

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.



Richard Pearson
Deputy Director-General
Department of Planning and Infrastructure

Sydney

2nd July

2011

SCHEDULE 1

The project approval for the Bulga Coal Open Cut Coal Mine (DA 41-3-99), granted by the Minister for Urban Affairs and Planning on 23 December 1999.

SCHEDULE 2

1. In Schedule 2, under DEFINITIONS, delete the definitions for Department, Director-General and Minister and insert the following in alphabetical order:

Department – *Department of Planning and Infrastructure*
Director-General – *Director-General of Planning and Infrastructure, or delegate*
Minister – *Minister for Planning and Infrastructure*
2. In Schedule 2, under Government Authorities, delete the definitions for DECCW, DII (Agriculture) and DII (Minerals) and insert the following in alphabetical order:

DRE – *Division of Resources and Energy, within the Department of Trade and Investment, Regional Infrastructure and Services*
DPI – *Department of Primary Industries*
OEH – *Office of Environment and Heritage*
3. Delete all references to DII (Minerals) and replace with DRE.
4. Delete all references to DII (Agriculture) and replace with DPI.
5. Delete all references to DECCW and replace with OEH.
6. In condition 1.2(a) of Schedule 2, delete all words in paragraphs (viii) and (ix) after "dated 15 February 2010;" and insert the following:

(ix) the document titled *Bulga Coal Complex (Bulga Open Cut Mine) XRail Refuelling Facility*, dated February 2011; and
(x) conditions of this consent.
7. In condition 1.2(a) of Schedule 2, delete the word "latter" and replace with "more recent".
8. In condition 3.3(a) of Schedule 2:
 - a) delete the words "the Wonnarua Tribal Council" and replace with "any registered Aboriginal stakeholders"; and
 - b) delete "and (vi)" and insert after paragraph (v) the following:
 - (vi) measures to manage the discovery of any previously unidentified Aboriginal objects or skeletal remains during the life of the development; and
 - (vii)"

9. In condition 3.3(h) of Schedule 2, delete the words "*Interim Community Consultation Requirements for Applicants (2004)*" and replace with "*Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)*".
10. In condition 5.4 of Schedule 2, insert the following:
 - (b) The Applicant shall ensure that all above-ground tanks containing material likely to cause environmental harm:
 - (i) are bunded or have an alternative spill containment system. Bunds must be impervious and sized to contain 110% of the volume of the largest container stored within;
 - (ii) are designed and constructed in a manner that prevents the ingress of rain or water; and
 - (iii) are clearly labelled as to their contents.