

Notice of Modification

Section 75W 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

16 February

2016

SCHEDULE 1

The development consent (DA 305-11-01), granted by the Minister for Planning, for the Liddell Colliery and associated surface facilities and infrastructure on 20 November 2002.

SCHEDULE 2

1. In the Table of Contents:
 - (a) after the words "APPENDIX 2:", delete the words "MAP OF THE SITE" and replace with "DEVELOPMENT LAYOUT PLANS"; and
 - (b) after the words "APPENDIX 4:", delete the words "INDEPENDENT DISPUTE RESOLUTION PROCESS" and replace with "DELETED".
2. In the list of Definitions, delete the definitions for "DRE", "EA" and "NOW", and insert the following in alphabetical order:

DPI – Water	Department of Primary Industries – Water
DRE	Division of Resources and Energy, within the NSW Department of Industry
EIS	Development application 305-11-2001 and accompanying documents titled <i>Liddell Colliery Continued Operations Environmental Impact Statement</i> , dated October 2001; <i>Response to NPWS Request for Further Information in Relation to the Archaeological Assessment, Liddell EIS</i> , dated February 2002; correspondence submitted to the Departments and SC, dated 20 December 2001; <i>Response to Submissions Liddell Colliery Environmental Impact Statement</i> , dated March 2002; <i>Continued Operations of Liddell Colliery – Revised Development Application Area</i> , dated 13 March 2002; and additional air quality contours provided to the Department, dated 7 May 2002
MOD 1 EA	Modification application 305-11-01 MOD 1 and accompanying Schedule of Lands
MOD 2 EA	Modification application 305-11-01 MOD 2 and accompanying documents titled <i>Liddell Colliery Modification to Development Consent Environmental Assessment</i> , dated December 2006; <i>Response to Submissions Environmental Assessment for Liddell Colliery Modification to Development Consent</i> , dated March 2007; <i>Response to Submissions from the Roads and Traffic Authority and the Hunter Regional Development Committee Environmental Assessment for Liddell Colliery Modification to Development Consent</i> , dated April 2007; and <i>Revised Statement of Commitments for the Liddell Development Consent Modification</i> , dated July 2007
MOD 3 EA	Modification application 305-11-01 MOD 3 and accompanying documents titled <i>Liddell Coal Operations Pty Limited Statement of Environmental Effects for Liddell Colliery Modification to Development Consent</i> , dated February 2008

MOD 4 EA	Modification application 305-11-01 MOD 4 and accompanying document and site plans, dated 7 October 2009 and prepared by Umwelt Australia Pty Limited
MOD 5 EA	Modification application 305-11-01 MOD 5 and accompanying document and site plans, dated September 2013 and prepared by SLR
MOD 6 EA	Modification application 305-11-01 MOD 6 and accompanying documents titled <i>Greater Ravensworth Area Tailings Pipeline Modification Environmental Assessment</i> dated November 2015, including the response to submissions dated December 2015

3. Delete all references to "NOW" and replace with "DPI – Water".
4. In condition 2 of Schedule 2, delete all words after "Terms of Consent" and replace with:

"The Applicant shall:

 - (a) carry out the development generally in accordance with the EIS, MOD 1 EA, MOD 2 EA, MOD 3 EA, MOD 4 EA, MOD 5 EA and MOD 6 EA; and
 - (b) comply with the conditions of this consent and the Development Layout Plans.

Note: The Development Layout Plans are shown in Appendix 2.
5. In condition 3 of Schedule 2, delete all words, and replace with:

"If there is any inconsistency between the documents in condition 2(a), the most recent documents shall prevail to the extent of the inconsistency. The conditions of this consent shall prevail over documents in condition 2(a) to the extent of any inconsistency."
6. In conditions 15A, 23, 29, and 39 of Schedule 3, in each condition:
 - (a) delete the words "and implement" after the words "shall prepare"; and
 - (b) 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."
7. In condition 28 of Schedule 3, capitalise the "A" in the second reference to "applicant".
8. After condition 28 of Schedule 3, insert the following:

Compensatory Planting

- 28A. The Applicant shall plant and maintain, until established, 10 River Oak trees for every established River Oak tree removed during construction of the tailings pipeline under MOD 6.

Note: An established River Oak tree is considered to be two metres or greater in height.

