

Northern Coal Logistics Project Modification 1 (SSD 5145 MOD 1)

Environmental Assessment Report Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

1. BACKGROUND

The Northern Coal Logistics Project (the Project) is located on the western side of Lake Macquarie approximately 140 kilometres (km) north of Sydney and runs north-south through the central part of the Newcastle Coalfield (see **Figure 1**). The Project is owned and operated by Centennial Northern Coal Services Pty Limited (Centennial) and encompasses the surface activities of Newstan Colliery, Mandalong Mine, Awaba Colliery, Cooranbong Entry Site (CES) and existing private haul roads; all of which are owned by Centennial Coal Company Ltd and operated through various subsidiary companies. The Project area is located within the Lake Macquarie local government area.



Figure 1: Northern Coal Logistics Project Location

The Project was originally approved as SSD 5145 on 29 September 2015 by a delegate of the Minister for Planning under Section 89E of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Project manages the receipt, handling, processing and transport of run-of-mine (ROM) coal from Centennial's underground coal mining operations at Newstan Colliery, Mandalong Mine and Awaba Colliery. Mining operations undertaken at Newstan Colliery, Mandalong Mine and Awaba Colliery are subject to separate consents.

The CES is located at the southern end of the Project area and consists of a coal delivery system and surface infrastructure for coal handling and processing. The CES has 14 full-time employees and operates 24 hours per day, 7 days per week and is the subject area of this proposed modification.

2. PROPOSED MODIFICATION

On 31 October 2017, Centennial lodged a modification application under section 96(1A) of the EP&A Act. This modification (MOD 1) involves:

- increasing the number of Full Time Equivalent (FTE) employees based at the CES from 14 to 60, to make use of available office space;
- amending the noise criteria specified in condition 2 of Schedule 3 for privately-owned residences in the vicinity of the CES from 35 dB(A) to 37 dB(A) for day, evening and night time periods; and
- an administrative amendment to the notes associated with air quality criteria specified in condition 7 of Schedule 3.

As the proposed changes are to occur within the existing Project area and no changes are proposed to the approved infrastructure, coal handling, processing or transportation, the Department considers the proposed modification to be minor.

The proposal is described in detail in the Statement of Environmental Effects (SEE) (see **Appendix A**).

3. STATUTORY CONTEXT

3.1 Section 96(1A)

The modification application proposes to modify the consent in accordance with section 96(1A) of the EP&A Act, which allows for a consent to be modified if the consent authority is satisfied that the proposed modification is of minimal environmental impact and the modified proposal is substantially the same development as the development for which consent was originally granted.

Following its detailed assessment of the proposal, the Department is satisfied that the modification is of minimal environmental impact (see **Section 5**). The application involves a minor increase in staff and some administrative changes to existing conditions. The proposed increase of 46 employees based at the CES would have little environmental impact beyond some increased traffic on access roads. This potential impact is addressed in **Section 5.1**.

The proposed amendment to the noise criteria would not exceed 2 dB(A) and would not result in any change in operations at the CES. The Department considers that the noise climate in the vicinity of the CES would not be significantly altered as a result of these amendments.

On this basis, the Department is satisfied that the proposed modification is within the scope of section 96(1A) and may be determined accordingly.

3.2 Approval Authority

The Minister for Planning is the approval authority for the application. However the Director, Resource Assessments may determine the application under the Minister's delegation of 11 October 2017, given that Lake Macquarie City Council did not object to the proposal, there were no public submissions in the nature of objections and no political donations have been reported by Centennial.

3.3 Environmental Planning Instruments

A number of environmental planning instruments apply to the modification including:

- *State Environmental Planning policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007*;
- *SEPP (Infrastructure) 2007*;
- *SEPP (State and Regional Development) 2011*;

- SEPP No 33 – Hazardous and Offensive Development;
- Lake Macquarie Local Environmental Plan 2004; and
- Lake Macquarie Local Environmental Plan 2014.

The Department has considered the review of relevant environmental planning instruments in the SEE and assessed the proposed modification against the relevant provisions of these instruments. Based on this assessment, the Department is satisfied that the proposed modification can be carried out in a manner that is consistent with the aims, objectives and provisions of these instruments.

3.4 Other Licences

Under section 89K of the EP&A Act, several additional approvals or licences are required to be held by the Project. Noise and air pollution activities over the Project area are regulated under an Environmental Protection Licence (EPL 365) granted under the *Protection of the Environment Operations Act 1997* (POEO Act). The Department notes that noise limits in this EPL for 23 and 26 Gradwells Road are 38 and 37 dB(A) respectively. These limits do not align with existing noise limits for these receivers in the consent. An EPL variation for these noise limits may also be required if this modification is approved.

4. CONSULTATION

After accepting the SEE for the proposed modification, the Department:

- provided written notification to the five affected private residences, prior to exhibition;
- publicly exhibited the SEE from 10 to 24 November 2017 on the Department's website and at:
 - Service NSW Centres; and
 - Lake Macquarie City Council's office; and
 - Nature Conservation Council's office;
- advertised the exhibition of the SEE in the *Central Coast Express Advocate* and *Lake Macquarie Lakes Mail*; and
- notified relevant State government agencies and Lake Macquarie City Council.

The Department is satisfied that the notification process met the requirements of the EP&A Act and the *Environmental Planning and Assessment Regulation 2000*.

4.1 Agency Submissions

The Department received four submissions from Government agencies providing comment on the proposed modification. No issues were raised by the **Office of Environment and Heritage** (OEH) or the Department's **Division of Resources and Geoscience** (DRG).

The **Environment Protection Authority** (EPA) noted that the proposed modification appeared to be inconsistent with the operational noise modelling in the *Centennial Northern Coal Services Pty Limited – Northern Coal Logistics Project – Environmental Impact Statement*, prepared by SLR Consulting Australia Pty Ltd, which was submitted in support of the original development application in 2014.

The EPA also noted that the noise modelling for the area surrounding the CES shown in Table 92 of the Project's Environmental Impact Statement (EIS) showed predicted levels of less than 35 dB(A) across the day, evening and night time periods for Receivers 22, 23, 26, 28 and 32 (see **Figure 2**). These matters are discussed further in **Section 5.2**.

In response to the proposed air quality amendment, the EPA noted that it does not typically set ambient air quality limits, criteria or standards for industrial premises, and that in its view, ambient air quality limits are unenforceable. EPLs generally do not contain air quality emission criteria, however, mines must adhere to the POEO Act in respect of fugitive dust emissions, and the EPA has no comment on this proposed amendment. These matters are discussed further in **Section 5.3**.

The EPA also noted that any changes in noise impacts as a result of additional light vehicle traffic movements appear not to have been addressed. These matters are discussed further in **Section 5.1**.

Roads and Maritime Services (RMS) provided a late submission which noted that the SEE's Traffic Impact Assessment (TIA) assumed that all traffic generated by the CES would use Wangi Road (a state road) to access Gradwells Road via Newport Road. However, performance of the Wangi Road and Dora Street intersection was not assessed in the TIA.

On this basis, RMS was concerned that the increased traffic would reduce the life of this intersection and would impact on PM peak traffic flows. RMS also noted that there is an approved residential subdivision of

240 lots proposed for 95 Gradwells Road. The approval for this subdivision requires the developer to upgrade the Wangi Road and Dora Street intersection, due to the predicted increase in traffic volume from the subdivision. These matters are discussed further in **Section 5.1**.

The Department did not receive a submission from **Lake Macquarie City Council** (Council).

A copy of all submissions is provided in **Appendix B**.

4.2 Public Submissions

The Department did not receive any submissions from the public.

