

Notice of Modification

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

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



Howard Reed
Director
Resource Assessments

Sydney 30 April

2019

SCHEDULE 1

The development consent (SSD_5109) for the Cooma Road Quarry Continued Operations Project, granted by a delegate of the Minister for Infrastructure and Planning on 27 September 2013.

SCHEDULE 2

1. In the list of Definitions, delete the following terms "Council", "DRE", "DPI Water" and "Secretary" and their definitions and insert the following definitions in alphabetical order:

Council	Queanbeyan – Palerang Regional Council
DRG	Division of Resources and Geoscience within the Department
Dol – Water	Department of Industry – Water
ENM	Excavated Natural Material
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Laden trucks	Trucks transporting quarry products from the site and/or trucks transporting ENM and/or VENM to the site
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
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Quarry products	Includes all saleable quarry products, but excludes tailings and other wastes and rehabilitation material
Secretary	Planning Secretary under the EP&A Act, or nominee
SEE (MOD 2)	Modification application SSD 5109 MOD 2 and the accompanying Statement of Environmental Effects titled <i>Cooma Road Quarry – Statement of Environmental Effects – Modification 2 to Development Consent</i> dated 22 February 2019

2. Delete all references to "DPI Water" and replace with "Dol – Water".

3. Delete all references to “DRE” and replace with “DRG”.
4. In condition 2(a) of Schedule 2, after “SEE (MOD 1)”, insert “, SEE (MOD 2)”.
5. In condition 6 of Schedule 2, delete “saleable extractive materials”, and replace with “quarry products”.
6. In condition 8 of Schedule 2, delete “extractive materials”, and insert “quarry products, ENM or VENM to or”.
7. In condition 9 of Schedule 2, after “quarry products”, delete “and VENM to and” and insert “, ENM or VENM to or”.
8. In condition 13(b) of Schedule 2, delete “the site” and replace with “or received at the site collectively”.
9. In the Note below condition 14 of Schedule 2, after “apply to”, insert “ENM,”.
10. In condition 26 of Schedule 2:
 - (a) in the first paragraph, after “quarry product”, insert “, ENM, VENM,”; and
 - (b) in paragraph (b), after “quarry product”, insert “, ENM, VENM or”.
11. After condition 26 of Schedule 2, insert the following:

EVIDENCE OF CONSULTATION

27. Where conditions of this consent require consultation with an identified party, the Applicant 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 Applicant and how the Applicant has addressed the matters not resolved.

COMPLIANCE

28. The Applicant must ensure that all employees, contractors and sub-contractors are made aware of, and instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the project.

APPLICABILITY OF GUIDELINES

29. References in the conditions of this consent 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 consent.
30. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, when issuing directions under this consent 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.
12. In condition 1 of Schedule 3, in paragraph (a):
 - (a) after “quarry products”, insert “, ENM or VENM”; and
 - (b) after “transported”, insert “to or”.
13. In condition 2 of Schedule 3:
 - (a) delete “and” at the end of paragraph (d);
 - (b) delete “.” at the end of paragraph (e) and replace with “; and”; and
 - (c) after paragraph (e), insert the following:
 - (f) be updated within 3 months of the Applicant identifying a new importation source of ENM or VENM that requires the use of an alternate transport route to those identified in Appendix 6.
14. In condition 5 of Schedule 3, in Table 2 in the “Activity” column:
 - (a) after “Crushing,” insert “Laden”;
 - (b) after “Truck”, delete “Departures” and replace with “Movements”; and
 - (c) delete “Returned” and replace with “Unladen”.

15. In condition 14 of Schedule 3, delete the note reference “a” in Table 5 and replace with “b”.
16. Delete conditions 15 and 16 of Schedule 3, including their headings, and replace with the following:

Air Quality Operating Conditions

15. The Applicant must:
- (a) take all reasonable steps to:
 - (i) minimise odour, fume, greenhouse gas and dust (including PM₁₀ and PM_{2.5}) emissions generated by the development;
 - (ii) minimise any visible off-site air pollution generated by the development; and
 - (iii) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
 - (b) operate an air quality management system to guide the day to day planning of quarrying operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
 - (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d for Tables 4 – 6 above);
 - (d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions in this consent; and
 - (e) regularly assess meteorological and air quality monitoring data and relocate, modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.

Air Quality Management Plan

16. Within 3 months of the determination of Modification 2, the Applicant must prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with the EPA;
 - (c) describe the measures to be implemented to ensure:
 - (i) compliance with the air quality criteria and operating conditions in this consent;
 - (ii) best practice management is being employed; and
 - (iii) air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;
 - (d) describe the air quality management system; and
 - (e) include an air quality monitoring program that:
 - (i) is capable of evaluating the performance of the development against the air quality criteria;
 - (ii) adequately supports the air quality management system; and
 - (iii) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.
17. In condition 6 of Schedule 5, delete “*Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments* (Department of Planning, 2007”, and replace with “*Community Consultative Committee Guidelines: State Significant Projects* (2019”.
18. Delete condition 7 of Schedule 5, including the heading, and insert the following:

Incident Notification

7. The Applicant 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 development (including the development 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 Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development 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.*

19. After condition 11 of Schedule 5, insert the following:

MONITORING AND ENVIRONMENTAL AUDITS

- 11A. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

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