

# Notice of Modification

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Mike Young  
**Executive Director – Energy, Resources and Compliance**  
**Department of Planning, Industry and Environment**

Sydney

19 June

2020

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## SCHEDULE 1

The development consent (05\_0117) for the Moolarben Coal Project Stage 1, granted by the Minister for Planning on 6 September 2007.

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## SCHEDULE 2

1. In the list of DEFINITIONS, delete the following terms and their definitions: “DEC”, “DoI Lands and Water”, “DRG”, “OEH”, “P&I”, “RMS” and insert the following in alphabetical order:

BCD	Biodiversity and Conservation Division, within the Department
DAWE	Commonwealth Department of Agriculture, Water and the Environment
DoE	Department of Education
DPIE Water	Water Group, within the Department
MEG	Regional NSW – Mining, Exploration and Geoscience
Resources Regulator	Resources Regulator within the Department of Regional NSW
TfNSW	Transport for NSW

2. In the definition for “Department”, after “Planning”, insert “, Industry”.
3. In the definition for “EA”:
- in the third last dot point, delete “and” after “(MOD 12);”;
  - in the second last dot point, delete the full stop after “November 2016” and replace with “;”;
  - in the last dot point, after “(MOD 14);”:
    - delete the full stop and replace with “; and”; and
    - insert:
      - Modification Report – Moolarben Coal Complex UG4 Ancillary Works Modification dated 1 October 2019, associated Submissions Report dated November 2019, Supplementary Submissions Report dated November 2019 and supplementary information dated 9 March 2020 (MOD 15).
4. In the definition for “Minister”, after “Planning”, insert “and Public Spaces”.
5. Delete all references to “DoI Lands and Water” and replace with “DPIE Water”.
6. Delete all references to “DEC” and replace with “DoE”.

7. Delete all reference to “DRG” and replace with “Resources Regulator”, except in condition 68(c) of Schedule 3.
8. Delete all references to “RMS” and replace with “TfNSW”.
9. Delete all references to “OEH” and replace with “BCD”, except in:
  - a. the note in condition 34A Schedule 3; and
  - b. the second paragraph of condition 35B of Schedule 3.
10. In the note in condition 5A of Schedule 2, delete all words after “Schedule 3”.
11. In Tables 1, 2A and 3A of Schedule 3, delete the rows in relation to Land Number (or Receiver ID) ‘63’.
12. In condition 35B of Schedule 3:
  - a. delete the reference to “DoEE” and replace with “DAWE”; and
  - b. in the second note, delete “Figure 8.2 of”.
13. After condition 35D of Schedule 3, insert:
 

35E. Within two years of the determination of Modification 15, unless otherwise agreed by the Secretary, the Proponent must retire the biodiversity credits specified in Table 12B below, in accordance with the *Biodiversity Offsets Scheme* of the BC Act.

**Table 12B:** Summary of Supplementary Biodiversity Offset Strategy (MOD 15)

<i><b>Biodiversity Credit Type</b></i>	<i><b>Credits required<sup>2</sup></b></i>
<b><i>Ecosystem Credits</i></b>	
PCT 281 <sup>1</sup> Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion <sup>1</sup>	42
PCT 479 Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion	59
PCT 1711 <i>Tantoon - Lepyrodia leptocaulis</i> shrubland on sandstone drainage lines of the Sydney Basin	10
<b>Total</b>	<b>111</b>
<b><i>Species Credits</i></b>	
Gang-Gang Cockatoo	9
Glossy-Black Cockatoo	9
Large-eared Pied Bat	135
Eastern Cave Bat	135
<i>Tylophora linearis</i>	26

1. Portions of this community are listed as or meets the criteria for *White Box-Yellow Box-Blakely's Red Gum Woodland EEC* under the BC Act and *White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC* under the EPBC Act.
2. *The credits listed in Table 12B have been calculated in accordance with the Biodiversity Assessment Method (as at 1 October 2019).*

- 35F. Within two years of the determination of Modification 15, unless otherwise agreed by the Secretary, the Proponent must retire ecosystem credits equivalent to the 3.25 ha area of

surface disturbance activities approved under Modification 15 located within Offset Area 2 and include at least:

- (a) 0.75 hectares of PCT 281 - Rough-Barked Apple - red gum - Yellow Box woodland on alluvial clay to loam soils on valley flats in the northern NSW South Western Slopes Bioregion and Brigalow Belt South Bioregion<sup>1</sup>; and
- (b) 2.5 hectares of PCT 479 - Narrow-leaved Ironbark- Black Cypress Pine - stringybark +/- Grey Gum +/- Narrow-leaved Wattle shrubby open forest on sandstone hills in the southern Brigalow Belt South Bioregion and Sydney Basin Bioregion.

The retirement of ecosystem credits must be carried out in accordance with the *Biodiversity Offsets Scheme* of the BC Act.

Note 1: Portions of this community is listed as or meets the criteria for *White Box-Yellow Box-Blakely's Red Gum Woodland EEC* under the BC Act and *White Box-Yellow Box-Blakely's Red Gum Grassly Woodland and Derived Native Grassland CEEC* under the EPBC Act.

14. After condition 55 of Schedule 3, insert:

55A. Prior to the commencement of construction works associated with the northern dewatering sites (described in MOD 15), the Proponent must upgrade the intersection of Ulan Road and Saddlers Creek Road to the satisfaction of the appropriate roads authority and in consultation with DPIE Crown Lands. The intersection upgrade is to be designed and constructed in accordance with the *Guide to Road Design* (Austroads) and any relevant TfNSW supplements.

55B. Prior to the commencement of the operation of the new downcast ventilation shaft compound (described in MOD 15), the Proponent must construct a new intersection on Ulan Road to the satisfaction of the appropriate roads authority. The intersection upgrade is to be designed and constructed in accordance with the *Guide to Road Design* (Austroads) and any relevant TfNSW supplements.

15. In condition 58 of Schedule 3:

- a. delete "and" at the end of subparagraph (a);
- b. delete the full stop at the end of subparagraph (b) and replace with "; and"; and
- c. after subparagraph (b), insert:
  - (c) take all reasonable steps to minimise traffic safety issues and disruption to local road users during road upgrade works.

16. In condition 68(c) of Schedule 3, delete the reference to "DRG" and replace with "MEG".

17. In condition 78A of Schedule 3:

- a. delete "each of the longwalls LW9 to LW14" and replace with "longwall LW12";
- b. delete subparagraph (a) and replace with:
  - (a) prepare a report:
    - i. analysing the subsidence, surface water, and groundwater impacts of the cumulative progress of longwall mining for the project on the Goulburn River and the Drip, including consideration of data collected from the previously mined panels up to and including commencement in longwall LW11;
    - ii. updating the predicted impacts based on the available local data and current scientific understanding of these relevant fields (demonstrating compliance with the requirements of this approval);
- c. delete all words after "the expert review;" in subparagraph (c), excluding the note, and insert:

to the satisfaction of the Secretary

18. After Figure 2.1 in Appendix 2, insert:

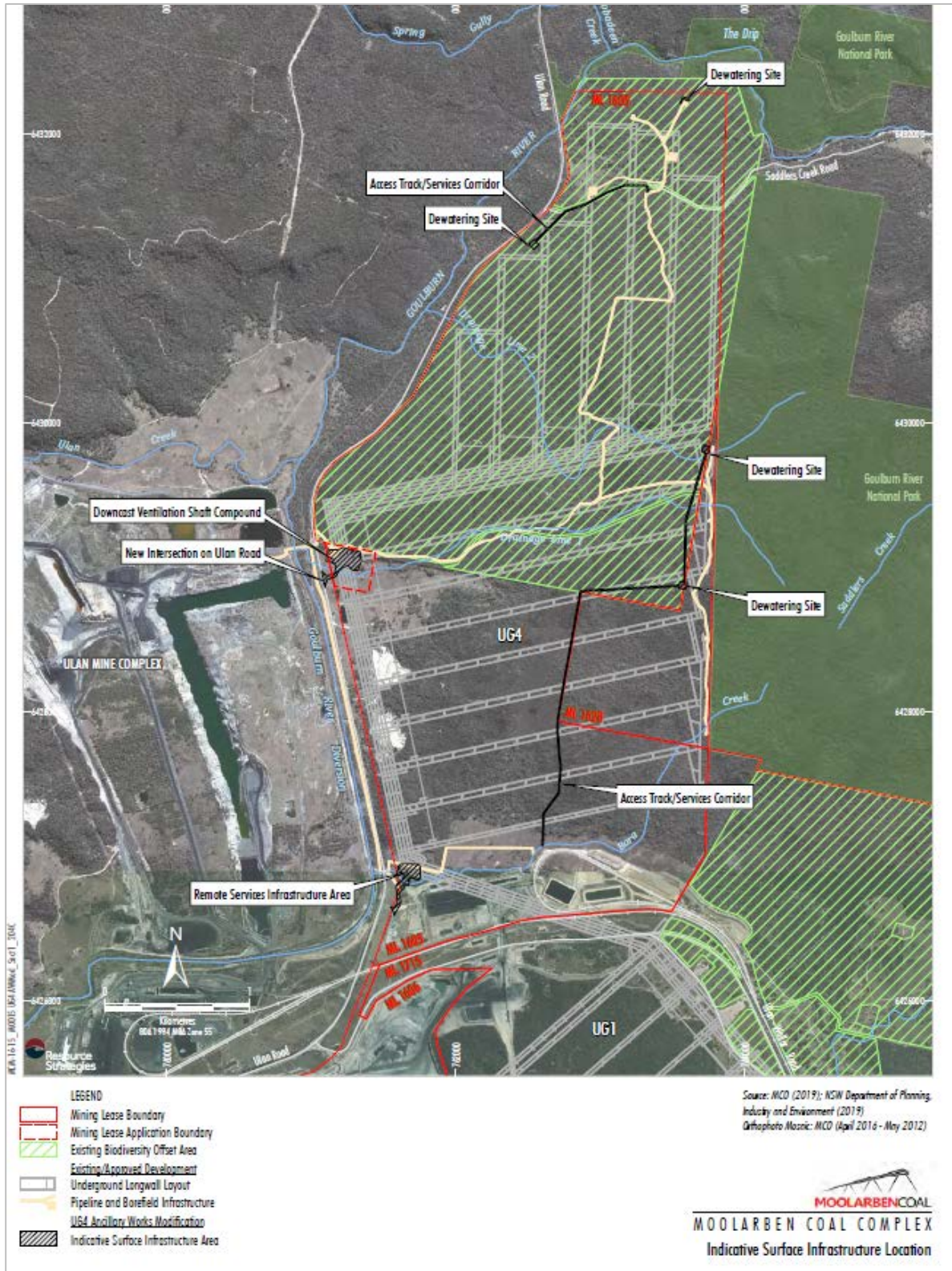
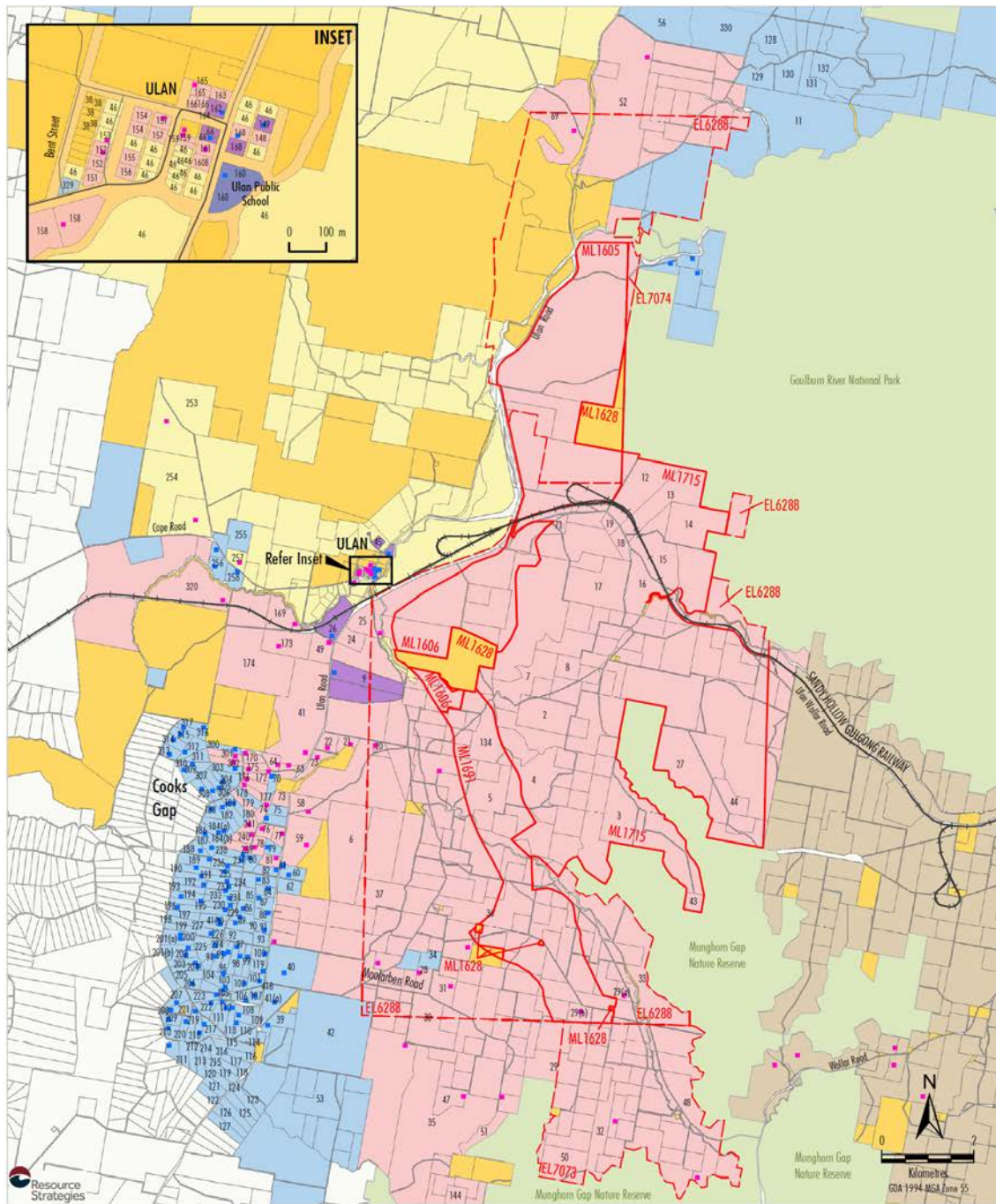


Figure 2.2 – Location of Surface Infrastructure associated with MOD 15

19. In Appendix 3, within the table, delete:
- a. the first dot point under 'Biodiversity'; and
  - b. the last bullet point under 'Rehabilitation'.

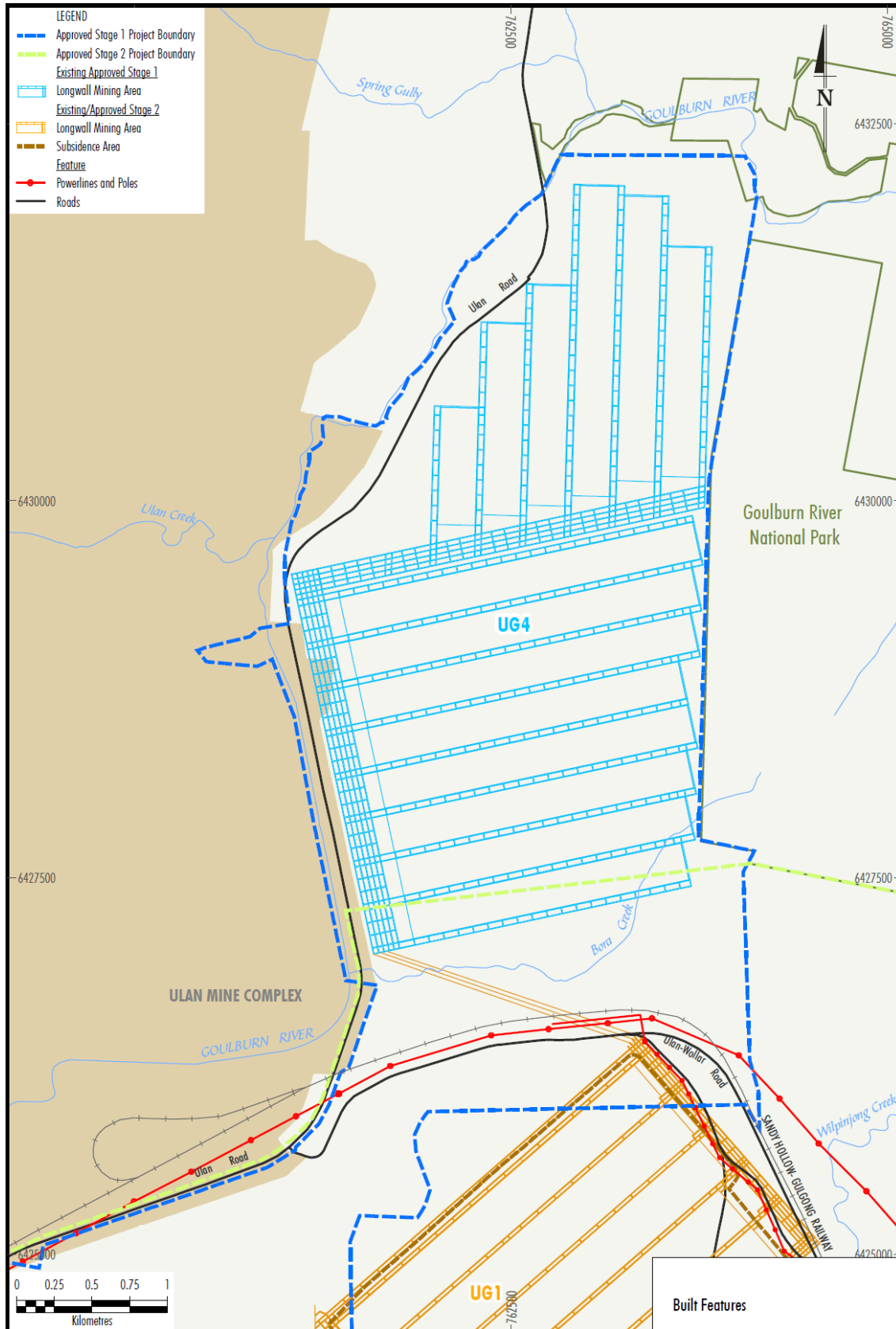
20. In Appendix 5, delete Figure 5.1 and the associated table and replace with:



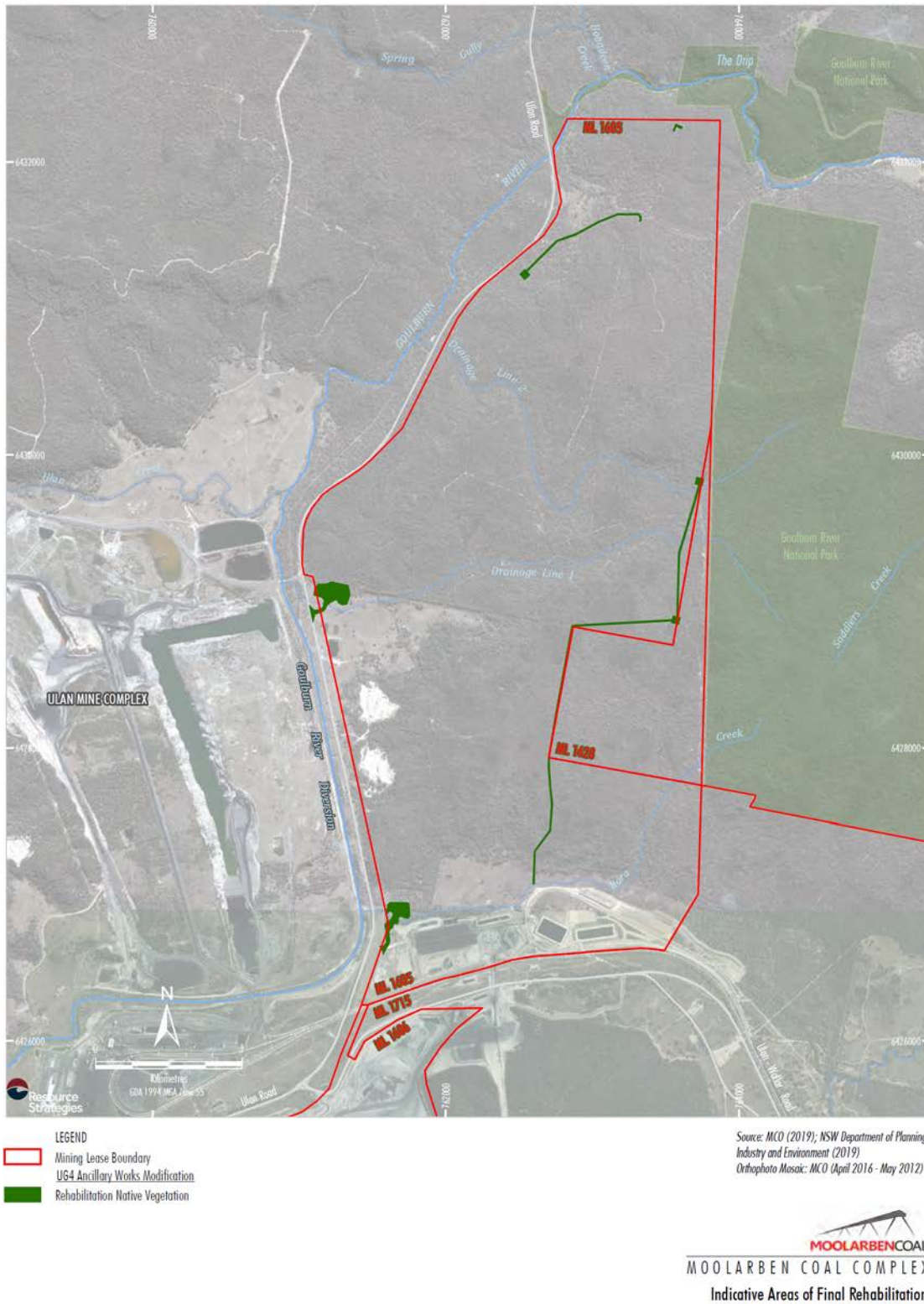
<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Railway</li> <li> National Park/Nature Reserve</li> <li> Exploration Licence Boundary</li> <li> Mining Lease Boundary</li> <li> Mine Owned Receiver</li> <li> Private Receiver</li> </ul>	<p><b>Land Ownership</b></p> <ul style="list-style-type: none"> <li> Moolarben Coal Operations Pty Ltd</li> <li> Ulan Coal Mines Limited</li> <li> Wilpinjong Coal Mine</li> <li> Commercial</li> <li> Minister for Education</li> <li> Crown/State of NSW</li> <li> Privately Owned</li> <li> Unidentified Land</li> </ul>	<p>Source: MCO (2020); NSW Department of Planning, Industry and Environment (2019)</p> <p><b>MOOLARBEN COAL</b> MOOLARBEN COAL COMPLEX Relevant Land Ownership Plan</p>
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Ref No	Landholder	Ref No	Landholder	Ref No	Landholder	Ref No	Landholder
1-8	Moolarben Coal Operations Pty Ltd	101	RD & DMZ Hull	188	KR & T Fielding	304	G Balajan
9	Orica Australia Pty Limited	101(a)	PJ Keams	189	GA Fay	305	L Barisic & M Aul
10	Moolarben Coal Operations Pty Ltd	102	KA Roberts	190	T & LK Sahyoun	306	E Armstrong
11	JE Mullins & CD Imrie	103	SB Burnett & SL Grant	191	BW & TS Lasham	307	M Chant & NK Young
12-25	Moolarben Coal Operations Pty Ltd	104	RA & LA Deeben	192	D Williams	308	NA Dower
26	Forty North Pty Limited	105	DJ & N Katsikaris	193	DJ Maloney	309	GS Maher
27-33	Moolarben Coal Operations Pty Ltd	106	TB & JH Reid	194	PM & K Potts	310	KJ Death
34	T Rheinberger	107	ZJ & M & AA Raso	195	R Cottom	311	BJ & LC Williamson
35-37	Moolarben Coal Operations Pty Ltd	108	R Vargo	196	F Saxberg & M Weir	312	MS & JJ Ioannou
38	The State of New South Wales	109	DA Evans	197	PGG & I Neilsen	313	NJ & BDE Pracy
39	RM & DJ Sprigg	110	SM & JH Papps	198	GR & ME Metcalfe	314	SL Ford
40	JM Devenish	111	GJ & NJ McEwan	199	PGG & I Nielsen	315	WJ Richards & BJ Uzelac
41	Moolarben Coal Operations Pty Ltd	112	NJ & LM Croft	200	YK Grimshaw	316	CR Vassel & CM Williams
41(a&b)	PP Liberis	113	CPG Ratcliff	201	KR & GM Towerton	317	RJ Hore & V Bingham
42	C & L Schmidt	114	TF & K Holland	202	H & VF Butler	320	Moolarben Coal Operations Pty Ltd
43-44	Moolarben Coal Operations Pty Ltd	115	PR McLean	203	DJ Miller	329	G Tuck-Lee
45	Advance Energy	116	DJ & SM Reid	204	RB & JE Donnan	330	Nwiran Pty Limited
46	Moolarben Coal Operations Pty Ltd/ Ulan Coal Mines Limited	117	JM Dick	205	DW Sparrow & M Tallan		
46(b)	North-Eastern Wiradjuri Wilpinjong Community Fund Limited	118	A Scott	206	CA Marshall & R Vello		
47-52	Moolarben Coal Operations Pty Ltd	119	PJ Keams	207	AA & DM Smith		
53	WD & MS Bryant	120	PS & DR Ord	208	SA & CR Hasaart		
56	V Cundy	121	EJ Cullen	209	F Mawson		
58-59	Moolarben Coal Operations Pty Ltd	122	WF Wirth	210	JM & AM Tebutt		
60	CL Rayner & DM Munday	123	G Tuck-Lee & Symons	211	SA McGregor & WJ Gray		
61	TJ O'Malley	124	WJ & HE Bailey	212	E & M Lepik		
62	R Menchin	125	DB McBride	213	D & J Parsonage		
63	Moolarben Coal Operations Pty Ltd	126	MP Julian	214	RK & EG O'Neil		
64	Moolarben Coal Operations Pty Ltd	127	BKT & SA Bracken	215	SG & PM Green		
66	Rashter Pty Limited	128	AW Sims	216	G Holland & FA Handicott		
69	Moolarben Coal Operations Pty Ltd	129	M Yelds	217	CA Francis		
70	DJ & A Coventry	130	GP McEwen	219	T & S Riger		
71	Moolarben Coal Operations Pty Ltd	131	GR & RA King	220	SJ Rusten & NJ Smith		
73-74	Moolarben Coal Operations Pty Ltd	132	N Atkins	221	The State of New South Wales		
75	P Ban	134	Moolarben Coal Operations Pty Ltd	222	BJ Purtell		
76-78	Moolarben Coal Operations Pty Ltd	144	Moolarben Coal Operations Pty Ltd	223	EW Palmer & JM Stewart		
79	PTJ & SE Nagle	148	Moolarben Coal Operations Pty Ltd	224	RS & PCC Dupond		
80	W & D Sebelic	149	Mid-Western Regional Council	225	G & RF Doualetas		
81	Moolarben Coal Operations Pty Ltd	151-152	Moolarben Coal Operations Pty Ltd	226	LAA & FC Muscat		
82	SC Hungerford & MC Clemens	153	Ulan Coal Mine Limited	227	WP & JA Hughes		
83	CF & CR Wall	154-159	Moolarben Coal Operations Pty Ltd	229	JJ & BA Lowe		
84	DS Sebelic	160	Minister For Education And Training	230	DA Hoole & DT Rowlinson		
85	J & Z Nikolovski	160(b)	Moolarben Coal Operations Pty Ltd	231	T Morrison & SM Benny		
86	NW Harris	161	Moolarben Coal Operations Pty Ltd	232	L & JA Haaring		
87	BJ & K Howe	162	Rowmint Pty Limited	233	K & D Boal		
88	BC Mayers	163-166	Moolarben Coal Operations Pty Ltd	234	D & L Gaw		
89	MV & HM Glover & E & BJ Tomlinson	168	PJL Constructions Pty Limited	235	LM & RS Wilson		
90	SA Powell	169-170	Moolarben Coal Operations Pty Ltd	236	RG & CA Donovan		
91	HM Graham	171	AD & SA McGregor	237	B & S Stokes		
92	VA Pullicino & J, S & G Bonnici	172-177	Moolarben Coal Operations Pty Ltd	238	B Powell		
93	F & M Fenech	178	PR Stone	239-241	Moolarben Coal Operations Pty Ltd		
94	LK Mittemoyer	179	Moolarben Coal Operations Pty Ltd	253-254	Ulan Coal Limited		
95	BJ Wirthington	180	CD & LL Barrett	255	M Puckeridge		
96	D Lazic	181	SM Forster	256	RC Campbell		
97	DJ & MD Smith	182	J Dutoitcook	257	Ulan Coal Limited		
98	ME & JJ Piper	183	R & EA Steines	258	PM & CD Elias		
99	JR Moles & AJ Newton	184	(a&b) LA Stevenson	300	CM Collins & CY Marshall		
100	W Ellem	186	RW & U Adamson	301-302	Moolarben Coal Operations Pty Ltd		
		187	BT & KM Feeney	303	HJ Ungaro		

21. In Appendix 7, delete Figure 7.2 and replace with:



22. In Appendix 8, after Figure 8.2, insert:



**Figure 8.3:** Indicative Rehabilitation Areas associated with MOD 15



23. In Appendix 9, delete the figure and its heading and replace with:

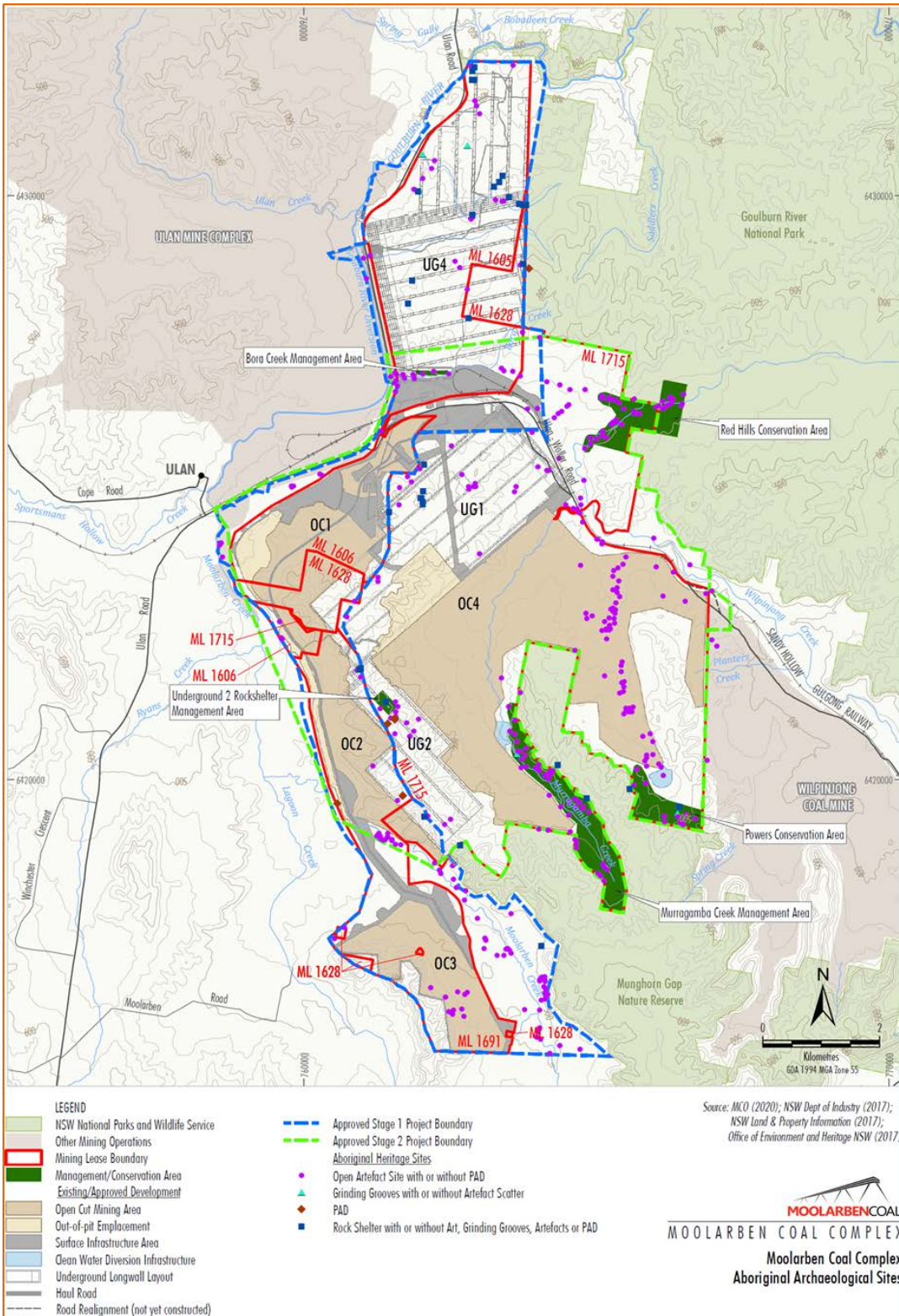


Figure 9.1: Aboriginal Cultural Heritage sites

