

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Matthew Sprott
Director
Resource Assessments

Sydney 26/02 / 2020

SCHEDULE 1

The development consent (DA 344-11-2001) for the Wallerawang Quarry Project, granted by the Minister for Infrastructure and Planning on 19 October 2004.

SCHEDULE 2

1. In SCHEDULE 1, delete the real property description for "Land" and replace with:

Lot 6 DP 872230
Lot 7322 DP 1149335
Lot 7071 DP 1201227

2. In the list of Definitions, delete the terms "Annual Review", "CCC", "Department", "Development", "DoI", "Feasible", "Incident", "INP", "Land", "Minister", "Reasonable" and "Resource Regulator" and their definitions, and insert the following in alphabetical order:

AHIMS	Aboriginal Heritage Information Management System
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity Conservation Division within the Department
BCT	Biodiversity Conservation Trust
Calendar year	A period of 12 months from 1 January to 31 December
CCC	Community Consultative Committee required by condition 8 of Schedule 5
DPIE - Crown Lands	Crown Lands Division within the Department
DPIE - Water	Water Group within the Department
Department	NSW Department of Planning, Industry and Environment
Development	The Development described in the documents listed in condition 2(c) of Schedule 2, as modified by the conditions of this consent
DRG	Division of Resources and Geosciences within the Department
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
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 Schedules 3 and 4 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 NSW Land Registry Services office at the date of Modification 3
- Material harm** Is harm to the environment that:
- involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or
 - results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
- This definition excludes "harm" that is authorised under either this consent or any other statutory approval
- Maximum groundwater level** The highest recorded groundwater level as established under condition 6A of Schedule 2
- Minister** Minister for Planning and Public Spaces, or delegate
- Modification 3** The modification to the development as described in SEE (Mod 3)
- Non-compliance NPfl** An occurrence, set of circumstances or development that is in breach of this consent *Noise Policy for Industry* (NSW EPA 2017)
- 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
- RFS** NSW Rural Fire Service
- RR** NSW Resources Regulator within the Department
- SEE** Statement of Environmental Effects
- SEE (Mod 3)** The SEE titled "*Walker Quarries – Wallerawang Quarry – Modification 3*", prepared by Umwelt (Australia) Pty Ltd, dated June 2019; and associated Response to Submissions titled "*Walker Quarries – Wallerawang Quarry – Modification 3 – Response to Submissions*", prepared by Umwelt (Australia) Pty Ltd, dated September 2019
- Waste** Has the same meaning as the definition of the term in the Dictionary of the POEO Act
3. In the list of Definitions, in the definition of the term "Quarrying operations", after "extractive materials", insert "(including quartzite, which is also a prescribed mineral)".
 4. Delete all references to "Dol" and replace with "DPIE - Water".
 5. Delete all references to "OEH" and replace with "BCD".
 6. Delete condition 2 of Schedule 2 and replace with:
 2. 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 Secretary;
 - (c) generally in accordance with the EIS, EA (Mod 1), SEE (Mod 2) and SEE (Mod 3); and
 - (d) generally in accordance with the Development Layout in Appendix 1.
 3. In condition 3 of Schedule 2, delete "condition 2(a)" and replace with "condition 2(c)".
 4. In condition 5 of Schedule 2, delete "2020" and replace with "2040".
 5. Delete condition 6 of Schedule 2 and replace with the following, including the headings:

Extraction Depth

 6. The Applicant must not conduct quarrying operations within one metre of the maximum groundwater level, with the exception of areas where the Applicant has received the written approval of the Secretary for the construction and use of drainage sumps, groundwater monitoring bores, exploration boreholes or other similar activity agreed to by the Secretary.
 - 6A. Prior to the commencement of quarrying operations below 901 mAHD (except for activities approved under condition 6 of this Schedule), the Applicant must:

- (a) determine the maximum groundwater level within and adjacent to the proposed extraction area, in consultation with DPIE - Water, using all available groundwater and rainfall monitoring data collected from the site or in the vicinity of the site and appropriate modelling software and parameters;
- (b) establish the proposed maximum extraction depth to comply with condition 6; and
- (c) prepare a contour map, or similar, showing the proposed maximum extraction depth, for the approval of the Secretary.

