Notice of Modification

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

As delegate for the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of Commission **Member of Commission** **Member of Commission**

Sydney 2016

SCHEDULE 1

Project Approval 05_0117 for the Moolarben Coal Project Stage 1, granted by the Minister for Planning on 6 September 2007.

SCHEDULE 2

1. In the list of DEFINITIONS, insert after DPI, the definition of DPI Water "Department of Primary Industries Water".

2. In the list of DEFINITIONS, for the definition of DRE, delete Trade and Investment, Regional Infrastructure and Services and insert "Industry".

3. In the list of DEFINITIONS, delete the EA, EA (MOD 1), EA (MOD 2), EA (MOD 3), EA (MOD 4), EA (MOD 5), EA (MOD 6), EA (MOD 7), EA (MOD 8), EA (MOD 9), EA (MOD 10), EA (MOD 11), EA (MOD 11), insert:

EA	The Moolarben Coal Project Environmental Assessment, Volumes 1-5, dated September 2006, as modified by the: • Preferred Project Report dated December 2006 and associated response to submissions; • Application to Make Modifications to the Project Approval for the Moolarben Coal Project, dated August 2008 (MOD 1); • Environmental Assessment - Section 75W Modification Application, dated December 2008 (MOD 2); • Relevant aspects of the Environmental Assessment for Stage 2 of the Moolarben Coal Project, dated March 2009, and associated environmental assessment (MOD 3); • Documentation in Support of the Balloon Loop Modification, dated April 2009 (MOD 4); • Environmental Assessment - Section 75W Modification Application, dated July 2009, associated response to submissions dated August 2009, and supplementary information dated September 2009 (MOD 5); • Environmental Assessment - Section 75W Modification Application, prepared by Coffey Natural Systems and dated December 2009 (MOD 6); • Environmental Assessment – Section 75W Modification Application, dated March 2010, and associated response to submissions dated June 2010, and supplementary information dated 2 November 2010 and 6 December 2010 (MOD 7); • Environmental Assessment – Section 75W Modification Application,

dated April 2010 (MOD 8);

- Environmental Assessment for the Moolarben Coal Project Stage 1 Optimisation Modification, dated May 2013, associated response to submissions dated September 2013, and supplementary information dated 2 October 2013, 14 October 2013 and 15 October 2013 (MOD 9);
- Modification Application 05_0117 MOD 10 and accompanying letters dated 24 February 2015 and 17 March 2015 (MOD 10);
- OC4 South West Modification Environmental Assessment, dated April 2015 and associated response to submission dated June 2015 (MOD 11); and
- UG1 Optimisation Modification Environmental Assessment, dated June 2015 and associated response to submissions dated September 2015 (MOD 12).

4. In the list of DEFINITIONS, delete definition of Executive Director Mineral Resources.

5. In the list of DEFINITIONS, delete the definition of NOW.

6. In the list of DEFINITIONS, after definition of Secretary, insert:

Secretary Industry	Secretary of NSW Department of Industry, or equivalent position

7. Replace all references to NOW in the approval to DPI Water, and all references to Executive Director Mineral Resources with Secretary Industry.

8. In condition 2 in Schedule 2, delete a) to n) and insert:
"(a) generally in accordance with the EA; and
(b) in accordance with the statement of commitments and the conditions of this approval."

9. In condition 4 delete "and" and b) and insert
"(b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
(c) the implementation of any actions or measures contained in these documents"

10. In condition 6 in Schedule 2, delete condition 6 (c) and insert:
"(c) 8 million tonnes total of ROM coal from the underground mining operations of the project in any calendar year."

11. Delete condition 7 and insert the following:

"Coal Handling and Processing

The Proponent shall not:
(a) wash more than 13 million tonnes of coal at the coal handling and preparation plant on site in any calendar year;
(b) handle a total of more than 13 million tonnes of ROM coal on site that have been extracted from the open cut mining operations at the Moolarben Coal Complex in any calendar year; and
(c) handle a total of more than 8 million tonnes of ROM coal on site that have been extracted from the underground mining operations at the Moolarben mine complex in any calendar year."

12. In condition 8 (a) replace Moolarben coal complex with "site".

13. Delete condition 8 (b) of Schedule 2 and insert:

"(b) no more than 7 laden trains leave the site each day on average when calculated over any calendar year;
(c) no more than 9 laden trains leave the site each day; and
(d) no more than 18 million tonnes are transported from the site in any calendar year."

