

# Notice of Modification

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

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, as set out in Schedule 2.



Mike Young  
A/Director  
Resource Assessments

Sydney

2 APRIL

2015

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### SCHEDULE 1

The Project Approval (08\_0150) for the Bulli Seam Operations Project granted by the Planning Assessment Commission under delegation from the Minister for Planning on 18 December 2011.

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### SCHEDULE 2

1. in the Schedule 1 DEFINITIONS, delete "Department" and "Director-General", and insert the following in alphabetical order:

Department EA (MOD 1)	Department of Planning and Environment Modification application 08_0150 MOD 1, and accompanying letter from BHP Billiton Illawarra Coal dated 18 March 2015
EPA Secretary	Environment Protection Authority Secretary of the Department, or nominee

2. Delete all references to "Director-General" and replace with "Secretary".
3. In condition 2 of Schedule 2, delete all words after "EA;" (except the Note), and insert the following:
- (b) EA MOD 1;
  - (c) Statement of Commitments;
  - (d) PPR; and
  - (e) conditions of this approval.
4. After condition 13 of Schedule 2, insert the following:

#### Strategic Biodiversity Offsets

14. If the proponent is required to provide a biodiversity offset pursuant to this approval (including any biodiversity offset that is required under the conditions of a subordinate approval issued in accordance with this approval), the Secretary may, in consultation with OEH, accept in satisfaction of the requirement for the biodiversity offset, the provision of land that has conservation values which exceed the conservation values required to meet the relevant offsetting requirement.

If the Secretary accepts such an offset under this condition, the Secretary shall issue a written statement to the proponent advising:

- (a) the details of the proposed offset land;
- (b) the offset requirements that are being met;
- (c) the conservation values that have been relied upon to meet the offsetting requirements;
- (d) that in the opinion of the Secretary:
  - (i) the land has conservation values in addition to those that have been relied upon to meet the offsetting requirement in condition 14(b); or
  - (ii) if the land has been subject to a previous statement from the Secretary under this condition, confirmation that the land continues to have conservation values in addition to those that have been relied upon to meet the previous offsetting requirement or that there are no further conservation values available in respect of the land.

If the Secretary has issued a statement under this condition, the proponent can rely on that statement and the residual conservation values that the land subject to the statement may hold, to meet further offsetting requirement(s) that may be required under this approval or the development consent for the Dendrobium Coal Mine (60-3-2001).

The Secretary's statement under this condition can be relied on a number of times in respect of the same land until all of the conservation values of the land the subject of the Secretary's statement have been relied upon to meet offsetting requirements under this approval or the development consent for the Dendrobium Coal Mine (60-3-2001).

The proponent shall make suitable arrangements to provide appropriate long-term security for the biodiversity offset area(s) accepted under this condition, within 2 years of the date of the Secretary's statement in respect of that land, unless otherwise agreed with the Secretary.

5. In conditions 5(h) of Schedule 3, and conditions 5, 9, 12 and 16 of Schedule 4, delete "OEH" and replace with "EPA".
6. Update the TABLE OF CONTENTS to reflect the above changes.