

Notice of Modification

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



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Executive Director
Resource Assessments and Compliance

Sydney

16/12 / 2015

SCHEDULE 1

The development consent (SSD 5465) for the Chain Valley Colliery granted by the delegate for the Minister for Planning on 23 December 2013.

SCHEDULE 2

1. In Definitions, delete the definitions for DRE and NOW, and insert the following in alphabetical order:

APZs
DPI Water
DRE

The asset protection zones shown in Appendix 7A
Department of Primary Industries - Water
Division of Resources and Energy of the Department
of Industry

SEE Mod 2

Statement of Environmental Effects titled '*Chain Valley Colliery – Modification 2, Statement of Environmental Effects, Section 96 Modification to SSD-5465*' dated 29 June 2015, including the associated Response to Submissions dated 16 September 2015

2. Delete all references to "Executive Director Mineral Resources" and replace with "DRE".
3. Delete all references to "NOW" and replace with "DPI Water".
4. Delete all references to "Proponent" and replace with "Applicant".
5. Delete condition 2 of Schedule 2, and replace with:
 2. The Applicant shall carry out the development generally in accordance with the:

- (a) EIS;
- (b) SEE Mod 1;
- (c) SEE Mod 2; and
- (d) Project Layout Plans.

Note: The Project Layout Plans for the development are shown in Appendices 2 to 4 and Appendix 7A.

- 2A. The Applicant shall carry out the development in accordance with the:
 - (a) Statement of Commitments; and
 - (b) conditions of this consent.
- 5. In condition 3 of Schedule 2:
 - a) delete “above documents”, and replace with “documents in condition 2”; and
 - b) delete “However, the conditions of this consent shall prevail”, and replace with “The conditions of this consent shall prevail over the documents in conditions 2 and 2A(a)”.
- 6. In condition 6 of Schedule 2, delete “1.5” and replace with “2.1”.
- 7. Delete condition 18 of Schedule 2, including the heading and replace with:

UPDATING AND STAGING STRATEGIES, PLANS OR PROGRAMS

- 18. The Applicant must regularly review the strategies, plans and programs required under this consent and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.

With the agreement of the Secretary, the Applicant may prepare a revision or stage of any strategy, plan or program required under this consent without undertaking consultation with all parties nominated under the applicable condition in this consent.

Notes:

- *While any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

- 8. In condition 3 of Schedule 3:
 - a) delete the words “and implement” after the words “shall prepare”; and
 - b) after the last dot point, insert the following:

“The Applicant shall implement the approved Road Transport Protocol as approved from time to time by the Secretary.”

- 9. In conditions 9, 13, 18, 20, 21 and 27 of Schedule 3 and condition 7 of Schedule 4, in each condition:
 - a) delete the words “and implement” after the words “shall prepare”; and
 - b) at the end of the condition, insert the following:

“The Applicant shall implement the approved management plan as approved from time to time by the Secretary.”

- 10. In condition 19 of Schedule 3, after the note to Table 6, insert the following:

“The Applicant shall implement its preferred option of the three options set out in new dot point 1 of the Terrestrial Ecology section of its Statement of Commitments by 1 December 2016, following consultation with OEH and to the satisfaction of the Secretary.”

11. After condition 20 of Schedule 3, insert the following:

20A. Within 3 months of the approval of MOD 2, the Applicant shall revise the Biodiversity Management Plan to incorporate the measures required to implement its commitments described in new dot point 2 of the Terrestrial Ecology section of its Statement of Commitments, and submit it to the Secretary for approval.

12. Insert a new row in *Table 7: Rehabilitation Objectives*:

Rehabilitation materials	<ul style="list-style-type: none"> Materials (including topsoils, substrates and seeds of the disturbed area) are recovered, appropriately managed and used effectively as resources in rehabilitation.
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13. In condition 26 of Schedule 3, after the words “following disturbance” insert the following “to the satisfaction of the Secretary and DRE”.

14. In condition 1 of Schedule 6:

- a) delete the words “and implement” after the words “shall prepare”; and
- b) after the last dot point, insert the following:

“The Applicant shall implement the approved management strategy as approved from time to time by the Secretary.”

