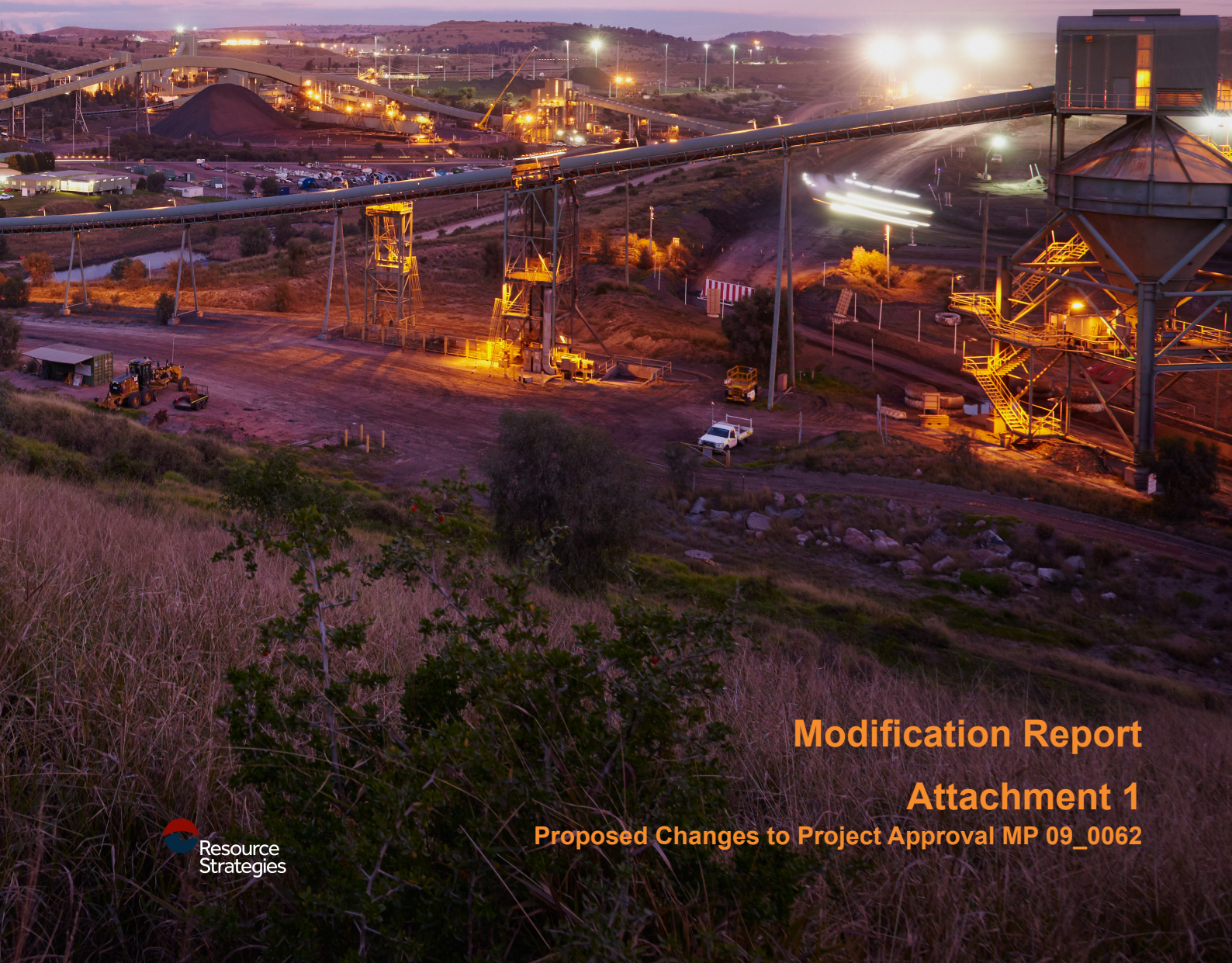




MT ARTHUR COAL MINE MODIFICATION 2



Modification Report

Attachment 1

Proposed Changes to Project Approval MP 09_0062

Attachment 1
Proposed Changes to Project Approval MP 09_0062

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report
Schedule 2			
5. Mining operations for the project may take place until 30 June 2026	<p>Mining operations for the project may take place until 30 June <u>2030</u> 26</p> <p><u>Amendment to note:</u></p> <p>Note: Under this approval, the Proponent is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Secretary and DRE. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily. <u>Note that additional undertakings may include processing and offsite transportation of limited amounts of stockpiled coal as part of rehabilitation of the site to the satisfaction of the Secretary and DRE.</u></p>	<p>To reflect mine life extension sought.</p> <p>Amendment to note regarding depletion of stockpiled coal based on stakeholder feedback.</p>	Table 3-1 and Figure 1-3 Section 5
<p>6. The Proponent shall not extract more than:</p> <p>(a) 32 million tonnes of ROM coal from the open cut mining operations on the site in a financial year; and</p> <p>(b) 36 million tonnes of ROM coal from the Mt Arthur mine complex in a financial year.</p>	<p>6. The Proponent shall not extract more than:</p> <p>(a) 32 million tonnes of ROM coal from the open cut mining operations on the site in a financial Year <u>until 30 June 2026 and 25 million tonnes of ROM coal in a financial year thereafter</u>; and</p> <p>(b) 36 million tonnes of ROM coal from the Mt Arthur mine complex in a financial year <u>until 30 June 2026 and 29 million tonnes of ROM coal in a financial year thereafter</u>.</p>	<p>To reflect the reduced extraction rate proposed in the Modification (noting that mining operations can occur pursuant to the Mt Arthur Underground Project Approval (MP 06_0091) until 31 December 2030).</p>	Table 3-1 and Figure 1-3

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report
