

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, **9 MAY** 2013

SCHEDULE 1

Project approval 10_0014 for the Boral Badgerys Creek Quarry and Brick Making Project, granted by the Minister for Planning on 27 September 2011.

SCHEDULE 2

1. In the Definitions in Schedule 2, delete the definitions for "Director-General" and "RTA" and insert the following (in alphabetical order):

Director-General	Director-General of the Department (or nominee)
EPA	NSW Environment Protection Authority
Mod 1	Modification application (10_0014 Mod 1) and supporting letter from Boral Bricks Pty Ltd to the Director-General dated 5 November 2012
Shutdown period	Period of time when no quarrying or brick making operations are being undertaken on site, as detailed in Mod 1

2. In Condition 2 of Schedule 2, delete all words after "Statement of Commitments;" and insert the following:

- (c) Mod 1; and
- (d) conditions of this approval.

Notes:

- *The general layout of the project is shown in Appendix 3; and*
- *The Statement of Commitments is reproduced in Appendix 6.*

3. In Conditions 7, 11, 13, 14, and 21 of Schedule 3, delete "OEH" and replace with "EPA".
4. In Conditions 7, 14, 31 and 36 of Schedule 3, delete the words "January 2012" and replace with "August 2013".
5. In Conditions 21, 23, 25, 37 of Schedule 3 and Condition 1 of Schedule 5 delete the words "March 2012" and replace with "August 2013".
6. After Condition 15 of Schedule 3, insert the following:
Note: Meteorological monitoring is not required during the shutdown period.
7. In Condition 20(b) of Schedule 3, delete the words "the date of this approval", and replace with "recommencing quarrying operations".
8. In Condition 24 of Schedule 3, delete the words "By the end of March 2012" and replace with "Prior to recommencing quarrying operations".

9. In Condition 26(b) of Schedule 3, delete the words "a quarterly basis", and replace with "request".
10. Delete Condition 28 of Schedule 3 and insert the following:
28. The Proponent shall:
- (a) repair Martin Road to the satisfaction of Council by 30 June 2013 and in accordance with the agreement dated 9 April 2013 attached as Appendix 7; and
 - (b) prior to recommencing quarrying operations, enter into a formal agreement with Council for the:
 - upgrade and widening of Martin Road from the site entrance to the entrance of Australian Native Landscape; and
 - annual road maintenance contributions to be paid to Council, based on the weight of brick products and associated materials transported from and to the site, for the life of the project,to the satisfaction of the Director-General.
- If there is any dispute between the Proponent and Council, then either of the parties may refer the matter to the Director-General for resolution.
11. In Condition 36(e) of Schedule 3, delete all words after "and use;" and insert the following:
- (f) describe and justify the proposed rehabilitation strategy for the site in the event that quarrying and brick making operations do not recommence following the shutdown period; and
 - (g) define the rehabilitation objectives for the site, as well as the proposed completion criteria for this rehabilitation.
12. In Condition 3 of Schedule 5, delete the words "By the end of September 2012" and replace with "Prior to recommencing quarrying operations".
13. After Condition 4 of Schedule 5, insert the following:
- 4A. Prior to recommencing quarrying operations the Proponent shall:
- (a) review and revise all plans and strategies required under Schedule 3, and the Environmental Management Strategy required under Condition 1 of Schedule 5; and
 - (b) submit these revised plans and strategies to the Director-General for approval.
14. In Condition 7 of Schedule 5, delete the words "By the end of September 2012" and replace with "Within 12 months of recommencing quarrying operations".
15. Insert the following after Appendix 6:

**APPENDIX 7
REPAIR WORKS FOR MARTIN ROAD**



9 April 2013

Mr Raj Autar
Manager – Civil Construction & Assets
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Re: Proposed approach to patching of Martin Road from the Australian Native Landscapes site entrance to the entrance to Boral's Badgerys Creek Quarry and Brick Making Facility

Dear Raj,

As you are aware from previous formal correspondence (letter from Boral date 22 July 2012), Boral announced the mothballing of the Badgerys Creek brick making facility in April 2012.

With the Badgerys Creek brick making facility in a mothballed state, Boral were not in a position to:

- Upgrade and widen Martin Road from the site entrance to the entrance of Australian Native Landscape (ANL); and
- Commit an annual road maintenance contribution to Council, based on the weight of brick products and associated materials transported from and to the site.

In subsequent correspondence with the Department of Planning (email of 6 February 2013), Liverpool City Council (LCC) advised that they “would be amenable to alternative temporary repairs (to a satisfactory trafficable standard to be agreed on site) until (prior to) recommencement of full operations”.

LCC and Boral met on site on 15 March 2013 and agreed in principle to both the extent of repairs (see attached figure) that are required as well as the specifications of this repair work.

For ease of reference, the interface between Boral's concrete driveway and the asphalt surface at the end of Martin Road is defined as Chainage 0 (CH0) with increasing chainage references towards Chainage 386, opposite the entrance to ANL.

Boral is committed to the repair of the full width of Martin Road (approximately 7m from shoulder to shoulder) in the following areas:

- CH17 – CH55 (38m x 7m = 266m²);
- CH80 – CH130 (50m x 7m = 350m²)
- CH242 – CH386 (144m x 7m = 1008m²)

Boral Bricks
ABN 66 082 448 342



Boral will therefore repair a total area of 1624 m².

The approach to the repair works that were agreed with LCC were to mill the areas to be repaired to a depth of 100mm and to fill these areas with 100mm of asphalt (AC28 C450 – AUSPEC 1144 Oct/12).

Once LCC have confirmed that they are in agreement with the above approach discussed on site, Boral will contact LCC to confirm dates for completion of the work and to discuss logistics around road safety requirements.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "David Bird", is written over the "Yours sincerely" text. The signature is stylized with a large, circular loop at the end.

David Bird
Regional General Manager
Clay & Concrete Products NSW

$$144 \times 7m = 1008m^2$$

$$SOM \times T_m = 350m^2$$

$$38m \times 7m = 266m^2$$