Limits on Extraction and Transport

6. Delete the Notes to condition 8 of Schedule 2 and replace with:

Notes:

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

7. In condition 12 of Schedule 2, delete "Resource Regulator" and replace with "RR".

8. After condition 13 of Schedule 2, insert the following:

CONTRIBUTIONS TO COUNCIL

14. Within 6 months of the date of approval of Modification 3, the Applicant must make contributions to Council for the provision of public facilities and to enhance amenity and services within the Lithgow LGA, in accordance with the *Section 94A Development Contributions Plan for Lithgow City Council October 2015*, or its most recent version.

Note: See also section 7.11 of the EP&A Act.

APPLICABILITY OF GUIDELINES

15. 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 inclusion (or later update) in the condition.
16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

CROWN LAND

17. The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown land or Crown roads.

Notes:

- Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPIE – Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.
- Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPIE – Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.

9. Delete Condition 3 of Schedule 3 and its heading and replace with:

Operational Noise Criteria

3. 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)	Evening L _{Aeq} (15 min)	Night L _{Aeq} (15 min)
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All privately-owned residences	43	39	35
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- 3A. Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry* (EPA, 2017).
- 3B. 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.

10. In condition 5(c) of Schedule 3, delete "see Appendix 3" and replace with "see NPfl".
11. Delete the heading "**Air Quality Impact Assessment Criteria**" and conditions 11 and 12 of Schedule 3 and replace with:

Air Quality Criteria

11. 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	
^d Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month

Notes:

^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).

^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).

^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.

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

12. 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.
12. In condition 13(c) of Schedule 3, after "see note", delete "d" and replace with "c".
13. Delete condition 15 of Schedule 3 and replace with:
15. 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* (DEC, 2007); 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 Secretary following consultation with the EPA.

14. In condition 18(c) of Schedule 3, after "Modification 1", insert "and Modification 3".
15. Delete conditions 21 to 23 of Schedule 3, including the heading, and replace with:

PROTECTION OF ABORIGINAL HERITAGE

21. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance area, beyond those predicted in the document/s listed in condition 2(c) of Schedule 2.
22. If suspected human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police and BCD, and work must not recommence in the area until authorised by NSW Police and BCD.
23. If any previously unknown Aboriginal object or Aboriginal place is discovered on the site:
 - (a) all work in the immediate vicinity of the object or place must cease immediately;
 - (b) a 10 metre buffer area around the object or place must be cordoned off; and
 - (c) BCD must be contacted immediately.
- 23A. Work in the immediate vicinity may only recommence if:
 - (a) the potential Aboriginal object or Aboriginal place is confirmed by BCD upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place; or
 - (b) the Aboriginal Cultural Heritage Management Plan required by condition 23C is revised to include the Aboriginal object or Aboriginal place and appropriate measures in respect of it, to the satisfaction of the Secretary; or
 - (c) the Secretary is satisfied as to the measures to be implemented in respect of the Aboriginal object or Aboriginal place and makes a written direction in that regard.
- 23B. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

Aboriginal Cultural Heritage Management Plan

- 23C. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with BCD and Registered Aboriginal Parties;
 - (c) describe the measures to be implemented on the site or within any offset area to:
 - i. comply with the heritage-related operating conditions of this consent;
 - ii. ensure all workers receive suitable Aboriginal cultural heritage 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;
 - iii. protect, monitor and manage identified Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition 2 (c) of Schedule 2;
 - iv. protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;
 - v. manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
 - vi. maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and
 - vii. facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;

- (d) include a strategy for the care, control and storage of Aboriginal objects salvaged on site, in particular AHIMS Site #45-1-2802, both during the life of the development and in the long-term.
 - 23D. The Applicant must not commence any ground disturbance associated with Modification 3 until the Aboriginal Cultural Heritage Management Plan is approved by the Secretary.
 - 23E. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Secretary.
16. After condition 28 of Schedule 3, insert the following:

Biodiversity Credits Required for Modification 3

- 28A. The Applicant must retire biodiversity credits for Stages A to D of the development approved under Modification 3 (see Figure 2 in Appendix 1) as specified in Table 5A below, prior to commencing vegetation clearing in that Stage. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

