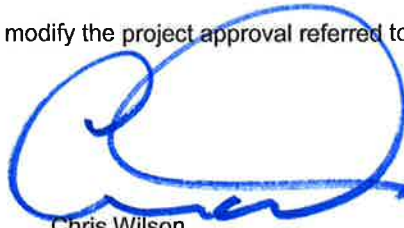


Notice of Modification

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.



Chris Wilson
Executive Director, Major Projects Assessment

Sydney

15.2.12

2012

SCHEDULE 1

The project approval for the Appin Gas Drainage Project (08_0256), granted by the Minister for Planning on 2 October 2009.

SCHEDULE 2

1. In Schedule 1, delete the words "Land within Lot 1 DP576136, Lot 2 DP576136, Lot 1 DP915066, Lots 6 and 7 DP 250231 and Lots 1, 2 and 3 DP 838568 (see Map of Project Site in Appendix 1)" and insert the following:

Land within:
Lots 6 and 7 of DP 250231;
Lot 3 of DP 553170;
Lots 1 and 2 of DP 576136;
Lots 1 and 2 of DP 576138;
Lot 2 of DP 747563;
Lot 1 of 802151;
Lots 1, 2, and 3 of DP 838568;
Lot 1 of DP 915066
(see Maps of the Project Sites in Appendix 1)

2. In Schedule 2, under DEFINITIONS, delete the definitions for "DECCW", "Department", "DII" and "RTA" and insert the following in alphabetical order:

Department	Department of Planning and Infrastructure
DRE	Division of Resources and Energy, within the Department of Trade and Investment, Regional Infrastructure and Services
EA (Mod 1)	The Environmental Assessment titled <i>Relocation of MRD and Vertical Boreholes and Alternative Access Route</i> , dated October 2010 and prepared by Cardno Pty Ltd, as modified by the letter dated 30 November 2010 titled <i>Response to Submissions</i> , prepared by BHP Billiton Illawarra Coal
EA (Mod 2)	The Environmental Assessment titled <i>Section 75W Modification Application (Mod # 2): Additional Gas Drainage</i> , dated 16 November 2011 and prepared by Cardno Pty Ltd, as modified by the letter dated 20 January 2012 titled <i>Response to Submissions s75W Modification 2</i> , prepared by BHP Billiton Illawarra Coal
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval

Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
MRD	Medium Radius Drilling
MSGD	Mine Safety Gas Drainage
OEH	Office of Environment and Heritage
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
RMS	Roads and Maritime Services

3. Delete all references to DII and replace with DRE.
4. Delete all references to DECCW and replace with OEH.
5. Delete all references to RTA and replace with RMS.
6. In condition 2 of Schedule 2, delete all words after “in accordance with the:” (except the Notes) and insert the following:
 - (a) EA;
 - (b) EA (Mod 1);
 - (c) EA (Mod 2);
 - (d) statement of commitments; and
 - (e) conditions of this approval.
7. In condition 2 of Schedule 2, delete the words “in reproduced in Appendix 3”, and replace with “is reproduced in Appendix 4”.
8. In condition 5 of Schedule 2, following the words “goaf gas extraction wells”, insert “and mine safety gas drainage”.
9. In condition 5 of Schedule 2, delete the number “3” and replace with “5”.
10. Following condition 8 of Schedule 2, insert the following:

STAGED SUBMISSION OF PLANS AND PROGRAMS

9. With the approval of the Director-General, the Proponent may:
 - (a) submit any plan or program required by this approval on a progressive basis; and
 - (b) combine any plan or program required by this approval with any similar strategy, plan or program required by an approval for the Appin Coal Mine.
11. In the second row of Table 1 of Schedule 3, delete “1:00pm” and replace with “6:00pm”.
12. In the fourth row of Table 1 of Schedule 3, following the words “drilling of MRD boreholes 1 and 2” insert the following:

“and MRD boreholes 705 A to F
- drilling of MSGD steered horizontal wells”
13. Following condition 2 of Schedule 3, insert the following:
 - 2A. The Proponent shall ensure that the construction noise generated by the project does not exceed the noise impact assessment criteria set out in Table 2A at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.

