

Notice of Modification

Section 96(2) 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.



**Executive Director
Resource Assessments and Compliance**

Sydney

16 / 12 / 2015

SCHEDULE 1

The development consent (SSD_5170) for the Bengalla Continuation Project, granted by the Secretary, as delegate of the Minister for Planning on 3 March 2015.

SCHEDULE 2

1. In the List of Definitions, delete the definitions for "DRE" and "NOW" and the words "within the Department of Premier and Cabinet", and insert the following in alphabetical order:

DPI – Water

DRE

SEE (Mod 1)

Department of Primary Industries – Water

Division of Resources and Energy of the NSW Department of Industry

Statement of Environmental Effects titled '*Bengalla Mine Development Consent Modification Statement of Environmental Effects*' dated August 2015 and prepared by Hansen Bailey, including the Response to Submissions document dated October 2015

2. Delete all references to "NOW" and replace with "DPI – Water".
3. In condition 2 of Schedule 2, delete all words after "the EIS", and replace with:
"and SEE (Mod 1); and
(b) comply with the conditions of this consent and the Development Layout.

Note: The Development Layout is shown in Appendix 2."

4. In condition 3 of Schedule 2:
 - a) delete "above documents", and replace with "documents in condition 2";
 - b) delete "However, the conditions of this consent shall prevail", and replace with "The conditions of this consent shall prevail over the documents in condition 2(a)".
5. Delete condition 15 of Schedule 2, and replace with:

15. The Applicant must regularly review the strategies, plans and programs required under this consent and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

With the agreement of the Secretary, the Applicant may prepare a revision or stage of any strategy, plan or program required under this consent without undertaking consultation with all parties nominated under the applicable condition in this consent.

Notes:

- While any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.
- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

6. After condition 29 of Schedule 3, insert the following:

29A. During construction and maintenance of the Northern Diversion Levee, the Applicant shall ensure that impacts to native vegetation (particularly EECs) are minimised as far as is reasonable and feasible, to the satisfaction of the Secretary.

7. In conditions 7, 15, 20, 25, 29, 31, 32 and 46 of Schedule 3, in each condition:

- delete the words "and implement" after the words "shall prepare"; and
- at the end of the condition, insert the following:

"The Applicant shall implement the approved management plan as approved from time to time by the Secretary".

8. In condition 1 of Schedule 5:

- delete the words "and implement" after the words "shall prepare"; and
- after the last dot point, insert the following:

"The Applicant shall implement the approved strategy as approved from time to time by the Secretary".

