


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.



Mr David Johnson
Member of the Commission (Chair)



Mr Paul Forward
Member of the Commission



Dr Marcus Lincoln-Smith
Member of the Commission

Sydney

24 February 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:
- (a) OC statement of commitments; and
 - (b) 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:
- (a) previous underground EAs;
 - (b) underground project EA;
 - (c) EA Mod 1;
 - (d) EA Mod 2;
 - (e) EA Mod 4; and
 - (f) project layout plans.

- 3A. The Proponent shall carry out the underground project in accordance with the:
- (a) UG statement of commitments; and
 - (b) 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
TOTAL		614

15. In condition 42 of Schedule 3:
- a) 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 Director-General.”;
 - b) delete “revised”, and replace with “biodiversity”;
 - c) after “open cut project;”, delete “and”
 - d) after “Glendell Biodiversity Offset Area”, delete “.”, and replace with “; and”; and
 - e) after paragraph b, insert the following paragraph:
- “(c) include an offer to transfer the Appletree Flat Biodiversity Offset Area to OEH for long term conservation purposes. This offer must include sufficient funding for the ongoing management of the Appletree Flat Biodiversity Offset Area to the satisfaction of the Secretary.”
16. In condition 43 of Schedule 3, delete “the end of September 2014”, and replace with “31 October 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 “31 August 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 with ecological functions that are comparable with similar, undisturbed 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 87.2 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 elements of fauna habitat (where practicable);
 - acquiring quantitative baseline data for existing ecosystems in the Appletree Flat Biodiversity Offset Area and on the site, including the Northern, Southern, Bridgeman and Martins Creek Biodiversity Offset areas – these must include habitat, flora and fauna baseline data;

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 by 31 December 2020, and a second audit 5 years thereafter, 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 each audit is to be submitted to the Secretary within 6 months of completing the audit for approval.

Each 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 the time of the audit) concerning flora and fauna, ecosystem condition and ecosystem function;
- (c) provide a scientifically-valid comparison of the baseline data with the current data;
- (d) provide a scientifically-valid comparison of the current data with the data from the first audit and including the baseline data (in the case of the second audit);
- (e) report on any works and/or other disturbance that has taken place in the areas since project approval;
- (f) describe the management measures undertaken to regenerate and/or restore the areas, including the dates and/or periods during which those measures were implemented;
- (g) evaluate the effectiveness of the management measures undertaken; and
- (h) 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.

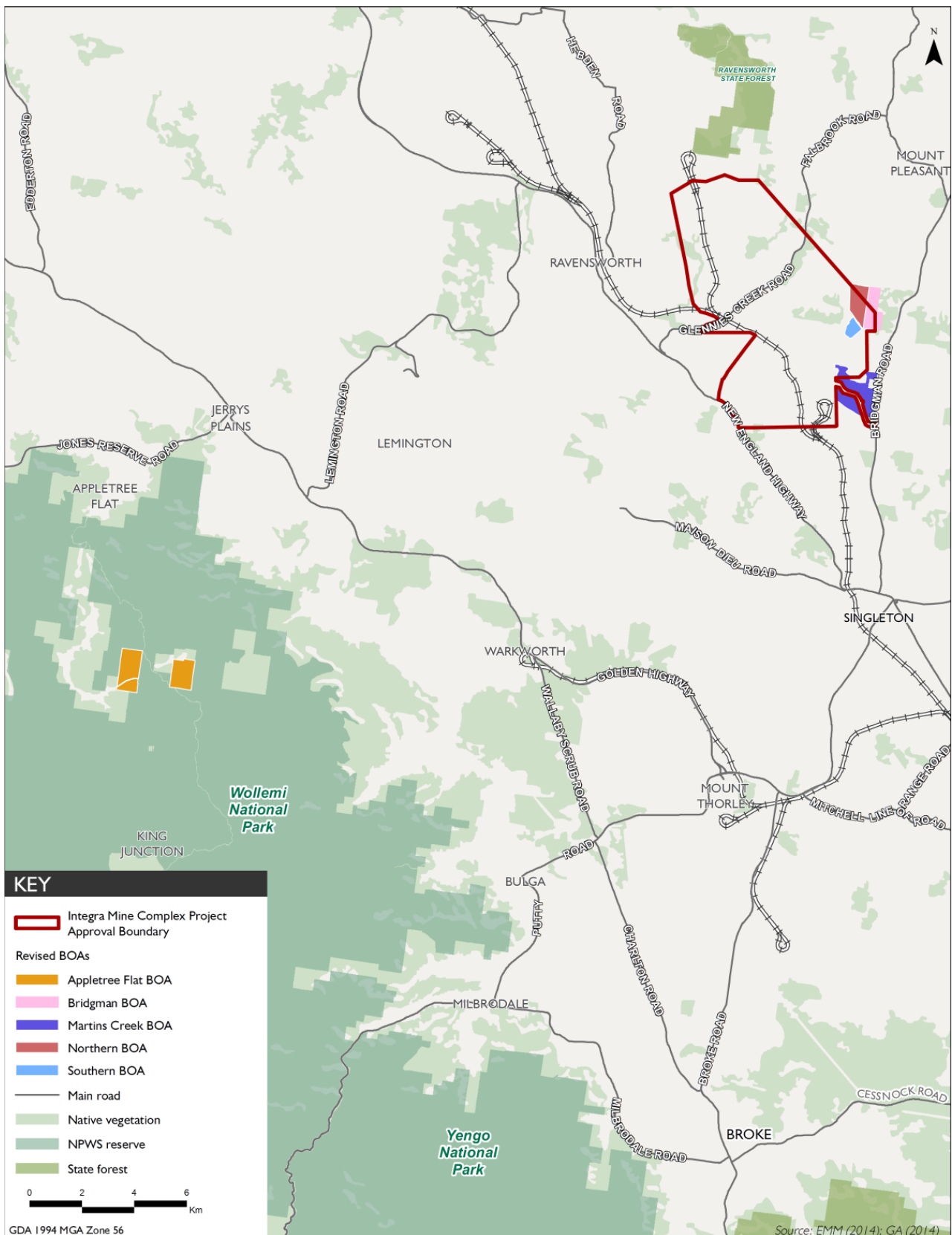
If the biodiversity offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond. If the biodiversity offset strategy is not completed generally in accordance with the completion 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.

