

# Notice of Modification

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

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the project approval referred to in Schedule 1, as set out in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2015

### SCHEDULE 1

The project approval (08\_0101 and 08\_0102) granted by the Minister for Planning on 26 November 2010 for the Integra Underground Project and Integra Open Cut Project.

### SCHEDULE 2

1. In the List of Definitions, delete the definitions for Department, Director-General, DRE, Heritage Branch, NOW and offset strategy, and insert the following in alphabetical order:

Biodiversity offset strategy	The biodiversity enhancement program described in EA Mod 4 and shown conceptually in the figures in Appendix 9
Department	Department of Planning and Environment
DRE	Division of Resources and Energy within the Department of Industry
DPI Water	Department of Primary Industries - Water
EA Mod 4	<i>Integra Mine Complex Modification 4 Environmental Assessment</i> , prepared by EMGA Mitchell McLennan and dated 16 May 2014; and associated response to submissions titled <i>Integra Mine Complex Modification 4 Response to Submissions</i> , dated 9 July 2014
EPA	Environment Protection Authority
Heritage Branch	Heritage Branch of OEH
Secretary	Secretary of the Department, or nominee

2. Delete all references to "Xstrata" and "Xstrata Coal" and replace with "Glencore", including in Appendix 10 Statement of Commitments.
3. Delete all references to "NOW" and "DWE" and replace with "DPI - Water".
4. Delete all references to "DEECW" and replace with "OEH".
5. Delete all references to "DoP" and replace with "the Secretary".
6. Delete all references to "DPI-MR" and replace with "DRE".
7. Insert "biodiversity" before all references to the "offset strategy".
8. Delete condition 2 of Schedule 2, and replace with:
  2. The Proponent shall carry out the open cut project generally in accordance with the:
    - (a) previous open cut EAs;
    - (b) open cut project EA;
    - (c) EA Mod 1;
    - (d) EA Mod 2;
    - (e) EA Mod 4; and
    - (f) project layout plans.

- 2A. The Proponent shall carry out the open cut project in accordance with the:
- OC statement of commitments; and
  - conditions of this approval;
9. Delete condition 3 of Schedule 2, and replace with:
3. The Proponent shall carry out the underground project generally in accordance with the:
- previous underground EAs;
  - underground project EA;
  - EA Mod 1;
  - EA Mod 2;
  - EA Mod 4; and
  - project layout plans.
- 3A. The Proponent shall carry out the underground project in accordance with the:
- UG statement of commitments; and
  - conditions of this approval;
10. In the Notes to Conditions 2 & 3, delete “general layout of the projects is” and replace with “project layout plans are”.
11. Except in condition 7 of Schedule 2, delete all references to “Director-General” and replace with “Secretary”.
12. In condition 7 of Schedule 2, delete “Director-General and the Director-General of DRE” and replace with “Secretary and DRE”.
13. In condition 20 of Schedule 3, delete the word “not”.
14. Delete condition 41 of Schedule 3, and insert the following:
41. The Proponent shall implement the biodiversity offset strategy summarised in Table 18, described in the open cut and underground project EAs (as amended by EA Mod 4), and shown conceptually in the figures in Appendix 9 to the satisfaction of the Secretary.

*Table 18: Biodiversity Offset Strategy for the Integra Mine Complex*

Area	Offset Type	Minimum Size (hectares)
Northern Biodiversity Offset Area	Existing vegetation to be enhanced and restored to re-establish functioning ecosystems, and additional vegetation to be established, including regeneration of a minimum of 87 hectares of Derived Grassland/Native Pasture to vegetation communities representative of the Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC.	88
Southern Biodiversity Offset Area		30
Bridgeman Biodiversity Offset Area		86
Martins Creek Biodiversity Offset Area		194
Appletree Flat Biodiversity Offset Area	Existing vegetation to be enhanced and restored to re-establish functioning ecosystems.	216
<b>TOTAL</b>		<b>614</b>

15. In condition 42 of Schedule 3, delete “By the end of September 2012, unless the Secretary agrees otherwise, the Proponent shall revise the offset strategy referred to above, in consultation with OEH, and to the satisfaction of the Secretary” and delete “revised”.
16. In condition 43 of Schedule 3, delete “the end of September 2014”, and replace with “30 June 2016”, or as otherwise agreed by the Secretary” and delete “revised”.
17. In condition 44(a) of Schedule 3, delete “December 2011”, and replace with “30 April 2016”.
18. In condition 44(c) of Schedule 3, delete the dash point commencing “implementing revegetation and regeneration...”, and insert the following:
- enhancing the quality of existing vegetation and fauna habitat in the biodiversity offset areas to the level of functioning ecosystems;
  - restoring native vegetation and fauna habitat in the biodiversity offset areas through focusing on assisted natural regeneration;

