



Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

14 June 2017

Dear Ms McNally

**Determination of Modification Request
Mangoola Coal Project (MP 06_0014 MOD 8)**

Thank you for your Department's letter received on 31 May 2017 referring the above modification request to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011. Lynelle Briggs AO, Chair of the Commission nominated me to constitute the Commission to determine the modification request.

Mangoola Coal Operations Pty Ltd seeks to amend conditions 2 and 2A of its project approval to reinstate the requirement for 'general' accordance with the environmental assessment documentation and the approved project layout plan. Mangoola's justification is that the location of aspects of the mine can require slight changes over time due to the nature of mining operations. Mangoola also requests the approved project layout plan be updated to reflect the current site layout.

I have considered carefully the Department's environmental assessment report, in particular its explanation of the Department's ongoing refinement of approval conditions, the information provided by Mangoola and section 75W of the *Environmental Planning and Assessment Act 1979*.

On balance, I consider the approach recommended by the Department, that 'generally' be reinstated to the project approval in respect of the environmental assessment documents and the project layout plan, but not in respect of approval conditions (which must be complied with as written) to be acceptable. I note that the reinstatement of 'generally' and the update of the project layout plan would not alter the nature and scale of mining operations, or have any additional environmental impacts beyond those already assessed and approved.

Consequently, I have determined to approve the modification request, subject to the conditions set out in the notice of modification attached.

David Johnson
Member of the Commission (Chair)

cc. The Hon. Anthony Roberts, MP
Minister for Planning
GPO Box 5341
SYDNEY NSW 2001