

Notice of Modification

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.


Mike Young
Acting Executive Director
Energy and Resources

Sydney 4 SEPTEMBER

2019

SCHEDULE 1

The development consent (SSD 5850) for the Mount Owen Continued Operations Project, granted by the Planning Assessment Commission, as delegate of the Minister for Planning, on 3 November 2016.

SCHEDULE 2

1. In the list of definitions, delete the terms "Biodiversity Offset Strategy", "Department", "development", "DPI", "DPI Water", "DRE", "EEC", "Greater Ravensworth Water Sharing Scheme", "Heritage Branch", "Incident", "Material harm to the environment", "Mining operations", "Minister", "OEH", "Secretary", "TSC Act", and "Water pipeline infrastructure" and their definitions, and insert the following terms and definitions in alphabetical order:

Approved disturbance area	The areas delineated as "Approved Operational Area" and "Additional Disturbance Area" in Figure 2A of Appendix 2
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity & Conservation Division within the Department
BCT	NSW Biodiversity Conservation Trust
Biodiversity Offset Strategies	Comprise: <ul style="list-style-type: none">the conservation and enhancement strategy described in the EIS, summarised in Table 9 and depicted conceptually in the figures in Appendix 5; andthe Mod 2 Biodiversity Offset Strategy required under conditions 29A and 29B of Schedule 3
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the documents listed in condition 2(a) of Schedule 2, as modified by the conditions of this consent
DPIE - Crown Lands	Crown Lands Group within the Department
DPIE - Water	Water Group within the Department
EEC	Endangered ecological community, as defined under the BC Act
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
FCNSW	Forestry Corporation of NSW
GRAWTS	Greater Ravensworth Area Water and Tailings Scheme, as described in SEE (Mod 2)
Heritage Branch	Heritage Branch of the Department of Premier and Cabinet
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Material harm	Is harm to the environment that: <ul style="list-style-type: none">involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, orresults in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all

	reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
	This definition excludes “harm” that is authorised under either this consent or any other statutory approval’
Mining Operations	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden, tailings and coarse reject material
Minister	NSW Minister for Planning and Public Spaces, or delegate
Modification 2	The modification to the development as described in SEE (Mod 2)
Mod 2 disturbance area	The area delineated as “Additional Disturbance Area” in Figure 2A of Appendix 2
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Resources Regulator	NSW Resources Regulator
Secretary	Planning Secretary under the EP&A Act, or nominee
SEE (Mod 2)	Statement of Environmental Effects titled <i>Mount Owen Continued Operations Project Modification 2 Statement of Environmental Effects</i> prepared by Umwelt (Australia) Pty Ltd dated July 2018, including the Response to Submissions dated December 2018 and additional information dated 5 April 2019 and 15 May 2019 and the figure titled <i>Mount Owen Continued Operations Modification 2 – Proposed Tree Screen</i> dated 28 August 2019
Wollombi Brook VCA Artefact Storage Facility	The Aboriginal artefact storage facility to be constructed at the Wollombi Brook Voluntary Conservation Area, as shown in Figure 2 of Appendix 10 of SSD 4960
Water pipeline infrastructure	The water pipeline from the Integra Underground Mine to the Mount Owen Complex shown in Figure 2A of Appendix 2

2. Delete all references to “DPI Water” and replace with “DPIE Water”.
3. Delete all references to “DRE” and replace with “Resources Regulator”.
4. Delete all references to “Greater Ravensworth Water Sharing Scheme” and replace with “GRAWTS”.
5. Delete all references to “OEH” and replace with “BCD”.
6. In condition 2(a) of Schedule 2, after “EA (Mod 1)”, insert “, SEE (Mod 2)”.
7. Delete conditions 3 and 4 of Schedule 2 and insert the following:
 3. Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
 - (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition 3(a).
 4. The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(a). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(a), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.
8. In condition 5 of Schedule 2:
 - (a) after “carry out mining operations”, insert “within the approved disturbance area”;
 - (b) delete “2031” and insert “2037”; and
 - (c) delete the note and insert the following:

Notes:

 - Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.
 - Mining operations and rehabilitation are also regulated under the Mining Act 1992.
9. After condition 8 of Schedule 2, insert the following:

Identification of Mod 2 Disturbance Area

- 8A. Prior to commencing mining operations in the Mod 2 disturbance area, or other timeframe agreed by the Secretary, the Applicant must provide to the Department a survey plan (or spatial files in a format agreed by the Secretary) identifying the following:
- (a) the "Additional Disturbance Area" as shown in Figure 2A of Appendix 2; and
 - (b) the "Proposed Modification Pit Boundary" as shown in Figure 1.3 of SEE (Mod 2).
10. In condition 11 of Schedule 2:
- (a) in the first note, delete "4A" and replace with "6"; and
 - (b) delete the second note and insert the following:
- *The development is located in the Patrick Plains Mine Subsidence District. Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SANSW's approval before carrying out certain development in a Mine Subsidence District.*
11. In the note below condition 13 of Schedule 2, delete "Mine Subsidence Compensation Act 1961" and insert "Coal Mine Subsidence Compensation Act 2017".
12. In condition 15 of Schedule 2, in paragraph (b), before "Appendix 8", insert "Table 1 of".
13. After condition 15 of Schedule 2, insert the following:
16. Within 6 months of the determination of Modification 2, unless the Secretary agrees otherwise, the Applicant must enter into a PA with Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the Applicant's offer in Table 2 of Appendix 8.

It is accepted that the VPA required under condition 15 above and the PA required under this condition may be consolidated into a single agreement.

EVIDENCE OF CONSULTATION

17. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document; and
 - (b) provide the Department with details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

18. With the approval of the Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and
 - (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.

If the Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

COMPLIANCE

19. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

20. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
21. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

CROWN LAND

22. The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown Land or Crown Roads.

Notes:

- Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPIE – Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease.
- Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPIE – Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.

14. In condition 1 of Schedule 3:

- (a) in Table 1, in the row beginning “Air Quality”, insert the following in numerical order: “4”, “112”, “143^d”, “150^d”, “152^d”, “154^d”, “155^d”, and “156^d”;
- (b) in Table 1, following “156^d”, insert the following: “, Lot 4 DP 1166047^d, Lot 5 DP 1166047^d, Lot 175 DP 1002770^d and Lot 106 DP 855187^d”;
- (c) in Table 1, after both “116” and “22”, insert “e”;
- (d) after Table 1, delete “Notes.”; and
- (e) after note c to Table 1, insert the following:

d The Applicant is only required to acquire the identified land if acquisition is not reasonably achievable under the development consents for the Ashton South East Open Cut Project (MP 08_0182), the Glendell Open Cut Coal Mine (DA 80/952), Ravensworth Operations Project (MP 09_0176), Rix’s Creek South Continuation of Mining Project (SSD 6300) or the Rix’s Creek North Open Cut Project (MP 08_0102).

e The identified land has been acquired by the Applicant.

15. In condition 2 of Schedule 3:

- (a) in Table 2, after “Residence”, insert “a”; and
- (b) delete “Note:” and insert “a”.

16. In condition 5 of Schedule 3:

- (a) in Table 3, after “Residence”, insert “a”;
- (b) in Table 3, in the row beginning “21”, delete “22.”; and
- (c) after Table 3, delete “Note:” and insert “a”.

17. In condition 6 of Schedule 3:

- (a) in paragraph (h), before “carry out”, insert “engage a suitably qualified and experienced person^a to”; and
- (b) after paragraph (h), delete the note and insert the following:

a In this condition a ‘suitably qualified and experienced person’ means a member of the Australian Acoustical Society, the Association of Australian Acoustical Consultants, or an appropriately qualified person whose appointment has been endorsed by the EPA.

18. In condition 7 of Schedule 3, in paragraph (d):

- (a) in the second dot point, delete “calibrate and”;
- (b) at the end of the second dot point, delete “and”; and
- (c) delete the third dot point and insert the following:
 - includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and
 - includes a protocol for identifying a noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

19. In the final paragraph of conditions 7, 15, 19, 26, 31, 34, 35, 43 and 45 of Schedule 3 and condition 2 of Schedule 5:

- (a) delete “approved”, where first occurring; and
- (b) delete “from time to time”.