14. Insert the following condition in Schedule 2:
"13A. With the agreement of the Secretary, the Proponent may prepare a revision of or a stage of a strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent."

15. In condition 1A of Schedule 3, delete Applicant and insert “Proponent”.

16. Delete condition 1B of Schedule 3.

17. In Table 1 of condition 1 in Schedule 3, delete “Ulan Catholic Church” and after the number 50 insert the words “when in use”.

18. In the second paragraph of condition 1 of Schedule 2, insert “Moolarben mine” before the word complex.

19. In condition 2 in Schedule 3, delete the words “at any residence on privately-owned land”.

20. In condition 4 in Schedule 3, delete “at any privately owned residence”.

21. Table 3A delete the words “All other privately owned residences” and insert “All privately owned residences other than those in Table 3”.

22. In condition 5 in Schedule 3, before the word complex, insert “Moolarben mine”.

23. In condition 5 in Schedule 3, after the note to Table 3, insert: “However, these noise criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.”

24. In condition 17 in Schedule 3, Notes to Tables 5-7, before the word complex, insert “Moolarben mine”.

25. In condition 19 in Schedule 3, Notes to Tables 8-10, before the word complex, insert “Moolarben mine”.

26. Delete condition 26, 27 and 28 in Schedule 3.

27. In Table 11 in condition 32 in Schedule 3, in the row for “Tailings, acid forming and potentially acid forming materials”, delete “(c)” before In-pit emplacement.

28. In Table 11 in condition 32 in Schedule 3, in the row for “Aquatic and riparian ecosystem, including the relevant sections of Moolarben Creek, Bora Creek and the Goulburn River”, delete “of” and insert “or”.

29. In Table 13 in condition 65 of Schedule 3, insert the following row after “Final voids”:

Water quality	• Water retained on site is fit for the intended land use (s) for the post-mining domain(s). • The potential ecological, hydrological and geomorphic impacts from post-mining water discharges on receiving creeks are assessed and appropriate mitigation measures are effectively implemented as part of the closure plan.

30. In Table 14 in condition 73, in the row for Cliff Line 3 ,delete “See condition 26” and insert “No greater impact than predicted in the EA.”

31. In Table 14 in condition 73, for “Aboriginal heritage sites 264, 280, 282, 283, 286 and 287”, delete “See condition 26” and replace with “No greater impact than predicted in the EA.”

