

# Notice of Modification

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

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



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Executive Director  
Resource Assessments and Business Systems

Sydney

30 AUGUST

2016

### 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 for "EA", "NOW", "DPI" "DoE" in the definitions of Schedule 2, and insert the following in alphabetical order:

Boggabri Mine Borefield	The Borefield described in the Boggabri Coal Mine Project Approval Modification 5 – Environmental Assessment dated November 2015
DPI	NSW Department of Primary Industries (DPI)
DoEE	Commonwealth Department of Environment and Energy
DPI Water	Water Division of DPI, previously NSW Office of Water
EA	The Boggabri Coal Project Environmental Assessment 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; as modified by:

- *Boggabri Coal Project Modification Environmental Assessment* dated July 2013; associated response to submissions titled *Response to Submissions on the Modification No. 2 of Boggabri Mine – Processing Tarrawonga Coal* dated 6 December 2013;
- *Boggabri Coal Mine Project Approval Modification – Environmental Assessment* dated December 2013; associated response to submissions titled *Project Approval Modification Response to Submissions* dated January 2014; and
- *Boggabri Coal Mine Project Approval Modification – Environmental Assessment (Mod 5)* dated 20 November 2015; associated response to submissions titled *Boggabri Coal Mine - Project Approval Modification Environmental Assessment (MOD 5) Response to Submissions Report* dated 3 March 2015 and Supplementary Information Request Response dated 5 July 2016.

North West LLS	North West Local Land Services
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2. Delete all references to "NOW" and replace with "DPI Water".
3. Delete all references to "Namoi CMA" and replace with "North West LLS".
4. Delete all references to "DPI Catchments and Lands" and replace with "DPI".

5. Delete all references to "DoE" and replace with "DoEE".
6. Delete condition 2 of schedule 2 and insert the following:

#### **TERMS OF APPROVAL**

The Proponent shall carry out the project:

- (a) generally in accordance with the EA; and
- (b) in accordance with the statement of commitments and the conditions of this approval.

Notes:

- *The general layout of the project is shown in Appendix 1 and Appendix 2; and*
- *The Statement of Commitments is reproduced in Appendix 5.*

7. In condition 4 of schedule 2, after the words 'that are submitted in accordance with this approval,' insert:
  - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in these documents.
8. In condition 11 of schedule 2, delete '3.5' and replace with '4.2'.
9. Delete condition 21 of schedule 2 and replace with:

#### **UPDATING & STAGING STRATEGIES, PLANS OR PROGRAMS**

21. 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. In condition 38(a) of schedule 3 following the dot point "sources and security of water supply, including contingency for future reporting periods", insert a new dot point "prioritisation strategy for water sources;"
11. In condition 38(a) of schedule 3 following the dot point "a program to validate the surface water model, including monitoring discharge volumes from the site and comparison of monitoring results with modelled predictions" delete "and" and insert the following:
  - o methodologies used in the preparation of the site water balance, including provision of data sources, measurement type (direct sample / mass balance / engineering calculations / factors) and formulas used for all inflows, processes and outflows; and
  - is supported by an annual improvement program to identify and address deficiencies and improvements within monitoring, measurement and calculation methods; and
  - includes an action plan and schedule to implement annual water efficiency initiatives, and the recommendations in the Advisian peer review report titled "Peer Review of Site Water Use Aspects of Boggabri Coal MOD 5 Project, 22 July 2016", as set out in Appendix 6A.
12. In condition 39 of schedule 3 following the row titled "Additional modification offset area (Modification 4)", insert the following:



Additional modification offset area (Modification 5)  <i>Note: Location subject to final approval as part of revised Biodiversity Strategy to be prepared by the Proponent</i>	Existing native vegetation to be protected and enhanced including at least: <ul style="list-style-type: none"> <li>• 1 ha of Weeping Myall Woodland EEC as listed under the TSC Act;</li> <li>• 1 ha of Plains Grassland or grassland of higher conservation value;</li> <li>• 7 ha of River Red Gum Riparian Woodlands and Forest or riparian woodland/ forest of higher conservation status;</li> <li>• 34 ha of Pilliga Box Grassy Open Forest or open grassy vegetation community of higher conservation status.</li> </ul>	106
<b>Total offset area owned, under option or committed by Proponent</b>		<b>7,556</b>

13. Delete condition 43(e) and replace with the following:

identify the land to be acquired for the modification 3 offset area of 103 ha, the modification 4 offset area of 132 ha and the modification 5 offset area of 106 ha as in Table 15;

14. Delete condition 5 of schedule 5 and replace with the following:

**Revision of Strategies, Plans and Programs**

5. Within 3 months of the submission of:
- an annual review under condition 4 above;
  - an incident report under condition 8 below;
  - an audit under condition 10 below; and
  - any modification to the conditions of this approval,

the Proponent shall review the strategies, plans, and programs required under this approval.

