

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 08_0135 for the Moolarben Coal Project Stage 2, granted by the Planning and Assessment Commission Minister for Planning on 30 January 2015.

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 for DRE, delete Trade and Investment, Regional Infrastructure and Services and insert "Industry".
3. In the list of DEFINITIONS, after "June 2015", insert "(MOD 1); and".
4. In the list of DEFINITIONS, insert after the last dot point in the definition of EA:
 - UG1 Optimisation Modification Environmental Assessment, dated June 2015 and associated response to submissions, dated September 2015 (MOD 2).
5. In the list of DEFINITIONS, delete definition of Executive Director Mineral Resources.
6. In the list of DEFINITIONS, delete the definition of NOW.
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 the list of DEFINITIONS, after definition of Secretary, insert:

Secretary Industry Secretary of NSW Department of Industry, or equivalent position.
9. In condition 2 in Schedule 2, replace with:

"The Proponent shall carry out the project:
(a) generally in accordance with the EA; and
(b) in accordance with the statement of commitments and the conditions of this approval."
10. In condition 4 in Schedule 2, 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"

11. Delete condition 7 (b) of Schedule 2 and insert:
“(b) 8 million tonnes of ROM coal from the underground mining operations of the project in any calendar year.

Notes:

- *The above limits should be read in conjunction with the extraction, processing and coal transport limits in the Moolarben Coal Stage 1 approval (MP 05_0117).*
- *The total ROM coal extracted from the Moolarben mine complex (open-cut and underground mining) is no more than 21 million tonnes in any calendar year.*
- *No more than 13 million tonnes of coal from the Moolarben mine complex can be processed (washed) in any calendar year.*
- *No more than 18 million tonnes can be transported from the Moolarben mine complex in any calendar year.”*

12. In Schedule 2, insert new condition:
“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.”

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

14. In condition 4 in Schedule 3, delete the words “at any residence on privately-owned land”.

15. In Table 6 in condition 6 of Schedule 3, delete the words “All other privately owned residences” and insert “All privately owned residences other than those in Table 2”

16. In Table 17 in condition 53 of Schedule 3, insert the following row after “Final voids”:

Water quality	<ul style="list-style-type: none"> • 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.
---------------	--

17. In Table 3 of condition 3, after Gulgong-Sandy Hollow Railway Line, insert “Ulan-Wollar Road”.

18. In condition 5(h) of Schedule 4, in the last dot point after the words “land;” insert a new dot point:
- “a program to:
 - confirm the location and saturated extent of the palaeochannel adjacent to the extents of underground 1 second workings, including drilling of additional investigation bores;
 - validate, and if necessary revise, the groundwater model for the palaeochannel; and
 - monitor and report on the groundwater impacts of underground 1 second workings on the palaeochannel; and a program to monitor and report on the predicted groundwater impacts on the paleochannel adjacent to underground 1 boundary;”

19. In Schedule 4, insert a new condition:
“Second Workings under Palaeochannel
 7A. The Proponent shall ensure that the longwall panels of the project do not underlie any saturated section of the palaeochannel in the vicinity of Wilpinjong Creek, unless it has demonstrated that it has obtained the necessary water licences, to the satisfaction of the Secretary.”