32. In condition 77 (m) in Schedule 3, delete the words “the Subsidence Management Plan required in condition 27 and”.

33. In condition 77 (m) iv. Insert “and” at the end of the condition.

34. In condition 77 (m) v. delete “; and” at the end of the condition and replace with “.”

35. Delete condition 77 (m) vi. in Schedule 3.

36. In Appendix 2 replace all figures with the following:

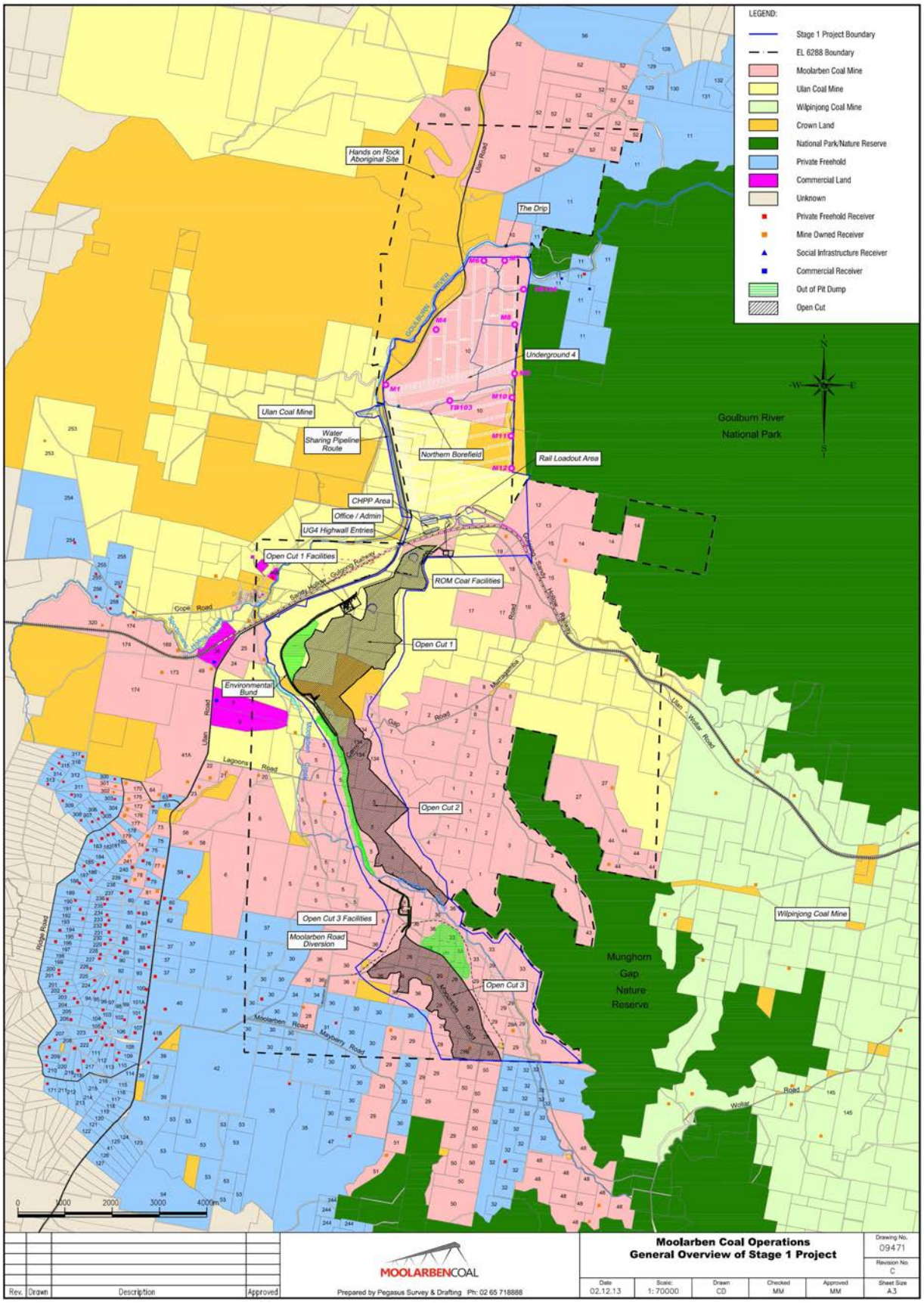


