

# 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

16th April

2018

### SCHEDULE 1

The project approval (MP 10\_0183) for Teralba Quarry Extension Project, granted by the Director General, as delegate of the Minister for Planning, on 22 February 2013.

### SCHEDULE 2

1. In the list of definitions:

- (a) delete the following terms and their definitions: "Biodiversity offset strategy", "Department", "Director-General", "DPI", "DRE"; "EA", "Material harm to the environment", "Minister", "OEH", "Project", "Quarrying operations" and "Statement of commitments", and insert the following in alphabetical order:

Aboriginal object or place	Has the same meaning as in the <i>National Parks and Wildlife Act 1974</i>
Dol Water	Department of Industry – Crown Lands and Water
Department	Department of Planning and Environment
DPI	NSW Department of Primary Industries
DRG	Division of Resources and Geoscience within the Department
EA	Environmental Assessment of the project titled <i>Environmental Assessment for the Teralba Quarry Extensions, Major Project Application No. 10_0183</i> , prepared by RW Corkery & Co Pty Limited and dated November 2011; <i>Teralba Quarry Extensions Response to Submissions</i> , prepared by RW Corkery & Co Pty Limited and dated June 2012; <i>Risk Review of Current and Planned Operations at Teralba Quarry for Stand-off Distances, Gases and Spontaneous Combustion</i> , prepared by Mining Operations Services Pty Ltd and dated January 2013; <i>Re: Modified Noise Modelling</i> prepared by Spectrum Acoustics dated 30 January 2013; <i>Annexure 9 Further Information on the Biodiversity Offset for the Teralba Quarry Extensions</i> dated August 2012; and <i>Re: Teralba Quarry Extensions – Traffic Assessment</i> dated 27 August 2012.
EA (Mod 1)	Environmental Assessment titled <i>Environmental Assessment of Modification 1 for Project Approval 10_0183 for the Teralba Quarry</i> prepared by RW Corkery & Co Pty Limited and dated December 2017; <i>Re: Teralba Quarry - Response to Submissions for the Proposed Modification to Project Approval 10_0183</i> , prepared by RW Corkery & Co Pty Limited and dated 15 February 2018; and the <i>Re: Teralba Quarry – Additional Information Request for the Proposed Modification to Project Approval 10_0183</i> , prepared by RW Corkery & Co Pty Limited and dated 21 February 2018.
Feasible	Means what is possible and practicable under the circumstances
Incident	An occurrence or set of circumstances that: <ul style="list-style-type: none"><li>causes or threatens to cause material harm to the environment; and/or</li><li>exceeds the limits or performance measures/criteria in this approval</li></ul>
Material harm to the environment	Is unauthorised harm that: <ul style="list-style-type: none"><li>involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</li></ul>

	<ul style="list-style-type: none"> <li>• 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)</li> </ul>
Minister OEH Project	Minister for Planning, or delegate NSW Office of Environment and Heritage The project as described in the documents listed in condition 2A of Schedule 2
Project Layout Public Infrastructure	The plans at Appendix 1 and Appendix 2 of this approval 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.
Quarrying operations	The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal and emplacement of vegetation, topsoil and overburden
Quarry products	Includes all saleable quarry products, but excludes tailings, other wastes and rehabilitation material
Secretary	Planning Secretary under the <i>Environmental Planning and Assessment Act 1979</i> , or nominee
Statement of commitments	The information reproduced in Appendix 3 of this approval

2. Delete all references to "Director-General" and replace with "Secretary".
3. Delete all references to "schedule", and replace with "Schedule", except in condition 14 of Schedule 3.
4. Delete all references to "shall" and replace with "must" except in condition 3 of Schedule 2.
5. Delete all references to "DRE" and replace with "DRG".
6. Delete condition 2 of Schedule 2 and insert the following:
  2. The Proponent, in acting on this approval, must carry out the project:
    - (a) in compliance with the conditions of this approval;
    - (b) in accordance with the statement of commitments; and
    - (c) in accordance with all written directions of the Secretary.
  - 2A. The Proponent, in acting on this approval, must carry out the project:
    - (a) generally in accordance with the EA;
    - (b) generally in accordance with the EA (Mod 1); and
    - (c) generally in accordance with the project layout.
7. In condition 3 of Schedule 2, delete the words "above documents" and replace with "documents identified in condition 2A".
8. Delete condition 4 of Schedule 2 and insert the following:
  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.
  - 4A. The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
    - (a) any strategies, plans, programs, reviews, audits, reports or correspondence submitted in accordance with this approval (including any stages of these documents);
    - (b) any reviews, reports or audits commissioned by the Department regarding compliance with this approval; and
    - (c) the implementation of any actions or measures contained in these documents.

