Notice of Modification

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

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.

Oliver Holm
Executive Director
Resource Assessments & Compliance

Sydney 13 / 4 / 2015

SCHEDULE 1

The project approval (07-0074) for the Gunlake Quarry, granted by the Minister for Planning on 24 September 2008.

SCHEDULE 2

1. In the List of Definitions:

- In the definition of "EA", after "Pty Ltd", insert ", including the Response to Submissions dated 15 May 2008 and 21 May 2008"
- Delete the definitions for AEMR, Response to Submissions and Vegetation Offset, and insert the following in alphabetical order:

Annual review	Annual review, as required under condition 2 of Schedule 5
Biodiversity offset strategy	The conservation and enhancement program described in the EA, Modification 2 and shown conceptually in Appendix 6
Cured concrete waste	Cured concrete waste from a batch plant as defined in Section 49 Definitions of waste classifications, in Schedule 1 of the *Protection of the Environment Operations Act 1997*, as in force from time to time
EEC	Endangered Ecological Community
Modification 2	Modification application 07-0074 Mod 2 and supporting documentation titled *Modification of Project Approval 07-0074*, dated September 2014, prepared by Olsen Environmental Consulting, including the Response to Submissions prepared by EMGA Mitchell McLennan (EMM) dated 27 January 2015 and supporting information provided by EMM dated 17 February 2015
Quarrying operations	The extraction, processing and transportation of extractive materials on the site and the associated removal of vegetation, topsoil and overburden

2. In condition 2 of Schedule 2, delete all words after "Modification 3;" (with the exception of the notes); and insert the following:

(d) Modification 2;
(e) statement of commitments; and

(f) conditions of this approval.

3. Delete conditions 3 to 6 of Schedule 2 and insert the following:

   3. If there is any inconsistency between the documents identified in condition 2, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail over all other documents to the extent of any inconsistency.

   4. The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
      (a) any reports, plans, strategies, reviews, audits, programs or correspondence that are submitted in accordance with the conditions of this approval;
      (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
      (c) the implementation of any actions or measures contained in these documents.

   Limits on Approval

   5. Quarrying operations may take place until 30 September 2038.

   Note: Under this approval, the Proponent is required to rehabilitate the site to the satisfaction of the Secretary. Consequently this approval will continue to apply in all other respects other than the right to conduct quarrying operations until the site has been rehabilitated and the offset provided to a satisfactory standard.

   6. Truck movements shall not exceed:
      (a) Stage 1 – 25 truck movements per day (averaged over each calendar month), with a maximum of 38 truck movements on any day; and
      (b) Stage 2 – 164 truck movements per day (averaged over each calendar month), up to a maximum of 320 movements on any day, including 25 truck movements per day (averaged over each calendar month) and a maximum of 38 truck movements on any day on Brayton Road between the bypass road and the intersection of Brayton Road/George Street/Interchange underpass.

   6A. The Proponent may receive and store up to 30,000 tonnes of cured concrete waste on the site in each calendar year. The volume of cured concrete waste held on the site must not exceed 2,500 tonnes at any one time. No other materials classified as waste under the EPA Waste Classification Guidelines 2014 (or its latest version) may be received on the site.

4. In condition 8 of Schedule 2, delete "Applicant" and insert "Proponent".

5. In condition 1 of Schedule 3, after "Within 3 months of the date of this approval," insert "or any modification of this approval involving a change to the approved limits of extraction,".

