

# Notice of Modification

## Section 75W 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  
Director  
Resource Assessments

Sydney

17 January

2019

### SCHEDULE 1

The development consent (DA 73-11-98) for the Newstan Colliery Project, granted by the Minister for Urban Affairs and Planning on 14 May 1999.

### SCHEDULE 2

1. In Schedule 1, delete "in red edge and orange hatch" and replace with "with yellow edge".
2. In Schedule 1, delete all words following "(the Development)"., including Notes 1, 2 and 3.
3. In the list of DEFINITIONS, delete the following terms and their definitions: "DA Area"; "Development Consent Area"; "Executive Director, Mineral Resources", "Feasible", "LEA", "Section 138", "Secretary", "DRE", "MSB" and "DPI Water" and insert the following in alphabetical order:  
  
**DA Area** - *The area of land to which this consent applies, as shown in yellow edge in Figure 1 of Appendix 1*  
**Dol Water** - *The Department of Industry's Division of Lands and Water*  
**DRG** - *The Department's Division of Resources and Geosciences*  
**Feasible** - *Means what is possible and practicable under the circumstances*  
**LEA** - *Lease Extension Area as shown in the EIS for DA 73-11-98*  
**MOD 8 Area** - *The area of land shown in light blue hatch in Figure 1 of Appendix 1*  
**SA NSW** - *Subsidence Advisory New South Wales*  
**Secretary** - *Planning Secretary under the Environmental Planning and Assessment Act 1979, or nominee*
4. In the list of Government Authorities, delete the following terms and their definitions: "DRE", "DPI Water", "SA NSW" and insert the following in alphabetical order:  
  
**DRG** - *The Department's Division of Resources and Geosciences*  
**Dol Water** - *The Department of Industry's Division of Lands and Water*  
**SA NSW** - *Subsidence Advisory New South Wales*
5. Replace "Executive Director, Mineral Resources" with "DRG" wherever occurring.
6. Replace "DRE" with "DRG" wherever occurring.
7. Replace "MSB" with "SA NSW" wherever occurring.
8. Replace "DPI Water" with "Dol Water" wherever occurring.
9. In condition 1.1,
  - (a) in paragraph (h) delete "and" where last appearing; and
  - (b) at the end of paragraph (i), insert:

- and
  - (j) the modification application DA 73-11-98 MOD 8, dated 26 February 2018, and associated Environmental Assessment entitled *Newstan Colliery Development Consent Modification, September 2018*.
10. In condition 1.2 (i), delete the first sentence and replace with "Mining operations may be carried out within the DA Area until 6 July 2021".
  11. In condition 3.8(a), delete "in accordance with the Coal Mine Regulation Act, 1982".
  12. In condition 3.9(a)(iii), delete "Rural Lands Protection Authority, the Prickly Pear Authority" and replace with "Local Land Services".
  13. In condition 3.10, delete all text following the first sentence.
  14. Following condition 3.12 insert:

### 3.13 Subsidence Management in the Newstan MOD 8 Area

The Applicant must:

- (a) ensure that underground mining in the Newstan MOD 8 Area does not cause more than 20 mm of vertical subsidence at the surface in any location;
- (b) remediate any subsidence impacts to the land, ensuring that public safety is maintained at all times;
- (c) undertake baseline monitoring of surface and groundwater in the Killaben Creek catchment within the MOD 8 Area, in consultation with LMCC;
- (d) undertake regular inspections of any areas that have been mined beneath, in consultation with LMCC and at a minimum of six-monthly intervals until at least 12 months following the completion of mining in any particular area, or any other period as determined by the Secretary; and
- (e) provide monitoring reports to LMCC within one month of undertaking any such inspection, to the satisfaction of the Secretary.

### 3.14 LMCC Biodiversity Offsets in the Newstan MOD 8 Area

In the portion of Lot 463 DP1138964 within the Newstan MOD 8 Area that forms part of LMCC's Biodiversity Offset for its Awaba Waste Management Facility, the Applicant must:

- (a) undertake a program of baseline and post-mining biodiversity monitoring, consistent with the *LMCC Awaba Biodiversity Conservation Area Plan of Management 2015*, in consultation with LMCC;
  - (b) provide monitoring reports to LMCC within one month of undertaking any such monitoring;
  - (c) remediate, or alternatively compensate LMCC for, any loss or damage to the land, including disturbance to native vegetation, habitats or ecosystems, or management costs that may arise from damage to the land caused by the development, in consultation with LMCC; and
  - (d) in the event that any surface disturbance caused by the development results in a diminution of biodiversity values such that either the Department or the Commonwealth no longer accepts the Biodiversity Offset on this land as fulfilling LMCC's relevant biodiversity offset obligations associated with this land, then the Applicant must locate and provide, or alternatively compensate LMCC for, a replacement biodiversity offset, in consultation with LMCC, to the satisfaction of the Secretary.
15. In condition 11.1(b) delete "Development Consent area" and replace with "DA Area".
  16. In condition 11.1(F)(b), delete "or the Mining Warden".
  17. Delete Figure 1 of Appendix 1 and replace with the following:

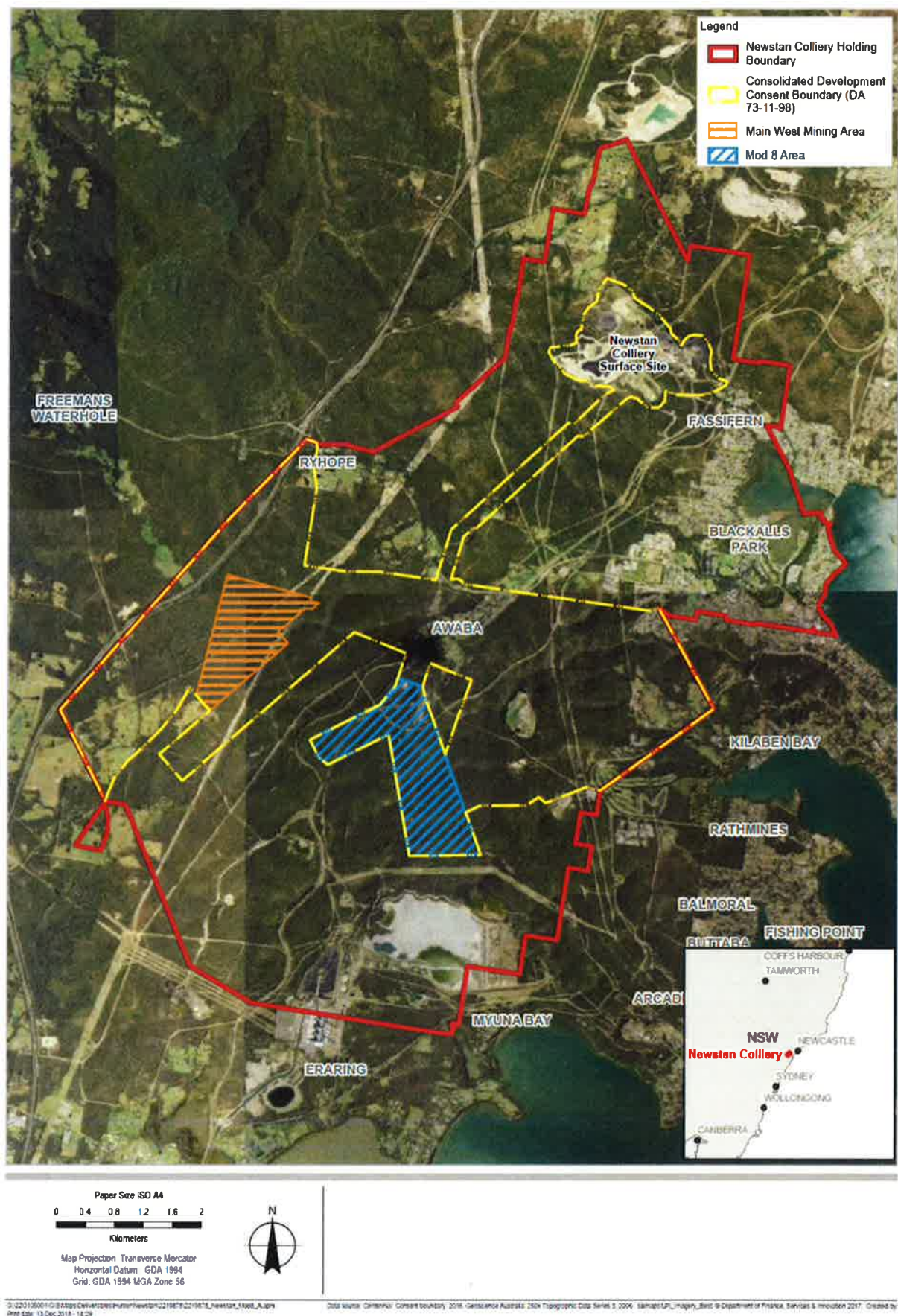


Figure 1: DA Area  
(including orange hatch area of the Main West Mining Area and light blue hatch area of MOD 8 Area)

