

Notice of Modification

Section 4.55(2) 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.



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Director Resource Assessments

Sydney

29 June 2021

SCHEDULE 1

The Development Consent (DA 165-7-2005) for the Haerses Road Sand Quarry Project granted by the Minister for Planning on 14 February 2006

SCHEDULE 2

1. In the list of definitions, delete the terms "Department", "DoI", "DRG", "OEH" and "RMS", and insert the following in alphabetical order:

BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity & Conservation Division within the Department
Department	Department of Planning, Industry and Environment
DPIE Crown Lands	Crown Lands Group within the Department
DPIE Water	Water Group within the Department
Heritage NSW	The Heritage Group within the Department of Premier and Cabinet
MEG	Mining, Exploration and Geoscience, within the Department of Regional NSW
MR (MOD 4)	The Modification Report titled <i>Haerses Road Quarry Modification 4 Statement of Environmental Effects</i> , prepared by Umwelt (Australia) Pty Ltd, dated September 2020
NRAR	Natural Resources Access Regulator
TfNSW	Transport for NSW

2. From Schedule 2 onwards:
 - a. delete all references made to "DRG" and replace with "MEG";
 - b. delete all references made to "OEH", except where it occurs in condition 29 of Schedule 3, and replace with "BCD";
 - c. delete the reference to "BCD" in condition 29 of Schedule 3, and replace with "Heritage NSW";
 - d. delete all references made to "RMS" and replace with "TfNSW"; and
 - e. delete all references made to "DoI" and replace with "DPIE Water and NRAR"
3. In condition 2(a) of Schedule 2:
 - a. after EA (Mod 1), delete "and" and replace with ","; and
 - b. after EA (Mod 2), insert "and MR (Mod 4)."
4. In condition 31 of Schedule 3:
 - a. delete references to "1B", including where it occurs in the heading of Table 5, and replace with "2A"; and
 - b. after the words "condition 16 of this Schedule", insert the following paragraph:

“Prior to commencing vegetation clearing in any of extraction cells 2A, 2B and 3B, the Applicant must demonstrate that the proportionate credits required in respect of that cell have been retired, to the satisfaction of the Secretary.”

5. In condition 32 of Schedule 3:
 - a. delete references to “1B” and replace with “2A”; and
 - b. after the words “must demonstrate that the”, insert the word “proportionate”.
6. In condition 33 of Schedule 3, delete all words “after may use other land” and replace with the following:

“, the NSW Biodiversity Conservation Fund or alternate mechanisms permitted under the Biodiversity Offsets Scheme of the BC Act.

The credits identified in Tables 4, 5 and 6 were calculated in accordance with *Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects* (OEH, 2014) and may need to be converted to reasonably equivalent ‘biodiversity credits’, within the meaning of the BC Act, if the credits are to be retired in accordance with the Biodiversity Offsets Scheme of the BC Act.”

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

Adaptive Management

7. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- (c) implement reasonable remediation measures as directed by the Planning Secretary.