Table 2A: Impact assessment criteria dB(A)

Noise Catchment Area	Standard Construction Hours	Outside Standard Construction Hours		
	Day/Evening L _{Aeq} (15 minute)	Day/Evening L _{Aeq} (15 minute)	Night	
			L _{Aeq} (15 minute)	L _{A1} (1 minute)
Goaf 4 (West)	50	45	40	50

Goaf 5 (Adjacent to Hwy)	55	50	43	53
Goaf 6 (East)	50	45	41	51
MSGD Site 1	46	41	36	46
MSGD Site 2	50	45	39	49

Notes:

- To interpret the locations referred to in Table 2A, see the figures in Appendix 3.
- Standard construction hours are Monday – Friday 7:00am to 6:00pm, and Saturday 8:00am to 1:00pm.

14. In condition 3(c) of Schedule 3, delete the words “(particularly MRD borehole 2); and” and insert “;”.
15. In condition 3(d) of Schedule 3, following the words “construction related noise emissions” insert the following:
 - ; and
 - (e) include a detailed Community Consultation Plan for construction noise impacts, including:
 - procedures for the written notification of nearby residents of the commencement of construction activities;
 - procedures for notifying residents at appropriate stages throughout the construction activities of any specific works that may result in potential noise impacts;
 - details of a telephone complaints line, including an after hours contact phone number;
 - procedures for handling complaints, including contact details of relevant site personnel responsible for following up complaints; and
 - details of proposed contingency measures to be implemented where complaints are received
16. Delete condition 14 of Schedule 3, and insert the following:
 14. The Proponent shall carry out the rehabilitation of the site progressively, that is, as soon as reasonably practicable following disturbance.

Rehabilitation Management Plan

15. The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of DRE. This plan must:
 - (a) be prepared in accordance with any relevant DRE guidelines;
 - (b) include details of rehabilitation of surface infrastructure sites during the operational phase;
 - (c) include details of final decommissioning of surface infrastructure and rehabilitation of sites; and
 - (d) Include a conceptual final landform plan showing any remaining infrastructure, the expected final landform topography and vegetation types.
17. Delete condition 2 of Schedule 4 and insert the following:

REPORTING

Incident Reporting

2. The Proponent shall notify the Director-General and any other relevant agencies of any incident that has caused, or has the potential to cause, significant risk of material harm to the environment, at the earliest opportunity. For any other incident associated with the project, the Proponent shall notify the Director-General and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

