

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, I modify the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Richard Pearson
**Deputy Director-General,
Development Assessment and Systems Performance**

Sydney

2011

SCHEDULE 1

The Development Consent (DA 98/01173 & DA 118/698/22) for the Donaldson Coal Mine granted by the Minister for Urban Affairs and Planning on 14 October 1999.

SCHEDULE 2

1. In the list of DEFINITIONS, delete "Director-General – Director-General of the Department of Urban Affairs and Planning or her nominee", "DLWC – Department of Land and Water Conservation", "DMR – Department of Mineral Resources", "DUAP – Department of Urban Affairs and Planning" "EPA – Environmental Protection Authority" and "NPWS – National Parks and Wildlife Service", and insert the following in alphabetical order:

Director-General	Director-General of the Department of Planning and Infrastructure
DP&I	Department of Planning and Infrastructure
DRE	Division of Resources and Energy (within the Department of Trade and Investment, Regional Infrastructure and Services)
NOW	NSW Office of Water (within the Department of Primary Industries)
OEH	Office of Environment and Heritage

2. Delete all references to "Department of Urban Affairs and Planning", "DUAP" and "the Department" and replace with "DP&I".
3. Delete all references to "DLWC" and replace with "NOW".
4. Delete all references to "DMR", and replace with "DRE".
5. Delete all references to "DEC", "EPA", "NPWS" and replace with "OEH".
6. In condition 1(1) of Schedule 2, delete all words after "GSS Environmental;" and insert:
 - modification application DA 98/01173 & DA 118/698/22 MOD 2 and supporting information, prepared by Donaldson Coal Pty Limited and dated 16 December 2010 and 25 March 2011; and
 - conditions of this consent.
7. In condition 1(2) of Schedule 2, delete all words after "above," and insert:

"the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency."
8. In condition 5(2) of Schedule 2, delete all words after "consent for mining" (including the note) and insert:

“operations shall lapse on 31 December 2013.

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Director-General and DRE. Consequently this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been properly rehabilitated.”

9. In condition 13(1) of Schedule 2, delete “, and to NPWS where relevant”.

10. Following condition 74 of Schedule 2, insert the following:

74A. By 30 September 2011, the Applicant shall revise the Bushland Conservation Area Management Plan to the satisfaction of the Director-General. The revised plan must:

- (i) be prepared in consultation with OEH; and
- (ii) include the 3 hectares of land removed from the approved mining area, as detailed in the letter from Donaldson Coal Pty Limited to the Minister for Planning dated 25 March 2011.

11. Following condition 78 of Schedule 2, insert the following:

78A. By 31 October 2011, the Applicant shall revise the Rehabilitation Plan to the satisfaction of the Director-General. The revised plan must:

- (i) be prepared in consultation with DRE;
- (ii) include:
 - the rehabilitation objectives for the site;
 - a strategic description of how the rehabilitation of the site would be integrated with surrounding land uses;
 - a general description of the short and long term measures that would be implemented to rehabilitate the site, including:
 - managing remnant vegetation and habitat on site;
 - minimising impacts on fauna;
 - minimising visual impacts;
 - conserving and reusing topsoil;
 - controlling weeds, feral pests, and access; and
 - managing bushfires;
 - detailed performance and completion criteria for the rehabilitation of the site;
 - a detailed description of how the performance of the rehabilitation works would be monitored over time to achieve the stated objectives and against the relevant performance and completion criteria; and
 - details of who is responsible for monitoring, reviewing and implementing the plan.

12. Delete condition 112 of Schedule 2, and insert the following:

112. By 30 September 2011, the Applicant shall:

- (i) make copies of the following publicly available on its website:
 - all relevant statutory approvals for the development;
 - all approved strategies, plans and programs required under the conditions of this consent;
 - monitoring results, reported in accordance with the specifications in any approved plans or programs required under the conditions of this consent or any other approval;
 - a complaints register, which is to be updated on a monthly basis;
 - minutes of CCC meetings;
 - the Annual Environmental Management Reports required under condition 114;
 - any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;
 - any other matter required by the Director-General; and
- (ii) keep this information up-to-date,
to the satisfaction of the Director-General.

13. In condition 123 of Schedule 2, delete the words “Urban Affairs and”, and insert the words “and Infrastructure” following “Planning”.

14. In Schedule 3, delete "Part Lots 9, 10, 11 and 13 in Deposited Plan 11875" and "Lots 13 and 92 in Deposited Plan 755260" and insert the following:

"Lot 109 in Deposited Plan 1100314
Part Lot 110 in Deposited Plan 1100314
Part Lot 111 in Deposited Plan 1128130
Part Lot 131 in Deposited Plan 1098413
Lot 1392 in Deposited Plan 1126633
Lot 13 in Deposited Plan 1097621
Lot 11 in Deposited Plan 241097
Lot 119 in Deposited Plan 1154904"

15. In Schedule 3, delete the plan and insert the following:

