

# 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.



David Kitto  
Acting Executive Director, Resource Assessments

Sydney **27 NOVEMBER**

2014

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### 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.

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### SCHEDULE 2

1. In the list of "DEFINITIONS", delete "Delta Electricity", "Department", "Development", "Director-General", "Executive Director, Mineral Resources", "Minister" and "Site", and insert the following in alphabetical order:

Delta Electricity	Delta Electricity, or subsequent owners of the Vales Point Power Station
Department	Department of Planning & Environment
Development	The development described in the EIS, as amended by SEE Mod 1
DRE	Division of Resources and Energy within the Department of Trade and Investment, Regional Infrastructure and Services
Minister	Minister for Planning, or delegate
Secretary	Secretary of the Department, or nominee
SEE Mod 1	Statement of Environmental Effects titled ' <i>Chain Valley Colliery – Modification 1, Statement of Environmental Effects, Section 96 Modification to SSD-5465</i> ' dated April 2014, as modified by the associated Response to Submissions dated 15 September 2014
Site	All land within the Development Area (see Appendices 1 and 2)

2. Delete all references to "Director-General" and replace with "Secretary".

3. Delete all references to “Executive Director, Mineral Resources” and replace with “DRE”.
4. In condition 2 of Schedule 2, delete all words after “EIS;” and insert the following:
  - (c) SEE Mod 1;
  - (d) Statement of Commitments; and
  - (e) conditions of this consent.
5. Delete condition 12 of Schedule 2 and replace with:
  12. The Applicant shall pay WSC \$0.035 for each tonne of product coal produced by the development for the purposes of improving public infrastructure and providing community projects for the communities of Summerland Point, Gwandalan, Chain Valley Bay and Mannering Park. Payments from the approval date of project approval 10\_0161 must be:
    - (a) made by the end of March, for coal produced in the previous calendar year;
    - (b) made for each year that coal is produced by the colliery; and
    - (c) subject to indexation in accordance with the Australian Bureau of Statistics Consumer Price Index.
6. Delete condition 18 of Schedule 2 and replace with:
  18. With the approval of the **Secretary**, the Applicant may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure these strategies, plans or programs are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this consent.

*Notes:*

    - *While any strategy, plan or program may be submitted on a progressive basis, the Applicant will need to 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.*
7. In condition 11 of Schedule 3, delete the sentence before Table 3 and replace with:

The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedance of the criteria listed in Tables 3, 4 and 5 at any residence on privately-owned land.
8. In condition 1 of Schedule 4, after the words “...to a maximum of 20 millimetres (mm).” insert the following sentence:

If at any stage predicted subsidence levels are exceeded within these areas, an ecological monitoring program shall be initiated to assess the impacts to ecological communities and threatened species, and if appropriate, offsets are to be provided for any impacts detected.
9. Insert a new condition 9A following condition 9 of Schedule 4:
  - 9A. Within 3 months of the approval of MOD 1, the Applicant shall produce and subsequently implement a Built Features Management Plan that considers surface infrastructure