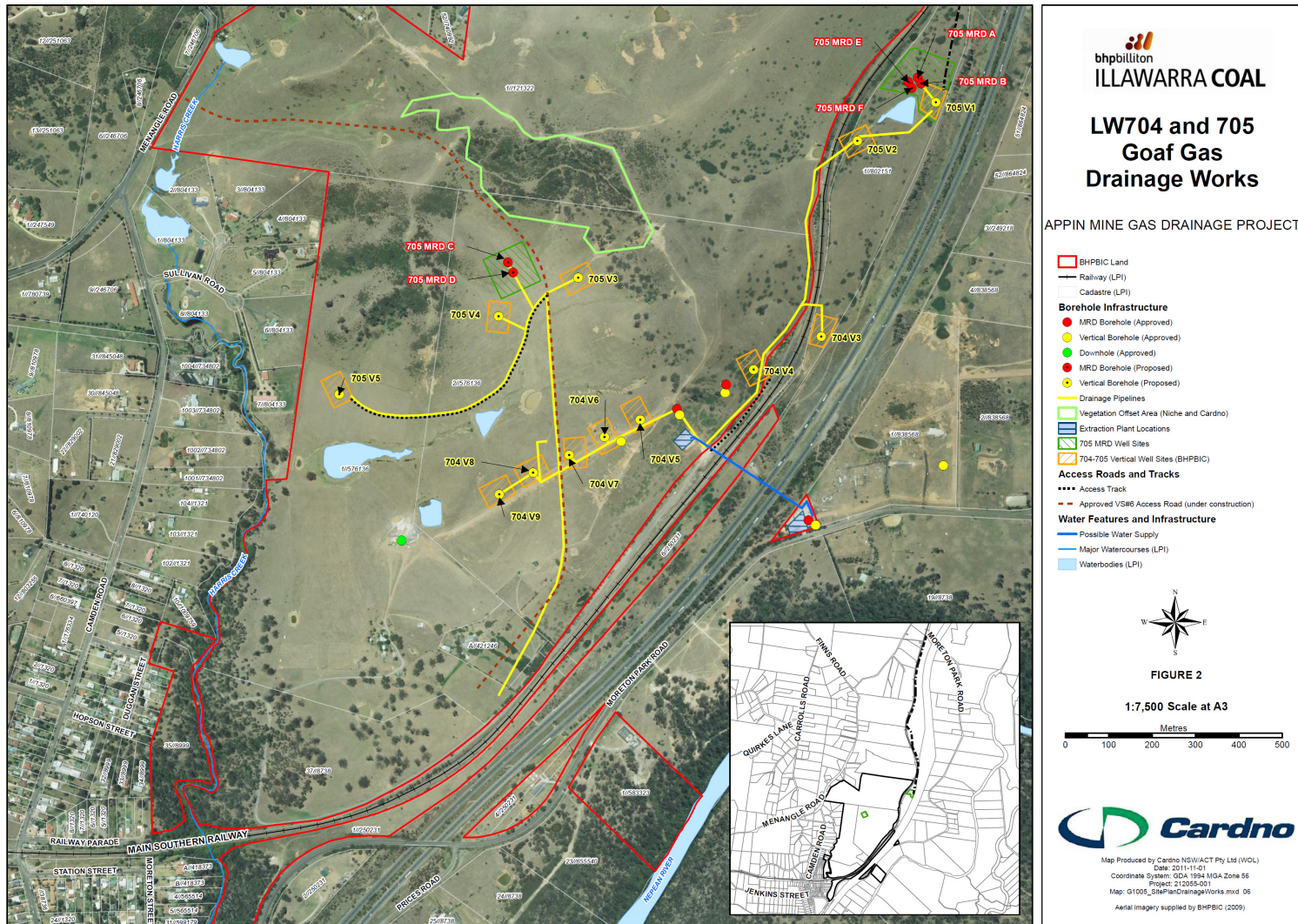
ACCESS TO INFORMATION

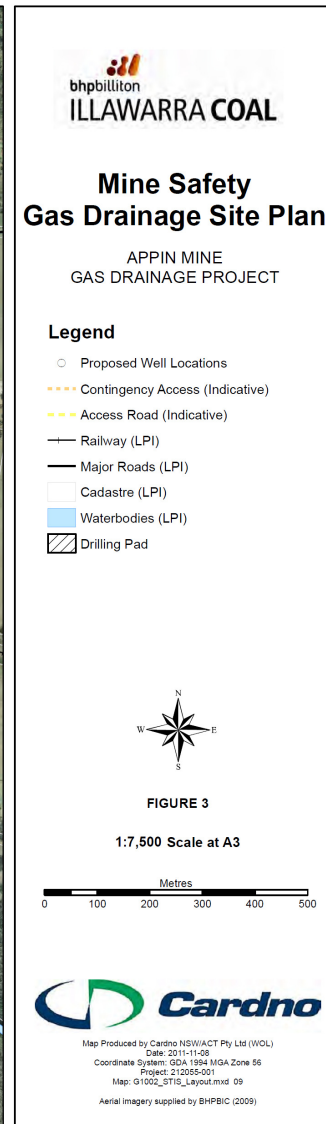
3. From 30 April 2012, the Proponent shall:
 - (a) make copies of the following publicly available on its website:

- the EA, EA (Mod 1) and EA (Mod 2);
 - all current statutory approvals for the project;
 - approved strategies, plans and programs required under the conditions of this approval;
 - a comprehensive summary of the results of monitoring which has been required under the conditions of this approval or any plan or program approved under this approval;
 - a complaints register, which is to be updated on a monthly basis;
 - any other matter required by the Director-General; and
- (b) keep this information up to date,
to the satisfaction of the Director-General.

