

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.


Mike Young
A/Director
Mining Projects

Sydney

17 March

2014

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

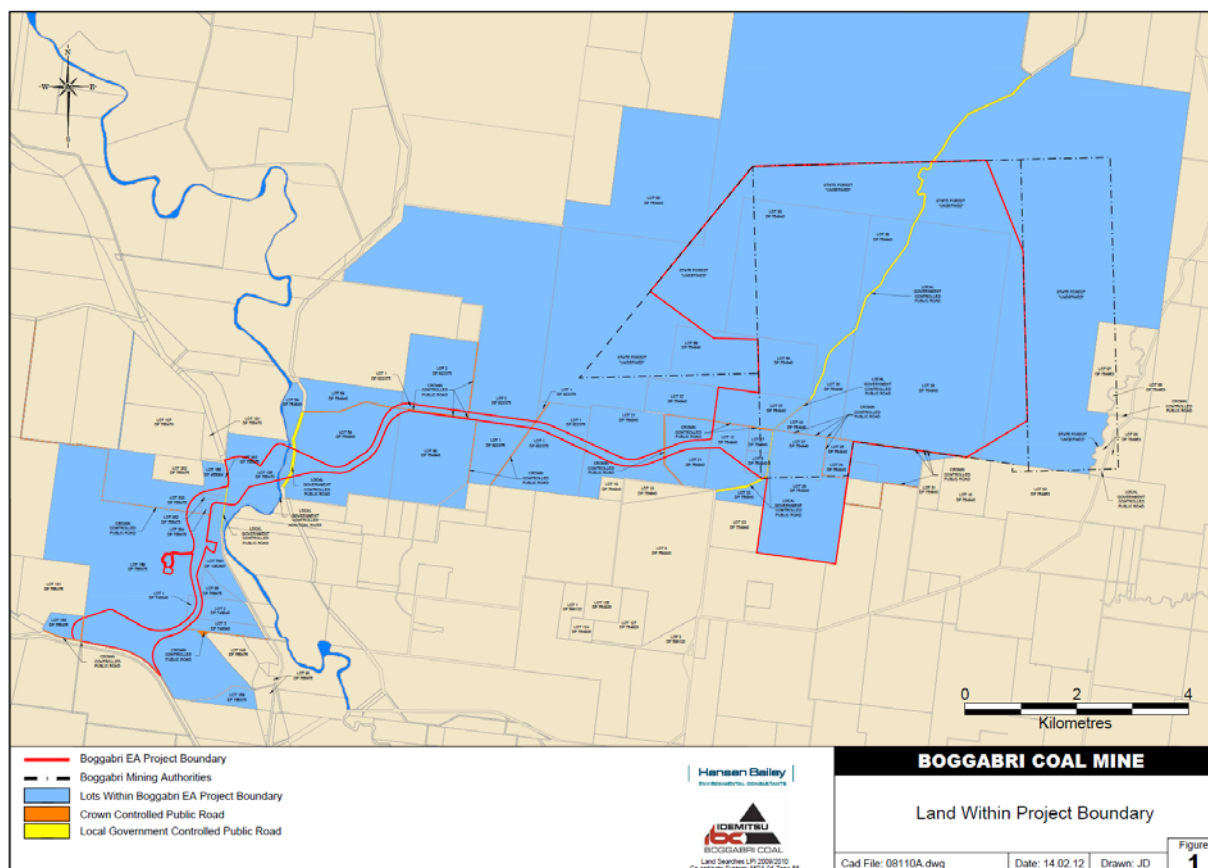
1. In the footer, delete the reference to "Department of Planning and Infrastructure" and replace with "Planning and Infrastructure".
2. In the definitions of Schedule 2, delete the definitions for "Department", "Director-General", "EA" and "SEWPaC" and insert the following in alphabetical order:

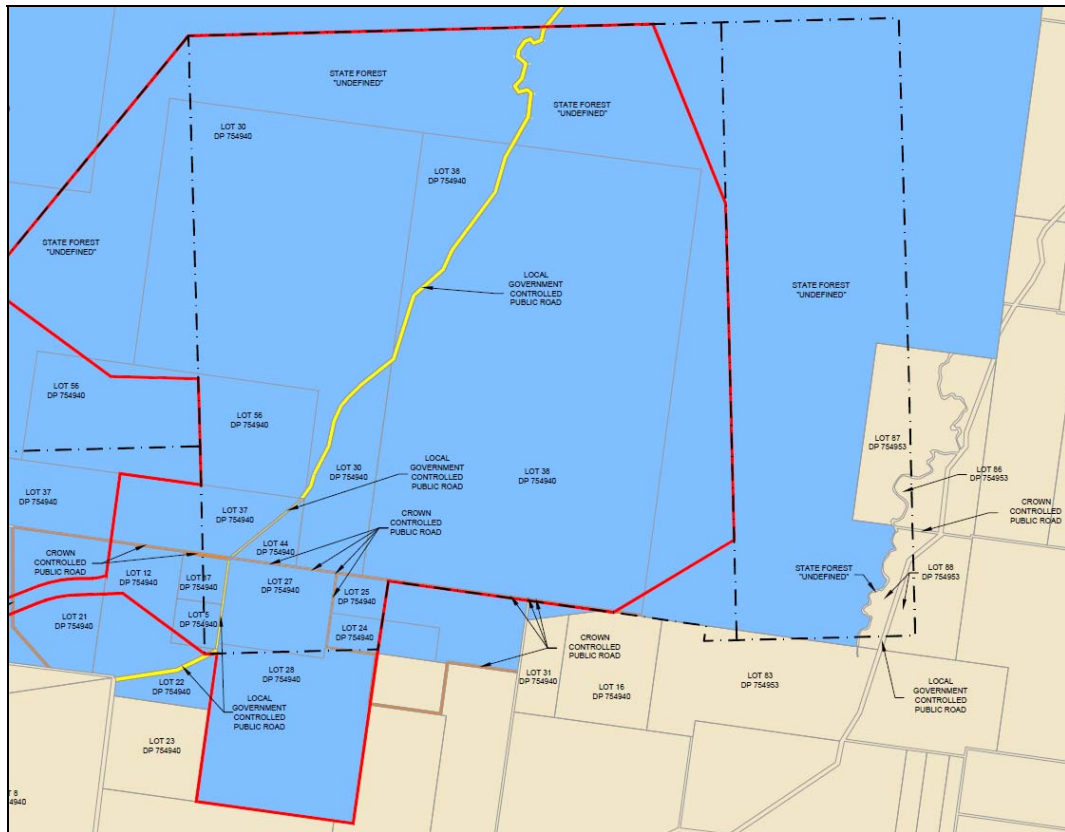
Director-General	Director-General of P&I, or nominee
DoE	Commonwealth Department of the Environment
EA	Environmental Assessment titled <i>Environmental Assessment Boggabri Coal Mine</i> dated December 2010; associated response to submissions titled <i>Boggabri Coal Mine Response to Submissions</i> dated March 2011; additional report titled <i>Boggabri Coal Mine – Residual Matters</i> dated July 2011; Environmental Assessment titled <i>Boggabri Coal Mine Project Approval Modification – Environmental Assessment</i> dated December 2013; and the associated response to submissions titled <i>Project Approval Modification Response to Submissions</i> dated January 2014
P&I	The executive agency of Planning and Infrastructure within the NSW Department of Premier and Cabinet
3. Delete all references to "the Department" and "The Department", except in the definitions of Schedule 2, and replace with "P&I".
4. Delete all references to "Department's" and replace with "P&I's".
5. Delete all references to "SEWPaC", and replace with "DoE".
6. In the subheading of Condition 2 of Schedule 3, delete all the words after "**Vibration Criteria**".
7. In Condition 2 of Schedule 3, delete all references to "Boggabri Rail Spur Line" and replace with "Boggabri Rail Spur Line, Kamilaroi Highway Access Roads, and Daisymede Laydown Compound".

8. In Table 15, in Condition 39 of Schedule 3:
- delete the reference to “2,469” in the row titled “Namoi Offset Area” and replace with “2,432”;
 - insert the following row after the row titled “Additional offset area –”; and

Additional modification offset area	Existing native vegetation to be protected and enhanced including at least 63 ha of Pilliga Box Woodland and 16 ha of Box Gum Woodland EEC as listed under the TSC Act.	103
<i>Note: Location subject to final approval as part of revised Biodiversity Strategy to be prepared by Proponent</i>		