## COMPLIANCE

- 4B. 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 project.
9. In condition 13 of Schedule 2 and its note, delete "Mine Subsidence Board" and replace with "Subsidence Advisory NSW".

10. In condition 4(e) of Schedule 3, in the second dot point, delete the word “identifies” and replace with “identifies”.
11. In conditions 4, 8, 16, 20, 26, 44, 48 and 49 of Schedule 3:
  - (a) delete the words “and implement” after the word “prepare”; and
  - (b) at the end of the condition, insert the following: “The Proponent must implement the plan as approved by the Secretary.”.
12. In condition 19 of Schedule 3:
  - (a) in subparagraph (d) delete the word “and”;
  - (b) in subparagraph (e) delete the words “, other than as permitted under this approval.” and replace with “and undertake progressive rehabilitation of the site; and”;
  - (c) after subparagraph (e) insert the following:
    - (f) monitor and report on compliance with the relevant air quality conditions in this approval, to the satisfaction of the Secretary.
13. Delete condition 41 of Schedule 3.
14. After condition 49 of Schedule 3, insert the following:
  - 49A. If any suspected Aboriginal object or place is identified on site, the Proponent must ensure that:
    - (a) all work in the immediate vicinity of the suspected Aboriginal object or place ceases immediately;
    - (b) a 10 m buffer area around the suspected Aboriginal object or place is cordoned off; and
    - (c) OEH is contacted immediately.

Work in the immediate vicinity of the Aboriginal object or place may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

15. In Schedule 3, replace the heading “LANDSCAPE” with “BIODIVERSITY AND REHABILITATION”
16. Delete conditions 52 to 59 of Schedule 3 and replace with the following:

**Biodiversity Offset Strategy**

52. The Proponent must retire biodiversity credits specified in conditions 54 to 56 of this schedule in accordance with the Biodiversity Offset Scheme of the *Biodiversity Conservation Act 2016*, to the satisfaction of the Secretary and OEH.
53. The Proponent must prepare and submit a Biodiversity Offset Strategy to the satisfaction of the Secretary. This strategy must:
  - (a) be submitted for approval by the Secretary prior to 30 June 2018, or as otherwise agreed by the Secretary; and
  - (b) be prepared in accordance with the *Biodiversity Conservation Act 2016*; and
  - (c) provide for the retirement of biodiversity credits as specified in conditions 54 to 56 of this schedule.

The Proponent must implement the Biodiversity Offset Strategy to the satisfaction of the Secretary and OEH.

54. By 31 December 2018, unless otherwise approved by the Secretary, the Proponent must retire all biodiversity credits listed in Table 8 to the satisfaction of the Secretary and OEH.

*Table 8: Biodiversity Credits to be retired by 31 December 2018*

<b>Credit Type</b>	<b>Offset Type</b>	<b>Number of Credits</b>
Ecosystem Credits	PCT1589 ‘Spotted Gum – Broad-leaved Mahogany – Grey Gum grass – shrub open forest on Coastal Lowlands of the Central Coast’	670
Species Credits	Black-eyed Susan ( <i>Tetradlea juncea</i> )	1103

55. Prior to any vegetation clearing in Southern Extension Stage 3 (see Figure 7 of Appendix 5) the Proponent must retire all biodiversity credits listed in Table 8a to the satisfaction of the Secretary and OEH.

