

Notice of Modification

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

As delegate for the Minister for Planning, I modify the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Howard Reed
A/Director, Mining & Industry Projects

Sydney

7 December

2010

SCHEDULE 1

The development consent (DA 29/95) for the Austar Coal Mine, granted by the Minister for Planning on 14 February 1996.

SCHEDULE 2

1. In the list of DEFINITIONS, delete "DECC - Department of Environment and Climate Change", "DPI - Department of Primary Industries" and "DWE - Department of Water and Energy", and insert the following in alphabetical order:

DECCW	Department of Environment, Climate Change and Water
Environmental consequences	The environmental consequences of subsidence impacts, including: damage to built features; loss of surface flows to the subsurface; loss of standing pools; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock falls; damage to Aboriginal heritage sites; impacts to aquatic ecology; ponding
I&I NSW	NSW Department of Industry and Investment
NOW	NSW Office of Water within DECCW
Stage 2 mining area	The area of the site which includes longwalls A3 – A5a, as shown in Appendix 2
Stage 3 mining area	The area of the Austar Coal Mine which includes longwalls A6 – A17, as shown in Appendix 2 of Project Approval 08_0111
Subsidence	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
Subsidence effects	Deformation of the ground mass due to mining, including all mining-induced ground movements, including both vertical and horizontal displacement, tilt, strain and curvature
Subsidence impacts	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs

2. Delete all references to "DECC" and replace with "DECCW".
3. Delete all references to "DPI", and replace with "I&I NSW".
4. Delete all references to "DWE" and replace with "NOW".
5. In condition 2 of schedule 2, delete all words after "April 2009;" and replace with the following:
 - (e) modification application DA 29/95 – MOD 4 and the accompanying Environmental Assessment prepared by Umwelt (Australia) Pty Ltd and dated July 2010; and
 - (f) the conditions of this consent.

6. In condition 6 of schedule 2, delete the word "approval" and replace with "consent".
7. After condition 6 of schedule 2, insert the following:
 7. Following any modification to this consent, or if directed by the Director-General, the Applicant shall review and if necessary revise all relevant management and monitoring strategies, plans and programs required under this consent to the satisfaction of, and within a timeframe approved by, the Director-General.
8. Delete condition 3 of schedule 3, and insert the following:
 3. The Applicant shall revise the approved Subsidence Management Plan for the Stage 2 mining area to include longwall A5a, to the satisfaction of I&I NSW. The revised plan must:
 - (a) include a mine plan for the Stage 2 mining area;
 - (b) integrate ongoing management of previously mined areas;
 - (c) include management, monitoring and contingency plans for all man-made and natural features which may experience subsidence effects, subsidence impacts or environmental consequences, including:
 - built structures;
 - farm dams;
 - watercourses;
 - groundwater;
 - terrestrial flora and fauna and ecology (including any threatened species and their habitats); and
 - Aboriginal cultural heritage;
 - (d) be approved by the Director-General of I&I NSW prior to the commencement of extraction of longwall A5a; and
 - (e) be implemented, following approval, to the satisfaction of the Director-General of I&I NSW.
9. In condition 23(c) of schedule 3 delete "A5" and replace with "A5a".
10. After condition 24 of schedule 3, insert the following:
 - 24A. The Applicant shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the Stage 2 mining area to the satisfaction of the Director-General. The plan must:
 - (a) be prepared by a suitably qualified archaeologist in consultation with DECCW and the relevant Aboriginal groups, and be submitted to the Director-General for approval prior to the commencement of extraction of longwall A5a; and
 - (b) include a program/procedures for:
 - salvage and management of Aboriginal sites within the Stage 2 mining area;
 - monitoring and management of Aboriginal sites within the Stage 2 mining area;
 - managing the discovery of any new Aboriginal objects or skeletal remains discovered during the project;
 - undertaking additional archaeological surveys on any areas subject to extensive remediation activities; and
 - ongoing consultation with and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.

