

# 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, the Independent Planning Commission **approves** the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Professor Snow Barlow  
Member of Commission

Sydney

21 December 2023

## SCHEDULE 1

The development consent (SSD 5581) for the Airly Mine Extension Project, granted by the Planning Assessment Commission, as delegate of the Minister for Planning, on 15 December 2016.

## SCHEDULE 2

1. In the list of definitions, delete the terms “Department”, “DoEE”, “DSC”, “EPA”, “Heritage Division”, “Resources Regulator”, “RMS”, “Secretary” and “Water Division” and their definitions and insert the following terms and definitions in alphabetical order:

Department	Department of Planning and Environment
DCCEEW	The Australian Government Department of Climate Change, Energy, the Environment and Water which administers the EPBC Act
DPE Water	Water Group within the Department
EPA	NSW Environment Protection Authority
Heritage NSW	Heritage NSW within the Department
MOD 5	The development as described in <i>Modification Report 5 – Airly Mine SSD 5581</i> (dated August 2023), including the associated Response to Submissions Report (dated 27 October 2023) and additional information dated 20 September 2023
Planning Secretary	Planning Secretary of the Department, or nominee
Resources Regulator	NSW Resources Regulator
TfNSW	Transport for NSW

2. In the definition for “EIS”, after the definition of “MOD 2” insert the following:
  - ; and:
    - MOD 5 – *Modification Report 5 – Airly Mine SSD 5581* (dated August 2023), including the associated Response to Submissions Report (dated 27 October 2023) and additional information dated 20 September 2023.
3. Replace all references to “DoEE” with “DCCEEW”.
4. Replace all references to “Heritage Division” with “Heritage NSW”.
5. Replace all references to “Secretary” with “Planning Secretary”.
6. Replace all references to “RMS” with “TfNSW”.
7. Replace all references to “the Water Division” with “DPE Water”.
8. In condition 7(h) of Schedule 3, delete “condition 27” and replace with “Table 7”.
9. In condition 7(x) of Schedule 3, delete “Rehabilitation Management Plan” and replace with “Rehabilitation Strategy”.

10. In condition 15 of Schedule 4, within the “Note”, delete “Rehabilitation Management Plan” and replace with “Rehabilitation Strategy”.
11. In condition 23 of Schedule 4:
  - a) re-label “(c)” to (d); and
  - b) insert the following in order:
    - (c) implement an appropriate pump out regime or upgrade the sewerage system in line with the full time equivalent employees on-site, and regularly monitor the effectiveness of the sewerage system and irrigation area to ensure they are operated sustainably; and
12. In Table 7 of condition 25 of Schedule 4:
  - a) delete the row titled “Rehabilitation materials”;
  - b) delete the second bullet point in the row titled “REA” and replace with:
    - Coal reject materials stored within the REA are to be appropriately contained and encapsulated so that they do not pose any hazards or constraints for intended final land use.
13. In condition 26 of Schedule 4, delete “All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time.”, and replace with “Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.”
14. Delete condition 27 of Schedule 4, including the title, and replace with:

### **Rehabilitation Strategy**

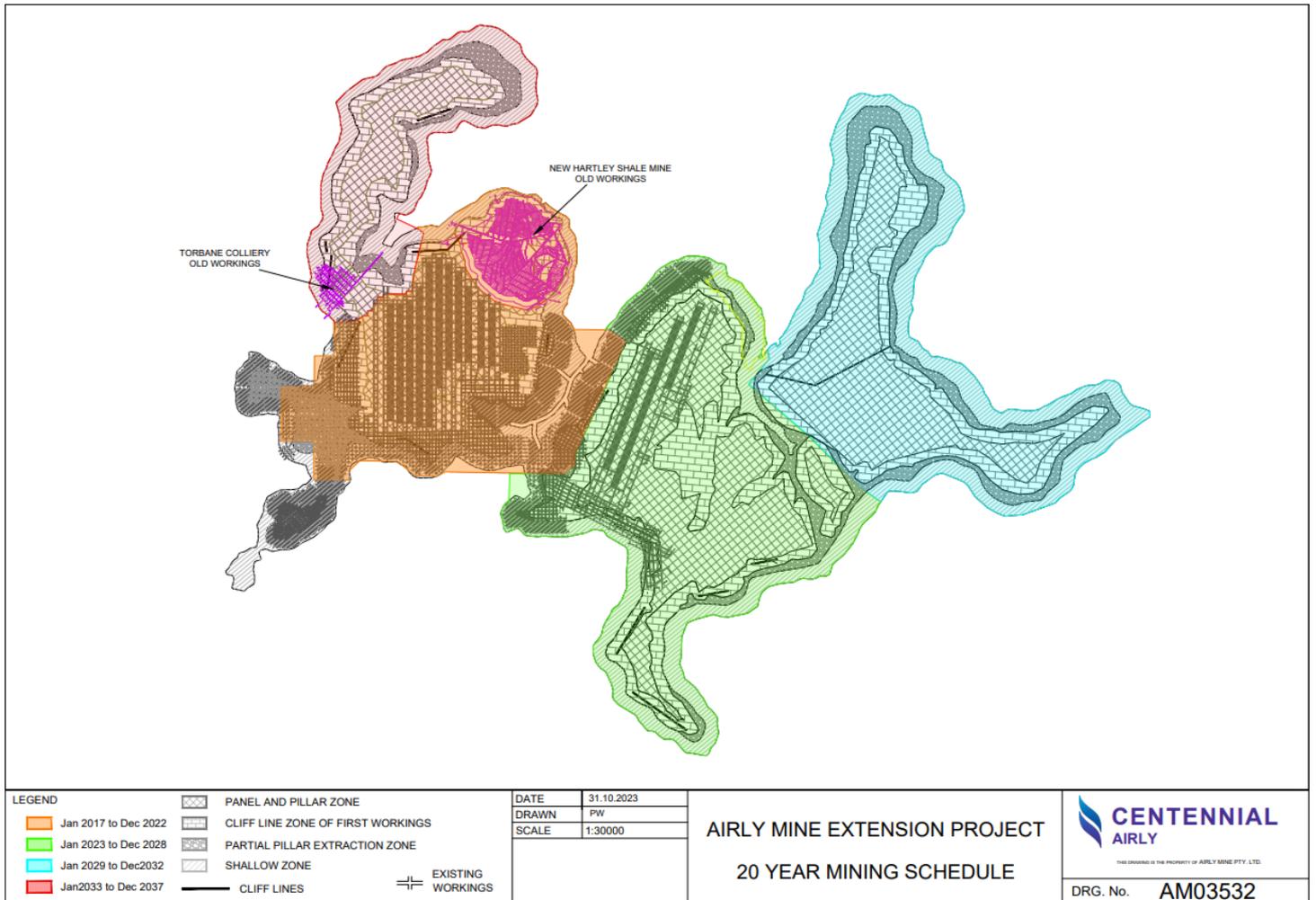
27. The Applicant must prepare a Rehabilitation Strategy for the development, to the satisfaction of the Secretary. The Rehabilitation Strategy must:
  - (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with Resources Regulator, BCD, DPE Water, WaterNSW, NPWS, Council and the CCC;
  - (c) be submitted to the Planning Secretary for approval within 6 months of the approval of MOD 5, or as otherwise agreed by the Planning Secretary;
  - (d) describe the strategic rehabilitation outcomes for the site, including mine closure, final landform, post-mining land use/s and water management;
  - (e) align with the strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000), or its latest version;
  - (f) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;
  - (g) include details of:
    - target vegetation communities and species to be established within the proposed revegetation areas;
    - a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site and/or infrastructure;
    - stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes; and
  - (h) investigate opportunities to refine and improve the final landform over time.

*Note: The Rehabilitation Strategy must address all land impacted by the Airly Mine Extension Project, whether prior to or following the date of this consent.*

- 27A. The Applicant must implement the approved Rehabilitation Strategy.

### **Rehabilitation Management Plan**

- 27B. The Applicant must prepare and implement a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*.
  - 27C. The Applicant must implement the Rehabilitation Management Plan.
15. After Figure 3 in Appendix 3 insert the following figure:



**Figure 3A: Mining schedule**

**End of modification  
(SSD 5581 MOD 5)**