

Notice of Modification

Section 96(1A) 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.

David Kitto
Director
Major Development Assessment

Sydney,

7 MAY

2009

SCHEDULE 1

The development consent (DA-128-5-2005) granted by the Minister for Planning for the development of the Lynwood Quarry, located west of Marulan, in the Goulburn Mulwaree local government area.

SCHEDULE 2

1. Delete the definitions for "DEC" and "DNR" in the Definitions in Schedule 2, and insert in alphabetical order the following:

DECC	Department of Environment and Climate Change
DWE	Department of Water and Energy
SEE	Statement of Environmental Effects

2. Delete all references to "DEC", "DEC (EPA)" and "DEC (NPWS)" and replace with "DECC".
3. Delete all references to "DNR" and replace with "DWE".
4. Delete condition 2(c) of schedule 2 and replace with:
 - c) Modification Application DA-128-5-2005 MOD 1 and the accompanying SEE titled "*Proposed Minor Modifications to Lynwood Quarry, Marulan*" dated January 2009; and
 - d) conditions of this consent.
5. Delete condition 3 of schedule 2 and replace with:
 3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
6. After condition 4 of schedule 2 insert the following:
 - 4A. The Applicant shall prepare revisions of any strategies, plans or programs required under this consent if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director-General.

7. In condition 13(b) of schedule 3 delete the words "*Clean Air (Plant and Equipment) Regulation 1997*" and replace with "*Protection of the Environment Operations (Clean Air) Regulation 2002.*"
8. In the note preceding condition 16 of schedule 3 delete the words "*Rivers and Foreshores Act 1948*" and replace with "*Water Management Act 2000*"
9. In condition 41(a) of schedule 3:
 - (a) after the words "archaeological remains within", insert the words "the former"; and
 - (b) after the words "cistern/well (MRNH8)" insert the words "except where undertaken in accordance with the written approval of the NSW Heritage Council."
10. Delete condition 8 of schedule 5 and replace with:
 8. Within 6 weeks of completing each Independent Environmental Audit, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.
 - 8A. Within 3 months of submitting a copy of the audit report to the Director-General, the Applicant shall review and if necessary revise the strategies/plans/programs required under this consent, to the satisfaction of the Director-General.
11. Delete Appendix 1 and replace with:

Lot No.	DP No.	Owner
112	750029	Cemex
2	1116876	Cemex
230	750029	Cemex
249	750029	Cemex
3 - 4	1036993	Cemex
1	1074819	Cemex
1	1117910	Cemex
1 and 3	1074107	Cemex
10	700579	Cemex
7001	1025603	Crown Land
7002	1025604	Crown Land
	2153 - 3040	Crown Land
2 - 15	196132	Cemex
1/Section 8	758653	Crown Land
1-5/Section 12	758653	Cemex
1-9/Section 7	758653	Cemex
2-4/Section 5	758653	Cemex
1/Section 5	758653	Crown Land
Part 7 and Part 8/Section 1	758653	Cemex
10/Section 10	758653	Crown Land
10 - 11	111641	Cemex
1 - 2	214304	Cemex
1 - 14	797340	Cemex
Part Stoney Creek Road		
Part Main Southern Railway Line		
Part Hume Highway		
Part Marulan South Road		
Part Jerrara Road		
Part Joarimin Creek		
Crown land and Crown road reserves within the DA area		