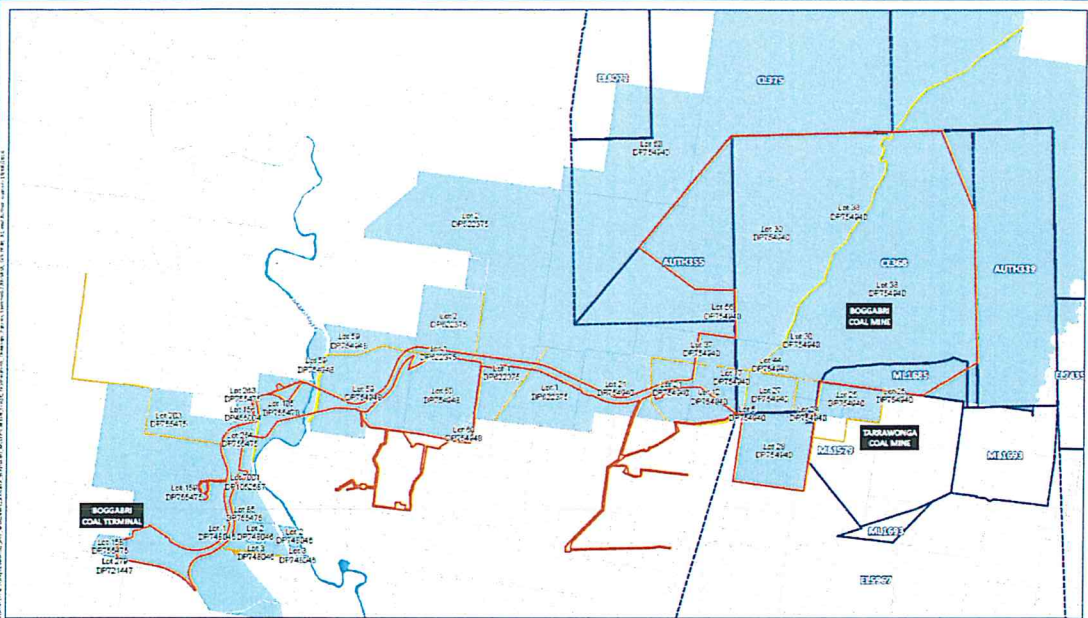
Where this review results in revisions to any such document, then within 4 weeks of the completion of the revision, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.

15. In Appendix 1, delete the Schedule of Land and insert the following:

PROPERTY DESCRIPTION	
Lot	DP
41	754926
40	754926
39	754926
161	754926
31	754940
83	754953
88	754953
24	754940
25	754940
27	754940
28	754940
44	754940
30	754940
37	754940
38	754940
22	754940
19	754940
21	754940

PROPERTY DESCRIPTION	
Lot	DP
23	754940
17	754940
5	754940
12	754940
8	754940
16	754940
18	754940
56	754940
124	754926
125	754926
127	754926
1	566122
3	566122
1	622375
59	754948
60	754948
105	755470
156	455004
107	755470
191	755470
202	755475
203	755475
262	755475
263	755475
264	755475
1	748046
2	748046
3	748046
93	755475
159	755475
248	755475
158	755475
161	755475
7001	1052587
STATE FOREST - UNDEFINED	
PARTS OF TRUNK ROAD NO.72, T.S & C-R 28354	
THERRIBRI ROAD (R9542) WITHIN THE LAND DISTRICT OF NARRIBRI	
LEARD FOREST ROAD (R19387) WITHIN THE LAND DISTRICT OF NARRIBRI	
UN-NAMED PUBLIC ROADS WITHIN THE PROJECT BOUNDARY	