- targeting vegetation establishment including a program for active revegetation of 87 ha of Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC on the site and the timeframe in which this will be achieved;
- introducing naturally scarce fauna habitat features (where appropriate);
- deriving baseline data for existing habitat in the Appletree Flat Biodiversity Offset Area and on the site;

19. Delete condition 44A, and insert the following:

44A The Proponent shall commission a suitably qualified, experienced and independent person approved by the Secretary to conduct an audit of all biodiversity areas subject to regeneration, restoration and/or protection as Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC, as referred to in condition 41. A report on the audit is to be submitted to the Secretary by the end of October 2020 for approval.

The report must, for each area of Derived Grassland/Native Pasture proposed for regeneration and restoration as Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC and for each existing area of Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC:

- (a) report all relevant baseline data (as at the date of project approval) concerning flora and fauna, ecosystem condition and ecosystem function;
- (b) report all relevant current data (as at 30 June 2020) concerning flora and fauna, ecosystem condition and ecosystem function;
- (c) carefully compare the baseline data with the current data;
- (d) report on any works and/or other disturbance that has taken place in the areas since project approval;
- (e) describe the management measures undertaken to regenerate and/or restore the areas, including the dates and/or periods during which those measures were implemented;
- (f) evaluate the effectiveness of the management measures undertaken; and
- (g) recommend any additional management measures to regenerate, restore and/or protect the EEC and provide a schedule for their implementation.

20. In condition 45 of Schedule 3, delete all words after “The sum of the bond shall be determined by:”, and insert the following:

- (a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and
- (b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Secretary.

The calculation of the conservation bond must be submitted to the Department for approval at least 1 month prior to lodgement of the final bond.

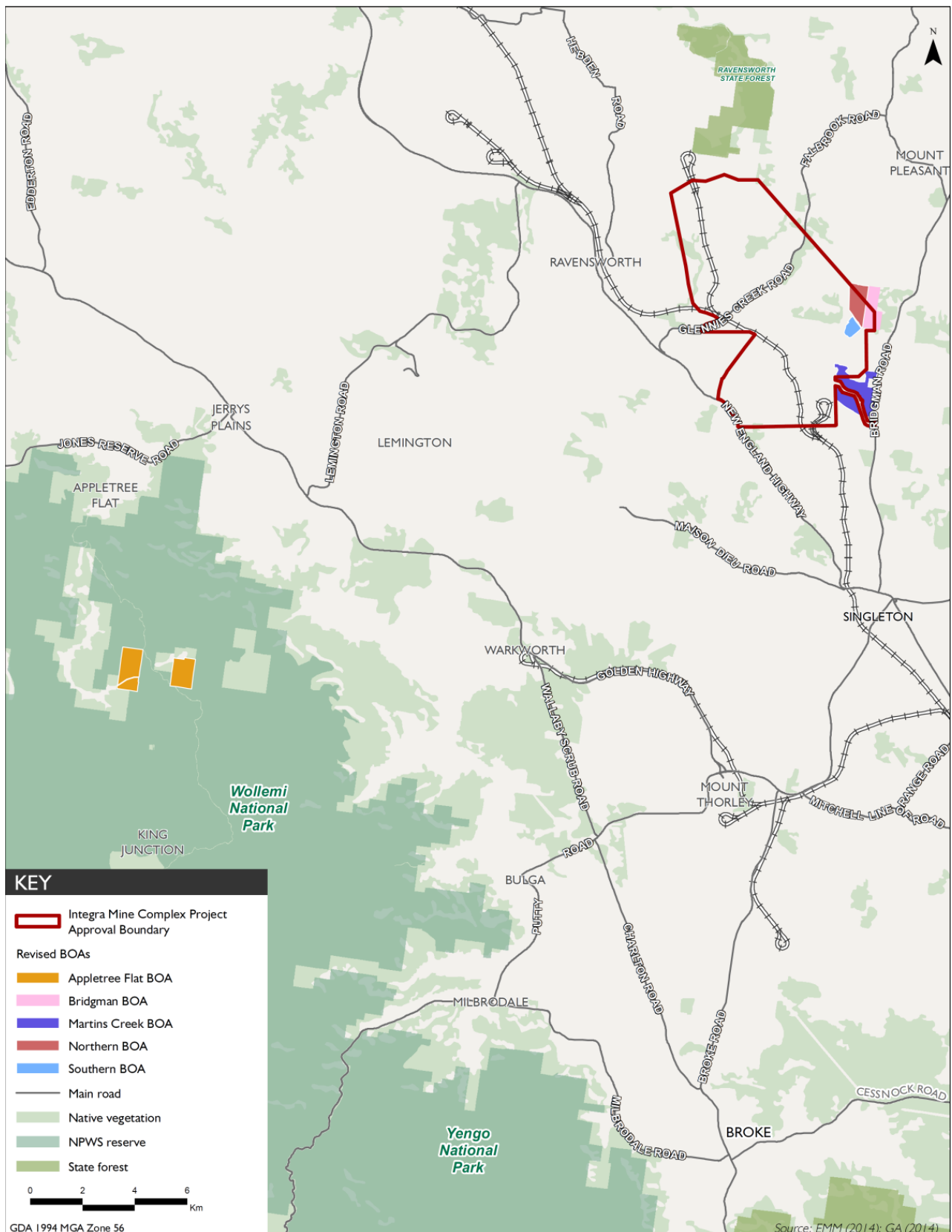
If the biodiversity offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond. If the biodiversity offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will call in all or part of the conservation bond and arrange for the satisfactory completion of the relevant works.