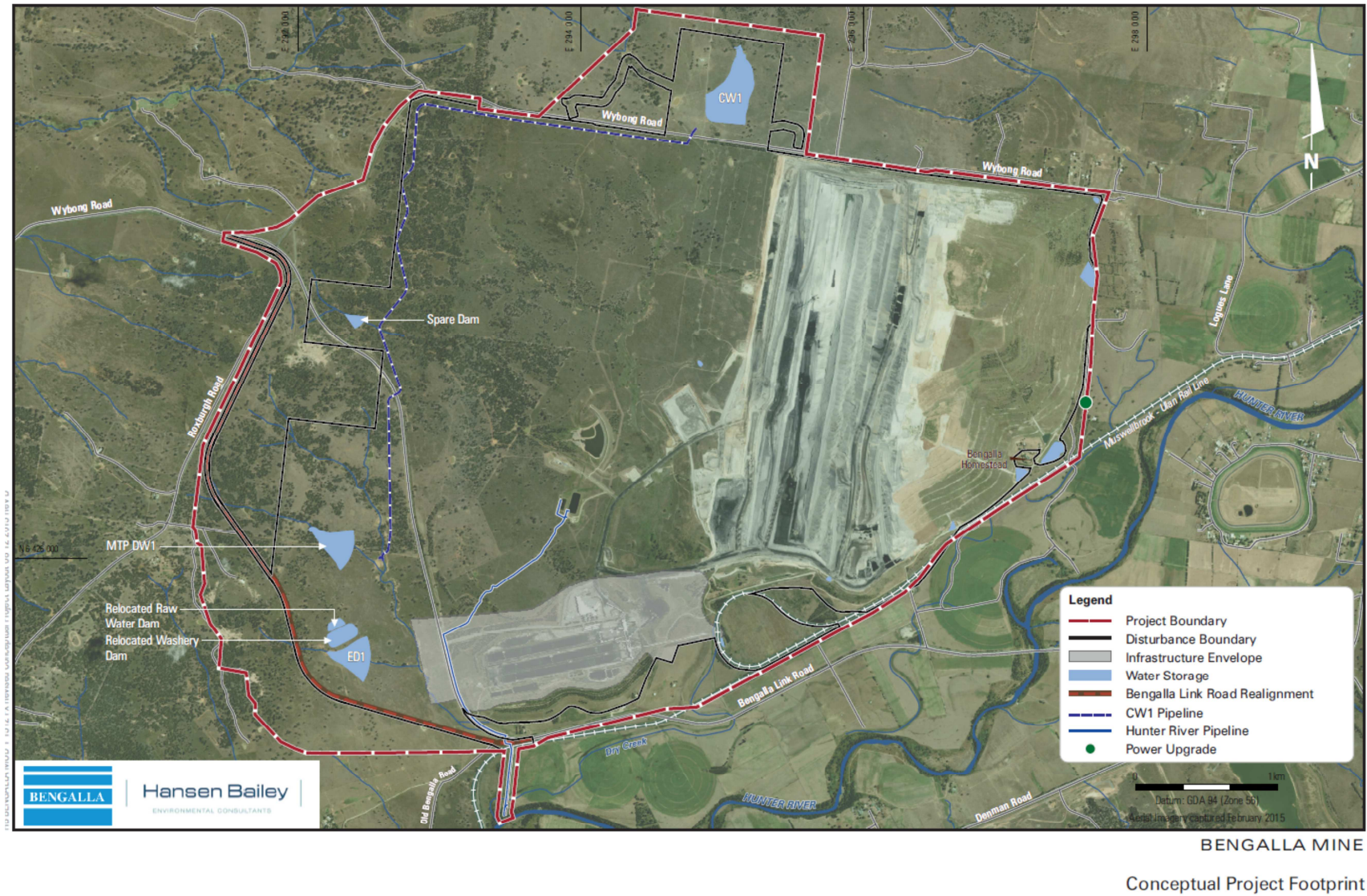
9. Delete the Table in Appendix 1 and replace with the following:

Lot	DP	Owner
9	39345	Bengalla Mining Company Limited
1	189134	Bengalla Mining Company Limited
1	236668	Bengalla Mining Company Limited
3	236668	Bengalla Mining Company Limited
6	236668	Bengalla Mining Company Limited
7	236668	Bengalla Mining Company Limited
10	236668	Bengalla Mining Company Limited
112	551930	Bengalla Mining Company Limited
110	556761	Bengalla Mining Company Limited
111	556761	Bengalla Mining Company Limited
2	561117	Bengalla Mining Company Limited
19	563495	Bengalla Mining Company Limited
1	570070	Bengalla Mining Company Limited
2	570070	Bengalla Mining Company Limited
91	620639	Bengalla Mining Company Limited
71	626353	Bengalla Mining Company Limited
72	626353	Bengalla Mining Company Limited
20	706045	Bengalla Mining Company Limited
505	711996	Bengalla Mining Company Limited
1	718834	Bengalla Mining Company Limited
1	735667	Bengalla Mining Company Limited
2	735667	Bengalla Mining Company Limited
21	776758	Bengalla Mining Company Limited
22	776758	Bengalla Mining Company Limited
41	792447	Bengalla Mining Company Limited
43	792447	Bengalla Mining Company Limited
5	801249	Bengalla Mining Company Limited
8	821183	Bengalla Mining Company Limited
20	1072668	Bengalla Mining Company Limited
22	1072668	Bengalla Mining Company Limited
24	1072668	Bengalla Mining Company Limited
25	1072668	Bengalla Mining Company Limited
26	1072668	Bengalla Mining Company Limited
27	1072668	Bengalla Mining Company Limited
100	1148907	Bengalla Mining Company Limited
101	1148907	Bengalla Mining Company Limited
102	1148907	Bengalla Mining Company Limited

