

# 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 project approval referred to in Schedule 1, as set out in Schedule 2.

David Kitto  
Director, Mining & Industry Projects

Sydney, **2 NOVEMBER**

2012

### SCHEDULE 1

Project approval 06\_0074 for the Marulan South Quarry, granted by the Minister for Planning on 28 February 2007.

### SCHEDULE 2

1. Delete the definition for "RTA" and "Director-General" in the Definitions in schedule 2, and insert in alphabetical order the following:

Director-General	Director-General of the Department (or nominee)
EPA	NSW Environment Protection Authority
RMS	Roads and Maritime Services

2. Delete all references to "RTA" and replace with "RMS".
3. In conditions 10, 16, 20, 26 and 42 of schedule 3, delete reference to "OEH" and replace with "EPA".
4. In condition 2 (b) of schedule 2, delete the word "and" after the words "submissions report;".
5. In condition 2 of schedule 2, delete all words after "October 2011;" and replace with the following:
  - e) modification application 06\_0074 – MOD 3 and the accompanying EA titled *Peppertree Quarry Modification 3 Environmental Assessment*, dated August 2012, prepared by EMGA Mitchell McLennan Pty Limited, and the responses to issues raised in submissions titled *Response to Submissions Peppertree Quarry Modification 3*, dated 3 October 2012; and
  - f) conditions of this approval.
6. In condition 4 of schedule 3, delete the following rows from Table 1:

1	35	35	35	45
3	42	35	35	46
4	37	35	35	46

7. In condition 5 of schedule 3, delete the following rows from Table 2:

1	41	40
3	44	44
4	41	41

8. After condition 32 of schedule 3, insert the following:

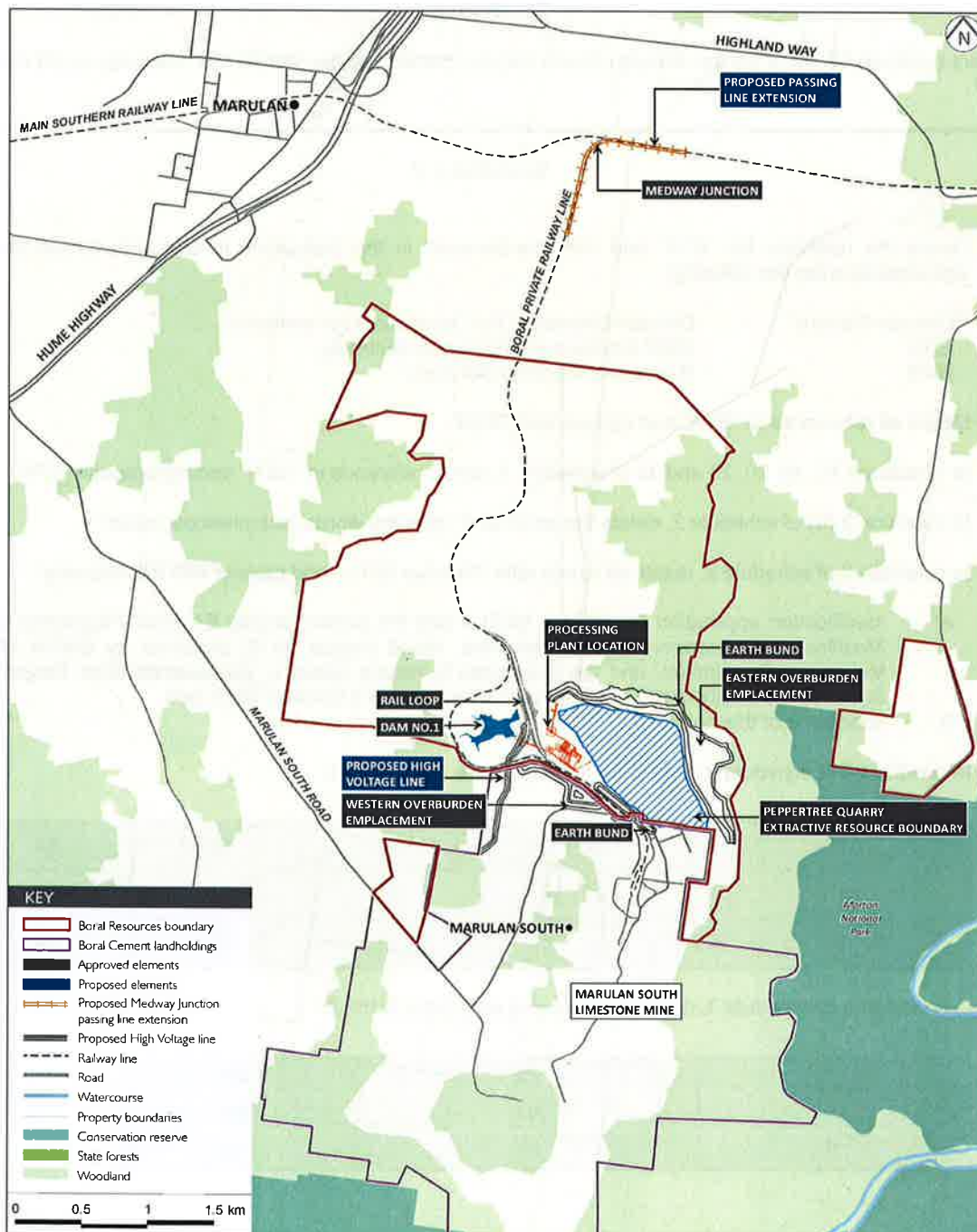
32A. If historical archaeological relics are unexpectedly discovered during works, all works must cease and a suitably qualified and experienced historical archaeologist be brought in to assess the find. Depending on the nature of the discovery, additional assessment and recording may be required prior to the recommencement of excavation in the affected area. The Heritage Council (or its Delegate) must be notified of this discovery in writing in accordance with section 146 of the *Heritage Act, 1977*.

9. In condition 33 of schedule 2, delete all words after "the EA; and" and replace with the following:

b) implement the Habitat Management Area in a manner that is generally consistent with the documents listed in condition 2 of schedule 3 (and shown conceptually in Appendix 3), including the establishment, conservation and maintenance of at least 13.5 hectares of vegetation species characteristic of Box Gum Woodland, to the satisfaction of the Director-General.

10. In condition 7 of schedule 5, delete the word "and" after the words "5 above;" and replace with the word "or".

27. Delete the figure in Appendix 2 and insert the following:



28. Delete the figure in Appendix 3 and insert the following:



