

# 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.



**David Kitto**  
Executive Director  
Resource Assessments & Business Systems

Sydney **17 APRIL**

2015

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### SCHEDULE 1

Project Approval 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, insert:

EA (MOD 10)	Modification Application 05_0117 MOD 10 and accompanying letter reports from Moolarben Coal Operations Pty Limited dated 24 February 2015 and 17 March 2015
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2. In condition 2 of Schedule 2, delete all words after "EA (MOD 3);" (except the Notes), and insert:

"(k)	EA (MOD 10);
(l)	Statement of Commitments; and
(m)	the conditions of this approval."
3. In condition 6 of Schedule 2, delete all words after the first reference to "calendar year", and insert:

(b)	9 million tonnes of ROM coal from the open-cut mining operations of the project in the calendar years 2015 and 2016; and
(c)	4 million tonnes of ROM coal from the underground mining operations of the project in any calendar year."
4. In the note to condition 1B of Schedule 3, delete "were granted acquisition rights and mitigation rights", and replace with "were granted mitigation on request rights".
5. In Appendix 6, delete the "Applicable Meteorological Conditions", and replace with:

**"Applicable Meteorological Conditions**

  1. The noise criteria in Table 2 of the conditions are to apply under all meteorological conditions except the following:

(a)	wind speeds greater than 3 m/s at 10 metres above ground level; or
(b)	stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or
(c)	stability category G temperature inversion conditions."