

# 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.



Steve O'Donoghue  
**Director - Resource Assessments**  
**Energy, Industry and Compliance**

Sydney 3 November 2020

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## SCHEDULE 1

**Development consent:** DA(67/98) granted by the Minister for Urban Affairs and Planning on 25 February 1999.

## SCHEDULE 2

1. In the table of definitions in Schedule 2, delete the terms and definitions for "Department", "Dol", "DRG" and "OEH" and insert the following in alphabetical order:

|                  |                                                                                                                                                                                                                                                           |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department       | Department of Planning, Industry and Environment                                                                                                                                                                                                          |
| DPIE Crown Lands | Crown Lands Group, within the Department                                                                                                                                                                                                                  |
| DPIE Water       | Water Group, within the Department                                                                                                                                                                                                                        |
| EA (MOD 5)       | Modification application dated 15 June 2020 to modify development consent DA67/98 and accompanying Environmental Assessment titled <i>Environmental Assessment Tahmoor Coal Modification 5 DA67/98</i> and additional information dated 30 September 2020 |
| ESS              | The Environment, Energy and Science Group, within the Department                                                                                                                                                                                          |
| Heritage NSW     | Heritage Branch of the Department of Premier and Cabinet                                                                                                                                                                                                  |
| NRSR             | National Rail Safety Regulator                                                                                                                                                                                                                            |

2. Delete all references to "OEH" and replace with "ESS", except in condition 13H(f).
3. Delete all references to "DRG" and replace with "Resources Regulator", except in condition 13H(ii) of Schedule 2.
4. Delete all references to "Dol" and replace with "DPIE Water and DPIE Crown Lands", except in condition 13H(c).
5. In condition 1(i) of Schedule 2:
  - a. delete "and" before "EA (MOD 4) and replace with ","; and
  - b. insert " and EA (MOD 5)" after "EA (MOD 4)".
6. In Table 2, insert "Picton Tunnel" as a key public infrastructure feature.

7. In condition 13H(ii) of Schedule 2, delete the “DRG,”.
8. In condition 13H(vii)(b):
  - a. in the first dot point, insert “, including ARTC and NRSR in relation to potential impacts on rail infrastructure” after “affected features”;
  - b. in the second dot point, insert “the Main Southern Railway including the Picton Tunnel,” after “(including angle towers),”; and
  - c. in the fourth dot point, insert “, including an Emergency Response Plan for emergency mitigation works in the Picton Tunnel” after “timely manner”.
9. In condition 13H(c) of Schedule 2, delete the reference to “DoI” and replace with “DPIE Water”.
10. In condition 13H(f) of Schedule 2, delete the reference to “OEH” and replace with “Heritage NSW”.
11. In condition 30 of Schedule 2, delete “the Heritage Office” and replace with “Heritage NSW”.
12. In Appendix 1, delete Figures 2 and replace with:



**End of modification  
(DA67/98 MOD 5)**