

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Jessie Evans
Director – Resource Assessments
Department of Planning and Environment

Sydney

XX October 2022

SCHEDULE 1

Development consent:	SSD 5579 granted by the Planning Assessment Commission, as delegate of the Minister for Planning and Infrastructure, on 4 April 2014
For the following:	Western Coal Services Project
Applicant:	Springvale Coal Pty Limited
Consent Authority:	Minister for Planning and Infrastructure
The Land:	Refer to Appendix 1 of SSD 5579
Modification:	SSD 5579 MOD 4: Water transfer and management system

SCHEDULE 2

1. In the list of DEFINITIONS, delete the following terms and their definitions: “Department”, “DPIE Water”, “DRG”, “Heritage Division”, “Material harm to the environment”, “Minister”, and “Resources Regulator” and insert the following in alphabetical order:

Angus Place Water Transfer System	Angus Place to Mount Piper Power Station Water Transfer Pipeline approved under the Angus Place Coal Project (MP 06_0021)
Department	Department of Planning and Environment
DPE Water	Water Group within the Department
Heritage NSW	Heritage NSW within the Department
Material harm	Is harm that: <ul style="list-style-type: none">• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or• 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) This definition excludes “harm” that is authorised under either this consent or any other statutory approval.
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	Minister for Planning, or delegate
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent

Resources Regulator	NSW Resources Regulator
SCSS/Regis Transfer System	Water transfer system proposed under SSD-9505 to facilitate the transfer of water via the proposed pipeline to the McPhillamys Gold Project, as shown on Figure 1 of Appendix 5A.
SCSS Water Transfer System	Water transfer system located upstream of LDP001 to facilitate the transfer of water to the SCSS/Regis Transfer System or Mount Piper Power Station, as generally shown on Figure 1 of Appendix 5A.

2. In the definition of "EIS":
 - a) after "October 2017;" delete "and"; and
 - b) after "July 2019" insert:
 - “; and
 - MOD 4 – Modification Report titled *Western Coal Services Modification report for modification to SSD-5579* dated December 2021 and *Submissions Report* dated 23 June 2022 and additional Information dated 21 February 2022 and 23 August 2022.”
3. In the definition of "EP&A Regulation", delete "2000" and replace with "2021"
4. In Schedule 2 onwards, delete all references to "DPIE - Water" and replace with "DPE Water"
5. After condition 8A of Schedule 2, insert:

Water Transfers

8B The Applicant must not:

 - (a) transfer more than 15.6 megalitres per day up to a maximum of 790 megalitres per year of water via the SCSS Water Transfer System to the SCSS/Regis Transfer System;
 - (b) transfer more than 2.6 megalitres per day via the SCSS Water Transfer System to Mount Piper Power Station; and
 - (c) receive more than 2.6 megalitres per day of raw water from the Angus Place Water Transfer System.
6. In condition 11 of Schedule 2:
 - a) In the first bullet point under "Notes", delete "Part 4A of";
 - b) delete the second bullet point under "Notes".
7. After condition 30 of Schedule 3, insert:

30A. Unless otherwise agreed by the Secretary, the Applicant must retire the relevant biodiversity credits specified in Table 10A, prior to commencing vegetation clearing for each MOD 4 element. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*.

Table 10A: Biodiversity credit requirements

Credit Type	MOD 4 element	Credits Required
Ecosystem Credits		
PCT 731 Broad-leaved Peppermint – Red Stringybark grassy open forest on undulating hills, South Eastern Highlands Bioregion	DWP – A and Clean water diversion	23
	DWP – B	8
	Angus Place pipeline raw water offtake and tank	2
PCT 1191 Snow Gum – Candle Bark woodland on broad valley flats of the tablelands and slopes, South Eastern Highlands Bioregion	DWP – A and Clean water diversion	121
	SCSS/Regis Transfer System and SCSS Water Transfer System	90
	DWP - B	121
	Angus Place pipeline raw water offtake and tank	11

Species Credit Species		
<i>Eucalyptus aggregate</i> (Black Gum)	DWP – B	62
	Angus Place pipeline raw water offtake and tank	2
<i>Paralucia spinifera</i> (Bathurst Copper Butterfly)	DWP – A and Clean water diversion	3
	DWP - B	5

Note: Retirement of credits must be completed for each MOD 4 element prior to the commencement of vegetation clearing required for the construction of each MOD 4 element in isolation. MOD 4 elements are shown on Figure 1 of Appendix 5A.

