

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.



David Kitto
Executive Director
Resource Assessments and Business Systems

Sydney **23 MARCH** 2015

SCHEDULE 1

The project approval (09_0182) for the Boggabri Coal Project, granted by the Planning Assessment Commission under delegation from the Minister for Planning and Infrastructure on 18 July 2012.

SCHEDULE 2

1. Delete the definitions for "EA" in the definitions of Schedule 2, and insert the following:

EA

Environmental Assessment titled:

- *Environmental Assessment Boggabri Coal Mine* dated December 2010; associated response to submissions titled *Boggabri Coal Mine Response to Submissions* dated March 2011; additional report titled *Boggabri Coal Mine – Residual Matters* dated July 2011;
- *Boggabri Coal Project Modification Environmental Assessment* dated July 2013; associated response to submissions titled *Response to Submissions on the Modification No. 2 of Boggabri Mine – Processing Tarrawonga Coal* dated 6 December 2013;
- *Boggabri Coal Mine Project Approval Modification – Environmental Assessment* dated December 2013; associated response to submissions titled *Project Approval Modification Response to Submissions* dated January 2014; and
- *Boggabri Coal Mine Project Approval Modification – Environmental Assessment (Mod 4)* dated 16 December 2014; associated response to submissions titled *Boggabri Coal Mine - Project Approval Modification Environmental Assessment (MOD 4) Response to Submissions Report* dated 3 March 2015

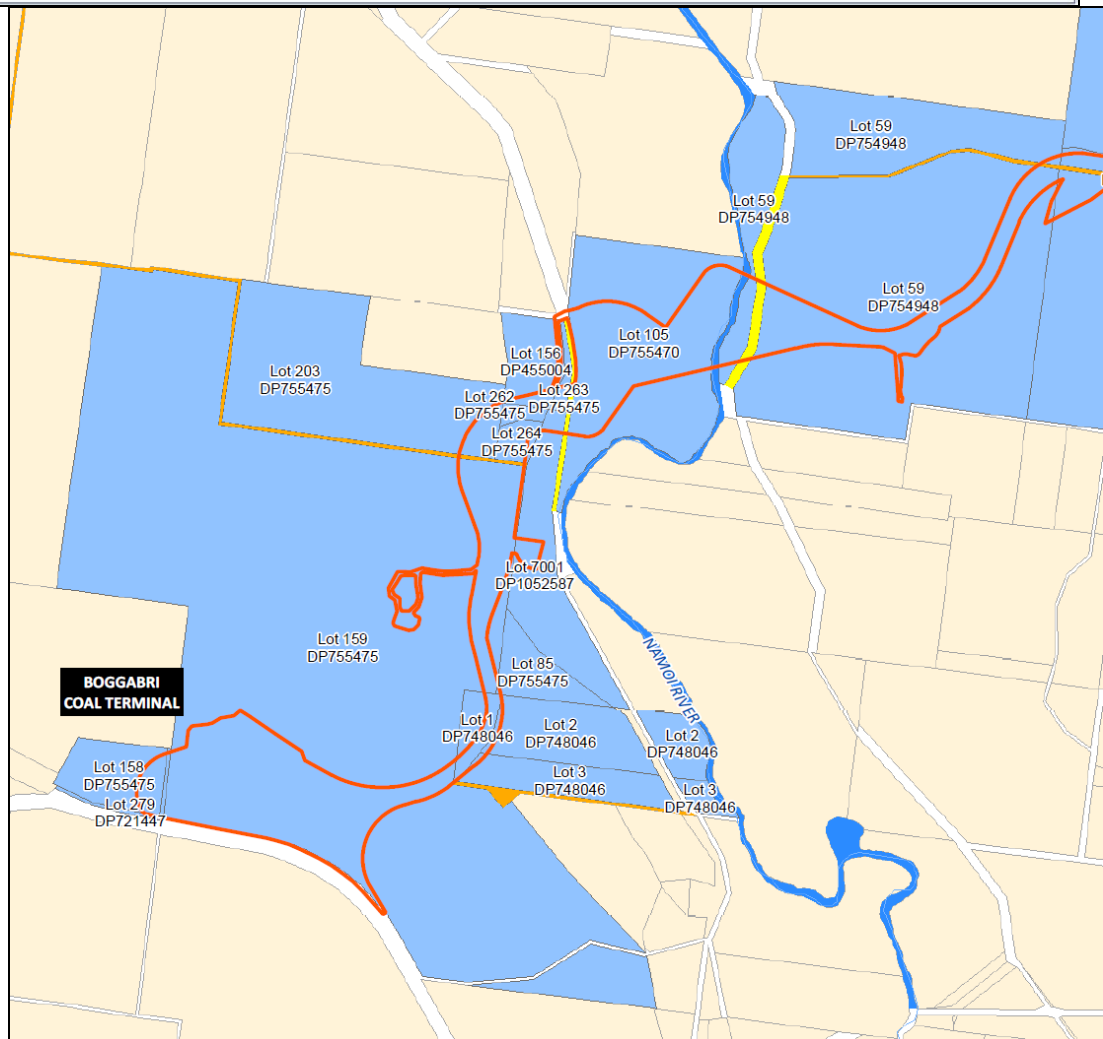
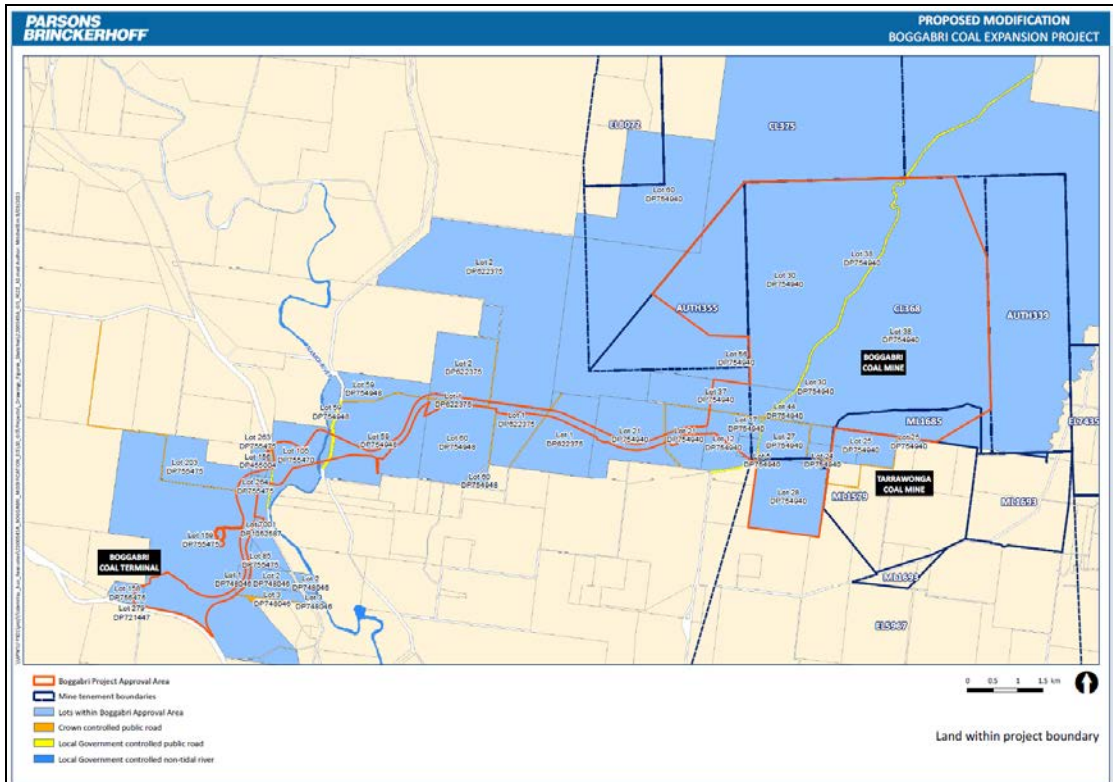
2. In Condition 30(a) of Schedule 3 delete the word “off-site”
3. In Condition 30(e) of Schedule 3 delete the word “off-site”
4. In Table 15, in Condition 39 of Schedule 3:
 - delete the reference to “2,432” in the row titled “Namoi Offset Area” and replace with “2,427”;
 - insert the following row after the row titled “Additional offset area —”;