8. Delete condition 9 of Schedule 5 and replace with:

Incident Notification

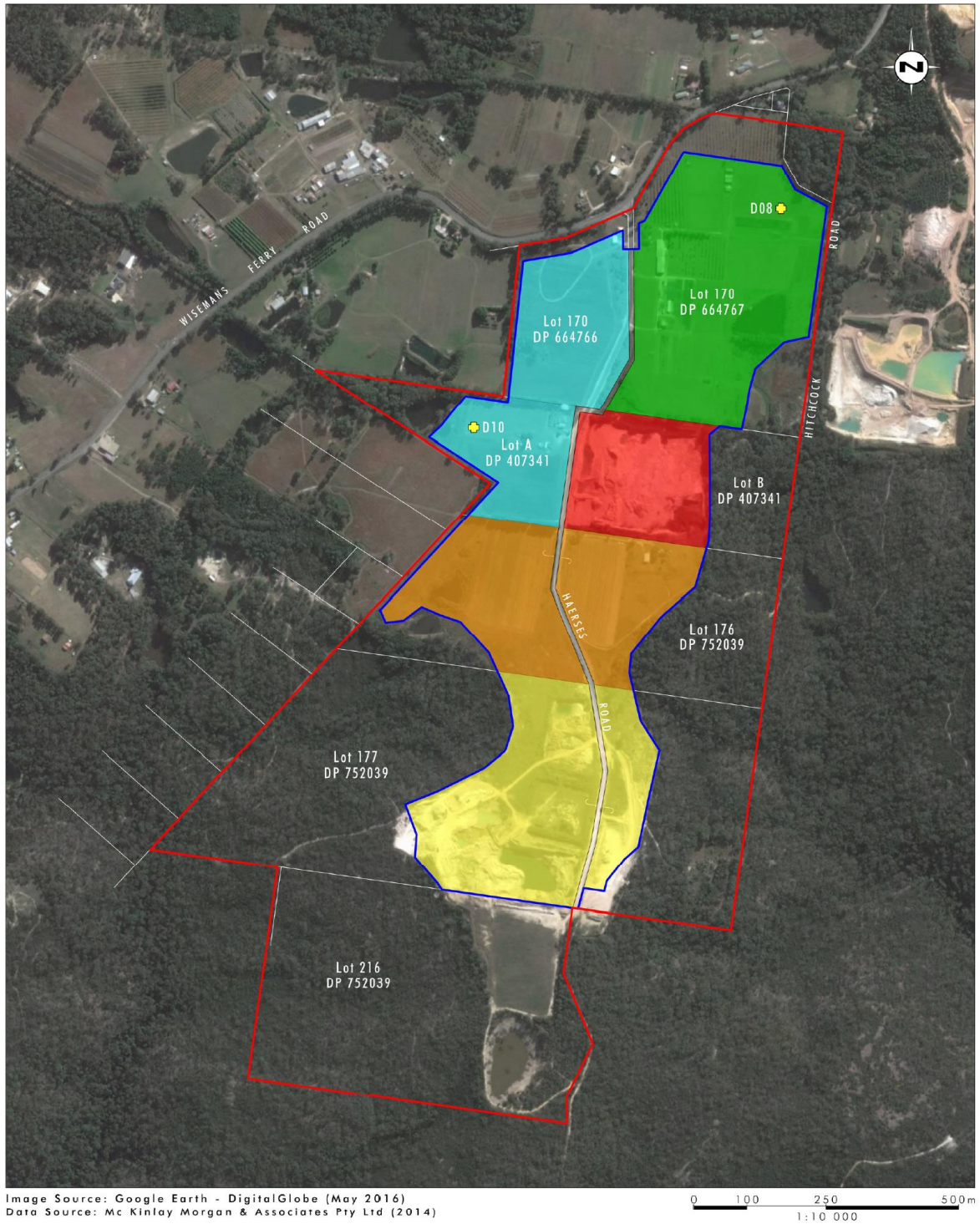
9. The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.

9. Delete condition 10 of Schedule 5, including the note, and replace with:

Non-Compliance Notification

10. 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 via the Major Projects Website 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.

