

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.



Howard Reed
Director
Resource Assessments

Sydney

27 April

2018

SCHEDULE 1

The project approval (MP 09_0175) for the Karuah East Quarry Project, granted by the Minister for Planning on 17 June 2014.

SCHEDULE 2

1. In the list of definitions, delete the following terms and their definitions: "Conditions of this approval", "Council", "Day", "DRE", "km" and "NOW" and insert the following in alphabetical order:

Conditions of this approval	Conditions contained in Schedules 2 to 5 inclusive
Council	MidCoast Council
Department	Department of Planning and Environment
DoI-Water	Department of Industry – Crown Lands and Water Division
DRG	Division of Resources and Geoscience within the Department
EA MOD 1	Environmental Assessment titled <i>Karuah East Quarry Section 75W Application (MOD 1) Minor Increase to Approved Disturbance Area</i> prepared by ADW Johnson Pty Limited and dated 18 January 2018; including the response to submissions prepared by ADW Johnson Pty Limited and dated 9 March 2018
Mitigation	Activities associated with reducing the impacts of the project
Modification 1	The modifications to the project, as described in EA (MOD 1)
Project layout	The layout of the project as shown in the figures in Appendix 1
Public infrastructure	Linear and other infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Residence	Existing or approved dwelling at the date of approval of Modification 1
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

2. Delete all references to "shall" and replace with "must".
3. Delete all instances of the words "and implement".
4. In condition 2 of Schedule 2 delete sub-paragraph (c) and the "Note" and replace with the following:
(c) EA (MOD 1).

5. Following condition 2 of Schedule 2 and insert the following:
 - 2A. The Proponent must carry out the project in accordance with the conditions of this approval.
6. Delete condition 3 and 4 of Schedule 2 and replace with the following:
 3. The conditions of this approval and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document referenced in condition 2 of this Schedule. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of approval or direction of the Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.
 4. Consistent with the requirements of this approval, the Secretary may make written directions to the Proponent 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 approval, including those that are required to be, and have been, approved by the Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in (a) above.
7. In the first dot-point of the "Notes" after condition 8 of Schedule 2, delete the term "4A" and replace with "6".
8. In condition 14 of Schedule 2, in sub-paragraph (a), delete the term "DRE" and replace with "DRG".
9. After condition 14 of Schedule 2, insert the following:

COMPLIANCE

15. The Proponent must ensure that all employees, contractors and sub-contractors are made aware of, and instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

16. References in the conditions of this approval 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 approval.

However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Secretary may, when issuing directions under this approval 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.
10. After the existing text in conditions 7, 12, 16, 21, 26, 32, 33, and 36 in Schedule 3, insert the words "The Proponent must implement the plan as approved by the Secretary."
11. After the existing text in condition 27 of Schedule 3, insert the words "The Proponent must implement the program as approved by the Secretary."
12. In condition 28 of Schedule 3, delete the word "EA" and replace with the words "documents listed in condition 2 of Schedule 2", and in Table 10, delete the number "129.32" and replace with "130.36".
13. After the existing text in condition 28 of Schedule 3 and condition 1 of Schedule 5, insert the words "The Proponent must implement the strategy as approved by the Secretary."
14. In condition 32 of Schedule 3, delete the word "The" and replace with the words "Within 6 months of the date of approval of Modification 1, the".
15. Delete sub-paragraph (a) of condition 6 of Schedule 5, and replace with the following:
 - (a) be established and operated in general accordance with the *Community Consultative Committees Guidelines for State Significant Projects* (Department of Planning and Environment, 2016); and

16. In condition 11 of Schedule 5, delete the second sub-paragraph (a) and replace with the following:
(b) keep this information up-to-date, to the satisfaction of the Secretary.
17. Delete the first figure in Appendix 1 and replace with the following

