

Notice of Modification

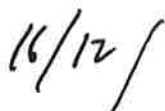
Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Oliver Holm
Executive Director
Resource Assessments and Compliance

Sydney



2015

SCHEDULE 1

The project approval (MP 06_0311) for the Mannering Colliery granted by the Minister for Planning on 12 March 2008.

SCHEDULE 2

1. In the List of Definitions, delete the definitions for DRE, NOW and Project and insert the following in alphabetical order:

APZs	The asset protection zones shown in Figure 4 in Appendix 2
DPI Water	Department of Primary Industries-Water
DRE	Division of Resources and Energy of the Department of Industry
EA (Mod 3)	Environmental Assessment titled ' <i>Mannering Colliery – Modification 3 Environmental Assessment, Section 75W Modification to MP 06_0311</i> ' dated June 2015, including the associated Response to Submissions dated September 2015

2. Delete all references to "NOW" and replace with "DPI Water".
3. Delete condition 2 of Schedule 2, and replace with:
 2. The Proponent shall carry out the development generally in accordance with the:
 - (a) EA;
 - (b) EA (Mod 1);
 - (c) EA (Mod 2);
 - (d) EA (Mod 3); and

- (e) Project Layout Plans.

Note:

- *The Project Layout Plans are shown in Appendix 2.*

- 2A. The Proponent shall carry out the development in accordance with the:
- (a) Statement of Commitments; and
 - (b) conditions of this approval.
5. In condition 3 of Schedule 2:
- a) delete “above documents”, and replace with “documents in condition 2”; and
 - b) delete “However, the conditions of this approval shall prevail”, and replace with “The conditions of this approval shall prevail over the documents in conditions 2 and 2A(a)”.
4. In condition 5 of Schedule 2, delete “31 March 2018” and replace with “30 June 2022”.
5. After condition 6 of Schedule 2, insert the following:
- 6A. The Proponent shall not transport more than 1.3 million tonnes of ROM coal a year from the site.
6. In condition 7 of Schedule 2, insert “and/or received” after the words “all coal produced”.
7. Delete condition 8 of Schedule 2, including the heading, and replace with:

Updating and Staging Strategies, Plans or Programs

8. The Proponent must regularly review the strategies, plans and programs required under this approval and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Proponent may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Proponent may also submit any strategy, plan or program required by this approval on a staged basis.
- With the agreement of the Secretary, the Proponent may prepare a revision or stage of any strategy, plan or program required under this approval without undertaking consultation with all parties nominated under the applicable condition in this approval.
- Notes:*
- *While any strategy, plan or program may be submitted on a staged basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.*
 - *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*
8. In condition 1 of Schedule 3, delete all words after *Table 1: Noise limits dB(A)*, and replace with:

“Note: The location of the land referred to in Table 1 is shown on the figure in Appendix 4.

Noise generated by the project is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 4A sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has

advised the Department in writing of the terms of this agreement.

This condition only has effect prior to recommencement of underground coal extraction at Mannering Colliery. At all other times, conditions 1 to 4 of Appendix 4B have effect in its place.”

9. In condition 3 of Schedule 3:

- a) delete the words “and implement” after the words “shall prepare”;
- b) in paragraph (a) delete “and” and insert:

(a1) be revised in consultation with the EPA and be submitted to the Secretary by the end of April 2016; and”;

- c) in paragraph (b) after “the use of”, insert “continuous and”; and
- d) after paragraph (b) insert the following:

“The Proponent shall implement the approved Noise Monitoring Program as approved from time to time by the Secretary.”

10. In condition 8, 14, 15, 18 and 22 of Schedule 3:

- a) delete the words “and implement” after the words “shall prepare”; and
- b) at the end of the condition, insert the following:

“The Proponent shall implement the approved management plan as approved from time to time by the Secretary.”

