

Notice of Modification

Section 75W of the *Environmental Planning and 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.



Richard Pearson
Deputy Director-General,
Development Assessments and Systems Performance

Sydney

16th May

2011

SCHEDULE 1

The Project Approval (07_0087) for the Bloomfield Coal Project, granted by the Director-General on 3 September 2009, under delegation from the Minister for Planning.

SCHEDULE 2

1. In the TABLE OF CONTENTS, insert the following after the reference to Appendix 5:

APPENDIX 6: BIODIVERSITY OFFSET AREA

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2. In the list of DEFINITIONS, delete "DECCW - Department of Environment, Climate Change and Water", "DII - Department of Industry and Investment" and "OOW - Office of Water (within DECCW)", and insert the following in alphabetical order:

Biodiversity Offset Strategy	The Biodiversity Offset Strategy titled <i>Bloomfield Colliery Project Modification (07_0087 MOD 1) - Proposed Offset Strategy</i> , dated 31 March 2011, including the proposed Biodiversity Offset Area shown in Appendix 6
OER	Office of Energy and Resources (within the Department of Trade and Investment, Regional Infrastructure and Services)
NOW	NSW Office of Water (within the Department of Primary Industries)
OEH	Office of Environment and Heritage

3. Delete all references to "Department of Planning" and replace with "Department of Planning and Infrastructure".
4. Delete all references to "DECCW" and replace with "OEH".
5. Delete all references to "DII", and replace with "OER".
6. Delete all references to "OOW" and replace with "NOW".
7. In condition 2 of schedule 2, delete all words after "Commitments;" (except the notes) and insert:
 - (c) modification application 07_0087 Mod 1 and Environmental Assessment titled *Extension of the Project Approval Area for Out-of-Pit Overburden Emplacement and Rehabilitation, Alternative Haul Road and Powerline Relocation*, prepared by Business Environment and dated September 2010;
 - (d) the Biodiversity Offset Strategy titled *Bloomfield Colliery Project Modification (07_0087 MOD 1) - Proposed Offset Strategy*, dated 31 March 2011; and
 - (e) conditions of this approval.

8. After condition 29 of schedule 3, insert the following:

Biodiversity Offsets

- 29A. By 31 December 2011, the Proponent shall make suitable arrangements to provide appropriate long-term security for the Biodiversity Offset Area (see Appendix 6) to the satisfaction of the Director-General.

Biodiversity Offset Management Plan

- 29B. By 31 December 2011, the Proponent shall prepare and implement a Biodiversity Offset Management Plan to the satisfaction of the Director-General. This plan must:
- (a) be generally consistent with OEH's "Principles for the use of biodiversity offsets in NSW";
 - (b) include:
 - a description of the short, medium and long term measures that would be undertaken to implement the Biodiversity Offset Strategy;
 - detailed performance and completion criteria for the Biodiversity Offset Strategy; and
 - a detailed description of the measures that would be implemented within the Biodiversity Offset Area for:
 - revegetation and regeneration, including (where relevant) establishment of canopy, sub-canopy, understorey and ground cover;
 - appropriate protection, conservation and management of native vegetation and faunal habitat;
 - controlling weeds and feral pests;
 - management of public access; and
 - bushfire management.

Conservation Bond

- 29C. Within 6 months of the approval of the Biodiversity Offset Management Plan, the Applicant shall lodge a conservation bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Offset Management Plan. The sum of the bond shall be determined by:
- (a) calculating the full remaining cost of implementing the offset strategy; and
 - (b) employing a suitably qualified quantity surveyor to verify these costs, to the satisfaction of the Director-General.

If the Biodiversity Offset Strategy is completed to the satisfaction of the Director-General, the Director-General will release the conservation bond. If the Biodiversity Offset Strategy is not completed to the satisfaction of the Director-General, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works.

9. In condition 30 of schedule 3, delete the words "the Proponent shall provide a one-off contribution" and insert in their place "and again prior to 30 September 2011, the Proponent shall provide contributions".
10. Delete condition 4 of Schedule 5 and insert the following:
4. Within three months of:
- (a) the submission of an annual review under Condition 3 above;
 - (b) the submission of an incident report under Condition 6 below;
 - (c) the submission of an audit report under Condition 7 below, or
 - (d) any modification of the conditions of this approval (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Director-General.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

11. In Appendix 1, add the following to the Schedule of Project Land:

Lot	DP
Lot 1	722210
Lot 26	755260
Lot 25	755260
Part Lot 23	755260

Lot 43	755260
Lot 44	755260
Part Lot 45	755260
Part Lot 46	755260
Part Lot 2	456999
Part Lot 10	755237
Part Lot 11	755237
Part Lot 18	755237
Lot 19	755237
Lot 20	755237
Lot 23	755237
Part Lot 29	755237
Part Lot 1	1045722
Part Lot 2	1045722
Part Lot 13	241097
Part Lot 1	136865
Lot 1	42349
Part Lot 4	241097
Part Lot 5	241097
Part Lot 6	241097