6. In condition 2 of Schedule 3:

- delete Table 1 and insert the following:

Noise Assessment Location	Day	Evening	Night	
	$L_{Aeq\ (15\ minute)}$	$L_{Aeq\ (15\ minute)}$	$L_{Aeq\ (15\ minute)}$	$L_{A1\ (1\ minute)}$
R2	35	35	35	47
R4	35	35	35	45

- Delete the second dot point in the Notes to Table 1 and replace with the following:

The noise limits apply under all meteorological conditions except the following:
- *wind speed greater than 3m/s at 10m above ground level;*
- *temperature inversion conditions between 1.5 degrees C/100m and 3 degrees C/100m and wind speed greater than 2m/s at 10m above ground level; or*
- *temperature inversion conditions greater than 3 degrees C/100m.*

7. In condition 3 of Schedule 3, delete the row beginning “Quarrying and Processing” and insert the following:

Quarrying and Processing (excluding tertiary crushing)	Monday – Saturday Sunday and Public Holidays	7.00am to 6.00pm None
Tertiary crushing	Monday – Saturday Sunday and Public Holidays	24-hours except 6.00pm Saturday to 2.00am Monday

8. Delete condition 4 of Schedule 3 and insert the following:

Operating Conditions

4. The Proponent shall:
   (a) implement best practice management to minimise the operational and road transportation noise of the project;
   (b) minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply (see notes to Table 1 in Condition 2 above);
   (c) carry out regular monitoring to determine whether the project is complying with the relevant conditions of this approval;
   (d) regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval; and
   (e) ensure all reasonable and feasible measures are employed to reduce noise from the tertiary crusher at night,

   to the satisfaction of the Secretary.

Noise Management Plan

4A. The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:
   (a) be prepared in consultation with the EPA and submitted to the Secretary for approval by 31 August 2015;
   (b) describe the measures that would be implemented to ensure:
      - compliance with the noise criteria in this approval;
      - best management noise minimisation practice is employed on site; and
      - the noise impacts of the project are minimised during any meteorological conditions when the noise limits in this approval do not apply; and
   (c) detail a monitoring program that will be put in place to measure noise from the project against the noise criteria in Table 2, and which evaluates and reports on the effectiveness of the noise management system on site.

9. Delete conditions 10 to 13 of Schedule 3 and insert the following:

Blast Management Plan

10. The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:
   (a) be submitted to the Secretary for approval by 31 August 2015;
   (b) describe the measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this approval;
   (c) include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this approval;
   (d) include public notification procedures on the blasting schedule; and
   (e) include a protocol for investigating and responding to complaints.

AIR QUALITY

Impact Assessment Criteria

11. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not exceed the criteria in Tables 5, 6 and 7 at any residence on privately-owned land.

Pollutant	Averaging period	[d] Criterion
Total suspended particulate (TSP) matter	Annual	[a] 90 µg/m^3
Particulate matter < 10 µm (PM_{10})	Annual	[a] 30 µg/m^3

Table 5: Long Term Impact Assessment Criteria for Particulate Matter

Pollutant	Averaging period	[d] Criterion
Particulate matter < 10 µm (PM_{10})	24 hour	[a] 50 µg/m^3

Table 6: Short Term Impact Assessment Criterion for Particulate Matter

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

Table 7: Long Term Impact Assessment Criteria for Deposited Dust

Notes to Tables 5-7:

- *a* *Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);*
- *b* *Incremental impact (i.e. incremental increase in concentrations due to the project on its own);*
- *c* *Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003:Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and*
- *d* *Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Secretary in consultation with EPA.*

Operating Conditions

12. The Proponent shall:
    (a) implement best management practice to minimise the dust emissions of the project;
    (b) regularly assess meteorological and air quality monitoring data and relocate, modify, and/or stop operations on site as may be required to ensure compliance with the relevant conditions of this approval;
    (c) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see note d to Tables 5-7 above);
    (d) monitor and report on compliance with the relevant air quality conditions in this approval; and
    (e) minimise surface disturbance of the site, other than as permitted under this approval,
    to the satisfaction of the Secretary.

Air Quality Management Plan

13. The Proponent shall prepare and implement an Air Quality Management Plan for the project to the satisfaction of the Secretary. This program shall:
    (a) be submitted to the Secretary for approval by 31 August 2015;
    (b) be prepared in consultation with EPA;
    (c) describe the measures that would be implemented to ensure:
        - compliance with the relevant conditions of this approval;
        - best practice management is employed; and
        - the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;
    (d) describe the proposed air quality management system; and
    (e) include an air quality monitoring program that:
        - is capable of evaluating the performance of the project;
        - includes a protocol for determining any exceedances of the relevant conditions of approval;
        - effectively supports the air quality management system; and
        - evaluates and reports on the adequacy of the air quality management system.