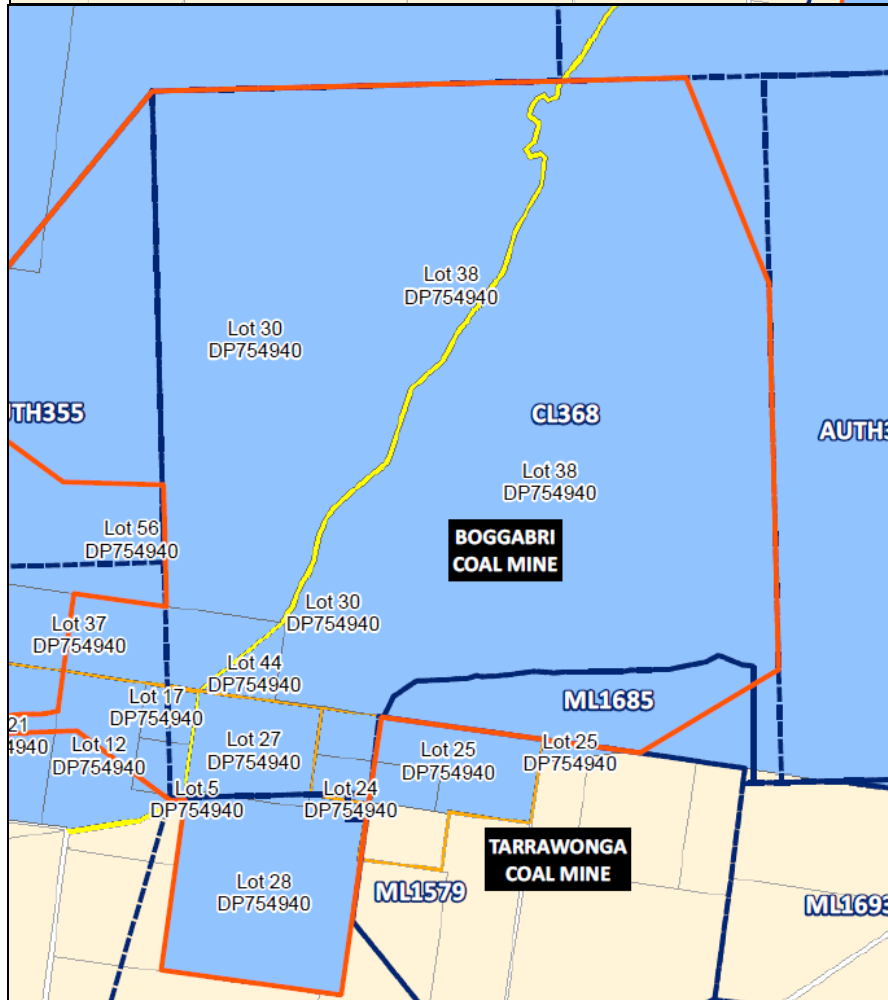
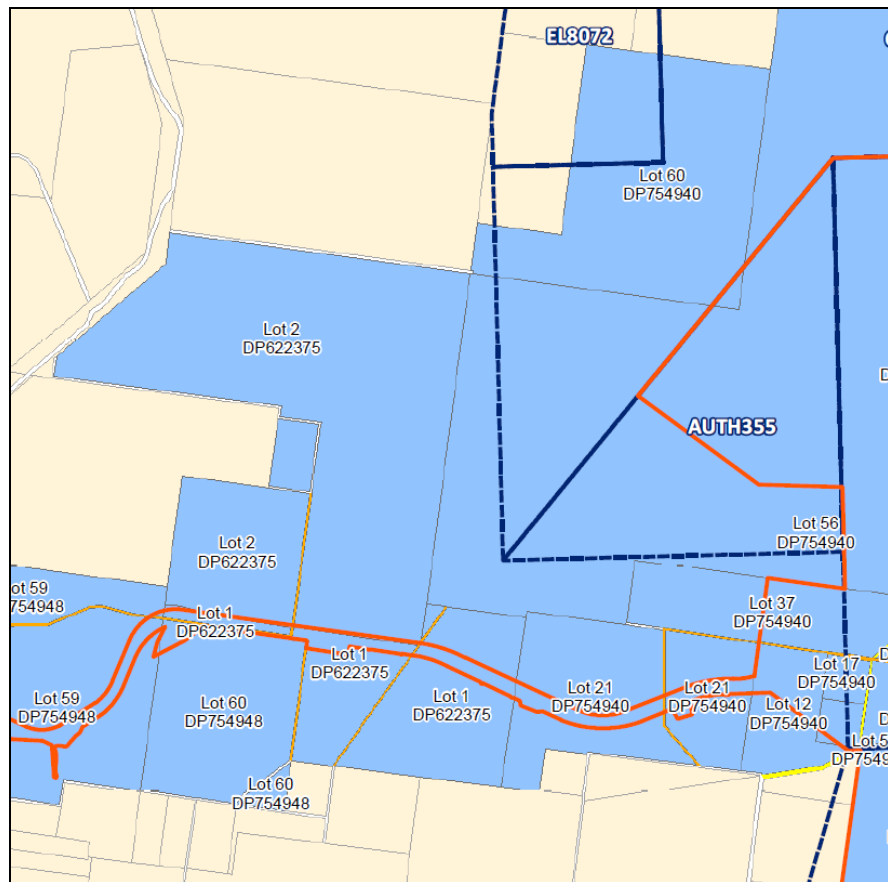
Additional modification offset area (Modification 4) <i>Note: Location subject to final approval as part of revised Biodiversity Strategy to be prepared by the Proponent</i>	Existing native vegetation to be protected and enhanced including at least: • 8 ha of Box Gum Woodland EEC as listed under the TSC Act; • 103 ha of Pilliga Box Grassy Open Forest or open grassy vegetation community of higher conservation status; • 21 ha of Narrow leaved ironbark shrubby open forest or shrubby open forest of higher conservation status; • 1 ha of River Red Gum Riparian Woodlands and Forest or riparian woodland/ forest of higher conservation status.	132
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- delete the reference to “**7,360**” in the row titled “**Total offset area owned, under option or committed by Proponent**” and replace with “**7,450**”; and
 - delete the reference to “**626**” in the row titled “**Additional land within Namoi Offset Area, Eastern Offset Area and Crown Reserve Land managed for Corridor Enhancement**” and replace with “**618**”.
5. In Condition 43 of Schedule 3, delete sub-clause (e) and replace with:
 - (e) identify the land to be acquired for the additional modification offset area (Modification 3) of 103 ha and the additional modification offset area (Modification 4) of 132 ha as identified in Table 15;
 6. In Condition 49(e) of Schedule 3, delete all the words after “managing grazing and agriculture on site” and insert:
 - (xii) controlling access;
 - (xiii) bushfire management; and
 - (xiv) translocating and/or propagating the threatened flora species *Tylophora linearis* located within the project disturbance boundary - including details of methods and timing of propagation trials and programs and investigations into assisted natural regeneration in mine site rehabilitation and biodiversity offset areas.
 7. In Appendix 1, Schedule of Land in the Table titled “Property Description” insert the following row after the row showing Lot 59 DP 754948.

