

# Notice of Modification

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

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



Manager Mining Projects

Sydney 11 February 2015

### SCHEDULE 1

The project approval MP 09\_0178 for the Baal Bone Coal Project, granted by the Deputy Director-General, Development Assessment and Systems Performance, as delegate for the Minister for Planning on 14 January 2011.

### SCHEDULE 2

1. In the page footer, delete "Planning", and replace with "Planning and Environment".
2. In the list of Definitions, delete the definitions for "DECCW", "Department", "Director-General", "I&I NSW", "RTA" and insert the following in alphabetical order:

Department	Department of Planning and Environment
Deputy Secretary of DRE	Deputy Secretary Resources & Energy, or nominee
DPI	Department of Primary Industries
DRE	Division of Resources and Energy within NSW Trade & Investment
EA (Mod 1)	Environmental Assessment <i>Section 75W Modification to Project Approval 09_0178 – Baal Bone Coal Project</i> , prepared by Umwelt (Australia) Pty Ltd, and dated 17 October 2014, and supplementary information <i>Baal Bone Coal Project: Modification 1 – Extension of Time</i> , dated 21 November 2014.
EPA	Environment Protection Authority
OEH	Office of Environment and Heritage
Secretary	Secretary of the Department, or nominee
3. Delete all references to "DECCW" and replace with:
  - a) "DPI" in the definition for "NOW";
  - b) "OEH", in conditions 23, 25 and 26 of Schedule 3; and
  - c) "EPA" in all other cases.
4. Delete all references to "I&I NSW" and replace with:
  - a) "DPI" in condition 16 of Schedule 3; and
  - b) "DRE" in all other cases.
5. Delete all references to "Director-General" and replace with:
  - a) "Deputy Secretary" in condition 3, 24 and 25 in Schedule 3; and
  - b) "Secretary" in all other cases.
6. In condition 2 of Schedule 2, delete all words after "commitments;" (except the Notes), and insert:
  - c) EA (Mod 1); and
  - d) the conditions of this approval.
7. In condition 5 of Schedule 2, delete "2014" and replace with "2019".

8. Delete conditions 2 and 3 of Schedule 3, and replace with the following:

#### **First Workings**

2. The Proponent may carry out first workings on site provided that DRE is satisfied that the first workings are designed to remain long-term stable and non-subsiding, except insofar as they may be impacted by approved second workings.

##### *Notes:*

- *The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long-term stability, in accordance with the subsidence criteria in Table 1 above.*
- *First workings are defined as comprising the development of main headings, bord and pillar workings, roads, cut throughs and the like.*
- *Second workings are defined as comprising the extraction of coal through pillar extraction, including pillar splitting and pillar quartering.*

#### **Extraction Plan**

3. The Proponent shall prepare and implement an Extraction Plan for second workings on site to the satisfaction of the Secretary. Each Extraction Plan must:
- a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
  - b) be approved by the Secretary before the Applicant carries out any of the second workings covered by the plan;
  - c) integrate ongoing management of previously mined areas;
  - d) include detailed plans of existing and proposed first and second workings and overlying surface features;
  - e) include adequate consideration of mine roof and floor conditions, pillar width to height ratios, final pillar dimensions and long-term stability of pillars, which has been prepared in consultation with DRE;
  - f) include detailed performance indicators for each of the performance criteria in Table 1;
  - g) describe the measures that would be implemented to ensure compliance with the performance criteria in Table 1, and manage or remediate any impacts and/or environmental consequences;
  - h) include a Public Safety Management Plan, which has been prepared in consultation with DRE, to ensure public safety in the mining area;
  - i) incorporate measures to conserve and protect:
    - clifflines, rock pagodas and other rock formations
    - watercourses;
    - groundwater;
    - terrestrial flora and fauna and ecology (including any threatened species and their habitats); and
    - Aboriginal cultural heritage.
  - j) include a subsidence monitoring program, which has been prepared in consultation with DRE; and
  - k) include a program to collect sufficient baseline data for future Extraction Plans.
9. In condition 7 of Schedule 5, delete:
- a) "2011" and replace with "2016"; and
  - b) "2 years" and replace with "3 years".