4.3 Response to Submissions

Centennial provided a Response to Submissions (RTS) on 15 December 2017, addressing all agency submissions received during the exhibition period. An additional RTS was provided to address RMS's issues on 16 January 2018. Both RTS documents have been made publicly available on the Department's website (see **Appendix C**).

The **Department** also requested that Centennial provide detailed noise monitoring data within the vicinity of CES for the last three years. This noise monitoring data demonstrated that, within the past three years, operational noise levels have remained within allowable levels and exceedances only occurred during conditions when the noise criteria did not apply, ie during adverse meteorological conditions. These matters are discussed further in **Section 5.2**.

5. ASSESSMENT

The Department has assessed the merits of the proposed modification in accordance with the relevant objects and requirements of the EP&A Act. In assessing these merits, the Department has considered the:

- EIS for the original development application;
- conditions of consent for the development as originally approved;
- modification application, SEE and RTS;
- agency submissions; and
- relevant environmental planning instruments, policies and guidelines.

The Department considers that the key impacts of the modification relate to traffic and noise. Consideration of these issues is provided below.

5.1 Traffic and Transport

The modification seeks to increase the allowable number of FTE employees based at the CES from 14 to 60 and therefore increase the total number of employees approved under the Project from 120 to 166. This would result in increased traffic in the vicinity of the CES as employees travel to and from work.

A TIA for the proposal was undertaken by SLR Consulting Australia Pty Ltd in October 2017 and included in the SEE. An associated traffic noise impact assessment was not deemed necessary. This is due to the predicted low traffic volumes, and the increased vehicle movements being classed as light vehicles which would not be expected to generate significant increases in noise levels.

5.1.1 Employee Movements

The current consent allows for a total of 120 FTE employees, with 14 based at the CES and the remaining 106 being based at the Newstan Colliery Surface Site.

The extra 46 employees would allow for the movement of existing staff from Centennial's Fassifern office to the CES to utilise available office space. By relocating these additional employees, Centennial would reduce overcrowding at the Fassifern office and would also benefit from increased employee numbers with regard to managing coal handling and associated activities at the CES. It is noted that employees at the Fassifern office, whilst part of Centennial's operations, do not form part of the Project and are not currently governed by SSD 5145.

The CES is approved to operate 24 hours per day, seven days per week until 31 December 2045. The modification proposes to manage the 60 employees by allocating them between two shifts, with 40 employees onsite between 6 AM and 6 PM and 20 employees on site between 6 PM and 6 AM.

All employee vehicles would access the CES via Gradwells Road, and be parked in a sealed car park located within the CES site, which has capacity for 200 vehicles. Therefore, the proposed modification would not result in any on-road car parking outside of the Project boundary.

The only access road to the CES is Gradwells Road, which is a local road under the care and control of Council. It is currently a two-lane dual carriageway with a maximum speed limit of 80 km/h and a width of 7 metres. It has unsealed shoulders and grassed table drains and was in good condition at the time of the TIA. Gradwells Road has a T-intersection with Newport Road, which then passes beneath Wangi Road at Dora Creek. Traffic joins Wangi Road via an intersection with Dora Street.

5.1.2 Traffic Volumes

The TIA undertaken assumes that all traffic generated by the CES would flow along Gradwells Road, to the Gradwells Road / Newport Road intersection then along Newport Road to the State-controlled Wangi Road. The Gradwells Road / Newport Road intersection is an urban give-way controlled intersection currently operating with uninterrupted flow conditions. The addition of 46 extra light vehicles in the AM peak time and an extra 46 in the PM peak time is predicted to have minimal effect on the capacity of the intersection. This intersection has an existing performance standard of Level of Service (LOS) A which is predicted to continue despite the increase in vehicle movements.

Gradwells Road has an existing traffic volume count of 56 vehicle trips per hour (vtph). The proposed modification would create an additional 46 vehicle trips twice per day at 6 AM and again at 6 PM when the shift changes at CES would occur. The TIA states that the existing volume plus additional would result in 102 light vehicle movements during these two periods, which is well below the road's capacity of 920 vtph.