8. In condition 32 of Schedule 3, delete “the Heritage Division” and replace with “Heritage NSW”.
9. In condition 43 of Schedule 3, delete “to the satisfaction of the Resources Regulator” and replace with” in accordance with the conditions imposed on the mining lease(s) associated with the project under the *Mining Act 1992*”.
10. Delete condition 45 of Schedule 3 and replace with:
 45. The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the provisions of the *Mining Act 1992*. The plan must be prepared in consultation with the Department, EPA, DPE Water, WaterNSW, BCD, the CCC and LCC.
11. Delete the table in Appendix 1 and replace with:

Lot/DP	Landowner
1/1049889	Local Government Authority
1/1087684	Freehold
1/1127043	Freehold
1/1139982	Freehold
1/1201852	Freehold
1/1256036	Freehold
1/126483	Freehold
1/252472	Freehold
1/386554	Freehold
1/702619	Freehold
1/803655	Freehold
1/825124	Freehold
1/825887	Freehold
1/88503	Freehold
10/1139978	Freehold
10/1187371	Freehold
101/1137972	Freehold
101/1240974	Freehold
101/829410	Freehold
102/1240974	Freehold
103/1164619	Freehold
11/1139978	Freehold
120/1188105	Freehold
121/1188105	Freehold
123/1188105	Freehold
124/1188105	Freehold
125/1188105	Freehold
126/1188105	Freehold

127/1188105	Freehold
128/1188105	Freehold
13/751651	Freehold
132/1188105	Freehold
135/1188105	Freehold
136/1188105	Freehold
137/1188105	Freehold
138/1188105	Freehold
139/1185660	Freehold
139/1188105	Freehold
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148/1185660	Freehold
149/1185660	Freehold
151/1185660	Freehold
152/1185660	Freehold
16/751651	Freehold
174/751651	Freehold
191/629212	Freehold
2/1018958	Freehold
2/1139982	Freehold
2/1256036	Freehold
2/126483	Freehold
2/260621	Freehold
2/567915	Freehold
2/702619	Freehold
228/1131953	Freehold
290/751636	NSW Government
291/751636	NSW Government
3/1139982	Freehold
3/1151441	Freehold
3/542432	Freehold
3/829137	Freehold
32/751636	Freehold
351/751636	Freehold
357/751651	Freehold
371/751651	Freehold
375/751651	Freehold
385/751651	Freehold

4/1139982	Freehold
4/1151441	Freehold
4/1187371	Freehold
4/260621	Freehold
406/751651	Freehold
41/751636	Freehold
43/751651	Freehold
5/1087684	Freehold
5/1187371	Freehold
5/1244030	Freehold
5/804929	Freehold
5/829137	Freehold
502/825541	NSW Government
51/751651	Freehold
57/751636	Freehold
6/1187371	Freehold
6/1244030	Freehold
67/751636	Freehold
7/1244030	Freehold
70/751636	Crown
7005/1026541	Crown
8/1244030	Crown
8/252472	Freehold
8/804929	Freehold
9/1187371	Freehold
9/804929	Freehold

13. Delete Figure 1 in Appendix 3 and replace with:



KEY		Existing Environment	
Proposed project application area	Construction Envelope	Offtake from Angus Place Raw Pipeline Project	Roads
Licensed discharge point	Surface water storage	Huon Clean Water Pond	State Conservation Area
Continuous Ambient Particulate Monitor	Surface water catchment to be managed by Energy Australia	DWP-A	State Forest
Dust Gauges	Proposed modification elements	DWP-B	Strahler stream order
Coal Stockpiles	SCSS Water Transfer System (including bi-directional Pipeline)	Proposed as part of SSD-9505	1st order
CHPP	McPhillamys Pipeline Easement	McPhillamys Pipeline Easement	2nd order
Overland Conveyor	SCSS/Regis Transfer System	SCSS/Regis Transfer System	3rd order
			4th order