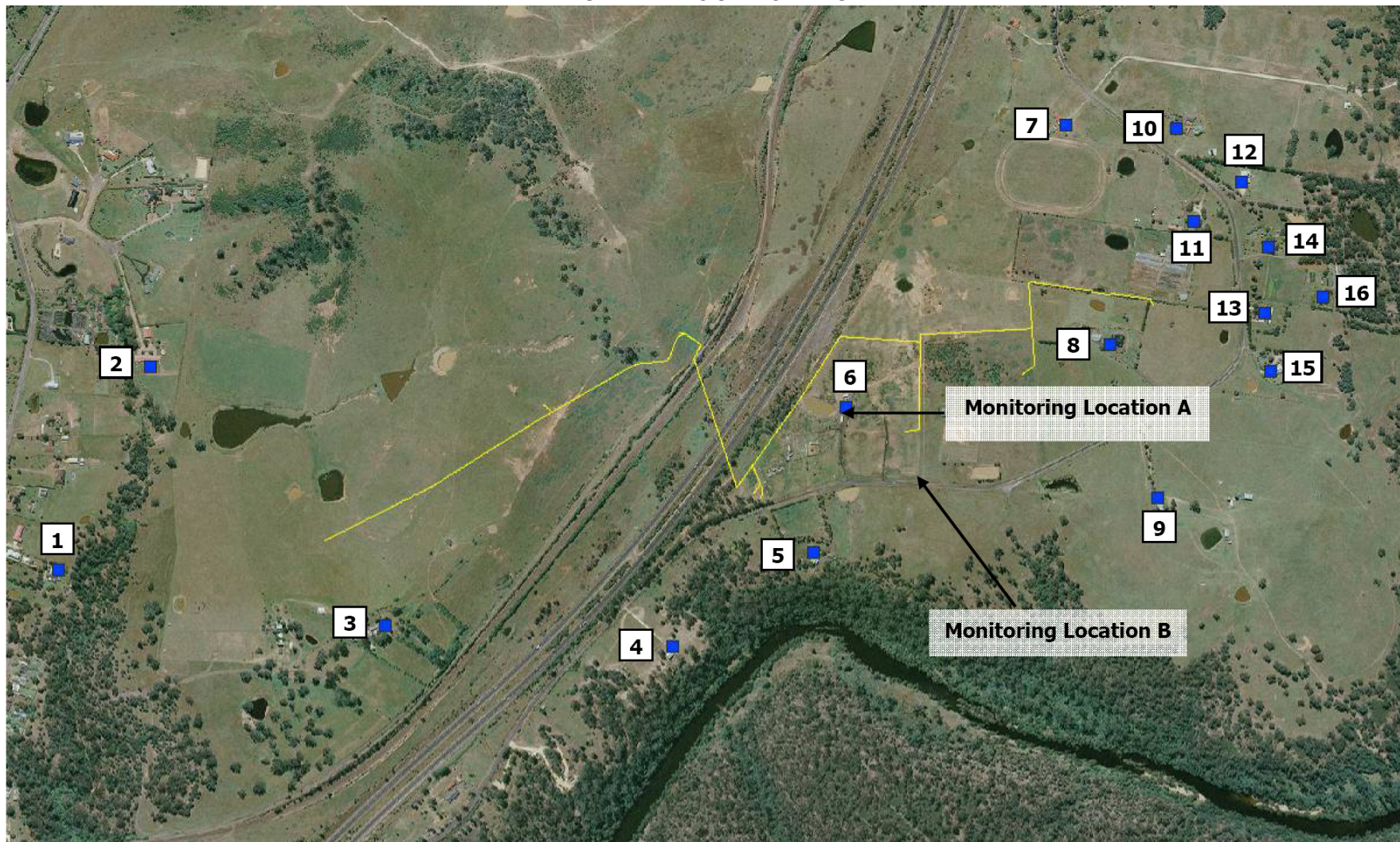
18. Delete Appendices 1 to 3 and insert the following:

APPENDIX 1 PROJECT SITE





APPENDIX 2
RESIDENTIAL NOISE RECEIVERS



APPENDIX 3 CONSTRUCTION NOISE RECEIVERS

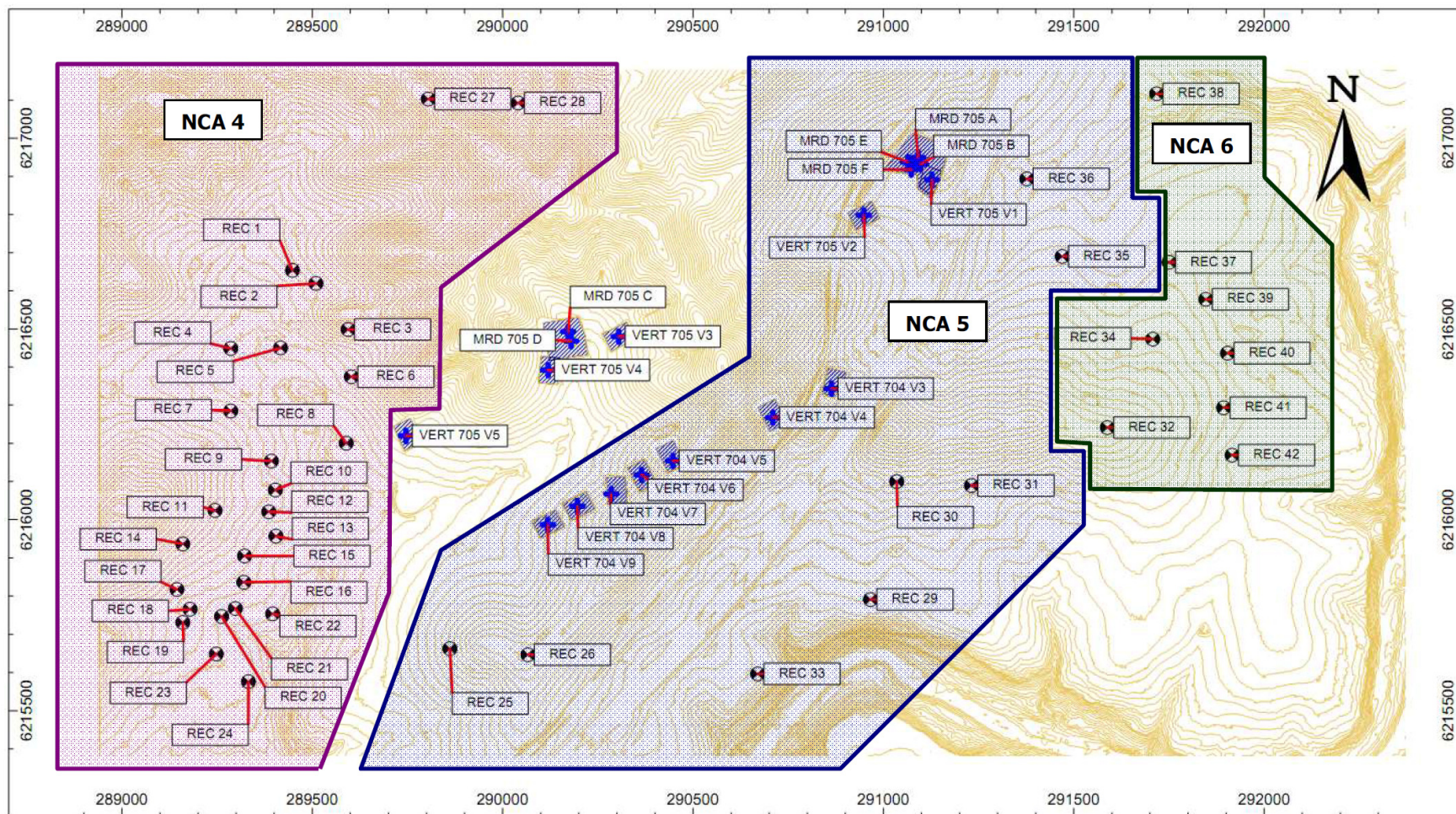


Figure 1: Goaf Gas Drainage receiver locations

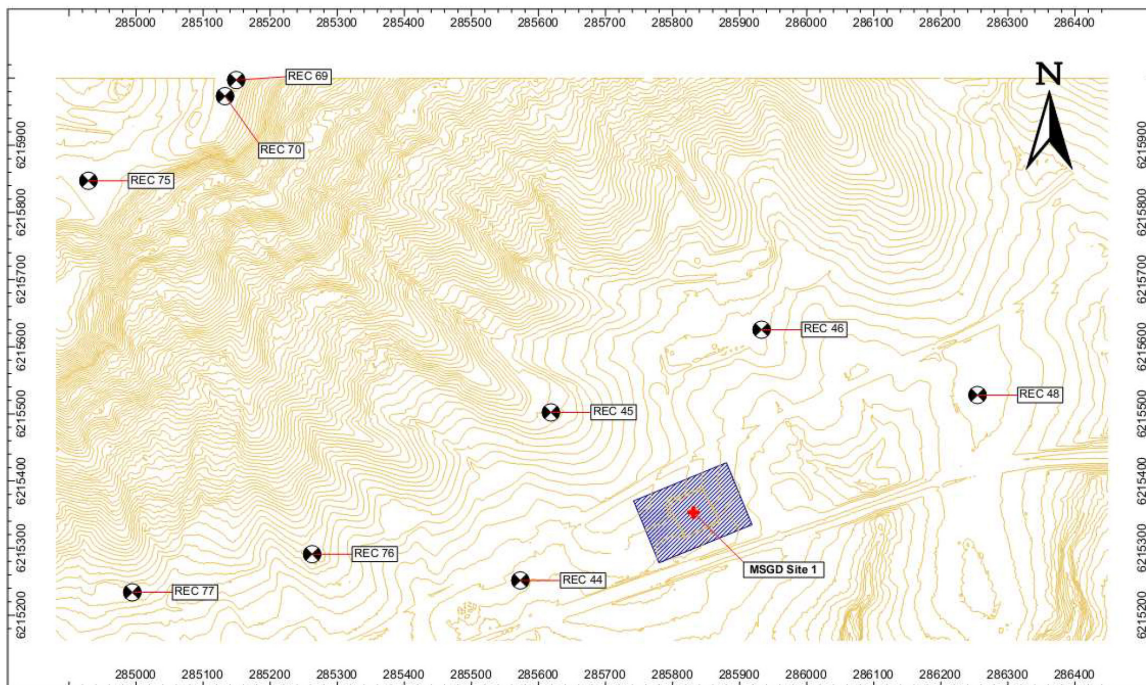


Figure 2: Mine Safety Gas Drainage Site 1 receiver locations

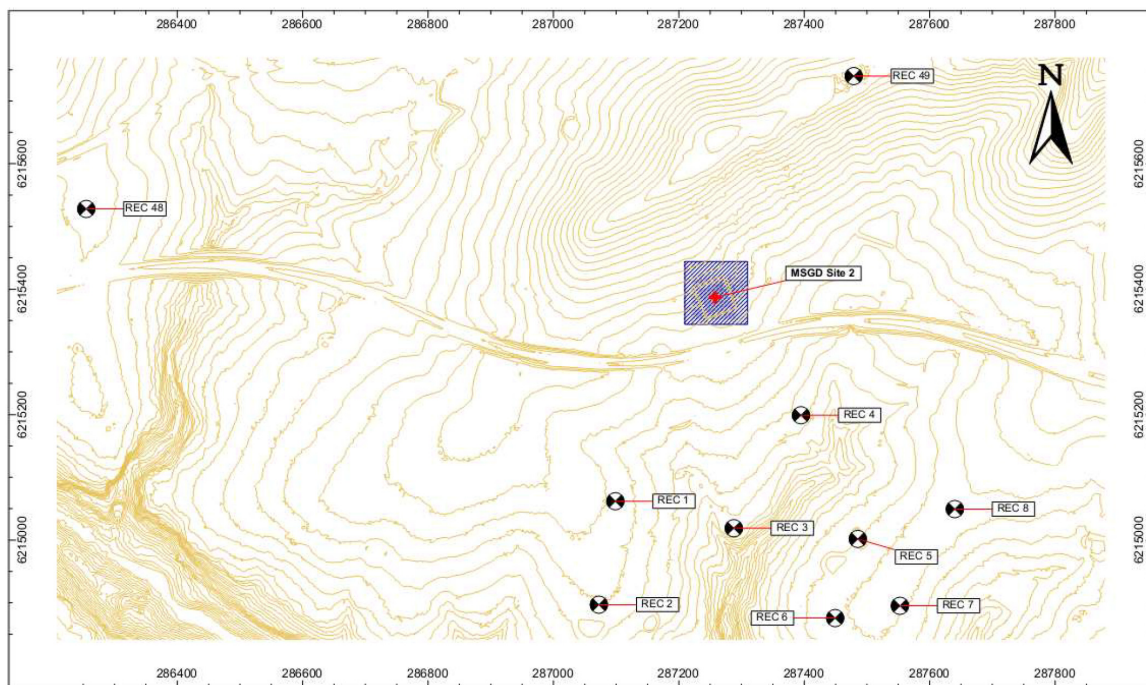


Figure 3: Mine Safety Gas Drainage Site 2 receiver locations

APPENDIX 4 STATEMENT OF COMMITMENTS

The Statement of Commitments contains all measures Illawarra Coal has made and will undertake to minimise impacts on the environment, and has been sourced from the Environmental Assessment and Response to Submissions.

Objective	Commitment
<i>Greenhouse Gas Emissions</i>	
Minimise impacts to the environment associated with GHG emissions.	- Subject to obtaining RTA/ARTC approval and/or any unforeseen construction delays to the under-bore beneath the road and rail corridor, BHPBIC will maximise the reticulation of goaf gas to EDL for electricity generation to minimise the emission of Greenhouse Gas emissions from the extraction of goaf gas associated with Longwall 703-705. (Note: this is the preferred option). - BHPBIC will implement a temporary flaring system to minimise GHG emissions from the extraction of goaf gas associated with Longwall 703 after three months of commissioning the secondary extraction plant. Flaring will occur until the road and rail corridor can be completed and connected to the EDL reticulation system. - BHPBIC will maximise the reticulation of goaf gas to the EDL to minimise the emission of GHG from the works associated with Longwall 704 and 705. - If unplanned and prolonged goaf gas venting occurs, BHPBIC will investigate the implementation of a flaring capability to minimise GHG emissions. - BHPBIC will flare methane gas drained from the MSGD sites.
<i>Working Hours - Construction</i>	
