

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

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



David Kitto
Director, Mining & Industry Projects

Sydney, 19 AUGUST 2011

SCHEDULE 1

The development consent (DA 128-5-2005) granted by the Minister for Planning on 21 December 2005 for the development of the Lynwood hard rock quarry and associated infrastructure, located west of Marulan, in the Goulburn Mulwaree local government area.

SCHEDULE 2

1. Delete the definitions for "DECCW", "Department", "Director-General", "I&I NSW" and "NOW" in the Definitions in Schedule 2, and insert in alphabetical order the following:

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|------------------|---|
| Department | Department of Planning and Infrastructure |
| Director-General | Director-General of the Department of Planning and Infrastructure (or delegate) |
| DRE | Division of Resources and Energy, within the Department of Trade and Investment, Regional Infrastructure and Services |
| NOW | NSW Office of Water, within the Department of Primary Industries |
| OEH | Office of Environment and Heritage |

2. Delete all references to "DECCW" and replace with "OEH".
3. Delete all references to "I&I NSW" and replace with "DRE".
4. In condition 2 of schedule 2, delete all words after "January 2011;" and replace with:
 - e) Modification Application DA 128-5-2005 MOD 3 and the accompanying letter titled *Holcim Lynwood DA128-5-2005; DA128-5-2005 Modification 1 and DA128-5-2005 Modification 2*, dated June 17 2011, prepared by Holcim (Australia) Pty Ltd; and
 - f) Conditions of this consent.
5. Delete condition 6 of schedule 5 and replace with:

ANNUAL REVIEW

6. By the end of September 2011, and annually thereafter, the Applicant shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:

- (a) describe the development (including any rehabilitation) that was carried out in the past financial year, and the development that is proposed to be carried out over the next financial year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past financial year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous financial years; and
 - relevant predictions in the EIS;
 - (c) identify any non-compliance over the past financial year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the project;
 - (e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next financial year to improve the environmental performance of the project.
6. In condition 7 of schedule 5, delete "Within 3 years of the date of this consent" and replace with "By the end of December 2011, the end of December 2014".