Figure 1: General layout of proposed infrastructure on the SCSS

14. Immediately before Appendix 6, insert the following:

APPENDIX 5A MOD 4 ELEMENTS

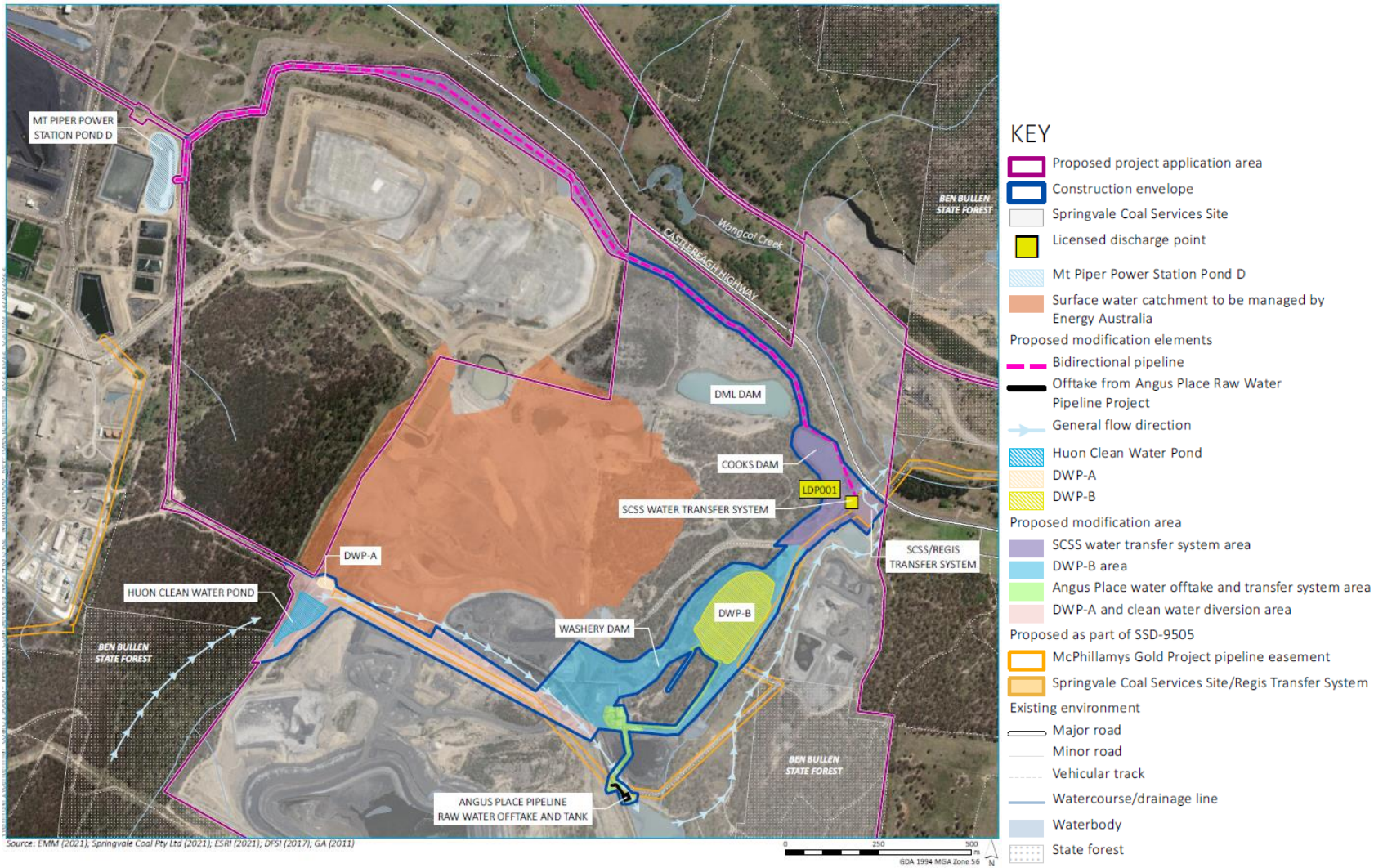
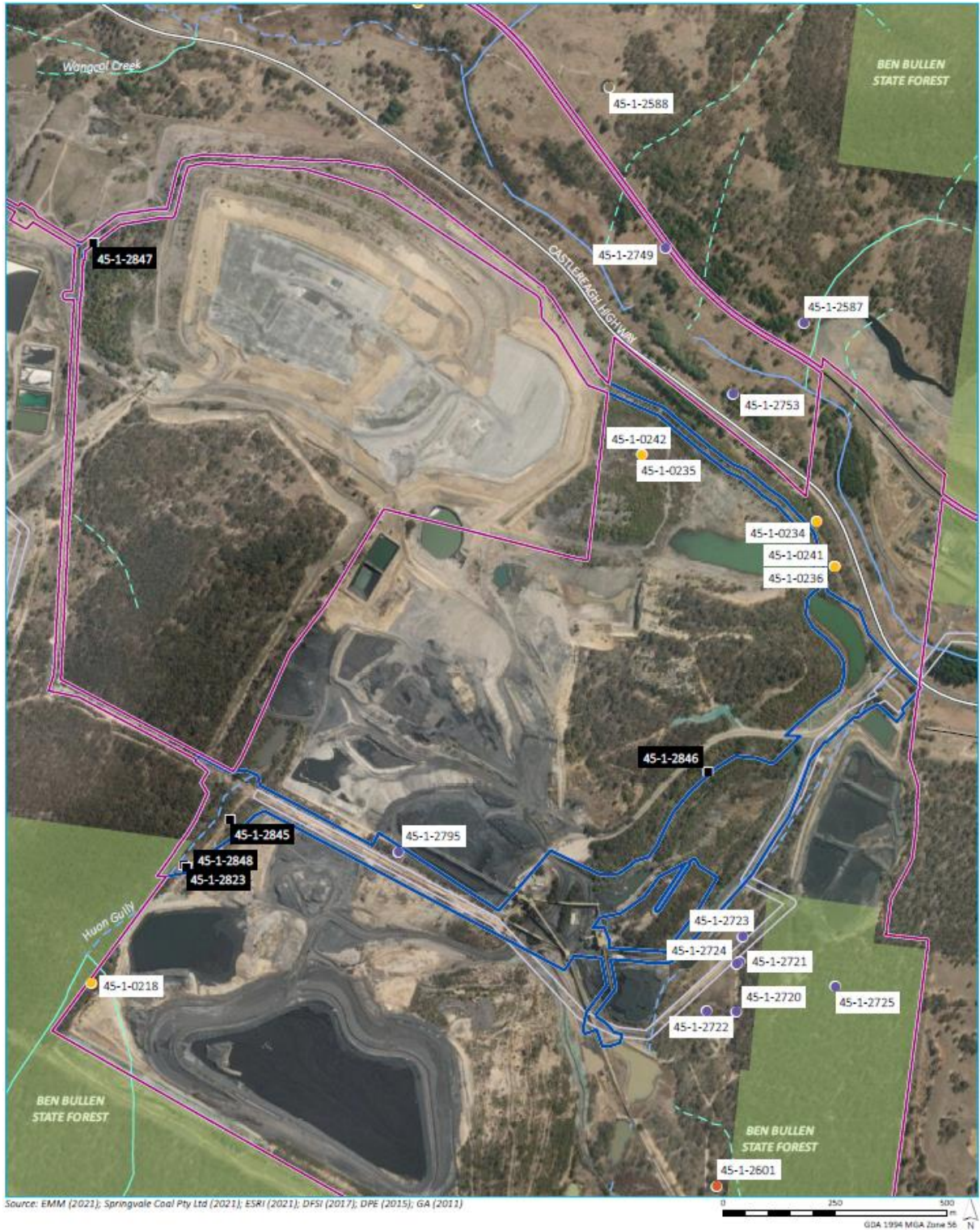