10. Delete condition 16 of Schedule 3 and insert the following:

Water Pollution

16. Unless an EPL or the EPA authorises otherwise, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the project.

11. In condition 20 of Schedule 3, before "Water Management Plan", delete "a" and replace with "an updated".

12. In condition 20 (a) of Schedule 3, delete "within 3 months of the date of this approval" and insert "for approval by 31 August 2015".

13. In condition 20 (b) of Schedule 3, after "NOW", insert "Water NSW".

14. In condition 22 of Schedule 3, insert the following before paragraph (a):

(a1) be prepared by suitably qualified person(s) whose appointment has been approved by the Secretary;

15. Delete conditions 26 to 31 of Schedule 3 and insert the following:

REHABILITATION AND BIODIVERSITY

Rehabilitation Objectives

26. The Proponent shall rehabilitate the site to the satisfaction of the Secretary. The rehabilitation must comply with the objectives in Table 8.

Feature	Objective
Site (as a whole)	• Safe, stable & non-polluting • Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and has minimal visual impact when viewed from surrounding land
Surface Infrastructure	• To be decommissioned and removed, unless DRE agrees otherwise
Land identified in the biodiversity offset strategy and other vegetated land	• Conserved and enhanced with native, endemic vegetation • Containing self-sustaining ecosystems that have been maintained or established
Quarry Benches	• Landscaped and vegetated using native tree and understorey species
Quarry Pit Floor	• Landscaped and revegetated using native tree and understorey species

Table 8: Rehabilitation Objectives

Progressive Rehabilitation

26A. The Proponent shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.

Biodiversity Offsets

27. The Proponent shall implement the biodiversity offset strategy as outlined in Table 9 and shown conceptually in Appendix 6, to the satisfaction of the Secretary.

Offset Area	Offset Type	Minimum Size (hectares)
Biodiversity Offset Area - existing vegetation to be enhanced and maintained	Existing vegetation to be enhanced and maintained as well as assisted regeneration of Box Gum Woodland EEC and Speckled Warbler habitat, including a minimum of 30.38 hectares of Box Gum Woodland EEC.	30.38
Biodiversity Offset Area - vegetation regeneration	A minimum of 46.16 hectares of cleared pasture to be regenerated and/or replanted using species representative of pre-clearing vegetation, including Box Gum Woodland EEC.	46.16
Additional Biodiversity Offset Area	Box Gum Woodland EEC to be enhanced and maintained.	2.28
Total		78.82

Table 9: Biodiversity Offset Strategy

27A. By 31 October 2015, unless otherwise agreed by the Secretary, the Proponent shall revise the offset strategy to identify and include the Additional Biodiversity Offset Area required in Table 9 above, in consultation with OEH, and to the satisfaction of the Secretary.

Security of Offsets

28. By 30 April 2016, unless otherwise agreed with the Secretary, the Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas, to the satisfaction of the Secretary.

Note: Mechanisms to provide appropriate long-term security to the land within the biodiversity offset strategy include a Biobanking Agreement or an alternative mechanism that provides for a similar conservation outcome. Any mechanism must remain in force in perpetuity.

