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

Howard Reed
Director
Resource Assessments

Sydney 19 December 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 terms "Incident", "Material harm", "Non-compliance" and "Secretary" and their definitions and insert the following in alphabetical order:

EA (MOD 2)	Environmental Assessment titled *Karuah East Quarry Section 75W Application (MOD 2) Minor Increase to Approved Disturbance Area* prepared by ADW Johnson Pty Limited and dated 30 August 2018, including the response to submissions prepared by ADW Johnson Pty Limited and dated 25 October 2018
Incident	The occurrence of a set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Material harm	Is harm 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.
Modification 2	The modification to the project, as described in EA (MOD 2)
Planning Secretary	Planning Secretary under the EP&A Act, or nominee

2. Replace "Secretary" with "Planning Secretary", wherever occurring.

3. In condition 2 of Schedule 2:
   a) at the end of paragraph (b), delete "and";
   b) at the end of paragraph (c) delete "." and insert "; and"; and
   c) after paragraph (c), insert the following;
      (d) EA (MOD 2).

4. After condition 16 of Schedule 2, insert the following:

EVIDENCE OF CONSULTATION

17. Where conditions of this approval require consultation with an identified party, the Proponent must:
    (a) consult with the relevant party prior to submitting the subject document for approval; 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 Proponent and how the Proponent has addressed the matters not resolved.

5. In conditions 27 and 34 of Schedule 3, delete "P&I" and replace with "the Department".

6. Delete condition 7 of Schedule 5 and the heading "**Incident Reporting**" and replace with:

Incident Notification

7. The Proponent 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 Project (including the project application number and name) and set out the location and nature of the incident.

Non-compliance Notification

7A. Within seven days of becoming aware of a non-compliance, The Proponent must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the Project (including the project application number and name), set out the condition of this approval that the Project is non-compliant with, the way in which 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.*

7. Delete condition 10 of Schedule 5 and replace with:

10. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, the Proponent must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Note: *The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.*

8. Delete the first figure in Appendix 1 and replace with the following:

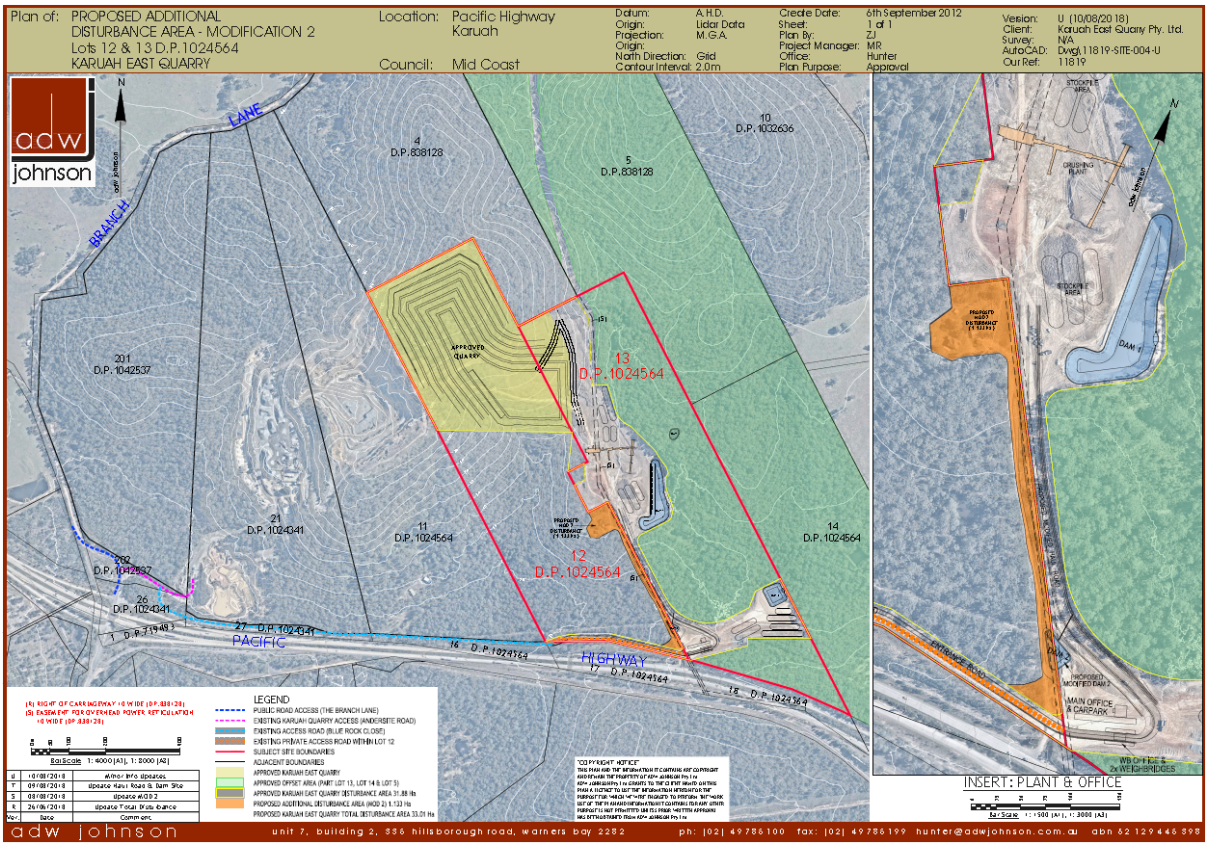

***Figure 1**: Project Layout*

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