per day and 2 blasts in every fourteen days during quarrying operations.

B7. Condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or to blasts required to ensure the safety of the quarry, its workers or the general public.

Notes:

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

Property Inspections

B8. If the Applicant receives a written request from the owner of any privately-owned land within 1 kilometre of any approved extraction area on the site for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:

(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to:

(i) establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and

(ii) identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and structures; and

(b) give the landowner a copy of the new or updated property inspection report.

B9. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Planning Secretary for resolution.

Property Investigations

B10. If the owner of any privately-owned land within 2 kilometres of any approved extraction area on the site or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within 2 months of receiving this written claim the Applicant must:

(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and

(b) give the landowner a copy of the property investigation report.

B11. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.

B12. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.

Blast Operating Conditions

B13. During blasting operations, the Applicant must:

(a) take all reasonable steps to:

(i) ensure the safety of people and livestock from blasting impacts of the development;

(ii) protect public or private infrastructure and property in the vicinity of the site, from blasting damage associated with the development; and

(iii) minimise blast-related dust and fume emissions;

(b) operate a suitable system to enable members of the public to get up-to-date information on the proposed blasting schedule on the site and implement a protocol for investigating and responding to blast-related complaints;

(c) identify any blast-related exceedance, incident or non-compliance and notify the Department and relevant stakeholders of these events; and

(d) carry out regular blast monitoring, to determine whether the development is complying with the relevant conditions of this consent.

AIR QUALITY

Odour

B14. The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.

Air Quality Criteria

B15. The Applicant must ensure that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 4 at any residence on privately-owned land.

Table 4: *Air quality criteria*

Pollutant	*Averaging period*	*Criterion*
Particulate matter < 10 µm (PM_{10})	Annual	[a, c] 25 µg/m^3

	24 hour	[b] 50 µg/m^3
Particulate matter < 2.5 µm ($PM_{2.5}$)	Annual	[a, c] 8 µg/m^3
	24 hour	[b] 25 µg/m^3
Total suspended particulate (TSP) matter	Annual	[a, c] 90 µg/m^3

Notes:
[a] Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).
[b] Incremental impact (i.e. incremental increase in concentrations due to the development on its own).
[c] Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

B16. The air quality criteria in Table 4 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Air Quality and Greenhouse Gas Operating Conditions

B17. The Applicant must:

(a) take all reasonable steps to:

(i) minimise odour, fume, and dust (including PM10 and PM2.5) emissions of the development;

(ii) minimise any visible off-site air pollution generated by the development;

(iii) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time; and

(iv) improve energy efficiency and minimise Scope 1 and Scope 2 greenhouse gas emissions generated by the development;

(b) ensure that vehicles entering and leaving the site carrying loads of dust generating materials have their loads covered at all times, except during loading and unloading;

(c) operate a comprehensive air quality management system that uses a combination of meteorological forecasting and air quality monitoring information to guide the day-to-day planning of quarrying operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;

(d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 4 above);

(e) engage a suitably qualified and experienced person(s) to carry out routine air quality monitoring in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2022), to determine whether the development is complying with the relevant conditions in this consent; and

(f) development and implement a protocol for identifying any air quality related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

METEOROLOGICAL MONITORING

B18. Prior to the commencement of construction and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in close proximity to the site that:

(a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2022); and

(b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017),

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

SOIL AND WATER

Water Supply

B19. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development, within the limits of consent set out in Part A of Schedule 2, to match its available water supply.

B20. The Applicant must report on water take from the site each year (direct and indirect) in the Annual Review, including harvestable rights and water taken under each water licence.

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

Compensatory Water Supply

B21. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with NSW DCCEEW – Water Group, and to the satisfaction of the Planning Secretary.

B22. The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.

B23. If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

B24. If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.

Water Discharges

B25. The Applicant must ensure that all surface water discharges from the site comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.

Water Management System

B26. The Applicant must ensure that the on-site water management system is designed, constructed and implemented:

(a) in accordance with Managing Urban Stormwater Volume 1 (Landcom 2004) and Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries (DECC 2008).

