

## **APPENDIX D: NOTICES OF MODIFICATION**

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# Notice of Modification

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

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

### Member of the Commission

Sydney

2017

### SCHEDULE 1

The project approval (08\_0101) granted by the Minister for Planning on 26 November 2010 for the Integra Underground Project.

### SCHEDULE 2

1. In the list of definitions, delete the terms "Approved mine plan", "CCC", "DRE", "First workings" and their definitions, and insert the following terms and definitions in alphabetical order:

CCC	Community Consultative Committee
DRG	Division of Resources and Geoscience within the Department
EA Mod 7	<i>Integra to Mount Owen Complex Water Pipeline Modification Environmental Assessment</i> , prepared by Hansen Bailey, dated June 2017; and associated Response to Submissions titled <i>Integra to Mount Owen Complex Water Pipeline Modification EA Response to Submissions</i> , dated 11 July 2017
First workings	Development of main headings, gate roads, related cut throughs and other workings for mine access and ventilation
Greater Ravensworth Water Sharing Scheme	The integrated water management system operated across the Mount Owen Complex, Ravensworth Complex, Liddell Coal Mine and Integra Underground coal mines
Project layout plan	The plans for underground mining depicted in the figures in Appendix 3
Water pipeline infrastructure	The water pipeline from Integra Underground to Mount Owen Complex depicted in Figure 3 of Appendix 3
2. Delete all references to "DRE" and replace with "DRG".
3. In condition 2 of Schedule 2:
  - (a) delete the word "and" in sub-paragraph (g); and
  - (b) delete sub-paragraph (h) and insert the following:
    - (h) EA Mod 7; and
    - (i) project layout plan.
4. In conditions 2 and 3 of Schedule 3, in the first paragraph, following the word "project", insert "(excluding construction works specified in conditions 2A and 2B of Schedule 3)".
5. After condition 2 of Schedule 3, insert the following:

### Construction Noise

- 2A. The Proponent must manage noise from construction activities associated with the water pipeline infrastructure, in accordance with the noise management levels defined in Table 2 of the *Interim Construction Noise Guideline*.

During construction of the water pipeline infrastructure, the Proponent must ensure that combined operational and construction noise from the development does not exceed a level of 5 dB(A) above the daytime operational  $L_{Aeq(15min)}$  noise criteria in Table 3 during Standard Construction Hours (7 am to 6 pm, Monday to Friday; and 8 am to 1 pm on Saturdays) and does not exceed the evening or night time operational  $L_{Aeq(15min)}$  noise criteria in Table 2, except where an alternative temporary limit has been approved by the Secretary for specific works or where the Proponent has an agreement with the owner/s of the relevant residence/land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

- 2B. In seeking an alternative temporary construction noise limit above the levels identified in condition 2A, the Proponent must submit a Construction Work Noise Protocol to the Secretary for approval, prior to undertaking the nominated construction works. This protocol must:
- (a) be prepared to the satisfaction of the Secretary;
  - (b) be prepared in consultation with the EPA and any landowners who may be affected by the proposed variation; and
  - (c) address the relevant requirements of the *Interim Construction Noise Guideline*.

The Proponent may only undertake construction activities that require a Construction Work Noise Protocol, in accordance with a Construction Work Noise Protocol as approved from time to time by the Secretary.

6. In condition 8 of Schedule 3:
- (a) in sub-paragraph (a), after the words "to minimise the", insert "construction,"; and
  - (b) in sub-paragraph (d), delete the words "data is to be excluded for the purposes of assessing compliance with these conditions" and replace with "the noise limits of this approval do not apply".
7. In Table 9 in condition 12 of Schedule 3, delete the second reference to note "a" and replace with note "b".
8. In condition 13 of Schedule 3, in sub-paragraph (c), before the word "such", insert an open parenthesis.
9. Delete condition 19 of Schedule 3, and insert the following:

The Proponent may carry out first workings on site, other than in accordance with an approved Extraction Plan, provided that DRG is satisfied that the first workings are designed to remain stable and non-subsiding, except insofar as they may be impacted by approved second workings.