20. In condition 13 of Schedule 3:
- in paragraph (a):
 - in the second dot point, delete “and”;
 - after the second dot point, insert a new dot point as follows:
 - minimise blasting impacts on the Main Creek alluvial aquifer;
 - in paragraph (d), after “closures”, insert “, including, on request, notification via SMS message of the blasting schedule and associated public road closures for that day and any variations to that schedule and closures”;
 - after paragraph (f), in the subheading “Notes”, delete the “s”; and
 - delete the second and third notes.

21. In condition 15 of Schedule 3, in paragraph (c), above the first dot point, insert a new dot point as follows:

- notifying relevant roads authorities of any planned public road closures;

22. In condition 16 of Schedule 3, delete Tables 5 and 6 and insert the following:

Table 5: Long term impact assessment criteria for particulate matter

Pollutant	Averaging Period	^d Criterion
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 25 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^a 8 µg/m ³

Table 6: Short term impact assessment criteria for particulate matter

Pollutant	Averaging Period	^d Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³
Particulate matter < 2.5 µm (PM _{2.5})	24 hour	^b 25 µg/m ³

23. In condition 16 of Schedule 3, after Table 7, delete “Notes to”.

24. In condition 18 of Schedule 3:

- in paragraph (a), after “spontaneous combustion”, delete “, greenhouse gas”;
- after paragraph (c), insert the following:
 - take all reasonable steps to improve energy efficiency and reduce greenhouse gas emissions from the development;
- after paragraph (h), delete the note.

25. In the heading above condition 19 of Schedule 3, after “Air Quality”, insert “and Greenhouse Gas”.

26. In condition 19 of Schedule 3, before “Management Plan”, wherever occurring, insert “and Greenhouse Gas”.

27. In the notes below condition 21 of Schedule 3:

- after “Note” insert an “s”; and
- in the first note, after “development”, insert “prior to water take occurring”.

28. After condition 23 of Schedule 3, insert the following:

Notes:

- The Applicant is required to obtain any necessary approvals or licences under the EP&A Act, POEO Act and/or Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 prior to discharging water or tailings off-site via the GRAWTS.*
- The Applicant is required to comply with the relevant provisions of the POEO Act in relation to any unauthorised discharges.*

29. In condition 26 of Schedule 3, in paragraph (c):

- in subparagraph (iv):
 - in the third dot point, after “transfer of water”, insert “and/or tailings”;
 - in the fourth dot point, delete “and flood conveyance measures”;
 - in the fifth dot point, delete “the remediation of the dirty-water dam near Hebden Road, prior to its use as an offline flow detention area for Yorks Creek” and replace with “the small height flood levee and proposed modifications to Dams 5 and 6 described in SEE (Mod 2)”;
 - in the seventh dot point, after “as a result of the development”, delete “and” and insert the following:

- acid forming and potential acid forming materials, incorporating the recommendations in Appendix 11 of SEE (Mod 2); and
- (b) in subparagraph (v), in the sixth dot point:
- (i) delete “plan” and insert “Trigger Action Response Plan”; and
 - (ii) after “development”, insert “(including a protocol to install a low permeability barrier in the event that the Main Creek alluvial aquifer is intercepted or a significant decline in alluvial water levels is detected which may be attributable to mining operations)”.
30. In condition 27 of Schedule 3:
- (a) delete “documents listed in condition 2(a) of Schedule 2” and insert “EIS”;
 - (b) before “Appendix 5”, delete “either”;
 - (c) after “Appendix 5”, delete “or” and insert “and”;
 - (d) in Table 9, delete footnote reference “b”;
 - (e) after Table 9, delete “Notes.”; and
 - (f) delete the second note.
31. After condition 27 of Schedule 3, insert the following:
- 27A. The Applicant must rehabilitate the Rehabilitation Woodland offset area required in Table 9 above to a level that meets the EEC listing criteria for the Central Hunter Ironbark – Spotted Gum – Grey Box Forest EEC.
32. In condition 28 of Schedule 3, after “Biodiversity Offset Strategy”, insert “summarised in Table 9”.
33. After condition 29 of Schedule 3, insert the following:

Mod 2 Biodiversity Offset Strategy

- 29A. Within 12 months of commencing mining operations in the Mod 2 disturbance area, unless otherwise agreed by the Secretary, the Applicant must provide a Mod 2 Biodiversity Offset Strategy for approval by the Secretary. This strategy must:
- (a) recalculate, if necessary, in accordance with the BC Act, the number of credits required under condition 29B of Schedule 3;
 - (b) describe how the biodiversity credits in Table 9A (or as recalculated) will be identified, secured and retired; and
 - (c) be prepared in accordance with the *NSW Biodiversity Offset Policy for Major Projects* and to the satisfaction of BCD.

The Applicant must implement the Mod 2 Biodiversity Offset Strategy as approved by the Secretary.

- 29B. Within 24 months of commencing mining operations in the Mod 2 disturbance area, unless otherwise agreed by the Secretary, the Applicant must retire the biodiversity credits specified in Table 9A below (or the equivalent number of credits calculated in accordance with the BC Act) as set out in the Mod 2 Biodiversity Offset Strategy.

Table 9A: Biodiversity credit requirements

Credit Type	Credits Required
<i>Ecosystem Credits</i>	
HU815 – Spotted Gum – Narrow-leaved Ironbark – Red Ironbark Shrub – Grass Open Forest Slopes of the Central and Lower Hunter	984
HU906 – Bull Oak Grassy Woodland of the Central Hunter Valley	66
HU945 – Swamp Oak – Weeping Grass Grassy Riparian Forest of the Hunter Valley	12
<i>Species Credits</i>	
Brush-tailed Phascogale	177

Note: The credits in Table 9A were calculated in accordance with Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014) and may need to be converted to reasonably equivalent ‘biodiversity credits’, within the meaning of the BC Act, to facilitate retirement.

The retirement of the biodiversity credits specified in Table 9A must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

34. In condition 31 of Schedule 3, delete "Biodiversity Offset Strategy" wherever occurring, and insert "Biodiversity Offset Strategies".
35. In condition 32 of Schedule 3, after "Biodiversity Offset Strategy", where first occurring, insert "summarised in Table 9".
36. In condition 34 of Schedule 3, in paragraph (c):
 - (a) in the fourth dot point, after "Aboriginal cultural heritage on site", insert "including specific measures to protect AHIMS Site #37-3-0687 (unless separate approval is obtained for its salvage)"; and
 - (b) in the fifth dot point, after "in the long term", delete the full stop and insert ", including:
 - an interim strategy for the storage of heritage items pending the completion of the Wollombi Brook VCA Artefact Storage Facility; and
 - a procedure to consult with the Mount Owen Complex Aboriginal Cultural Heritage Working Group in the development of the Plan of Management for the Wollombi Brook VCA Artefact Storage Facility."

37. After condition 35 of Schedule 3, insert the following:

Note: Historic heritage items are shown in Appendix 6.

38. In condition 37 of Schedule 3:
 - (a) after "Schedule 2", insert "(including all road furniture, safety signage and markings required to meet relevant road standards)";
 - (b) in the subheading "Notes", delete the "s"; and
 - (c) delete the first note.
39. In condition 38 of Schedule 3:
 - (a) after "Rail Line", insert "(including any rail furniture and safety signage required to meet relevant connection or safety standards)";
 - (b) in the subheading "Notes", delete the "s"; and
 - (c) delete the first note.
40. After condition 39 of Schedule 3, insert the following:

- 39A. By 31 December 2020, unless otherwise agreed by the Secretary, the Applicant must plant the vegetated screen described in SEE (Mod 2), adjacent to Falbrook Road.

The Applicant must establish and maintain the vegetated screen to the satisfaction of the Secretary.

41. In condition 42 of Schedule 3, in Table 10:
 - (a) in the row beginning, "Final voids":
 - (i) above the first dot point, insert the following:
 - Designed as long-term groundwater sinks to prevent the release of saline water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final voids (see condition 43 of Schedule 3)
 - (ii) after "Minimise to the greatest extent practicable:", insert:
 - highwall slopes (excluding slopes below the post-mining standing water level);
 - (iii) after the second dot point, insert a third dot point, as follows:
 - Vegetate upper benches with a mixture of native species of varied heights
 - (b) after the row beginning "Surface infrastructure", insert the following row:

Water quality	<ul style="list-style-type: none"> • Water retained on the site is fit for the intended post-mining land use/s • Water discharged from the site is suitable for receiving waters and is capable of supporting existing aquatic ecology and riparian vegetation
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- (c) delete all footnote references; and
- (d) in the subheading "Notes":
 - (i) delete the "s";
 - (ii) delete the first note; and
 - (iii) in the second note, delete the "b" and insert a dot point.