(b) to include surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts, and surface water management performance measures;

(c) to include a program to monitor and report on:

(i) any controlled and uncontrolled surface water discharges;

(ii) stream stability, riparian condition and geomorphic processes in receiving watercourses; and

(iii) the effectiveness of the water management system against the surface water impact criteria, including regular independent reviews of the adequacy of the system by suitably qualified persons;

TRANSPORT

Road Upgrades

B27. Prior to the transportation of quarry products for the construction of the Liverpool Range Wind Farm, road upgrades required by condition 28 of SSD-6696 (as in force on the date this consent for SSD-68063715 was originally granted), must be completed. This condition does not prevent the haulage of quarry products for the purpose of providing materials for the road upgrades.

Monitoring of Product Transport

B28. The Applicant must keep accurate records of all laden truck movements to and from the site (including hourly truck movements and the weight of each truck entering and exiting the site) and publish a summary of these records in the Annual Review.

Transport Route

B29. The Applicant must only transport quarry products in accordance with the Liverpool Range Wind farm (SSD-6696, as modified) development consent, unless otherwise agreed by the Planning Secretary.

B30. Heavy vehicles associated with the haulage of quarry products from the development must not use Vinegaroy Road from the Golden Highway to the intersection of Rotherwood Road. This condition does not prevent use of Vinegaroy Road for the mobilisation and demobilisation of quarry plant and equipment, nor does is prevent the haulage of quarry products for the purposes of providing materials for road upgrades under **condition B27**.

Site Entrance

B31. The Applicant must ensure the intersection of the site entrance with Rotherwood Road is upgraded to a BAR / BAL treatment in consultation with Council and in accordance with the EIS and the latest Austroads standards.

Transport Operating Conditions

B32. The Applicant must:

(a) ensure that during mobilisation, heavy vehicles using the intersection of Vinegaroy Road and Golden Highway intersection:

(i) can appropriately navigate through the intersection; and

(ii) use active traffic control, if required;

(b) take all reasonable steps to minimise traffic safety issues and disruption to local road users.

(c) prepare and implement a Drivers' Code of Conduct that includes procedures to ensure that drivers:

(i) adhere to designated haulage routes;

(ii) minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school bus operations and minimising the queuing of vehicles to the greatest extent possible;

(iii) adhere to posted speed limits or other required travelling speeds;

(iv) adhere to designated transport routes and travel times; and

(v) implement safe and quiet driving practices, including restriction on the use of compression braking;

(d) implement measures to ensure compliance with the Drivers' Code of Conduct.

HERITAGE

Protection of Aboriginal Heritage

B33. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified Aboriginal object or Aboriginal place located outside the site.

B34. A procedure for the management of unexpected Aboriginal objects and human remains must be developed in consultation with the Registered Aboriginal Parties and Heritage NSW. The procedure must be prepared in accordance with Heritage NSW guidelines and codes of practice and must be implemented for the duration of the project.

B35. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.

B36. The Applicant must:

(a) ensure that all known Aboriginal objects or Aboriginal places on the site are properly recorded, those records are kept up to date and are reported to the Aboriginal Heritage Information Management System.

(b) ensure all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions; and

(c) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.

Historic Heritage

B37. If unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with Section 146 of the *Heritage Act 1977.* Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of this discovery.

BIODIVERSITY AND REHABILITATION

Biodiversity Offset Strategy

B38. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offsetting in Table 5, the Applicant must retire biodiversity credits of the number and class specified in Table 5 in accordance with the NSW Biodiversity Offsets Scheme.

Table 5: *Biodiversity credit requirements*

Credit type	***Credits required***	
Vegetation Community	**PCT ID**	**Credits**
Derived native grassland: Grey Box x White Box grassy open woodland on basalt hills in the Merriwa region, upper Hunter Valley	PCT 483	300
Low condition: Grey Box x White Box grassy open woodland on basalt hills in the Merriwa region, upper Hunter Valley	PCT 483	113
Species credits	**Credits Required**	
Ninox connivens (Barking Owl)	79	

B39. Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offsetting in Table 5, the Applicant must provide evidence to the Planning Secretary that biodiversity credits have been retired

Riparian Corridors

B40. The Applicant must ensure that riparian corridors are maintained on either side of watercourses within the site, outside of the approved extraction area in accordance with the *Fact Sheet: Controlled activities – Guidelines for riparian corridors on waterfront land* (DCCEEW 2025). .

Biodiversity Management Requirements

B41. The Applicant must:

(a) retain at least 50% of the trees mapped as 'Tree (non-habitat) – avoid by Project where possible' in Appendix 2.