12. Delete the figure in Appendix 2 and replace with:

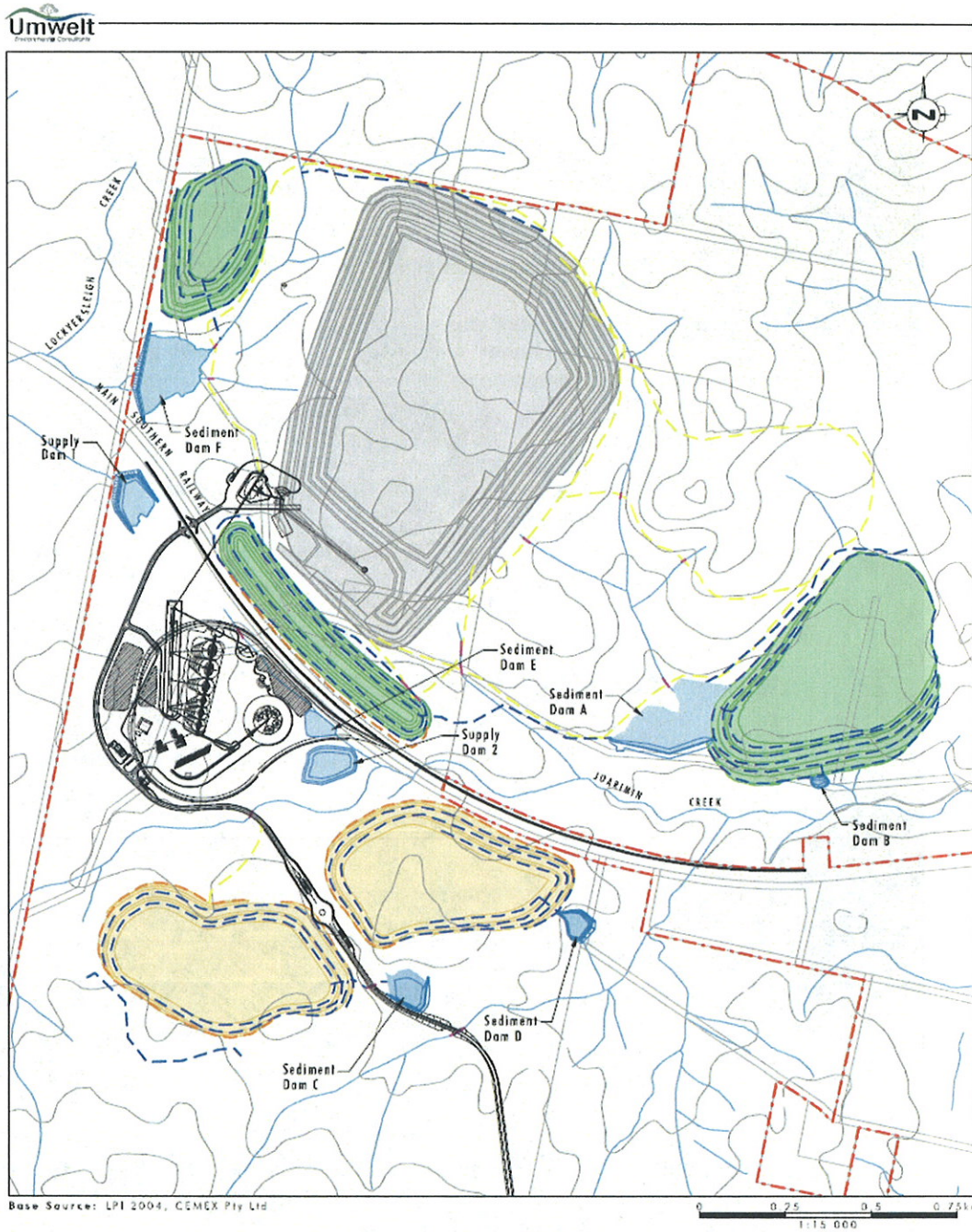


- Legend**
- Project Area
 - Haul Road
 - Approved Disturbance Footprint
 - Quarry Pit
 - Employment Area
 - Rehabilitated Area
 - Dem

