

Notice of Modification

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

As delegate of the Minister for Planning and Infrastructure, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.



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Resource Assessments and Business Systems

Sydney

13 JANUARY

2017

SCHEDULE 1

Project approval 10_0138 for the Maules Creek Coal Project, granted by the delegate of the Minister for Planning and Infrastructure on 23 October 2012.

SCHEDULE 2

1. Delete the definitions for "Department", "DPI", "Director-General", "DRE", "EA", "OEH" "Namoi CMA", "NOW" and "SEWpaC".

2. Insert the following definitions in alphabetical order:

Department	Department of Planning and Environment
DoEE	Commonwealth Department of the Environment and Energy administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
DPI Water	The Division of Water within DPI
DPI Fisheries	The Division of Fisheries within DPI
DPI Lands	The Division of Land within DPI
DRE	Division of Resources and Energy within the NSW Department of Industry
EA	The <i>Maules Creek Coal Project Environmental Assessment</i> dated July 2011, including the Response to Submissions dated November 2011; as modified by: • <i>Maules Creek Coal Mine Project Approval Modification Environmental Assessment</i> dated April 2013, including the Response to Submission dated 6 December 2013; • <i>Maules Creek Coal Mine Project Approval Modification 2 Environmental Assessment</i> dated April 2014, including the Response to Submission dated 6 December 2013; and • <i>Maules Creek Coal Mine Project Approval Modification 3 Environmental Assessment</i> dated May 2016, including the Response to Submission dated August 2016 and Supplementary Information Request Response dated 5 November 2016.
North West LLS	North West Local Land Services
OEH	Office of Environment and Heritage
Secretary	Secretary of the Department, or nominee

3. Delete all references to "NOW" and replace with "DPI Water".
4. Delete all references to "SEWPaC" and replace with "DoEE".
5. Delete all references to "Director-General" and replace with "Secretary".

6. Delete all references to "Namoi CMA" and replace with "North West LLS".
7. Delete all references to "DPI Catchments and Lands" and replace with "DPI Lands".
8. Replace Condition 2 of Schedule 2 (except for the Notes) with the following:

2. The Proponent shall carry out the project:
 - (a) generally in accordance with the EA;
 - (b) in accordance with the statement of commitments; and
 - (c) in accordance with the conditions of this approval.

9. Delete Condition 16 of Schedule 2 and replace with the following:

UPDATING & STAGING STRATEGIES, PLANS OR PROGRAMS

16. With the approval of the Secretary, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this approval are updated on a regular basis, the Proponent may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Proponent may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this approval.

Notes:

- *While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

10. Following Condition 2 of Schedule 3 insert the following:

- 2A. For privately-owned residences where noise generated by the Project is predicted to exceed traffic noise impact assessment criteria (see Table 2A) the owner(s) can make a written request to the Proponent for noise mitigation measures (such as double glazing, insulation and air conditioning) at the residence.

These measures must be reasonable and feasible and directed towards reducing the road noise impacts of the project on the residence. If within 3 months of receiving this request from the owner(s), the Proponent and owner(s) cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

Table 2A: Residences subject to road noise mitigation on request

Residence
264

However, this condition does not apply if the Proponent has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.

Notes:

1. *To interpret the locations referred to in Table 2A see the applicable figure(s) in Appendix 4.*
2. *For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that: is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval.*

11. Delete condition 63 of schedule 3.
12. Delete condition 64 of schedule 3 and replace with:

Traffic Management Plan

64. The Proponent shall prepare and implement a Traffic Management Plan for the project to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with the RMS, Council and Gunnedah Council;
 - (b) propose an appropriate program and schedule for works required under conditions 59 - 61 above; and
 - (c) include:
 - a description of measures for managing workforce fatigue, road safety and school bus interaction;
 - a description of measures to minimise dust from unsealed roads that may be used for access to the site;
 - a code of conduct for drivers of heavy and light vehicles;
 - nominated heavy vehicle access routes for construction and operational stages, including details on volumes and nature of heavy, over size and/or over mass vehicles;
 - a proposed program for implementing the findings of the road safety audit identified in the EA;
 - performance criteria, measures and indicators for shuttle bus utilisation and car-pooling in accordance with the commitments in the EA; and
 - a monitoring program to audit vehicle movements against predictions in the EA.