

Notice of Modification

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

As delegate of the Minister for Planning under delegation of 14 September 2011, the NSW Planning and Assessment Commission modifies the project approval referred to in Schedule 1, as set out in Schedule 2.



Garry Payne AM
Member of the Commission



Alan Coutts
Member of the Commission

Sydney

21 October 2014

SCHEDULE 1

Project approval 09_0203 for the West Wallsend Continued Operations Project, granted by the delegate of the Minister for Planning and Infrastructure on 25 January 2012.

SCHEDULE 2

1. In Schedule 1, delete the definitions for "Cliff terrace", "Council", "Department", "Director-General", "Minister", "Minor cliff", "Project" and "Rock face feature" and insert the following in alphabetical order:

Cliff terrace	<i>For features subject to impacts caused by mining pursuant to an Extraction Plan approved after 30 September 2014:</i> a combination of two to five minor cliffs in close proximity, that result in a "stepped" surface profile, with a total minimum cliff height of 10 metres and having a minimum length of 20 metres. <i>For features subject to impacts caused by mining pursuant to an Extraction Plan or Subsidence Management Plan approved on or before 30 September 2014:</i> a combination of two to five minor cliffs and/or rock face features in close proximity, that result in a "stepped" surface profile, with a total minimum cliff height of 10 metres and having a minimum length of 20 metres.
Council	Lake Macquarie City Council
Department	Department of Planning & Environment
EA - Mod 1	Environmental Assessment titled <i>Proposed Longwalls 51 & 52 West Wallsend Colliery</i> , dated January 2014 and prepared by Umwelt (Australia) Pty Limited, including the associated response to submissions dated June 2014 and prepared by Umwelt (Australia) Pty Limited
EPA	Environment Protection Authority
Minister	Minister for Planning, or delegate
Minor cliff	A continuous rock face, including overhangs, which has a: • minimum length of 20 metres and a height between 5 metres and 10 metres, or maximum length of 20 metres and a minimum height of 10 metres; and • minimum slope of 2 to 1 (>63.4°).
Project	The project described in the EA and EA – Mod 1
Rock face feature	<i>For features subject to impacts caused by mining pursuant to an Extraction Plan approved after 30 September 2014:</i> a continuous rock face, including overhangs, which has a: • minimum length of 20 metres and a height between 3 metres and 5 metres, or maximum length of 20 metres and a minimum height of 5 metres; and • minimum slope of 2 to 1 (>63.4°). <i>For features subject to impacts caused by mining pursuant to an Extraction Plan or Subsidence Management Plan approved on or before 30 September 2014:</i> a rock face having a minimum length of 20 metres, heights between 3 metres and 5 metres and a minimum slope of 2 to 1 (>63.4°).
Secretary	Secretary of the Department, or nominee

2. Delete all references to "Director-General" and replace with "Secretary".
3. In condition 2 of Schedule 2, delete all words after "EA;" (except the Notes) and replace with:
 - b) EA – Mod 1;
 - c) statement of commitments; and
 - d) conditions of this approval.
4. Delete condition 4 of Schedule 2 and replace with:
 4. The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval;
 - (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in these documents.
5. Delete condition 14 of Schedule 2 and replace with:

UPDATING AND STAGING OF STRATEGIES, PLANS OR PROGRAMS

14. To ensure that strategies, plans and programs required under this approval are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the project, 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 of or a stage of a strategy, plan or program 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 will need to 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/s of the project to which the strategy, plan or program applies; the relationship of this stage/s to any future stages; and the trigger for updating the strategy, plan or program.*
- *See also condition 5 of Schedule 6.*

6. In condition 5(h) of Schedule 3 and conditions 6, 8, 11, 13 and 17 of Schedule 4, replace references to "OEH" with "EPA".
7. In condition 5(i) of Schedule 3, after the words "black-eyed susan (*Tetradlea juncea*)" insert "and Small-flower Grevillea (*Grevillea parviflora subsp parviflora*)".
8. After condition 17 of Schedule 4, insert the following:

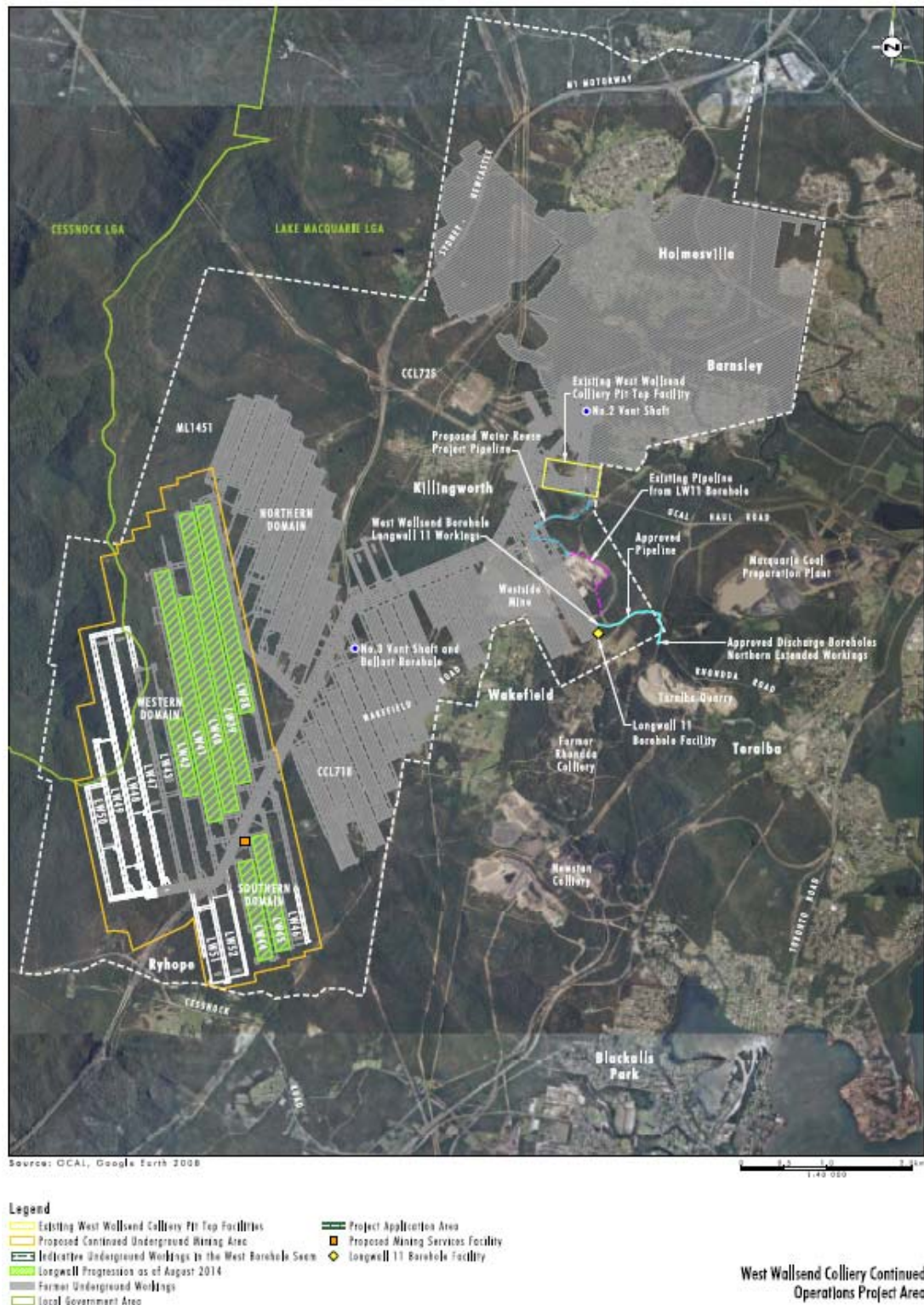
Groundwater Modelling and Management

- 17A. By the end of March 2015, the Proponent shall, in consultation with NOW, prepare and submit a groundwater model which describes the past, current and proposed impacts of the project, to the satisfaction of the Secretary.
- 17B. By the end of February 2015, the Proponent shall, in consultation with OEH, develop, implement and submit a groundwater and connective fracturing monitoring program for Longwalls 51 and 52, to the satisfaction of the Secretary.
9. After condition 29 of Schedule 4, insert the following:

Remediation Trial

30. Prior to the commencement of secondary extraction in either Longwall 51 or Longwall 52, the Proponent shall, in consultation with OEH, complete a field trial of the revised surface cracking remediation procedures to be used at the project, to the satisfaction of the Secretary.

10. Delete the second figure in Appendix 2 and replace with:



11. In commitment 6.2.9 of the Statement of Commitments in Appendix 3, delete the words “catchment” and replace with “and Palmers Creek catchments”.
12. In Table 4 of Appendix 4, after the row beginning “38-4-1231”, insert the following:

38-4-1693	Palmers Creek STI	Scarred tree	Extremely high	Moderate
38-4-1694	Palmers Creek IF5	Isolated find	Extremely high	Low