

# Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Steve O'Donoghue  
**Director**  
**Resource Assessments**

Sydney

17 October 2024

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## SCHEDULE 1

**Development consent:** MP05\_0117 granted by the Minister for Planning on 6 September 2007

**For the following:** Moolarben Coal Project Stage 1

**Applicant:** Moolarben Coal Operations Pty Limited

**Modification:** Mod 16 - CWO Transmission Line

## SCHEDULE 2

1. In the list of definitions, delete the terms and corresponding conditions for “BCD”, “DAWE”, and “DPIE Water”.
2. In the list of definitions, insert the following definitions in alphabetical order:

AG DCCEEW	Australian Government Department of Climate Change, Energy, the Environment and Water
BCS	Biodiversity Conservation and Science Group of NSW Department of Climate Change, Energy, the Environment and Water
CWO REZ Transmission Project	Central-West Orana Renewable Energy Zone Transmission project (SSI-48323210)
Heritage NSW	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
Water Group	NSW Department of Climate Change, Energy the Environment and Water - Water Group

3. In the definition of “Department”, delete “Industry and Environment” and replace with ‘Housing and Infrastructure’.
4. In the definition of “EA”:
  - a. delete the “and” at the end of the 15<sup>th</sup> bullet point;
  - b. delete the full stop at the end of the last bullet point and replace with “; and”; and
  - c. insert:
    - Modification Report - CWO Transmission Line, dated 30 August 2024;”
5. In the definition of “Resources Regulator”, delete “Regional NSW” and replace with “Primary Industries and Regional Development”.
6. Throughout the consent, replace “BCD” with “BCS”, except for Condition 39 and Condition 77(k) of Schedule 3.
7. In Condition 39 and Condition 77(k) of Schedule 3, replace “BCD” with “Heritage NSW”.
8. Throughout the consent, replace “DAWE” with “AG DCCEEW” and replace “DPIE Water” with “Water Group”.
9. In condition 6 of Schedule 2, insert the following note:

“Notes:

- The above limits should be read in conjunction with the extraction limits in Project Approval 08\_0135 for the Moolarben Coal Project Stage 2.
- The total ROM coal extracted from the Moolarben mine complex (open-cut) is no more than 16 million tonnes in any calendar year.
- The total ROM coal extracted from the Moolarben mine complex (underground mining) is no more than 8 million tonnes in any calendar year.
- The total ROM coal extracted from the Moolarben mine complex (open-cut and underground mining) is no more than 24 million tonnes in any calendar year.”

10. Delete conditions 7b and 7c of Schedule 2.

11. In condition 33b of Schedule 3:
  - a. delete the full stop after subparagraph (iv) and insert “; and”; and
  - b. add “(v) a protocol that has been prepared in consultation with the owners of the CWO REZ Transmission Project to review opportunities of increased water sharing between these projects.”
  
12. In Table 12 within condition 34 of Schedule 3:
  - a. in the rows corresponding to *Areas 1, 2, 3, Properties 6, 10, 12, 13, 14 and 15*, replace “1282” with “1272”, “48” with “44” and “1330” with “1301”;
  - b. in the rows corresponding to *Area 1 Properties 12, 13, 14 and 15*, replace “153” with “138”; and
  - c. in the rows corresponding to *Properties 24 and 25*, replace “59” with “49” and “4” with “3”.
  
