

# Notice of Modification

## Section 4.55 (1A) 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.

Clay Preshaw  
Director  
Resource and Energy Assessments

Sydney

30 August

2018

### SCHEDULE 1

The Development Consent for the Airly Mine Extension Project (SSD 5581), granted by the Planning Assessment Commission on 15 December 2016.

### SCHEDULE 2

1. In the Schedule 1 DEFINITIONS, delete "Deputy Secretary, Resources and Energy", "DPI", "DPI Water", "DRE" and "MSB" and insert the following in the definitions in alphabetical order:  

DI L&W	Department of Industry Lands and Water Division
DRG	Division of Resources and Geoscience, within the Department
Resources Regulator	Resources Regulator, within the Department
2. In the definition of "EIS", after "19 July 2016", insert "*Airly Mine SSD\_5581 MOD1 – Statement of Environmental Effects*" including the associated Response to Submissions (dated 21 June 2018)".
3. Delete:
  - the reference to "both the Secretary and DRE", and replace with "the Secretary";
  - references to "DRE" in conditions 27 and 29 in Schedule 3, and replace with "DRG";
  - references to "DRE" in conditions 3, 4, 6 and 7 in Schedule 3, and replace with "the Resources Regulator"; and
  - all references to "DPI Water" and replace with "DI L&W".
4. In Schedule 2, condition 15, delete all references to "LCC", and replace with "Council".
5. Delete condition 1 of Schedule 3, and insert the following:

#### Restrictions on Mining

1. The Applicant must not carry out any second workings:
  - a) in the Panel and Pillar Extraction Zone within an angle of draw of 26.5 degrees of the crest of any cliffs identified in the Cliff Line Zone of First Workings before at least four adjacent extraction panels in the Panel and Pillar Zone beneath Mount Airly have been completed;
  - b) in the Partial Pillar Extraction Zone within an angle of draw of 26.5 degrees of the toe of any cliffs identified in the Cliff Line Zone of First Workings before it has completed the Trial Mining Area in Panels 206 and 207 as shown in Appendix 11; and
  - c) within an angle of draw of 26.5 degrees plus 50 metres of the limit of the New Hartley Shale Mine workings.
6. After Appendix 10, insert the following:

## APPENDIX 11: TRIAL MINING AREA