10. In Appendix 1, delete Figures 1 and 2, including their titles, and replace with the following:

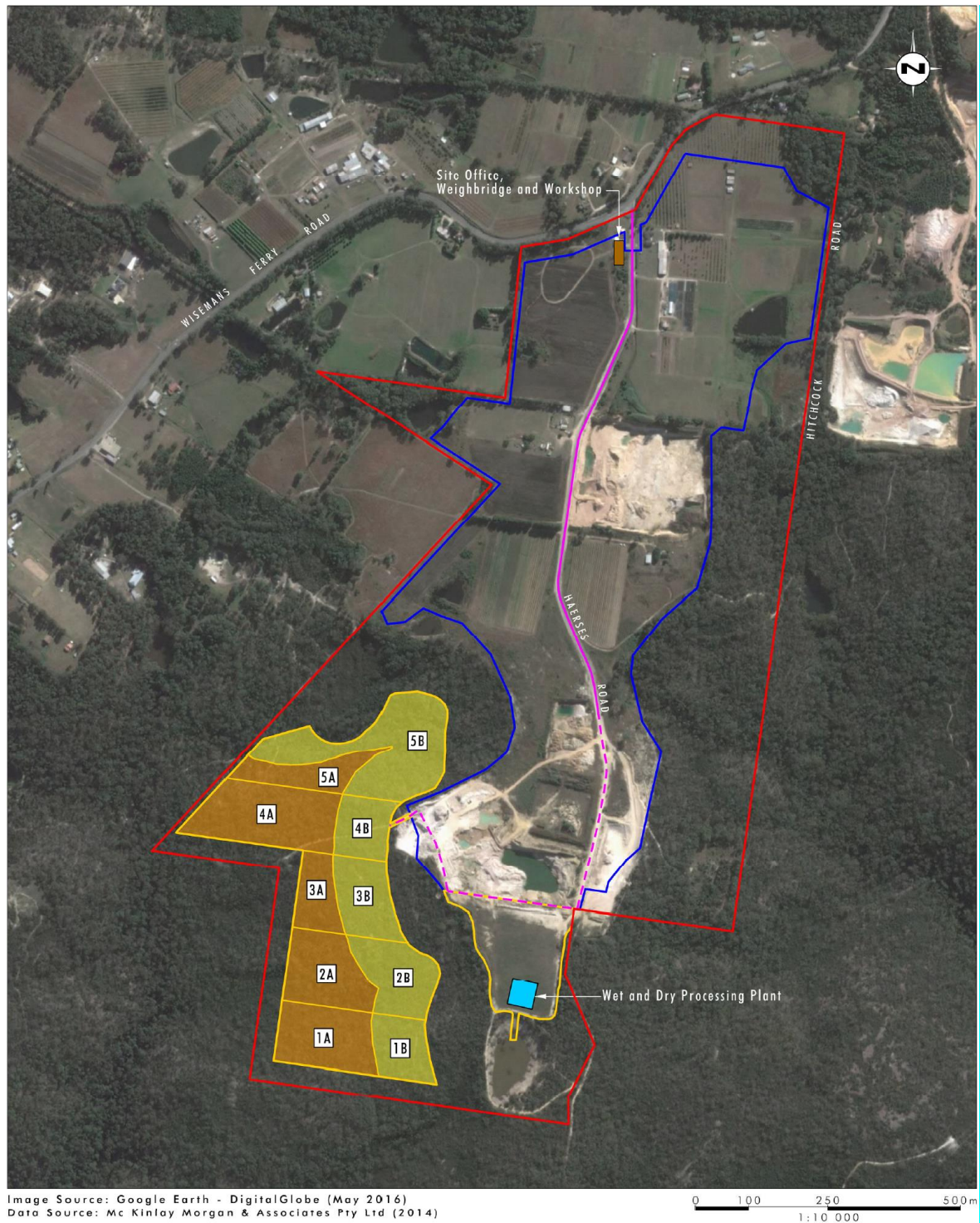


Legend

- ▬ Haerses Road Quarry Site
- ▬ Approved Extraction Stages
- Proposed Extraction Area Stage 1
- Proposed Extraction Area Stage 2
- Proposed Extraction Area Stage 3
- Proposed Extraction Area Stage 4
- Proposed Extraction Area Stage 5
- Static Dust Gauge

