

Notice of Modification

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

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.

Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance

Sydney

30th March

2011

SCHEDULE 1

The project approval (08_0144) granted by the Deputy Director-General, Development Assessment and Systems Performance, under delegation from the Minister of Planning for the Narrabri Coal Project – Stage 2 on 16 July 2010.

SCHEDULE 2

1. In the list of definitions in schedule 2, insert in alphabetical order the following:

Annual Review	The review required by Condition 6 of Schedule 6
MSB	Mine Subsidence Board
Safe, serviceable & repairable	Safe means no danger to users who are present, serviceable means available for its intended use, and repairable means damaged components can be repaired economically
2. In the list of definitions in schedule 2,
 - (a) for the definition for 'Rehabilitation', insert 'including the remediation of impacts' after the word 'environment'; and
 - (b) in the list of definitions in schedule 2, for the definition for Subsidence effects, delete the words 'including both' and replace with 'such as'.
3. In condition 2(b) of schedule 2, delete all words after '(see Appendix 3);' (except the note) and insert the following:
 - (c) the modification application 08_0144 MOD 1 and accompanying letter prepared by Narrabri Coal Operations Pty Limited; and
 - (d) conditions of this approval.
4. Delete conditions 2-4 of in schedule 3, and insert the following:

Performance Measures – Built Features

2. The Proponent shall ensure that the project does not cause any exceedances of the performance measures in Table 2, to the satisfaction of the Director-General of I&I NSW.

Table 2: Subsidence Impact Performance Measures

Built Features	
All built features	Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.
Public Safety	
Public Safety	No additional risk

Notes:

- 1) The Proponent will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition 4 below).
 - 2) Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.
 - 3) Compensation required under this condition includes any compensation payable under the Mine Subsidence Compensation Act 1961 and/or the Mining Act 1992.
3. Any dispute between the Proponent and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 2 is to be settled by the Director-General of I&I NSW. The Director-General of I&I NSW may seek the advice of the MSB on the matter. Any decision by the Director-General of I&I NSW shall be final and not subject to further dispute resolution under this approval.

Extraction Plan

4. The Proponent shall prepare and implement Extraction Plans for any second workings to be mined to the satisfaction of the Director-General. Each Extraction Plan must:
 - (a) be prepared by a team of suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
 - (b) be approved by the Director-General before the Proponent carries out any of the second workings covered by the plan;
 - (c) include detailed plans of the proposed first and second workings and any associated surface development;
 - (d) include detailed performance indicators for each of the performance measures in Tables 1 and 2;
 - (e) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this approval;
 - (f) describe the measures that would be implemented to ensure compliance with the performance measures in Tables 1 and 2, and manage or remediate any impacts and/or environmental consequences;
 - (g) include the following to the satisfaction of I&I NSW:
 - a Coal Resource Recovery Plan that demonstrates effective recovery of the available resource;
 - a Subsidence Monitoring Program to:
 - provide data to assist with the management of the risks associated with subsidence;
 - validate the subsidence predictions; and
 - analyse the relationship between the subsidence effects and impacts under the plan and any ensuing environmental consequences;
 - a Built Features Management Plan to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which:
 - addresses in appropriate detail all items of public infrastructure and all classes of other built features; and
 - has been prepared following appropriate consultation with the owner/s of potentially affected feature/s;
 - a Public Safety Management Plan to ensure public safety in the mining area; and
 - appropriate revisions to the Landscape Management Plan required under condition 3 of Schedule 5; and
 - (h) include a:

- Water Management Plan, which has been prepared in consultation with DECCW and NOW, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on surface water resources, groundwater resources and flooding, and which includes:
 - surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality;
 - a program to monitor and report groundwater inflows to underground workings; and
 - a program to manage and monitor impacts on groundwater bores on privately-owned land;
 - Biodiversity Management Plan, which has been prepared in consultation with DECCW and I&I NSW, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on flora and fauna;
 - Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general;
 - Heritage Management Plan, which has been prepared in consultation with DECCW and relevant stakeholders for Aboriginal heritage, to manage the potential environmental consequences of the proposed second workings on heritage sites or values; and
- (i) include a program to collect sufficient baseline data for future Extraction Plans.

Notes:

Management plans prepared under condition 4(h) should address all potential impacts of proposed underground coal extraction on the relevant features. Other similar management plans required under this approval (eg under conditions 13 and 23 of schedule 4 or condition 3 of schedule 5) are not required to duplicate these plans or to otherwise address the impacts associated with underground coal extraction.

5. The Proponent shall ensure that the management plans required under condition 4(h) above include:
- (a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this approval;
 - (b) a detailed description of the measures that would be implemented to remediate predicted impacts; and
 - (c) a contingency plan that expressly provides for adaptive management.

First Workings

6. The Proponent may carry out first workings within the underground mining area, other than in accordance with an approved extraction plan, provided that I&I NSW is satisfied that the first workings are designed to remain stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings.

Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long-term stability, with negligible resulting direct subsidence impacts.

Payment of Reasonable Costs

7. The Proponent shall pay all reasonable costs incurred by the Department to engage independent experts to review the adequacy of any aspect of an Extraction Plan.

- 5. In condition 5 of schedule 4, delete 'AEMR' and replace with 'Annual Review'.
- 6. In condition 1 of schedule 5, delete 'DII' and replace with 'I&I NSW'.

7. In condition 3 of schedule 6, delete 'and' where first occurring, and after the words 'condition 5 of schedule 6', insert the following:
- ; and
- (d) any modification to the conditions of this approval (unless the conditions require otherwise),

8. Delete condition 10 of schedule 6 and insert the following:

10. The Proponent shall:

- (a) make copies of the following publicly available on its website:
- the documents referred to in Condition 2 of Schedule 2;
 - all current statutory approvals for the project;
 - all approved strategies, plans and programs required under the conditions of this approval;
 - a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - a complaints register, updated on a monthly basis;
 - minutes of CCC meetings;
 - the annual reviews of the project;
 - any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;
 - any other matter required by the Director-General; and
- (b) keep this information up-to-date,
to the satisfaction of the Director-General.