

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, subject to the conditions in Schedule 2.



David Kitto
Director, Mining & Industry Projects

Sydney 4 JULY

2013

SCHEDULE 1

The Project Approval for the Nowra Brickworks Quarry (07_0123), granted on 1 December 2009 by the Director-General, as delegate for the Minister for Planning.

SCHEDULE 2

1. In the TABLE OF CONTENTS, delete "Indecent", and replace with "Incident".
2. Under DEFINITIONS, delete the terms AEMR, DECCW, Department, Director-General, DI&I, Minister, RTA and their definitions, and insert the following in alphabetical order:

Annual Review	Annual Review, as required under condition 4 of schedule 5
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee
DRE	Division of Resources and Energy, within the Department of Trade and Investment, Regional Infrastructure and Services
EA MOD1	Modification application 07_0123 MOD 1 and accompanying Environmental Assessment titled <i>Section 75W Modification Application to Major Project (MP 07_0123) for the Continuation of Extractive Operations</i> , prepared by City Plan Strategy and Development Pty Limited and dated May 2013
EPA	Environment Protection Authority
Minister	Minister for Planning and Infrastructure, or delegate
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services

3. In condition 2 of schedule 2 delete all words after "EA;"; except the Notes, and replace with the following:
 - (a) EA MOD 1;
 - (b) Statement of Commitments; and
 - (c) conditions of this approval.
4. Except in conditions 25 and 30 of schedule 3, delete all references to "DECCW", and replace with "EPA".
5. In conditions 25 and 30 of schedule 3, delete "DECCW", and replace with "OEH".
6. Delete all references to "DII", and replace with "DRE".
7. Delete all references to "RTA", and replace with "RMS".

8. Delete condition 4 of schedule 5, and replace with the following:

ANNUAL REVIEW

4. By the end of March each year, or other timing agreed by the Director-General, the Proponent 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 calendar year, and the development that is proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this approval;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions;
 - (c) identify any non-compliance over the past calendar 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
- describe what measures will be implemented over the current calendar year to improve the environmental performance of the project.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- 4A. Within 3 months of:
- (a) an Annual Review under condition 4 of schedule 5;
 - (b) an incident report under condition 3 of schedule 5; or
 - (c) a modification to the conditions of 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 condition 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.

9. Delete the figure in Appendix 1, and replace with the following:

