

# Notice of Modification

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

As delegate for the Minister for Planning and Infrastructure, I modify the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson  
Executive Director  
Major Development Assessments

Sydney 17 February 2012

File No: 10/04845

### SCHEDULE 1

The project approval (06\_0202) for the Drayton Mine Extension, granted by the Minister for Planning on 1 February 2008.

### SCHEDULE 2

- 1) In the list of Definitions, delete the definitions for "DECCW", "DII" and "RTA" and insert the following in alphabetical order:

EA (Mod 2)	Environmental Assessment titled East Pit Tailings Emplacement & Explosives Storage Facility Environmental Assessment dated July 2011, Response to Submissions dated 3 November 2011, and Preliminary Hazard Analysis dated November 2011.
OEH	Office of Environment and Heritage
DRE	Division of Resources and Energy, within the Department of Trade and Investment, Regional Infrastructure and Services
RMS	Roads and Maritime Services
- 2) Delete all references to "DECCW", and replace with "OEH".
- 3) Delete all references to "DII", and replace with "DRE".
- 4) Delete all references to "RTA", and replace with "RMS".
- 5) In condition 2 of Schedule 2, delete all words after "EA (Mod 1);" (except the note) and insert the following:
  - (d) EA (Mod 2); and
  - (e) conditions of this approval.
- 6) Delete condition 8 in Schedule 3 and insert the following:

**Noise Management Plan**

  8. The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:
    - (a) be submitted to the Director-General by 31 October 2012 for approval;
    - (b) describe the measures that would be implemented (including a real-time noise management system that employs both reactive and proactive mitigation measures) to ensure:
      - best management practice is being employed;
      - compliance with the relevant conditions of this approval;
    - (c) describe the proposed noise management system in detail;
    - (d) include a noise monitoring program that:

- uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the project;
  - adequately supports the proactive and reactive noise management system on site;
  - includes a protocol for determining exceedances of the relevant conditions in this approval;
  - evaluates and reports on the effectiveness of the noise management system on site;
  - provides for the annual validation of the noise model for the project; and
- (e) include a protocol that has been prepared in consultation with the owners of nearby mines (including the Mt Arthur mine) to minimise the cumulative noise impacts of the mines.

7) Delete conditions 15 and 20 in Schedule 3 and insert, in place of condition 20, the following:

**Blast Management Plan**

20. The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General for approval by 31 October 2012;
  - (b) describe the measures that would be implemented to ensure:
    - best management practice is being employed;
    - compliance with the relevant conditions of this approval;
  - (c) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with the RTA and Council;
  - (d) include a monitoring program for evaluating the performance of the project, including:
    - compliance with the applicable criteria
    - minimising the fume emissions from the site; and
  - (e) include a protocol that has been prepared in consultation with the owners of nearby mines (including the Mt Arthur mine) to minimise the cumulative blasting impacts of these mines and the project.

8) Delete condition 25 in Schedule 3 and insert the following:

**Air Quality Management Plan**

25. The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General by 31 October 2012 for approval;
  - (b) describe the measures that would be implemented (including a real-time air quality management system that employs both reactive and proactive mitigation measures) to ensure:
    - best management practice is being employed;
    - compliance with the relevant conditions of this approval;
  - (c) describe the proposed air quality management system;
  - (d) include an air quality monitoring program that:
    - uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development;
    - adequately supports the proactive and reactive air quality management system;
    - includes PM<sub>2.5</sub> monitoring (although this obligation may be satisfied by the regional air quality monitoring network if sufficient justification is provided);
    - evaluates and reports on the effectiveness of the air quality management system;
    - includes a protocol for determining any exceedances of the relevant conditions of this consent; and
  - (e) include a protocol that has been prepared in consultation with the owners of nearby mines (including the Mt Arthur mine) to minimise the cumulative air quality impacts of the mines.

9) After condition 41 of Schedule 3, insert the following:

- 41A. By 31 December 2012, the Proponent shall review the Rehabilitation and Offset Management Plan, Final Void Management Plan and Mine Closure Plan in consultation with Council and DRE and to the satisfaction of the Director General. This review must take Council's Mining Rehabilitation Policy into account.

10) After condition 44 of Schedule 3, insert the following:

- 44A. By 31 June 2012, the Proponent shall contribute \$50,000 to Council towards the Council's costs for a Route and Upgrade Assessment of Thomas Mitchell Drive.