*Table 8a: Biodiversity credits to be retired prior to vegetation clearing in Southern Extension Stage 3*

<b>Credit Type</b>	<b>Offset Type</b>	<b>Number of Credits</b>
Ecosystem Credits	PCT1589 - ‘Spotted Gum – Broad-leaved Mahogany – Grey Gum grass – shrub open forest on Coastal Lowlands of the Central Coast’	171

56. Prior to any vegetation clearing in Northern Extension Stages 1, 2 or 3 (see Figure 7 of Appendix 5) the Proponent must retire all biodiversity credits listed in Table 8b to the satisfaction of the Secretary and OEH.

Table 8b: Biodiversity credits to be retired prior to vegetation clearing in Northern Extension Stages 1, 2 or 3

<b>Credit Type</b>	<b>Offset Type</b>	<b>Number of Credits</b>
Ecosystem Credits	PCT1589 - 'Spotted Gum – Broad-leaved Mahogany – Grey Gum grass – shrub open forest on Coastal Lowlands of the Central Coast'	502

### Long Term Security of Offsets

57. Within 6 months of the approval of the Biodiversity Offset Strategy, or as otherwise agreed by the Secretary, the Proponent must make suitable arrangements for the long-term protection of any land identified in the Strategy, to the satisfaction of the Secretary.

### Rehabilitation Objectives

58. The Proponent must rehabilitate the site to the satisfaction of the Secretary. This rehabilitation must be generally consistent with the proposed rehabilitation strategy in the EA and Appendix 6, and comply with the objectives in Table 9.

Table 9: Rehabilitation Objectives

<b>Feature</b>	<b>Objective</b>
Site (as a whole)	<ul style="list-style-type: none"> <li>• Safe</li> <li>• Hydraulically and geotechnically stable</li> <li>• Non-polluting</li> <li>• Fit for the intended post-mining land use(s)</li> <li>• Final landform integrated with surrounding natural landforms as far as is reasonable and feasible</li> <li>• Minimising visual impacts when viewed from surrounding land</li> </ul>
Surface infrastructure	<ul style="list-style-type: none"> <li>• Decommissioned and removed, unless otherwise agreed by the Secretary</li> </ul>
Benched quarry walls	<ul style="list-style-type: none"> <li>• Landscaped and revegetated utilising native tree and understorey species, ensuring that the tree canopy is restored and integrated with the surrounding canopy to minimise visual impacts</li> </ul>
Quarry pit floors and silt ponds	<ul style="list-style-type: none"> <li>• Landscaped and revegetated utilising native flora species and felled trees from clearing</li> <li>• Revegetation not required for existing and proposed industrial areas</li> </ul>
Other land affected by the project	<ul style="list-style-type: none"> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of: <ul style="list-style-type: none"> <li>○ native endemic species</li> <li>○ a landform consistent with Figure 8 (Appendix 6) and the surrounding environment</li> </ul> </li> </ul>

### Progressive Rehabilitation

59. The Proponent must 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 future re-disturbance.*

### Biodiversity and Rehabilitation Management Plan

60. The Proponent must prepare a Biodiversity and Rehabilitation Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified expert and in consultation with DRG, DPI and Council;
  - (b) be submitted to the Secretary for approval within 12 months of the date of approval of Modification 1;
  - (c) provide details of the conceptual final landform and associated land uses for the site;

- (d) describe how the implementation of the Biodiversity Offset Strategy would be integrated with the overall rehabilitation of the site;
- (e) describe the short, medium and long-term measures that would be implemented to:
  - manage remnant vegetation and habitat on site;
  - implement the Biodiversity Offset Strategy; and
  - ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this approval;
- (f) include detailed performance and completion criteria for evaluating the performance of the Biodiversity Offset Strategy and the rehabilitation of the site (including progressive rehabilitation), including triggering remedial action (if necessary);
- (g) include a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:
  - ensuring compliance with the rehabilitation objectives and progressive rehabilitation obligations in this approval;
  - enhancing the quality of remnant vegetation and fauna habitat;
  - protecting and restoring native endemic vegetation and fauna habitat within any offset areas and rehabilitation areas;
  - maximising the salvage of environmental resources within the approved disturbance area – including tree hollows, vegetative and soil resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area;
  - collecting and propagating seed;
  - ensuring minimal environmental consequences for the local *Tetratheca juncea* population;
  - protecting vegetation and fauna habitat outside the approved disturbance area on-site;
  - minimising the impacts on native fauna on site, including undertaking appropriate pre-clearance surveys;
  - controlling weeds and feral pests;
  - controlling erosion;
  - controlling access; and
  - bushfire management;
- (h) include a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;
- (i) identify the potential risks to successful implementation of the Biodiversity Offset Strategy and rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
- (j) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

The Proponent must implement the plan as approved by the Secretary.