15. In condition 4 of Schedule 6, delete “EIS” and replace with “documents listed in condition 2 of Schedule 2.”

16. In APPENDIX 1, in the table titled “All other areas within the Site”:

- a) delete the following rows; and

42	13123
27	13123

28	13123
29	13123

- b) add the following rows:

5	981103
9	13120
100	713777
25	13120

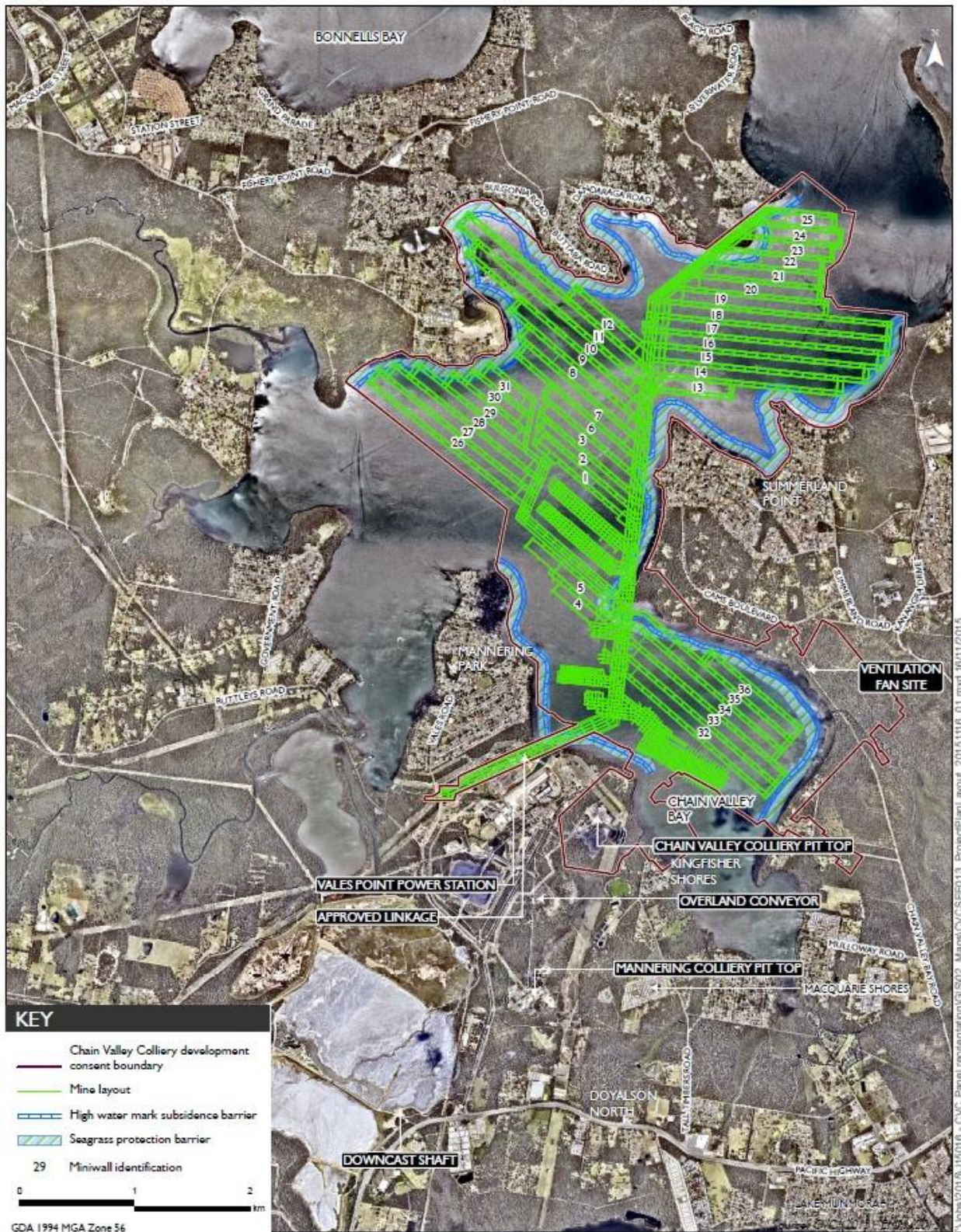
26	13120
27	13120
28	13120
29	13120

17. In Appendix 2, replace Figure 1 with the following:

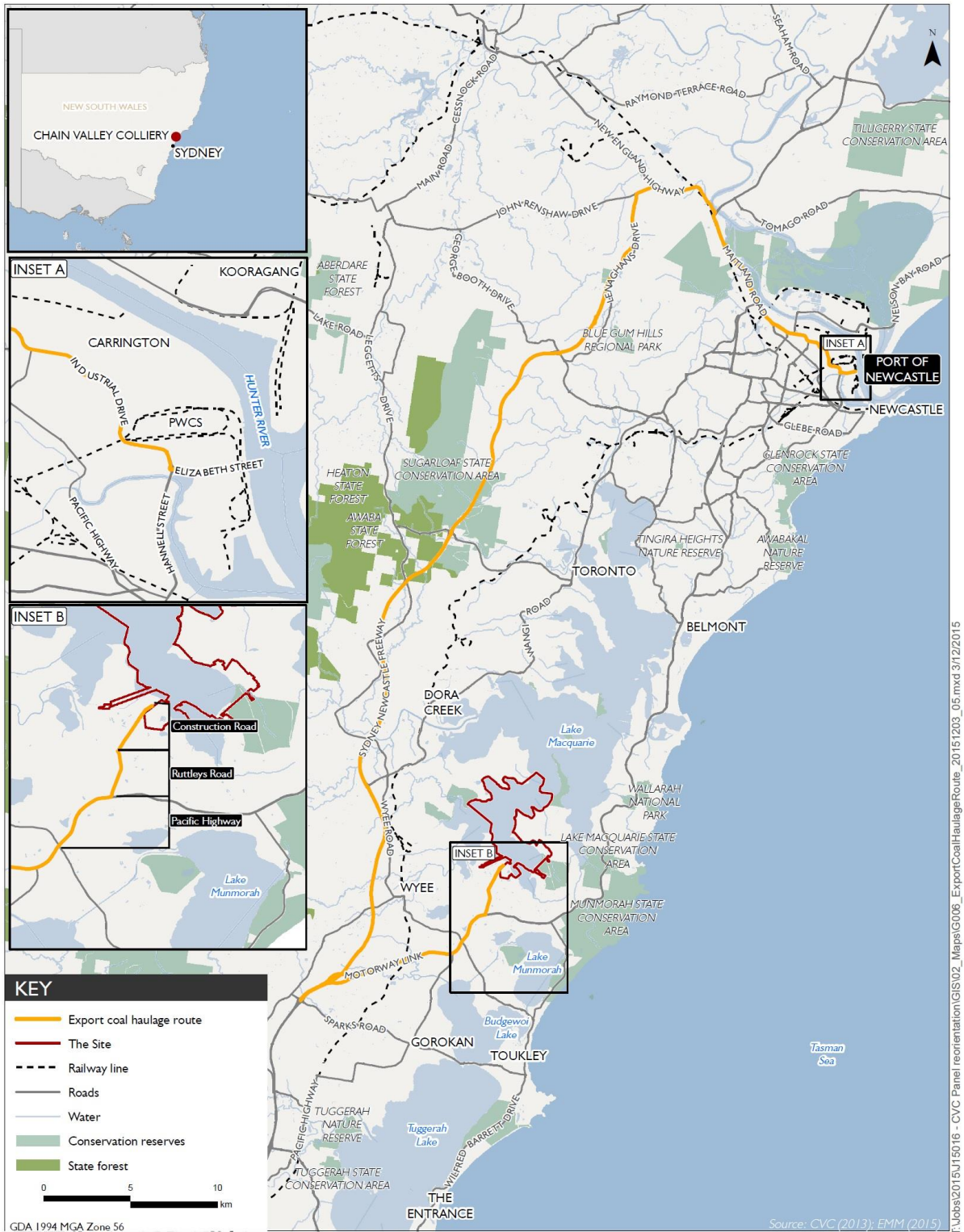


Figure 1: Chain Valley Extension Project – Development Application Area and Lease Plan (The Site)

