

Notice of Modification

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

As delegate for the Minister for Planning and Infrastructure, I modify the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



David Kitto
Director, Mining & Industry Projects
Development Assessment Systems and Approvals

Sydney

17 DECEMBER

2013

SCHEDULE 1

The Project Approval (08_0111) for the Austar Coal Mine Project Stage 3, granted by the Minister for Planning, on 6 September 2009.

SCHEDULE 2

1. In Schedule 1 DEFINITIONS, delete the terms "Director-General", "EA", "EA MOD 2", "OEH", "Project", "Response to Submissions", and "Stage 3" (and their definitions), and insert in alphabetical order:

Annual Review	Annual Review of operations, as required under condition 3 of Schedule 7
Director-General	Director-General of the Department, or nominee
EA	Environmental Assessment titled <i>Austar Coal Mine Environmental Assessment – Proposed Stage 3 Extension to Underground Mining and Associated Infrastructure (Volumes 1 to 3)</i> , prepared by Umwelt (Australia) Pty Limited and dated October 2008, including the response to submissions dated February 2009
EA (MOD 1)	Modification application 08_0111 MOD 1 and supporting documentation dated 9 March 2011
EA (MOD 2)	Environmental Assessment titled <i>Austar Coal Mine Environmental Assessment Stage 3 Modification</i> (Volumes 1 and 2), prepared by Umwelt (Australia) Pty Limited and dated September 2011, including the response to submissions dated November 2011
EA (MOD 3)	Environmental Assessment titled <i>Austar Coal Mine LWA7-A10 Modification Stage 3 Area – Environmental Assessment</i> , prepared by Umwelt (Australia) Pty Limited and dated October 2013
EPA	Environment Protection Authority
Heritage Branch	Heritage Branch of OEH
OEH	Office of Environment and Heritage
Project	The development described in the EA, EA (MOD 1), EA (MOD 2) and EA (MOD 3)
Stage 3	Mining operations in longwall panels A7 – A19

2. In condition 2 of schedule 2, delete all words after "EA;" (except the notes), and replace with:

- (b) EA (MOD 1);
- (c) EA (MOD 2);
- (d) EA (MOD 3);
- (e) statement of commitments; and
- (f) conditions of this approval.

3. In condition 5 of schedule 2, and condition 16 of schedule 4, delete “DII”, and replace with “the Executive Director, Mineral Resources”.
4. In conditions 3(a) and 6(a) of schedule 4, delete “OEH”, and replace with “EPA”.
5. In condition 9(a) of schedule 4, delete “OEH”, and replace with “EPA, NOW”
6. In condition 11(a) of schedule 4, delete “Office” and replace with “Branch”.
7. Delete condition 4 of schedule 7, and replace with:

Revision of Strategies, Plans and Programs

4. Within 3 months of:
 - (a) the submission of an annual review under Condition 3 above;
 - (b) the submission of an incident report under Condition 6 below;
 - (c) the submission of an audit report under Condition 7 below; or
 - (d) any modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review the strategies, plans, and programs required under this approval, to the satisfaction of the Director-General. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of the Director-General.

Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the project.