The Department is satisfied that Gradwells Road has the capacity to accommodate the proposed increase in traffic. The Department considers this proposed increase would be minor in relation to the road's existing and predicted traffic capacity. Furthermore, the additional traffic movements are likely to be light vehicles.

RMS raised concerns that the proposed increase in traffic would reduce the life of the Wangi Road / Dora Road intersection. However, RMS noted that the increased trips would not coincide with the existing AM peak hour but was likely to impact the PM peak hour. RMS also noted that a residential subdivision of 240 lots has been approved by Council for development between Gradwells Road and Coorumbung Road. A condition of this consent is for the developer to upgrade the Wangi Road / Dora Street intersection to a 4 way traffic signal controlled intersection, due to predicted traffic increase.

Following review of RMS's submission, Centennial clarified that, during the PM peak, only 20 night shift employees would be travelling in the same direction as the majority of residents returning home via Wangi Road to Gradwells Road. Of these 20, only 13 are attributable to the proposed modification. The remaining 33 additional employees would be travelling from the CES to Wangi Road, against the assumed predominant flow of traffic.

The Department has reviewed the Traffic Assessment Report conducted for the subdivision and notes that it predicts that the traffic generated by the 240 lot housing development is calculated on 9 trips per dwelling per day, resulting in 2160 vehicle trips per day. The proposed modification adds only 46 vehicle trips twice daily, and is therefore viewed as a minor impact on the Wangi Road / Dora Street intersection.

The Department has investigated these issues and considers that the proposal's increased traffic movements have been appropriately addressed by Centennial and further traffic studies of the Wangi Road / Dora Street intersection are not required.

Community consultation undertaken by Centennial in a Mandalong Mine Community Consultative Committee meeting attended by representatives of the community and Council noted concerns relating to traffic speed, signage and line marking along Gradwells Road. In response, Centennial has committed to the following mitigation measures:

- employee and contractor inductions would be updated to include road safety along Gradwells Road; and
- an audit of road signs and line markings along Gradwells Road to ensure they are adequate and meet relevant standards. Representations would be made to Council (as the road authority) to upgrade these if necessary.

5.1.3 Conclusion

The Department is satisfied that the proposed modification would result in minor additional traffic impacts on Gradwells Road and the intersections of Gradwells / Newport Road. The Department considers that the impacts to Newport Road and Wangi Road and the associated intersections would be negligible.

Traffic impacts could continue to be appropriately managed under existing conditions of consent, which include conditions related to road maintenance, road safety, product transportation and preparation of a Traffic Management Plan. This plan would need to be updated, subject to this modification being approved, to address Centennial's commitments regarding traffic speed, signage and line marking along Gradwells Road.

5.2 Noise Criteria

Centennial is seeking to amend the operational noise criteria listed under Table 2 in condition 2 of Schedule 3 for Receivers 22, 23, 26, 28, and 32. These receivers represent five private residences located closest to the CES southern access road, ie Gradwells Road.

5.2.1 Background

Existing consent conditions for Receivers 22, 23, 26, 28, and 32 specify a single $L_{Aeq(15min)}$ criterion of 35 dB(A) for the Day, Evening and Night periods. Centennial proposes to increase this criterion to 37 dB(A), which would result in a 2 dB(A) increase for these five receivers. Centennial considers that this would be an administrative update only, with no change to actual noise emissions from the CES.

Centennial states that this proposed amendment is to rectify a transcription error which it suggests occurred during drafting of the development consent in 2015. It notes a difference between the noise criteria for these five receivers, as recommended in the *Secretary's Environmental Assessment Report for Northern Coal Logistics Project August 2015*, as against the criteria incorporated in the consent for the same receivers.

The Department has reviewed the Project assessment report and the consent and accepts that there is a discrepancy between these documents for the noise criteria for these receivers. Consequently, the operational noise criteria for these receivers have been fully reviewed as part of this assessment.

5.2.2 Review of Noise Criteria

In the Department's assessment of the Project, these five residences were grouped together for the purpose of setting noise impact assessment criteria, due to their proximity to each other.

The noise modelling conducted in the EIS's NIA predicted that, under a worst case operational scenario, where both conveyors, CHP infrastructure and truck loading operations were all operating concurrently, noise levels for Receivers 22, 23, 26, 28, and 32 would meet the Project Specific Noise Levels and remain <35 dB(A), except under temperature inversion conditions. In such conditions, Receiver 23 would reach 37 dB(A) and Receiver 26 would reach 36 dB(A). These results were included in Table 92 of the EIS and are reproduced below in **Figure 2**.

Following the Department's detailed assessment of the modelling and application of the *Industrial Noise Policy (INP) Application Notes* (current at the time of the Project's assessment) the Night criterion of 37 dB(A) under temperature inversion conditions was applied as the operational noise criteria for Day, Evening and Night periods in the Assessment Report. However, this position was inadvertently not carried through into the consent.

After further detailed review, the Department has decided to adopt a more refined approach of applying individual noise criteria for each of the five residences, based on the predictions contained in the EIS's NIA.

This would deliver revised Day, Evening and Night criteria of:

- 37 dB(A) for Residence 23;
- 36 dB(A) for Residence 26; and
- 35 dB(A) for Residences 22, 28 and 32.

It is also noted that these criteria are those modelled under temperature inversion conditions, ie F class inversions. The NIA states that, for 83% of the time, at the closest meteorological station located at Cooranbong, temperature inversion conditions of either F or G class exist in Winter. Therefore, these conditions have been included in setting revised noise criteria.

To address both the EPA's concerns and to ensure consistency in the consent conditions, the Department proposes to apply the operational noise criteria under the temperature inversion conditions described in the original Project's NIA.

The noise levels predicted by SLR (2014d) for this operational scenario are provided in Table 92.

Table 92 - Cooranbong Entry Site Operational Noise

Location	Period ¹	Predicted Noise Level $L_{Aeq}(15\text{minute})$ (dBA)		Project Specific Noise Criteria (dBA)
		Calm	Temperature Inversion	
22	Day	<35	N/A	42
	Evening	<35	N/A	42
	Night	<35	<35	41
23	Day	<35	N/A	42
	Evening	<35	N/A	42
	Night	<35	37	41
26	Day	<35	N/A	42
	Evening	<35	N/A	42
	Night	<35	36	41
28	Day	<35	N/A	42
	Evening	<35	N/A	42
	Night	<35	<35	41
30	Day	<35	N/A	42
	Evening	<35	N/A	42
	Night	<35	<35	41
31	Day	<35	N/A	42
	Evening	<35	N/A	42
	Night	<35	<35	41
32	Day	<35	N/A	42
	Evening	<35	N/A	42
	Night	<35	<35	41

Figure 2: Extract of Operational Noise Criteria from Environmental Impact Statement for the Project

5.2.3 Conclusion

The Department considers that the most accurate application of operational noise criteria for the Project is to apply the criteria consistent with the predictions of the EIS's NIA for each individual residence.

This would provide Day Evening and Night criteria of:

- 37 dB(A) for Residence 23;
- 36 dB(A) for Residence 26; and
- 35 dB(A) for Residences 22, 28 and 32.

5.3 Air Quality

Centennial is proposing an administrative amendment to the notes associated with the air quality criteria in Table 4 in condition 7 of Schedule 3 of the consent. This is an administrative update to correct a minor error, with no change to allowable air quality emissions.

A footnote reference in Table 4 that applies Note "a" to the 24-hour average PM₁₀ criterion should actually read Note "b". The Department supports Centennial's proposed change.

The Department considers that the Project's Air Quality Management Plan (AQMP) should be amended to reflect the updated air quality notes.

5.4 Other Impacts

The Department is satisfied that the other impacts of the proposed modification are likely to minor or negligible.