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

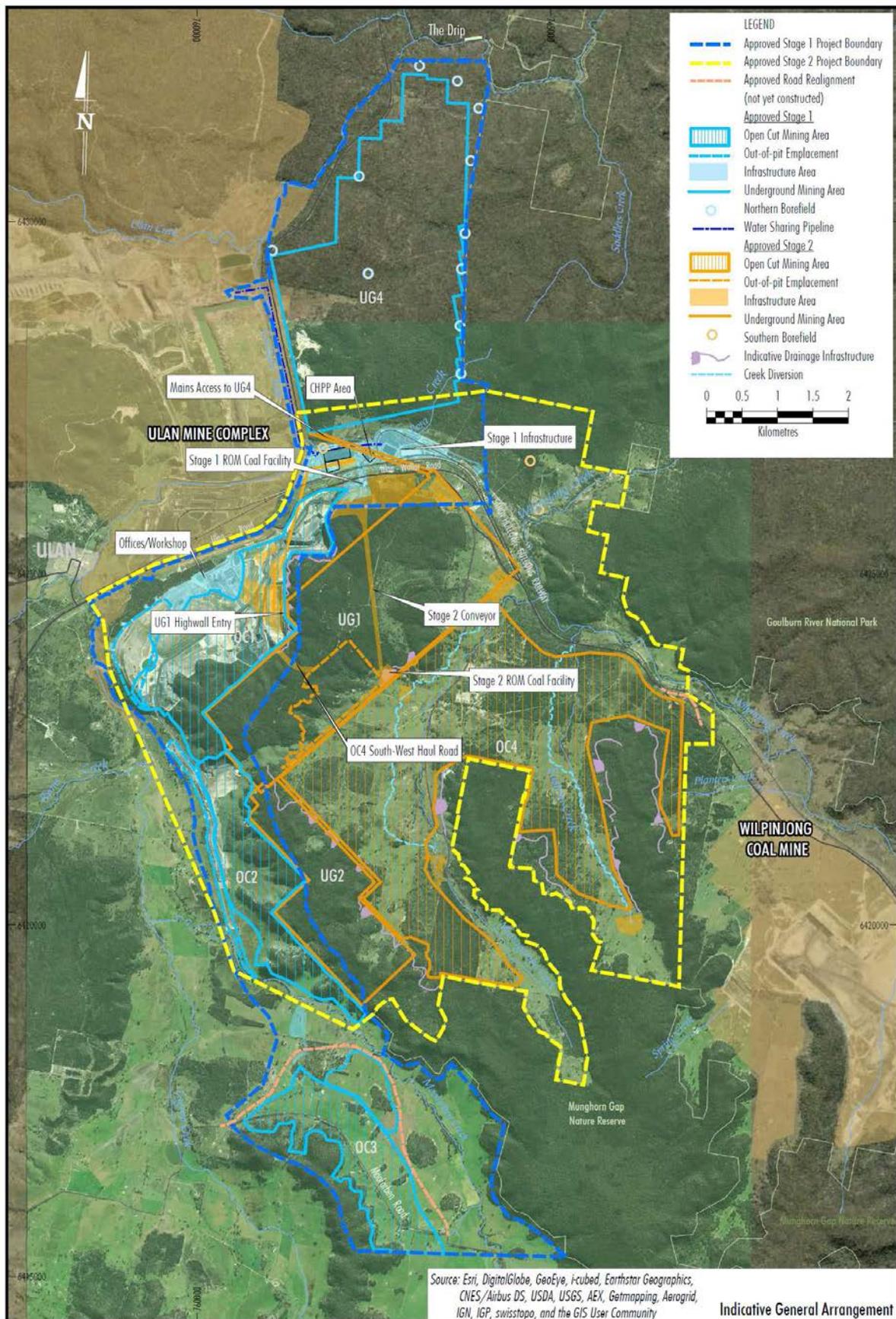


Figure 2.1 – Indicative General Arrangement

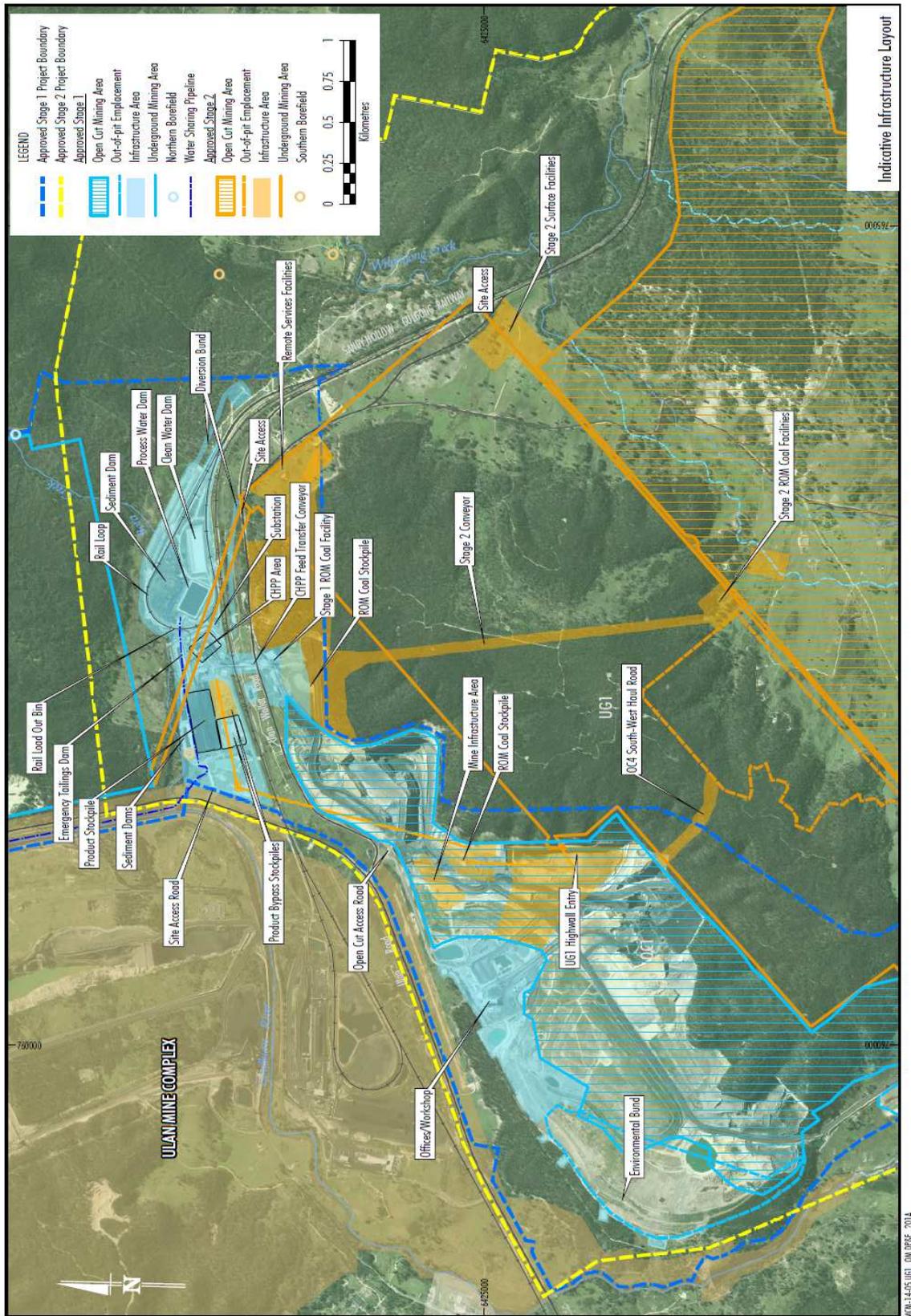