Minimise impacts on the local area from construction and site implementation.	- BHPBIC will carry out vertical well drilling and Hume Highway under-boring six days per week during daylight hours. - BHPBIC will drill the MRD and horizontal steered boreholes 24 hours per day, seven days per week until complete (approx. 13 week process for each well). - BHPBIC will conduct construction of the goaf gas reticulation pipeline six days per week during daylight hours. - BHPBIC will carry out extraction plant implementation activities six days per week during daylight hours.
<i>Working Hours – Operation</i>	
Minimise impacts on the local area from operation of the extraction plant.	The extraction plant(s) will operate 24 hours per day, seven days per week until goaf gas is depleted.
<i>Noise</i>	
Minimise noise impacts from the Appin gas drainage project activities on sensitive	- BHPBIC will endeavour to use the quietest available drilling plant, which is regularly maintained and fitted with appropriate mufflers. - Orient the drill rig and equipment so that the quietest side is faced toward the

Objective	Commitment
receivers.	nearest receivers where it is possible to do so. - Place temporary noise barriers around the drill rig. - Affected neighbours will be contacted and informed of likely duration of work, noise mitigation measures to be installed and contact details of BHPBIC Landholder Advisor will be provided to allow feedback on any noise impacts.
<i>Public Consultation</i>	
- Keep local residents informed of BHPBIC operations. - Provide a public opportunity to comment on ongoing operations at Appin Colliery.	- BHPBIC will continue to operate the Appin community office during construction of this project to allow for any public comments or enquiries. - BHPBIC will continue to operate the 24-hours telephone line to provide an alternative method for public information. - BHPBIC will continue to support the Appin Area Community Working Group, Douglas Park Advisory Panel and associated liaison activities to ensure the local community have an opportunity to raise any questions regarding the gas drainage project.
