

# Modification of Development Consent

## Section 4.55(1A) 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 development consent (SSD 5579) for the Western Coal Services Project, granted by the Planning Assessment Commission, as delegate of the Minister for Planning and Infrastructure, on 4 April 2014.

### SCHEDULE 2

1. In the list of DEFINITIONS, delete the following terms and their definitions: "CL&W", "Department", "Minister" and "OEH" and insert the following in alphabetical order:

BCD	Biodiversity and Conservation Division, within the Department
Department	Department of Planning, Industry and Environment
DPIE – Water	Water Division, within the Department
DRG	Division of Resources and Geoscience, within the Department
Heritage Division	Heritage Division, within the Department of Premier and Cabinet
Minister	Minister for Planning and Public Spaces, or delegate
Resources Regulator	NSW Resources Regulator, within the Department

2. In the definition for "EIS":
- after "February 2017," delete "and,"; and
  - after "October 2013" insert:  
"; and
  - MOD 3 – Modification Report titled '*Statement of Environmental Effects: Western Coal Services Project, State Significant Development 5579 - Modification 3*' dated 18 July 2019"
3. Delete all references to "CL&W" and replace with "DPIE – Water".
4. Delete condition 2 of Schedule 2 (except the 'Notes') and replace with:  
"The Applicant must carry out the development:  
(a) generally in accordance with the EIS and Statement of Commitments; and  
(b) in accordance with the conditions of this consent."
5. Delete condition 6 of Schedule 2 and replace with:  
"A maximum of:  
(a) 9.5 million tonnes of coal may be received at the SCSS in any calendar year, including a maximum of:  
  - 5.5 million tonnes of ROM coal from Springvale Coal Mine;
  - 4.0 million tonnes of ROM coal from Angus Place Colliery; and
  - 1.5 million tonnes of coal from sources other than Springvale Coal Mine or Angus Place Colliery, including a maximum of:  
    - 1.5 million tonnes of coal from Lidsdale Siding Coal Loader; and
    - 1.0 million tonnes of ROM coal from other sources; and  
(b) 7 million tonnes of ROM coal may be processed at the SCSS in any calendar year."

6. In condition 8 of Schedule 2:
  - delete “from” and replace with “between”; and
  - delete “to” and replace with “and”.
7. In conditions 27, 29, 30 and 45 of Schedule 3, delete all references to “OEH” and replace with “BCD”.
8. In condition 32(b) of Schedule 3, delete “OEH” and replace with “the Heritage Division”.
9. Delete all references to “shall” (except in conditions 3 and 10 of Schedule 2, and the instance after “land” in condition 5 of Schedule 4), and replace with “must”.
10. In condition 13 of Schedule 3, within ‘*Table 4: Long-term criteria for particulate matter*’, delete “30 µg/m<sup>3</sup>” and replace with “25 µg/m<sup>3</sup>”.
11. In condition 15 of Schedule 3, within ‘*Table 7: Long term land acquisition criteria for particulate matter*’, delete “30 µg/m<sup>3</sup>” and replace with “25 µg/m<sup>3</sup>”.
12. In conditions 43 and 45 of Schedule 3, delete all references to ‘Secretary’ and replace with ‘Resources Regulator’.
13. In condition 45(a) of Schedule 3, after “DPIE – Water,”, insert “DRG,”.
14. In condition 45(c) of Schedule 3, delete “Department” and replace with “NSW Government”.
15. In condition 6 of Schedule 4, delete “Council” and replace with “LCC”.

**End of modification**  
**(SSD 5579 MOD 3)**