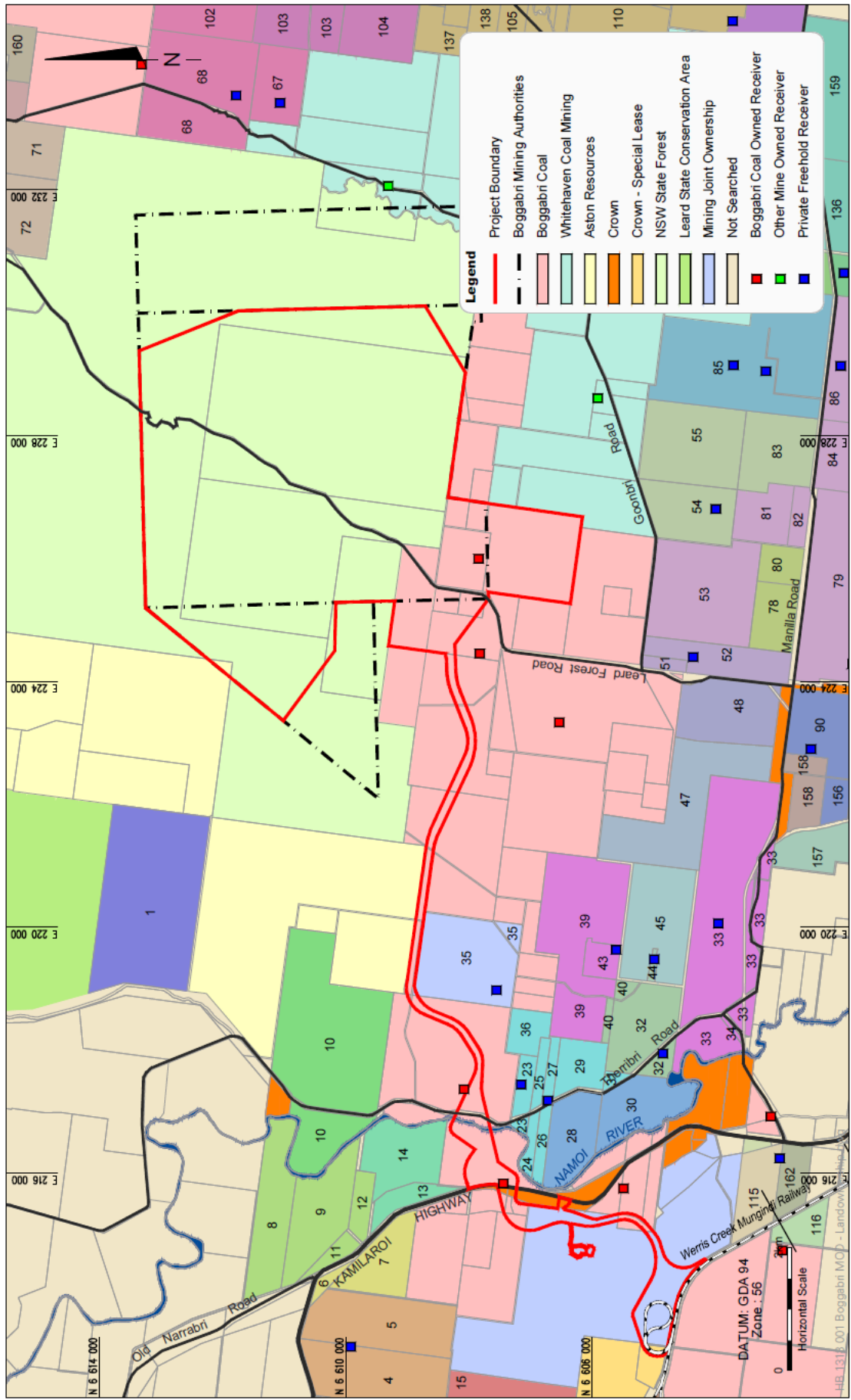
- delete the reference to “7,257” in the row titled “**Total offset area owned, under option or committed by Proponent**” and replace with “7,360”.
9. In Condition 43 of Schedule 3, delete all the words after “additional offset area of 1,000 ha in Table 15;” and insert:
- identify the land to be acquired for the additional modification offset area of 103 ha in Table 15;
 - identify the special lease/Crown reserve land subject to a funding/management agreement with DPI Catchments and Lands, and if this land area is less than the identified 441 ha, then the Proponent must identify substitute areas that would provide an equivalent increase in biodiversity values; and
 - be submitted within 30 months of the date of this approval, or within 6 months of the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy (whichever is sooner) for endorsement by OEH and subsequent approval by the Director-General.
10. After Condition 58 of Schedule 3 insert:
- 58A. The Proponent shall design and construct the intersections with the Kamilaroi Highway for access to the haul road to the satisfaction of RMS.
11. In Appendix 1, delete all the figures after “Figures Depicting Project Boundary and Land” and insert the following:





12. Delete Appendix 4 and replace with the following:

APPENDIX 4: LAND OWNERSHIP



13. Delete Appendix 7 and replace with the following:

**APPENDIX 7
BIODIVERSITY OFFSET STRATEGY**

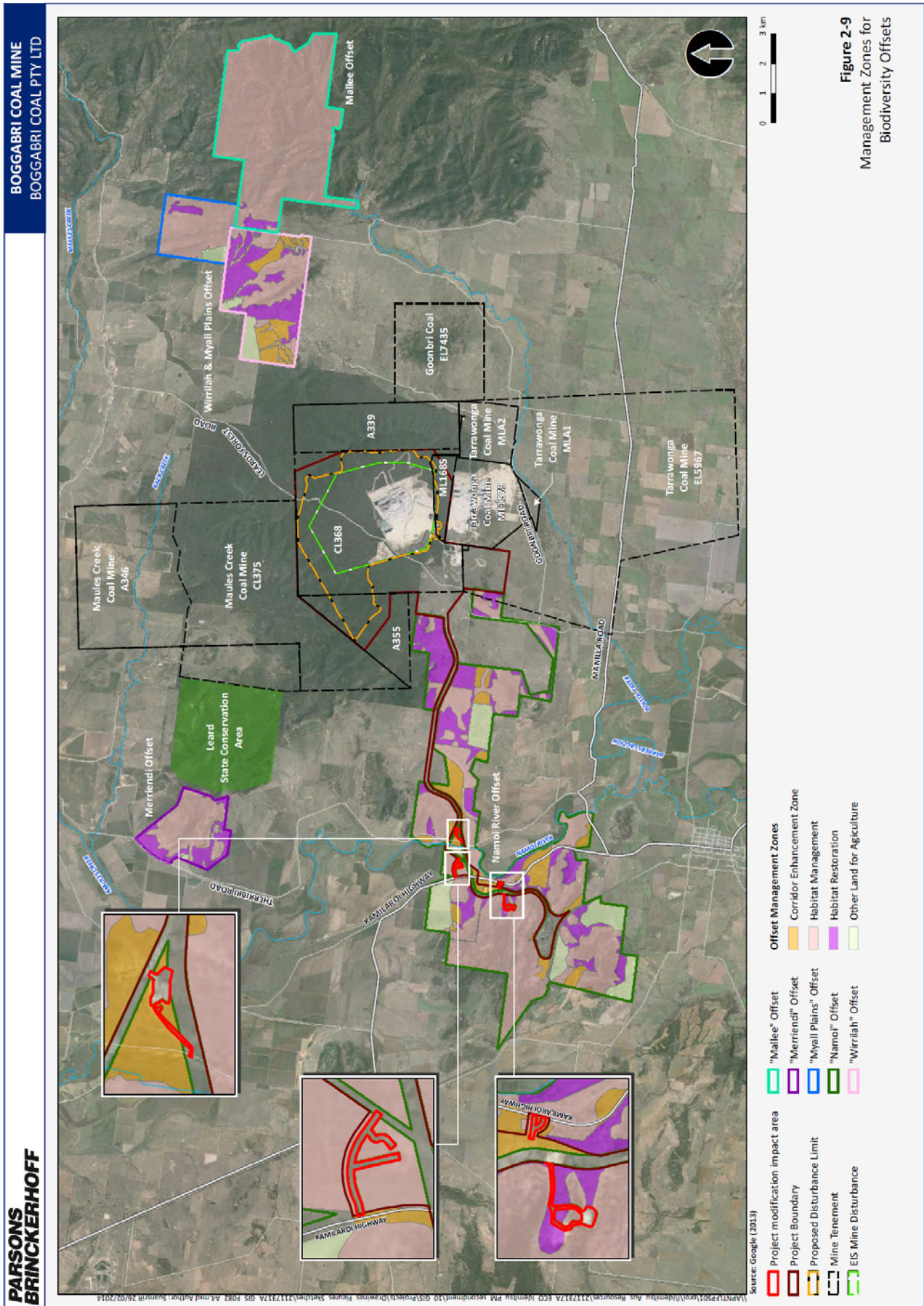


Figure 2-9
Management Zones for
Biodiversity Offsets