42. After condition 42 of Schedule 3, insert the following:

42A. The rehabilitation objectives in Table 10 apply to the entire site, including all landforms constructed under either this consent or previous development consents. However, they do not require any additional earthmoving works to be undertaken for landforms that have been approved and constructed under previous consents.

43. In condition 43 of Schedule 3:

- (a) at the end of paragraph (d), delete “and”; and
- (b) delete paragraph (e) and insert the following:
 - (e) align with strategic rehabilitation and mine closure objectives and address the principles of the *Strategic Framework for Mine Closure* (ANZMEC and MCA, 2000);
 - (f) identify and describe all rehabilitation domains, and define completion criteria for each;
 - (g) include indicative mine plans and scheduling for life-of-mine rehabilitation showing each domain;
 - (h) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;
 - (i) investigate opportunities to refine and improve the final landform and final void outcomes over time;
 - (j) include a risks and opportunities assessment and risk register; and
 - (k) include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes.

44. In condition 45 of Schedule 3:

- (a) in paragraph (a) delete “DPI”, where second occurring, and insert “DRG, DSC”;
- (b) in paragraph (g), delete “evaluating the performance of the rehabilitation of the site, and for triggering remedial action (if necessary)” and replace with “each rehabilitation domain, and triggers for remedial actions”; and
- (c) after paragraph (g), insert the following:
 - (g1) include detailed mine plans and scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years, or other suitable time period as agreed with the Resources Regulator;

45. After condition 45 of Schedule 3, insert the following:

Mine Closure Plan

46. By 31 December 2032, the Applicant must prepare a Mine Closure Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the Resources Regulator, BCD, Council and FCNSW;
 - (b) include a final land use strategy which investigates potential post-mining beneficial land uses for the site (including the final voids), that:
 - reflect local strategic planning instruments;
 - contribute to a sustainable future for the local community;
 - utilise existing mining infrastructure, where practicable; and
 - do not compromise ecological rehabilitation requirements;
 - (c) investigate ways to minimise adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
 - (d) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development and describe how the performance of these measures would be monitored over time; and
 - (e) discuss the results of community consultation regarding potential post-mining land uses.

The Applicant must implement the Mine Closure Plan as approved by the Secretary.

46. In condition 1 of Schedule 4:

- (a) in paragraph (a), above the first dot point, insert a new dot point as follows:
 - the land listed in Table 1 of Schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the development;
- (b) at the end of the condition, insert the following:

Within 2 months of any modification to the conditions of this consent that leads to new land being added to Tables 1 or 2 of Schedule 3, the Applicant must notify affected land owners in accordance with the requirements of paragraph (a).

47. In condition 5 of Schedule 4, after paragraph (c), delete “However, if at the end of this period” and insert “If, within two months of the binding written offer being made”.
48. In condition 2 of Schedule 5, delete “If the Secretary requires, the” and insert “The”.
49. In condition 5 of Schedule 5, in paragraph (c):
- (a) after the word “non-compliance”, insert “or incident”; and
 - (b) delete “ensure compliance” and insert “rectify the non-compliance and avoid reoccurrence”.
50. In condition 6 of Schedule 5, delete all words after paragraph (d), including the note, and insert the following:

the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.

If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Secretary. Where revisions are required, the revised document must be submitted to the Secretary for approval within six weeks of the review.

Note:

- *This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.*

51. Delete condition 7 of Schedule 5, including the subheading, and replace with the following:

7. The Applicant must continue to apply existing management strategies, plans or programs approved prior to the approval of Modification 2, until the approval of a similar plan, strategy or program following the approval of Modification 2.

52. In condition 8 of Schedule 5, delete “November 2016” and insert “(January 2019)”.

53. Delete condition 9 of Schedule 5, including the heading and subheading, and insert the following:

REPORTING AND AUDITING

Incident Notification

9. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

- 9A. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

54. In Schedule 5, delete the heading “INDEPENDENT ENVIRONMENTAL AUDIT” and replace with “Independent Environmental Audit”.

55. After condition 12 of Schedule 5, insert the following:

- 12A. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

Note: For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the

development to provide information on compliance with the consent or the environmental management or impact of the development.

- 12B. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Schedule 3, providing that these representative monitoring locations are set out in the respective management plan/s.

56. In Appendix 1, delete the Table and replace with the following:

Lot	DP	Owner
1	1072124	Mine Owned Glencore
1	135026	Mine Owned Glencore
1	137381	Mine Owned Glencore
1	137382	Mine Owned Glencore
1	151176	Mine Owned Glencore
1	159786	Mine Owned Glencore
1	380676	Mine Owned Glencore
1	48490	Government Authority
1	745486	Mine Owned Glencore
1	793886	Government Authority
1	804150	Mine Owned Glencore
1	823167	Mine Owned Glencore
1	865784	Mine Owned Glencore
1	925901	Mine Owned Glencore
1	940619	Mine Owned Glencore
1	1180252	Mine Owned Glencore
1	1211135	Mine Owned Glencore
1	1206886	Mine Owned Glencore
1	1237446	Crown Road
2	1072124	Mine Owned Glencore
2	233019	Australian Rail Track Corporation
2	38725	Mine Owned Glencore
2	549723	Mine Owned Glencore
2	6842	Mine Owned Glencore
2	730978	Mine Owned Glencore
2	804150	Mine Owned Glencore
2	823167	Mine Owned Glencore
2	859544	Mine Owned Glencore
2	865784	Mine Owned Glencore
2	1180252	Mine Owned Glencore
2	1206886	Mine Owned Glencore
3	38725	Mine Owned Glencore
3	195598	Mine Owned Glencore
3	662944	Mine Owned Glencore
3	1072124	Mine Owned Glencore
3	823167	Mine Owned Glencore
3	859544	Mine Owned Glencore
3	1206886	Mine Owned Glencore
3	1180252	Mine Owned Glencore
4	1072124	Mine Owned Glencore
4	255403	Mine Owned Glencore
4	38725	Mine Owned Glencore
4	823167	Mine Owned Glencore
4	859544	Mine Owned Glencore

4	1180252	Mine Owned Glencore
5	1077004	Mine Owned Glencore
5	38725	Mine Owned Glencore
5	823167	Mine Owned Glencore
5	859544	Mine Owned Glencore
6	1077004	Mine Owned Glencore
6	255403	Mine Owned Glencore
6	38725	Mine Owned Glencore
6	859544	Mine Owned Glencore
7	38725	Mine Owned Glencore
7	859544	Mine Owned Glencore
8	6830	Mine Owned Glencore
8	38725	Mine Owned Glencore
8	859544	Mine Owned Glencore
8	1077004	Government Authority
9	6842	Mine Owned Glencore
9	38725	Mine Owned Glencore
10	38725	Mine Owned Glencore
11	6830	Mine Owned Glencore
11	6842	Mine Owned Glencore
11	38725	Mine Owned Glencore
11	825904	Mine Owned Glencore
11	873459	Mine Owned Glencore
12	38725	Mine Owned Glencore
12	825904	Mine Owned Glencore
12	873459	State Forest
12	1017435	Mine Owned Glencore
13	38725	Mine Owned Glencore
13	665120	Mine Owned Glencore
13	825904	Mine Owned Glencore
14	38725	Mine Owned Glencore
14	825904	Mine Owned Glencore
15	38725	Mine Owned Glencore
15	873459	Mine Owned Glencore
16	38725	Mine Owned Glencore
17	6830	Mine Owned Glencore
19	38725	Mine Owned Glencore
20	38725	Mine Owned Glencore
21	6830	Mine Owned Glencore
21	38725	Mine Owned Glencore
21	841165	Mine Owned Glencore
22	841165	Mine Owned Glencore
23	6842	Mine Owned Glencore
23	841165	Mine Owned Glencore
24	6830	Mine Owned Glencore
24	841165	Mine Owned Glencore
25	6830	Mine Owned Glencore
25	841160	Mine Owned Glencore
26	6830	Mine Owned Glencore
26	841160	AusGrid
27	6830	Mine Owned Glencore
30	752462	Mine Owned Glencore