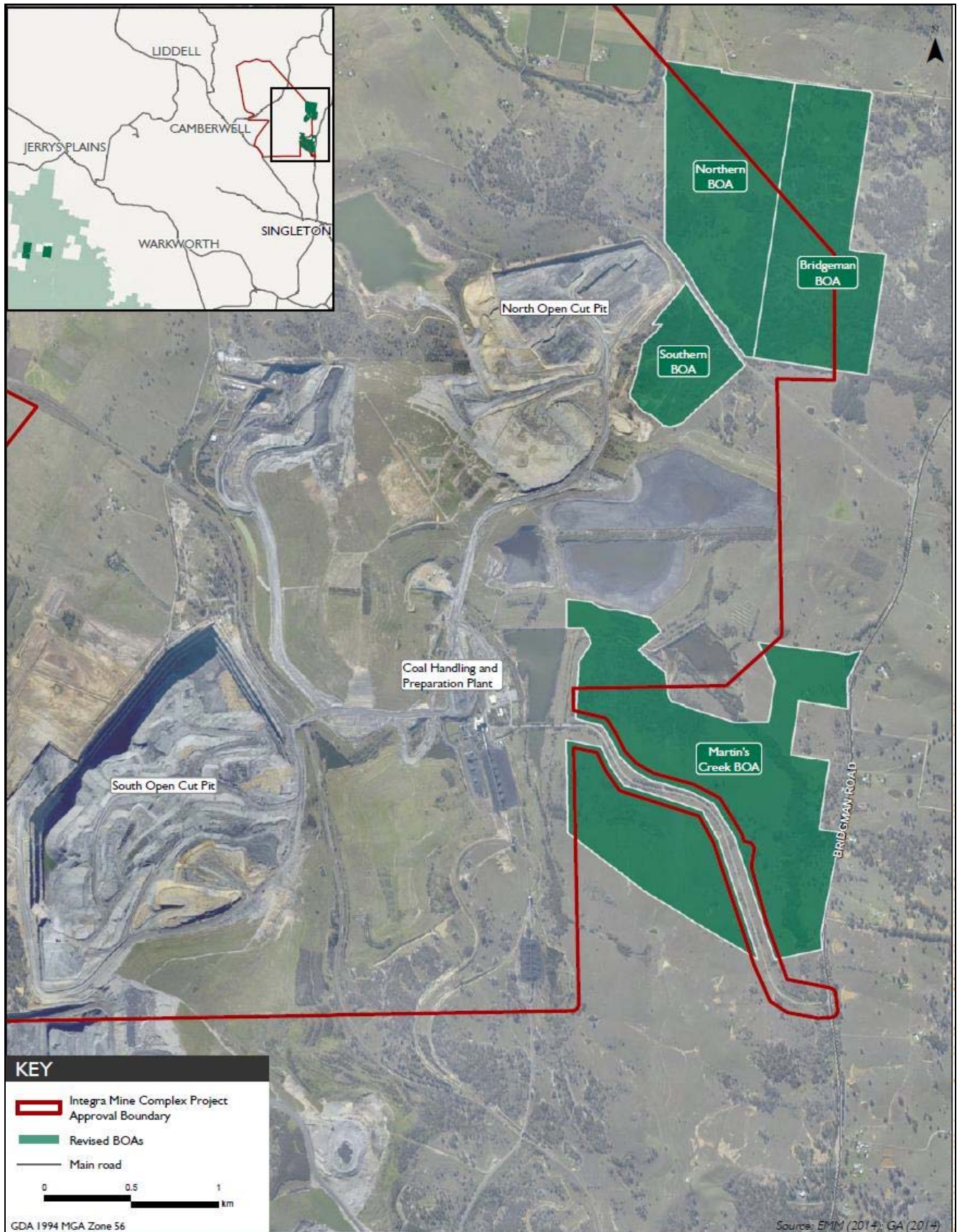
Notes:

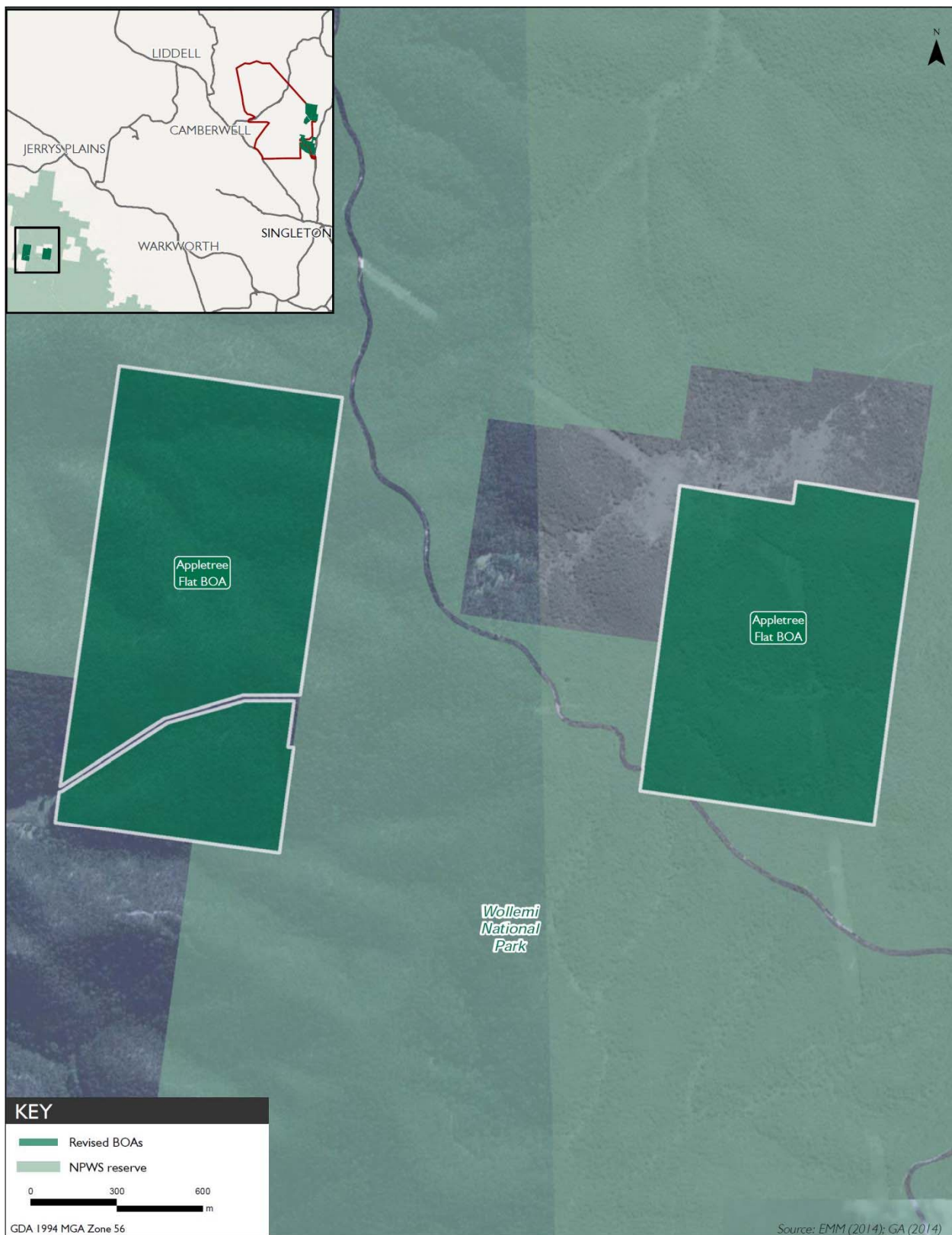
- *Alternative funding arrangements for long term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate (or any other mechanism agreed with OEH) can be used to reduce 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.*

