

Modification of Development Consent

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

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



Steve O'Donoghue
Director – Resource Assessments
NSW Department of Planning, Industry and Environment

Sydney 23 August 2019

SCHEDULE 1

The project approval (MP 08_0223) for the Lidsdale Siding Upgrade Project, granted by the Planning Assessment Commission, as delegate of the Minister for Planning and Infrastructure, on 3 May 2013.

SCHEDULE 2

1. In the list of DEFINITIONS, delete the following terms and their definitions: "Day", "Department", "Director-General", "DRE", "Minister", "NOW", "OEH" and "SCA" and insert the following in alphabetical order:

Day period	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning, Industry and Environment
DPIE – Water	Water Division, within the Department
DRG	Division of Resources and Geoscience, within the Department
Minister	Minister for Planning and Public Spaces, or delegate
Planning Secretary	Secretary of the Department, or nominee
Resources Regulator	NSW Resources Regulator, within the Department

2. In the definition for "EA", after "2013" insert:

"as modified by:

- MOD 1 – Modification Report titled '*Lidsdale Siding: Environmental assessment for modification to development consent 08_0223*' dated June 2019, associated Response to Submissions titled '*Lidsdale Siding MOD 1 – Response to Submissions*' dated 2 August 2019 and Supplementary Response to Submissions dated 9 August 2019."

3. Delete all references to "DRE" and replace with "the Resources Regulator".
4. Delete all references to "NOW" and replace with "DPIE – Water".
5. Delete all references to "SCA" and replace with "WaterNSW".
6. Delete all references to "Director-General" and replace with "Planning Secretary".
7. Delete all references to "shall" (except in conditions 3 and 10 of Schedule 2, and the instance after "land" in condition 4 of Schedule 4), and replace with "must".
8. Delete condition 2 of Schedule 2 (except the 'Notes') and replace with:
"The Proponent must carry out the project:
(a) generally in accordance with the EA and Statement of Commitments; and
(b) in accordance with the conditions of this approval."
9. In condition 5 of Schedule 2, after "loading", insert "/unloading".

10. In condition 7(a) of Schedule 2:
 - after “to”, insert “or from”; and
 - after “conveyor”, insert “or by rail”.
11. Delete the content of condition 7(b) of Schedule 2 and replace with “no more than 1 laden train arrives at the site each day;”.
12. In condition 7(c) of Schedule 2, delete “and”.
13. In condition 7(d) of Schedule 2:
 - delete “laden”; and
 - delete the “.” and replace with “; and”.
14. After condition 7(d) of Schedule 2, insert:
“(e) coal train loading operations are not undertaken on the same day as coal train unloading operations.”
15. After condition 8 of Schedule 2, insert a new condition 8A:
“8A. The Proponent may receive and unload trains only during the day period.”
16. In condition 13 of Schedule 2, after “coal”, insert “to or”.
17. In condition 7(b) of Schedule 3:
 - after “train loading”, insert “/unloading”; and
 - after “onto trains;”, in a new paragraph, insert:
“- unloading coal from trains;”.
18. In condition 8 of Schedule 3, within ‘Table 3: Long-term criteria for particulate matter’, delete “30 µg/m³” and replace with “25 µg/m³”.
19. In condition 12(a) of Schedule 3, after “transported”, insert “to and”.
20. In condition 29 of Schedule 3, after “WaterNSW” add “, EPA”.
21. In condition 9(d) of Schedule 5, after “coal loading” insert “/unloading”.

End of modification
(08_0223 MOD 1)