Figure 2.1 – General Overview and property ownership

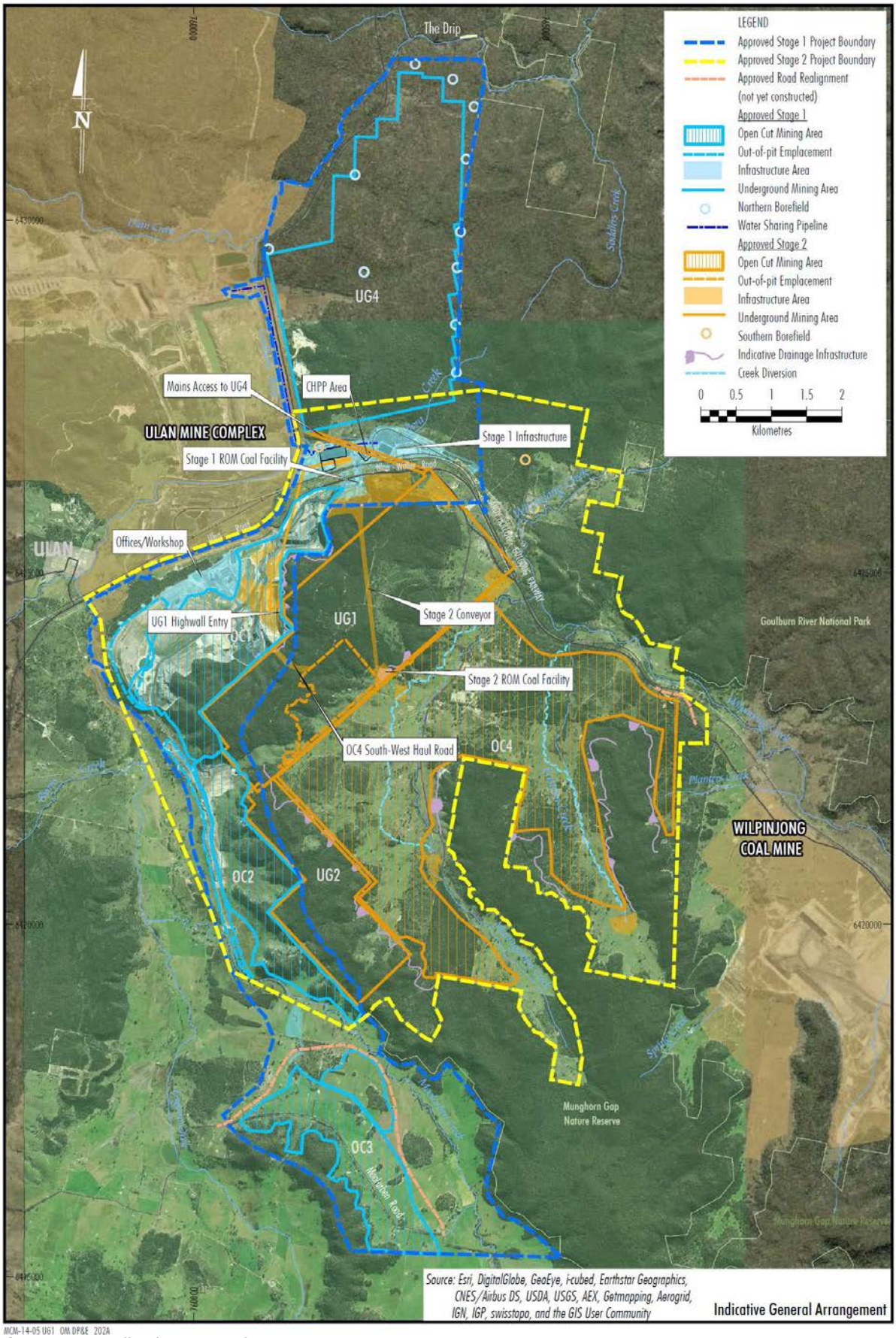


Figure 2.2 – Indicative General Arrangement

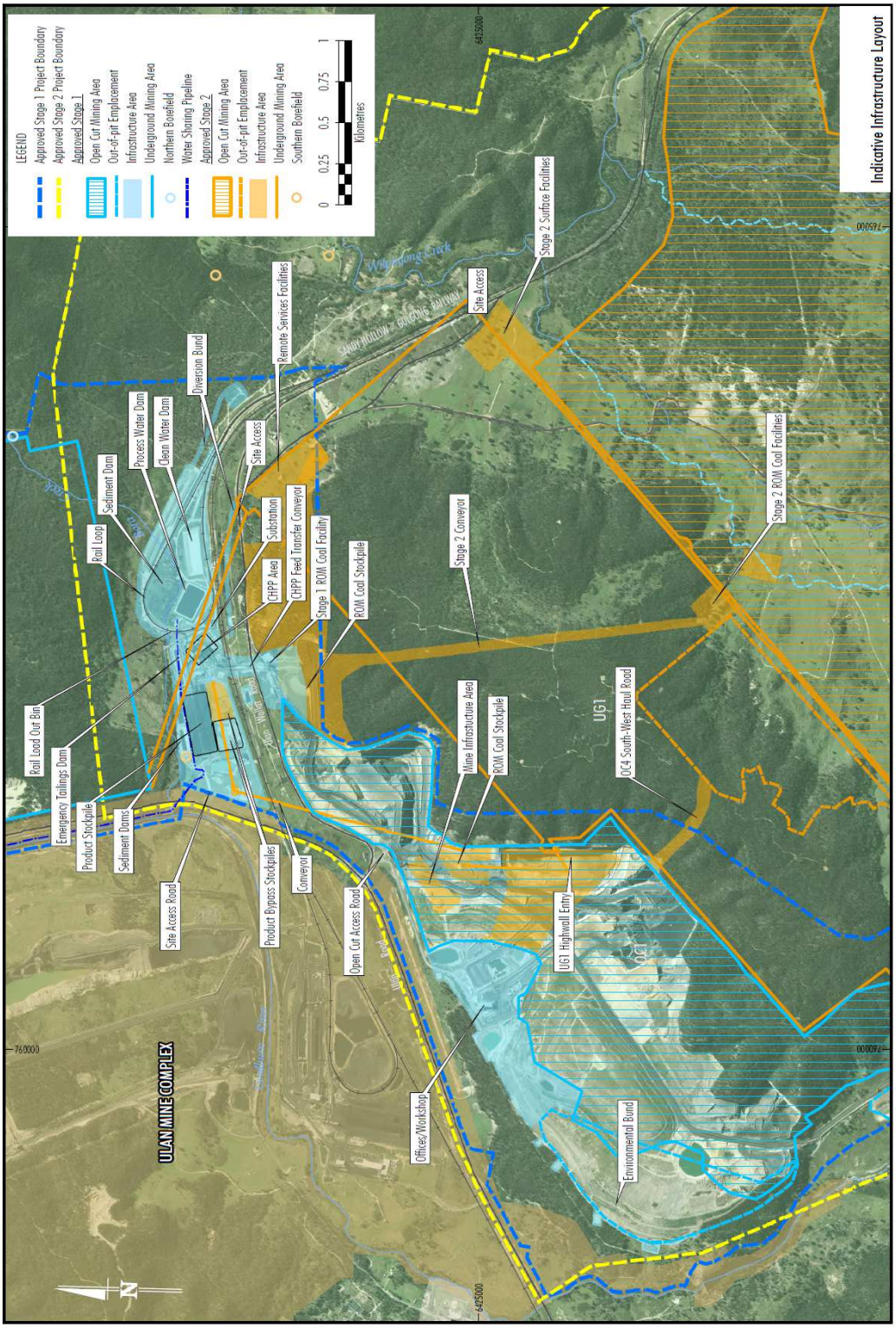


Figure 2.3 – Indicative Infrastructure Arrangement

37. In Appendix 7 insert the following:

APPENDIX 7
UNDERGROUND MINE LAYOUT AND LOCATION OF SENSITIVE FEATURES

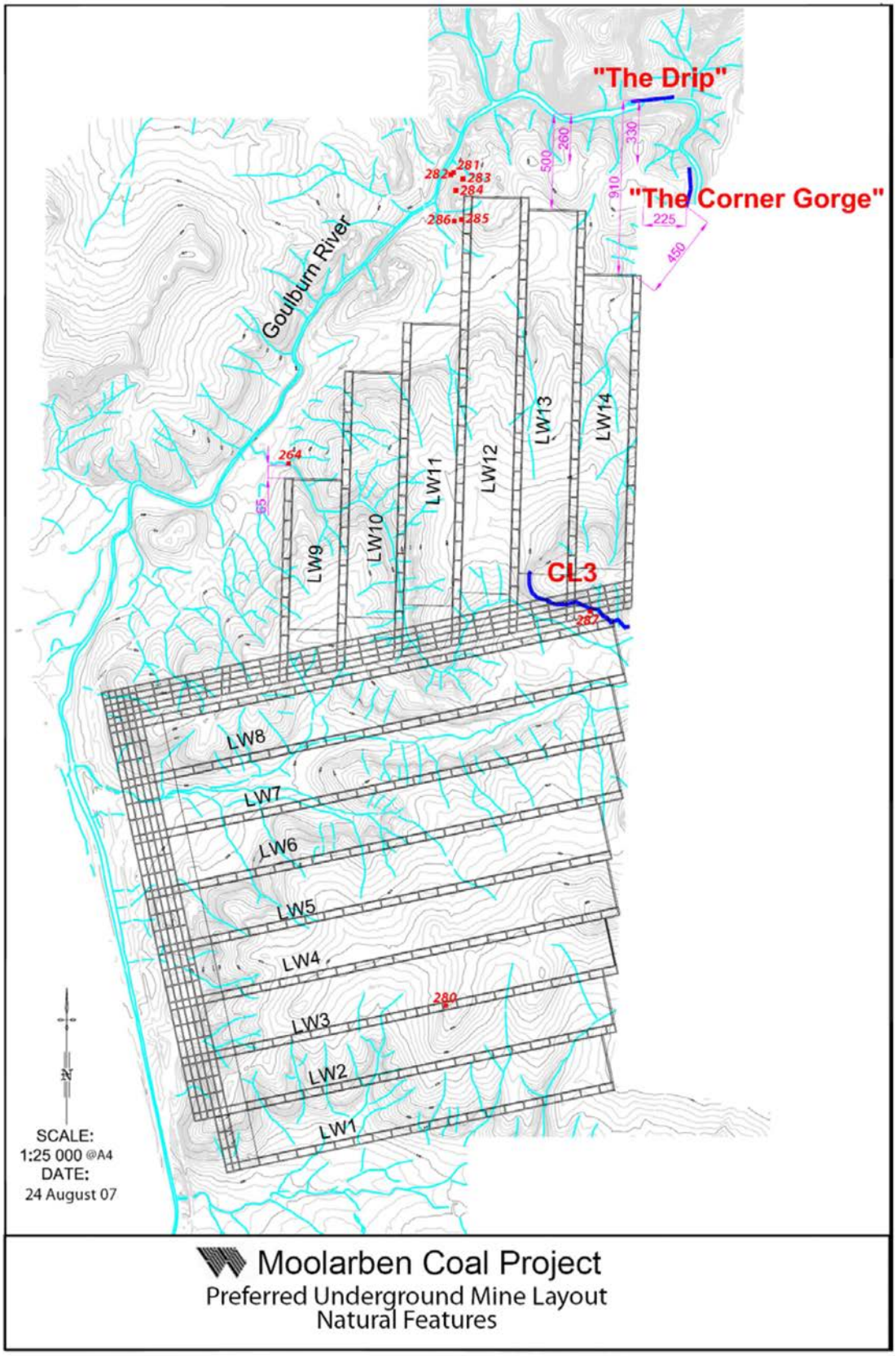


Figure 7.1 Sensitive Natural Features

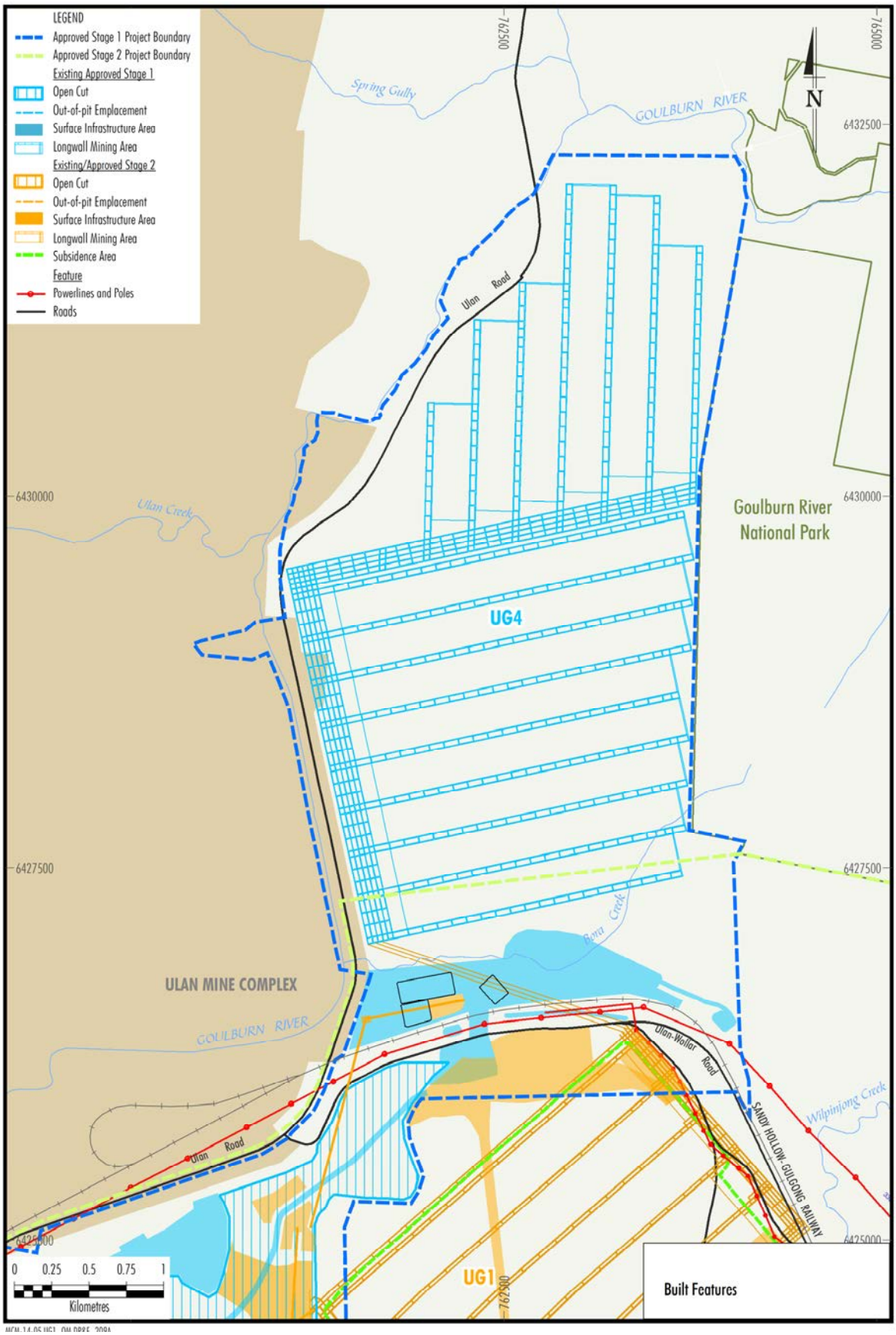
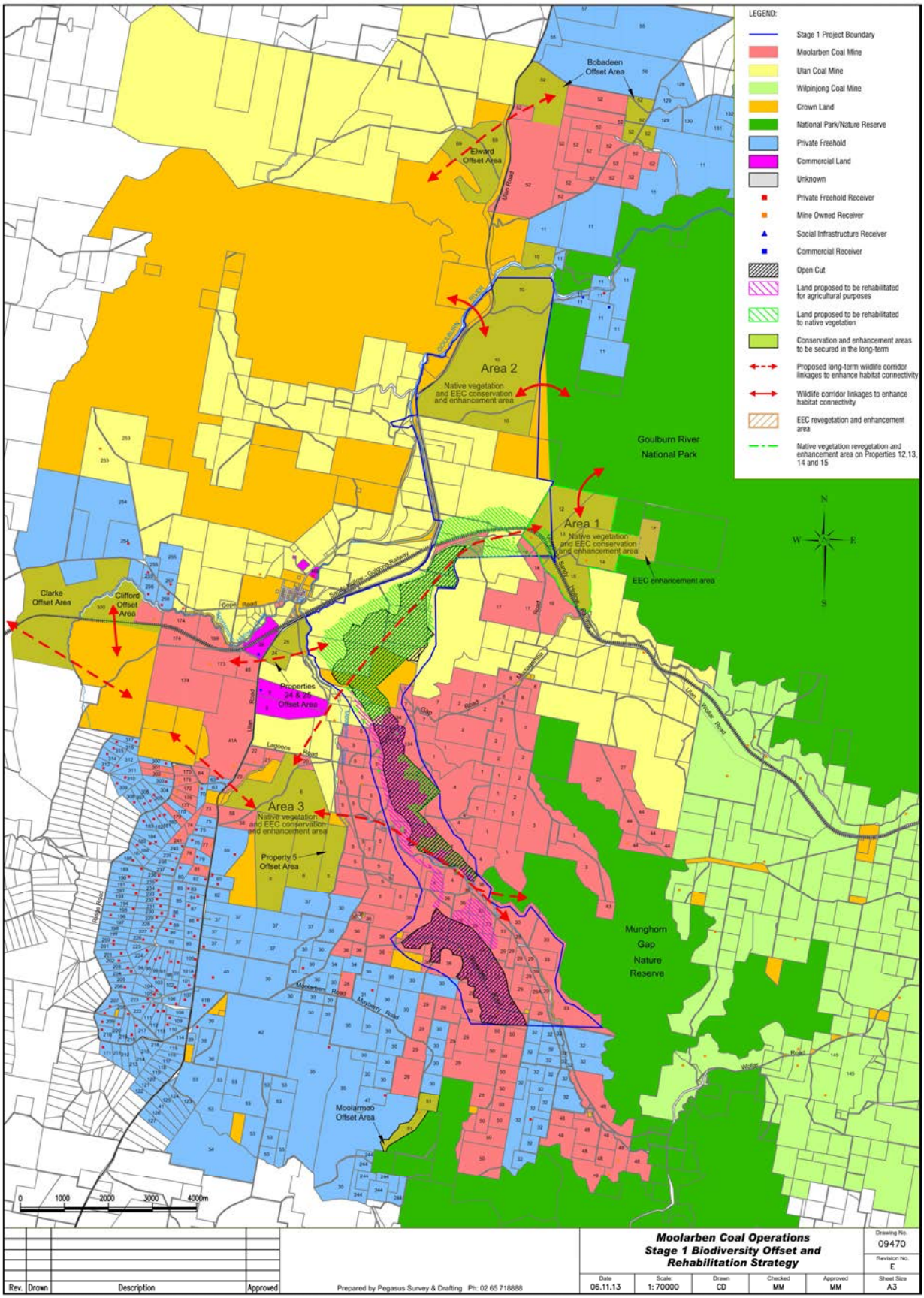
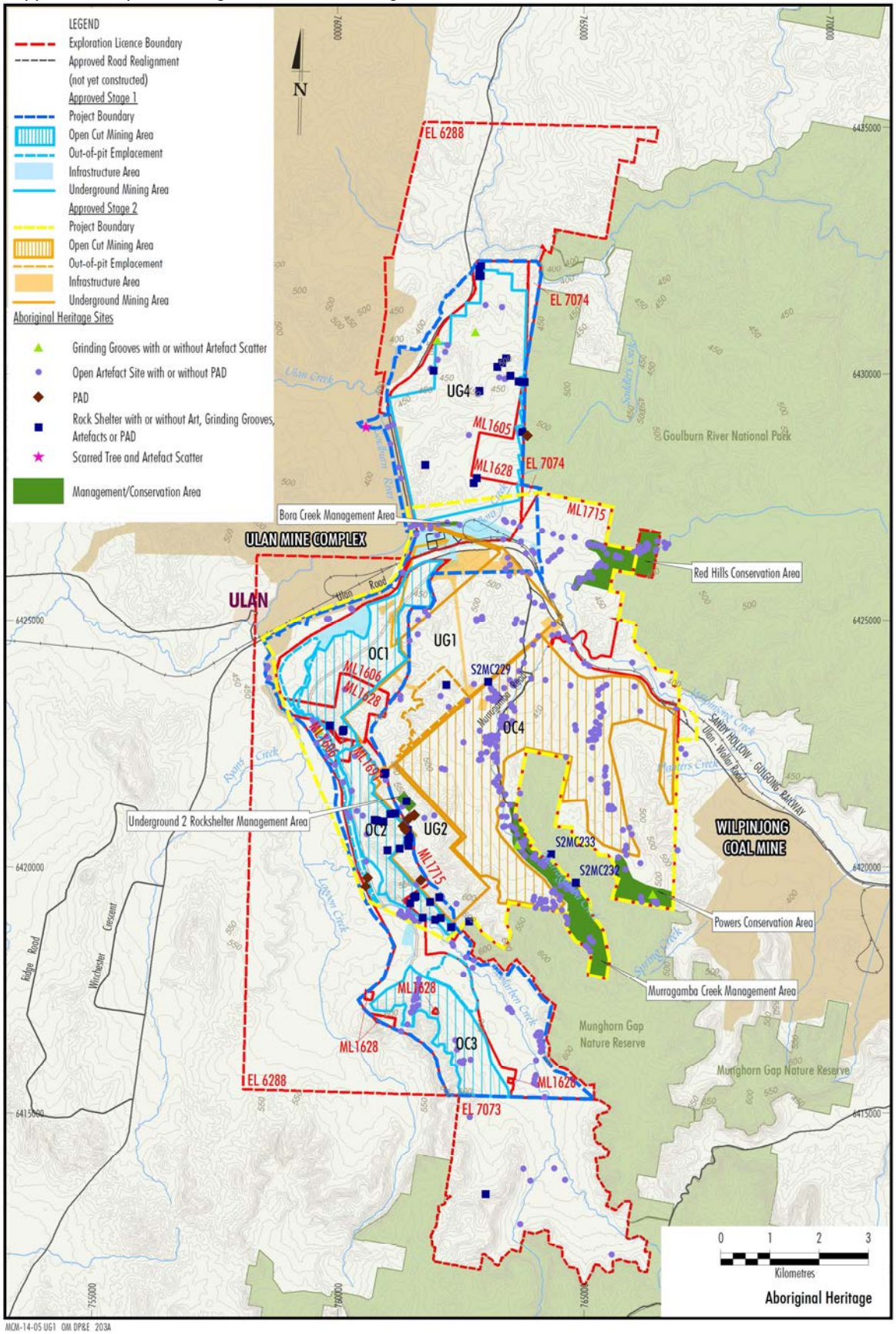


Figure 7.2 Sensitive Built Features

38. In Appendix 8 replace the figure with the following:



39. In Appendix 9 replace the figure with the following:



40. In Table 9.1 in Appendix 9 add one new row:

Site Name	Site Type	X Centre	Y Centre	Artefact Density	Management Recommendation
CE-15-IF	Isolated Find	761205	6425777	1	Surface collection