60	754948
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8. In Appendix 1, delete all the figures after “Figures Depicting Project Boundary and Land” and insert the following figures:





9. In Appendix 2 Project Layout Plan insert the following figure after Figure 3.

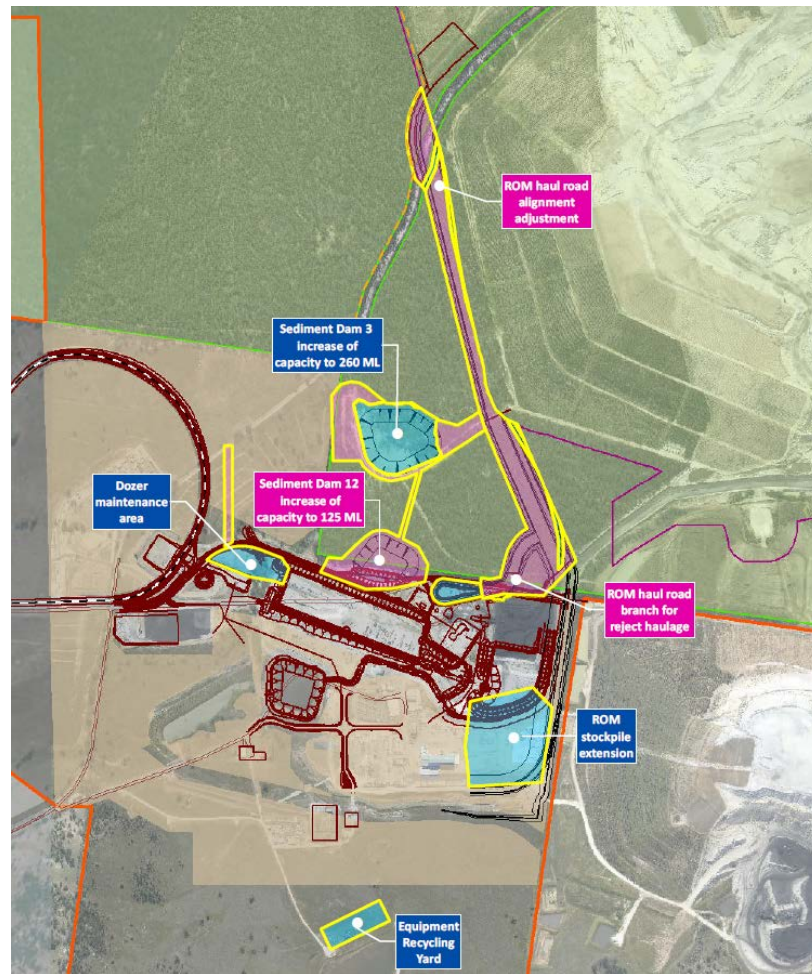
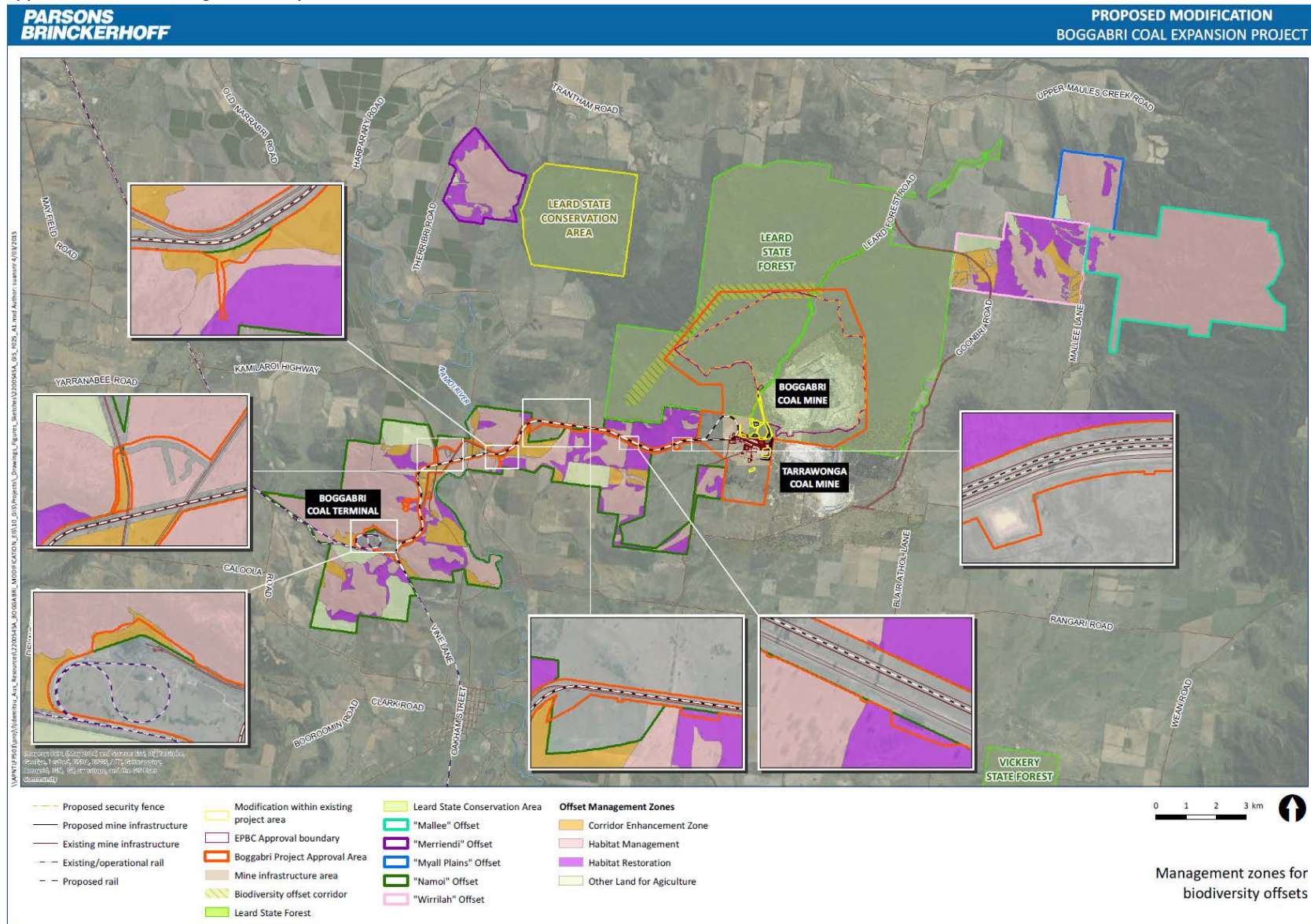


