

# Notice of Modification

## Section 4.55(1A) 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.



Jessie Evans  
**Director**  
**Resource Assessments**

Sydney

22 DECEMBER 2021

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### SCHEDULE 1

The development consent (06\_0236) for the Chitter and Tailings Reclamation Project, granted by the Acting Deputy Director-General on 1 March 2010.

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### SCHEDULE 2

1. In the list of DEFINITIONS, delete the terms “Director-General”, “DRE”, “Executive Director, Mineral Resources”, “Material harm”, “Minister”, “NOW”, “OEHS”, “P&I”, “Project” and “RMS” and associated definitions and insert the following in alphabetical order:

BCD	Biodiversity and Conservation Division within the Department
Conditions of this consent	Conditions contained in schedules 2 to 5 inclusive
Department	NSW Department of Planning and Environment
Development	The development as described in the documents listed in condition 2(d) of Schedule 2, as modified by this consent
DPIE Water	Water Group within the Department
EA MOD 4	Modification Application 06_0236 MOD 4 and accompanying Environment Assessment titled <i>Modification to approval MP06_0236 – Chitter and Tailings Reclamation Project</i> , prepared by Premier Energy Resources dated 4 October 2021 and supporting documents
Material harm	Is harm to the environment that: <ul style="list-style-type: none"><li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li><li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li></ul>
Minister	NSW Minister for Planning
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Resources Regulator	NSW Resources Regulator within the Department of Regional NSW
TfNSW	Transport for New South Wales

2. Delete all references to “approval” and replace with “consent”, except in:
- (a) the first reference in condition 8 of Schedule 2,
  - (b) conditions 3(b), 9(a), 9(b) and 13(b) of Schedule 3;
  - (c) conditions 2, 3 and 4 of Schedule 4;

- (d) the first reference in condition 10 of Schedule 5; and
  - (e) the third reference in condition 12 of Schedule 5.
3. Delete all references to “Proponent” and replace with “Applicant”.
  4. Delete all references to “Director-General” and replace with “Planning Secretary”.
  5. Delete all references to “P&I” and replace with “the Department”, except in condition 9 of Schedule 5.
  6. Delete all references to “shall” and replace with “must”, except in condition 3 of Schedule 2 and condition 5 of Schedule 4.
  7. Delete all references to “RMS” and replace with “TfNSW”.
  8. Delete all reference to “OEH” and replace with “BCD”.
  9. Delete all references to “NOW” and replace with “DPIE Water”.
  10. Delete all references to “DRE” and replace with “Resources Regulator”.
  11. In condition 1 of Schedule 2, delete the words “The Proponent shall” and replace with “In addition to meeting the specific performance measures and criteria under this consent, the Applicant must”.
  12. In condition 2 of Schedule 2, delete all words, including the notes and replace with the following:

The Applicant must carry out the development:

    - (a) in compliance with the conditions of this consent;
    - (b) in accordance with the statement of commitments in Appendix 4;
    - (c) in accordance with all written directions of the Planning Secretary; and
    - (d) generally in accordance with the EA, EA MOD 1, EA MOD 2 and EA MOD 4.
  13. In condition 5 of Schedule 2 and condition 12 of Schedule 5, delete “the Executive Director, Mineral Resources” and replace with Resources Regulator”.
  14. In condition 5 of Schedule 2, after the word ‘standard.’, insert ‘Mining operations does not include the activities described in EA MOD 4.’
  15. In condition 5(b)(iv) of Schedule 5, delete “EA, EA (MOD 1) and EA (MOD 2)” and replace with “documents listed in condition 2(d) of Schedule 2”.
  16. In condition 9 of Schedule 5, delete “Guideline for Establishing and Operating Community Consultative Committees for Mining Projects (P&I, 2007)” and replace with “Department’s *Community Consultative Guidelines: State Significant Projects (2019)*”.

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**End of Modification**  
**MP 06\_0236 – Modification 4**