32	535087	Mine Owned Glencore
32	545601	Mine Owned Glencore
37	752462	Mine Owned Glencore
58	752462	Mine Owned Glencore
60	752462	Mine Owned Glencore
71	625171	Mine Owned Glencore
81	607296	Mine Owned Glencore
100	752462	Mine Owned Glencore
100	791739	Mine Owned Glencore
101	752462	Mine Owned Glencore
101	791739	Mine Owned Glencore
102	752462	Mine Owned Glencore
107	880058	Mine Owned Glencore
112	850054	Mine Owned Glencore
121	752462	Mine Owned Glencore
123	752462	Mine Owned Glencore
180	858299	Mine Owned Glencore
190	752462	State Forest
191	752462	State Forest
192	752462	State Forest
193	752462	State Forest
194	752462	State Forest
195	752462	State Forest
197	752462	State Forest
198	752462	State Forest
199	752462	State Forest
200	752462	State Forest
201	752462	State Forest
202	1154684	Mine Owned Glencore
203	752462	State Forest
204	752462	State Forest
205	752462	State Forest
206	752462	State Forest
207	752462	State Forest
208	752462	State Forest
217	752462	State Forest
232	752470	Mine Owned Glencore
234	752462	Mine Owned Glencore
235	752462	Mine Owned Glencore
352	867083	Mine Owned Glencore
353	867083	Mine Owned Glencore
354	867083	Mine Owned Glencore
355	867083	Mine Owned Glencore
356	867083	Crown Land
264	1207775	State Forest
383	752462	Mine Owned Glencore
921	844642	Mine Owned Glencore
922	844642	Mine Owned Glencore
923	844642	Mine Owned Glencore
924	862883	Mine Owned Glencore
925	862883	Mine Owned Glencore
926	862883	Mine Owned Glencore

1221	709371	Mine Owned Glencore
7001	93635	Crown Land (TSR)
7302	1132839	Crown Land (TSR)
7303	1132839	State Forest
2A	6842	Mine Owned Glencore
A	158063	Mine Owned Glencore
Various Crown Land reserves		

57. In Appendix 2, delete Figures 2A, 2B, 2D(i) and 2E, including their descriptions, and insert the following:

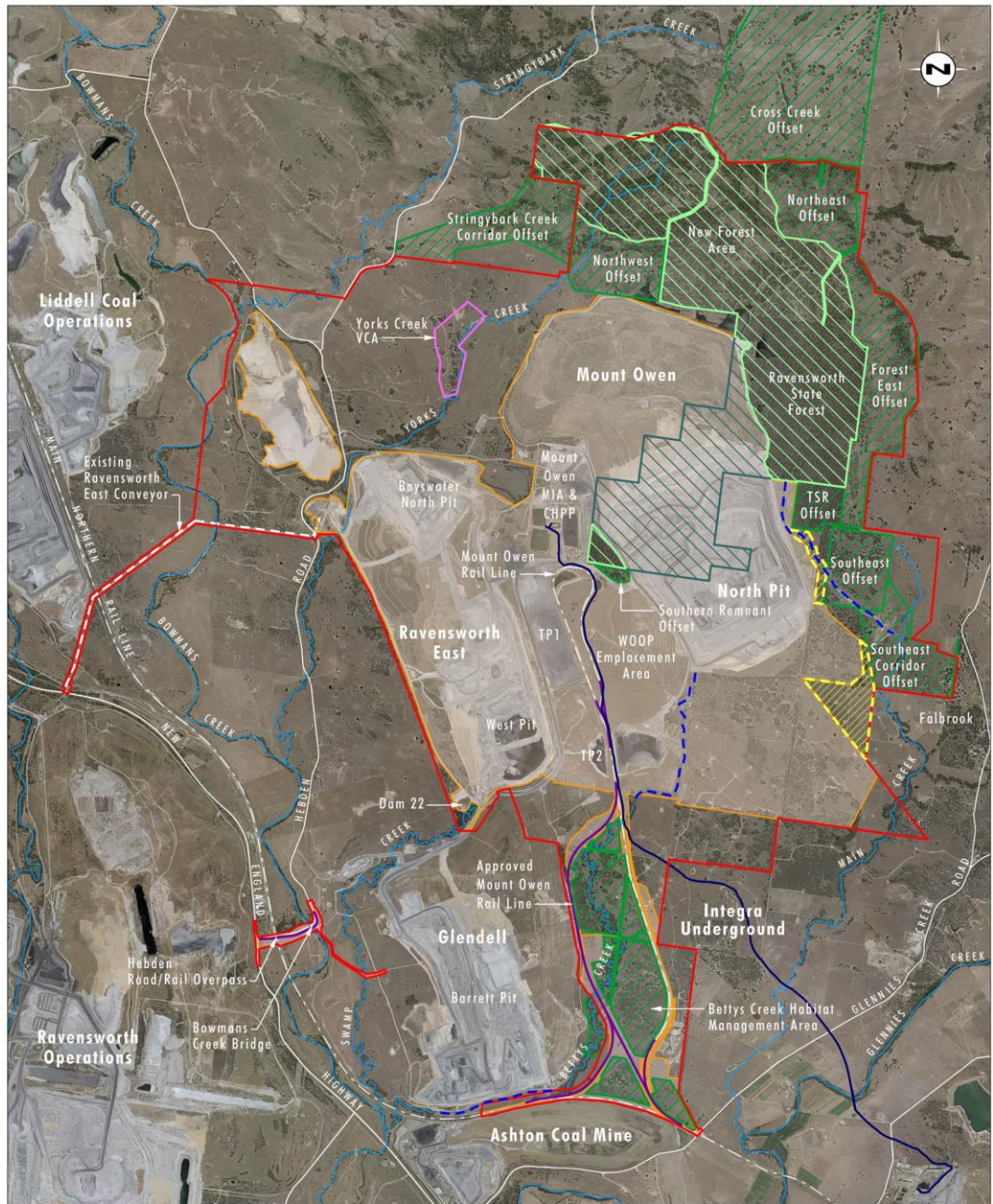


Image Source: Glencore (Feb 2017)
Data Source: Glencore (2018)

0 1.0 2.0 3.0 km
1:60 000

Legend

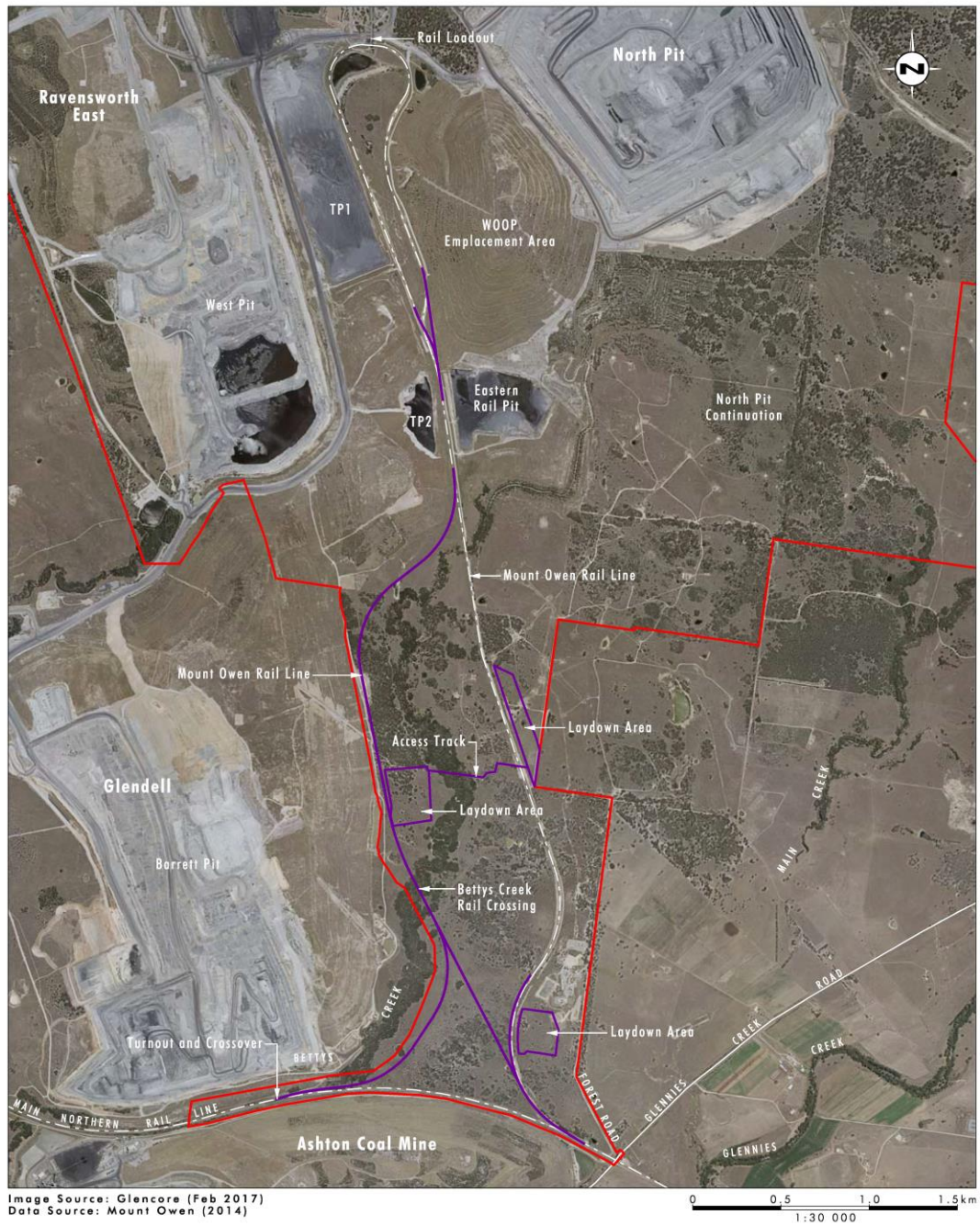
- SSD-5850 Modification Consent Boundary
- Approved Operational Area
- Additional Disturbance Area
- Yorks Creek VCA
- Biodiversity Offset Area
- Ravensworth State Forest
- Ravensworth State Forest within Approved Operational Area
- Approved Infrastructure
- Existing Bettys Creek Diversion
- Intagra Water Pipeline
- Drainage Line

