

Notice of Modification

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

Under the Minister for Planning and Infrastructure's delegation of 14 September 2011, I modify the development consent referred to in schedule 1, subject to the conditions in schedule 2.



David Kitto
Director, Industry & Mining

Sydney

29 JUNE

2012

SCHEDULE 1

The development consent (DA 36/88) for the Boggabri Coal Project, granted by the Minister for Planning on 22 August 1989.

SCHEDULE 2

1. In the list of DEFINITIONS, delete the definition for "RTA" and insert the following in alphabetical order:

EPA	Environment Protection Authority
RMS	Roads and Maritime Services
2. In the definition of "EA" within the list of DEFINITIONS, after the words "prepared by Hansen Bailey on behalf of Boggabri Coal Pty Limited", insert the following:
 - Environmental Assessment titled *Boggabri Coal Mine Development Consent Modification Environmental Assessment*, dated May 2012, prepared by Hansen Bailey on behalf of Boggabri Coal Pty Limited
3. Replace all references to "RTA" with "RMS".
4. Replace the references to "OEH" in conditions 22, 23 and 27 of Schedule 3 with "EPA".
5. After condition 43 of Schedule 3, insert the following

Additional Visual Impact Mitigation

- 43A. Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations and infrastructure on site during the project, the Applicant shall implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of these mining operations and infrastructure from the residences on their properties.

These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe.

If the Applicant and the owner 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 Director-General for resolution.

Notes:

- The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from significantly affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties;
- The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts); and
- Except in exceptional circumstances, the Director-General will not require additional visual impact mitigation to be undertaken for residences that are more than 7.5 kilometres from the mining operations.

6. In Appendix 4, insert the following ahead of the Table of Commitments:

Table 1 below specifies commitments referenced in the "Boggabri Coal Mine: Environmental Assessment – Modification to Development Consent for Boggabri Coal Mine, August 2011."

TABLE 1

7. In Appendix 4, insert the following after the Table of Commitments:

Table 2 below specifies commitments referenced in the "Boggabri Coal Mine Development Consent Modification Environmental Assessment, May 2012."

TABLE 2

Ref	Description	Section
Mining Operations		
1.	Should Project Approval 09_0182 be granted then Development Approval 36/88 shall be surrendered in accordance with the Boggabri EA Statement of Commitments.	Section 4 of the Boggabri Modification EA
Environmental Management		
2.	Subsequent approvals under other relevant legislation as described in this EA will be obtained.	Section 5 of the Boggabri Modification EA
3.	Boggabri Coal will continue to operate in accordance with the existing Environmental Management Plans (and review those with an asterisk within three months of the grant of this Modification as indicated in this Environmental Assessment) including: <ul style="list-style-type: none"> • Water Management*; • Air Quality*; • Flora and Fauna; • Cultural Heritage; • Rehabilitation and Land Management*; • Noise and Vibration*; • Hydrocarbon; • Waste; • Public Safety; and • Irrigation Area. 	Section 3.6 of the Boggabri Modification EA
4.	Environmental Management Plans will be reviewed as indicated in this Environmental Assessment, communicated to the workforce and audited against for compliance to ensure a high level of environmental performance and legal compliance is maintained.	Section 3.6 of the Boggabri Modification EA
5.	The Environmental Monitoring Program as enhanced and described in this EA will be implemented.	Section 3.7 of the Boggabri Modification EA
Environmental Management and Mitigation		
6.	Technologies and initiatives will be implemented as required to achieve the air quality outcomes described in this Environmental Assessment.	Section 6.1 of the Boggabri Modification EA
7.	Noise control and management measures will be undertaken to meet the project specific noise criteria at private receivers described in this Environmental Assessment.	Section 6.2 of the Boggabri Modification EA
8.	Overburden, rejects emplacement and rehabilitation will be managed as described in this Environmental Assessment.	Section 6.3 and 6.4 of the Boggabri Modification EA
Reporting and Consultation		
9.	A Mining Operations Plan will be prepared to the approval of Department of Trade and Investment, Regional Infrastructure – Mineral Resources prior to the commencement of mining within this Modification Area.	Section 3.2 of the Boggabri Modification EA
10.	Boggabri Coal will continue to prepare an Annual Review (which summarises monitoring results and reviews performance) make it publicly available, and distribute it to the relevant regulatory authorities and the Boggabri Coal Community Consultative Committee.	Section 3.7 of the Boggabri Modification EA
11.	Boggabri Coal will continue to facilitate the Boggabri Coal Community Consultative Committee.	Section 3.7 of the Boggabri Modification EA