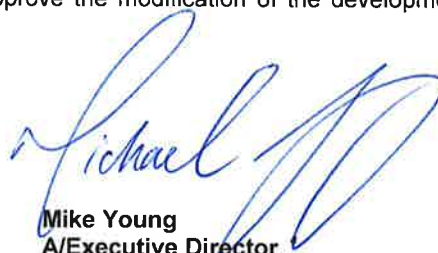


Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.


Mike Young
A/Executive Director
Energy and Resources

Sydney 16 AUGUST 2019

SCHEDULE 1

The development consent for the Clarence Colliery (DA 504_00), granted by the Minister for Planning on 19 December 2005.

SCHEDULE 2

1. In the list of "DEFINITIONS", delete "AEMR", "Development", "Department", "DRE", "EIS", "EA Mod 2", "EA Mod 3", "EIS", "Minister", "MSB", "NOW", "RMS", "SCA", "Secretary", and insert the following in alphabetical order:

Annual Review	The review of operations required under condition 5 of Schedule 5
Department	NSW Department of Planning, Industry & Environment
Development	The development described in the EIS
BCD	Biodiversity Conservation Division, within the Department
EIS	Environmental Impact Statement titled <i>Clarence Colliery – Lease Extension Environmental Impact Statement</i> , dated October 2000, as modified by:
	• Supplementary Report titled <i>Variation to Development Application No.504-00 and Supplementary Information</i>, dated May 2005; • Environmental Assessment – Reject Emplacement Area (REA) VI, November 2013, as modified by the Response to Submissions, dated 27 March 2014; • Environmental Assessment – <i>Road Haulage Modification, November 2013</i>, as modified by the Response to Submissions, dated 18 February 2014; and • Environmental Assessment – <i>Clarence Colliery Modification to DA 504-00 Statement of Environmental Effects, April 2019</i> as modified by the Response to Submissions, dated 27 June 2019 and Response to Request for Information dated 31 July 2019.
Minister	Minister for Planning and Public Spaces, or delegate
RMS	Transport - Roads and Maritime Services
DRG	Division of Resources and Geoscience within the Department
Water Division	Water Division within the Department
Planning Secretary	Secretary of the Department, or nominee.

2. Delete all references to "AEMR", and replace with "Annual Review".
3. Delete all references to "DRE" and replace with "DRG".
4. Delete all references to "SCA" and replace with "WaterNSW".
5. Delete all references to "NOW" and replace with "Water Division".
6. Delete all references to "OEH" and replace with "BCD".
7. Delete all references to "Director-General of DRE" and "Secretary", and replace with "Planning Secretary".
8. Delete all reference to "NSW Industrial Noise Policy" and replace with "NSW Noise Policy for Industry".
9. In condition 2 of Schedule 2, delete all words after "carry out the" and insert the following:
"development:

- generally in accordance with the EIS and Statement of Commitments; and
- in accordance with the conditions of this consent.”.

10. In condition 7 of Schedule 2:

- delete “The Applicant”, and replace with “Except for the period referred to in condition 7AA, the Applicant”; and
- delete “EA Mod 3.”, and replace with “Appendix 5.”.

11. In condition 7A of Schedule 2, delete “EA Mod 3” and replace with “Appendix 5”.

12. After condition 7A of Schedule 2, insert the following;

“7AA. Until 31st December 2020, the Applicant may transport up to 300,000 tonnes of coal by road per calendar year in total, including up to 200,000 tonnes of coal by road per calendar year to the Mount Piper Power Station or to locations north of Sydney and Eastern NSW using the haulage routes shown in Figure 1 of Appendix 5.

13. In condition 13 of Schedule 3, within ‘Table 3: Long term impact assessment criteria for particulate matter’, delete “30 µg/m³” and replace with “25 µg/m³”.

14. In condition 2 of Schedule 5, delete “Secretary’s”, and replace with “Planning Secretary’s”.

15. After condition 12 of Schedule 5, insert the following:

“Revision of Strategies, Plans and Programs

13. Within 3 months of:

- the submission of an incident report under condition 5A, Schedule 5;
- the submission of an annual review under condition 5 of Schedule 5;
- the submission of an audit report under condition 6 of Schedule 5; or
- any modification to the conditions of this consent, (unless the conditions require otherwise),

the Applicant must review the strategies, plans, and programs required under this consent, to the satisfaction of the Secretary. 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.

Note: This is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve the environmental performance of the development.”.

16. After APPENDIX 4 insert the following:

APPENDIX 5: COAL TRANSPORT ROUTES

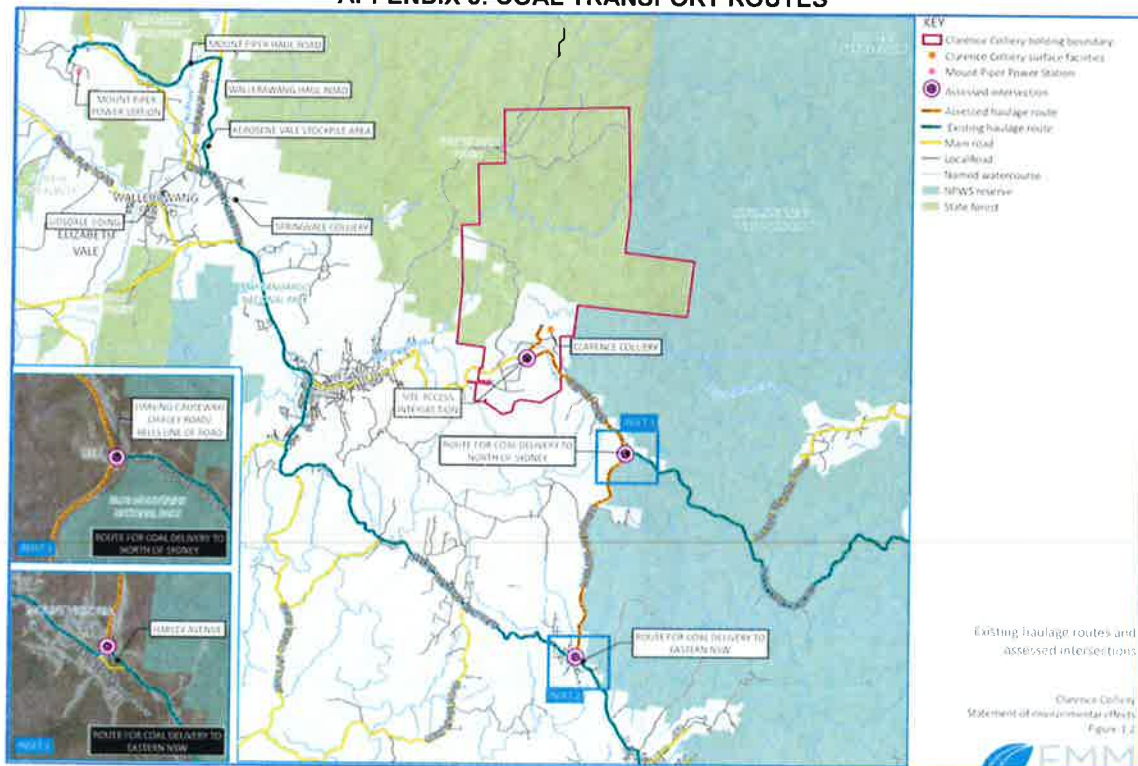


Figure 1: Coal Transport Routes

17. Adjust the TABLE OF CONTENTS and page numbers to reflect changes made by this instrument.