<i>Water</i>	
Minimise impacts on: - Quality - Supply - Groundwater	- Stormwater runoff, soil and erosion control measures will be managed in accordance with guidelines detailed in the Landcom Publication "Soils and Construction" Volume 1, 4th Edition, dated March 2004. - Water used for drilling operations will be from a Sydney Water Authorised User or licensed extraction from the Nepean River. - All excavated ponds will contain an appropriate impermeable liner to prevent water loss. The walls of the ponds will be of an appropriate height to provide adequate freeboard to prevent inflow or overflow during rainfall. - The vertical boreholes will be cased with steel and grouted in place from the ground surface of the well to the top of the Bulgo Sandstone section of the strata above the coal seam (approximately 250m underground) for goaf gas drainage wells and within the vicinity of the Bulli Seam (approximately 500m underground) for MSGD vertical wells. This is considerably below any regionally significant aquifers that may be present within the project area. - The MRD and MSGD boreholes will be cased with welded or threaded steel and grouted in place from the ground surface of the borehole to the end of the radial or build section where the horizontal alignment of the borehole starts, at an approximate depth of 450-500m underground. This is considerably below any regionally significant aquifers that may be present within the project area. - The water used in the extraction plant cooling process and borehole drilling will be removed and reused at Appin, West Cliff Collieries or another licensed facility.
<i>Flora and Fauna</i>	