9. In the second dot point to the notes to condition 30 of Schedule 3, delete the word "review" and replace with "reviewed".
10. In condition 6 of Schedule 4, delete the sentence "If the matter cannot be resolved within 21 days, the Secretary shall refer the matter to an Independent Dispute Resolution Process (see Appendix 4).".
11. In condition 1 of Schedule 5:
 - (a) delete the words "and implement" after the words "shall prepare"; and
 - (b) at the end of the condition, insert the following:

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

12. In Appendix 2:

- (a) delete the words “Map of the Site” and replace with “Development Layout Plans”; and
- (b) after the first figure, insert the following:

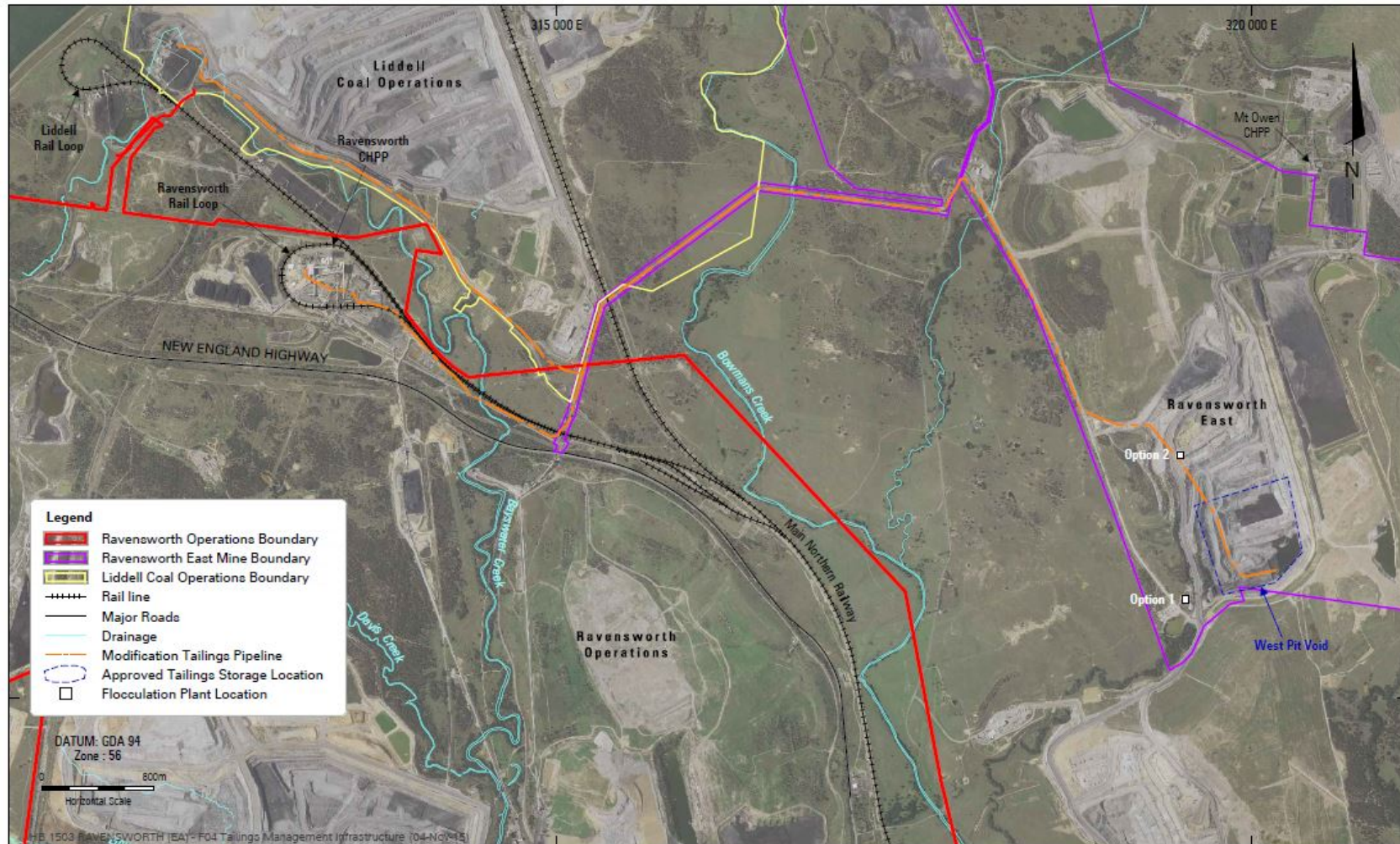


Figure: Greater Ravensworth tailings management infrastructure

13. Delete Appendix 4.