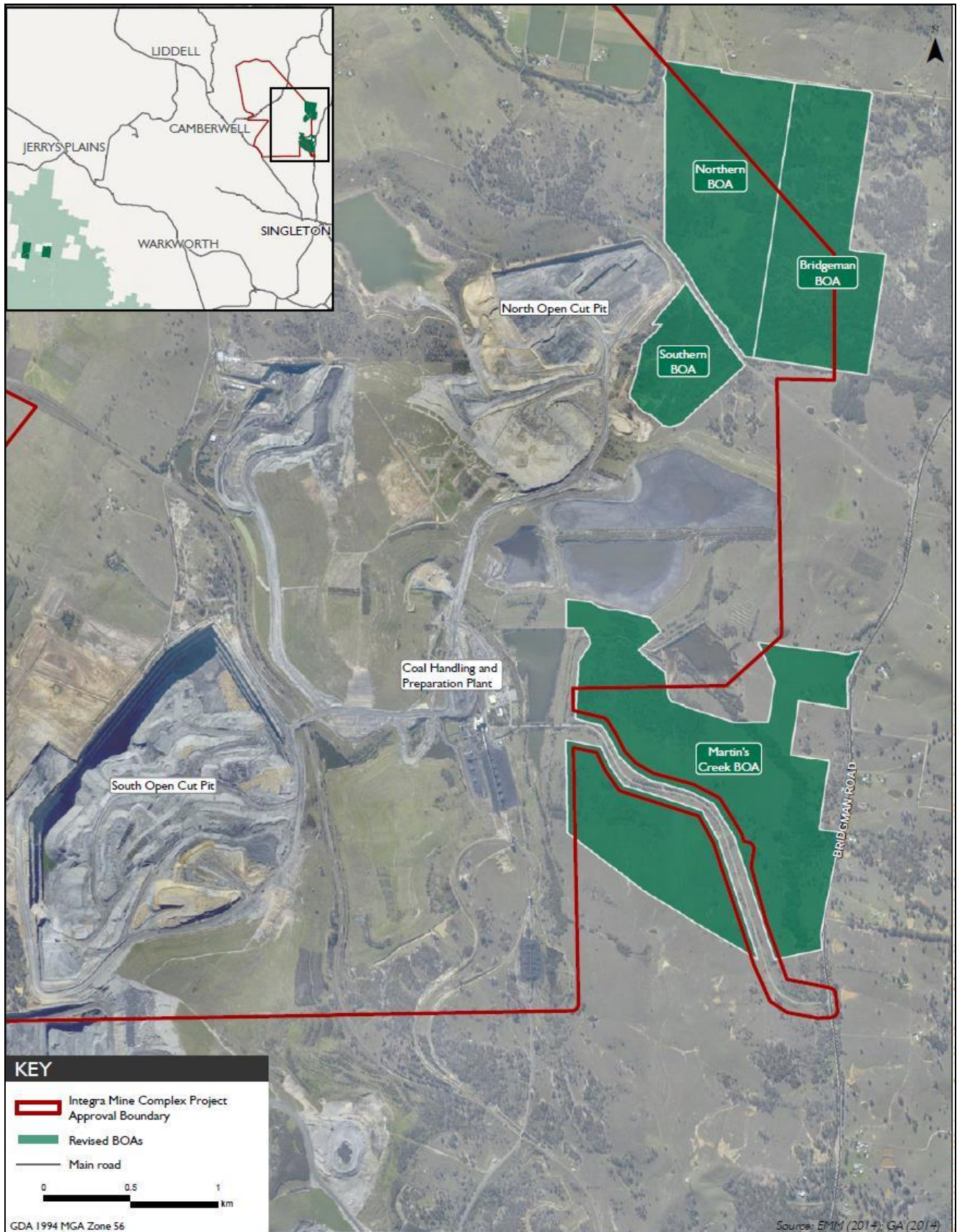
*Notes:*

- *Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate (or any other mechanism agreed with OEH) can be used to reduce the liability of the conservation bond.*