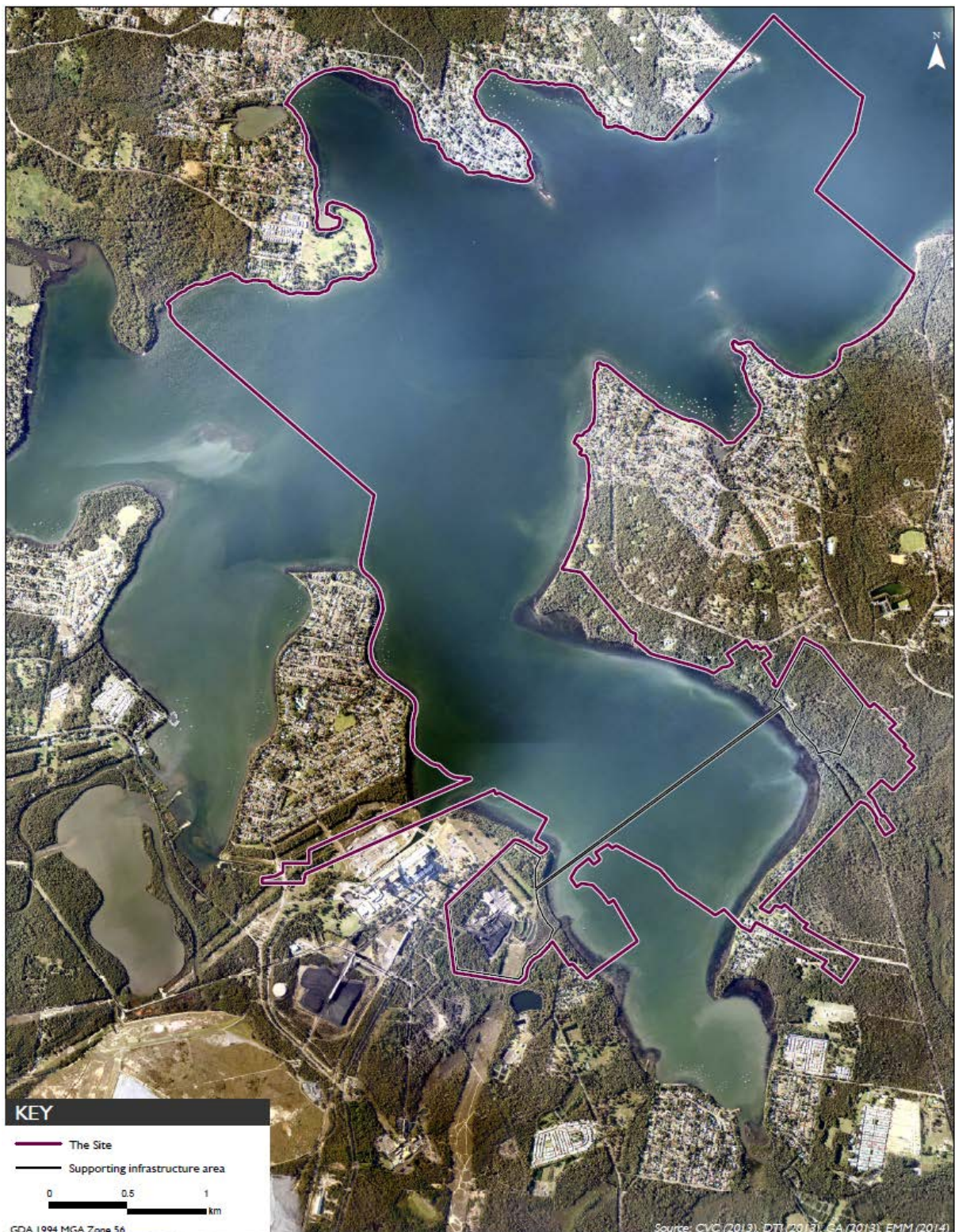
potentially affected by the first workings of the Underground Linkage between Chain Valley Colliery and Mannering Colliery, including WCS's MP01 sewer rising main, TransGrid's electricity transmission assets and infrastructure associated with the Vales Point Power Station, to the satisfaction of the Secretary.

10. In condition 6 of Schedule 6, delete the word "general".
11. In Note 3 of APPENDIX 1 delete all words after "Figure" and replace with "1 of Appendix 2 for the Site" and add the following rows to the end of the table titled "All other areas within the Site":

Lot	Deposited Plan
A	368634
100	1065718
102	1065718
20	1113256
7329	1148149



12. In APPENDIX 2, replace Figure 1 with the following figure



**KEY**

- The Site
- Supporting infrastructure area

0 0.5 1 km

GDA 1994 MGA Zone 56

Note: Boundaries offset for clarity

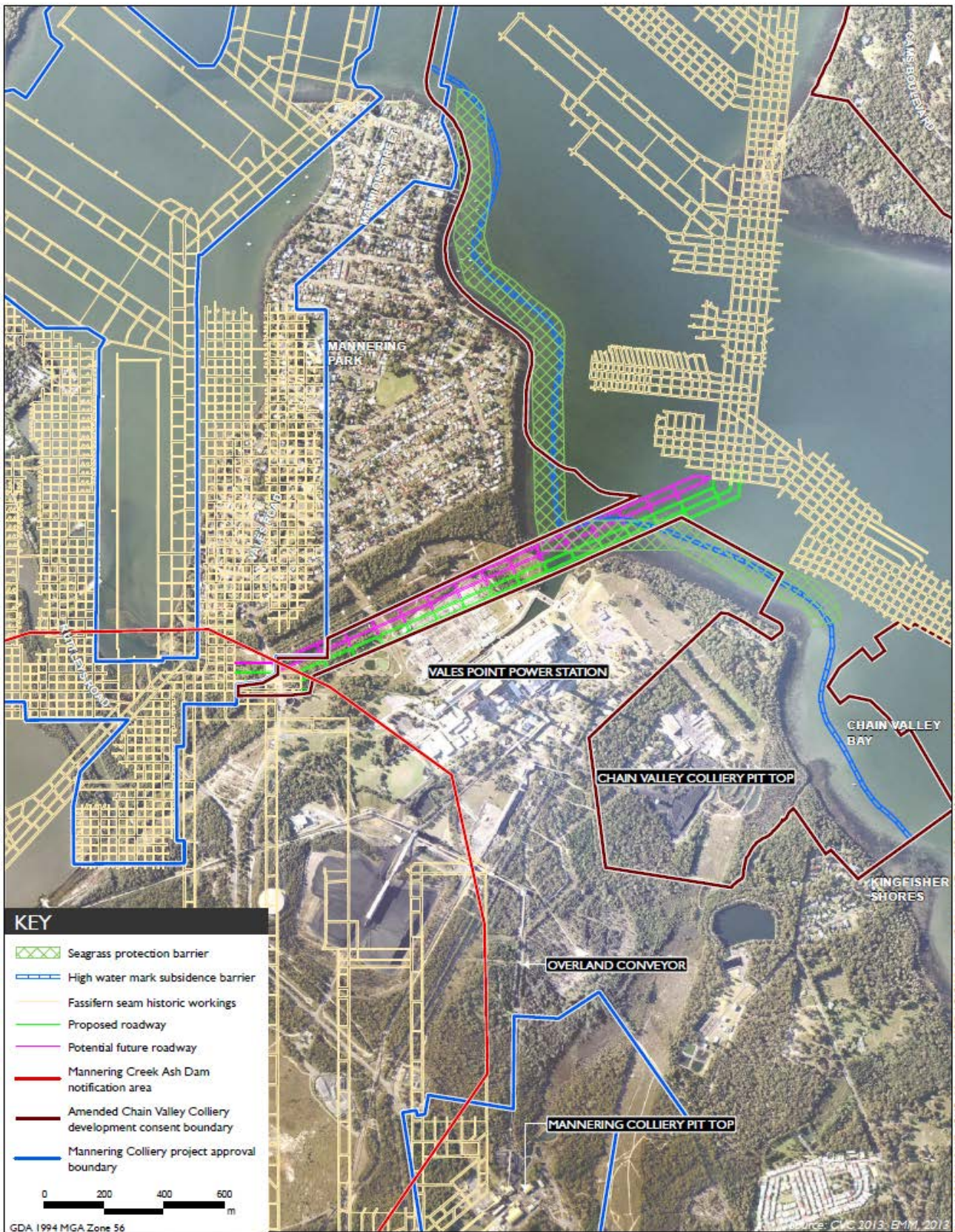


The Site  
Chain Valley Colliery Mining Extension I Project (Mod I) - Environmental Impact Statement  
Figure 1

