

Notice of Modification

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

As delegate for the Minister for Planning and Infrastructure, I modify the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Kitto
Director,
Mining & Industry Projects

Sydney, 15 MAY

2012

SCHEDULE 1

The development consent (DA 409-11-2002-i) for the Gumma Sand Quarry, granted by the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) on 23 June 2004.

SCHEDULE 2

1. In Schedule 1:
 - (a) Delete the "Land" description, and replace with "Lot 157 DP 755539 and Lot 24 DP 1119693 (see Appendix 1)"; and
 - (b) In the "Proposed Development" description, delete all words following "on", and replace with "Lot 157 DP 755539 and Lot 24 DP 1119693".
2. In Schedule 2, delete the DEFINITIONS for "DEC", "Department", "Environmental Management Plan", "Director-General", "Minister" and "RTA", and insert the following in alphabetical order:

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department
EA (MOD 1)	Environmental Assessment received on 7 September 2011 titled <i>Proposed Modifications to the Development Consent for DA 409-11-2002 Extractive Industry on Lots 141 and 157 DP 755539 and Lot 4 DP 816482 Gumma Road, Gumma</i> , including the Response to Submissions document dated 7 March 2012.
EPA	Environment Protection Authority
Minister	Minister for Planning and Infrastructure
NOW	NSW Office of Water, within the Department of Primary Industries
Quarrying Operations	The extraction, processing and transportation of extractive materials and the associated removal of vegetation and overburden
RMS	Roads and Maritime Services
3. Delete all references to "Department of Infrastructure, Planning and Natural Resources" and replace with "Department of Planning and Infrastructure".
4. Delete all references to "DEC" and replace with "EPA".
5. Delete all references to "RTA", and replace with "RMS".
6. In condition 2 of schedule 3, delete all words after "area of extraction;" and insert the following:

- (g) modification application DA 4009-11-2002-i – MOD 1 and EA (MOD 1); and
- (h) the conditions of this consent.

7. Delete condition 5 of schedule 3 and insert the following:

- 5. Quarrying operations may take place on the site until 31 January 2021.

Note: Under this consent, the Applicant may be required to carry out certain activities beyond the period of consent for quarrying operations. Consequently this consent will continue to apply in all other respects other than the right to conduct quarrying operations.

8. In conditions 11 and 12 of schedule 3, delete “Lots 141 and 157, DP 755539” and replace with “Lot 157 DP 755539 and Lot 24 DP 1119693”

9. After condition 12 of schedule 3, insert the following:

Review of Management Plans and Monitoring Programs

- 13. Following any modification to this consent, or if so directed by the Director-General, the Applicant shall review, and if necessary revise all relevant management plans and monitoring programs required under this consent to the satisfaction of, and within a timeframe approved by, the Director-General.

10. After condition 13 of schedule 3, insert the following:

Statutory Requirements

- 14. The Applicant must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this approval removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.
- 11. In condition 1 of schedule 4;
 - (a) delete “Lots 141 and 157, DP 755539” and replace with “Lot 157 DP 755539 and Lot 24 DP 1119693”; and
 - (b) delete “Lot 141, DP 755539” and replace with “Lot 24 DP 1119693”.
- 12. In condition 2 of schedule 4, “Lots 141 and 157, DP 755539” and replace with “Lot 157 DP 755539 and Lot 24 DP 1119693”.
- 13. In condition 18 of schedule 4, delete “the Director-General, NSC, and the Department (Grafton Office hydrogeologist)”, and insert “NOW”.
- 14. In condition 31 of schedule 4, delete the full stop in the last paragraph of the Note, and insert “to generate higher noise levels, and this agreement has been forwarded to the Department.”.
- 15. In condition 34 of schedule 4:
 - (a) insert “, and thereafter as directed by the Director-General,” following “commencement of operations”
 - (b) delete “A, B and C” and insert “A and B”; and
 - (c) delete “the NSC and the”.
- 16. In condition 6 of schedule 5, delete “Department (Grafton Office Hydrogeologist)” and replace with “Director-General”.
- 17. Delete condition 13 of schedule 5, and replace with the following:

Annual Review

- 13. Within 18 months of the commencement of quarrying operations, and annually thereafter, the Applicant shall review the environmental performance of the development to the satisfaction of the Director-General. This review must:
 - (a) describe the works (including rehabilitation) that were carried out in the previous year, and the works that are proposed to be carried out over the current year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against:
 - the relevant statutory requirements, limits or performance measures/criteria;

- the monitoring results of previous years; and
 - the relevant predictions in the EIS;
- (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the development;
 - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

18. Following schedule 5, insert the following:

APPENDIX 1

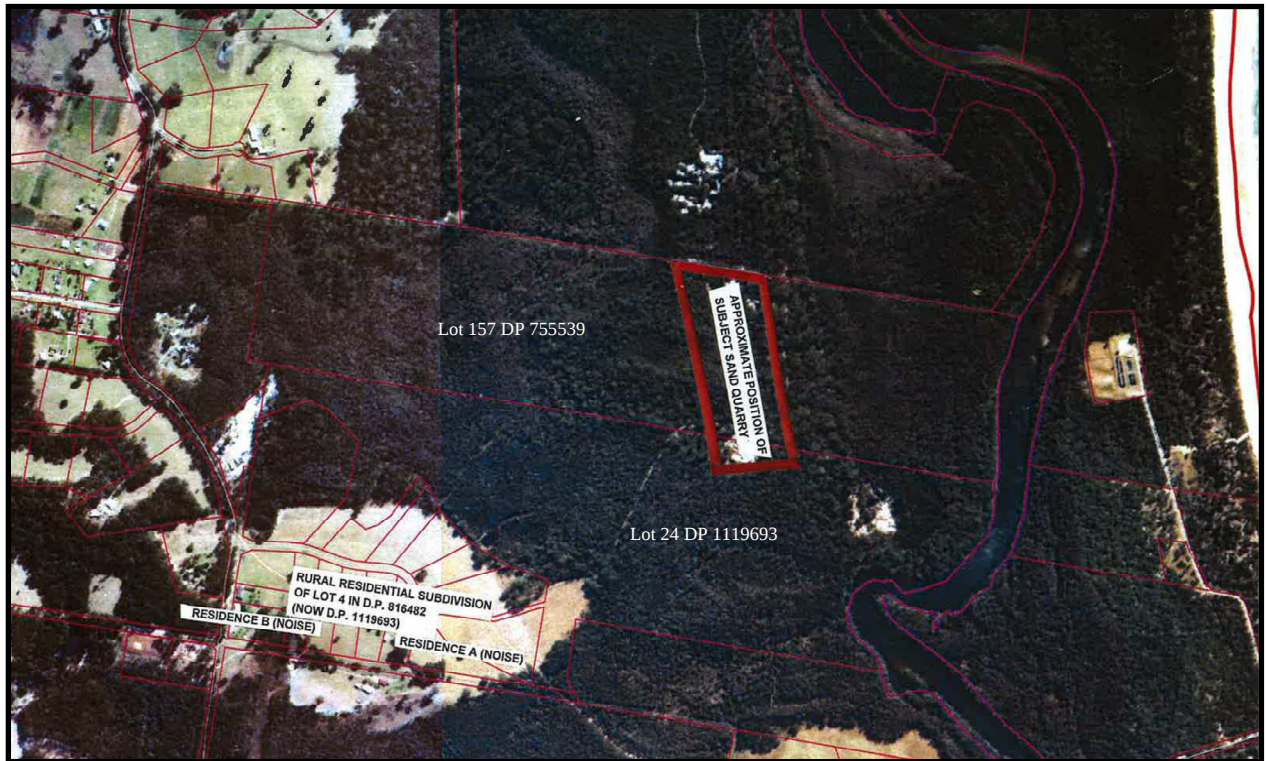


Figure 1: Location of Gumma Sand Quarry

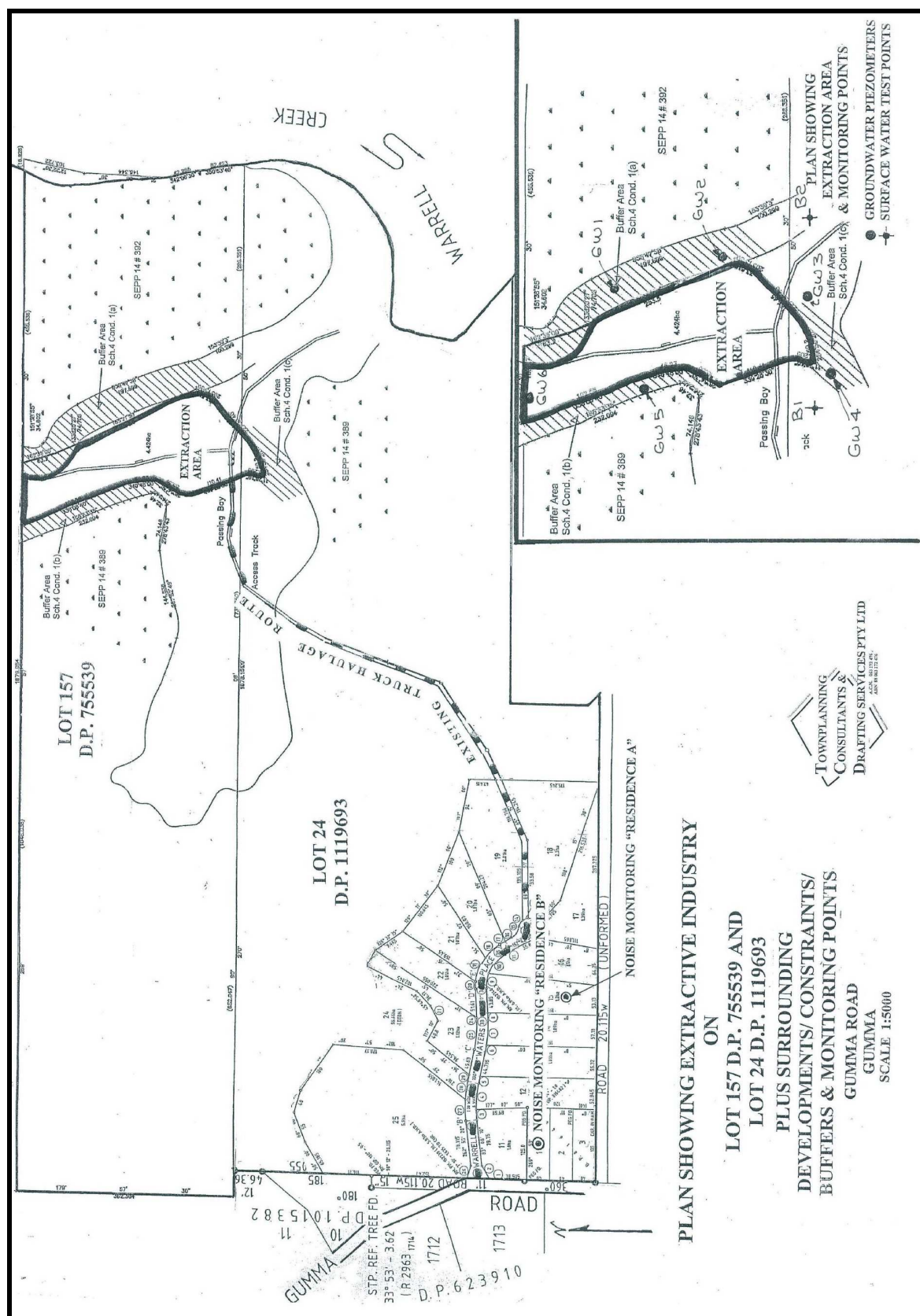


Figure 2: Extraction area and monitoring locations