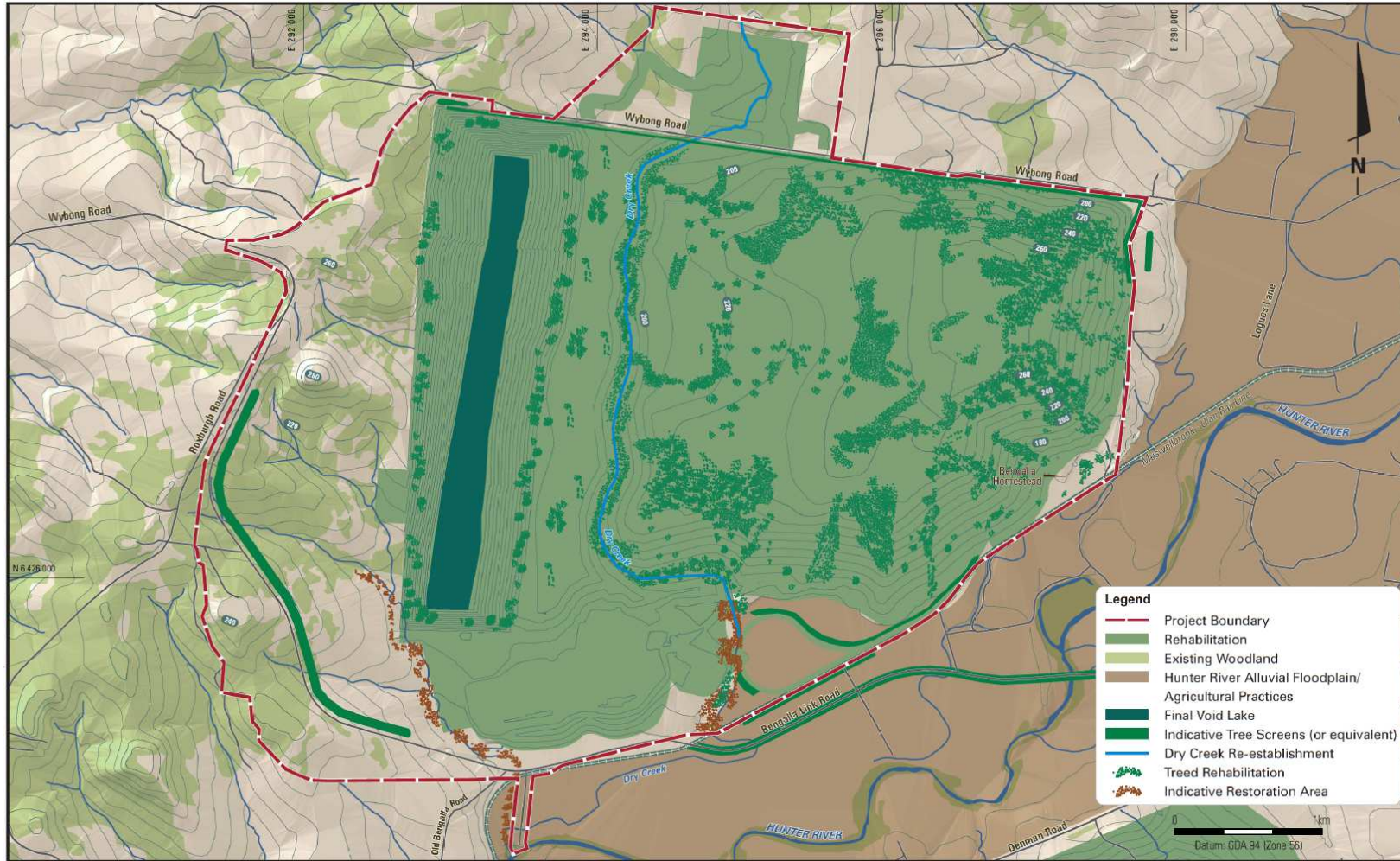
Lot	DP	Owner
103	1148907	Bengalla Mining Company Limited
104	1148907	Bengalla Mining Company Limited
105	1148907	Bengalla Mining Company Limited
106	1148907	Bengalla Mining Company Limited
274	750926	Coal & Allied Operations Pty Limited
4	801249	Coal & Allied Operations Pty Limited
6	821183	Coal & Allied Operations Pty Limited
2*	801249	Coal & Allied Operations Pty Limited
10	1184928	Coal & Allied Operations Pty Limited
11	1184928	Bengalla Mining Company Limited
3	998477	Coal & Allied Operations Pty Limited
Sections of various Council roads		
Sections of Crown roads		
Sections of Muswellbrook-Ulan Rail Line		

*Associated with Mod 1 and SEE (Mod 1), August 2015

10. Delete the Figure in Appendix 2 and replace with the following:



11. Delete the Figure in Appendix 9 and replace with the following:



BENGALLA MINE

Revised Conceptual Final Landform



Hansen Bailey
ENVIRONMENTAL CONSULTANTS