

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.



Dr Neil Shepherd AM
Member of the Commission



Mr Garry West
Member of the Commission

Sydney

24 December 2012

SCHEDULE 1

The project approval (MP 10_0046) 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 with the exception that approval is not given for development of Maingates 7 and 8;
3. In condition 5 of Schedule 2:
 - (a) insert '(a)' before the words 'Mining operations may ...'; and
 - (b) insert '(b) nothing in this approval authorises development of Maingates 7 and 8'
4. In Table 1 in condition 1 of Schedule 3:
 - (a) after the words "Wallandoola Creek" insert "Cataract Creek";
 - (b) after the dot point '*negligible* gas releases and iron staining;' delete 'and', and after the dot point '*negligible* increase in water cloudiness' in column 2 delete the full stop and replace with a semi-colon and insert the following:
 - "*negligible* increase in bank erosion;
 - *negligible* increase in sediment load; and
 - *negligible* reduction in the volume of water reporting to the reservoir."

- (c) after the words "(including valley fill swamp Wcvfs1)" insert "Cataract Creek Upland Swamp 4 (CCUS4) Cataract Reservoir Upland Swamp 1 (CRUS1)";
- (d) after the words "52-2-1223" insert "and 52-2-0320"
- (e) 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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- (f) under the "Biodiversity" heading insert "with the exception of Cataract Creek Upland Swamp 3" after the words "endangered ecological communities" in column 1.
5. In Table 2 in condition 4 of Schedule 3, after "F HOME 2005 48" insert "and 330 and 132 kV power transmission lines".
 6. In condition 7(h) of Schedule 3 in the second dot point insert the words ", in consultation with OEH," between the words "analyse" and "the relationships between predicted ..."
 7. 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;
 8. 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.
 9. In paragraph (a) of condition 14 of Schedule 3, delete all words after "Bulli Conveyor is", and insert the words "operated during daylight hours only (ie 7:00 am to 6:00 pm) and is decommissioned after completion of the driveage of the Wonga Mains; and".
 10. After condition 14 in Schedule 3 insert condition 14A

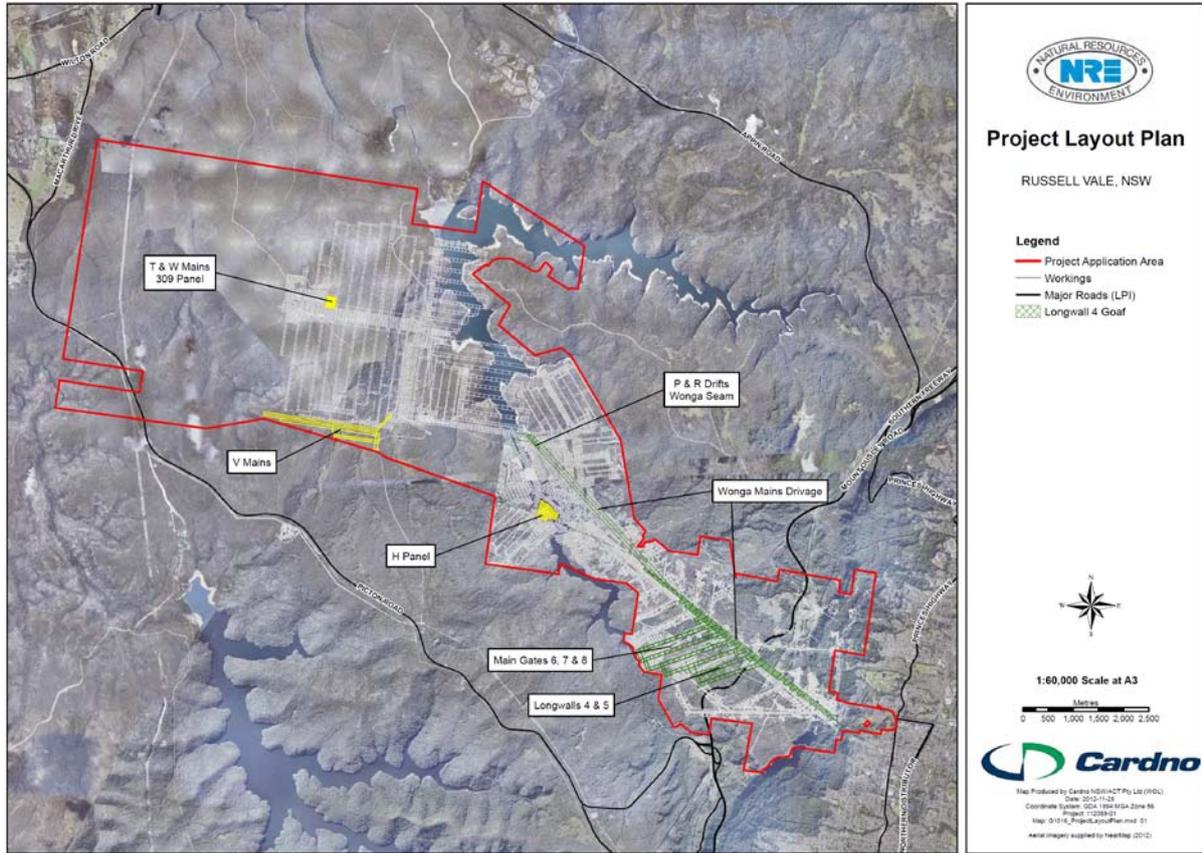
"14A. The Proponent shall:

 - (a) in consultation with the CCC assess options for improved noise mitigation measures as an alternative to construction of the two acoustic screens identified in the 2010 Statement of Commitments and submit by 30 June 2013 appropriate options for consideration by the Director-General;
 - (b) implement the approved option within 6 months of the Director-General's approval."
 11. After condition 28 include a new condition 28A. "The Proponent shall consult with Wollongong City Council with a view to having a 50kph speed limit imposed on Bellambi Lane".
 12. In condition 35 of Schedule 3, after the words "and quality of", insert "Cataract,".
 13. In condition 36 of Schedule 3, delete all words after "adverse groundwater impacts;"; and insert the following:
 - (c) a detailed program to monitor and/or validate the impacts of the project on swamps and other groundwater dependent ecosystems, with reference to relevant performance indicators and groundwater impact assessment criteria and a particular focus on all swamps listed in Table 1; and

- (d) a program to monitor and/or validate the impacts of the project on alluvial and coal seam aquifers and any affected groundwater bores.

14. In condition 38 of Schedule 3, after the words “the monitoring of site”, insert “52-2-0320 and”.

15. In Appendix 2: Project Layout Plan, delete the existing plan and replace with the following plan:



16. 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 2013”; and
- (b) in the “Traffic and Transport” section, before the words “obeying legal speed limits” insert “all coal transport trucks”.