Objective	Commitment
BHPBIC will minimise impacts on native vegetation and animals by managing: ▪ Weeds ▪ Cumberland Plain Woodland (CPW)	▪ Machinery and heavy vehicles will be washed down prior to accessing private properties to avoid the transmission of weeds or disease into intact areas of native vegetation. ▪ Rehabilitation of the land that was at the contingency goaf gas extraction location with local native species characteristic of CPW after the cessation of the goaf gas drainage.
<i>Rehabilitation</i>	
▪ To reduce long term affects from the proposed developments on the environment. ▪ To ensure public and/or private safety following completion of the borehole use.	▪ Any disturbed land will be rehabilitated to ensure the environment is returned back to the pre-development condition or to meet landowner specific requirements. ▪ Decommissioning of the boreholes will be undertaken in accordance with EDG01 Borehole Sealing Requirements on Land (Summerhayes, 1997). All boreholes will be sealed in accordance with these guidelines upon completion of operations.
<i>Waste</i>	
BHPBIC will minimise impacts on the environment associated with waste generation and disposal.	▪ BHPBIC will minimise waste where possible through careful planning of the extraction locations prior to implementation. ▪ Drilling waste will be reused where possible: ▪ At the West Cliff Coal Waste Emplacement for site capping or rehabilitation. ▪ Onsite for construction and rehabilitation purposes. ▪ Onsite for construction of noise barriers. ▪ Appropriate capture and transfer of waste to suitable reuse, recycling or disposal location.
<i>Air Quality</i>	
Reduce impacts from dust on surrounding properties.	▪ Construction activities will be managed in order to minimise dust generation.
<i>Heritage</i>	
BHPBIC will minimise impacts on Aboriginal and cultural heritage.	▪ Aboriginal cultural sites will be avoided and temporarily fenced during construction where possible. ▪ Aboriginal cultural sites that may be impacted during construction will be managed in accordance with the Aboriginal Cultural Heritage Management Plan and in consultation with registered Aboriginal Stakeholders. ▪ Any unexpected relics discovered during construction will be managed in accordance with the Cultural Heritage Management Plan and in accordance with

Objective	Commitment
	s146 of the Heritage Act.
<i>Traffic</i>	
Reduce the potential for traffic associated with the project to create congestion	- During the construction phase, warning signs will be erected at critical access points, including along Menangle Road and Moreton Park Road. - A Journey Management Plan will be developed by the contractor and approved by the BHPBIC Project Manager prior to the commencement of any drilling works. This plan will guide appropriate controls for movement of project equipment including drilling rigs. - If necessary, a Traffic Management Plan will be prepared by the Contractor and approved by the BHPBIC Project Manager prior to the commencement of any construction works. This plan will control movements of employee's vehicles and associated implementation traffic. - BHPBIC has consulted with and obtained written agreements from all landholders. In addition, residents will be advised prior to the commencement of works and advised of any related disruptions to local traffic.
<i>Construction Management</i>	
- Minimise impact on the environment from construction work. - Ensure employee safety during construction.	- The successful contractor/s will prepare management plans and safe work method statements for approval by BHPBIC prior to work commencing. - The Contractor will maintain equipment to a safe standard and ensure secure storage. - The Contractor will prepare an Environmental Management Plan for BHPBIC approval prior to the commencement of works. - All works will be conducted in accordance with relevant construction legislation and best practice.