**Figure 1: Chain Valley Extension Project – Development Application Area (The Site)**



13. In Appendix 3, after Figure 1, insert the following figures and titles:



**Figure 2:** Location of the underground linkage to Manning Colliery



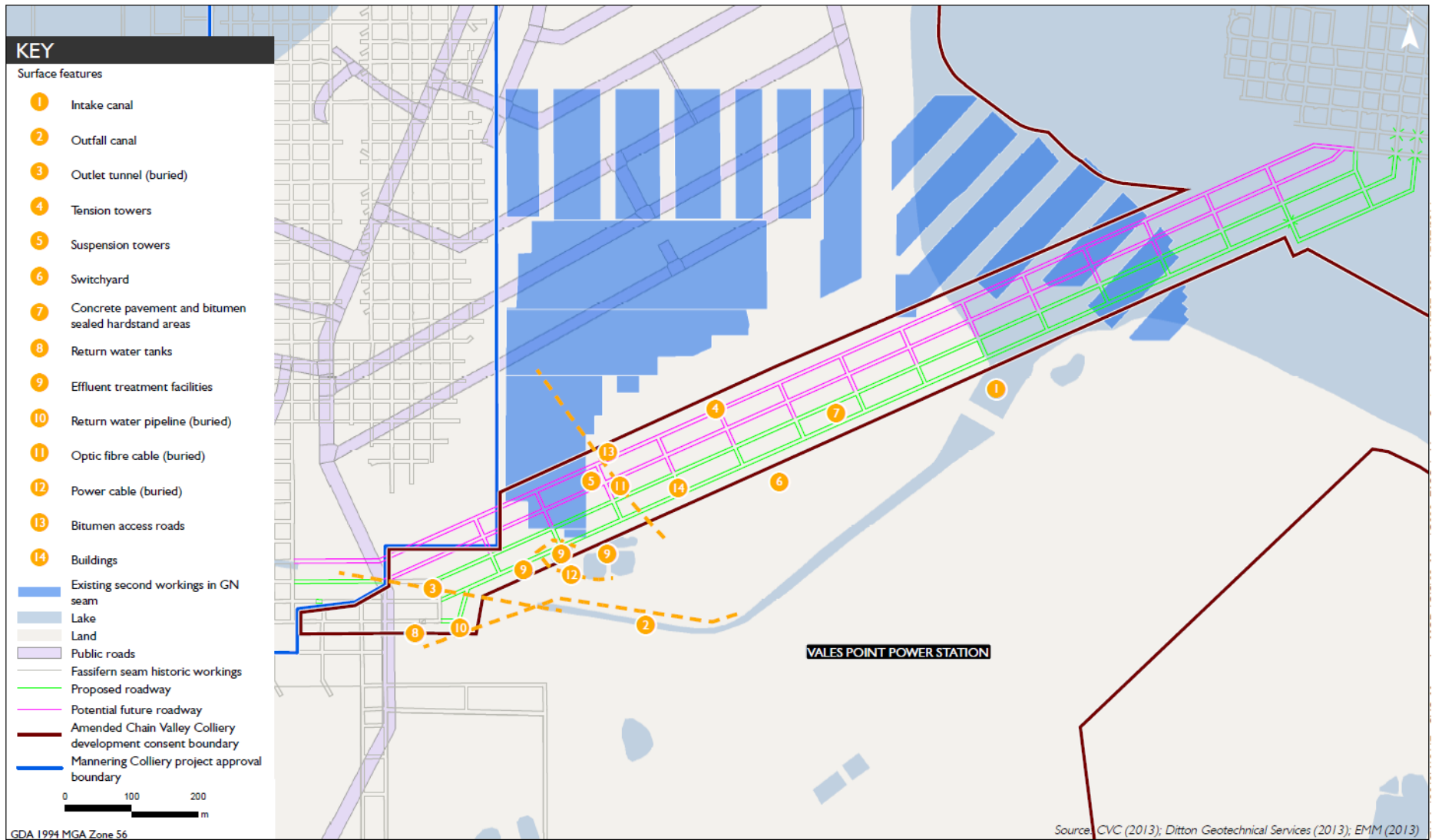


Figure 3: Location of the underground link and surface infrastructure

14. In Appendix 4, delete the heading “SURFACE FACILITIES SITES” and replace with “KEY SURFACE FACILITIES”.
15. In APPENDIX 9, in the Statement of Commitments table, replace the “Subsidence” row with the following:

<b>Subsidence</b>	<p>Management and monitoring of subsidence will continue to be undertaken in accordance with the Colliery’s SMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> <li>• undertake annual bathymetric surveys of the lake bed to determine actual subsidence and undertake a comparison with predicted levels. Should measured subsidence significantly exceed predicted levels, LakeCoal will review future panel designs to limit future impacts to acceptable levels;</li> <li>• install a new foreshore survey line above the first and second workings panels where the underground linkage passes beneath them extending from the foreshore to the point of connection with the MC workings;</li> <li>• inspect existing conditions in the Fassifern Seam and undertake geotechnical and geological mapping in the roadways proximate to the proposed linkage in both CVC and MC workings;</li> <li>• complete representative borehole core drilling and sampling of the Fassifern Seam floor at the start and finishing ends of the underground linkage and where the headings pass beneath the SPB. Development below the foreshore will be limited to two headings only until floor conditions can be confirmed;</li> <li>• develop infrastructure monitoring and management plans in consultation with infrastructure owners and other relevant stakeholders;</li> <li>• re-establish and re-survey Survey Line 24;</li> <li>• install a suitable survey line at the starting end above Great Northern Seam first workings to provide early warning monitoring data for the tension towers and switchyard structures;</li> <li>• monitor tension and suspension towers and switchyard conductor suspension frames directly above the panels, foreshore and adjacent inlet canal wall;</li> <li>• ensure that a monitoring and management plan for the MP01 sewer rising main is in place prior to commencement of mining that may impact Council’s infrastructure; and</li> <li>• complete an annual subsidence report and make this report publicly available on the Colliery’s website.</li> </ul>
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16. Adjust the TABLE OF CONTENTS and page numbers to reflect changes made by this instrument.