### Rehabilitation Bond

61. Within 6 months of the approval of the Biodiversity and Rehabilitation Management Plan, the Proponent must lodge a Rehabilitation Bond with the Department to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Biodiversity and Rehabilitation Management Plan and the relevant conditions of approval. The sum of the bond must be determined by:
- (a) calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely surface disturbance over the next 3 years of quarrying operations; and
  - (b) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs to the satisfaction of the Secretary.

The calculation of the Rehabilitation Bond must be submitted to the Department for approval at least 2 months prior to the lodgement of the bond.

62. The Rehabilitation Bond must be reviewed and, if required, an updated bond must be lodged with the Department within 3 months following:
- (a) an update or revision to the Biodiversity and Rehabilitation Management Plan;
  - (b) the completion of an Independent Environmental Audit in which recommendations relating to the rehabilitation of the site have been made; or
  - (c) in response to a request by the Secretary.

#### Notes:

- *If capital and other expenditure required by the Biodiversity and Rehabilitation Management Plan is largely complete, the Secretary may waive the requirement for lodgement of a bond in respect of the remaining expenditure.*
- *If the rehabilitation of the site area is completed to the satisfaction of the Secretary, then the Secretary will release the bond. If the rehabilitation of the site 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.*

## Relocated Powerlines

63. The Proponent must ensure that any relocation of existing powerlines on-site does not cause greater than minor environmental consequences.
17. In condition 1 of Schedule 4, after “practicable,” insert “and no longer than 7 days,”.
18. In condition 2 of Schedule 4:
- (a) in subparagraph (b), after “review”, delete the full stop and replace with a semi-colon and “and”;
  - (b) after subparagraph (b), insert the following:  
  
“(c) comply with any written requests made by the Secretary to implement any findings of the review.”.
19. In condition 1 of Schedule 5:
- (a) delete the words “and implement”;
  - (b) in subparagraph (f) delete the words “copies of” and insert “references to”; and
  - (c) at the end of the condition insert the following:  
  
“The Proponent must implement the strategy as approved by the Secretary.”.
20. Delete condition 2 of Schedule 5, and insert the following:
2. The Proponent must assess and manage project-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 approval 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 Proponent must as soon as becoming aware of any exceedance:
- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;
  - (b) consider all reasonable and feasible options for remediation (where relevant);
  - (c) within 14 days of the exceedance occurring, submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action; and
  - (d) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.
21. After condition 3 of Schedule 5, insert:

## Evidence of Consultation

- 3A. 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 to the Secretary for approval; and
  - (b) provide details of the consultation undertaken, including:
    - the outcome of that consultation, matters resolved and unresolved; and
    - details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed any unresolved matters.
- However, if the Secretary agrees, a strategy, plan or program may be prepared without consultation being undertaken with an identified party required under a condition of this approval.
22. In condition 4 of Schedule 5, in the third dot point of subparagraph (b), delete “EA” and insert “documents listed in condition 2A of Schedule 2”.
23. In condition 5 of Schedule 5, after the last sentence insert the following:  
  
“The Proponent must notify the Department in writing of any such review being undertaken. Where this review leads to revisions in any such document, then within 6 weeks of the review the revised document must be submitted for the approval of the Secretary.”.
24. In condition 6 of Schedule 5 delete the words “*Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007)*” and replace with “*Department’s Community Consultative Committee Guidelines for State Significant Developments, November 2016*”.