Rehabilitation and Biodiversity Offset Management Plan

29. The Proponent shall prepare and implement a Rehabilitation and Biodiversity Offset Management Plan for the project to the satisfaction of the Secretary. This plan must be prepared by suitably qualified person(s) whose appointment has been approved by the Secretary, in consultation with OEH, and submitted to the Secretary for approval by 31 October 2015 and include:
   (a) a description of the short, medium, and long term measures that would be implemented to:
      - manage the native vegetation and fauna habitat on the site;
      - implement the biodiversity offset strategy required in Table 9 above; and
      - ensure compliance with the rehabilitation objectives in Table 8, and progressive rehabilitation obligations in this approval;
   (b) performance and completion criteria for the rehabilitation of the site and implementation of the biodiversity offset strategy;
   (c) a detailed description of the measures that would be implemented for:
      - progressively rehabilitating disturbed areas;
      - landscaping and vegetating the quarry pit and overburden emplacement
      - implementing the biodiversity offset strategy;
      - protecting areas outside the disturbance areas (including updating operational plans and maps to identify the location of riparian areas to be protected);
      - rehabilitating creeks on the site outside of approved disturbance areas (including Chapman's Creek) to improve aquatic and riparian habitat;
      - undertaking pre-clearance surveys;
      - managing impacts on fauna, including establishment of habitat for threatened fauna species including the Speckled Warbler;
      - managing any unexpected threatened fauna or flora located during the project;
      - providing two nest boxes for each tree-hollow destroyed by vegetation clearing;
      - landscaping the site to minimise visual impacts;
      - excluding stock from the biodiversity offset areas (unless grazing can be demonstrated as a management tool for achieving conservation outcomes);
      - conserving and reusing topsoil;
      - collecting and propagating seed for rehabilitation works;

- salvaging and reusing material from the site for habitat enhancement;
- controlling weeds and feral pests;
- controlling access; and
- bushfire management;

(d) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;

(e) a description of the potential risks to successful rehabilitation of the site and the implementation of the biodiversity offset strategy, and a description of the contingency measures that would be implemented to mitigate these risks; and

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

Rehabilitation and Conservation Bond

30. Within 3 months of the approval of the Rehabilitation and Biodiversity Management Plan, the Proponent shall lodge a Rehabilitation and Conservation Bond for the project with the Secretary to ensure that the biodiversity offset strategy and rehabilitation of the site are implemented in accordance with the performance and completion criteria set out in the Rehabilitation and Biodiversity Management Plan and relevant conditions of this approval. The sum of the bond shall be determined by:

(a) calculating the cost of implementing the biodiversity offset strategy and rehabilitating the site, and

(b) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs,

to the satisfaction of the Secretary.

Note: If the rehabilitation of the site and the implementation of the biodiversity offset strategy is completed to the satisfaction of the Secretary, then the Secretary will release the bond. If the rehabilitation of the site and the implementation of the biodiversity offset strategy is not completed to the satisfaction of the Secretary, then the Secretary will call in all or part of the bond, and arrange for the completion of the relevant works.

31. Within 3 months of submitting a copy of the Independent Environmental Audit report to the Secretary (see condition 8 of Schedule 5), the Proponent shall review, and if necessary, revise the sum of the Rehabilitation and Conservation Bond to the satisfaction of the Secretary. This review must consider the:

(a) effects of inflation;

(b) likely cost of rehabilitating the site (taking into account the likely surface disturbance over the next 3 years of the project) and implementing the biodiversity offset strategy; and

(c) performance of the implementation of the rehabilitation of the site and the biodiversity offset strategy to date.

16. In condition 32 of Schedule 3:
- before “Aboriginal Heritage Management Plan”, delete “a” and replace with “an updated”.
- delete all references to “Aboriginal community” or “Aboriginal communities” and insert “registered Aboriginal parties”.

17. In condition 32 (b) of Schedule 3, delete “prior to carrying out any development on site” and insert “by 31 August 2015”.

18. In condition 32 (c) of Schedule 3, in the first dot point, before “would” insert “have been and/or”.

19. In condition 32 (c) of Schedule 3, after the first dot point, insert the following:

- description of the measures that would be implemented to avoid disturbance to known sites of archaeological significance (including relocated sites) during the project (including updating operational plans and maps to identify the location of sites to be protected);

20. Delete condition 35 of Schedule 3 and insert the following:

Traffic Management

35. The Proponent shall prepare and implement an updated Traffic Management Plan for the project to the satisfaction of the Secretary. The plan must:

(a) be prepared by a suitably qualified traffic consultant, in consultation with RMS and Council, and submitted to the Secretary for approval by 31 August 2015;

(b) describe the measures that would be implemented to avoid dispatching large groups or convoys of laden trucks via Red Hills Road onto the Hume Highway during peak periods;

(c) include a code of conduct for heavy vehicle drivers that addresses:

- travelling speeds;
- procedures to ensure that drivers adhere to the designated transport routes; and
- procedures to ensure that drivers implement safe driving practices, particularly when entering the Hume Highway from Red Hills Road;

(d) describe the measures that would be implemented to ensure compliance with the transport operating conditions under this approval; and
(e) include a program to monitor the effectiveness of the implementation of these measures.