File Name (A4): 3810_273.dgn
20190514 8.55

FIGURE 2A

Operations Overview

Figure 2A: Development Layout – Mount Owen Continued Operations Project



Legend
 SSD-5850 Modification Consent Boundary
 Approved Rail Line Upgrade

FIGURE 2B
Approved Rail Line
Conceptual Design

File Name (A4): 3810_277.dgn
 20190510 10.21

Figure 2B: Development Layout – Rail Infrastructure Upgrades

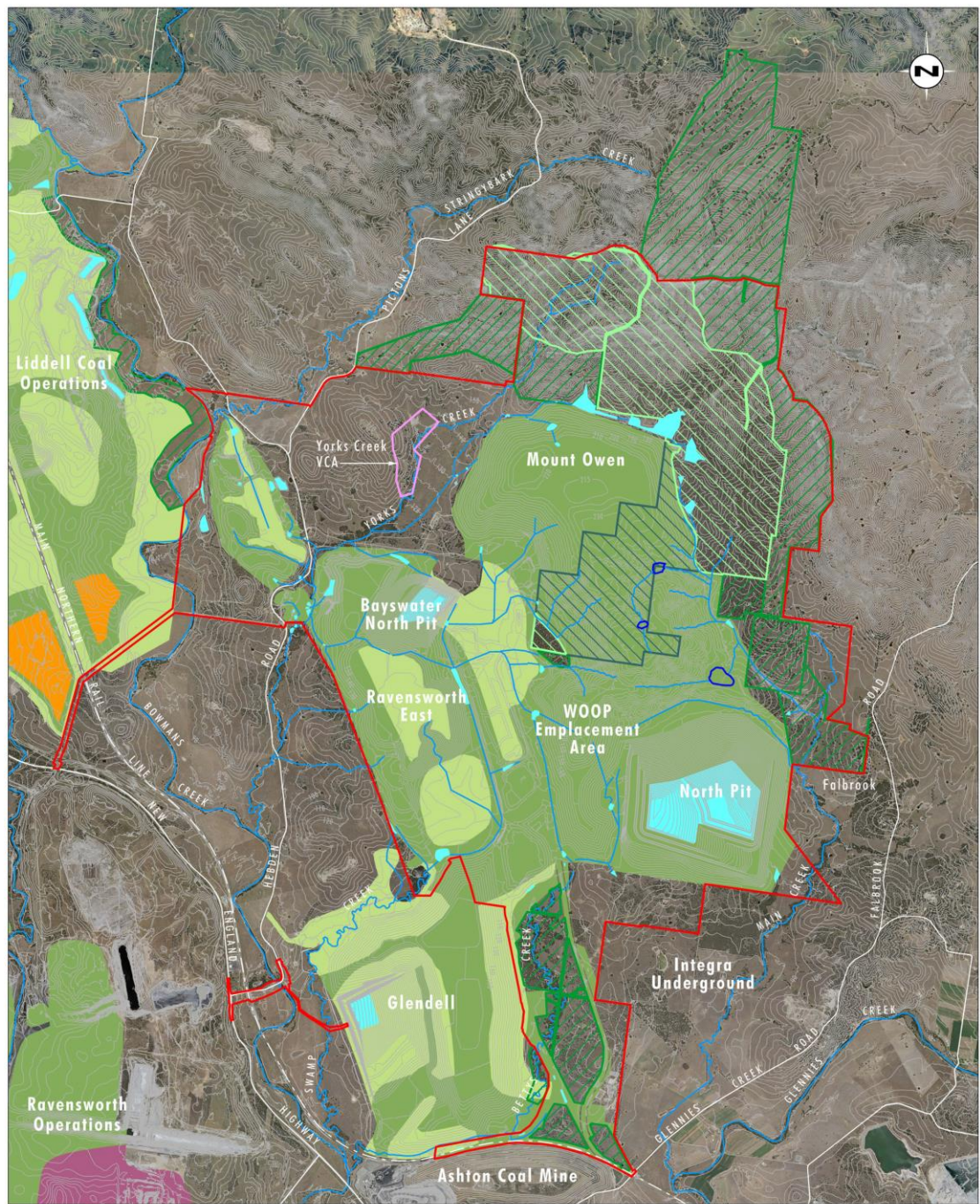


Image Source: Glencore (2017)
 Data Source: Glencore (2018), Ravensworth Operation Vegetation: Umwelt (2010),
 Liddell Coal Operations Vegetation: Umwelt (2016)
 Note: Contour Interval 5m(AHD). Equilibrium Water Level shown in North Pit Void.

Legend

- | | |
|--|---|
| SSD-5850 Modification Consent Boundary | Grassland for Stabilisation (Liddell Coal Operations) |
| Yorks Creek VCA | Grazing (Ravensworth Operations) |
| Dryland Attenuation Basin | Biodiversity Offset Area |
| Water Storage | Ravensworth State Forest |
| Native Woodland | Ravensworth State Forest within Approved Operational Area |
| Open Grassland (Potential grazing areas) with pockets of Native Vegetation | Drainage Line |