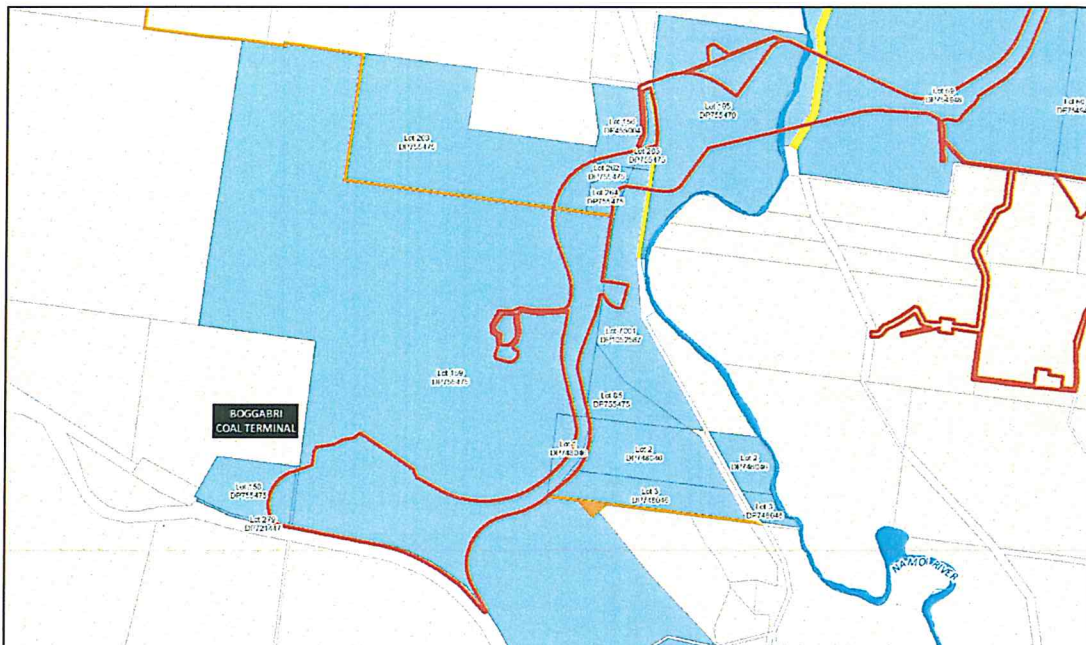
16. In Appendix 1, delete the figures depicting the Project Boundary and Land Ownership and insert the following four plans:



- Boggabri Project Approval Area
- Mine tenement boundaries
- Lots within Boggabri Approval Area
- Crown controlled public road
- Local Government controlled public road
- Local Government controlled non-tidal river

