

Notice of Modification

Section 75W 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.


Mike Young
A/Director
Resource Assessments

Sydney

2 APRIL

2015

SCHEDULE 1

The Development Consent (DA 60-3-2001) for the Dendrobium underground coal mine and associated surface facilities and infrastructure, granted by the Minister for Urban Affairs and Planning on 20 November 2001.

SCHEDULE 2

1. In the Schedule 1 DEFINITIONS, delete "DECC", "Department", "Director-General", "Director-General of DPI", "DPI", "DWE" and "RTA", and insert the following in alphabetical order:

Department	Department of Planning and Environment
DRE	Division of Resources and Energy, within the
	Department of Trade and Investment
EA (MOD 7)	Modification application 60-3-2001 MOD 7 and
	accompanying letter report dated 18 March 2015
	from Illawarra Coal Holdings Pty Limited
EPA	Environment Protection Authority
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
2. Delete all references to "Director-General" and replace with "Secretary".
3. Delete all references to "Director-General of DPI", and replace with "DRE".
4. Delete all references to "DPI", and replace with "DRE".
5. Delete all references to "DWE", and replace with "NOW".
6. Delete all references to "RTA", and replace with "RMS".
7. In condition 2 of Schedule 2, delete all words after "(see Appendix 4);" (except the Note), and insert the following:
 - (g) EA (MOD 7); and
 - (h) conditions of this consent.

8. After condition 14 of Schedule 2, insert the following:

Strategic Biodiversity Offsets

15. If the Applicant is required to provide a biodiversity offset pursuant to this consent (including any biodiversity offset that is required under the conditions of a subordinate approval issued in accordance with this consent), the Secretary, in consultation with OEH, may accept in satisfaction of the requirement for the biodiversity offset, the provision of land that has conservation values which exceed the conservation values required to meet the relevant offsetting requirement.

If the Secretary accepts such an offset under this condition, the Secretary shall issue a written statement to the Applicant advising:

- (a) the details of the proposed offset land;
- (b) the offset requirements that are being met;
- (c) the conservation values that have been relied upon to meet the offsetting requirements; and
- (d) that in the opinion of the Secretary:
 - (i) the land has offsetting values in addition to those that have been relied upon to meet the offsetting requirement in condition 15(b); or
 - (ii) if the land has been subject to a previous statement from the Secretary under this condition, confirmation that the land continues to have conservation values in addition to those that have been relied upon to meet the previous offsetting requirement, or that there are no further conservation values available in respect of the land.

If the Secretary has issued a statement under this condition, the Applicant can rely on that statement and the residual conservation values that the land subject to the statement may hold, to meet further offsetting requirement(s) that may be required under this consent or the project approval for the Bulli Seam Operations Project (08_0150).

The Secretary's statement under this condition can be relied on a number of times in respect of the same land until all of the conservation values of the land the subject of the Secretary's statement have been relied upon to meet offsetting requirements under this consent or the approval for the Bulli Seam Operations Project (08_0150).

The Applicant shall make suitable arrangements to provide appropriate long-term security for the biodiversity offset area(s) accepted under this condition, within 2 years of the date of the Secretary's statement in respect of that land, unless otherwise agreed with the Secretary.

9. In:
- (a) conditions 4, 6, 7 and 9 of Schedule 3;
 - (b) condition 19 of Schedule 4; and
 - (c) condition 6 of Schedule 5,
- delete "DECC", and replace with "OEH".
10. In:
- (a) conditions 1, 7, 8, 10, 13 and 23 of Schedule 4;
 - (b) condition 4 of Schedule 5; and
 - (c) condition 1 of Schedule 6,
- delete "DECC", and replace with "EPA".
11. Update the TABLE OF CONTENTS to reflect the above changes.