(b) protect and manage the remnant vegetation and fauna habitat, including tree hollows on the site;

(c) minimise impacts on fauna, including:

(i) undertaking pre-clearance surveys;

(ii) managing injured fauna;

(iii) relocating fauna displaced during vegetation clearing; and

(iv) introducing naturally scarce fauna habitat features such as felled trees;

(d) minimise potential indirect impacts on threatened plant and animal species; and

(e) control weeds and feral pests, with consideration of actions identified in relevant threat abatement plans;

Rehabilitation Objectives

B42. The Applicant must rehabilitate the site to the satisfaction of the Planning Secretary. This rehabilitation must be consistent with the rehabilitation strategy set out in the EIS and the conceptual rehabilitation plan in Appendix 3 and must comply with the objectives in Table 6.

Table 6: *Rehabilitation objectives*

Feature	**Objective**
All areas of the site affected by the development	• Safe • Hydraulically and geotechnically stable • Non-polluting • Fit for the intended post-quarrying operations land use(s)

Feature	Objective
	• Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
Surface infrastructure areas	• All infrastructure decommissioned and removed, unless otherwise agreed by the Planning Secretary • Landscaped and vegetated using native grassland and endemic woodland species
Quarry benches	• Landscaped and vegetated using native species
Final void	• Minimise the size, depth and slope of the batters of the final void • Minimise the drainage catchment of the final void, unless otherwise agreed with the landowner

Progressive Rehabilitation

B43. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

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

Rehabilitation Management Plan

B44. Within 6 months of commencement of development under this consent, the Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

(a) be prepared by suitably qualified and experienced person/s;

(b) describe the short, medium, and long-term measures to be undertaken to ensure compliance with the rehabilitation objectives in this consent;

(c) include a conceptual closure plan that considers the hydrological and hydraulic impacts of the final landform;

(d) include detailed performance and completion criteria for evaluating the performance of rehabilitation of the site, including triggers for remedial action, where these performance or completion criteria are not met;

(e) identify the potential risks to the successful implementation of the final rehabilitation, and include a description of the contingency measures to be implemented to mitigate against these risks; and

(f) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

B45. The Applicant must implement the approved Rehabilitation Management Plan.

Rehabilitation Bond

B46. Within 6 months of the approval of the Rehabilitation Management Plan, the Applicant must lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is undertaken in accordance with the performance and completion criteria set out in the plan and the relevant conditions of this consent. The sum of the bond must be an amount agreed to by the Planning Secretary and determined by:

(a) calculating the cost of rehabilitating all existing and immediately proposed disturbed areas of the site (taking into account likely surface disturbance over the next 3 years of quarrying operations); and

(b) employing a suitably qualified, independent and experienced person to verify the calculated costs.

B47. The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 1 month prior to the proposed lodgement of the bond.

B48. The Rehabilitation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months following:

(a) any update or revision to the Rehabilitation Management Plan;

(b) completion of an Independent Environmental Audit in which recommendations relating to rehabilitation have been made; or

(c) a request by the Planning Secretary.

B49. If rehabilitation of this site is completed generally in accordance with the relevant performance and completion criteria, to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.

B50. If rehabilitation of the site is not completed generally in accordance with the relevant performance and completion criteria, the Planning Secretary will call in all, or part of, the bond, and arrange for the completion of the relevant works.

VISUAL

B51. The Applicant must:

(a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;

(b) ensure that all external lighting associated with the development complies with relevant Australian Standards including *Australian Standard AS4282:2023 – Control of Obtrusive Effects of Outdoor Lighting* (or its latest version in force);

(c) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape; and

(d) take all reasonable steps to shield views of quarrying operations and associated equipment from users of public roads and privately-owned residences.

WASTE

B52. 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;

(b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);

(c) minimise the waste generated by the development;

(d) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and

(e) monitor and report on waste minimisation and management in the Annual Review referred to in condition D8.

B53. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014,* the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

LIQUID STORAGE

B54. The Applicant must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

DANGEROUS GOODS

B55. The Applicant must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the latest version of the Australian Standards, particularly *AS 1940:2017 The storage and handling of flammable and combustible liquids* and *AS/NZS 1596:2014 The storage and handling of LP Gas* , and the *Australian Dangerous Goods Code*.