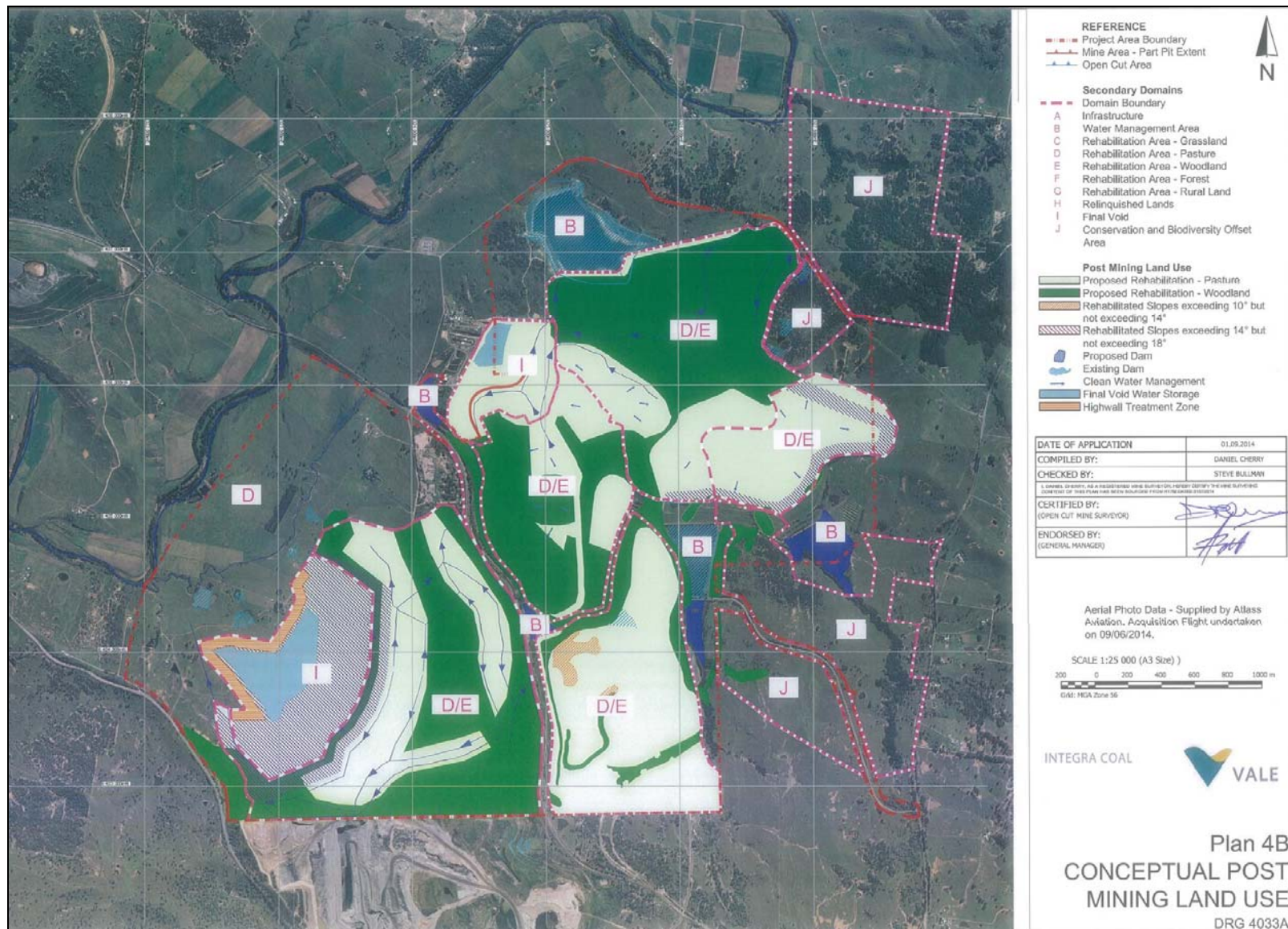
21. Delete Appendix 9 and replace with the following:

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".