24. In Appendix 9, add the following rows to the bottom of the table:

36-3-3470	S1MC460	Isolated find
36-3-3471	S1MC461	Isolated find

25. In Appendix 10, delete the figure and replace with:

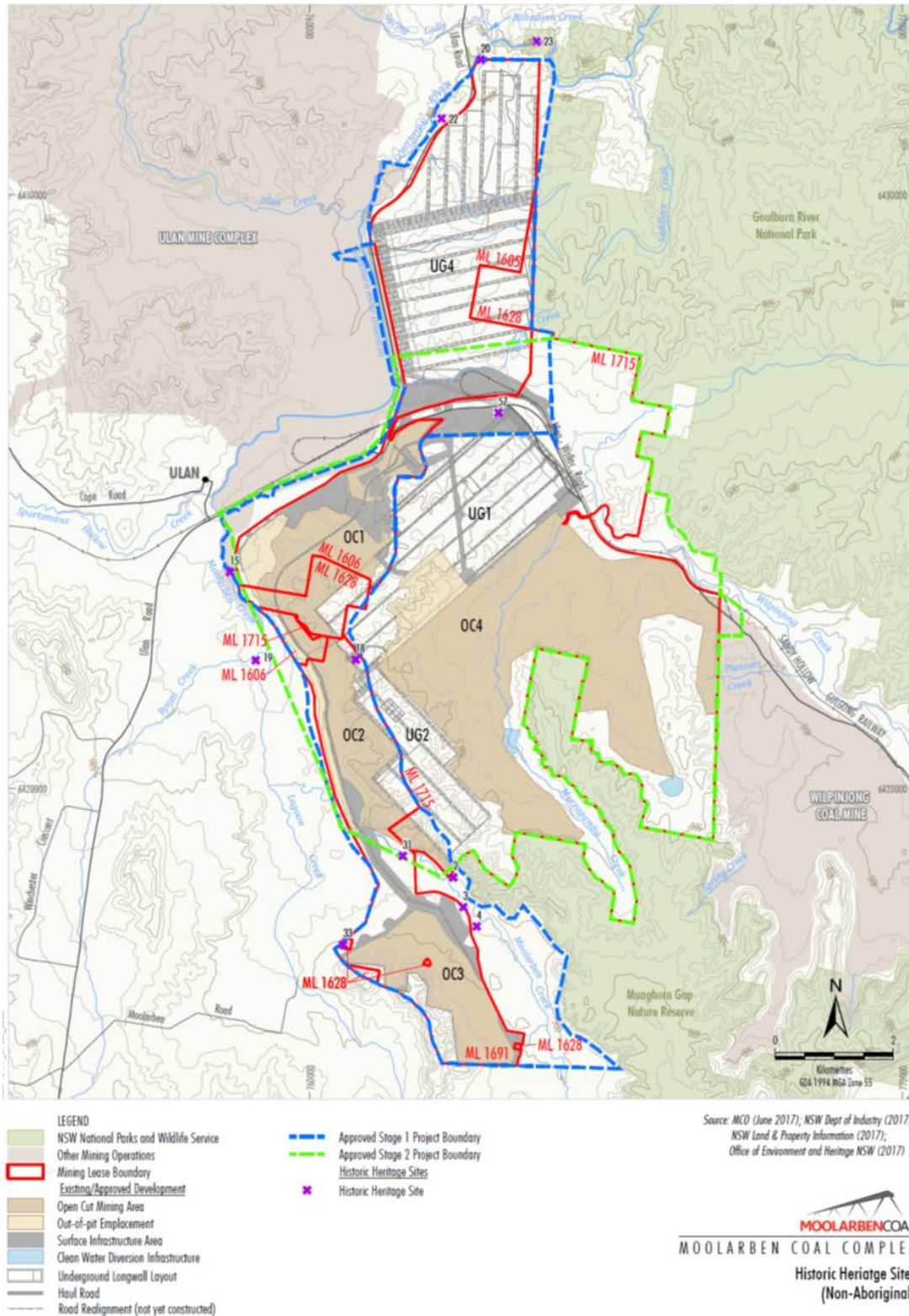


Figure 10.1: Historic Heritage sites

26. Update the Table of Contents to reflect the above changes.

**End of modification**  
**(05\_0117 MOD 15)**