25. Replace condition 7 in Schedule 5 with the following:
  7. The Proponent must immediately notify the Secretary (using the contact name, email address and phone number provided by the Department from time to time) and any other relevant agencies of any incident.
  - 7A. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. This report must include the time and date of the incident, details of the incident, measures implemented to prevent re-occurrence and must identify any non-compliance with this approval.
26. In the footer of the document replace the word "Infrastructure" with "Environment".
27. In Appendix 3, delete Action 5.1 and 5.2.
28. Delete Appendix 5, and replace with:

APPENDIX 5

BIODIVERSITY OFFSET STAGES

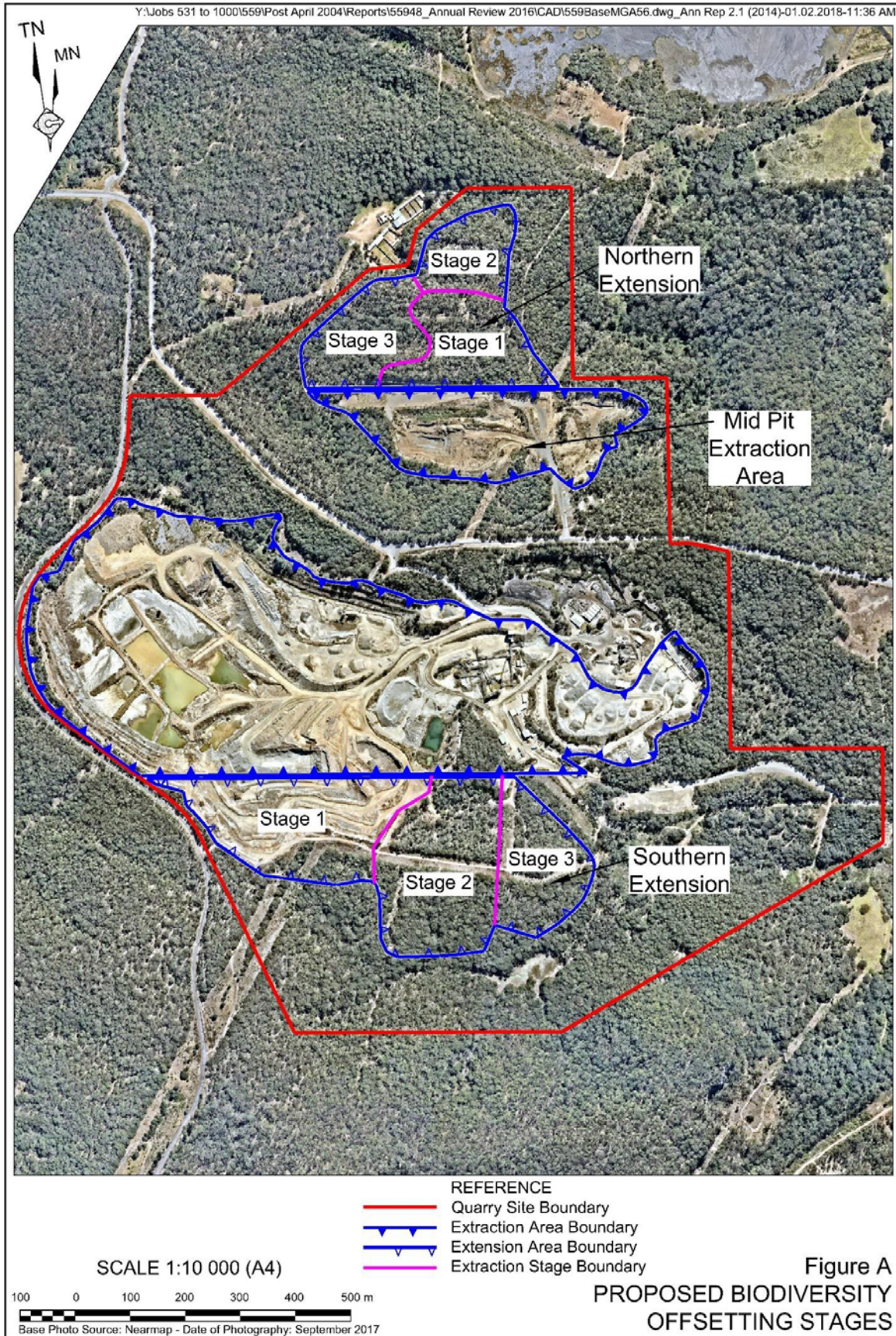


Figure 7: Biodiversity Offset Stages for Northern and Southern Quarry Extensions

29. Update the Table of Contents to reflect the above changes.