18. In Appendix 3, replace Figure 1 with the following:



19. In Appendix 5, replace Figure 1 with the following:

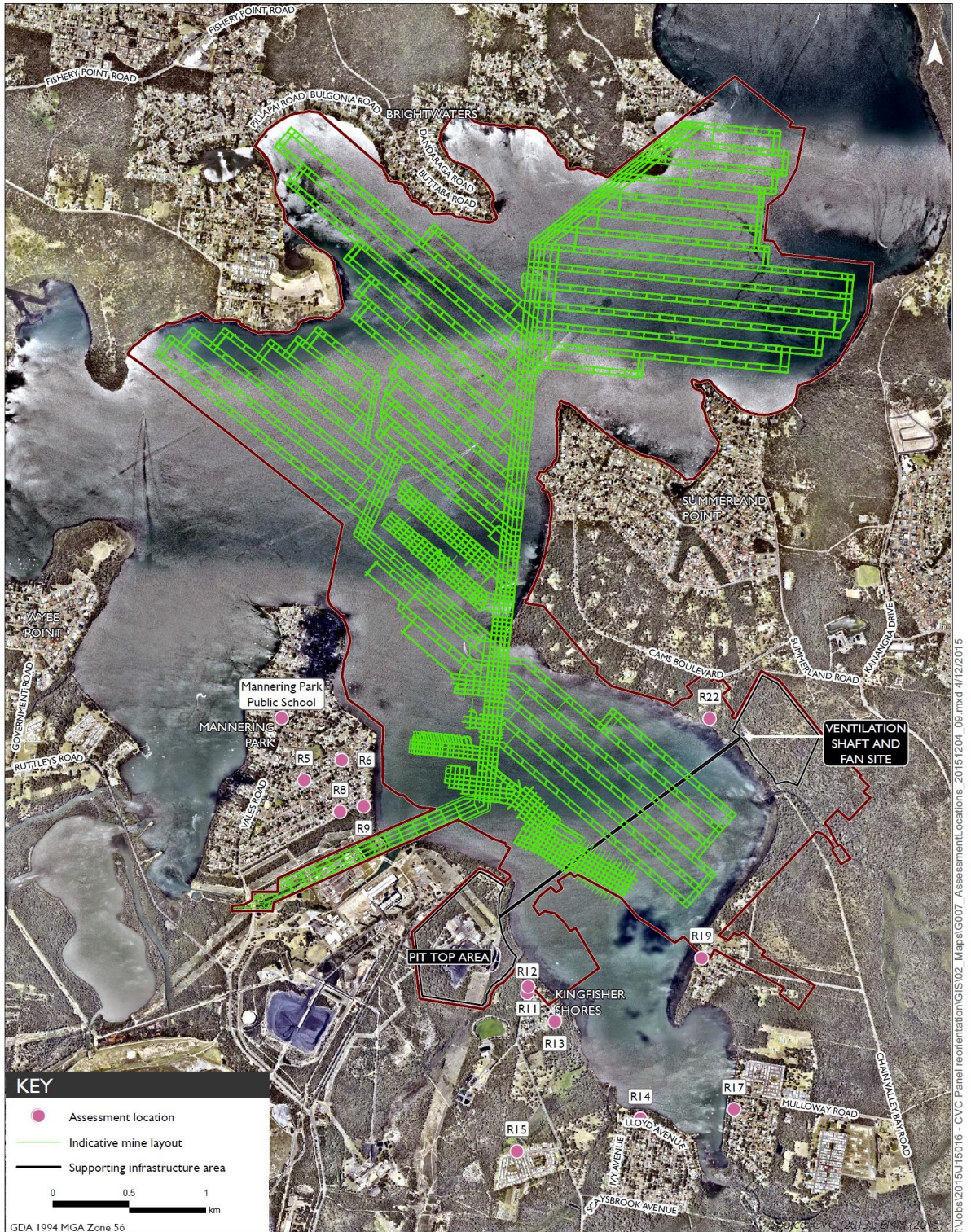


Export coal haulage route



Figure 1: Export Coal Haulage Route

20. In Appendix 5, replace Figure 1 with the following:



Assessment locations



Figure 1: Noise Receiver Locations

21. After Appendix 7, insert the following:

APPENDIX 7A ASSET PROTECTION ZONES



Asset protection zones
Chain Valley Colliery - Modification 2

Figure 1. Location of asset protection zones

22. In Appendix 9, in the Statement of Commitments table:

a) insert the following dot point after the words "LakeCoal will:" before dot point 1 in the "Surface Water" row:

- update the WMP to include any changes as a result of the proposed modification;

b) insert the following dot point after the words "LakeCoal will:" before dot point 1 in the "Subsidence" row:

- provide raw subsidence survey data to OEH within 7 days of completion;

c) insert the following dot points after "LakeCoal will:" before dot point 1 in the "Terrestrial ecology" row:

- investigate one of the following options in consultation with OEH to offset the biodiversity impacts arising from the proposed modification:
 - provide \$10,000 of funding, which is equivalent to the biodiversity being lost (i.e. 5 credits x \$2,000 per credit) to existing environmental programs at the site which benefits the Swamp Sclerophyll EEC; or
 - consult with OEH to identify a suitable conservation program and provide \$10,000 of funding; or
 - purchase and retire 5 credits on the Biobanking register.
- update the BMP to include the following:
 - the completion of pre-disturbance surveys in the survey area for Black-eyed Susan, Leafless Tongue Orchid and Variable Midge Orchid during their flowering periods (July to December, November to February and September to October, respectively);
 - pre-disturbance surveys by an ecologist to determine the important components of vegetation communities and fauna habitats that should be preferentially retained in the APZs;
 - installation of delineation fencing around threatened flora populations (if found) to ensure their protection during development and maintenance of the APZs;
 - condition monitoring for threatened flora populations (if found);
 - retention of hollow-bearing trees in the APZs, where possible, with details to be included in a hollow tree register;
 - installation of nest boxes (or salvaged hollows) within the APZs under the supervision of a suitably qualified ecologist or wildlife carer to replace hollows where hollow-bearing trees cannot be retained;
 - measures for APZ maintenance that include weed control;
 - clearing of hollow-bearing trees (if required) under the supervision of a suitably qualified ecologist;
 - any injured fauna would be taken to the nearest veterinary hospital for treatment before release; and
 - relocation of suitable hollow-bearing felled trees adjacent to the APZs to create additional fauna habitat;

d) insert the following dot point after the words "LakeCoal will:" before dot point 1 in the "Heritage" row:

- review and revise the HMP to remove site #45-7-0154 and incorporate any other changes as a result of the proposed modification;