File Name (A4): 3810_282.dgn
 20190510 10:39

FIGURE 2E
 Conceptual Final Landform

Figure 2E: Conceptual Final Landform

58. In Appendix 3, delete Figure 3 and its description and insert the following:

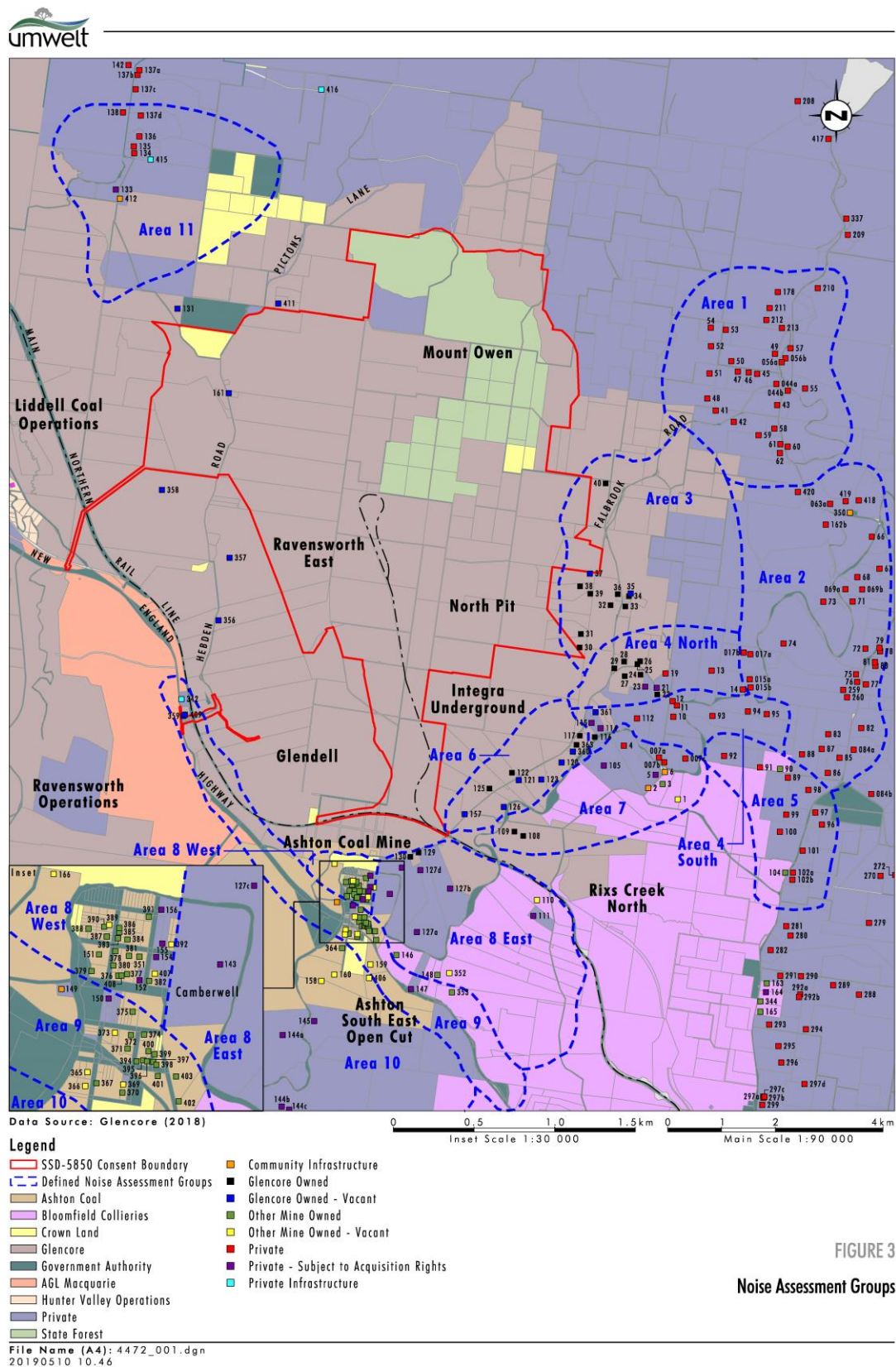


FIGURE 3
Noise Assessment Groups

59. In Appendix 4, after item 5, delete the full stop and replace it with a comma, and insert the following:
with the exception of applying appropriate modifying factors for low frequency noise during compliance testing. This should be undertaken in accordance with Fact Sheet C of the *NSW Noise Policy for Industry* (EPA, 2017).
60. In Appendix 5, delete Figures 5A, 5B and 5C, including their descriptions and insert the following:

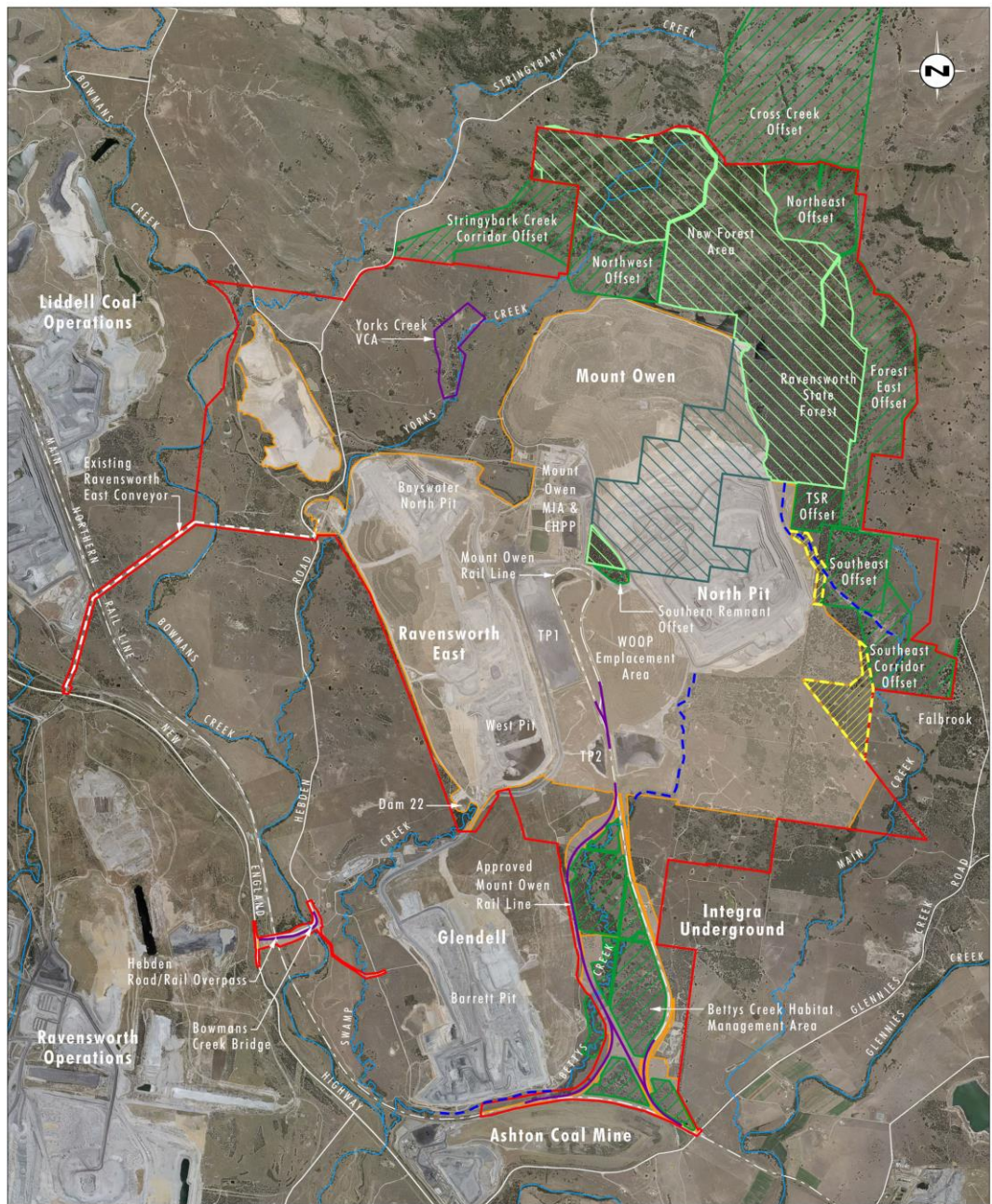


Image Source: Glencore (Feb 2017)
Data Source: Glencore (2018)

0 1.0 2.0 3.0 km
1:60 000

Legend

- SSD-5850 Modification Consent Boundary
- Approved Operational Area
- Additional Disturbance Area
- Yorks Creek VCA
- Biodiversity Offset Site
- Ravensworth State Forest
- Ravensworth State Forest within Approved Operational Area
- Approved Infrastructure
- Existing Bettys Creek Diversion
- Drainage Line