Figure 2.2 – Indicative Infrastructure Arrangement

21. In Appendix 4 replace all figures with the following:

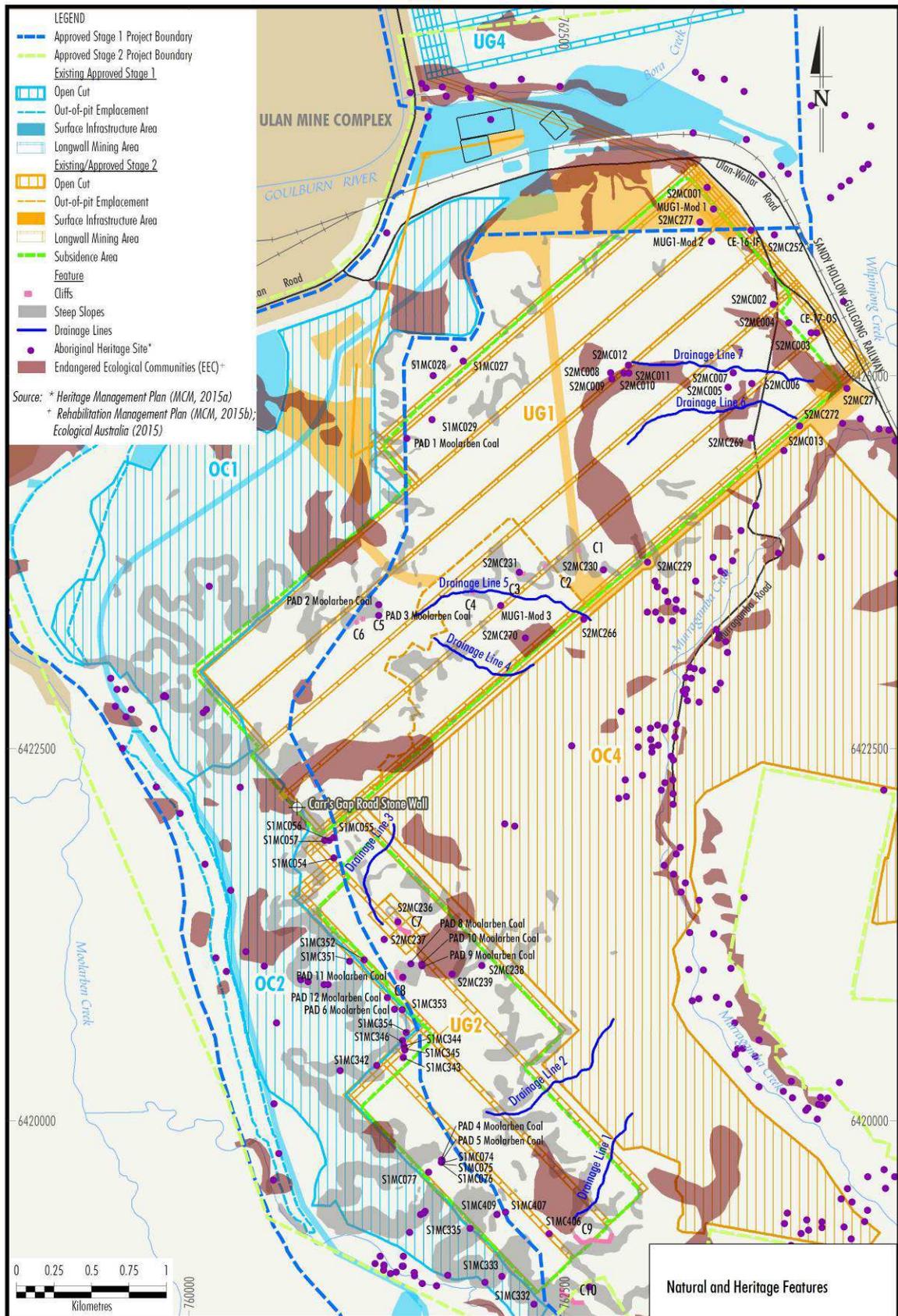


Figure 4.1 – Natural and Heritage Features

