

Notice of Modification

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

As delegate of the Minister for Planning, the Independent Planning Commission of NSW modifies the project approval referred to in Schedule 1, as set out in Schedule 2.

Member of the Commission

Sydney

Member of the Commission

2018

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 of "DRE", "DPI" and "DPI Water"
2. Insert the following definitions in alphabetical order:

BC Act	<i>Biodiversity Conservation Act 2016</i>
Dol Lands & Water	NSW Department of Industry – Lands and Water Division
Resources Regulator	Resources Regulator within the Department
3. In the definition for "EA", delete all text after "as modified by:" and replace with:
 - *Boggabri Coal Mine Project Modification Environmental Assessment* dated July 2013 and associated response to submissions dated 6 December 2013;
 - *Boggabri Coal Mine Project Approval Modification Environmental Assessment* dated October 2013 and associated response to submissions dated January 2014;
 - *Boggabri Coal Mine - Project Approval Modification Environmental Assessment (Mod 4)* dated 16 December 2013 and associated response to submissions dated January 2014;
 - *Boggabri Coal Mine - Project Approval Modification Environmental Assessment (Mod 5)* dated 20 November 2015 and associated response to submissions dated 3 March 2015 and Supplementary Information Request Response dated 5 July 2016;
 - Modification request letter from Idemitsu dated 13 June 2017; and
 - *Boggabri Mine Project Approval 09_0182 – Environmental Assessment Modification 7* dated August 2018
4. Replace all references to "DPI" and "DPI Water" with "Dol Lands & Water".
5. Replace all references to "DRE" with "Resources Regulator".
6. Delete Condition 13 of Schedule 2 and replace with:
 - 13 The Proponent may transport up to 200 tonnes of coal per year from the site by road for marketing and testing purposes. All other coal must be transported from the site via the Boggabri Rail Spur Line, except in exceptional circumstances as agreed with RMS and Council and approved by the Secretary.
7. Delete Condition 47(a) of Schedule 3 and replace with the following:
 - (a) For the areas included in Table 15 owned by the Proponent, the long-term security shall be provided by way of the Proponent:

- entering a biodiversity stewardship agreement pursuant to Part 5 Division 2 of the BC Act;
- entering a conservation agreement pursuant to Part 5 Division 3 of the BC Act; and/or
- transferring land to National Parks estate under the *National Parks & Wildlife Act 1974*.

The agreement or transfer of land must be registered by February 2020 unless agreed otherwise by the Secretary after consultation with the Chief Executive of OEH. If conservation or stewardship agreements are made to secure the land, the agreements must remain in force in perpetuity.

DRAFT

8. Delete Appendix 1 – Schedule of Land and replace with:

**APPENDIX 1
SCHEDULE OF LAND**

PROPERTY DESCRIPTION	
Lot	DP
41	754926
40	754926
39	754926
161	754926
44	754940
30	754940
37	754940
38	754940
22	754940
23	754940
17	754940
5	754940
12	754940
8	754940
56	754940
124	754926
125	754926
127	754926
1	566122
3	566122
1	622375
59	754948
60	754948
105	755470
156	455004
203	755475
262	755475
263	755475
264	755475
1	748046
2	748046
3	748046
159	755475
158	755475
7001	1052587
B	190503
2	509312
279	721447
43	754926
44	754926
10	754940
13	754940

PROPERTY DESCRIPTION	
Lot	DP
14	754940
60	754940
85	755475
1	970060
9	1096302
263	1193634
279	1196626
280	1196626
281	1196626
1	1200040
2	1200040
3	1200040
11	1200767
12	1200767
13	1200767
14	1200767
15	1200767
16	1200767
17	1200767
1	1202450
3	1202450
4	1202450
7	1202450
8	1202450
102	1204994
38	1211027
241	1219864
242	1219864
243	1219864
1	1201952
21	754940
1	1226200
18	754940
142	754926
5	120245
12	1182291
STATE FOREST - UNDEFINED	
PARTS OF TRUNK ROAD NO.72, T.S & C-R 28354	
THERRIBRI ROAD (R9542) WITHIN THE LAND DISTRICT OF NARRIBRI	
UN-NAMED CROWN / PUBLIC ROADS WITHIN THE PROJECT BOUNDARY	

9. In Appendix 2, delete figures 1 and 2 and insert the following figures:

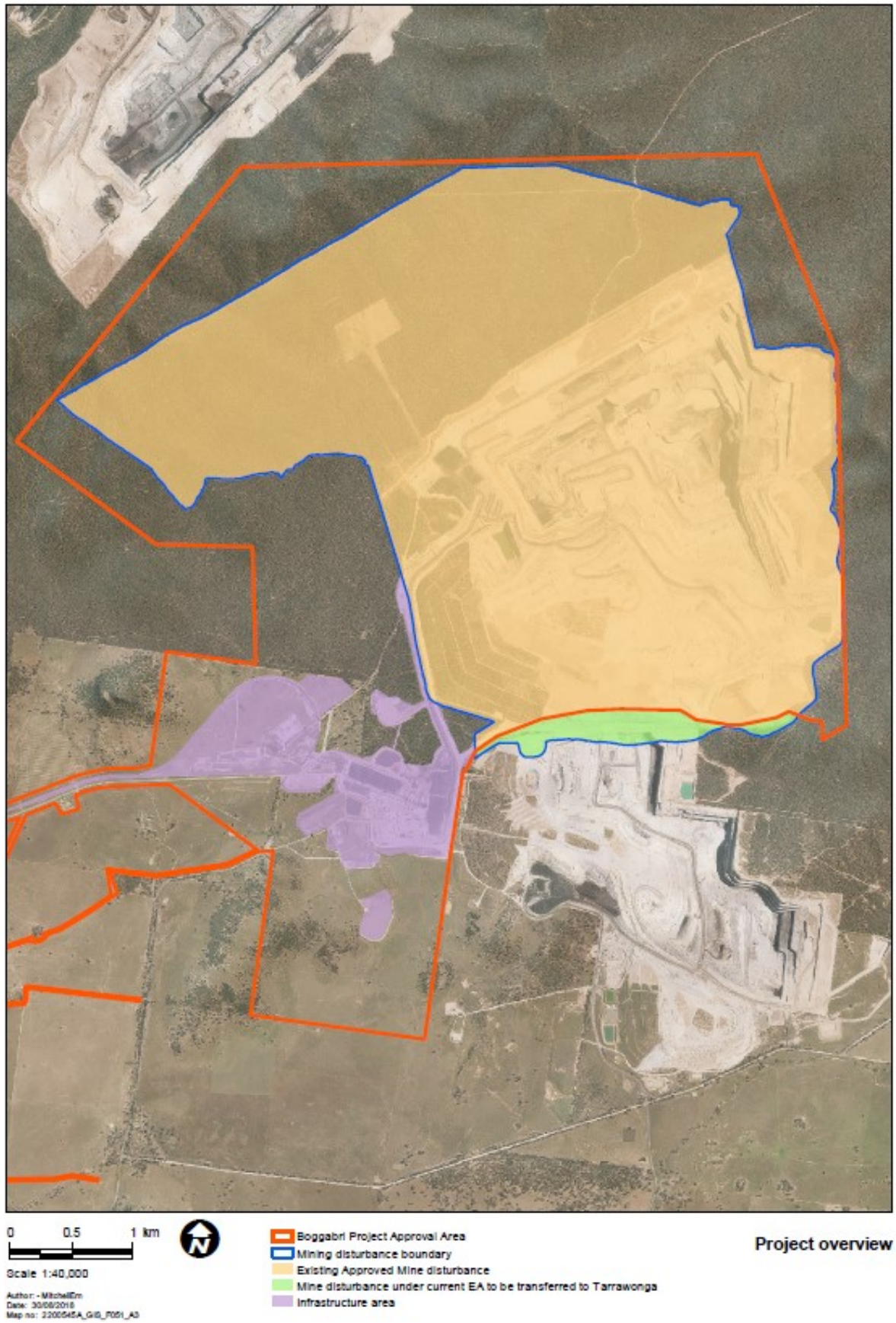


Figure 1: Mine Site Location