10. In condition 25 of Schedule 3, in the second paragraph:
- (a) after the words "that is equivalent", insert ", in quality and volume,";
  - (b) after the words "attributed to the project", insert ", unless otherwise agreed with the landowner"; and
  - (c) after the word "identified", insert ", unless otherwise agreed with the landowner".
11. In Table 11 in condition 30 of Schedule 3:
- (a) in the row for "Water Management – General", after the word "region", insert "(including through the Greater Ravensworth Water Sharing Scheme)";
  - (b) in the row for "Glennies Creek and Station Creek alluvial aquifers", delete the final dot point and replace with the following:
    - o negligible impact to other groundwater users;
  - (c) in the row for "Construction and operation of infrastructure", in the first dot point, after the word "Services", delete the word "and" and replace with a comma; and
  - (d) in the row for "Construction and operation of infrastructure", at the end of the first dot point, insert ", Volume 2D – Main Road Construction and Volume 2E – Mines and Quarries".
12. In condition 31 of Schedule 3:
- (a) in sub-paragraph (c), in the first dot point, after the words "water supply", insert ", including contingency planning";
  - (b) in sub-paragraph (e), in the first dot point, delete the word "and" and replace with a comma, and after the word "sediment", insert the words "or affect flooding";
  - (c) in sub-paragraph (f), after the first dot point, insert the following:
    - a detailed description of the water management system on site;
    - a description of measures used to manage, monitor and report on the transfer of water under the Greater Ravensworth Water Sharing Scheme;

13. In condition 31 of Schedule 3, in sub-paragraph (f), in the third dot point:  
(a) after the words "stream health;", delete the word "and";  
(b) after the words "channel stability", delete the full stop and insert "; and"  
- the effectiveness of the water management system;"
14. In condition 31 of Schedule 3, in sub-paragraph (g), in the third dot point:  
(a) after the words "Glennies and Station Creek;", delete the word "and";  
(b) after the words "riparian vegetation;", insert "; and"  
- the effectiveness of the water management system;
15. After condition 31 of Schedule 3, insert the following:

#### **Water Pipeline Infrastructure**

- 31A. Prior to the construction of any bridge crossing for the water pipeline infrastructure, a detailed design of the bridge crossing must be determined following consideration of flood modelling undertaken to the satisfaction of OEH, that assesses the impacts for flood events up to and including the Probable Maximum Flood.
- The design and modelling must demonstrate to the satisfaction of the Secretary, that the water pipeline infrastructure will not result in any significant flooding impacts on privately-owned land.
16. In condition 32 of Schedule 3, in sub-paragraph (b), after the second dot point, insert the following:
- a detailed description of the measures and procedures to be implemented to:
    - minimise, to the greatest extent practicable, the disturbance of threatened species and EECs (including undertaking pre-clearance surveys), and rehabilitate any areas of disturbed land associated with the construction of the water pipeline infrastructure;
    - provide for the salvage, transplanting and/or propagation of any threatened flora (including, but not limited to, threatened orchid species) found during pre-clearance surveys, in accordance with the *Guidelines for the Translocation of Threatened Plants in Australia* (Vallee *et al.*, 2004); and
    - satisfy the requirements of conditions 32A to 32C of Schedule 3;
17. After condition 32 of Schedule 3, insert the following:

#### **Water Pipeline Infrastructure**

- 32A. The Proponent must plant and maintain, until established, 10 like-for-like trees for every established tree removed during construction of the water pipeline infrastructure that is associated with the following flora communities:
- Central Hunter Ironbark — Spotted Gum — Grey Box Forest EEC;
  - Central Hunter Swamp Oak Forest;
  - Hunter Valley River Oak Forest; and
  - Central Hunter Bulloak Forest.

*Note: An established tree is considered to be two metres or greater in height.*

- 32B. The Proponent must ensure that the rehabilitation of land disturbed during construction of the water pipeline infrastructure focuses on the regeneration, enhancement and/or re-establishment of:
- (a) significant and/or threatened flora communities, including:
- Central Hunter Ironbark — Spotted Gum — Grey Box Forest EEC;
  - Central Hunter Swamp Oak Forest;
  - Hunter Valley River Oak Forest;
  - Central Hunter Bulloak Forest; and
- (b) habitat and/or foraging resources for other significant and/or threatened flora and fauna species that occur in the vicinity of the disturbance area for the water pipeline infrastructure.
- 32C. The Proponent must implement the mitigation and management measures specified in EA Mod 7 during construction of the water pipeline infrastructure, including avoiding disturbance of stags, hollow bearing trees and the Bettys Creek Habitat Management Area.

