Notice of Modification

Section 75W of the Environmental Planning and Assessment Act 1979

As delegate for the Minister for Planning, the Planning Assessment Commission modifies the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Garry West (Chair)         Joe Woodward PSM          Dr Maurice Evans
Member of the Commission  Member of the Commission  Member of the Commission
Sydney  27  November 2015

SCHEDULE 1

Project Approval MP 09_0161 granted on 2 November 2011 by the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure, for the NRE Wongawilli Colliery - Nebo Area Project.

SCHEDULE 2

1. In the list of DEFINITIONS, delete the definitions of “Department”, “Director-General”, “DRE”, “EA”, “Executive Director Mineral Resources”, “Minister”, “NOW”, “Project”, “RTA”, “SCA”, and insert the following in alphabetical order:

- Department
- DPI Water
- DRE
- EA
- EPA
- Minister
- Project
- RMS
- Secretary
- WaterNSW

2. Delete all references to “Director-General”, and replace with “Secretary”.

3. Delete all references to “the Executive Director, Mineral Resources”, and “Executive Director, Mineral Resources in DRE”, and replace with “DRE”.

4. Delete all references to “NOW”, and replace with “DPI Water”.

5. Delete all references to “SCA”, and replace with “WaterNSW”.

6. In condition 1 of Schedule 2, delete “The Proponent”, and insert “In addition to meeting the specific performance measures and criteria established under this approval, the Proponent”.

7. In condition 2 of Schedule 2, delete all words (except the Notes), and replace with:

2. The Proponent shall carry out the project:
   (a) generally in accordance with the EA;
(b) in accordance with the general layout of the project and Statement of Commitments; and
(c) in accordance with the conditions of this approval.

8. In condition 4 of Schedule 2, delete all words after “this approval;” and replace with the following:
   “(b) any reviews, reports or audits undertaken or commissioned by the Department regarding
   compliance with this approval; and
   (c) the implementation of any actions or measures contained in these documents.”

9. In condition 5 of Schedule 2, delete “2015”, and replace with “2020”.

10. After condition 13 of Schedule 2, insert the following:

**PROTECTION OF PUBLIC INFRASTRUCTURE**

14. Unless the Proponent and the applicable authority agree otherwise, the Proponent shall:
   (a) repair, or pay the full costs associated with repairing, any public infrastructure that is
       damaged by the project; and
   (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs
       to be relocated as a result of the project.

   *Note: This condition does not apply to any damage to public infrastructure subject to compensation payable
   under the Mine Subsidence Compensation Act 1961, or to damage to roads caused as a result of
general road usage.*

11. In condition 7 of Schedule 2, conditions 1 and 7(i) of Schedule 3 and conditions 7, 8, 11, 12, 15 and 20 of
    Schedule 4, delete “OEH” and replace with “EPA”.


13. In condition 4 of Schedule 6, delete the Note, and insert:

   “Where this review leads to revisions in any such document, then within 4 weeks of the review, the revised
document must be submitted to the Secretary for approval.

   *Note: This condition ensures that strategies, plans and programs are updated on a regular basis, and incorporate any
   recommended measures to improve the environmental performance of the project.*"