<p>7. The Proponent shall:</p> <p>(a) not transport coal from the site by road (except in an emergency situation and with the prior approval of the Secretary in consultation with Council); and</p> <p>(b) restrict coal transport on the Antiene rail spur to a maximum of:</p> <ul style="list-style-type: none"> 27 million tonnes of product coal in a financial year; and 30 train movements a day, <p>for the Mt Arthur mine complex, except under an agreement with the Drayton Mine to use some of its approved capacity, and where a copy of this agreement has been provided to the Secretary.</p>	<p>7. The Proponent shall:</p> <p>(a) not transport coal from the site by road (except in an emergency situation and with the prior approval of the Secretary in consultation with Council); and</p> <p>(b) restrict coal transport on the Antiene rail spur to a maximum of:</p> <ul style="list-style-type: none"> 27 million tonnes of product coal in a financial year <u>until 30 June 2026 and 20 million tonnes of product coal in a financial year thereafter</u>; and 30 train movements a day <u>until 30 June 2026 and 20 trains movements a day thereafter</u>. <p>for the Mt Arthur mine complex, except under an agreement with the Maxwell Mine to use some of its approved capacity, and where a copy of this agreement has been provided to the Secretary.</p>	To reflect the reduced extraction rate proposed in the Modification (inclusive of Underground Approval limits)	Table 3-1 and Figure 1-3
Schedule 3			
<p>ACQUISITION UPON REQUEST</p> <p>1. Upon receiving a written request for acquisition from an owner of the land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 7-8 of schedule 4</p>	<p>Remove from Table 1:</p> <ul style="list-style-type: none"> 203 204 206 209 210 211 241 	Changes to landholders to reflect HVEC land purchases.	Figure 1-5a and Figure 1-5b
<p>Traffic Noise Criteria</p> <p>6 The Proponent shall take all reasonable and feasible measures to ensure that the traffic noise generated by the Mt Arthur mine complex does not exceed the traffic noise impact assessment criteria in Table 3.</p>	Remove condition.	Contemporary State Significant Development Approvals do not require road noise criteria.	Appendix A

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report
<p><i>Additional Noise Mitigation Measures</i></p> <p><i>7. Upon receiving a written request from the owner of any residence:</i></p> <p><i>(a) on the noise affected land listed in Table 1 (unless the landowner has requested acquisition under this approval); and</i></p> <p><i>(b) on the land listed in Table 4, the Proponent shall implement reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at any residence in consultation with the owner.</i></p>	<p>Remove from Table 4:</p> <ul style="list-style-type: none"> • 204 • 206 <p>Add to Table 4</p> <ul style="list-style-type: none"> • 200 • 200a 	<p>Changes to landholders to reflect HVEC land purchases.</p> <p>Changes to landholders to reflect outcomes of the Noise and Blasting Assessment.</p>	<p>Figure 1-5a and Figure 1-5b Appendix A</p>
<p><i>20. The Proponent shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not cause exceedances of the criteria listed in Tables 6, 7 and 8 at any residence on privately-owned land (except for air quality affected land listed in Table 1).</i></p> <p><i>Notes to Tables 6-8:</i></p> <p><i>Table 7: Short term impact assessment criterion for particulate matter</i></p> <p><i>a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);</i></p> <p><i>b Incremental impact (i.e. incremental increase in concentrations due to the project on its own);</i></p> <p><i>c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and</i></p> <p><i>d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary.</i></p>	<p>Table 7 – change footnote for the 24 hr average to b footnote.</p>	<p>Contemporary State Significant Development Approvals require assessment of incremental 24-hour PM₁₀ impacts against 50 ug/m³ criterion.</p>	<p>N/A</p>

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report
<p>35. <i>Site Contamination</i></p> <p><i>The Proponent shall prepare and implement a Remedial Action Plan for the former Bayswater No. 2 infrastructure area to the satisfaction of the Secretary. The Remedial Action Plan shall be prepared by</i></p> <p><i>a suitably qualified consultant, in accordance with the Contaminated Land Management Act 1997 and applicable EPA guidelines, and be submitted to the Secretary for approval prior to undertaking any overburden placement in this area.</i></p>	Remove	A Remedial Action Plan has been prepared by WSP for the Bayswater No.2 Infrastructure at the Mt Arthur Coal Mine to the satisfaction of the Secretary, and implemented prior to overburden emplacement activities, therefore this condition has been satisfied.	N/A
<p>36. <i>The Proponent shall implement the biodiversity offset strategy as outlined in Table 13 and as generally described in the EA (and shown in Appendix 7), to the satisfaction of the Secretary</i></p>	Appendix 7 to be updated to reflect Modification conceptual final landform.	To reflect the proposed Modification conceptual final landform, noting no change to the biodiversity offset strategy.	Figure 3-4

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report												
36. The Proponent shall implement the biodiversity offset strategy as outlined in Table 13 and as generally described in the EA (and shown in Appendix 7), to the satisfaction of the Secretary	<p>Add new Condition 36A</p> <p><i>Within 12 months of the determination of the Modification, or other timeframe agreed by the Planning Secretary, the Applicant must retire the biodiversity credits specified in Table 14 below. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act.</i></p> <p><i>Table 14: Biodiversity credit requirements (Mod 2)</i></p> <table><tr><th>Credit Type</th><th>Development Footprint Area (ha)</th><th>Total Development Footprint Credits</th></tr><tr><td>PCT 483 Grey Box x White Box Grassy Open Woodland on Basalt Hills in the Merriwa Region, Upper Hunter Valley</td><td>23</td><td>536</td></tr><tr><td>PCT 1655 Grey Box - Slaty Box shrub - Grass Woodland on Sandstone Slopes of the Upper Hunter and Sydney Basin</td><td>1.6</td><td>30</td></tr><tr><td colspan="2">Total</td><td>566</td></tr></table>	Credit Type	Development Footprint Area (ha)	Total Development Footprint Credits	PCT 483 Grey Box x White Box Grassy Open Woodland on Basalt Hills in the Merriwa Region, Upper Hunter Valley	23	536	PCT 1655 Grey Box - Slaty Box shrub - Grass Woodland on Sandstone Slopes of the Upper Hunter and Sydney Basin	1.6	30	Total		566	Add Biodiversity offset credits required for the Modification additional disturbance area.	<p>Section 6.8 of the Modification Report</p> <p>Section 8.2 of the BDAR</p>
Credit Type	Development Footprint Area (ha)	Total Development Footprint Credits													
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Total		566													