11. In *Table 2: Rehabilitation Objectives* in condition 13 of Schedule 3:

- a) delete the words “Secretary of the Department of Trade & Investment, Regional Infrastructure & Services” wherever occurring and replace with “DRE”; and
- b) insert a new row after the row beginning “Mine site”, as follows:

Rehabilitation materials	• Materials (including topsoils, substrates and seeds of the disturbed area) are recovered, appropriately managed and used effectively as resources in the rehabilitation.
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12. In condition 13A of Schedule 3, insert “Secretary and” after the words “satisfaction of the”.

13. In condition 14 of Schedule 3, after paragraph (e) insert the following:

Prior to the end of April 2016, the Proponent shall revise the Land Management Plan to incorporate the measures required to implement its commitments described in new row 2 of the Terrestrial Ecology section of its Statement of Commitments, and submit it to the Secretary for approval.”

14. After condition 14 of Schedule 3; insert the following:

14A. The Proponent shall implement its preferred option of the three options set out in new row 2 of the Terrestrial Ecology section of its Statement of Commitments by 1 December 2016, following consultation with OEH and to the satisfaction of the Secretary.

15. In condition 17 of Schedule 3:

- a) delete the words “and implement” after the words “shall prepare”; and
- b) after paragraph (b), insert the following:

“The Proponent shall implement the approved monitoring program as approved from time to time by the Secretary.”

16. In condition 1 of Schedule 5:

- a) delete the words “and implement” after the words “shall revise”; and
- b) after the last dot point, insert the following:

"The Proponent shall implement the approved management strategy as approved from time to time by the Secretary."

17. In condition 3 of Schedule 5, delete "EA and EA (Mod 1) and EA (Mod 2)", and replace with "documents listed in condition 2 of Schedule 2".