- *The sum of the bond may be reviewed in conjunction with any revision to the biodiversity offset strategy or the completion of major milestones within the approved plan.*

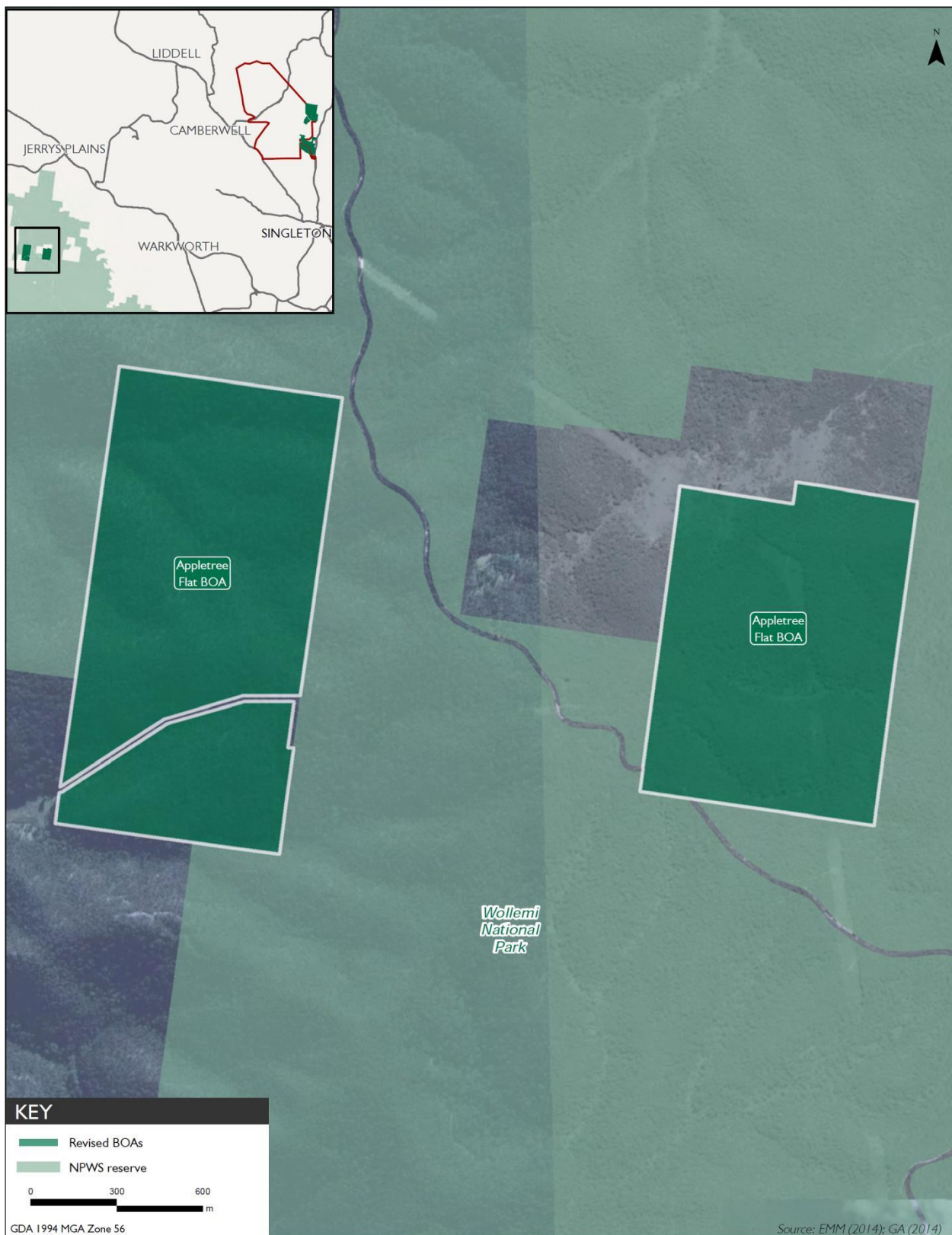
21. Delete Appendix 9 and replace with the following:

## **APPENDIX 9 CONCEPTUAL FINAL LANDFORM AND OFFSETS**

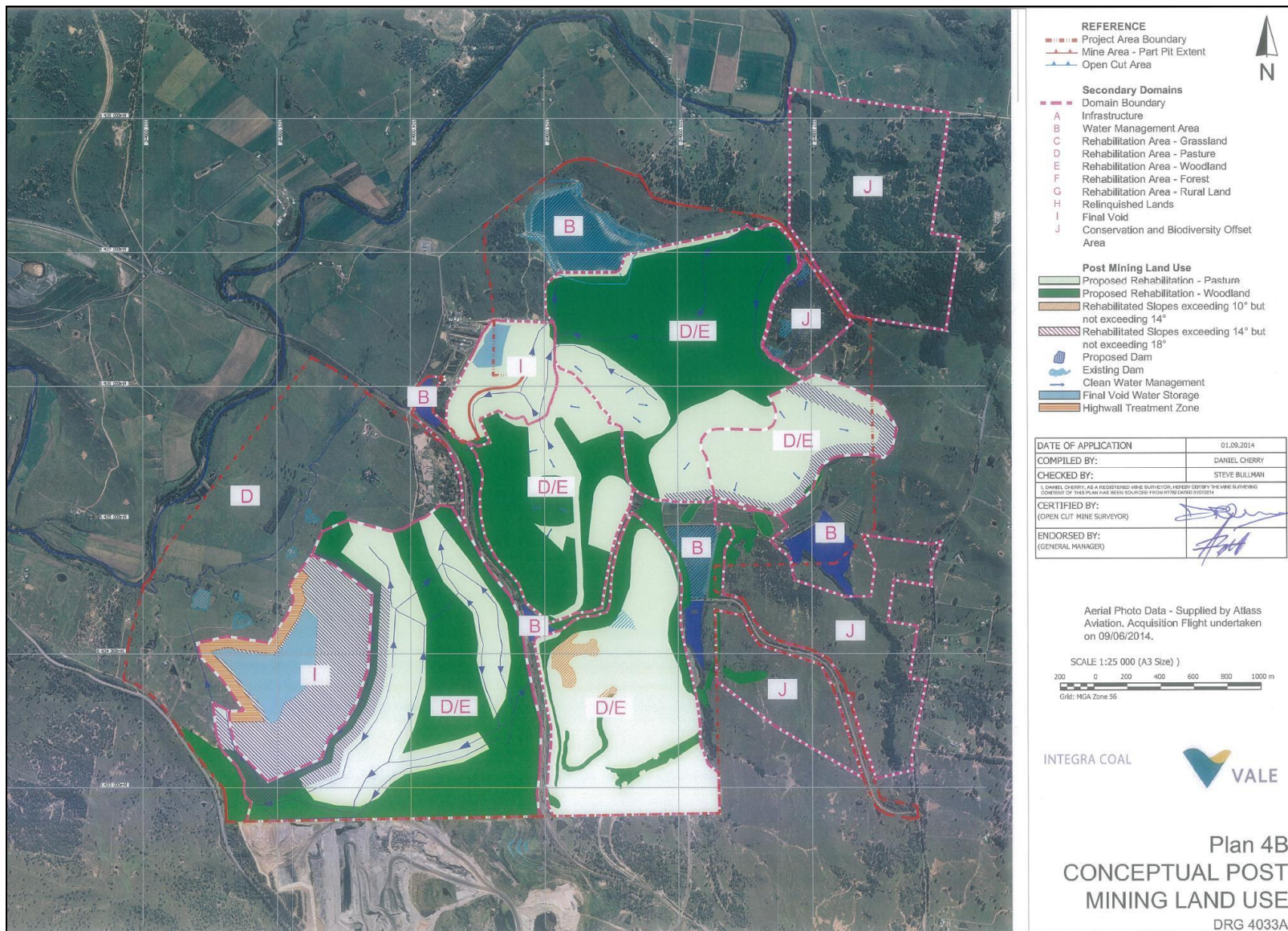












22. In Appendix 10 Statement of Commitments:
- a. delete all references to "DPI" and replace with "DRE";
  - b. delete all references to "XMO" and replace with "GMO";
  - c. delete all reference to "RTA" and replace with "RMS";
  - d. except in Item D9, Item H13 and Item H17 delete all references to "DECC" and replace with "OEH"; and
  - e. delete references to "DECC" in Item D9, Item H13 and Item H17 and replace with "EPA".