Table 5A: Biodiversity credit requirements

Credit Type	Credits Required
Ecosystem Credits	
Tranche 1 - Credits to be retired for Stage A PCT 1093 – 100 credits PCT 732 – 36 credits	136
Tranche 2 - Credits to be retired for Stage B PCT 1093 – 64 credits PCT 732 – 103 credits	167
Tranche 3 - Credits to be retired for Stage C PCT 1093 – 52 credits PCT 732 – 75 credits	127
Tranche 4 - Credits to be retired for Stage D PCT 1093 – 57 credits	57

17. In condition 29 of Schedule 3:
- (a) delete “Resource Regulator” and replace with “RR and the Secretary”; and
 - (b) delete “post-mining” and replace with “post-development”.
18. In condition 31 of Schedule 3:
- (a) in paragraph (b), delete “DPI,” and replace with “WaterNSW”;
 - (b) in paragraph (c), delete “Resource Regulator” and replace with “RR and the Secretary”;
 - (c) in paragraph (c), after “otherwise”, insert “, and Modification 3, unless the RR agrees otherwise”;
 - (d) in paragraph (d), delete “Resource Regulator” and replace with “RR”; and
 - (e) in paragraph (i), delete “mine closure” and replace with “closure of the development”.
19. In condition 36 of Schedule 3, after “in an EPL,” add “specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*,”.
20. Delete condition 38 of Schedule 3 and replace with:
38. The Applicant must ensure that the storage, handling, and transport of:

- (f) dangerous goods are done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the *Dangerous Goods Code*; and
 - (g) explosives are managed in accordance with the requirements of the RR.
21. In condition 3 of Schedule 4, delete "located to the west or north-west of the site,".
 22. In condition 1(e) of Schedule 5, after "respond to any non-compliance" insert "and any incident".
 23. Delete condition 2 of Schedule 5 and replace with:
 2. 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.
 24. Delete condition 3 of Schedule 5 and replace with:
 3. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
 - (a) a summary of relevant background or baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) any relevant commitments or recommendations identified in the document/s listed in condition 2(c) of Schedule 2;
 - (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (e) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to condition 2(c) of Schedule 2;
 - (f) 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;
 - (g) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (h) a protocol for managing and reporting any:
 - (i) incident, non-compliance or exceedance of the impact assessment criteria or performance criteria;
 - (ii) complaint; or
 - (iii) failure to comply with statutory requirements;
 - (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and
 - (j) a protocol for periodic review of the plan.

Note: *The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*
 - 3A. The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.

25. In condition 5(c) of schedule 5, delete “condition 12” and replace with “condition 14”.
26. Delete condition 6 of Schedule 5 and replace with:
6. With the approval of the 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).
- 6A. If the Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.
- 6B. If the 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.
27. In condition 8 of Schedule 5, delete “November 2016” and replace with “2019”.
28. Delete conditions 9 to 13 of Schedule 5, including their headings, and replace with:

Incident Reporting

9. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

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

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

Annual Review

11. By the end of September in each year after the commencement of development, or other timeframe agreed by the Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Secretary. This review must:
- (a) describe the development (including any 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, including a comparison of these results against the:
 - i. relevant statutory requirements, limits or performance measures/criteria;
 - ii. requirements of any plan or program required under this consent;
 - iii. monitoring results of previous years; and
 - iv. relevant predictions in the documents listed condition 2(c) of Schedule 2;

- (c) identify any non-compliance or incident which occurred in the previous financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
 - (d) evaluate and report on:
 - i. the effectiveness of the noise and air quality management systems; and
 - ii. compliance with the performance measures, criteria and operating conditions of this consent;
 - (e) identify any trends in the monitoring data over the life of the development;
 - (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (g) describe what measures will be implemented over the next financial year to improve the environmental performance of the development.
12. Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.

INDEPENDENT ENVIRONMENTAL AUDIT

13. Prior to the end of June 2021, and every three years after, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Secretary;
 - (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Secretary) whose appointment has been endorsed by the Secretary;
 - (c) be carried out in consultation with the relevant agencies and the CCC;
 - (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
 - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
 - (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
 - (g) be conducted and reported to the satisfaction of the Secretary.
29. Delete condition 15 of Schedule 5, including its heading, and replace with:

Monitoring and Environmental Audits

15. 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.

16. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Schedule 3, providing that these representative monitoring locations are set out in the respective management plan/s.