BUSHFIRE MANAGEMENT

B56. The Applicant must:

(a) ensure that the development:

(i) provides for asset protection in accordance with the relevant requirements in the Planning for Bush Fire Protection (RFS, 2019) guideline; and

(ii) ensure that there is suitable equipment to respond to any fires on the site; and

(b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

PART C ADDITIONAL PROCEDURES

NOTIFICATION OF EXCEEDANCES

C1. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting, water, or air quality criterion in PART B of this development consent, the Applicant must:

(a) provide to any affected landowners and tenants; and

(b) publish on its website

the full details of the exceedance.

C2. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected landowners and tenants a copy of the fact sheet entitled "*Mine Dust and You"* (NSW Health, 2023).

INDEPENDENT REVIEW

C3. If a landowner considers the development to be exceeding any noise, blasting or air quality criterion in PART B of this development consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their land and any use of the land for agriculture.

C4. 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.

C5. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months of the Planning Secretary's decision, or as otherwise agreed by the Planning Secretary and the landowner, the Applicant must:

(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:

(i) consult with the landowner to determine their concerns;

(ii) conduct monitoring to determine whether the development is complying with the relevant criteria in PART B of this development consent; and

(iii) if the development is not complying with any relevant criterion, identify measures that could be implemented to ensure compliance with that criterion;

(b) give the Planning Secretary and landowner a copy of the independent review; and

(c) comply with any written requests made by the Planning Secretary to implement any findings of the review.

C6. Prior to the commencement of construction, the Applicant must give written notice to the owners of the property known as 'Cooinda', 121 Cooinda Road, Cassilis (Lots 90 and 91 DP750749) of their ability to ask for an independent review, at any time during the life of the project, in accordance with conditions **C3**, **C4** and **C5** of this development consent. The notice must include a copy of this development consent, evidence of the notice must be provided to Planning Secretary.

PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

D1. An Environmental Management Strategy must be prepared for the development. This strategy must:

(a) provide the strategic framework for environmental management of the development;

(b) identify the statutory approvals that apply to the development;

(c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

(d) set out the procedures to be implemented to:

(i) ensure compliance with the conditions of this consent and the commitments made in the documents listed in condition A2(c);

(ii) keep the local community and relevant agencies informed about the operation and environmental performance of the development;

(iii) receive record, handle and respond to complaints;

(iv) resolve any disputes that may arise during the course of the development;

(v) respond to any non-compliance and any incident;

(vi) respond to emergencies; and

(e) include:

(i) references to any strategies, plans and programs approved under the conditions of this consent; and

(ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.

D2. The Applicant must not commence construction or quarrying operations until the Environmental Management Strategy is approved by the Planning Secretary.

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

REVISION OF STRATEGIES, PLANS AND PROGRAMS

D4. The Applicant must:

(a) review and, if necessary, revise the strategies, plans or programs required under this consent within 1 month of the:

(i) submission of an incident report under condition D5 of Schedule 2;

(ii) submission of an audit report under condition D10 of Schedule 2; or

(iii) any modification to the conditions of this consent.

If any revisions to the plans are required, the plans must be submitted to the Planning Secretary for approval.

Incident Notification

D5. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

(a) date, time and location;

(b) a brief description of what occurred and why it has been classified as an incident;

(c) a description of what immediate steps were taken in relation to the incident; and

(d) identifying a contact person for further communication regarding the incident.

D6. The Applicant must provide the Department with a subsequent incident report in accordance with the requirements set out in Appendix 4.

Non-Compliance Notification

D7. 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 and must be submitted via the NSW planning portal (Major Projects). The notification must 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, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance

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

Annual Review

D8. By the end of March in each year after the commencement of development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development. This review must:

(a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;

(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:

(i) relevant statutory requirements, limits or performance measures/criteria;

(ii) requirements of any plan or program required under this consent;

(iii) monitoring results of previous years; and

(iv) relevant predictions in the documents listed condition A2(c).

(c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;

(d) evaluate and report on:

(i) the effectiveness of the noise, blasting, air quality and water management systems; and

(ii) compliance with the performance measures, criteria and operating conditions in this consent;

(e) identify any trends in the monitoring data over the life of the development;

(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

(g) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.

D9. Copies of the Annual Review must be submitted to Council and Hunter Water and made available to the CCC and any interested person upon request.

Independent Environmental Audit

D10. Independent Environmental Audits of the development must be conducted and carried out in accordance with the *Independent Environmental Audit – Post Approval Requirements (2020)* or as updated from time to time and published on the Department's website.

Monitoring and Environmental Audits

D11. 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.

D12. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in PART B of this consent, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

D13. Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must:

(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:

(i) the document/s listed in condition A2(c);

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) minutes of CCC meetings;

(v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;

(vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

(vii) a summary of the current stage and progress of the development;

(viii) contact details to enquire about the development or to make a complaint;

(ix) a complaints register, updated monthly;

(x) the Annual Reviews of the development;

(xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;

(xii) any other matter required by the Planning Secretary; and

(b) keep such information up to date.

APPENDIX 1: SCHEDULE OF LAND

Lot 3 DP1315388

Lot 89 DP750749

Small section of Crown Road within the Development Layout

APPENDIX 2: DEVELOPMENT LAYOUT PLAN



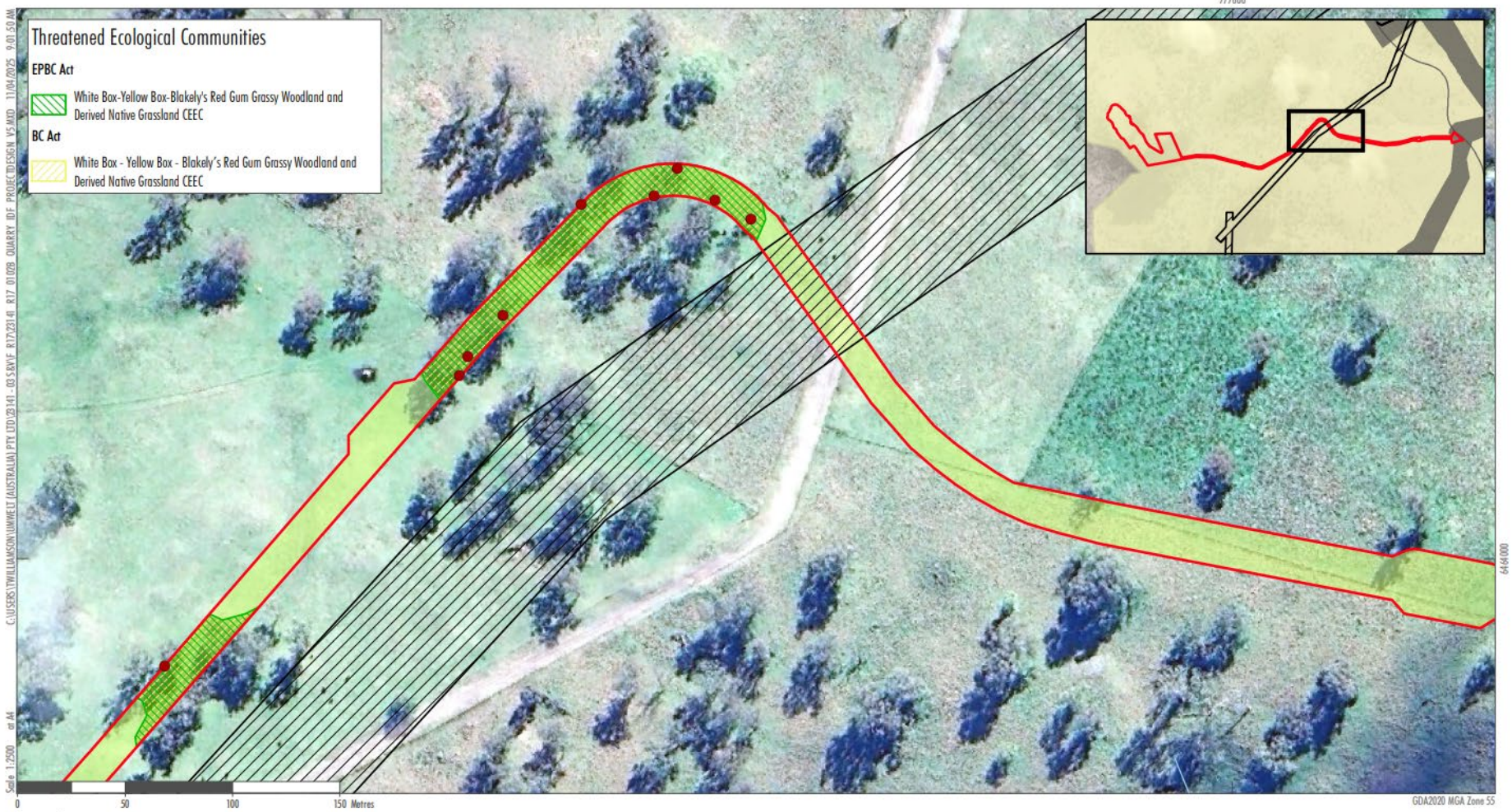


FIGURE 1.2B

Indicative Development Footprint Quarry and Project Design

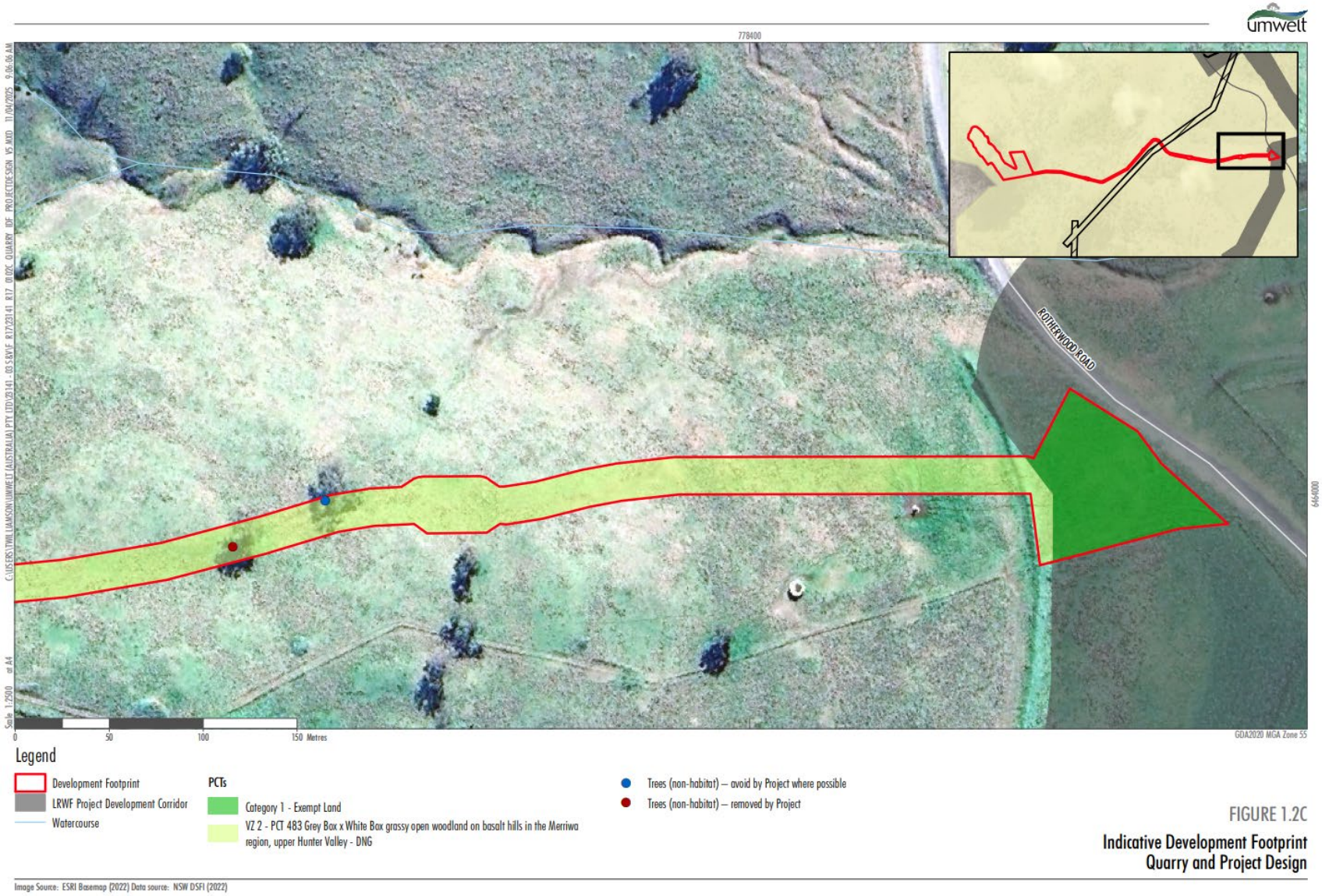
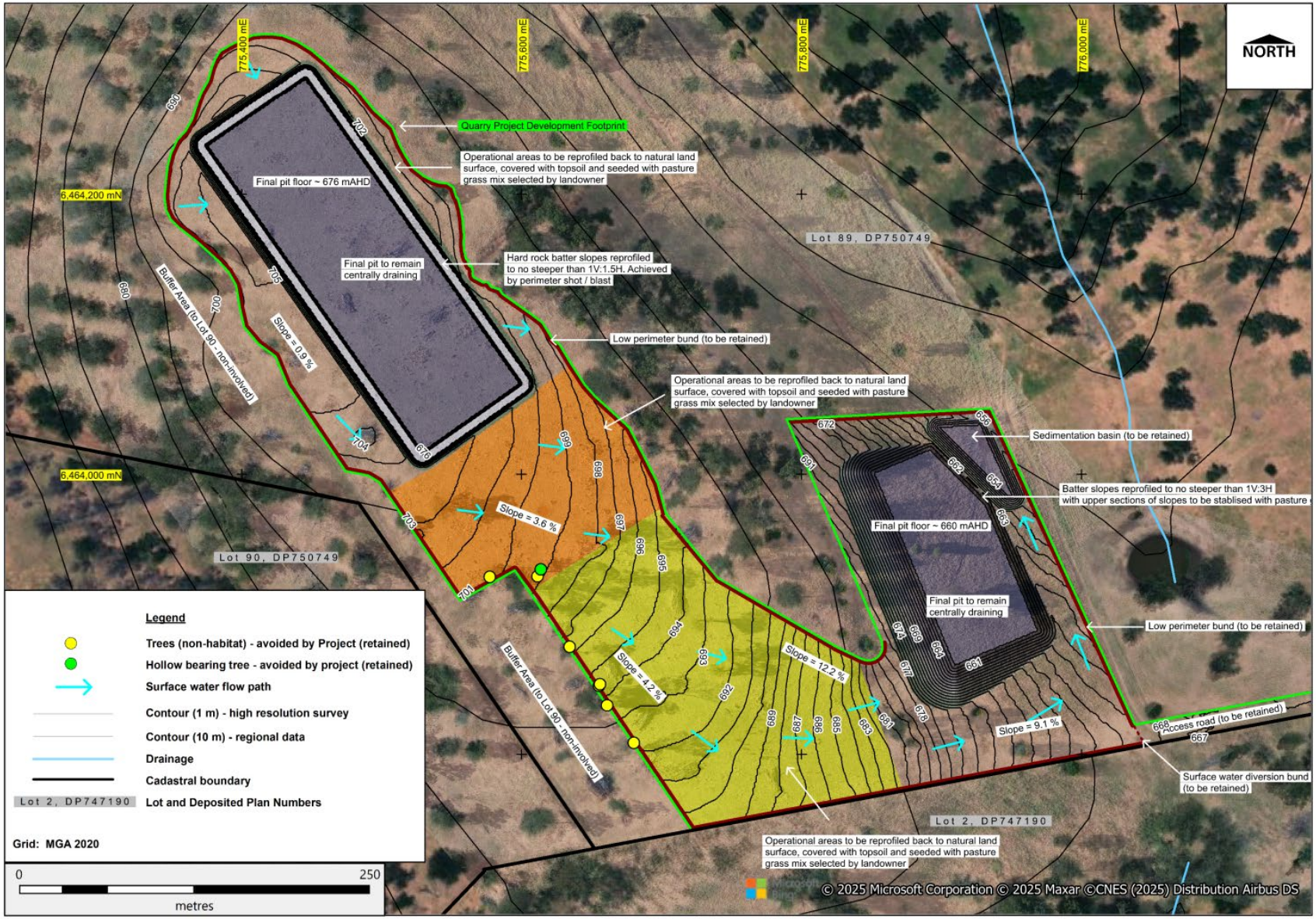


FIGURE 1.2C

Indicative Development Footprint Quarry and Project Design

APPENDIX 3: CONCEPTUAL REHABILITATION PLAN



APPENDIX 4: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Incident Notification Requirements

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition D5 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition D5), the Applicant is required to submit a subsequent incident report that:
   a) identifies how the incident was detected;
   b) identifies when the Applicant became aware of the incident;
   c) identifies any actual or potential non-compliance with conditions of consent;
   d) identifies further action(s) that will be taken in relation to the incident; and
   e) a summary of the incident;
   f) outcomes of an incident investigation, including identification of the cause of the incident;
   g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
   h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.