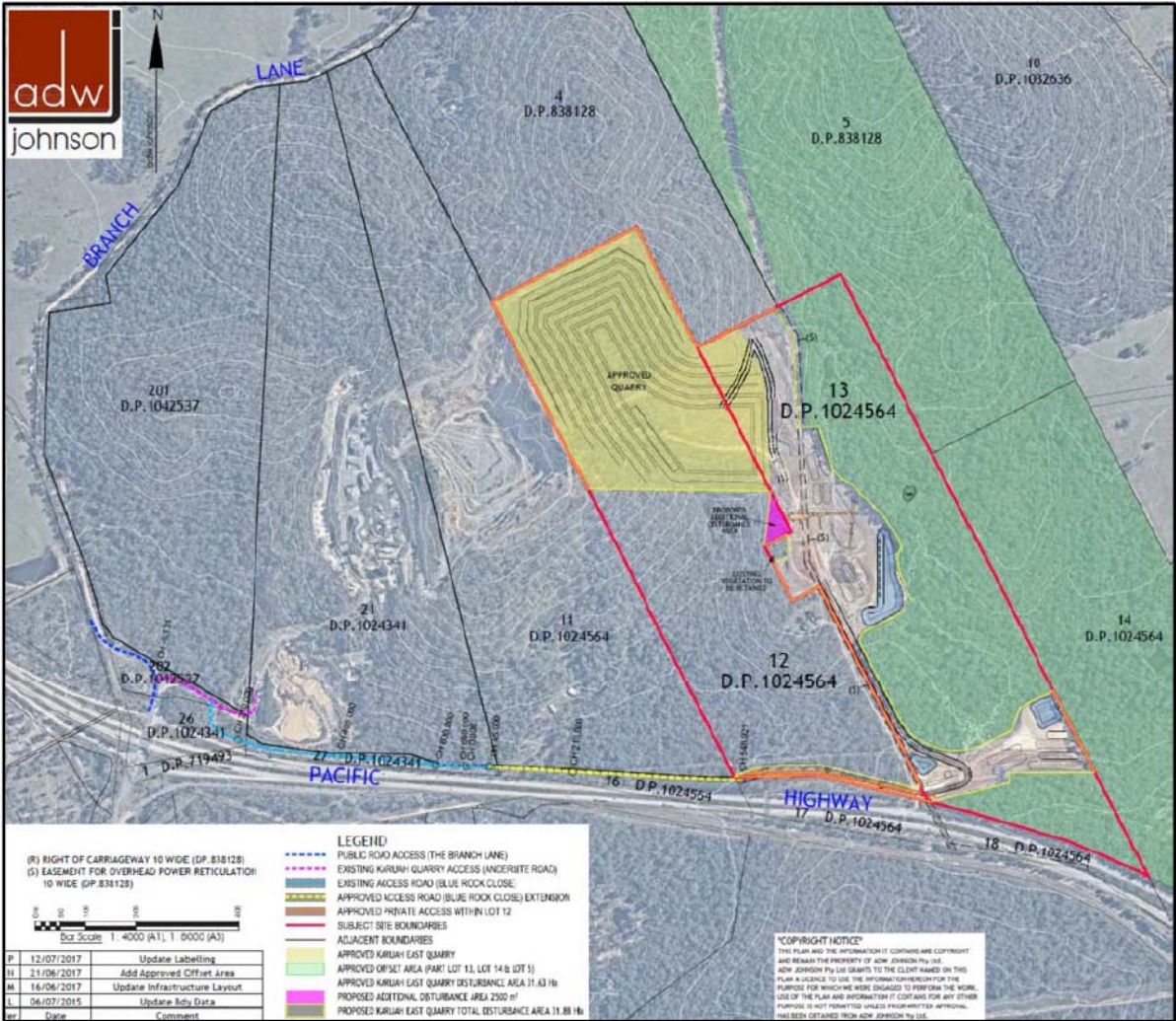


Figure 1: Project Layout

18. Update the table of contents to reflect the above changes.