

Notice of Modification

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

As delegate for the Minister for Planning and Infrastructure, the Planning Assessment Commission of New South Wales (the Commission) modifies the project approval referred to in schedule 1, subject to the conditions in schedule 2.

Member of the Commission

Member of the Commission

Sydney

2012

SCHEDULE 1

The project approval (MP 07_0103) granted by the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure, for the NRE No. 1 Colliery Preliminary Works Project on 13 October 2011.

SCHEDULE 2

1. Under the heading "DEFINITIONS", insert in alphabetical order the following:

EA – Mod 1	Environmental Assessment titled <i>Longwalls 4 and 5; Maingates 6, 7 and 8: Application for s75W Modification 1 to MP 10_0046 – Preliminary Works Project</i> , dated August 2012, the associated Response to Submissions, dated 8 October 2012, and the Addendum to the Response to Submissions, dated 18 November 2012
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2. In condition 2 of Schedule 2, after paragraph (a) insert the following:

(a1) EA – Mod 1;

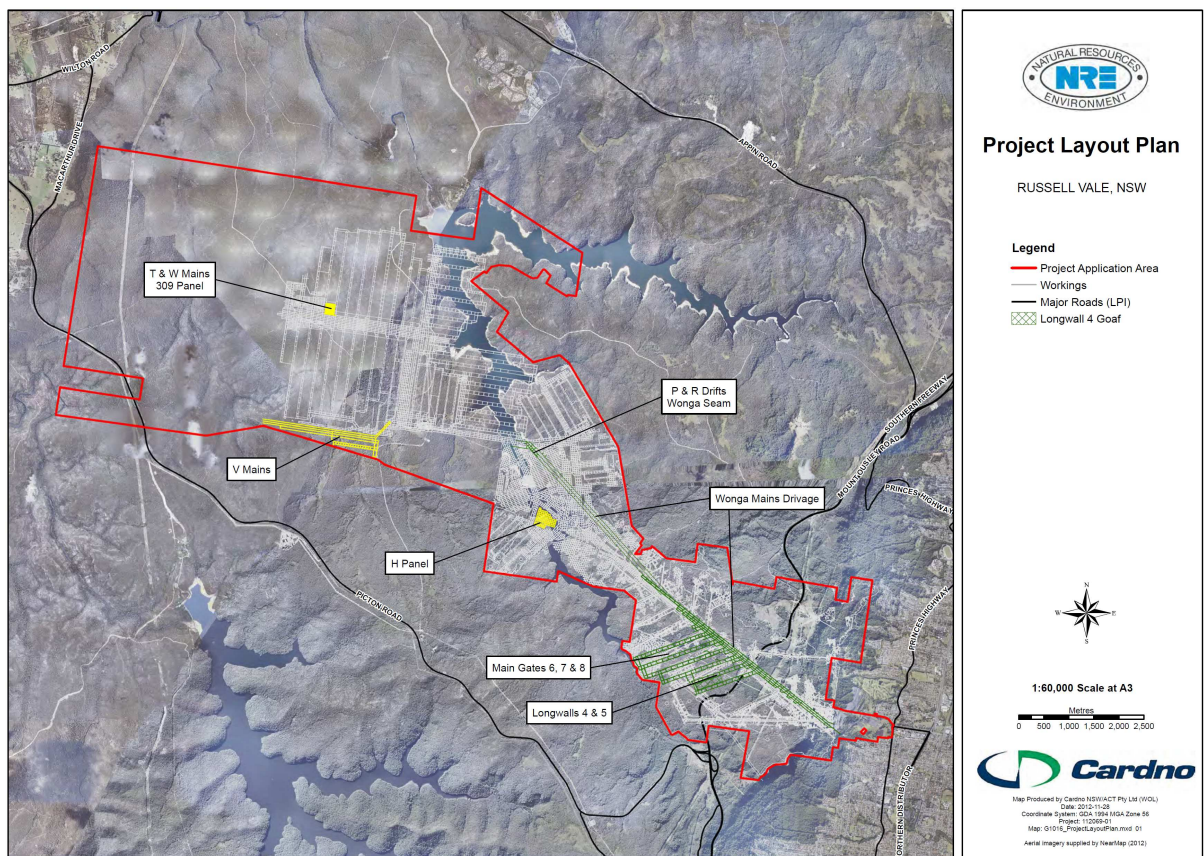
3. In Table 1 in condition 1 of Schedule 3:

- (a) after the words "Wallandoola Creek" insert "Cataract Creek";
- (b) after the words "(including valley fill swamp Wcvfs1)" insert "Cataract Creek Upland Swamp 4 (CCUS4) Cataract Reservoir Upland Swamp 1 (CRUS1)";
- (c) after the words "52-2-1223" insert "and 52-2-0322" and
- (d) above the "**Biodiversity**" heading, insert the following additional row:

Cataract Creek Upland Swamp 3 (CCUS3)	No greater subsidence impact or environmental consequences than predicted in EA – Mod 1
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4. In Table 2 in condition 4 of Schedule 3, after "F HOME 2005 48" insert "and 330 and 132 kV power transmission lines".

5. In condition 7 of Schedule 3, after paragraph (h), insert the following:
 - (h1) include appropriate references to:
 - water resources, biodiversity values and heritage values managed under the Water Management, Biodiversity and Heritage Management Plans required under conditions 29, 35 and 38 of Schedule 3 and;
 - programs, procedures, management measures and the like required under those plans;
6. In condition 8 of Schedule 3:
 - (a) delete the word “include”, and then insert “include” before the words “an assessment of”;
 - (b) delete all words after “since this approval;”, and insert the following:
 - (b) include a Trigger Action Response Plan, or equivalent, to address potential subsidence impacts and environment consequences that may result from mining subsidence; and
 - (c) are approved by the Director-General before the Proponent carries out any of the second workings covered by the Extraction Plan.
7. In condition 14 of Schedule 3, delete “2012” and replace with “2016”.
8. In condition 35 of Schedule 3, after the words “and quality of”, insert “Cataract,”.
9. In condition 38 of Schedule 3, after the words “the monitoring of site”, insert “52-2-0322 and”.
10. In Appendix 2: Project Layout Plan, delete the existing plan and replace with the following plan:



11. In Appendix 3: Statement of Commitments,
 - (a) in the fifth dot-point row of the “Soil and Water” section, in the “Timing” column, delete “within 12 months of approval” and replace with “ by 31 December 2014”;
 - (b) in the “Acoustics” section, delete the first two dot-point rows; and
 - (c) in the “Traffic and Transport” section, before the words “obeying legal speed limits” insert “all coal transport trucks”.