12. In Appendix 2, delete the project map and replace with the figure on the following page:



LEGEND	
---	BLOOMFIELD MINING LEASE
---	07-0087 MOD 1 AREA
---	07-0087 APPROVAL AREA
■	NOISE MONITORING
◆	PIEZOMETERS
●	WATER MONITORING
▲	DUST MONITORING
●	BLAST MONITORING
▲	REPRESENTATIVE RESIDENCES
▲	HIGH VOLUME AIR SAMPLING

0 1 km

FIGURE 14
MONITORING AND ASSESSMENT
LOCATIONS
 BLOOMFIELD COLLIERY
 COMPLETION OF MINING AND REHABILITATION
 APRIL 2011

13. In Appendix 3, add the following to the Statement of Commitments:

REF.	COMMITMENTS FOR THE PROPOSED S75W MODIFICATION (07_0087 MOD 1)	S75W Modification EA Section
1.	General	
1.1	<p>Bloomfield Collieries will carry out the proposed development generally in accordance with the Section 75W Environmental Assessment ('EA') and the Part3A Environmental Assessment (07_0087).</p> <p>If there is any inconsistency between this draft Statement of Commitments and the EA, the Statement of Commitments will prevail to the extent of the inconsistency.</p>	1.4
1.2	<p>Bloomfield will undertake mining and rehabilitation activities within the Project Area as defined by the Schedule of Land (Figure 8). The proposed Modification Activities include:</p> <ul style="list-style-type: none"> • Upgrade and use of Wattle Tree Drive as an alternative haul route (Area A); • Additional overburden emplacement and rehabilitation - east of Save a Mile Haul Road (Area B) • Additional out-of-pit landform reshaping and rehabilitation – northern and south-eastern areas (Area C and E) • Construction of a corridor and overhead powerline from an existing powerline onto the open cut mine site, together with some clearing for an associated infrastructure area (Area D) 	1.1, Chapter 2
2.	Hours of Operation and Operational Controls	
2.1	<p>Bloomfield Mine will operate 24 hours per day seven days per week except for the proposed Modification Activities.</p> <p>No Modification Activities will occur during the night-time period (10.00pm-6.00am). To manage noise from the various Modification Activities the following hours of operation will be followed:</p> <ul style="list-style-type: none"> • <u>Wattle Tree Drive construction (Area A) and Powerline Corridor (Area D)</u> <ul style="list-style-type: none"> ○ Construction hours (for the powerline corridor and construction of Wattle Tree Drive) will be between the hours of 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays. ○ A bund will be constructed adjacent to Wattle Tree Drive and trees will be planted to screen this area, thereby minimising aesthetic impacts and stray light. • <u>East of Save-a-Mile haul road (Area B)</u> <ul style="list-style-type: none"> ○ Daytime operations (7.00am to 6.00pm Mondays to Saturdays, 8.00am to 6.00pm Sundays) will be in the southern part of the dump to raise the dump and provide screening for the evening (6.00pm-10.00pm) and morning shoulder (6.00am-7.00am) operations. ○ The height of the overburden emplacement area will be limited to an RL of 100 metres ○ During evening and morning shoulder periods, the following controls will be in place: <ul style="list-style-type: none"> ▪ the drill and clearing dozer will be worked in a shielded location; 	6.6

	<p>dumping will only occur in the northern part of the dump;</p> <ul style="list-style-type: none"> ▪ the dozer will only operate in a shielded location in the northern part of the dump; ▪ an earthen bund will be constructed in the approved dumping area to the south of the existing haul road to a minimum height of 80 metres RL; and ▪ There will be no coal haulage from S-Cut during the morning shoulder period. <ul style="list-style-type: none"> • <u>Northern area (Area C)</u> <ul style="list-style-type: none"> ○ Dumping and rehabilitation during the daytime period only. • <u>South-eastern area (Area E)</u> <ul style="list-style-type: none"> ○ Dumping and rehabilitation during the daytime period only (7.00am to 6.00pm Mondays to Saturdays, 8.00am to 6.00pm Sundays) ○ Dumping will be restricted to a maximum of 70 hours of work; and ○ A front end loader will replace the dozer at the Area E dump once the emplacement reaches an RL of 52 metres. 	
3.	Ecology	
3.1	A pre-clearing protocol to protect any threatened species using trees within the powerline clearing area will be implemented during construction of the corridor.	6.3
3.2	The identified nesting tree adjacent to the powerline clearing area will be protected during construction of the powerline and associated infrastructure to prevent accidental damage by machinery.	6.3
3.3	Bloomfield will commit to providing a biological offset to compensate for the loss of native vegetation. The offset will be agreed with and designed to satisfy the requirements of the Department of Planning and generally be consistent with OEH's "Principles for the use of biodiversity offsets in NSW".	
3.4	Bloomfield will commit to providing \$20,000 towards the Stanford Merthyr Conservation Project being managed by the Land and Property Management Group within 6 months of Director General's approval of the modification.	
4.	Water Management	
4.1	The existing water drainage channel to Lake Kennerson will be re-routed around the disturbance area prior to commencement of works in the south-eastern area	6.9.1
4.2	Diversion banks and sediment control measures will be provided at the toe of the proposed batter of the emplacement area adjacent to Save-a-Mile haul road prior to works commencing to protect downstream areas	6.9.1