File Name (A4): 3810_279.dgn
20190514 8.59

FIGURE 5A

Existing On-site Biodiversity Offset Areas

Figure 5A: Existing On-site Biodiversity Offset Areas

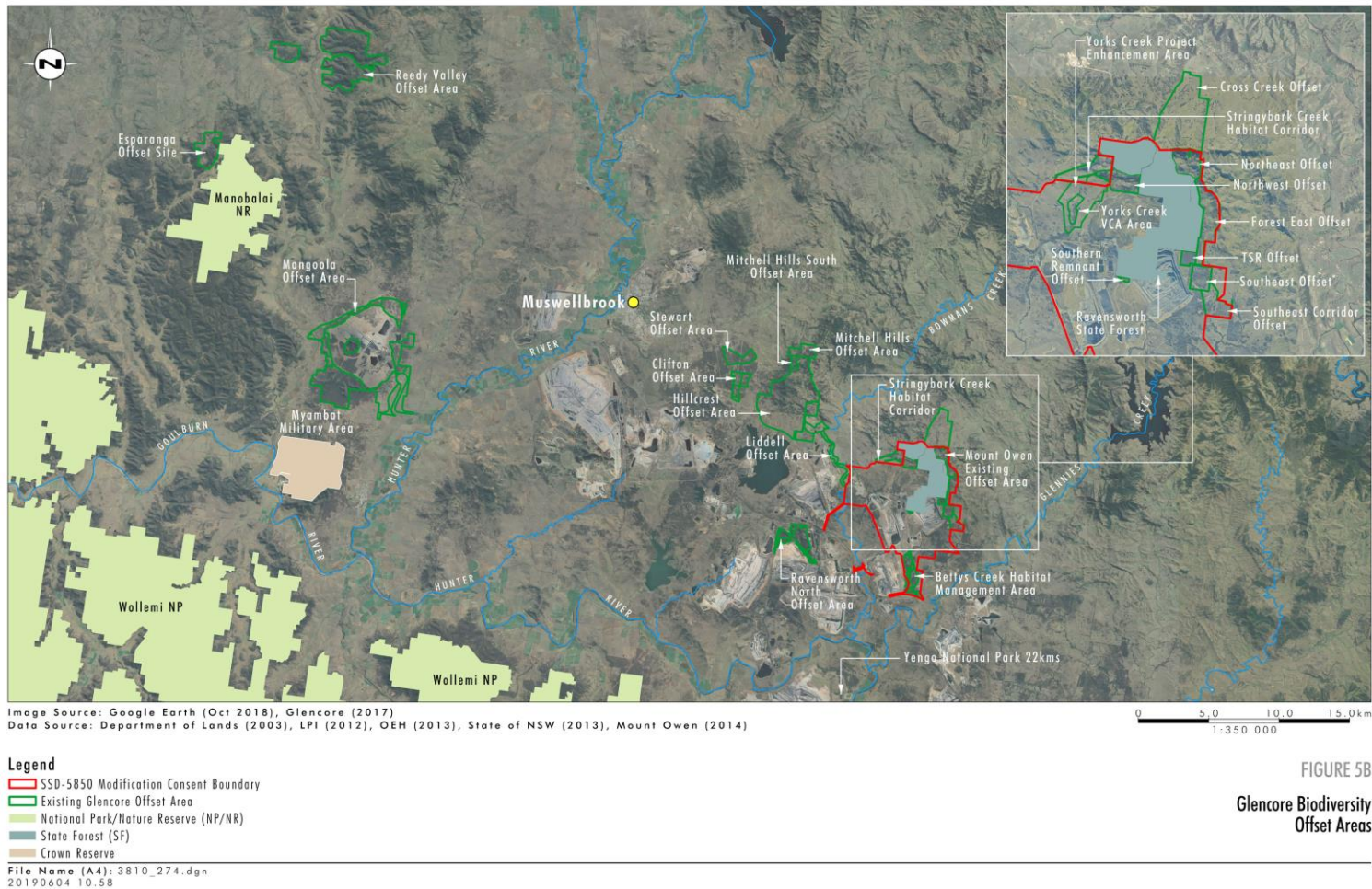


FIGURE 5B
 Glencore Biodiversity
 Offset Areas

61. In Appendix 6, delete Figure 6, including the title and description, and insert the following:

APPENDIX 6 HISTORIC HERITAGE

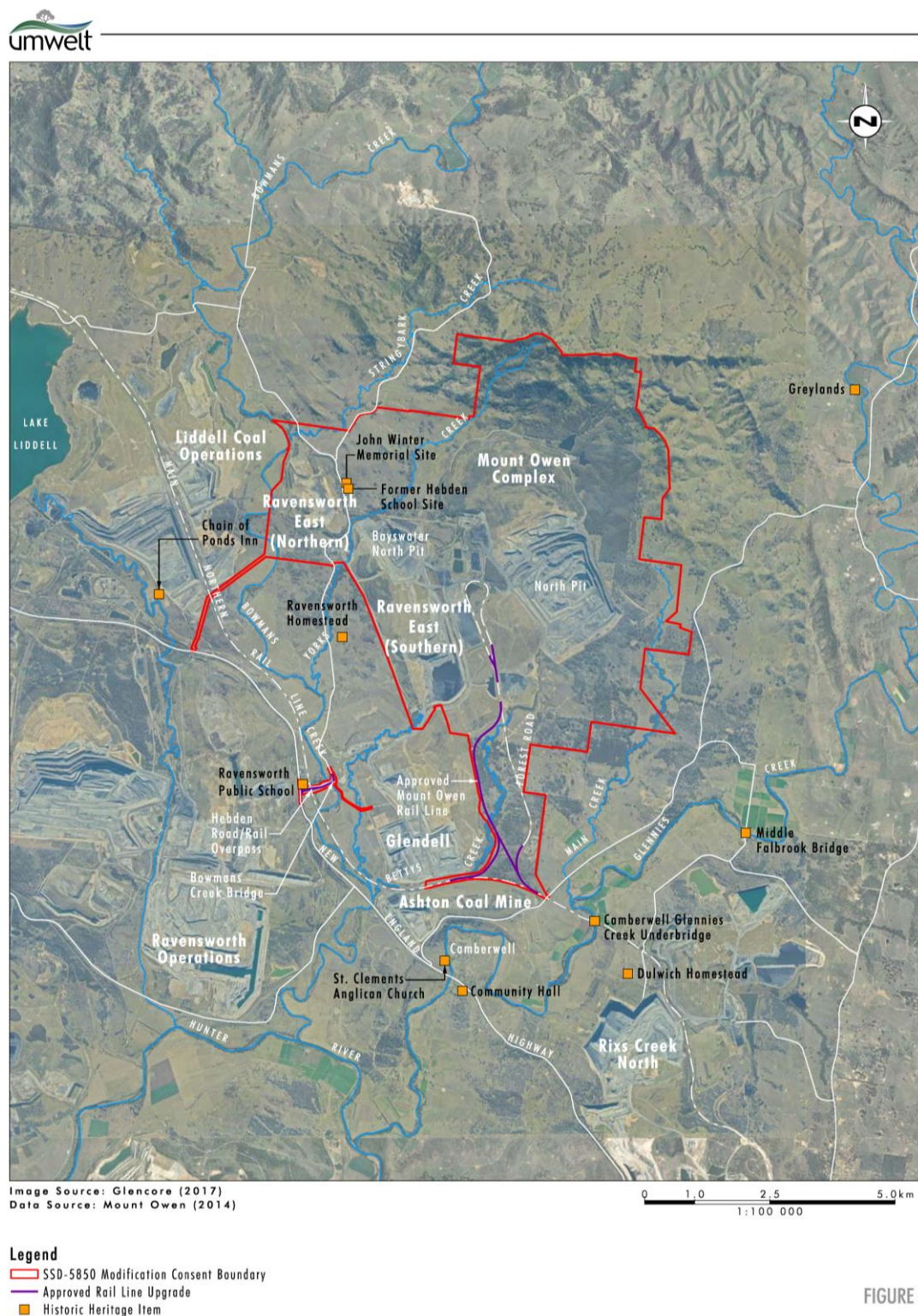


FIGURE 6

Location of Historic Heritage Items

Figure 6: Historic Heritage Items

62. In Appendix 7, delete Figures 7A and 7B, including their descriptions, and insert the following:

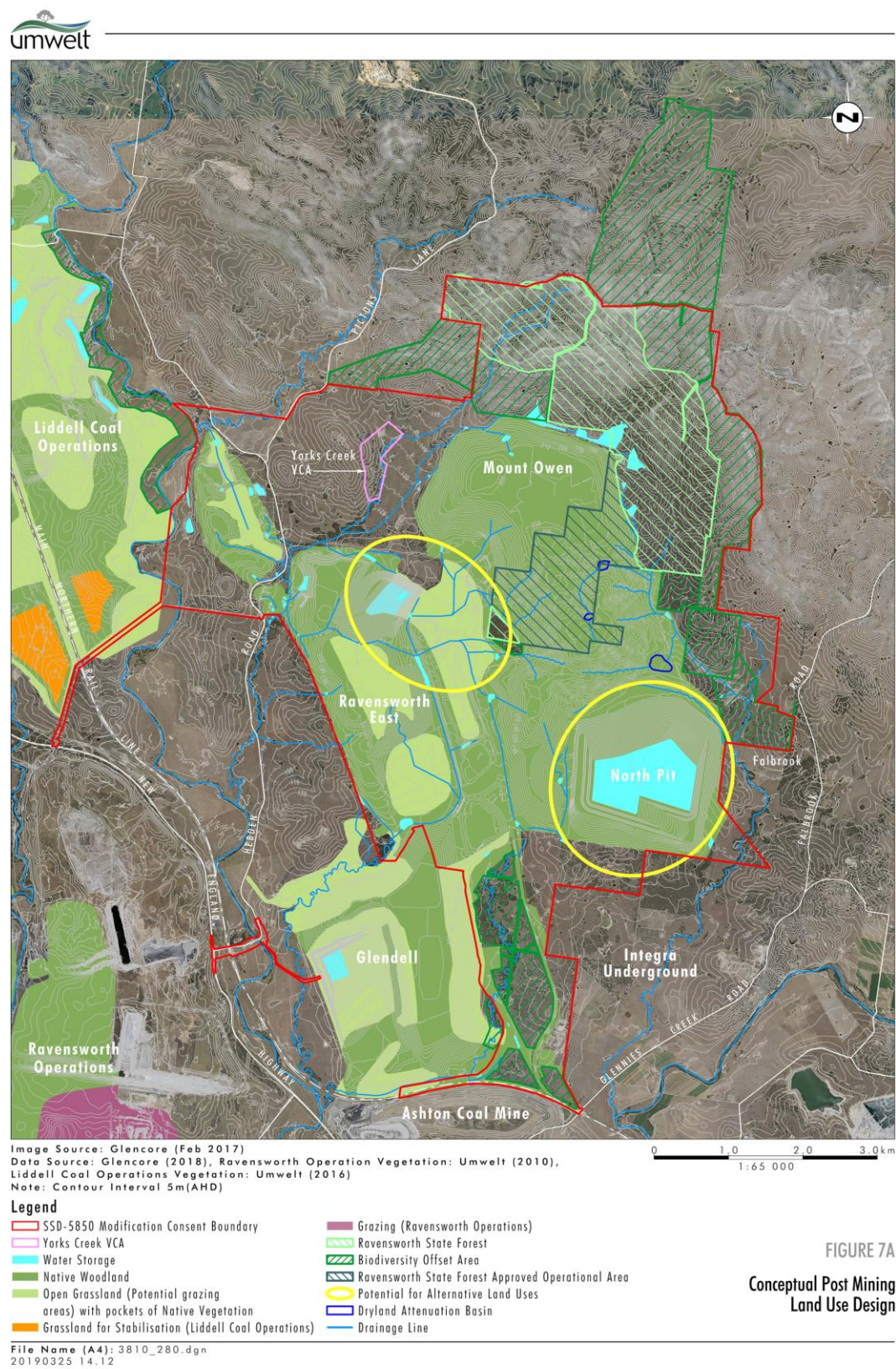
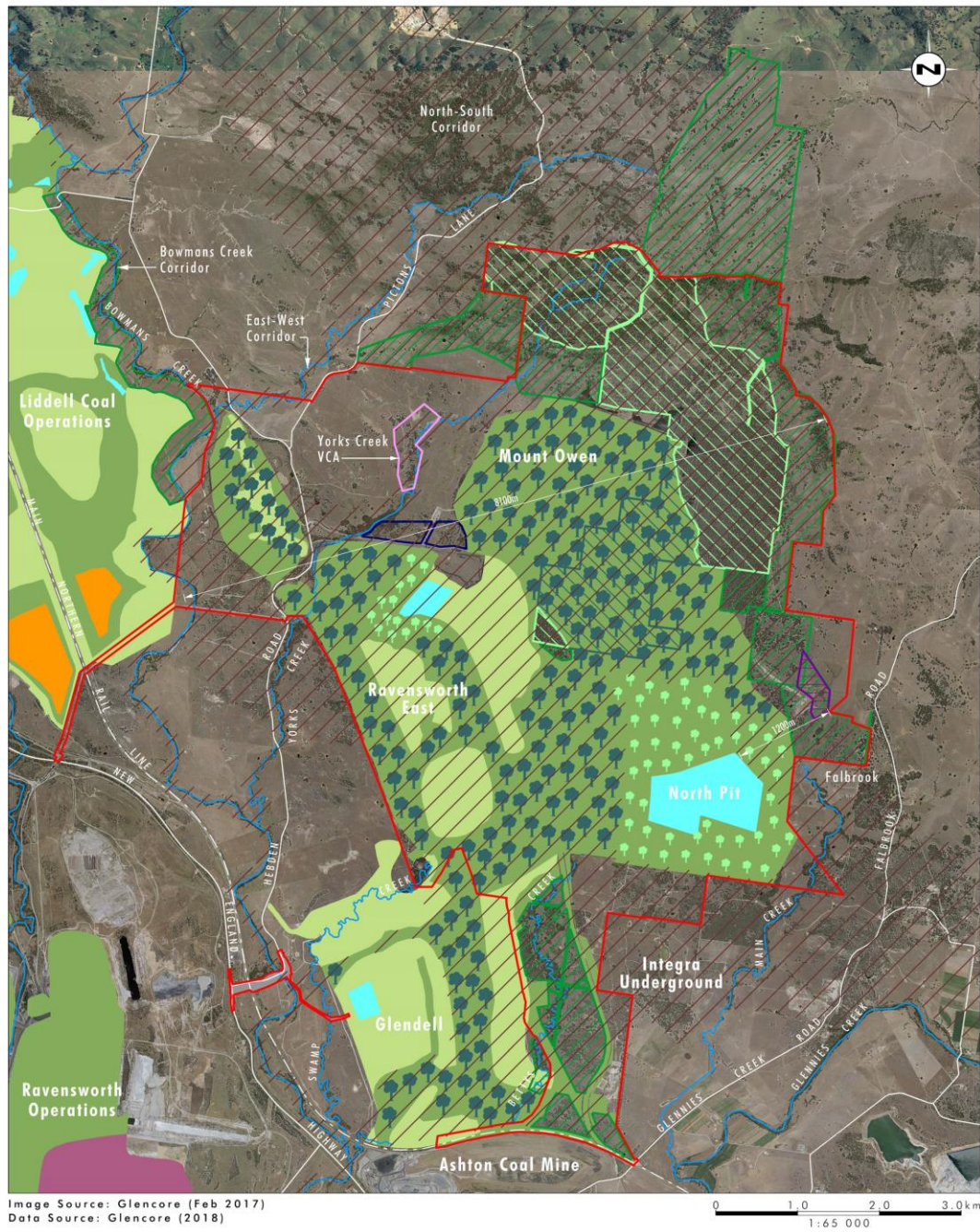


Figure 7A: Final Landform Rehabilitation Plan



- Legend**
- SSD-5850 Modification Consent Boundary
 - Yorks Creek VCA
 - Water Storage
 - Rehabilitation Woodland Advanced
 - Rehabilitation Woodland Early
 - Native Woodland
 - Open Grassland (Potential grazing areas) with pockets of Native Vegetation
 - Grassland for Stabilisation (Liddell)
 - Grazing (Ravensworth Operations)
 - Habitat Connectivity
 - Additional Active Revegetation Area
 - East-West Corridor Management Area
 - Drainage Line
 - Ravensworth State Forest within Operations Area
 - Biodiversity Offset Area

File Name (A4): 3810_283.dgn
20190510 12.24

FIGURE 7B