18. In Appendix 2, replace Figure 2 with the following:

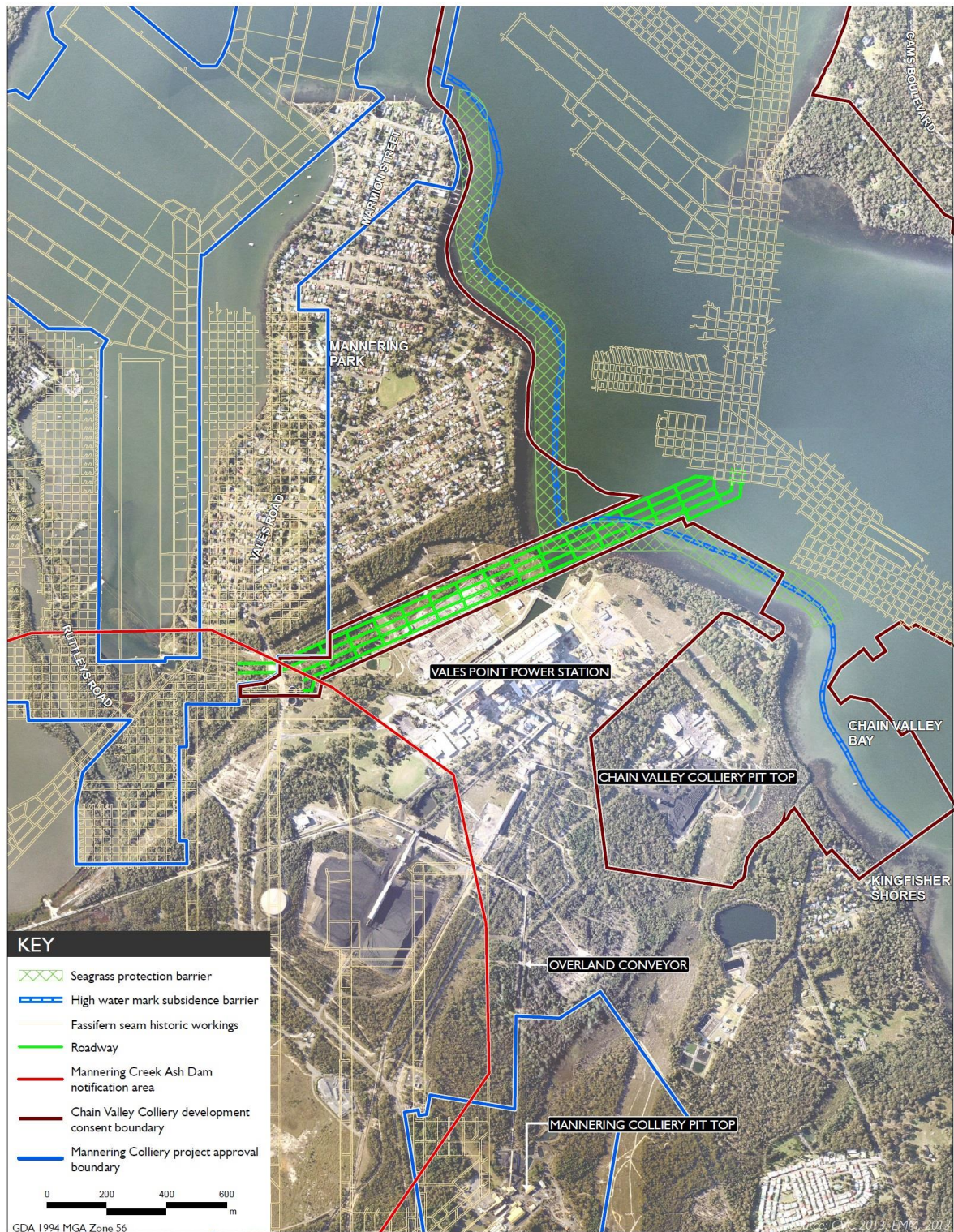


Figure 2: Location of the underground linkage to Chain Valley Colliery

19. In Appendix 2, replace Figure 3 with the following:

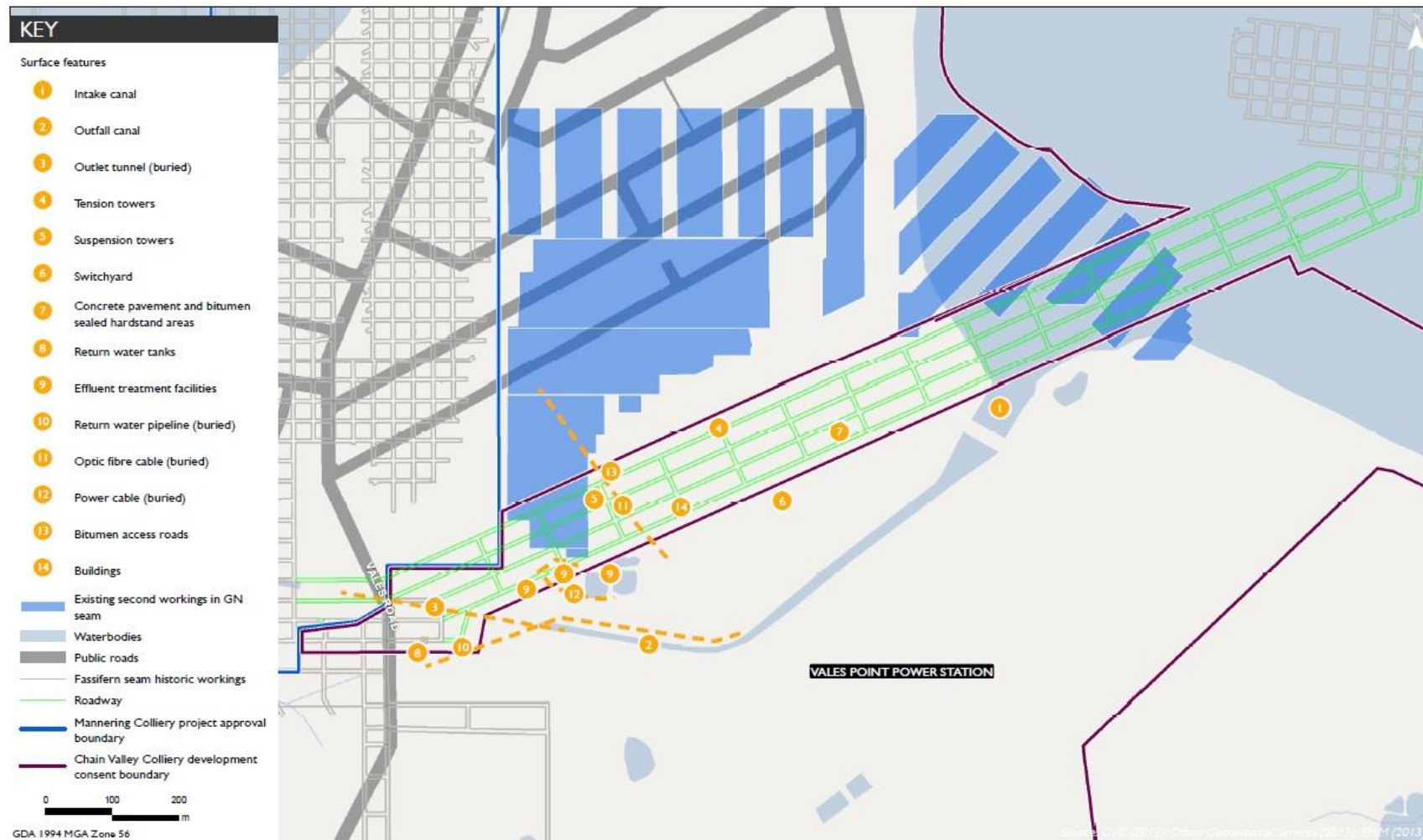


Figure 3: Location of the underground link and surface infrastructure

20. After Figure 3 in Appendix 2, insert the following:



Figure 4. Location of asset protection zones

21. In Appendix 3, in the Statement of Commitments table:

- a) in the table heading delete “August 2012” and replace with “December 2015”, and delete “Table 2 -”.
- b) insert the following row before the row starting with the words “The water level” in the “Water Management” section:

LakeCoal will undertake a review of the existing site water management system in consultation with the EPA.

- c) insert the following rows before the row starting with the words “If monitoring indicates” in the “Terrestrial ecology” section:

The following measures to manage the impacts of vegetation clearing/disturbance associated with the APZ requirements will be ongoing:

- weed management;
- large trees will be retained as a priority where possible;
- felled trees will be relocated adjacent to the APZs to create additional fauna habitat;
- any injured fauna will be taken to the nearest veterinary hospital for treatment before release; and
- an ecologist will complete a pre-disturbance survey to determine important components of the Swamp Oak Floodplain Forest EEC for retention in the APZs.

LakeCoal will investigate the following options for biodiversity offsets:

- provide \$10,000 of funding, which is equivalent to the biodiversity being lost (ie 5 credits x \$2,000 per credit) to existing environmental programs at the site which benefits the Swamp Oak Floodplain Forest EEC; or
- consult with OEH to identify a suitable conservation program and provide \$10,000 of funding; or
- purchase and retire 5 credits on the Biobanking register.

These options will be considered by the proponent in consultation with OEH and will reflect OEH’s ‘Approved BioBanking Assessment Methodology 2014’. The option that achieves the greatest benefit to the biodiversity impacted by the proposed modification will be selected.

- d) insert the following rows before the row starting with the words “If monitoring indicates” in the “Aboriginal Heritage” section:

Activities will continue to be managed in accordance with the Colliery’s Aboriginal Cultural Heritage Management plan (ACHMP). Given the Colliery’s current ACHMP is integrated with other Centennial sites, a separate ACHMP will be developed.

- e) insert the following rows before the row starting with the words “The Mining Operations Plan” in the “Rehabilitation” section:

Rehabilitation will be undertaken in accordance with the Colliery’s mining operations plan, which will be updated to include any changes as a result of the proposed modification.

