

Notice of Modification

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

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



David Kitto
Acting Executive Director, Resource Assessments

Sydney 27 NOVEMBER

2014

SCHEDULE 1

The project approval (MP 06_0311) for the Mannering Colliery granted by the Minister for Planning on 12 March 2008.

SCHEDULE 2

1. In the Table of Contents, after "APPENDIX 1:" delete the words "SCHEDULE OF" and after "APPENDIX 2: PROJECT" delete the word "LAND" and replace it with "MAPS".
2. In the list of "DEFINITIONS", delete "Department", "Director-General", "Minister", "NOW", "Proponent", "Project" and "Statement of Commitments" and insert the following in alphabetical order:

Department
EA (Mod 2)

Minister
NOW
Proponent

Project

Secretary
Statement of commitments

Department of Planning & Environment
Environmental Assessment titled '*Mannering Colliery – Modification 2, Environmental Assessment, Section 75W Modification to MP 06_0311*' dated April 2014, as modified by the associated Response to Submissions dated 15 September 2014
Minister for Planning, or delegate
NSW Office of Water
Centennial Coal Company Limited or any other person or company (including LakeCoal Pty Limited) who rely on this approval to carry out the project that is subject to this approval
Mannering Colliery Continuation of Mining Project as amended by EA Mod 1 and EA Mod 2
Secretary of the Department, or nominee
The Statement of Commitments in Appendix 3

3. Delete all references to “Director-General” and replace with “Secretary”.
4. In condition 2 of Schedule 2, delete all words after “EA (Mod 1);” and insert the following:
 - (c) EA (Mod 2);
 - (d) Statement of Commitments (see Appendix 3); and
 - (e) conditions of this approval.
5. Delete condition 8 of Schedule 2 and replace with:
 8. With the approval of the Secretary, the Proponent may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure these strategies, plans or programs are updated on a regular basis, the Proponent may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Proponent may prepare any revised strategy, plan or program without undertaken consultation with all parties under the applicable conditions of this approval.

Notes:

- *While any strategy, plan or program may be submitted on a progressive 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 to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program.*

6. In Schedule 3, delete the heading “Landscape” and condition 13 and replace with the heading “REHABILITATION” and new conditions 13 and 13A:
13. The Proponent shall rehabilitate the site to the satisfaction of the Secretary and DRE. Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EA, the Statement of Commitments and the following objectives in Table 2 below.

Table 2: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole of the disturbed land and water)	Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).
Surface Infrastructure	To be decommissioned and removed, unless the Secretary of the Department of Trade & Investment, Regional Infrastructure & Services agrees otherwise.
Portals and ventilation shafts	To be decommissioned and made safe and stable.
Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"> • local native plant species (unless the Secretary of the Department of Trade & Investment, Regional Infrastructure & Services agrees otherwise); and • a landform consistent with the surrounding environment.
Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: <ul style="list-style-type: none"> • the owner agrees otherwise; or • the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>.
Community	Ensure public safety.

- 13A. The Proponent shall carry out all surface disturbing activities in a manner that, as far as practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of DRE.
7. In Schedule 3, delete the heading “Mining Closure Plan” and condition 15 and insert the heading “Rehabilitation Plan” and new condition 15:
15. The Proponent shall prepare and implement a Rehabilitation Plan for the site to the satisfaction of the Secretary of Trade & Investment, Regional Infrastructure & Services. This plan must:
- (a) be submitted within 3 months of approval of Mod 2 for approval by the Secretary of the Department of Trade & Investment, Regional Infrastructure & Services unless otherwise agreed by the Secretary;
 - (b) be prepared in accordance with DRE guidelines and in consultation with the Department, OEH, EPA, NOW, WSC and LMCC and the mine’s CCC;
 - (c) incorporate and be consistent with the rehabilitation objectives in the EA, Statement of Commitments and Table 2 above;
 - (d) integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and
 - (e) address all aspects of mine closure and rehabilitation, including post mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.
- Note: The approved Mining Operations Plan (which will become the REMP once the Mining Act Amendments have commenced) required as a condition of the Mining Lease(s) issued in relation to this project, will satisfy the requirements of this condition for a Rehabilitation Plan.*
8. In condition 16 of Schedule 3:
- (a) delete the sentence before the table and replace with:

The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 3 at any residence on privately-owned land
 - (b) and replace the words “Table 2” with “Table 3”.
9. In condition 21 of Schedule 3, replace all references to “Rutleys” with “Ruttleys” and delete subclause (c) and replace with the following:
- (c) within 3 months of approval of Mod 2, install additional sections of guardrail (safety barrier) on the eastern side of Ruttleys Road between the Mannering Colliery access road and existing sections of guardrail further to the north;
 - (d) be responsible for the maintenance and upkeep of the pavement of the Ruttleys Road/Mannering Colliery access road intersection while the site is used for mining purposes or until the intersection is upgraded to a Type CHR intersection treatment; and
 - (e) prior to the number of workers (direct employees and contractors) at Mannering Colliery exceeding 70, the Proponent shall upgrade the Ruttleys Road/Mannering Colliery access road intersection to a Type CHR treatment in accordance with Construction Certificate SCC/69/2011 issued by WSC, or later updated versions of this Construction Certificate; to the satisfaction of the Secretary.
10. In condition 5 of Schedule 5 delete the word “general”.

11. After Figure 1 in APPENDIX 2, insert the following figures and titles:

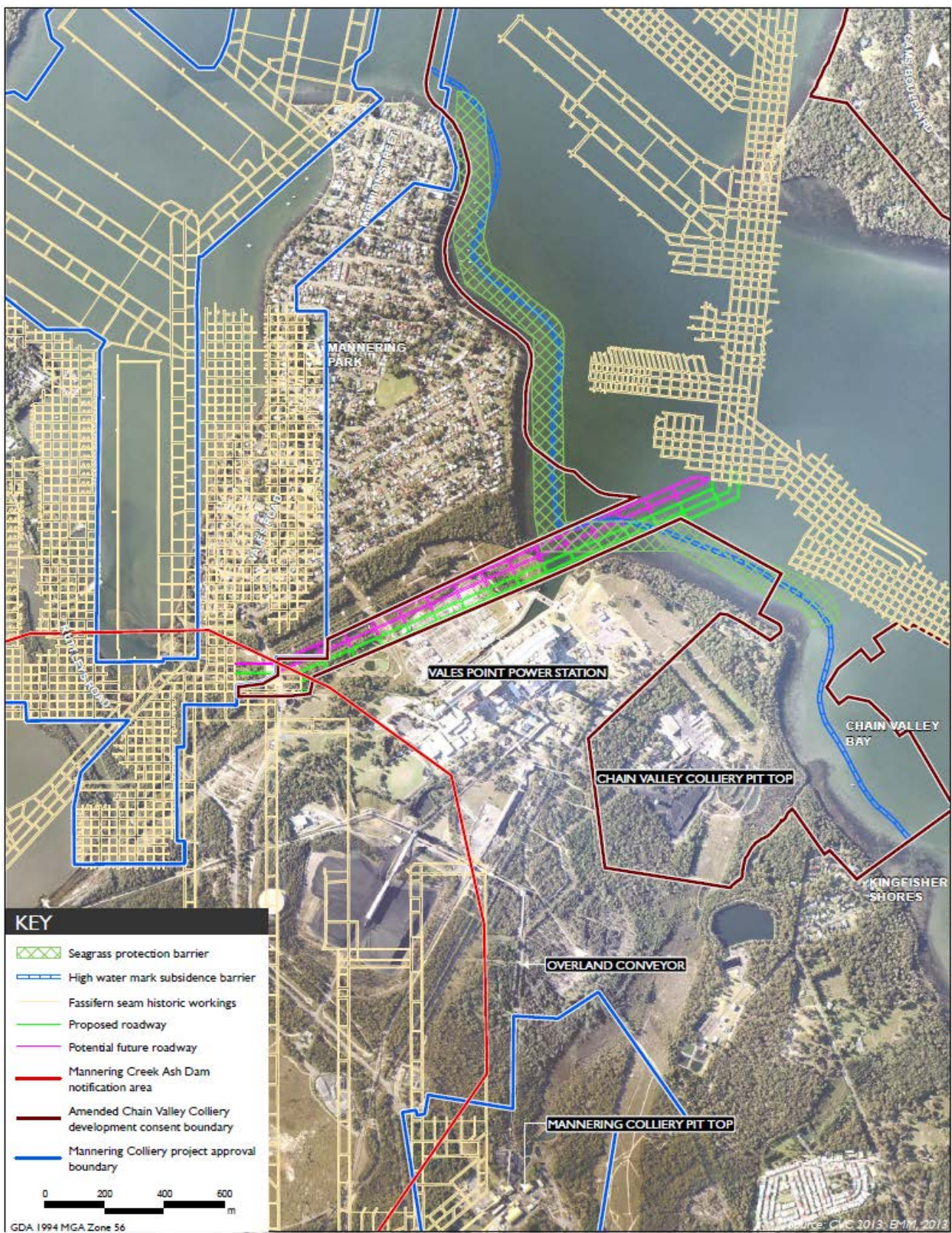


Figure 2: Location of the underground linkage to Chain Valley Colliery

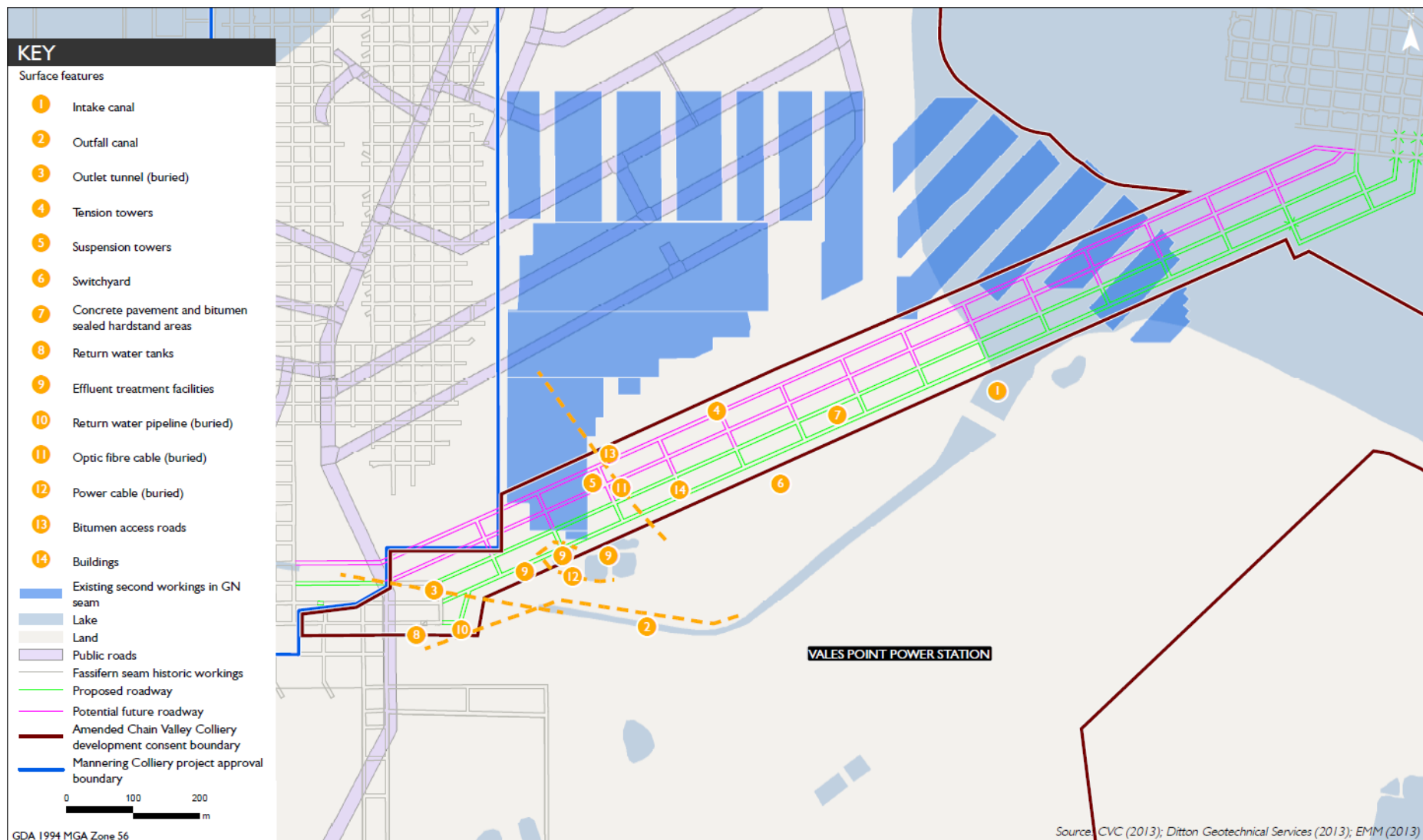


Figure 3: Location of the underground link and surface infrastructure

12. Adjust the TABLE OF CONTENTS and page numbers to reflect changes made by this instrument.