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report								
36. The Proponent shall implement the biodiversity offset strategy as outlined in Table 13 and as generally described in the EA (and shown in Appendix 7), to the satisfaction of the Secretary	<p>Add new Condition 36B</p> <p><i>If the Legless Lizard, Delma vescolineata, is listed as a threatened species under the BC Act during the life of this consent, or otherwise agreed by the Planning Secretary, the Applicant must retire the applicable biodiversity credits (consistent with the applicable Biodiversity Risk Weighting as per the relevant row in Table 15) within 12 months following determination of the Modification.</i></p> <p><i>The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, including the application of Ancillary Rules: Biodiversity conservation actions that may be relevant to Delma vescolineata published under clause 6.5 of the Biodiversity Conservation Regulation 2017.</i></p> <p><i>Table 15: biodiversity credit requirement alternatives – legless lizard (Delma vescolineata)</i></p> <table><tr><th><i>Biodiversity Risk Weighting</i></th><th><i>Credits Required</i></th></tr><tr><td>1.5</td><td>343</td></tr><tr><td>2</td><td>457</td></tr><tr><td>3</td><td>686</td></tr></table>	<i>Biodiversity Risk Weighting</i>	<i>Credits Required</i>	1.5	343	2	457	3	686	<p>The Modification would involve clearance of approximately 24.4 ha of potential Legless Lizard habitat.</p> <p>To account for the fact that the new species has only recently been identified and there is uncertainty as to whether the new species will be listed under the BC Act (and the Biodiversity Risk Weighting if listed), possible credit values have been included in the Modification.</p>	Section 6.8 and Appendix D
<i>Biodiversity Risk Weighting</i>	<i>Credits Required</i>										
1.5	343										
2	457										
3	686										

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report
36. Table 13: Biodiversity Offset Strategy	Include additional footnote stating: <i>Any area of the offset strategy in Table 9 may be substituted with an alternative offset area subject to demonstration of equivalent biodiversity outcomes and to the satisfaction of the Secretary.</i>	To allow flexibility if alternate post-mining land uses are identified through the Transition to Closure Project.	Section 3.11
Long Term Security of Offsets 39. The Proponent shall make suitable arrangements to provide appropriate long term security for the ... (b) re-established woodland in the Rehabilitation Area at least 2 years prior to the completion of open cut mining activities associated with the Project.	39. (b) re-established woodland in the Rehabilitation Area at least 2 years prior to the completion of open cut mining activities <u>cessation of rehabilitation activities</u> associated with the Project.	To allow a timeframe prior to the completion of rehabilitation activities for re-establishment of woodland.	Section 3.10
40 Biodiversity Management Plan	Move the below sub conditions to Schedule 3 Condition 44 Rehabilitation Management Plan: (C) (iii) <ul style="list-style-type: none"> rehabilitating creeks and drainage lines that occur on the site, both inside and outside the disturbance areas (such as the White's Creek Diversion), to ensure no net loss of aquatic habitat; conserving and reusing topsoil; salvaging and reusing material from the site for habitat enhancement; (C) (V) a description of the potential risks to successful revegetation, and a description of the contingency measures that would be implemented to mitigate these risks;	These requirements are considered to be best placed in the Rehabilitation Management Plan.	N/A

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report
<p>41. Table 14</p> <p><i>Revegetation areas – Restore at least 2,642 hectares of self-sustaining woodland ecosystems in accordance with the rehabilitation plan, including at least 500 hectares of White Box Yellow Box Blakely's Red Gum Woodland</i></p> <p>...</p> <p><i>Incorporate structures for aquatic habitat</i></p>	<p>Include footnote to define remnant woodland included in woodland obligations.</p> <p>Revegetation Areas*</p> <p><u>* Remnant Woodland within approved disturbance area (including the Impact Minimisation Area) forms part of woodland corridor area obligations under Project Approval 09_0062.</u></p> <p>...</p> <p>Incorporate structures for aquatic habitat <u>to replace any habitat removed</u></p>	<p>Changes to the revegetation areas section are to ensure that remnant woodland is included in the woodland corridors and Box Gum areas.</p> <p>Reworded to reflect like for like replacement of aquatic habitat.</p>	Figure 3-4
42. Rehabilitation Strategy	Move condition (d) "include detailed rehabilitation objectives for the site that comply with and build on the objectives in Table 14." to Schedule 3 condition 44 Rehabilitation Management Plan	This requirement is considered to be best placed in the Rehabilitation Management Plan (i.e. as per content requirements for an RMP).	N/A
<p><i>Rehabilitation Management Plan</i></p> <p>44</p> <p><i>The Proponent shall prepare and implement a Rehabilitation Management Plan for the Mt Arthur mine complex to the satisfaction of the DRE</i></p> <p>....</p>	<p>Delete and replace with:</p> <p>Rehabilitation Management Plan</p> <p>44. The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the <i>Mining Act 1992</i>.</p>	To reflect Rehabilitation Management Plan reforms.	Section 3.10

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report
<p>47. The Proponent shall:</p> <p>(a) contribute to the upgrade and maintenance of Thomas Mitchell Drive, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Contributions Study prepared by GHD titled, "Thomas Mitchell Drive Contributions Study, June 2014" (or its latest version), unless otherwise agreed by the Secretary;</p> <p>(b) upgrade the Thomas Mitchell Drive/New England Highway intersection to the satisfaction of the applicable roads authority, by the end of June 2011 unless otherwise agreed by the roads authority;</p> <p>(c) upgrade the Thomas Mitchell Drive/Denman Road intersection to the satisfaction of the applicable roads authority, by the end of December 2017, unless otherwise agreed by the Secretary;</p> <p>(d) realign Edderton Road and its intersection with Denman Road prior to mining within 200 metres of the road, to the satisfaction of Council and the RMS;</p> <p>(e) upgrade the intersection of Edderton Road and the secondary site access road to the satisfaction of Council prior to using this road for deliveries to the relocated explosives facility;</p> <p>and</p>	Delete subpoints (b), (c), (d) and (e) as these actions are complete.	To reflect completion of these road upgrades.	N/A
<p>49. Mining Operations Additional Visual Impact Mitigation</p> <p>By the end of December 2014, the Proponent shall revise the Visual Impacts Management Report prepared by AECOM in May 2011, to the satisfaction of the Secretary.</p>	Remove (as complete)	Condition satisfied through updated Visual Impacts Management Report July 2015. No additional mitigation measures proposed for the Modification.	N/A

Existing Condition	Proposed Modifications	Reason/Justification	Reference in Modification Report
WASTE 53. The Proponent shall: (a) minimise and monitor the waste generated by the project; (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; (c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and (d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.	Amend condition to state the following: <i>The Proponent must ensure that waste tyres generated by the project are appropriately stored, handled and disposed of, and beneficial reuse/ recycling options reviewed in accordance with any requirements of an EPL.</i>	Condition sought for general consistency with contemporary State Significant Development Approvals and for consistency with EPL 11457.	Section 3.9
Appendices			
Appendix 2	Update Project layout plans	To reflect the changes in the Modification.	Figure 1-4
Appendix 4	Update Ownership figure	Changes to landholders to reflect HVEC land purchases.	Figure 1-5a and Figure 1-5b
Appendix 6	Update alluvial mapping within Hunter River and Saddlers Creek Alluvials	To reflect latest geology mapping based on recent fieldwork.	Appendix H
Appendix 7	Biodiversity offset strategy and rehabilitation plan	Changes to rehabilitated landforms and land use proposed in the Modification	Figure 3-4
Appendix 8	Final landform plan	Changes to rehabilitated landforms and land use proposed in the Modification	

Source: Project Approval MP 09_0062