

Notice of Modification

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

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

Member of the Commission

Member of the Commission

Sydney

2016

SCHEDULE 1

The project approval MP 06_0014 granted by the Minister for Planning for the Mangoola Coal Project (formerly the Anvil Hill Coal Project) on 7 June 2007.

SCHEDULE 2

1. Delete the Table of Contents and replace with the following:

TABLE OF CONTENTS

DEFINITIONS	3
ADMINISTRATIVE CONDITIONS	5
Obligation to Minimise Harm to the Environment	5
Terms of Approval	5
Limits on Approval	5
Staged Submission of Strategies, Plans or Programs	5
Structural Adequacy	6
Demolition	6
Operation of Plant and Equipment	6
Voluntary Planning Agreement	6
SPECIFIC ENVIRONMENTAL CONDITIONS	7
Acquisition on Request	7
Noise	7
Blasting	9
Air Quality	11
Meteorological Monitoring	13
Water	13
Biodiversity	15
Aboriginal Cultural Heritage	17
Heritage	17
Traffic and Transport	18
Visual Impact	19
Greenhouse Gas	20

Waste Minimisation	20
Rehabilitation	21
ADDITIONAL PROCEDURES	23
Notification of Landowners	23
Independent Review	23
Land Acquisition	24
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING	26
Environmental Management Strategy	26
Adaptive Management	26
Management Plan Requirements	26
Incident Reporting	27
Regular Reporting	27
Annual Review	27
Auditing	27
Revision of Strategies, Plans and Programs	28
Community Consultative Committee	28
Access to Information	28
APPENDIX 1: SCHEDULE OF LAND	29
APPENDIX 2: PROJECT LAYOUT PLAN	31
APPENDIX 3: GENERAL TERMS FOR THE REVISED PLANNING AGREEMENT	32
APPENDIX 4: LAND OWNERSHIP	33
APPENDIX 5: BIODIVERSITY OFFSET STRATEGY AND REHABILITATION PLANS	34
APPENDIX 6: ABORIGINAL SITES	37
APPENDIX 7: VISUAL VEGETATION SCREEN	38
APPENDIX 8: NOISE COMPLIANCE ASSESSMENT	39
APPENDIX 9: INDEPENDENT DISPUTE RESOLUTION PROCESS	40

2. Delete the following terms and their definitions: “Director-General”, “EA”, “Minister”, “NOW” and “Planning and Infrastructure”, and insert the following terms and definitions in alphabetical order:

Department	Department of Planning and Environment
DPI Water	Department of Primary Industries - Water
EA	Environmental Assessment titled <i>Anvil Hill Project Environmental Assessment, Volumes 1-7</i> , dated August 2006, including the response to submissions
EA (MOD 1)	Modification application MP 06_0014 MOD 1, and accompanying Environmental Assessment dated April 2008, including the letter from Xstrata to P&I dated 4 July 2008
EA (MOD 2)	Modification application MP 06_0014 MOD 2, and accompanying Environmental Assessment prepared by Umwelt Environmental Consultants and dated December 2008, including the Response to Submissions dated April 2009
EA (MOD 3)	Modification application MP 06_0014 MOD 3, and accompanying Environmental Assessment titled <i>Environmental Assessment for Section 75W Modification to Approved Mining Operation, Mangoola Coal – Relocation of Mining Infrastructure Area</i> , dated September 2009
EA (MOD 4)	Modification application MP 06_0014 MOD 4, and accompanying Environmental Assessment titled <i>Modifications to Mangoola Coal Mine Plans and Relocation of 500kV Electricity Transmission Line Environmental Assessment</i> (4 volumes), dated December 2010, including the Response to Submissions dated September 2011
EA (MOD 5)	Modification application MP 06_0014 MOD 5, and accompanying Environmental Assessment titled <i>Environmental Assessment for Night Time Rail Works</i> , dated February 2010

EA (MOD 6)	Modification application MP 06_0014 MOD 6, and accompanying Environmental Assessment titled <i>Modification 6 Environmental Assessment</i> (4 volumes), dated May 2013, including the Response to Submissions, dated August 2013
EA (MOD 7)	Modification application MP 06_0014 MOD 7, and accompanying Environmental Assessment titled <i>Mangoola Coal Modification 7 Environmental Assessment, Administrative Modification – Removal of Condition 3, Schedule 3</i> , dated May 2016
Minister Secretary	Minister for Planning, or delegate Secretary of the Department, or nominee

3. Delete all references to “Director-General” and replace with “Secretary”.
4. Delete all references to “NOW” and replace with “DPI Water”.
5. Delete all references to “the NSW Heritage Office” and replace with “OEH”.
6. Delete all references to “Proponent shall” and replace with “Proponent must”.
7. Delete all references to “P&I” or “P&I’s” and replace with “the Department” or “the Department’s”, respectively.
8. Delete condition 2 of Schedule 2 and insert instead the following:
 2. The Proponent must carry out the project generally in accordance with the:
 - (a) EA;
 - (b) EA (MOD 1);
 - (c) EA (MOD 2);
 - (d) EA (MOD 3);
 - (e) EA (MOD 4);
 - (f) EA (MOD 5);
 - (g) EA (MOD 6); and
 - (h) EA (MOD 7).
 - 2A. The proponent must carry out the project in accordance with the conditions of this approval and the Project Layout Plan.

Note: The Project Layout Plan is included in Appendix 2.
9. In condition 3 of Schedule 2, delete the words “above documents” and replace with “documents listed in condition 2 of Schedule 2”.
10. Delete condition 3 of Schedule 3.
11. Delete dotpoint 3 of condition 4 of Schedule 3 and replace with the following:
 - the owner of residences 246, 249 or 251 due to road traffic noise impacts (except where a negotiated noise agreement is in place for road traffic noise),
12. In conditions 9, 17, 23, 28, 39, 41 and 60 of Schedule 3:
 - (a) delete the words “and implement” after the words “shall prepare”; and
 - (b) at the end of each condition, insert the following:

“The Proponent must implement the approved management plan as approved from time to time by the Secretary.”
13. In condition 43 of Schedule 3 and condition 1 of Schedule 5:
 - (a) delete the words “and implement” after the words “shall prepare”; and
 - (b) at the end of each condition, insert the following:

“The Proponent must implement the approved management strategy as approved from time to time by the Secretary.”
14. In condition 47 of Schedule 3 and item 2 of Appendix 8, delete the word “shall” and replace with “must”.
15. In condition 55 of Schedule 3:
 - (a) delete the words “and implement” after the words “shall prepare”; and
 - (b) at the end of the condition, insert the following:

“The Proponent must implement the approved action plan as approved from time to time by the Secretary.”

16. In condition 6 of Schedule 5, delete the words “At the end of March each year, or as otherwise agreed by the Secretary, the Proponent must review” and replace with “By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent must submit a report to the Department reviewing”.
17. In conditions 6 and 11 of Schedule 5, delete the word “EA” in and replace with “documents listed in condition 2 of Schedule 2”.
18. In condition 7 of Schedule 5, delete paragraph (e) and the note and insert the following:
 - (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and
 - (f) be conducted and reported to the satisfaction of the Secretary.

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.

19. In condition 8 of Schedule 5, delete the words “6 weeks of completing” and replace with “12 weeks of commissioning”.