22. After Appendix 4, insert the following:

APPENDIX 4A: NOISE COMPLIANCE ASSESSMENT

Applicable Meteorological Conditions

1. The noise criteria in Tables 1 and 2 in Appendix 4B are to apply under all meteorological conditions except the following:
 - (a) wind speeds greater than 3m/s at 10 metres above ground level;
 - (b) stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
 - (c) stability category G temperature inversion conditions.

Determination of Meteorological Conditions

2. Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the site.

Compliance Monitoring

3. Attended monitoring is to be used to evaluate compliance with the relevant conditions of this approval.
4. This monitoring must be carried out at least once a month (at least two weeks apart) for the first 12 months following recommencement of underground coal extraction, and then quarterly thereafter, unless the Secretary directs otherwise.

Note: The Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the project.

5. Unless the Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the *NSW Industrial Noise Policy* (as amended from time to time), in particular the requirements relating to:
 - (a) monitoring locations for the collection of representative noise data;
 - (b) meteorological conditions during which collection of noise data is not appropriate;
 - (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and
 - (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration.

APPENDIX 4B: ALTERNATE NOISE CONDITIONS

1. From the recommencement of underground coal extraction at Mannering Colliery until 18 months thereafter, the Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land.

Table 1: Noise limits dB(A)

Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night		Location
		<i>L_{Aeq}(15 min)</i>	<i>L_{A1}(1 min)</i>	
40	40	40	49	4 – di Rocco
43	43	41	49	5 – Keighran
42	42	41	49	6 – Swan

39	39	39	47	7 – Druitt
46	46	46	47	8 – May
41	41	41	51	9 – Jeans
39	39	39	49	11 – Jeans
39	39	39	51	18 – Jeans
40	40	40	51	20 – Knight and all other Chain Valley Bay residences

Note: The location of the land referred to in Table 1 is shown on the figure in Appendix 4.

Noise generated by the project is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 4A sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

2. Following the expiry of the 18 month period referred to in condition 1 above, the Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 2 at any residence on privately-owned land.

Table 2: Noise limits dB(A)

Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night		Location
		<i>L_{Aeq}(15 min)</i>	<i>L_{A1}(1 min)</i>	
40	40	40	49	4 – di Rocco
41	41	41	49	5 – Keighran
41	41	41	49	6 – Swan
39	39	39	47	7 – Druitt
45	45	43	47	8 – May
41	41	41	51	9 – Jeans
39	39	39	49	11 – Jeans
39	39	39	51	18 – Jeans
40	40	40	51	20 – Knight and all other Chain Valley Bay residences

Note: The location of the land referred to in Table 2 is shown on the figure in Appendix 4.

Noise generated by the project is to be measured in accordance with the relevant requirements of the *NSW Industrial Noise Policy* (as may be updated from time-to-time). Appendix 4A sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

3. The Proponent shall prepare a report on all noise mitigation measures required to achieve the noise limits in Table 2 to the satisfaction of the Secretary. This report must:
 - (a) be prepared by a suitably qualified and experienced acoustic consultant whose appointment has been approved by the Secretary;
 - (b) be prepared in consultation with EPA, and submitted to the Department for approval within 6 months after recommencement of underground coal extraction; and
 - (c) include an action plan for the implementation of any reasonable and feasible recommendations of the report.

The Proponent shall implement the noise mitigation measures prior to the expiry of the 18 month period referred to in condition 1 above.

4. The Proponent shall prepare a Noise Compliance Report for the project to the satisfaction of the Secretary. The report must:
 - (a) be prepared by a suitably qualified acoustic consultant, whose appointment has been approved by the Secretary;
 - (b) be prepared in consultation with EPA, and be submitted for approval within 6 months of the expiry of the 18 month period referred to in condition 1 above; and
 - (c) investigate and evaluate the effectiveness of the noise mitigation measures required under condition 3 and compliance with the noise limits in Table 2.