Conceptual Habitat Connectivity and
Conceptual Final Landform Area
10 Year Post Closure

Figure 7B: East-West Corridor Management Area and Final Landform Habitat Connectivity

63. Delete Appendix 8 and insert the following:

**APPENDIX 8
PLANNING AGREEMENT**

Table 1 – General Terms of the Applicant's VPA Offer

Applicant's Contribution	Intended Use	Payment Details*
\$400,000	Economic Development Initiatives – Riverfront Beautification	Ten year term comprising payments of \$50,000 per annum for the first five years and \$30,000 per annum for the remaining five years
\$500,000	Completion of the All Abilities Playground at Rose Point Park	Four payments totalling \$500,000, to be paid at identified stages of the project.
\$100,000	Sponsorship of Community Groups	Five year term comprising payments of \$20,000 per annum
\$24,000	Support for Aboriginal Cultural Events	Three year term comprising payments of \$8,000 per annum

** Payments subject to CPI adjustments*

Table 2 – General Terms of the Applicant's PA Offer

Applicant's Contribution	Intended Use	Payment Details
\$226,000	Singleton Community and Economic Development Fund	Payment into the fund when associated framework, policies and procedures are established and agreed

64. Adjust the TABLE OF CONTENTS and page numbers to reflect changes made by this instrument.