Figure 4: Additional Infrastructure Mod 4

10. In Appendix 7 delete the figure and replace with:



11. In Appendix 7 add the following note under the Table titled “Extent of biodiversity management zone within each offset property.”

Note: the areas within each management zone property are indicative only with final areas to be confirmed following completion of the revised Biodiversity Strategy required under Schedule 3 condition 43.

12. In Appendix 8 replace the Table with the following Table and delete the note under the table “Sourced from Environmental Assessment titled Environmental Assessment Boggabri Coal Mine dated December 2010, Table 37.

Site Type	To be impacted by the Project	Site not impacted by the Project
Artefact Scatter	BC34, BC42, BC43, BC46, BC47, BC54, NV10, NV15, NV20, NV21, NV22, NV23, NV39, NV40, NV43, NV47, NV48, NV65, NV66, NV67, NV68, NV73, NV78	BC31, BC33, BCD2, NV2, NV3, NV4, NV5, NV13, NV24, NV49, NV50, NV54, NV55, NV57, NV58, NV59, NV60, NV62, NV63, NV80
Isolated Find	BC18, BC19, BC22, BC26, BC49, NV6, NV7, NV8, NV9, NV16, NV18, NV19, NV38, NV41, NV42, NV44, NV45, NV46, NV52, NV53, NV64, NV69, NV70, NV71, NV72, NV74, NV75, NV77	BC17, BC24, BC25, BC32, BC36, BCD3, NV1, NV11, NV12, NV14, NV51, NV61
Scarred Tree	BC16, BC50, BC51, BC52, NV28, NV29, NV30, NV31, NV32, NV33, NV34, NV76	BC30, NV25, NV26, NV27, NV35, NV36, NV37
Historic Scarred Tree	BC37	N/A
Quarry	N/A	BCD1, NV56