Note: This plan may be incorporated into the Aboriginal Cultural Heritage Management Plan required under the Project Approval for the Stage 3 mining area (08_0111).
11. After Appendix 1, insert the following:

APPENDIX 2 STAGE 2 MINING AREA

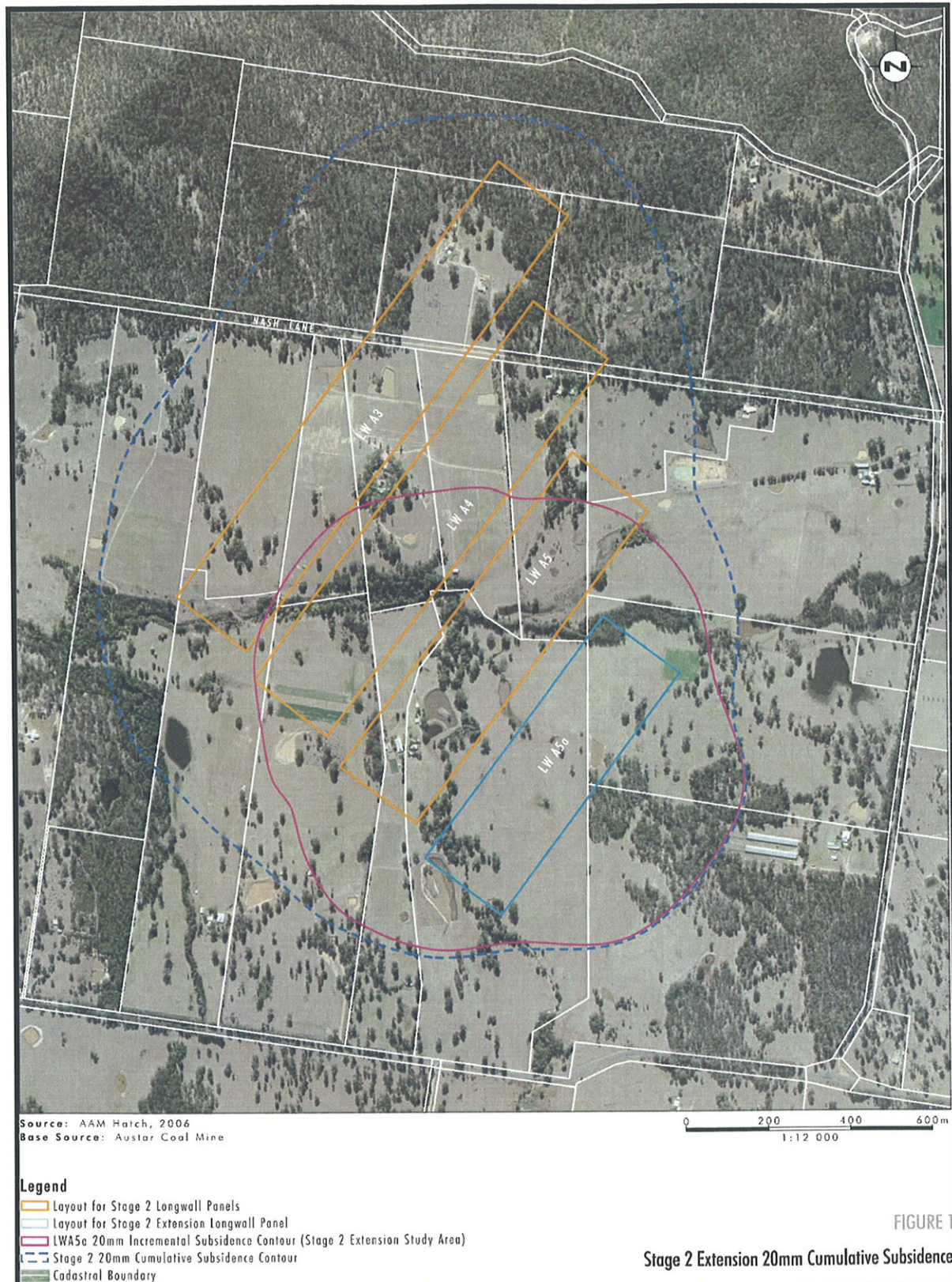


Figure 1: Layout of Stage 2 longwall panels