

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.



Howard Reed
Director, Resource Assessments

Sydney

26 February

2016

SCHEDULE 1

The development consent (DA 49/94) granted by the Minister for Urban Affairs and Planning on 19 October 1995 for the construction and operation of surface coal mine extensions at Rix's Creek Coal Mine.

SCHEDULE 2

1. Before the heading "General" in Schedule 2, insert the following:

Note: References to the "Secretary" in this consent mean the Secretary of the Department of Planning & Environment, and include a nominee of the Secretary.

2. In condition 1 of Schedule 2, delete all words after "22 October 2014; and" and insert the following:
 - (ix) the modification application DA 49/94 MOD 7 and accompanying document from Bloomfield Collieries Pty Ltd titled Environmental Assessment for Proposed Modifications to Rix's Creek DA 49/94 N90/00356 (Mod 7) and Integra Open Cut Project 08_0102 (Mod 5) and dated 4 February 2016.
3. After condition 1 of Schedule 2, insert the following:
 - 1A. The Development is to be carried out in accordance with the conditions of this consent.
 - 1B. If there is any inconsistency between the documents listed in condition 1, the more recent document shall prevail to the extent of the inconsistency. The conditions of this consent shall prevail over all documents listed in condition 1.
4. In condition 3 of Schedule 2, delete the reference to "NSW Office of Water" and replace with "Department of Primary Industries Water".
5. Delete all references to "NOW" and replace with "DPI Water".
6. Delete all references to "Director-General", "Director", or "Director of Urban Affairs and Planning (the Director)" and replace with "Secretary".
7. Delete all references to "Annual Environmental Management Plan Report" or "Environmental Management Plan Report" and replace with "Annual Review".

8. In conditions 9, 15, 15A, 16A, 16F and 16G of Schedule 2, in each condition:

- a) delete the words "and implement" after the words "shall prepare"; and
- b) after the last paragraph, insert the following:

"The Applicant shall implement the management plan as approved from time to time by the Secretary."

9. After the heading "Heritage" in Schedule 2, delete "16F" and replace with "16G".

10. Delete condition 18 of Schedule 2.

11. In condition 19 of Schedule 2:

- a) delete the word "DRE" where first occurring in paragraph (i) and insert instead "the Secretary"; and
- b) delete paragraph (iv) and replace with "(iv) ensure that the report for each calendar year is submitted by 31 March of the following year."

12. After condition 28 of Schedule 2, insert the following:

Updating & Staging Submission of Strategies, Plans or Programs

29. To ensure the strategies, plans or programs under this consent are updated on a regular basis, and that they incorporate any appropriate mitigation measures to improve the environmental performance of the development, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

With the agreement of the Secretary, the Applicant may revise any strategy, plan or program approved under this consent without consulting with all the parties nominated under the applicable conditions of consent.

Notes:

- While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and
- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.