

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

13 May

2019

SCHEDULE 1

The Development Consent (SSD 7036) for the Coraki Quarry Project, granted by the delegate for the Minister for Planning on 18 April 2016

SCHEDULE 2

1. In the list of definitions, delete the terms "DPI-Water", "Incident", "Material harm to the environment" and "Secretary" and their definitions, and insert the following in alphabetical order:

Development Layout	The plan in Appendix 2
Dol Water	NSW Department of Industry – Crown Lands and Water
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
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
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
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Secretary	Planning Secretary under the EP&A Act, or nominee
SEE (MOD 3)	Modification application SSD 7036 Mod 3 and the accompanying letter to the Department from Groundwork Plus dated 11 March 2019
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

2. Delete all references to "DPI-Water" and replace with "Dol Water".
3. Delete the words "approved management plan as approved from time to time", wherever occurring, and insert "management plan as approved".

4. In condition 2(a) of Schedule 2:
- a) delete the first instance of the word "and", and replace with a comma; and
 - b) after "SEE (MOD 2)", insert ", SEE (MOD 3) and the Development Layout".

5. After condition 19 of Schedule 2, insert the following:

APPLICABILITY OF GUIDELINES

- 20. 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.
 - 21. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning 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 guidelines, protocol, Standard or policy, or a replacement of them.
6. In condition 1 of Schedule 5, delete the words "approved management strategy as approved from time to time", and insert "management strategy as approved".
7. In condition 6 of Schedule 5, delete "November 2016", and replace with "January 2019".
8. Delete condition 7 of Schedule 5, including the subheading "Incident Reporting", and replace with 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.

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

MONITORING AND ENVIRONMENTAL AUDITS

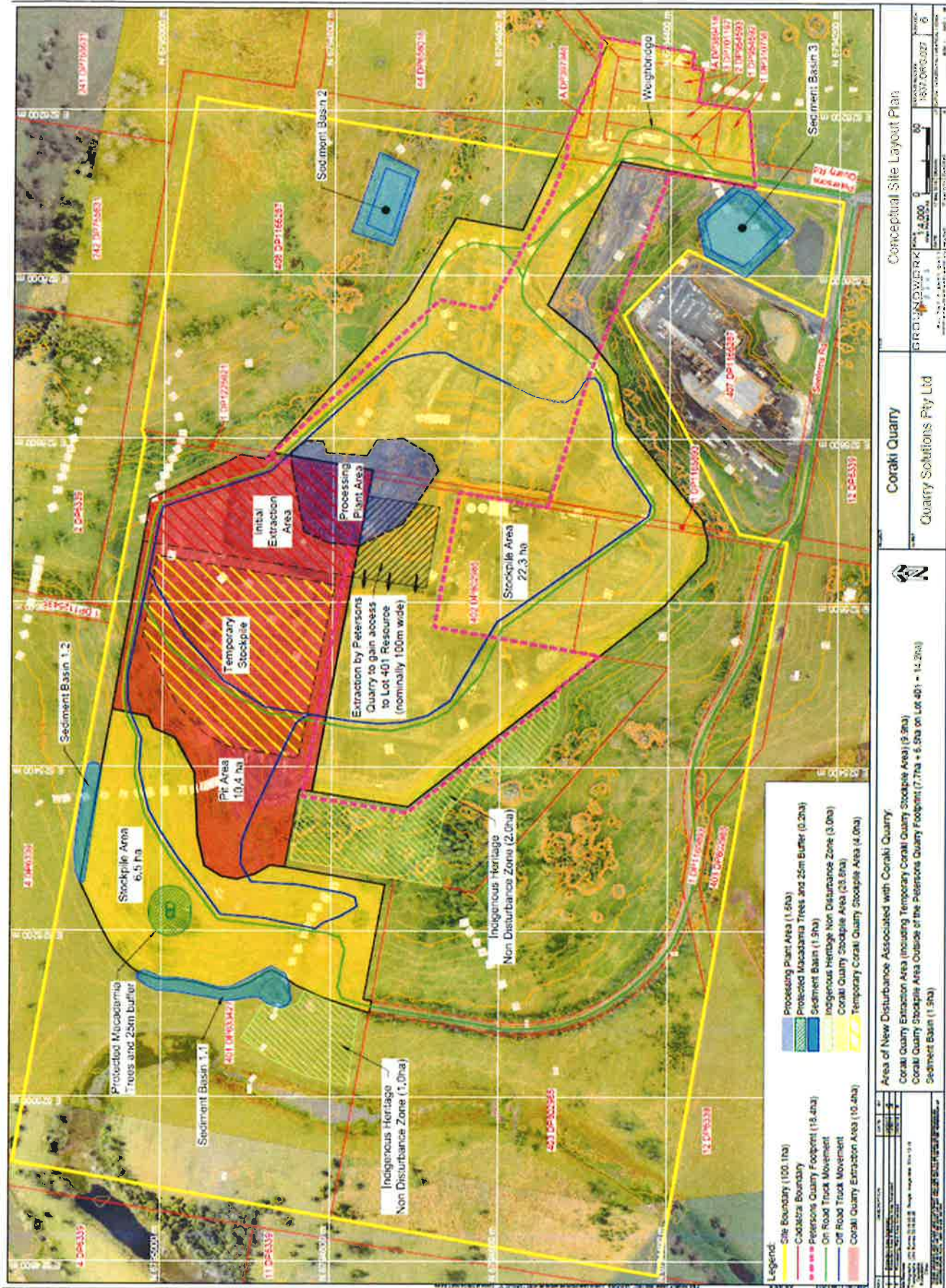
- 11A. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes 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.

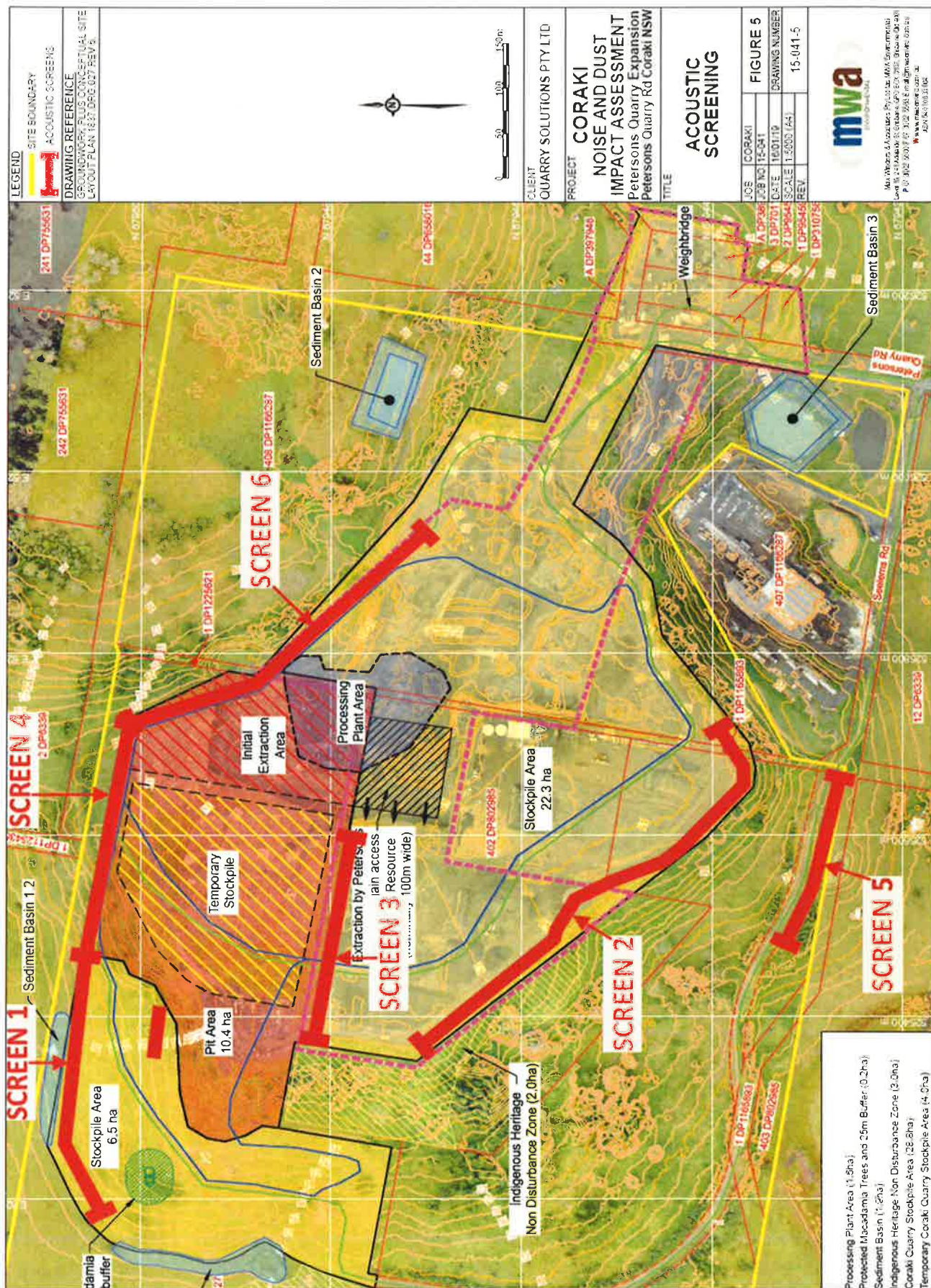
- 11B. Noise, blast and air quality monitoring under this consent is not required at all privately-owned residences and the use of representative monitoring locations can be used to demonstrate compliance with criteria.

10. Delete Appendix 2 and replace with the following:

APPENDIX 2: DEVELOPMENT LAYOUT



11. In Appendix 5, delete the figure and replace with the following:



12. Update the Table of Contents as required.