

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 approval referred to in schedule 1, subject to the conditions in schedule 2.



Mr David Johnson
Member of the Commission

Sydney

8 March 2013

SCHEDULE 1

Consent granted by the Minister for Planning on 27 July 1992 in respect of a development application DA 11/92 made by Clutha Coal Pty Limited, on behalf of Springvale Coal Pty Limited ('the Applicant'), for the construction and operation of an underground coal mine, overland conveyor and coal preparation facilities, known as Springvale Coal Mine.

SCHEDULE 2

Delete Condition 1 of Schedule 2 and insert instead:

1. General

The Applicant shall carry out the development generally in accordance with:

- (a) the Environmental Impact Statement (EIS) prepared by Sinclair Knight & Partners Pty Limited, dated February 1992, and supplementary information submitted by the Applicant, dated April 1992;
- (b) pit top modifications shown in drawing SK5300/G/91 dated 29/10/92; shaft site as modified shown in drawing No. CL-S100-G-03 dated 10/11/92 and modified mine layout as shown in drawing SP18, dated 1/12/92;
- (c) modification application determined on 11 April 1994;
- (d) the Environmental Assessment titled *Bore 8 Dewatering Facility Springvale Colliery Section 75W Modification*, dated September 2012; the associated *Response to Submissions*, dated December 2012 and the incorporated Statement of Commitments; and
- (e) conditions of this consent.

- 1A. If there is any inconsistency between the documents identified in condition 1, the more recent documents shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

After Condition 19 of Schedule 2, insert the following:

19A. Bore 8 – Erosion and Sediment Control Plan

The Applicant shall prepare and implement an Erosion and Sediment Control Plan for Bore 8 to the satisfaction of the Director-General. This Plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be approved by the Director-General prior to the commencement of vegetation clearance or ground disturbance activities caused by construction of Bore 8 or the associated widening of access tracks;
- (c) identify activities that could cause soil erosion and generate sediment;
- (d) describe measures to minimise soil erosion and the potential transport of sediment off-site;
- (e) describe the location, function and capacity of erosion and sediment control structures; and
- (f) describe what measures would be implemented to maintain these structures over time.

19B. Bore 8 – Rehabilitation

The Applicant shall prepare and implement a Rehabilitation Management Plan to rehabilitate areas of disturbance caused by construction of Bore 8 or the associated widening of access tracks to the satisfaction of Division of Resources and Energy. This Plan must:

- (a) be prepared in consultation with the Department, Office of Environment and Heritage (OEH) and Forests NSW;
- (b) be submitted to the Director-General Mineral Resources for approval, prior to 1 August 2013;
- (c) describe how the performance of the rehabilitation would be monitored and assessed;
- (d) describe measures for soil erosion and sediment control;
- (e) provide for progressive rehabilitation of temporarily disturbed areas and final rehabilitation following decommissioning of the Bore 8 facilities; and
- (f) include a timetable for the implementation of the components of the Plan.

19C. *Persoonia hindii* Management and Research Program

The Applicant shall prepare and implement a *Persoonia hindii* Management and Research Program. This Program must:

- (a) be prepared in consultation with OEH and Forests NSW by suitably qualified and experienced persons whose appointment has been approved by the Director-General;
- (b) be submitted for approval to the Director-General prior to the commencement of construction activities for Bore 8 or widening of the access tracks to Bore 8 that involve clearing of *Persoonia hindii* stems (ramets);
- (c) include a timetable to undertake surveys and mapping of *Persoonia hindii* to establish its distribution and population across the Newnes Plateau;
- (d) include measures for the translocation of all stems (ramets) of *Persoonia Hindii* found in the area of disturbance associated with the widening of access tracks for Bore 8, to nearby areas with similar physical and biological habitat features;
- (e) include trials to assess whether such translocated *Persoonia hindii* stems can be successfully returned to their original locations as a component of the rehabilitation of these areas;
- (f) include a study of the rhizomatous habit of *Persoonia hindii* and how this may affect the success of the species in translocation and/or re-colonising disturbed areas;
- (g) include a monitoring program to study the *Persoonia hindii* stems before and after translocation;
- (h) include a monitoring program to measure the ability of the residual *Persoonia hindii* population along the disturbed areas of the Bore 8 access track and construction site to regenerate;
- (i) include short and long-term goals to measure the effectiveness of the Program; and
- (j) provide for the transfer of information obtained as a result of implementing the Program to OEH, Forests NSW and the Department.

19D. Bore 8 Vegetation Offsets

By the end of December 2016, the Applicant shall do the following to the satisfaction of the Director-General:

- (a) provide an area that is suitable in its vegetation types and extent to satisfactorily offset the residual impacts of clearing 4 ha of native vegetation associated with the construction and use of Bore 8, including the residual impacts on *Persoonia hindii*; and
- (b) make suitable arrangements to manage, protect and provide long-term security for this area.

In determining a suitable residual offset, the Director-General will have regard to the outcomes of the *Persoonia hindii* Management and Research Program, particularly the success of translocation and/or regeneration, and the Applicant's success in implementing the Rehabilitation Management Plan.