

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, the Planning Assessment Commission of New South Wales (the Commission) modifies the consent referred to in schedule 1, subject to the conditions in schedule 2.



**Gabrielle Kibble AO**  
**Chair of the Commission**

Sydney

5 December 2013

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### SCHEDULE 1

Consent granted by the Minister for Planning on 27 July 1992 in respect of development application DA 11/92 made by Clutha Coal Pty Limited, on behalf of Springvale Coal Pty Limited ("the Applicant"), for the construction and operation of an underground coal mine, overland conveyor and coal preparation facilities, known as Springvale Coal Mine.

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### SCHEDULE 2

1. In condition 1 of schedule 2, delete all words after "Statement of Commitments;" and insert the following:
  - e) the Environmental Assessment titled *Section 75W Modification to Development Consent DA 11/92*, dated October 2013; and
  - f) conditions of this consent.
2. Delete condition 2 of schedule 2 and replace with the following:

"The Applicant may carry out mining operations until 30 September 2015."

*Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of both the Director-General and the Executive Director Mineral Resources. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.*

3. After condition 22 of Schedule 2, insert the following:

**22A. Noise Management Plan**

The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Director-General. This plan must:

- (a) be prepared in consultation with the EPA, and submitted to the Director-General for approval by 28 February 2014, unless otherwise agreed by the Director-General;
- (b) describe the proposed noise management system in detail;
- (c) include a monitoring program that uses quarterly attended monitoring to evaluate the acoustic performance of the development; and
- (d) include a program of noise mitigation actions and/or works to reduce noise emissions from the Springvale Pit Top facilities that includes:
  - installation of improved mufflers and reversing alarm on the stockpile dozer;
  - use of flashing reversing warning signals for use during the night for the stockpile dozer;
  - restriction of the stockpile dozer to the use of second gear while reversing;
  - improved inspection conveyor idlers, and consequent prompt replacement of defective idlers identified by these inspections;
  - installation, prior to the end of December 2014, of effective noise attenuation measures for the Run of Mine conveyor drive building,to the satisfaction of the Director-General.

*End of Schedule 2*