6. RECOMMENDED CONDITIONS

The Department has drafted a recommended notice of modification (see **Appendix D**) and a consolidated version of the consent as it is proposed to be modified (see **Appendix E**). The Department considers that the environmental impacts of the Project can be appropriately managed through the existing and amended conditions of consent.

The Department has also taken the opportunity to make minor changes to existing conditions to reflect its current drafting standards. Centennial has reviewed and accepted the recommended conditions of consent.

7. CONCLUSION

The Department has assessed the modification application, the SEE, all submissions and the RTS in accordance with the relevant requirements of the EP&A Act. The Department has carefully considered the likely impacts of the proposal on the environment and on nearby residents. The Department is satisfied that the proposed modification would have minimal environmental impact.

The Department is satisfied that the proposed increase in employee numbers at the CES would not significantly impact the traffic flows and capacity along Gradwells Road. Subject to Centennial undertaking the review of road signage and line marking, and updating its employee inductions, the Department is satisfied that the increased employee numbers would not deleteriously affect road safety on Gradwells Road.

The Department has carefully considered potential impacts related to increasing operational noise criteria, and considers that the amended noise criteria would allow for accurate and consistent noise criteria for the five residences closest to the CES, without impacting on the amenity experienced by these residences or resulting in any increase in operational noise from the CES.

The Department concludes that the modification can be carried out with minimal environmental impacts. The Department is satisfied that these impacts can be appropriately managed by existing, modified and/or updated conditions of consent. Under existing conditions, all management plans, strategies and programs must be reviewed, and if necessary, updated within 3 months of approval of any modification.


The Department is therefore satisfied that the proposed modification is in the public interest and should be approved, subject to conditions.

8. RECOMMENDATION

It is recommended that the Director, Resource Assessments, as delegate of the Minister for Planning:


- **consider** the findings and recommendations of this report;
- **determine** that the modification request falls within the scope of section 96(1A) of the EP&A Act;
- **approve** the modification application SSD 5145 MOD 1, subject to conditions; and
- **sign** the attached notice of modification (**Appendix D**).

Recommended by:

 25.01.18

Melissa Anderson
Environmental Assessment Officer
Resource Assessments


Recommended by:

 *Genesee Seed
on behalf of
L. Evans 25 Jan 18*

Jessie Evans
Team Leader
Resource Assessments

9. DECISION

Approved by:

 25-1-18

Howard Reed
Director
Resource Assessments
as delegate of the Minister for Planning

APPENDIX A: STATEMENT OF ENVIRONMENTAL EFFECTS

Refer to the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8867

APPENDIX B: SUBMISSIONS

Refer to the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8867

APPENDIX C: RESPONSE TO SUBMISSIONS

Refer to the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8867

APPENDIX D: NOTICE OF MODIFICATION

Notice of Modification

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

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

Howard Reed

Howard Reed
Director
Resource Assessments

Sydney

25th January

2018

SCHEDULE 1

The development consent (SSD 5145) for the Northern Coal Services Project, granted by the Executive Director Resource Assessments and Compliance, as delegate of the Minister for Planning on 29 September 2015.

SCHEDULE 2

1. In the List of Definitions, delete the following terms and their definitions: "DRE", "DPI-Water" and "MSB" and insert the following in alphabetical order:

CLWD	Crown Lands and Water Division of the NSW Department of Industry
DPI	Department of Primary Industries
DRG	Division of Resources and Geoscience of the Department
SANSW	Subsidence Advisory NSW
SEE (Mod 1)	Statement of Environmental Effects titled ' <i>Northern Coal Logistics Project Development Consent SSD-5145 Section 96(1A) Modification Statement of Environmental Effects</i> ' dated October 2017, the Response to Submissions titled <i>RE: SSD-5145 MOD 1 Response to Submissions Letter Report</i> dated 15 December 2017, all prepared by Centennial Coal Company Ltd

