

Notice of Modification

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

As delegate for the Minister for Planning and Infrastructure, the Planning Assessment Commission of New South Wales (the Commission) modifies the project approval referred to in schedule 1, subject to the conditions in schedule 2.



Garry Payne AM
Member of the Commission

Sydney

5 March 2013

SCHEDULE 1

Project approval 07-0074 for the Gunlake Quarry, granted by the Minister for Planning on 24 September 2008.

SCHEDULE 2

1. Delete the definitions for "DECC", "Department", "Director-General", "DWE", "Minister", "RTA" and "Stage 2" in Schedule 1 and insert the following in alphabetical order:

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department (or nominee)
EPA	Environment Protection Authority
Minister	Minister for Planning and Infrastructure, or delegate
Modification 1	Modification application 07-0074 Mod 1 and supporting documentation titled <i>Proposed Modification of Development Consent Gunlake Quarries</i> , dated September 2012, prepared by Olsen Environmental Consulting and email from Olsen Environmental Consulting dated 15 October 2012
NOW	NSW Office of Water within DPI
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
Stage 2	Stage 2 product transportation via the bypass road between Brayton Road and Red Hills Road, and Brayton Road to Marulan for southern destinations. Vehicles returning from the north shall use the South Marulan Interchange to access northbound lanes of the Hume Highway and the bypass road
2. Delete all references to "DWE" and replace with "NOW".
3. Delete all references to "DECC" and replace with:
 - a) "OEH", in conditions 28 and 32 of Schedule 3; and
 - b) "EPA" in all other cases.
4. Delete all references to "RTA" and replace with "RMS".
5. In condition 2 of Schedule 2, delete all words after "EA," (with the exception of the notes); and insert the following:
 - (b) Modification 1;
 - (c) statement of commitments; and

(d) conditions of this approval.

6. Delete condition 13 of Schedule 2 and insert the following:

Section 94 Contributions

13. The Proponent shall pay contributions to Council for the upgrade and maintenance of roads in accordance with the *Mulwaree Shire – Development Contributions Plan 2003-2008*.

The contributions during Stage 2 transport shall be paid at \$0.0313 per kilometre per tonne of product transported by the project on all Council roads, to be paid from the commencement of Stage 2 transport.

Notes:

- contributions shall be indexed from 19 May 2009 in accordance with the *Goulburn Mulwaree Section 94 Contributions Plan 2009*.
- contributions shall be paid annually and in arrears.

7. Delete condition 34(b) of Schedule 3 and insert the following:

(b) deleted;

8. In condition 34(c) of Schedule 3, replace “Brayton Roadf” with “Brayton Road”.
9. In the second note to condition 34 of Schedule 3, delete “with these costs applied against the section 94 contribution in Condition 13 of Schedule 2”.
10. In Schedule 4 and Appendix 9, delete all references to “Appendix 9” and replace with “Appendix 8”.
11. Delete condition 3 of Schedule 5 and insert the following:

Incident Reporting

3. At the earliest opportunity, the Proponent shall notify the Director-General and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent shall notify the Director-General and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.
12. Delete condition 7 of Schedule 5 and insert the following:
7. Within 3 months of submitting a copy of the audit report to the Director-General, the Proponent shall review and if necessary revise the sum of the Vegetation Offset Bond established under condition 31 of schedule 3. This review shall consider:
- (a) the effects of inflation;
 - (b) any changes to the total area of disturbance; and
 - (c) the performance of the vegetation offsets against the completion criteria of the Rehabilitation and Vegetation Offset Management Plan,
- to the satisfaction of the Director-General.

Revision of Strategies, Plans & Programs

- 7A. Within 3 months of the submission of an:
- (a) incident report under condition 3 above;
 - (b) AEMR under condition 4 above;
 - (c) audit report under condition 5 above; and
 - (d) any modifications to this approval,
- the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

13. Delete conditions 9 and 10 of Schedule 5 and insert the following:

ACCESS TO INFORMATION

9. For the duration of the project, the Proponent shall:
 - (a) make the following information publicly available on its website:
 - the documents referred to in condition 2 of schedule 2;
 - all relevant statutory approvals for the project;
 - all strategies, plans and programs required under the conditions of this approval;
 - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the AEMRs required under this approval;
 - any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;
 - any other matter required by the Director-General; and
 - (b) keep this information up-to-date, to the satisfaction of the Director-General.
14. In Appendix 1: Schedule of Land, delete all words after "Crown public road;" and insert "Hume Highway – intersection with Red Hills Road."
15. In Appendix 3: Statement of Commitments, in the first dot point in Section 1.2 Traffic, delete ", at the Brayton Road and George Street intersection (new roundabout)".