14. Delete the figure in Appendix 4, and replace with the figure on the following page:



15. After Appendix 5, insert the following:

**APPENDIX 6
BIODIVERSITY OFFSET AREA**

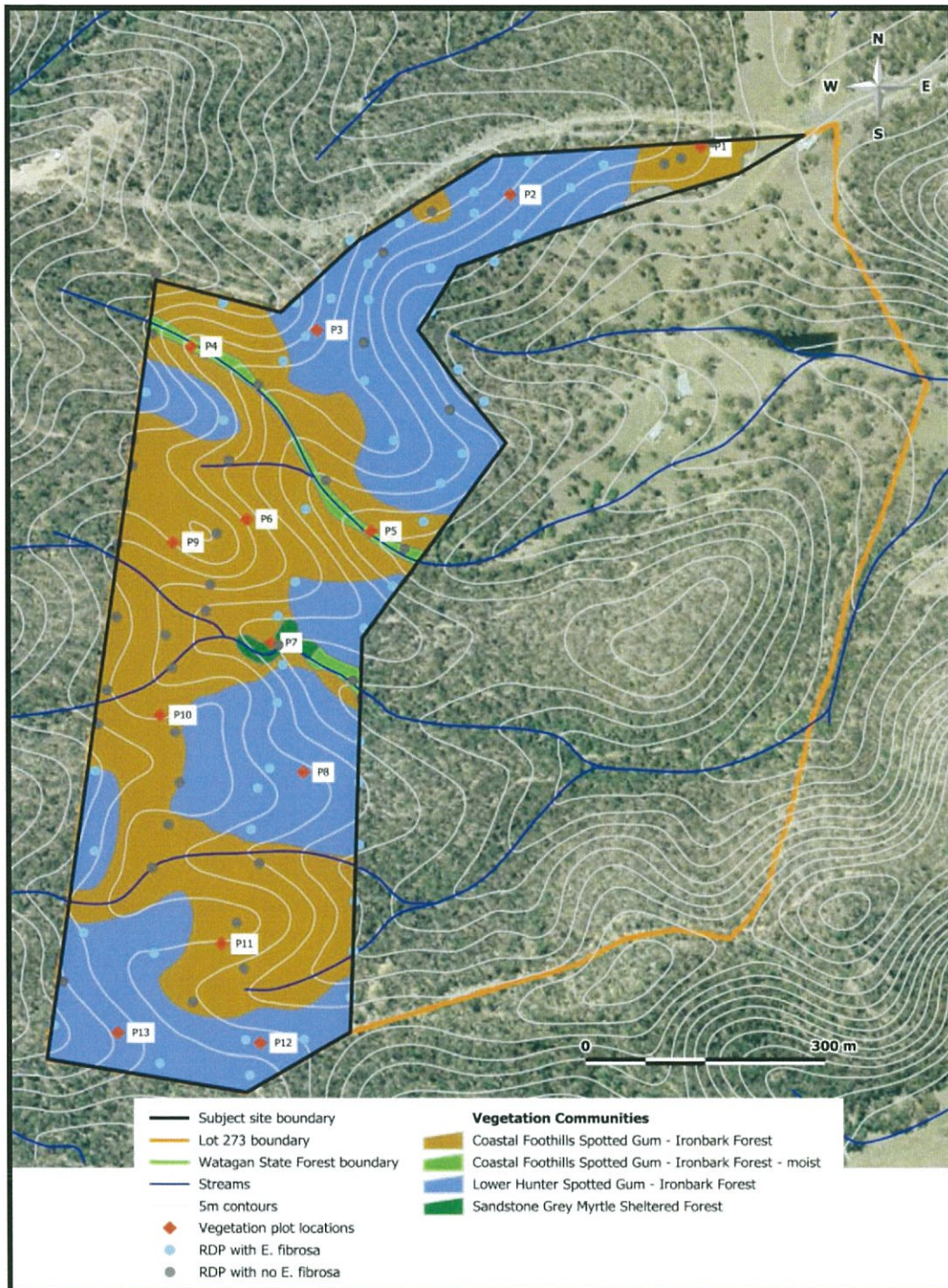


Figure 1: Biodiversity Offset Area (Part Lot 237 DP 1017683 Thursbys Road, Congewai)