2. Delete all references to "shall" and replace with "must", except in condition 3 of Schedule 2.
3. Delete all references to "DRE" and replace with "DRG".
4. Delete all references to "DPI Water" and replace with "CLWD".
5. Delete all references to "NSW Industrial Noise Policy" and replace with "NSW Noise Policy for Industry (EPA, 2017)".
6. In condition 1 of Schedule 2, after the words "prevent and/or minimise any" insert the word "material".
7. In condition 2(a) of Schedule 2, after the words "EIS", insert the words "and SEE (Mod 1)".
8. In condition 3 of Schedule 2, delete the words "above documents" and replace with "documents identified in condition 2(a)".
9. Delete condition 4 of Schedule 2 and replace with:
 4. The Applicant must 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 submitted in accordance with this consent (including any stages of these documents);
 - (b) any reviews, reports or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.
10. After condition 12 of Schedule 2, insert:

EVIDENCE OF CONSULTATION

13. Where conditions of this consent require a document to be prepared in consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Secretary for approval; and
 - provide details of the consultation undertaken including:
 - a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and
 - details of any disagreement remaining between the party consulted and the Applicant, and how the Applicant has addressed the matters not resolved.

COMPLIANCE

14. The Applicant must ensure that all employees, contractors and sub-contractors are made aware of, and instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the project.
11. In conditions 2 and 3 of Schedule 3 in Tables 2 and 3:
- delete the row addressing Receivers "22, 23, 26, 28, 32" and replace with the following:

23	-	37	37	37	45
26	-	36	36	36	45

12. In conditions 5, 10, 15, 17, 19, 21, 23, and 29 of Schedule 3:
- delete the words "and implement" after the word "prepare"; and
 - after the last subparagraph insert "The Applicant must implement the plan as approved by the Secretary."
13. In condition 7 of Schedule 3, in Table 4:
- delete the note reference "a" in the third row and replace with "b".
14. In condition 20 of Schedule 3, after subparagraph (b) insert the following:
- The calculation of the Conservation Bond must be submitted to the Department for approval at least 1 month prior to lodgement of the bond.
- The Conservation Bond must be reviewed and if required, an updated bond must be lodged with the Department within 3 months of:
- an update or revision to the Biodiversity Management Plan;
 - the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the Biodiversity Offset Strategy have been made; or
 - a request for review by the Secretary.
15. In condition 1 of Schedule 5:
- delete the words "and implement" after the word "prepare"; and
 - after the last subparagraph insert "The Applicant must implement the strategy as approved by the Secretary."
16. In condition 6 of Schedule 5, replace all words in subparagraph (d) with the words "the approval of any modification to the conditions of this consent,".
17. In condition 8 of Schedule 5, delete the words "*Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments* (Department of Planning, 2007, or its latest version)", and replace with "*Community Consultative Committee (CCC) Guidelines for State Significant Developments* (Department of Planning and Environment, 2016) or its latest version."
18. In condition 11 of Schedule 5:
- in the first sentence, delete the word "review" and replace with "submit a report to the Department reviewing"; and
 - in sub-subparagraph (b)(iv), delete the word "EIS" and replace with the words "documents identified in condition 2(a) of Schedule 2".
19. In condition 12 of Schedule 5:
- in subparagraph (d), delete the word "and";
 - in subparagraph (e), delete the full stop and replace with "; and"; and
 - after subparagraph (e) insert:
 - be conducted and reported to the satisfaction of the Secretary.

20. In condition 13 of Schedule 5:
 - (a) delete the words "6 weeks of the completion of" and replace with "12 weeks of commencing"; and
 - (b) after the words "in the audit report" insert the words, "and a timetable for the implementation of any measures proposed to address the recommendations".
21. In condition 14 (a)(i) of Schedule 5, after the number "2", insert "(a) and (b)".
22. Update the Table of Contents to reflect the above changes.

APPENDIX E: CONSOLIDATED CONSENT
