

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.



Howard Reed
Director
Resource Assessments

Sydney

30 August

2018

SCHEDULE 1

The development consent (SSD-4960) for the Bulga Optimisation Project, granted by the Planning Assessment Commission on 1 December 2014.

SCHEDULE 2

1. In the list of Definitions, delete the following terms: "DPI Water", "DRE", "Secretary", and their definitions, and insert the following definitions in alphabetical order:

DoI Water	Division of Land and Water within the Department of Industry
DRG	Division of Resources and Geosciences within the Department
Secretary	Planning Secretary under the EP&A Act, or nominee
SEE (MOD 2)	Statement of Environmental Effects titled <i>SSD Modification 2 – Application to extend the period for the construction of the outer face of the noise and visual bund</i> , dated 18 July 2018 and prepared by Bulga Coal Management Pty Ltd

2. Delete all references to "DPI Water" and replace with "DoI Water".
3. Delete all references to "DRE" and replace with "DRG".
4. In paragraph (b) of condition 2 of Schedule 2, after "SEE (MOD1)", insert "and SEE (MOD2)".
5. After condition 15 of Schedule 2, insert the following:

EVIDENCE OF CONSULTATION

16. Where conditions of this consent require consultation with an identified party, the Applicant must:
 - (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

COMPLIANCE

17. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

18. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
 19. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.
6. In paragraph (b) of condition 47 of Schedule 3, after "years", insert "and 9 months (i.e. 1 September 2019)".
 7. After condition 10 of Schedule 5, insert the following:

Monitoring and Environmental Audits

- 10A. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.