


Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

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



19/07/2022

Jessie Evans
Director
Resource Assessments

Sydney

2022

SCHEDULE 1

Development consent: SSD 8445 granted by the Independent Planning Commission of NSW on 23 April 2021

For the following: Tahmoor South Project

Applicant: Tahmoor Coal Pty Ltd

Consent Authority: Minister for Planning

The Land: Refer to Appendix 1 of SSD 8445

Modification: SSD 8445 MOD 1: Extension to Commission Water Treatment Plant

SCHEDULE 2

1. In the title, after the word “Section” delete “4.36” and replace with “4.38”
2. In Schedule 1, after “Development: Tahmoor South Project”, on a new page insert the following:

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD 8445	23 April 2021	The Independent Planning Commission of NSW	Original approval
SSD 8445 MOD 1	19 July 2022	Director Resource Assessments	Extension of time to Commission Water Treatment Plant

3. In the footer on each page, delete “, Industry”.
4. In the list of definitions in Schedule 1, delete the terms “BCT”, “Department”, “DPIE Crown Lands”, “DPIE Water”, “EP&A Regulation”, “Minister”, “Mitigation”, “Privately-owned land” and their definitions and insert the following in alphabetical order:

BCT	NSW Biodiversity Conservation Trust
Department	NSW Department of Planning and Environment
DPE Crown Lands	Crown Lands Group within the Department
DPE Water	Water Group within the Department
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Minister	NSW Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification 1	The modification to the development as described in Modification Report (MOD 1)
Modification Report (MOD 1)	The Modification Report prepared by Tahmoor Coking Coal Operations, dated 9 March 2022 and additional information prepared by Tahmoor Coking Coal Operations and dated 1 June 2022
Privately-owned land	Land that is not owned by a public agency or a mining company (or its subsidiary)

5. Delete all references to “DPIE Crown Lands” and replace with “DPE Crown Lands”.
6. Delete all references to “DPIE Water” and replace with “DPE Water”.
7. In the notes to condition A34 of Schedule 2, delete the words “Part 8 of the EP&A Regulation” and replace with “*Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*”.
8. In condition B30 of Schedule 2, delete the words “the commencement of second workings under this consent” and replace with “31 December 2023”.
9. After condition B30 of Schedule 2 insert the following:

B30A. Within six months of the approval of Modification 1, and at six monthly intervals until the WTP is commissioned, the Applicant must submit a Progress Report to the Department and the EPA. The Progress Report must include:

- (a) an update on the shipping and delivery schedule of the WTP components;
- (b) a description of the WTP construction to date;
- (c) a revised WTP project timeline; and
- (d) forecasted completion date of the WTP commissioning.

B30B. The Applicant must provide an update on the progress of the WTP construction and commissioning and Tea Tree Hollow water quality monitoring results at the CCC meeting until the WTP is commissioned.

10. Update the Table of Contents to reflect the changes made in this modification.

End of modification
(SSD 8445 MOD 1)