8. In Appendix 1, delete the tables, and replace with the following:

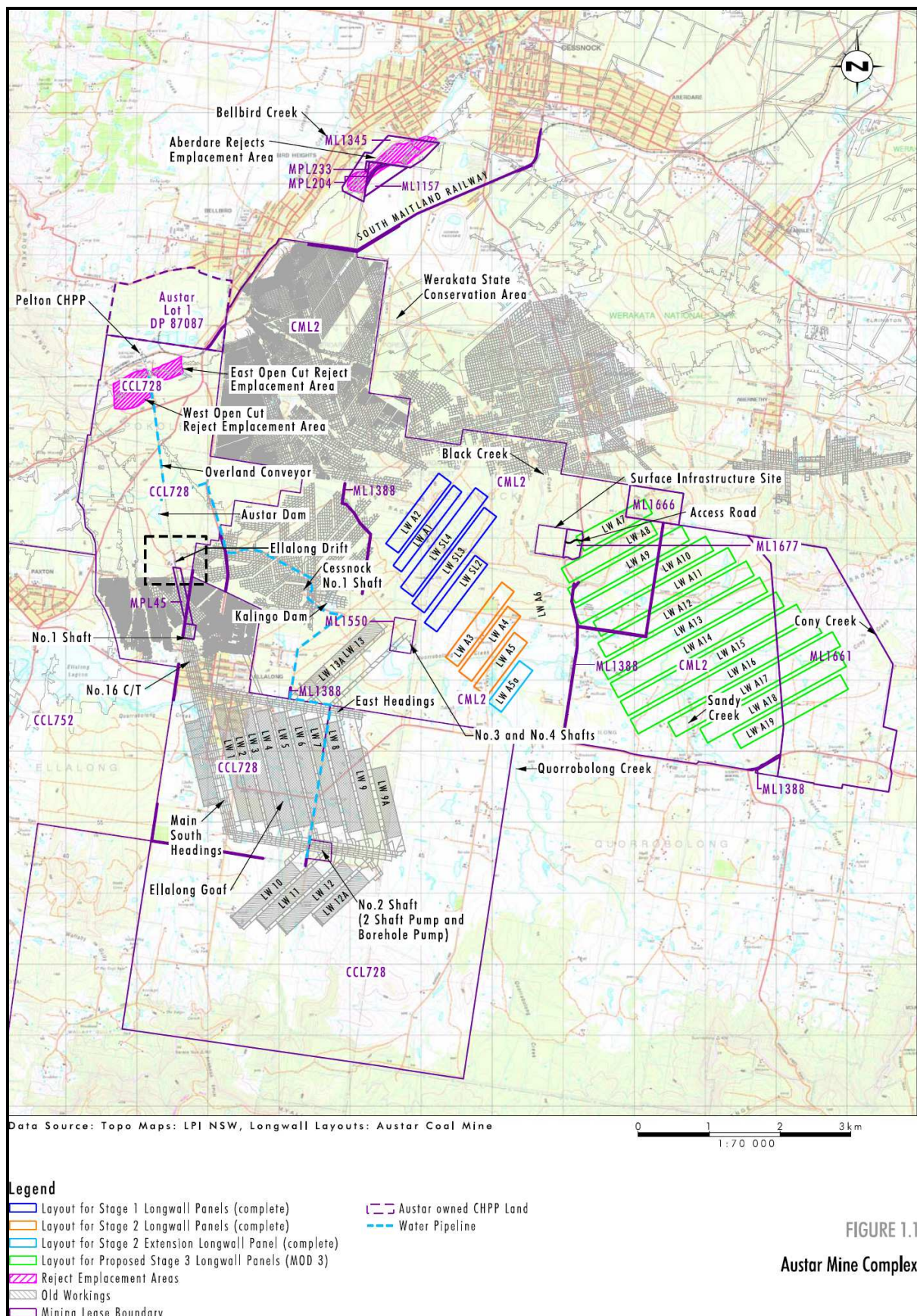
Lot	DP	Lot	DP
1	DP69968	100	DP755254
2	DP69968	1	DP775718
5	DP69968	2	DP775718
8	DP69968	51	DP794214
9	DP69968	1	DP798955
10	DP69968	101	DP803246
11	DP69968	973	DP804896
13	DP69968	351	DP808936
1	DP87087	352	DP808936
1	DP115675	60	DP814379
1	DP124547	61	DP814379
3	DP124547	1	DP819222
1	DP170894	2	DP819222
1	DP171040	1	DP828916
1	DP185087	2	DP828916
1	DP240664	1	DP834889
2	DP240664	2	DP834889
3	DP240664	1	DP841360
4	DP240664	2	DP841360
7	DP240664	31	DP847374
8	DP240664	32	DP847374
9	DP240664	30	DP849031
10	DP240664	31	DP849031
2	DP243366	41	DP850188
100	DP255530	42	DP850188
104	DP255530	1	DP852328
4	DP571638	1001	DP856790
1	DP575428	110	DP859794
2	DP575428	111	DP859794
3	DP575428	11	DP866231
2	DP595102	12	DP866231
51	DP599170	13	DP866231
52	DP599170	1	DP873717
2	DP614784	2	DP873717
2	DP714067	1	DP950221
3	DP714067	1	DP996145
4	DP714067	9	DP999962
553	DP725104	10	DP1000136
1	DP738718	11	DP1000136
1	DP738726	521	DP1003186

Lot	DP	Lot	DP
3	DP745656	522	DP1003186
2	DP747207	1	DP1016843
20	DP755215	581	DP1017350
21	DP755215	21	DP1034264
26	DP755215	341	DP1044033
32	DP755215	342	DP1044033
35	DP755215	21	DP1052169
36	DP755215	22	DP1052169
117	DP755215	91	DP1064579
140	DP755215	21	DP1079917
2	DP755225	22	DP1079917
4	DP755225	210	DP1083970
12	DP755225	10	DP1093269
13	DP755225	11	DP1093269
14	DP755225	836	DP1112858
15	DP755225	621	DP1124419
19	DP755225	622	DP1124419
48	DP755225	201	DP1136015
49	DP755225	202	DP1136015
50	DP755225	1	DP1145356
63	DP755225	2	DP1145356
75	DP755225	7323	DP1157245
120	DP755225	7320	DP1157260
249	DP755225	1	DP1164334
54	DP755254	2	DP1164334
72	DP755254	1	DP1168335
72	DP755254	2	DP1168335
75	DP755254	1	DP1173947
96	DP755254	2	DP1173947
98	DP755254	215	DP1185596
99	DP755254		
Various Crown land, road and rail reserves			

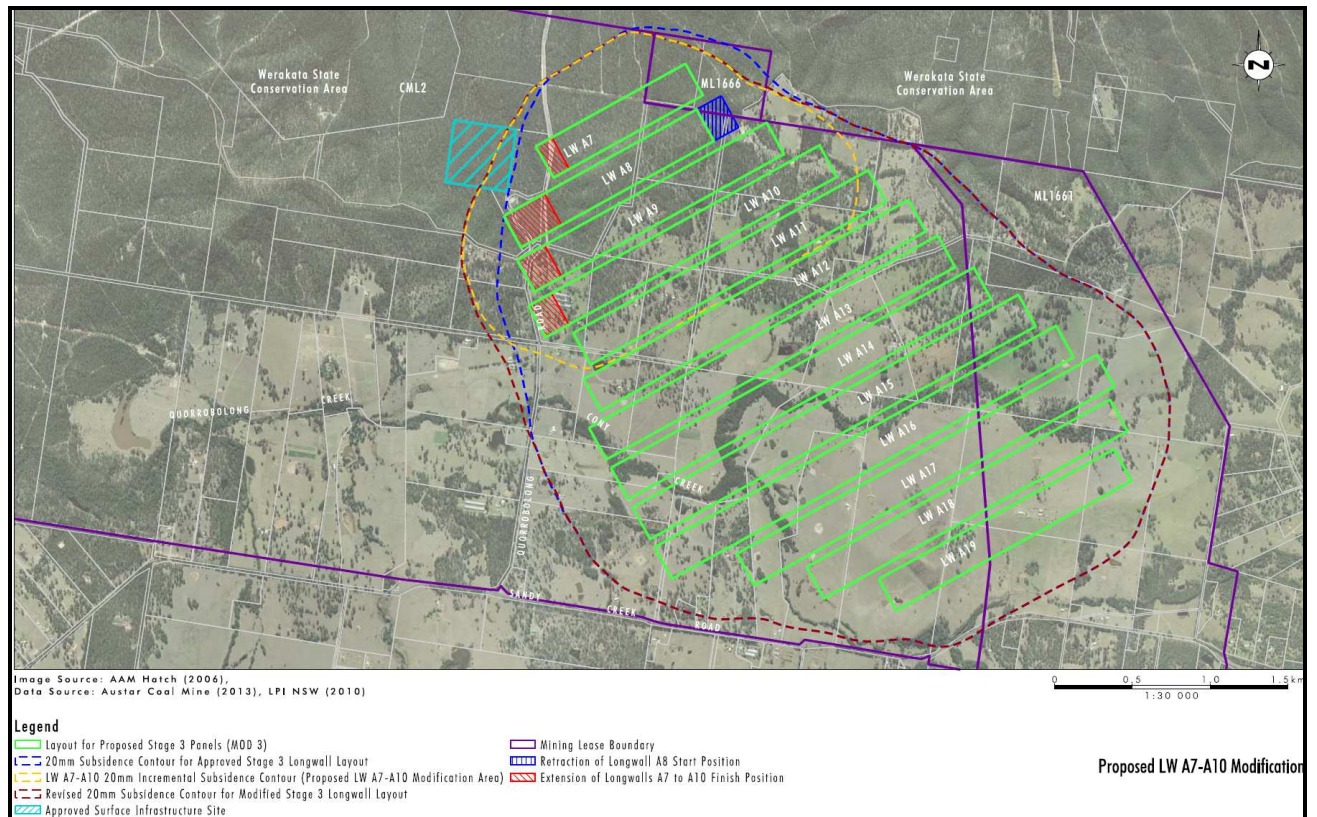
Mining Leases

CCL728
CML2
DSL89
ML1157
ML1283
ML1345
ML1388
ML1550
ML1661 (MLA322)
ML1677 (MLA330)
ML1666 (MLA333)
MPL23
MPL204
MPL217
MPL233
MPL269
MPL1364

9. In Appendix 2:
- (i) delete the first figure, and replace with the following figure:



- (ii) delete the second figure, and replace with the following figure:



10. In Appendix 3:

- in section 1.4, insert “of the EA” following “Figure 7.1”; and
- delete all occurrences of “Annual Environmental Management Report”, and replace with “Annual Review”.