21. In condition 46 of Schedule 3, delete “AEMR” and insert “Annual Review”.

22. Delete Schedule 5, and insert the following:

SCHEDULE 5
ENVIRONMENTAL MANAGEMENT, MONITORING, REPORTING & AUDITING

ENVIRONMENTAL MANAGEMENT STRATEGY

1. The Proponent shall update the Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy shall be submitted to the Secretary for approval by 31 August 2015 and must:
(a) provide the strategic framework for environmental management of the project;
(b) identify the statutory requirements that apply to the project;
(c) describe how the environmental performance of the project would be monitored and managed;
(d) describe the procedures that would be implemented to:
- keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
- receive, handle, respond to, and record complaints;
- resolve any disputes that may arise during the life of the project;
- respond to any non-compliance;
- manage cumulative impacts; and
- respond to emergencies;

(e) include:
- copies of any strategies, plans and programs approved under the conditions of this approval; and
- a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.

ANNUAL REVIEW

2. By the end of September each year, or other timing as may be agreed by the Secretary, the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary. This review must:
(a) describe the project (including rehabilitation) that was carried out in the previous financial year, and the project 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 project over the previous calendar 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 EA;

(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 project;
(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
(f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the project.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

3. Within 3 months of a modification to this approval or following the submission of an:
(a) annual review under condition 3 above:
(b) incident report under condition 6 below; or
(c) audit report under condition 8 below,
the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.

Note: This is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve the environmental performance of the project.

COMMUNITY CONSULTATIVE COMMITTEE

4. The Proponent shall establish and maintain a Community Consultative Committee (CCC) for the project to the satisfaction of the Secretary. This CCC must be operated in general accordance with the *Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007, or its latest version).

   Notes:
   - *The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval.*
   - *In accordance with the guideline, the Committee should comprise an independent chair and appropriate representation from the Proponent, Council and the local community.*
   - *This condition may be satisfied by a combined CCC covering a number of quarry operations in the region.*

REPORTING

Incident Reporting

5. The Proponent shall immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

6. The Proponent shall provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval, and to the satisfaction of the Secretary.

INDEPENDENT ENVIRONMENTAL AUDIT

7. Within 12 months of the date of the commencement of the project, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit shall:
   (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been approved by the Secretary
   (b) include consultation with the relevant agencies;
   (c) assess the environmental performance of the project, and whether it is complying with the relevant requirements in this approval and any relevant EPL (including any assessment, plan or program required under these approvals);
   (d) review the adequacy of any strategy/plan/program required under these approvals, and
   (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under these approvals.

   Note: This audit team must be led by a suitably qualified auditor and may include additional experts in any field specified by the Secretary.

8. Within 6 weeks of the completion of this audit, unless the Secretary agrees otherwise, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

9. For the duration of the project, the Proponent shall:
   (a) make copies of the following publicly available on its website:
      - the EA;
      - all relevant statutory approvals for the project;
      - all strategies, plans and programs required under the conditions of this approval;
      - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;
      - a complaints register, which is to be updated on a monthly basis;
      - minutes of CCC meetings;
      - the annual reviews of the project (for the last 5 years);

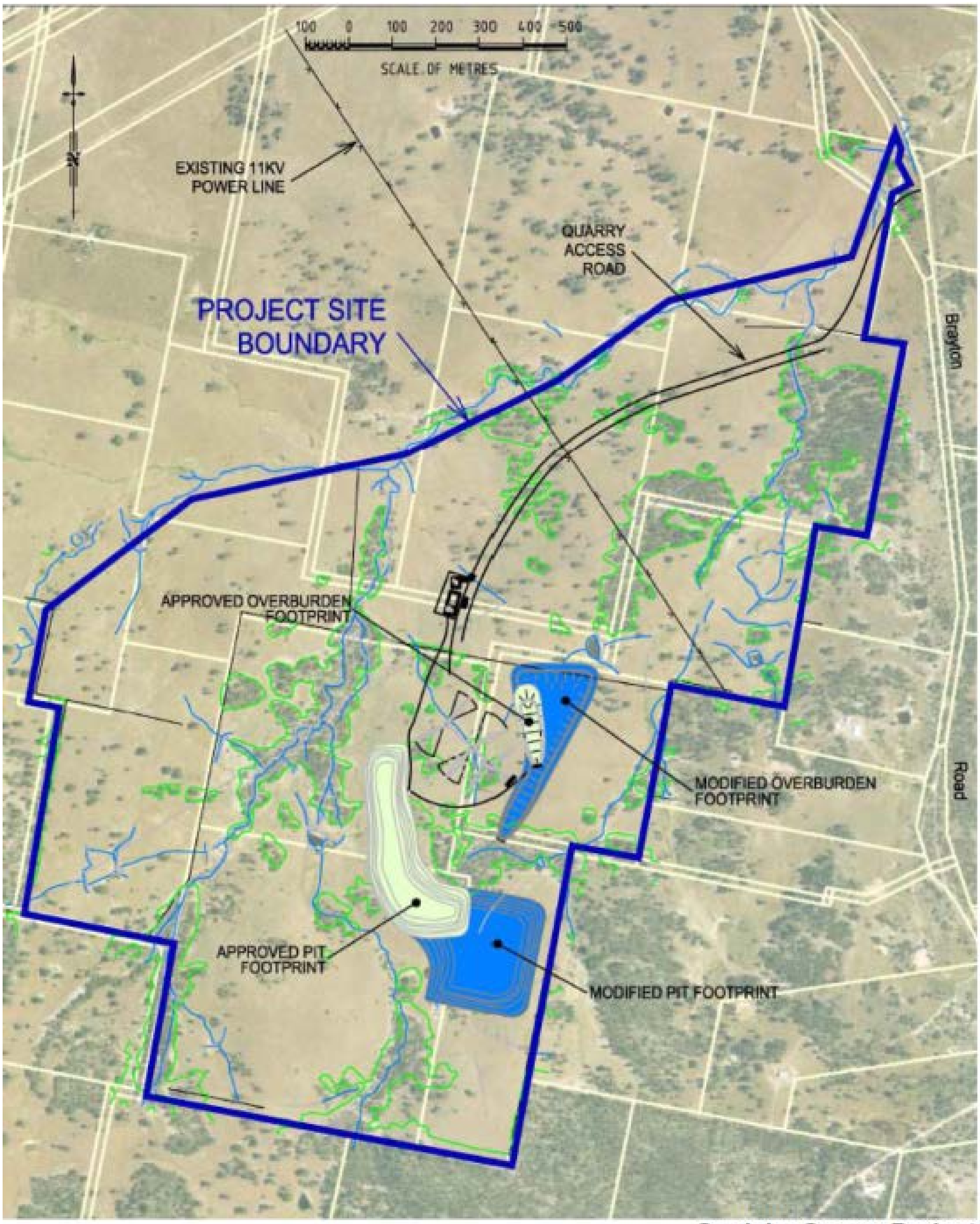
- any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;
- any other matter required by the Secretary; and

(b) keep this information up-to-date,

to the satisfaction of the Secretary.

23. Delete Appendix 2 and insert the following:

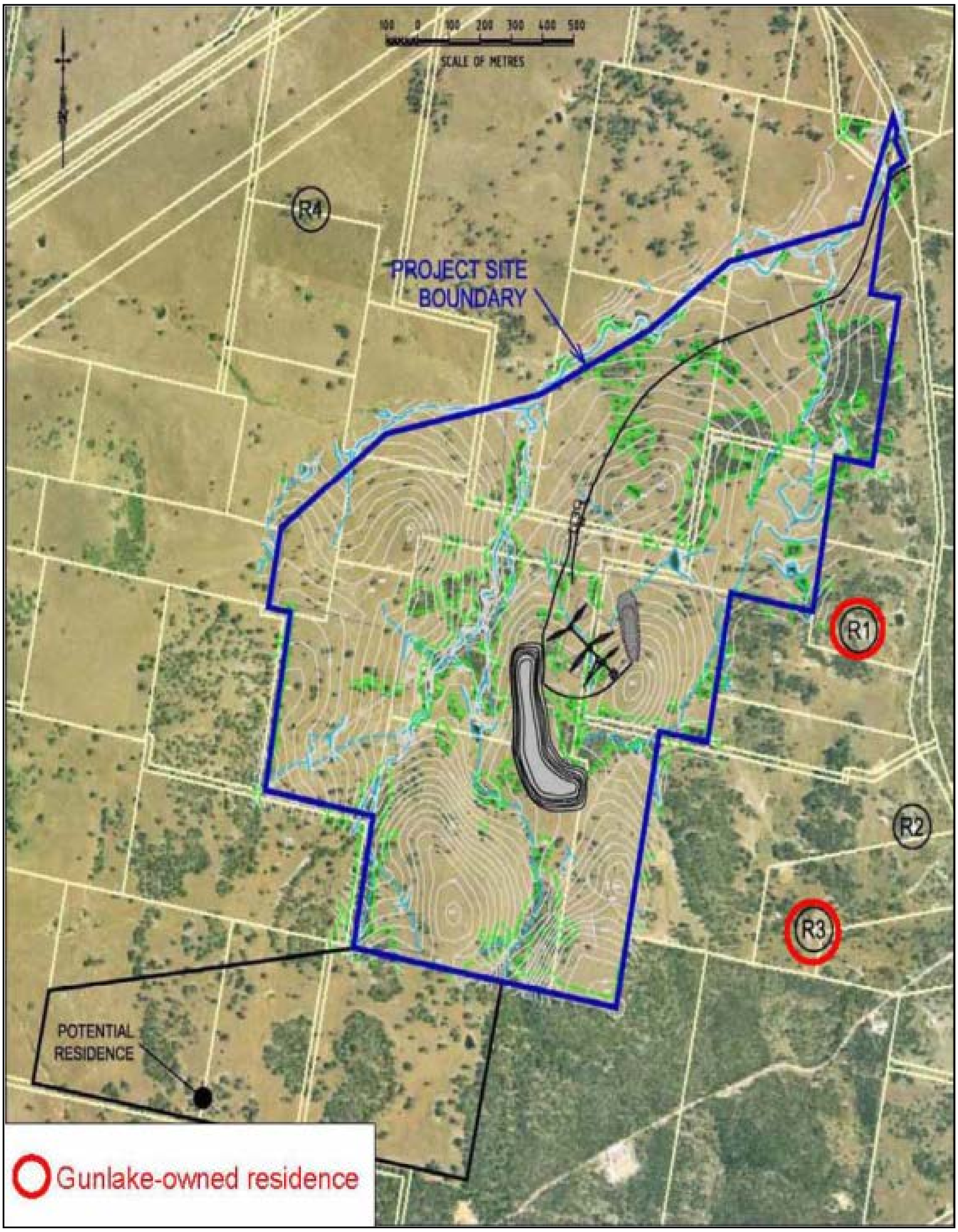
APPENDIX 2
GENERAL LAYOUT OF PROJECT



Gunlake Quarry Project
Figure 2.1. Project Site Layout

24. Delete Appendix 4 and insert the following:

APPENDIX 4
NOISE ASSESSMENT LOCATIONS



25. Delete Appendix 6 and insert the following:

APPENDIX 6
BIODIVERSITY OFFSET STRATEGY