Figure 1: Modification 4 Elements

15. Delete Figure 1 in Appendix 6 and replace with:



















KEY		
	Proposed project application area	 Sites identified during ACHA survey
	Construction envelope	 AHIMS (site type)
	Existing environment	 Artefact scatter with PAD
	Major road	 Artefact scatter/site
	Minor road	 Isolated find
	State forest	 PAD
	Strahler stream order	
	 1st order	
	 2nd order	
	 3rd order	
	 4th order	

Figure 1: Location of Aboriginal cultural heritage sites

16. Delete Figure 1 in Appendix 7 and replace with:

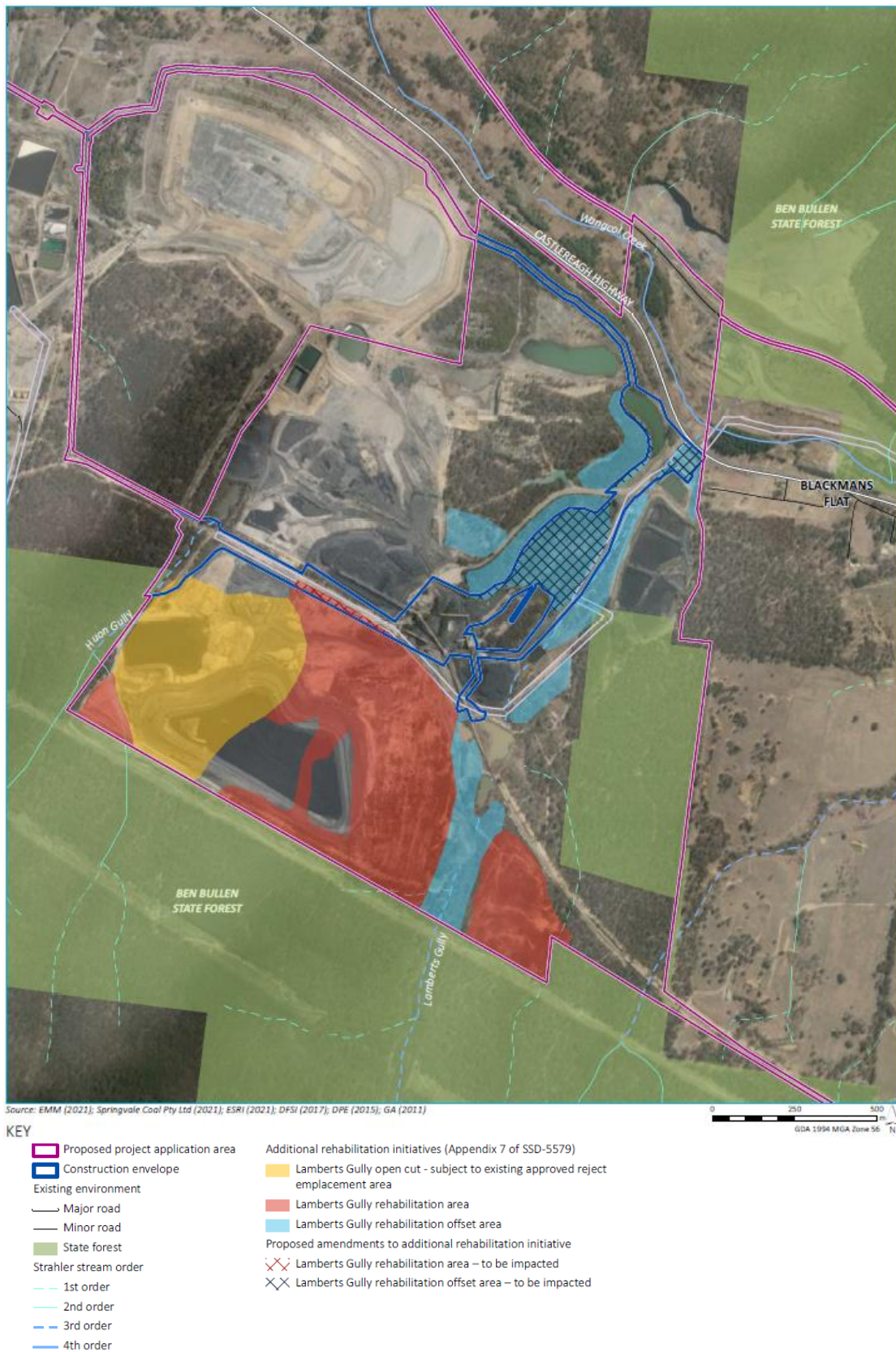


Figure 1: Location of Additional Rehabilitation Initiatives at SCSS and Proposed Amendments Associated with MOD 4

**End of modification
(SSD 5579 MOD 4)**