File Name [A4]: R17_V1/2236_201.dgn

FIGURE 2.4
Proposed Year 30 Quarry Plan

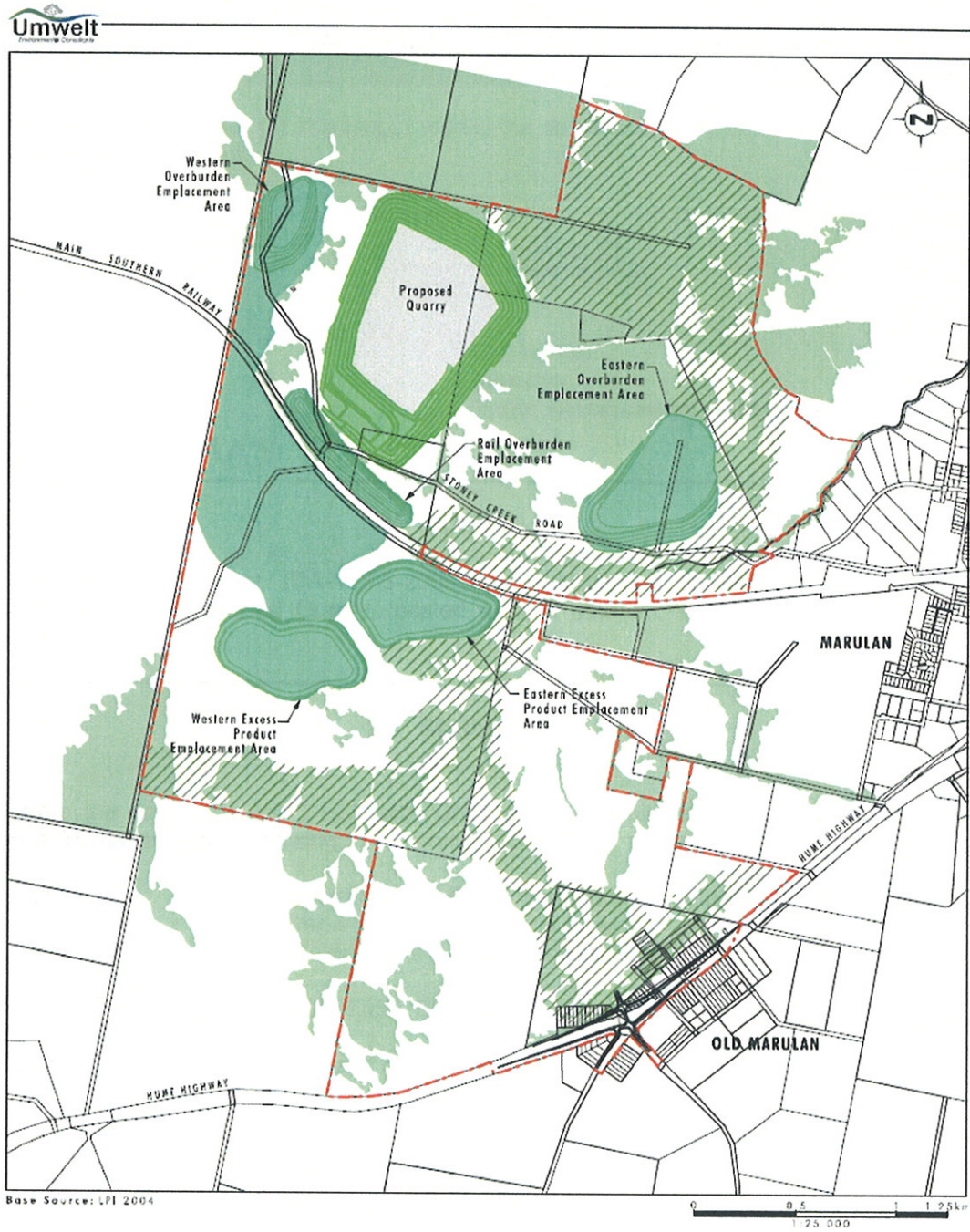
13. Delete the figure in Appendix 4 and replace with:



- Legend**
- Project Area
 - Catch Drain
 - Sedimentation Fence
 - Culvert
 - Haul Road

FIGURE 4.1
Proposed Water Management
Controls - Year 30

14. Delete the figure in Appendix 8 and replace with:



- Legend**
- Project Area
 - Existing Vegetation
 - Rehabilitated Area
 - Rehabilitated Quarry Batters
 - Assisted Natural Regeneration (Habitat Corridor Function Enhancement)

FIGURE 4.7
Year 30 Conceptual
Final Rehabilitation