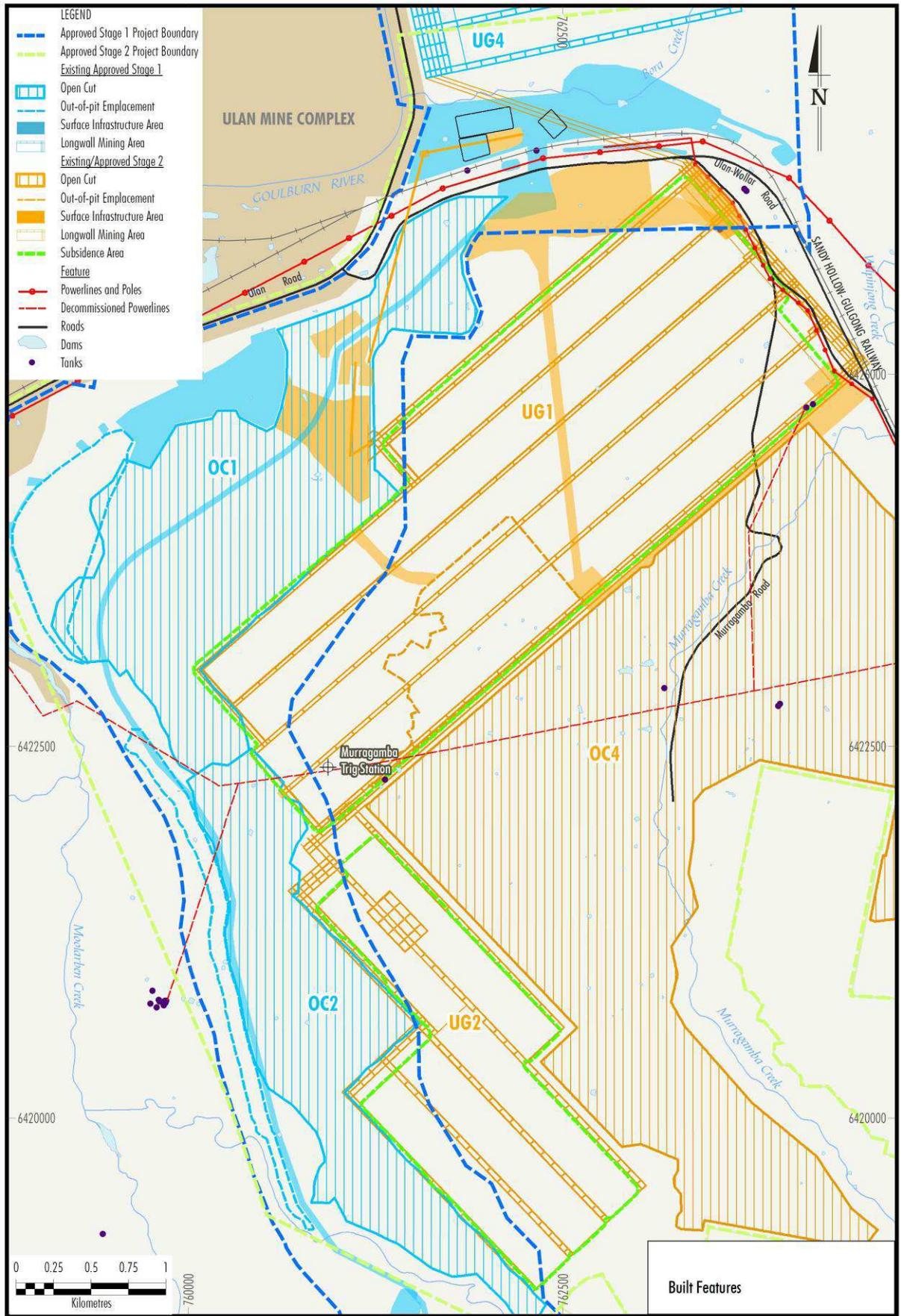
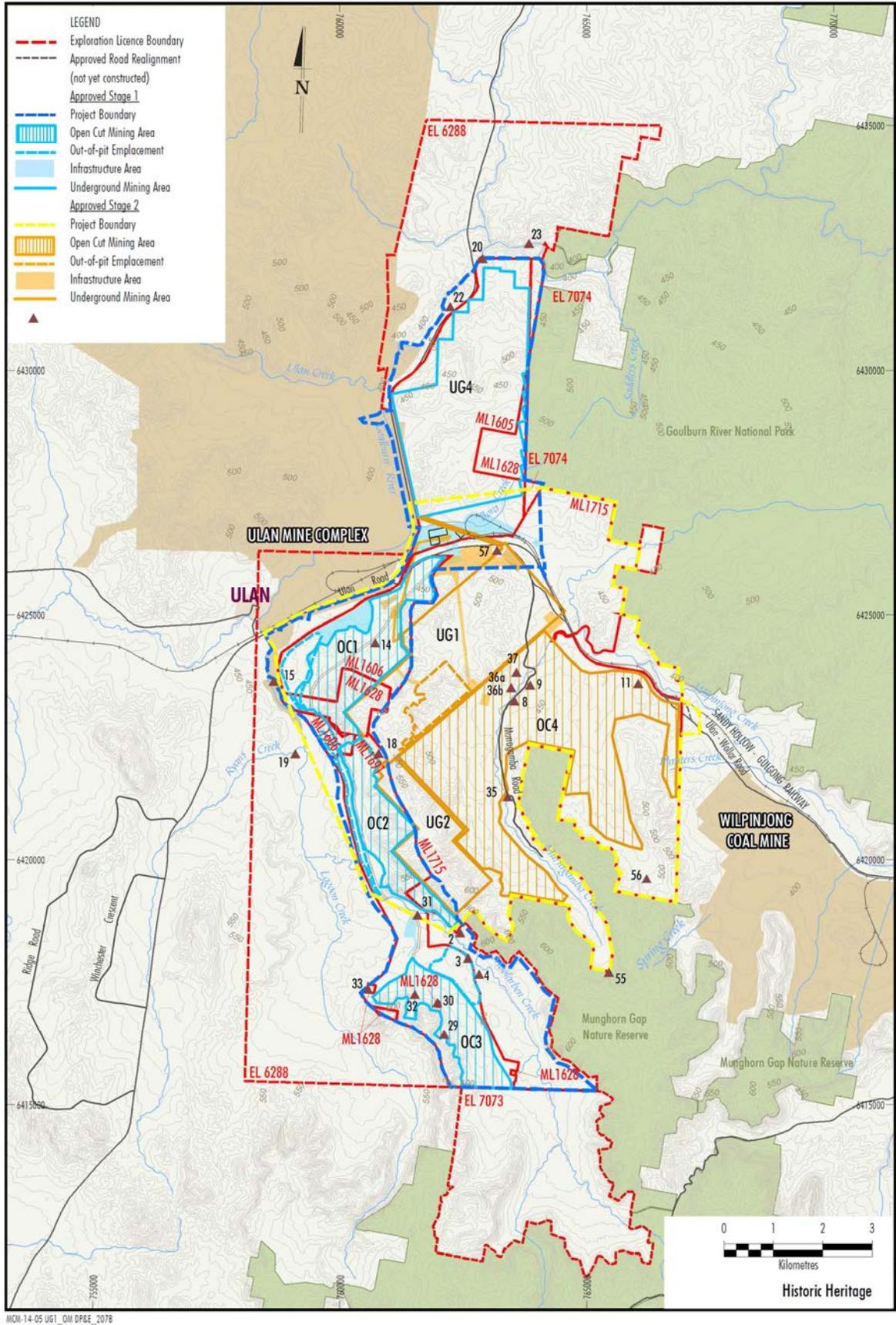


Figure 4.2 – Built Features

23. In Table 8.1 in Appendix 8 add one new row

Site Name	Site Type	Artefact Density	Significance	Impact Status	Previously Proposed Management Measure	Preferred Project Management Measure	Final Management Measure
MUG1-MOD1	Isolated Find	1	Low	Remote Services Facilities UG1 Mod	New record	-	Surface collection

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



25. In Appendix 10 replace the figure with the following:

