

Notice of Modification

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

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



Member of the Commission

Sydney



Member of the Commission

11 December 2013

SCHEDULE 1

Project approval 07_0155 for the Ardmore Park Quarry Project, granted by the Minister for Planning on 20 October 2009.

SCHEDULE 2

1. Delete the definitions for "DECC", "Department", "Director-General", "DWE", "Minister" and "RTA" in Schedule 1 and insert the following in alphabetical order:

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure (or nominee)
DRE	Division of Resources and Energy within the Department of Trade and Investment, Regional Services and Infrastructure
EA (Mod 2)	Modification application 07_0155 Mod 2 and supporting documentation titled <i>Environmental Assessment to support a S75W Modification of PA 07_0155</i> , dated June 2013, prepared by R.W. Corkery & Co Pty Ltd, including the reposed to submissions dated September 2013
EPA	Environment Protection Authority
Principal local haulage route	The product transport route as outlined in EA (Mod 2) and Appendix 6
Minister	Minister for Planning and Infrastructure, or delegate
NOW	NSW Office of Water within DPI
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
2. Delete all references to "DWE" and replace with "NOW".
3. Delete all reference to "RTA" and replace with "RMS".
4. Delete all reference to "DECC" and replace with:
 - (a) "OEH", in conditions 20 and 24 of Schedule 3; and
 - (b) "EPA" in all other cases
5. In condition 41 of Schedule 3, replace the reference to "DPI" with "DRE".
6. In condition 2 of Schedule 2, after paragraph (a1) insert:
 - (a2) EA (Mod 2);
7. Replace condition 13 of Schedule 2 with:
 13. The Proponent shall pay Council a monthly contribution of 4.43 cents per kilometre per tonne of material trucked from the site for the upgrade and maintenance of roads in accordance with *Goulburn Mulwaree Section 94 Development Contributions Plan 2009 Amendment No. 2* in force at the date of

this approval. The contribution amount shall be adjusted annually to account for the effects of inflation (Consumer Price Index).

8. In Table 2 of condition 3 of Schedule 3, include "Tarago Road" and "Windellama Road" in the "Roads" column.
9. In condition 25 of Schedule 3, delete the word "The" where first-occurring, and insert instead "Subject to condition 25A, the".
10. After condition 25 of Schedule 3, insert the following:
 - 25A. The Proponent shall, in relation to the principal local haulage route:
 - a. restrict all product transport from the site until it has completed the quarry access intersection upgrade works;
 - b. restrict product transport to 20,000 tonnes per annum, to be transported at a maximum rate of five laden trucks per day and to be delivered to customers located only within 100km of the site;
 - c. adhere to limits on weight-restricted bridges and roads at all times;
 - d. avoid use of the western section of Lumley Road, west of Windellama Road during and after periods of heavy rain; and
 - e. ensure no truck movements occur by Windellama Public School between the hours of 8:00 am to 9:30 am and 2:30 pm to 4:00 pm and also ensure that trucks adhere to a speed limit of 40 km/h in the vicinity of the school during school hours.
 - f. consult and enter into arrangements with drivers of local school buses along the route to minimise heavy vehicles on the road during school bus pick up and drop off times.
11. After condition 5A of Schedule 5, insert the following:

Management Plan Requirements

- 5B. The Applicant shall ensure that the Management Plans required under this consent are prepared in accordance with any relevant guidelines, and include:
 - (a) detailed baseline data;
 - (b) a description of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures/criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - impacts and environmental performance of the development; and
 - effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Note: The Director-General may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

12. In condition 11 of Schedule 5, insert ")" at the end of "every 3 months."
13. After condition 11 of Schedule 5, insert the following:

Adaptive Management

12. The Applicant shall assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

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

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

14. After Appendix 5, insert the following:

APPENDIX 6
PRINCIPAL LOCAL HAULAGE ROUTE