FIGURE 1.4
Haerses Road Quarry
Approved Stages

Figure 1 – Tertiary Sands Extraction Area



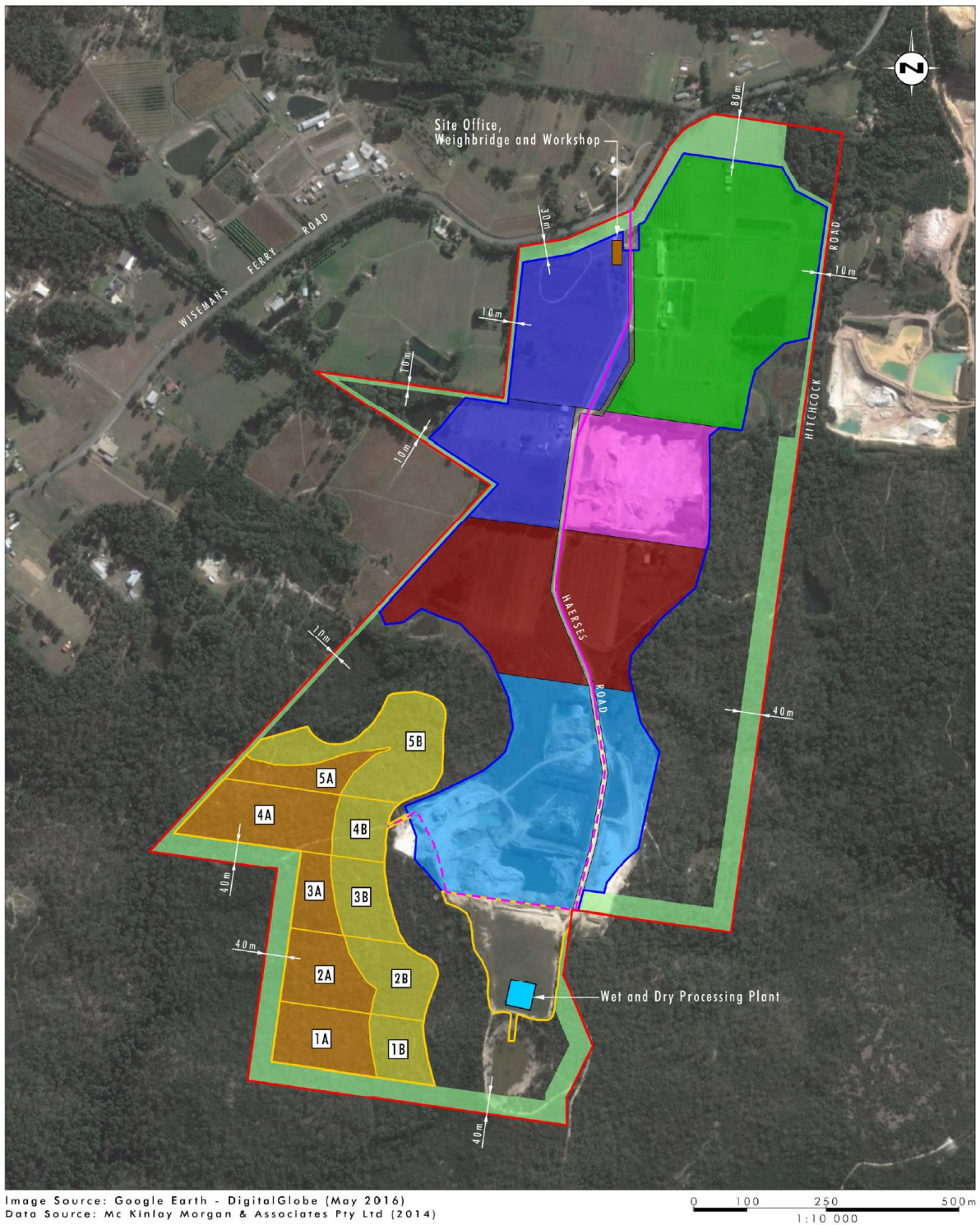
Legend

- | | |
|---|--|
| Haereses Road Quarry Site | Site Office, Weighbridge and Workshop |
| Approved Extraction Area | Wet Processing Plant |
| Modification Disturbance Area | Indicative Unsealed Haul Road |
| Proposed Extraction Area A | Sealed Haul Road |
| Proposed Extraction Area B | |
| 1 Extraction Cell Number | |

FIGURE 1.3
 Proposed Modification

Figure 2 – Friable Sandstone Extraction Area (Modification 1)

11. In Appendix 2, delete the Figure, and replace with the following:



Legend

- Haereses Road Quarry Site
- Buffer Zone
- Approved Extraction Area
- Modification Disturbance Area
- Approved Extraction Area A
- Approved Extraction Area B
- 1 Extraction Cell Number