18. After the heading "HERITAGE" in Schedule 3, insert the following:

#### **Protection of Aboriginal Heritage Items**

- 32D. Unless otherwise authorised under the *National Parks and Wildlife Act 1974*, the Proponent must ensure that the development does not cause any direct or indirect impact on identified Aboriginal heritage items located outside the approved disturbance area of the development.
19. In condition 33 of Schedule 3, in sub-paragraph (d):
- (a) after the words "the following for", insert "the management of";
  - (b) above the first dot point, insert the following:
    - details regarding the measures to be implemented to avoid (as far as practicable) and manage Aboriginal cultural heritage on site;
    - an Aboriginal cultural heritage education program, to be developed in consultation with all relevant registered Aboriginal parties, and used for the induction of all personnel and contractors involved in construction or surface disturbance activities;
  - (c) before the word "recording", insert the words "methods for"; and
  - (d) before the word "conserving", insert the words "methods for";
20. In condition 40 of Schedule 3, in sub-paragraph (d), after the words "on the", insert "Biodiversity Management Plan and the".
21. In condition 3 of Schedule 4, in sub-paragraph (a), delete the word "again" where second occurring.
22. Following condition 1 of Schedule 5, insert the following:

#### **Adaptive Management**

- 1A. The Proponent must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.
- Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity:
- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
  - (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
  - (c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.
23. In condition 8 of Schedule 5, delete "Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version)" and replace with "Department's *Community Consultative Committee Guidelines State Significant Projects November 2016*, or its latest version."
24. In Appendix 3:
- (a) delete the title "Hebden and Barrett Mine Seam Areas" and replace with "**Figure 1: Hebden and Barrett Mine Seam Areas**";
  - (b) delete the title "Middle Liddell Seam Areas" and replace with "**Figure 2: Middle Liddell Seam Areas**"; and
  - (c) insert the following figure:



## INTEGRA UNDERGROUND MINE

GLENCORE | Hansen Bailey

### Proposed Pipeline Layout

### Figure 3: Water Pipeline Infrastructure

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



# Notice of Modification

## Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the development consent referred to in Schedule 1, as set out in Schedule 2.

### Member of the Commission

Sydney

2017

### SCHEDULE 1

The development consent (SSD 5850) for the Mount Owen Continuation 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 "DRG" and "MSB" and their definitions, and insert the following terms and definitions in alphabetical order:

DRG	Division of Resources and Geoscience within the Department
EA (Mod 1)	Environmental Assessment titled <i>Integra to Mount Owen Complex Water Pipeline Modification Environmental Assessment</i> dated June 2017, including the Response to Submissions titled <i>Integra to Mount Owen Complex Water Pipeline Modification EA Response to Submissions</i> , dated 11 July 2017
Greater Ravensworth Water Sharing Scheme	The integrated water management system operated across the Mount Owen Complex, Ravensworth Complex, Liddell Coal Mine and Integra Underground coal mines
SANSW	Subsidence Advisory NSW
Water pipeline infrastructure	The water pipeline from Integra Underground to Mount Owen Complex depicted in Figure 2D(i) in Appendix 2

2. Delete all references to "MSB" and replace with "SANSW".
3. In condition 2(a) of Schedule 2, after the word "EIS", insert ", EA (Mod 1)".
4. After condition 30 of Schedule 3, insert the following:

#### Water Pipeline Infrastructure

- 30A. The Applicant must implement the mitigation and management measures specified in EA (Mod 1) during construction of the water pipeline infrastructure, including avoiding disturbance of stags, hollow bearing trees and the Bettys Creek Habitat Management Area.
5. In condition 31 of Schedule 3, after sub-paragraph (e), insert the following:
  - (e1) include a detailed description of the measures and procedures to be implemented to:
    - minimise, to the greatest extent practicable, the disturbance of threatened species and EECs, and rehabilitate any areas of disturbed land associated with the construction of the water pipeline infrastructure; and
    - satisfy the requirements of conditions 30 and 30A of Schedule 3;

6. In condition 8 of Schedule 5, delete the words "*Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects* (Department of Planning, 2007 or its latest version or replacement)" and insert "*Department's Community Consultative Committee Guidelines State Significant Projects November 2016*, or its latest version".
7. In Appendix 2, after Figure 2D, insert the following:



INTEGRA UNDERGROUND MINE

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Proposed Pipeline Layout

**Figure 2D(i): Development Layout – Water pipeline from Integra Underground to Mount Owen Complex**

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