0 0.5 1 1.5 km

Land within project boundary



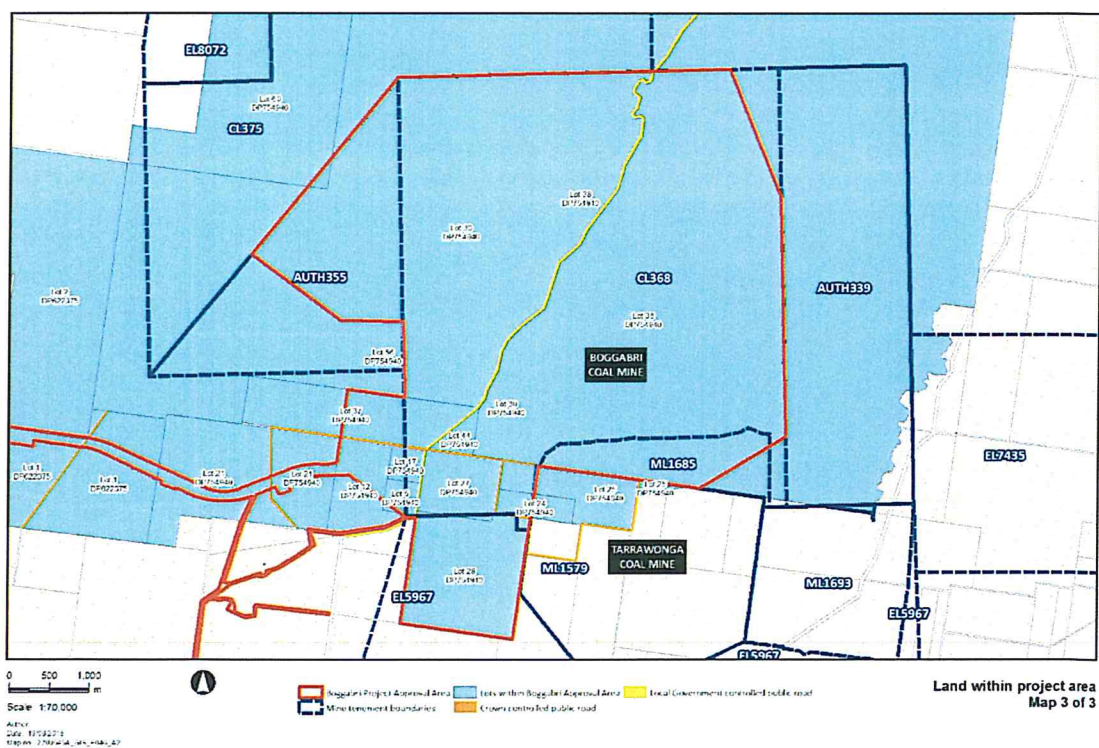
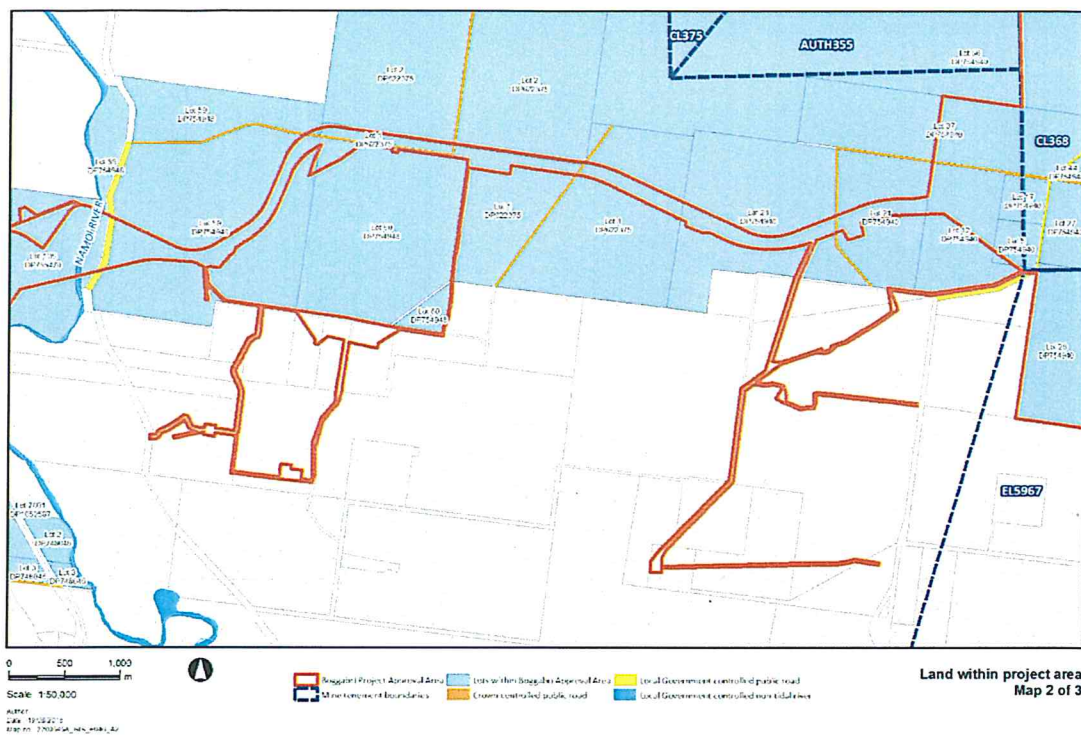
0 500 1,000 m

Scale 1:40,000  
 Date: 15/02/12  
 EPR No: 7103-04-14-14-04-02

- Boggabri Project Approval Area
- Mine tenement boundaries
- Lots within Boggabri Approval Area
- Crown controlled public road
- Local Government controlled public road
- Local Government controlled non-tidal river

Land within project area  
 Map 1 of 3





17. Following Appendix 6, Insert the following:

#### **APPENDIX 6A**

##### **ADVISIAN RECOMMENDATIONS FOR WATER EFFICIENCY INITIATIVES.**

1. Install meters for all major water flows including:
  - Water transfers from sediment dams and mine pits into mine water storages;
  - All water-cart fill points;
  - All elements of the anticipated water demands for various purposes associated with the CHPP (as identified in Table 4 of the letter dated 8 July);
  - All water 'imports' including any bore water obtained on site.
2. Install water level meters on all significant water storages as a check on inflows and outflows and a means of assessing evaporation and seepage losses. This data will also provide a basis for improving estimates of the runoff from the different surface types (hardstand, mine pit, 'raw' overburden, etc.).
3. Collect moisture content data for all coal flows associated the CHPP to permit full water balance accounting.
4. Record all flow meters and water levels at least weekly (preferably by means of continuous recording) and analyse the data on a monthly basis to develop a full accounting of all water sources and losses.
5. Compare monitored gains from rainfall and losses by evaporation from water storages to the rainfall and evaporation data from the weather station.
6. Update the site water balance annually based on monitored data and provide details in the annual report to the Department.