

# Notice of Modification

## Section 75W 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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**Executive Director**  
**Resource Assessments and Compliance**

Sydney

2016

### SCHEDULE 1

The project approval (09\_0080) for the Champions sandstone quarry and associated infrastructure, granted by the Planning Assessment Commission on 30 August 2010.

### SCHEDULE 2

1. Delete the Table of Contents and replace with the following:
2. In the list of Definitions, delete the following definitions: "Biodiversity offset strategy", "Department", "Director-General", "DPI (Agriculture)", "DRE", "Minister", "NOW", "OEH" and "Project" and insert the following definitions in alphabetical order:

Biodiversity offset strategy	The conservation and enhancement strategy described in the documents listed in condition 2(a) of Schedule 2, and shown in the figure in Appendix 6
Department	Department of Planning and Environment
Development	The development described in the documents listed in condition 2 of Schedule 2
DPI (Agriculture)	Department of Primary Industries - Agriculture
DPI (Water)	Department of Primary Industries - Water
DRE	Division of Resources and Energy, within the NSW Department of Industry
EA (MOD 1)	Modification Application PA 09_0080 MOD 1 dated April 2013
EA (MOD 2)	Modification Application PA 09_0080 MOD 2 dated February 2016, response to submissions dated April 2016, and email correspondence dated 10 August 2016
Incident	A set of circumstances that: <ul style="list-style-type: none"><li>• causes, or threatens to cause, material harm to the environment; and/or</li><li>• breaches or exceeds the limits or performance measures/criteria in this consent</li></ul>
Minister	Minister for Planning, or delegate
OEH	Office of Environment and Heritage
Project	The development as described in the EA, as modified under this consent
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
Secretary	Secretary of the Department, or nominee
3. Delete all references to "Director-General" and replace with "Secretary".
4. Delete all references to "NOW" and replace with "DPI (Water)".

5. Delete all references to “shall” and replace with “must”, with the exception of references contained in condition 2 of Schedule 3.
6. Delete condition 2 of Schedule 2, and replace with:
  2. The Proponent must carry out the development:
    - (a) generally in accordance with the EA, EA (Mod 1), EA (Mod 2); and
    - (b) in accordance with the Project Layout Plans, the Statement of Commitments and the conditions of this approval.

*Notes:*

  - The Project Layout Plans are included in Appendix 2; and
  - The Statement of Commitments is included in Appendix 3.
7. In condition 4 of Schedule 2:
  - a) at the end of paragraph (a), delete the word “and”; and
  - b) at the end of paragraph (b), delete the full stop and insert instead:
 

“; and
  - (c) any reviews, reports or audits commissioned by the Department regarding compliance with this consent.”
8. Delete condition 7 of Schedule 2, and replace with:
  7. The proponent must not extract extractive materials outside of the Extraction Areas, nor below a level of 12 m AHD in the Central Extraction Area and 8 m AHD in the Southern Extraction Area.

*Notes:*

  - Extraction Areas are shown in the Project Layout Plans in Appendix 2; and
  - This condition does not apply to the construction of any bores approved by DPI (Water) or pollution and sediment control structures described in the documents listed in condition 2(a).
8. In condition 8 of Schedule 2, insert “or process” after the word “extract”.
9. In condition 9 of Schedule 2:
  - a) delete paragraph (a1); and
  - b) after paragraph (c), insert the following note:
 

*Note: In this condition, ‘per hour’ means the 60 minutes following the change of hour.*
10. In condition 10 of Schedule 2, replace “may only” with “must”.
11. Delete condition 12 of Schedule 2.
12. In condition 16 of Schedule 2, after paragraph (b), insert the following note:
 

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required of condition 26 to Schedule 3 of this consent.*
13. In condition 8 of Schedule 3, at the end of paragraph (c):
  - a) delete the word “and”; and
  - b) insert the following:
 

“(c1) carry out noise monitoring to determine whether the development is complying with the relevant conditions of this approval; and”.
14. In conditions 9, 12, 17, 31, 33, 36 and 45 of Schedule 3, in each condition:
  - a) delete the words “and implement” after the words “shall prepare”; and
  - b) after the last paragraph, insert the following:
 

“The Proponent shall implement the approved management plan as approved from time to time by the Secretary.”
15. In condition 11 of Schedule 3, after paragraph (a), insert the following:
 

“(a1) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this approval;”.

16. In condition 26(a) of Schedule 3, delete the words “until the end of December 2015, and thereafter based on weighbridge records only”.

17. After condition 30 of Schedule 3, insert the following:

**Monitoring of Product Transport**

30A. The Proponent must make, and retain for at least 3 years, records of the time of arrival, time of dispatch, weight of load and vehicle identification for each laden truck dispatched from the development. These records must be made available to the Department on request and a summary included in the Annual Review.

18. Delete condition 37 of Schedule 3, including the heading.

19. In condition 40 of Schedule 3:

- a) delete the word " EA" and replace with “documents listed in condition 2(a) of Schedule 2”;
- b) delete the word “conceptually” after the words “as shown”; and
- c) delete Table 7 and replace with the following:

*Table 7: Biodiversity Offset Strategy*

<b>Area</b>	<b>Offset Type</b>	<b>Minimum Size (ha)</b>
Area 1	Existing vegetation to be enhanced	1.71
Area 2	Existing vegetation to be enhanced	2.688
Area 3	Existing vegetation to be enhanced	2.458
Protected Revegetation Area	Vegetation to be established with the planting of native endemic flora species,	1.707
<b>TOTAL</b>		<b>8.563</b>

20. In condition 42 of Schedule 3:

- a) delete the words "March 2014" and replace with “June 2017”;
- b) delete the words “(apart from the tree screening on the northern side of the quarry access road)”; and
- c) delete the word “conceptually” after the words “as shown”.

21. In condition 45(f) of Schedule 3, in the sixth dot point, after the word “population”, insert the words “and on Tuckean Swamp and associated wetland”.

22. In condition 47 of Schedule 3, after the words “Within 3 months of”, insert the words “the completion of”.

23. In condition 1 of Schedule 4, after the words “tenants of the land”, insert the words “(including the tenants on land which is quarry-owned)”.

24. In condition 1 of Schedule 5:

- a) delete the words "The Proponent shall prepare and implement" and replace with “If the Secretary requires, the Proponent must prepare”; and
- b) after the last paragraph, insert the following:

"The Proponent shall implement the approved strategy as approved from time to time by the Secretary."

25. In condition 5 of Schedule 5, after the last paragraph, insert the sentence “Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Secretary.”.

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

- 7. The Proponent must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

27. In condition 9 of Schedule 5, at the end of paragraph (e) delete the full stop and insert instead:

“; and  
(f) be conducted and reported to the satisfaction of the Secretary.”

28. In condition 10 of Schedule 5, after the words “the audit report”, insert the words “, including a timetable for the implementation of any measures proposed to address the recommendations in the report”.

29. Delete Figure 9 in Appendix 6 and replace it with the following:



**Figure 9: Biodiversity Offset Areas and Protected Revegetation Area**