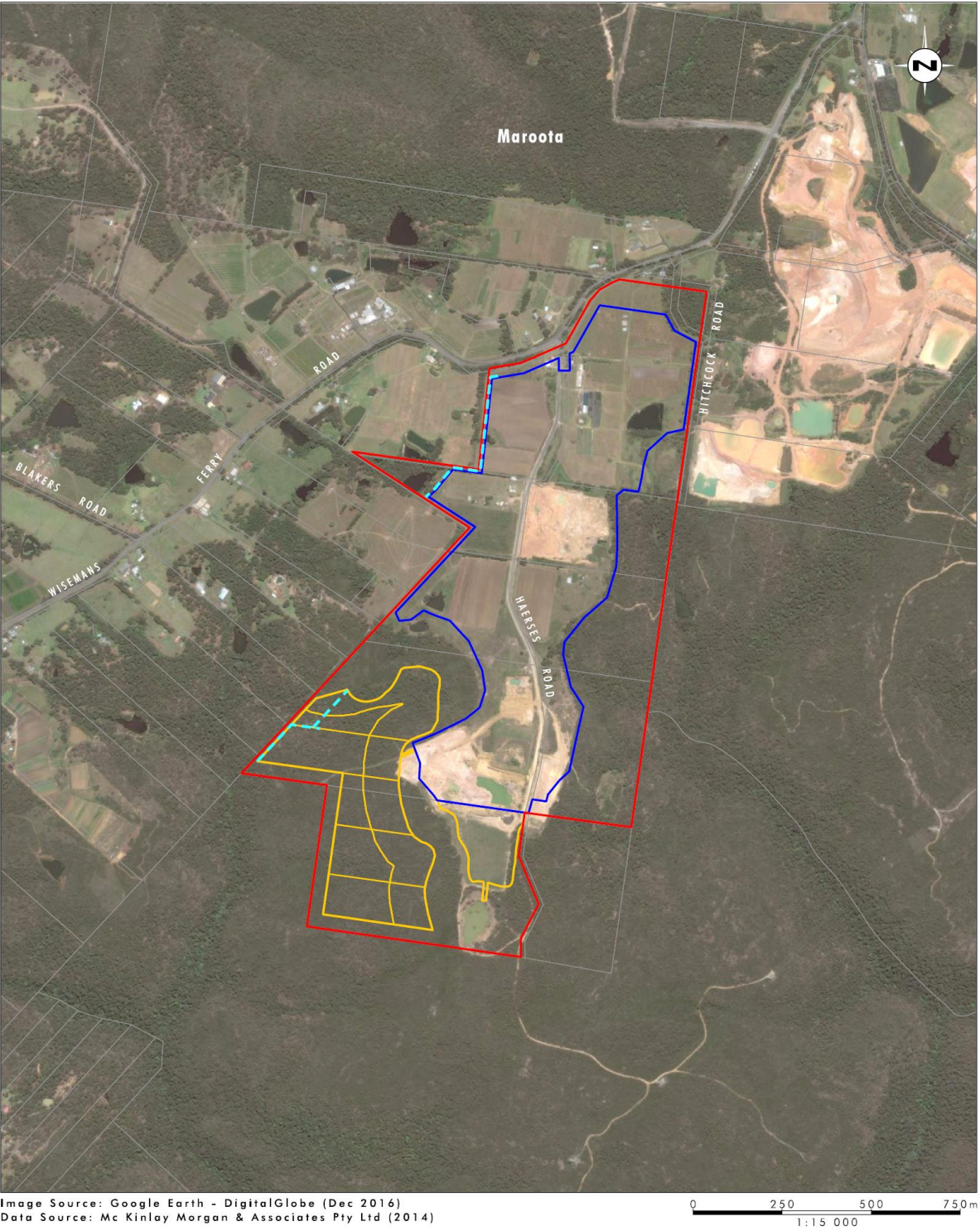
- Approved Extraction Area Stage 1
- Approved Extraction Area Stage 2
- Approved Extraction Area Stage 3
- Approved Extraction Area Stage 4
- Approved Extraction Area Stage 5
- Site Office, Weighbridge and Workshop
- Wet Processing Plant

- - - Indicative Unsealed Haul Road
- Sealed Haul Road

FIGURE 1

Proposed Modification

12. In Appendix 3, delete the Figure, and replace with the following:



- Legend**
- Haerses Road Quarry Project Site
 - Approved Extraction Area
 - Modification Disturbance Area
 - Acoustic Bund

Acoustic Bunds

13. In Appendix 4, delete Figure 1, including its title, and replace with the following:

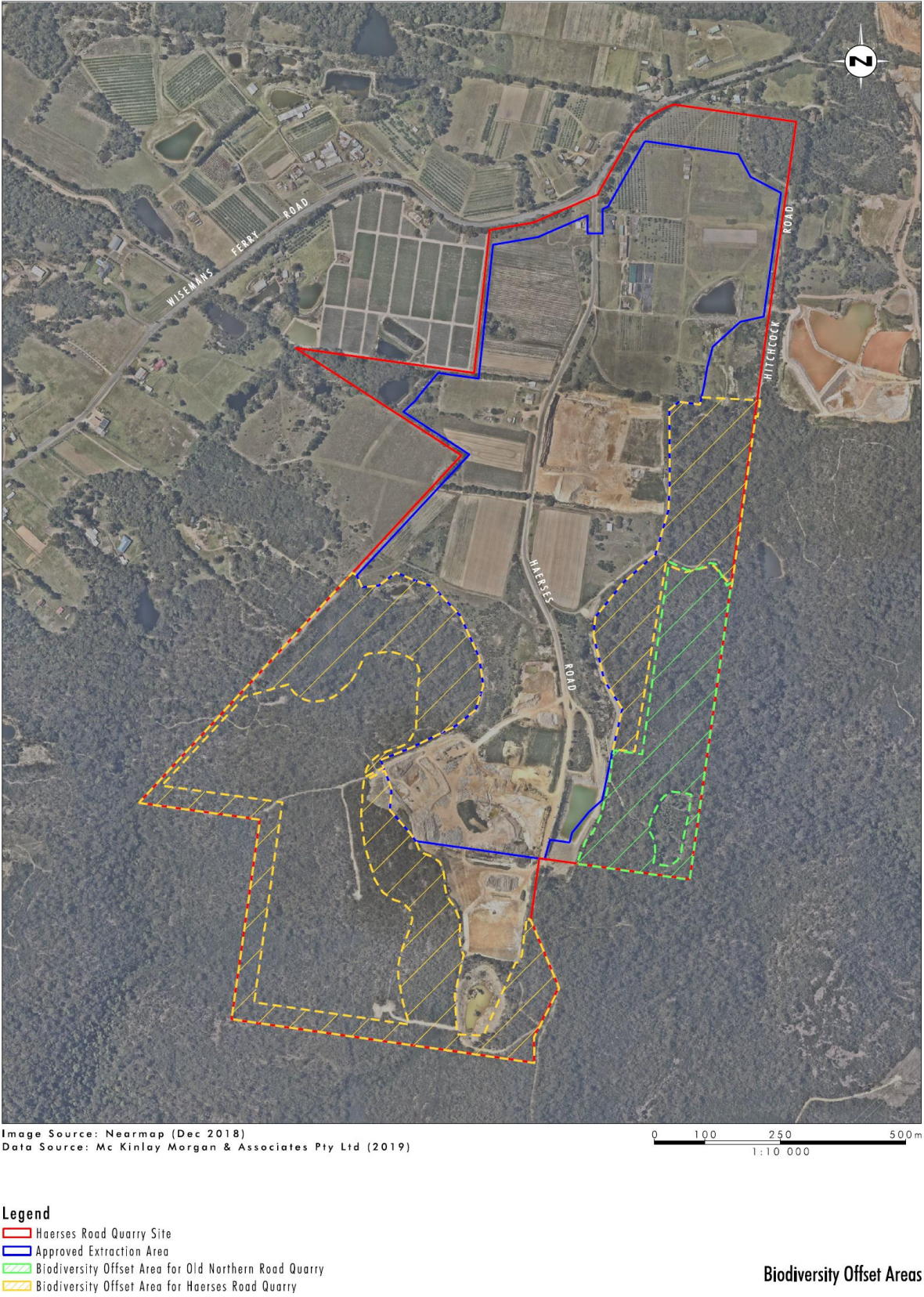


Figure 1– Haerses Road Offset Area

14. In the Table of Contents, update all page numbers and headings to reflect changes made by this instrument.

End of Modification