

# Notice of Modification

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

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.

*Howard Reed*

Howard Reed  
A/Executive Director  
Resource Assessments and Compliance

Sydney

*16 September*

2016

### SCHEDULE 1

The project approval (09\_0080) for the Champions Quarry Project, granted by the Planning Assessment Commission as delegate of the Minister for Planning and Infrastructure on 30 August 2012.

### SCHEDULE 2

1. In the list of Definitions, delete the following definitions: "Biodiversity offset strategy", "Department", "Director-General", "DPI (Agriculture)", "DRE", "Extraction Areas", "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
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 MP 09_0080 MOD 1 dated April 2013
EA (MOD 2)	Modification Application MP 09_0080 MOD 2 dated February 2016, the accompanying annexures A and B and the response to submissions dated April 2016
Extraction Areas	The Central and Southern Extraction Areas, shown on Figure 3 in Appendix 2
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 approval</li></ul>
Minister	Minister for Planning, or delegate
OEH	Office of Environment and Heritage
Project	The development as described in the documents listed in condition 2(a) of Schedule 2
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

2. Delete all references to "Director-General" and replace with "Secretary".
3. Delete all references to "NOW" and replace with "DPI (Water)".

4. Delete all references to “shall” and replace with “must”, with the exception of references contained in condition 3 of Schedule 2.
5. 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) and 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.*

6. Delete condition 4 of Schedule 2, and replace with:
  4. The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department’s assessment of:
    - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval (including any stages of these documents);
    - (b) any reviews, reports or audits commissioned by the Department regarding compliance with this approval; and
    - (c) the implementation of any actions or measures contained in these documents.

7. Delete condition 7 of Schedule 2, and replace with:

7. The Proponent must not extract extractive materials:
  - (a) outside of the Extraction Areas (other than as required for the approved construction or operation of the project);
  - (b) below a level of 12 m AHD in the Central Extraction Area; and
  - (c) below a level of 8 m AHD in the Southern Extraction Area.

*Note: The Extraction Areas are shown in Figure 3 in Appendix 2.*

8. 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.*

9. In condition 10 of Schedule 2, replace “may only” with “must”.

10. Delete condition 12 of Schedule 2.

11. 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 by condition 26 to Schedule 3 of this approval.*

12. In condition 5 of Schedule 3, in the ‘Notes’, delete the words “Appendix 1” and replace with “Appendix 2”.

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 project 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 must 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 project 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 dispatch, weight of load and vehicle identification for each laden truck dispatched from the project. 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”; and
- b) delete the word “conceptually” after the words “as shown”.

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

22. 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)”.

23. 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 must implement the approved strategy as approved from time to time by the Secretary.”

24. In condition 4 of Schedule 5:

- a) delete the word “review”, and insert “submit a report to the Department reviewing”; and
- b) delete the word “EA”, and insert “documents listed in condition 2(a) of Schedule 2”.

25. In condition 5 of Schedule 5, after the last paragraph, insert the following: “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:

- a) at the end of paragraph (d), delete the word “and”; and
- b) at the end of paragraph (e), delete the full stop and insert:  
“; 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. In Appendix 2 – Project Layout Plans, delete Figure 3 and replace with the following:



Figure 3: Extraction Area Dimensions and Site Features

30. In Appendix 3 – Statement of Commitments, item number 4, delete:

- a) “Buffer distance of at least 50m between the quarry extraction area and the adjacent native vegetation and habitat – specifically the rainforest community in Area 1. These will be clearly marked prior to the commencement of expanded quarrying operations.”;
- b) “Reavill Farm Pty Ltd and Tucki Hills, and/or its successors in title”; and
- c) “Prior to commencement of any clearing works.”

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





Figure 9: Biodiversity Offset Areas and Protected Revegetation Area