ACCESS TO INFORMATION

17. Within 6 months of the date of this consent 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 2(c) of schedule 2;
 - ii. all current statutory approvals for the development;
 - iii. all approved strategies, plans and programs required under the conditions of this consent;
 - iv. the proposed staging plans for the development if the construction, operation or decommissioning of the development if it is to be staged;
 - v. minutes of CCC meetings;
 - vi. 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;
 - vii. 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;
 - viii. a summary of the current progress of the development;
 - ix. contact details to enquire about the development or to make a complaint;
 - x. a complaints register, updated monthly;
 - xi. the Annual Reviews of the development;
 - xii. 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;
 - xiii. any other matter required by the Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Secretary.

30. Delete the figure in Appendix 1 and replace with the following figures:

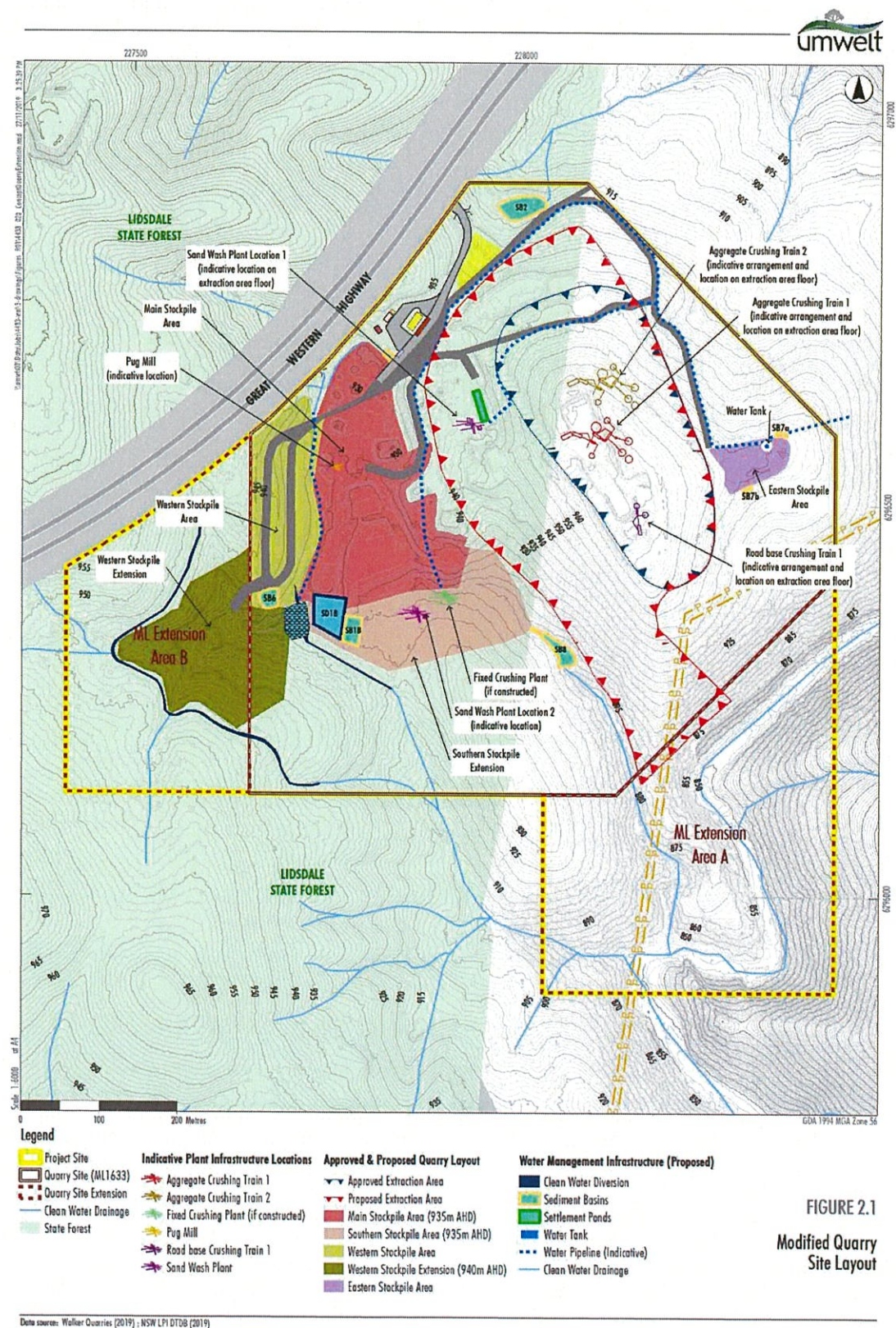


Figure 1: Development Layout incorporating Modification 3

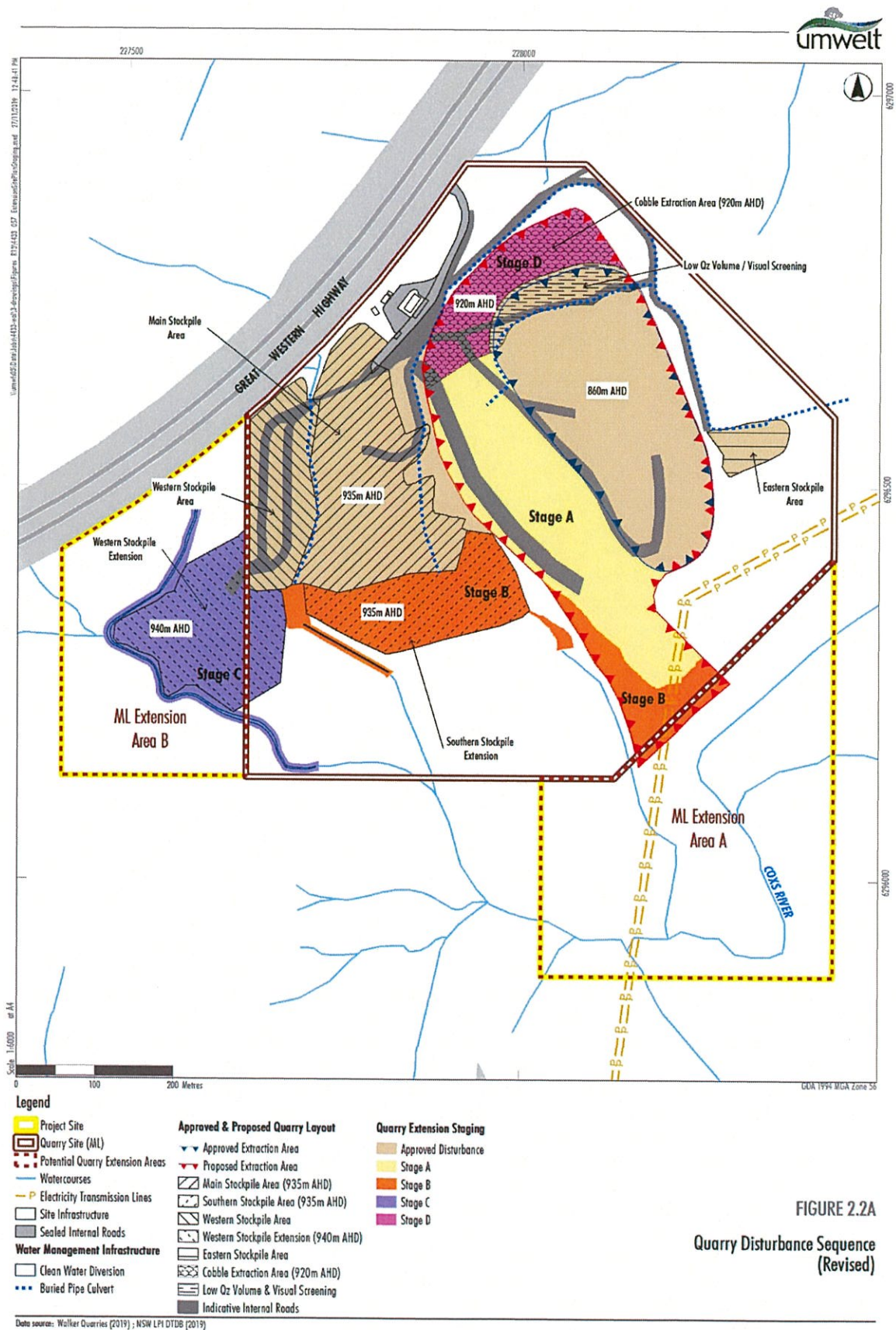


Figure 2: Development Layout incorporating proposed stages

31. Delete the figure from APPENDIX 2 and replace with the following figure:

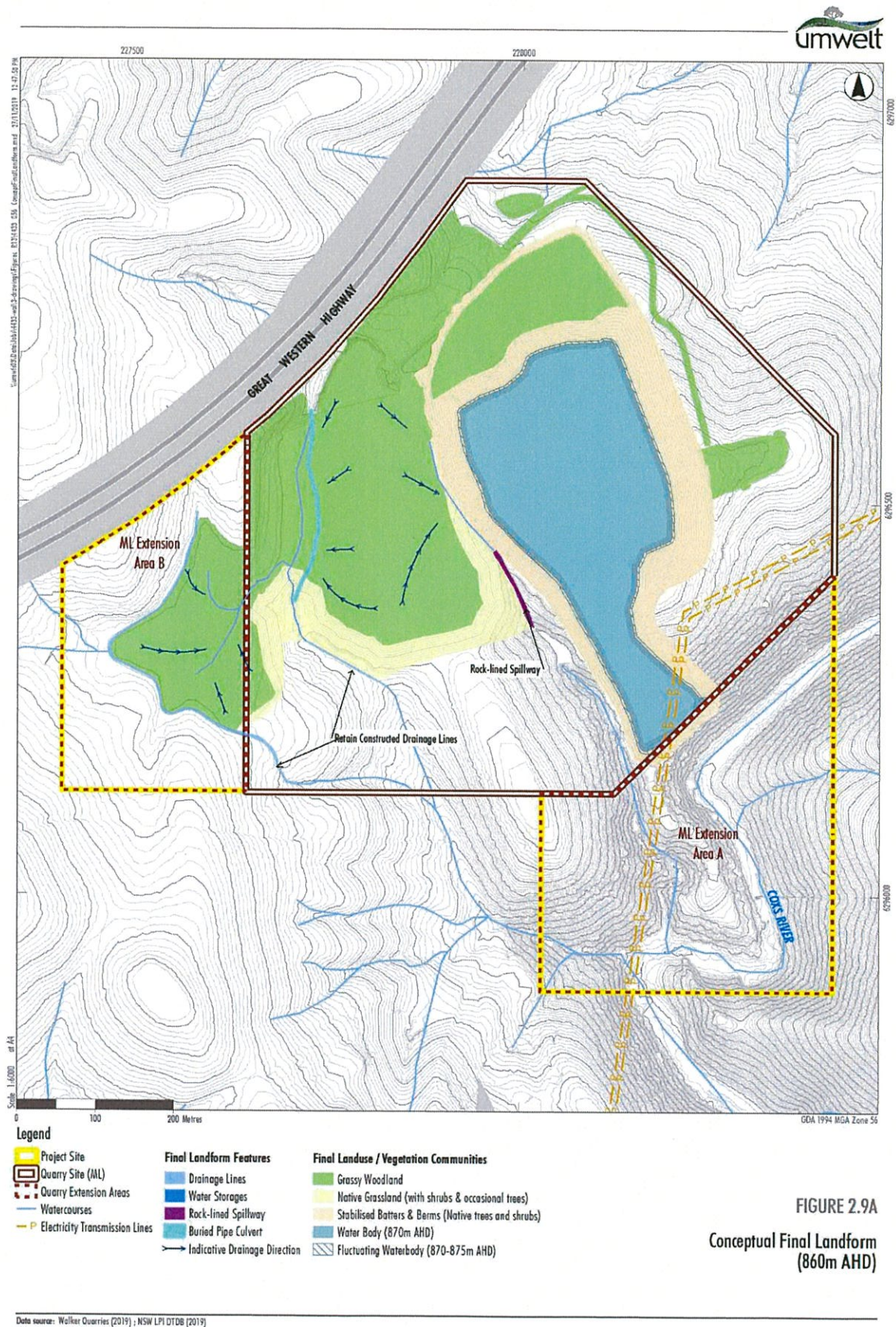


Figure 3: Conceptual final landform

32. Delete APPENDIX 3 and replace with:

APPENDIX 3

INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 9 of Schedule 5 or, having given such notification, subsequently forms the view that an incident has not occurred.
 2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
 3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
 4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.
33. Update the TABLE OF CONTENTS to reflect the above changes.

**End of modification
(DA 344-11-2001 MOD 3)**