

Notice of Modification

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

As delegate for the Minister for Planning, the Planning Assessment Commission modifies the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Sydney

Member of the Commission

2014

SCHEDULE 1

The project approval (MP 10_0046) granted by the Planning Assessment Commission, as delegate for the Minister for Planning, for the NRE No. 1 Colliery Preliminary Works Project on 13 October 2011.

SCHEDULE 2

1. In Schedule 1, replace "Gujarat NRE Coking Coal Ltd" with "Wollongong Coal Limited"
2. In Schedule 1, replace "NRE No. 1" with "Russell Vale"
3. In the list of Definitions, delete the definitions for "Department", "Director-General", "Gujarat", "Minister" and "RTA" and insert the following in alphabetical order:

Department EA - Mod 2 EPA Minister RMS Secretary Wollongong Coal	Department of Planning and Environment Environmental Assessment titled Russell Vale Colliery Commencement of Longwall 6, dated April 2014 and the associated Response to Submissions, dated July 2014 Environment Protection Authority Minister for Planning, or delegate Roads and Maritime Services Secretary of the Department, or nominee Wollongong Coal Limited
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4. Delete all references to "Director-General" and replace with "Secretary".
5. Delete all references to "RTA" and replace with "RMS".
6. In condition 2 of Schedule 2, insert the following after condition 2(a1):
 - (a2) EA – Mod 2;
7. 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.
8. In condition 5(a) of Schedule 2, delete "for 3 years from the date of this approval" and replace with "until 31 December 2015".

9. Delete condition 11 of Schedule 2 and replace with:

UPDATING AND STAGING OF STRATEGIES, PLANS OR PROGRAMS

11. 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 5.*

10. Under "Swamps" in Table 1 of Schedule 3, delete "Cataract Creek Upland Swamp 4 (CCUS4)".
11. Under "Biodiversity" in Table 1 of Schedule 3, delete all words after "communities" in the first column, and insert instead:

"(except CCUS3 and CCUS4)"

12. In condition 3 of Schedule 3, before the note, insert the following:

The offset must give priority to like-for-like physical environmental offsets, but may also consider funding for supplementary measures such as

- actions outlined in threatened species recovery programs;
- actions that contribute to threat abatement programs;
- biodiversity research and survey programs; and/or
- rehabilitating degraded habitat.

13. After condition 3 of Schedule 3, insert the following:

- 3A. If mining under this approval causes impacts on Cataract Creek Upland Swamp 4 (CCUS4) which exceed a standard of 'minor environmental consequences', and the Secretary determines that:
- (a) it is not reasonable or feasible to remediate the impact or environmental consequence; or
 - (b) remediation measures implemented by the Proponent have failed to satisfactorily remediate the impact or environmental consequence;

then the Proponent shall provide a suitable offset to compensate for the impact or environmental consequence in accordance with the requirements of condition 3 above, to the satisfaction of the Secretary.

'Minor environmental consequences' is defined as:

- *negligible* erosion of the surface of the swamps;
- *minor* changes in the size of the swamps;
- *minor* changes in the ecosystem functionality of the swamp;
- *no significant* change to the composition or distribution of species within the swamp; and
- *maintenance or restoration* of the structural integrity of controlling rockbars.

14. In condition 14 of Schedule 3, delete "OEH" and replace with "EPA".
15. In condition 16(a) of Schedule 3, delete "OEH" and replace with "EPA".
16. In the last dot point of the notes to condition 19 of Schedule 3, delete "OEH" and replace with "EPA".
17. In condition 21(a) of Schedule 3, delete "OEH" and replace with "EPA".

18. In condition 22(b) of Schedule 3, delete "OEH" and replace with "EPA".
19. In condition 28(a) of Schedule 3, delete "OEH" and replace with "EPA".
20. In condition 32(a) of Schedule 3, delete "OEH" and replace with "EPA".
21. In condition 35(a) of Schedule 3, delete "OEH" and replace with "EPA".
22. In condition 35(g) of Schedule 3, after "watercourses on site", insert ", including Tributary 4 of Cataract Creek, which drains CCUS4".
23. Insert the following after condition 37 of Schedule 3:

Additional Groundwater Monitoring

- 37A. Prior to the commencement of mining in Longwall 6, the Proponent shall establish a groundwater bore between Longwall 6 and the Cataract Reservoir that investigates and monitors the height of groundwater depressurisation in this area, to the satisfaction of the Secretary.
24. Delete Appendix 2 and replace with:

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APPENDIX 2: PROJECT LAYOUT PLAN

