

# Notice of Modification

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

As delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission (the Commission) modifies the development consent referred to in Schedule 1, as set out in Schedule 2.



**Donna Campbell**  
Member of the Commission



**David Johnson**  
Member of the Commission

Sydney

23 August 2012

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### SCHEDULE 1

Development consent DA 97/800 granted by the Minister for Urban Affairs and Planning on 14 October 1998 for extension of underground mining activities at the Cooranbong Colliery, establishment of the Mine Access Site, modification to the Coal Preparation and Transportation System and establishment of a Coarse Reject Emplacement Area.

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### SCHEDULE 2

1. In the "Abbreviations and definitions" table in Schedule 2, insert the following in alphabetical order:

|     |                                  |
|-----|----------------------------------|
| EPA | Environment Protection Authority |
|-----|----------------------------------|

2. In the definition at "Mandalong Services Site" in the "Abbreviations and definitions" table in Schedule 2, after the word "Site", insert the words ", also known as the Cooranbong Entry Site".
3. In conditions 9, 18 and 105-107 of Schedule 2, insert "EPA," immediately prior to "OEH".
4. With the exception of the "Abbreviations and definitions" table and conditions 9, 18, 70, 72-74, 83, 84 and 105-107, delete all references to "OEH" in Schedule 2 and replace with "EPA".
5. In condition 1 of Schedule 2, delete all text after "the Additional Statement of Commitments (see Appendix 2);" and insert the following:
- (xii) modification application DA 97/800 – MOD 8 and document entitled *Environmental Assessment: Mandalong Mine – Cooranbong Entry Site – Cooranbong Distribution Project - Section 75W Modification to Development Consent DA97/800*, dated May 2012 and additional *Noise Mitigation Assessment*, dated 31 May 2012; and
  - (xiii) conditions of this consent.
6. In Table 1, condition 44 of Schedule 2, delete two rows relating to noise receiver locations 23 and 26 and replace with the following:

|                                |    |    |    |    |
|--------------------------------|----|----|----|----|
| (23)                           | 38 | 38 | 38 | 45 |
| (26)                           | 37 | 37 | 37 | 45 |
| All other privately-owned land | 35 | 35 | 35 | 45 |

7. Insert the following after condition 46A of Schedule 2:
- 46B. By the end of March 2013 or prior to the haulage of more than 2 Mtpa of coal from the Cooranbong Entry Site by truck, whichever is sooner, the Applicant shall:
- install a suitable real-time noise management system to minimise the noise impacts of the mining operations on the Cooranbong Entry Site;
  - implement all reasonable and feasible measures to reduce the noise generated by the loading of trucks on the Cooranbong Entry Site; and
  - implement a traffic noise management strategy to minimise the noise associated with the haulage of coal between the Cooranbong Entry Site and the Newstan Colliery, to the satisfaction of the Director-General.
- 46C. Within a month of the installation of the real time noise management system, the Applicant shall commission a suitably qualified and experienced person whose appointment has been approved by the Director-General to:
- conduct an audit of the effectiveness of the measures that are required to be implemented under Condition 46B;
  - verify the noise impacts of the Cooranbong Entry Site and associated trucking are complying with the relevant noise limits;
  - identify any additional noise mitigation measures that should be implemented; and
  - provide a report summarising the findings of the audit to both the Department and EPA.
- 46D. By the end of August 2013, the Applicant shall install effective acoustic absorption cladding to the Rotary Breaker and Coal Handling Plant buildings on the Cooranbong Entry Site, to the satisfaction of the Director-General.
8. Delete the following from the first sentence in condition 50 of Schedule 2: “,prior to the commencement of surface construction”.
9. Replace condition 51 of Schedule 2 with:
51. The Air Quality Management Plan shall:
- describe the measures that would be implemented to ensure:
    - best management practice is being employed;
    - the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events; and
    - compliance with the relevant conditions of this consent;
  - describe the proposed air quality management system; and
  - include an air quality monitoring program.
10. Replace conditions 52-54 of Schedule 2 with:
52. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not exceed the criteria listed in Tables 2, 3 or 4 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.

*Table 2: Long-term Criteria for Particulate Matter*

| Pollutant                                      | Averaging Period | <sup>d</sup> Criterion            |
|------------------------------------------------|------------------|-----------------------------------|
| Total suspended particulate (TSP) matter       | Annual           | <sup>a</sup> 90 µg/m <sup>3</sup> |
| Particulate matter < 10 µm (PM <sub>10</sub> ) | Annual           | <sup>a</sup> 30 µg/m <sup>3</sup> |

*Table 3: Short-term Criterion for Particulate Matter*

| Pollutant                                      | Averaging Period | <sup>d</sup> Criterion            |
|------------------------------------------------|------------------|-----------------------------------|
| Particulate matter < 10 µm (PM <sub>10</sub> ) | 24 hour          | <sup>a</sup> 50 µg/m <sup>3</sup> |

*Table 4: Long-term Criteria for Deposited Dust*

| Pollutant                   | Averaging Period | Maximum increase in deposited dust level | Maximum total deposited dust level     |
|-----------------------------|------------------|------------------------------------------|----------------------------------------|
| <sup>c</sup> Deposited dust | Annual           | <sup>b</sup> 2 g/m <sup>2</sup> /month   | <sup>a</sup> 4 g/m <sup>2</sup> /month |

*Notes to Tables 2-4:*

<sup>a</sup> Total impact (ie incremental increase in concentrations due to the development plus background concentrations due to all other sources);

<sup>b</sup> Incremental impact (ie incremental increase in concentrations due to the development on its own);

<sup>c</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

<sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with EPA.

53. The Applicant shall:
- (a) implement best management practice to minimise the off-site dust emissions of the development;
  - (b) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d above);
  - (c) minimise any visible off-site air pollution; and
  - (d) minimise the surface disturbance of the site generated by the development, to the satisfaction of the Director-General.
54. By the end of December 2012, the Applicant shall update the Air Quality Management Plan for the development to the satisfaction of the Director-General.

*End of Schedule 2*