13. In condition 65 of Schedule 3:
  - a. delete the first sentence and replace with "The Proponent must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*."; and
  - b. after Table 13, add:  
*“Note: The Proponent must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992.”*
  
14. Delete condition 68 of Schedule 3.

15. In Appendix 2, delete Figure 2.1 and replace with:

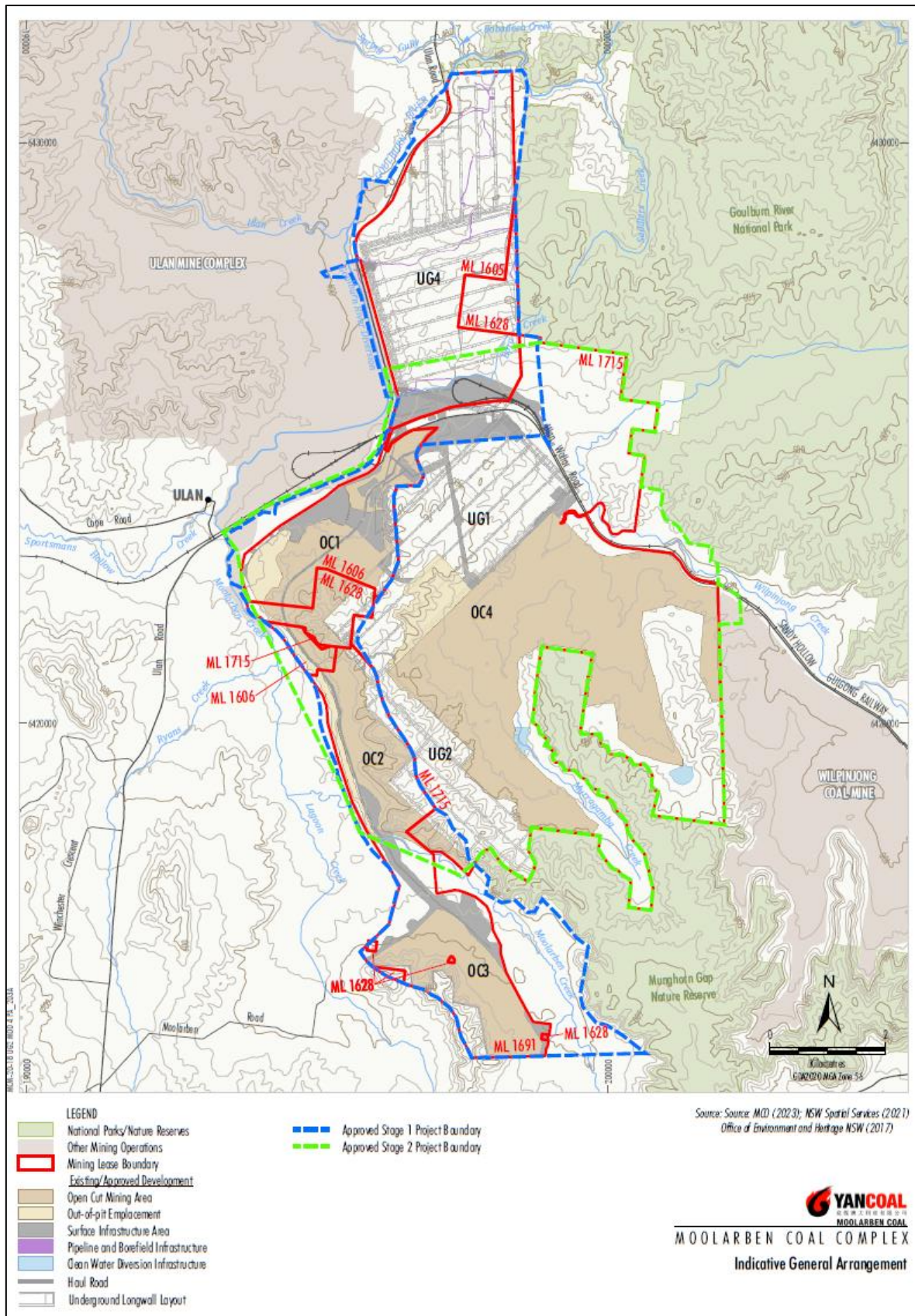


Figure 2.1 – General Project Arrangement



16. In Appendix 2, delete Figure 2.2 and replace with:

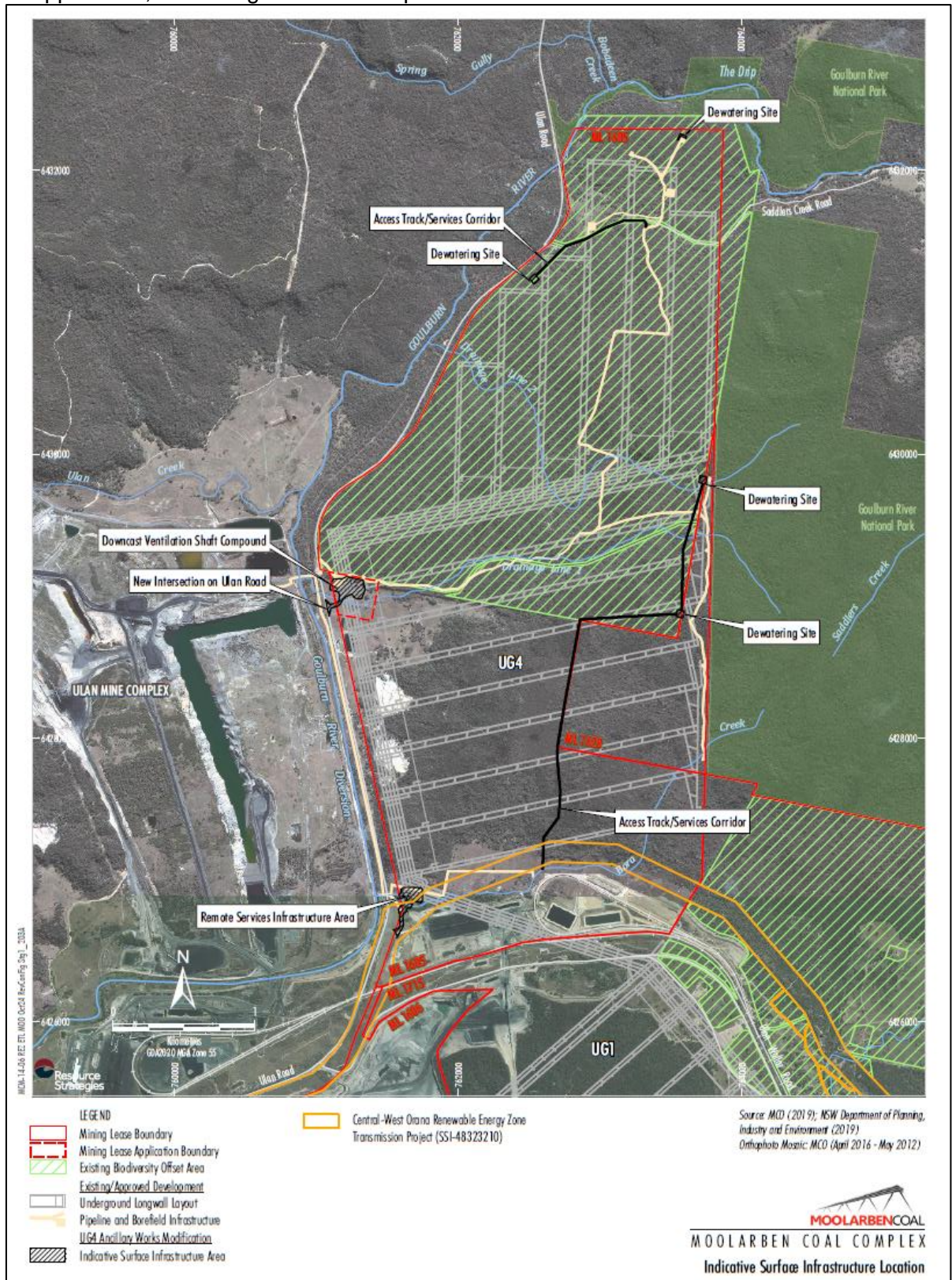
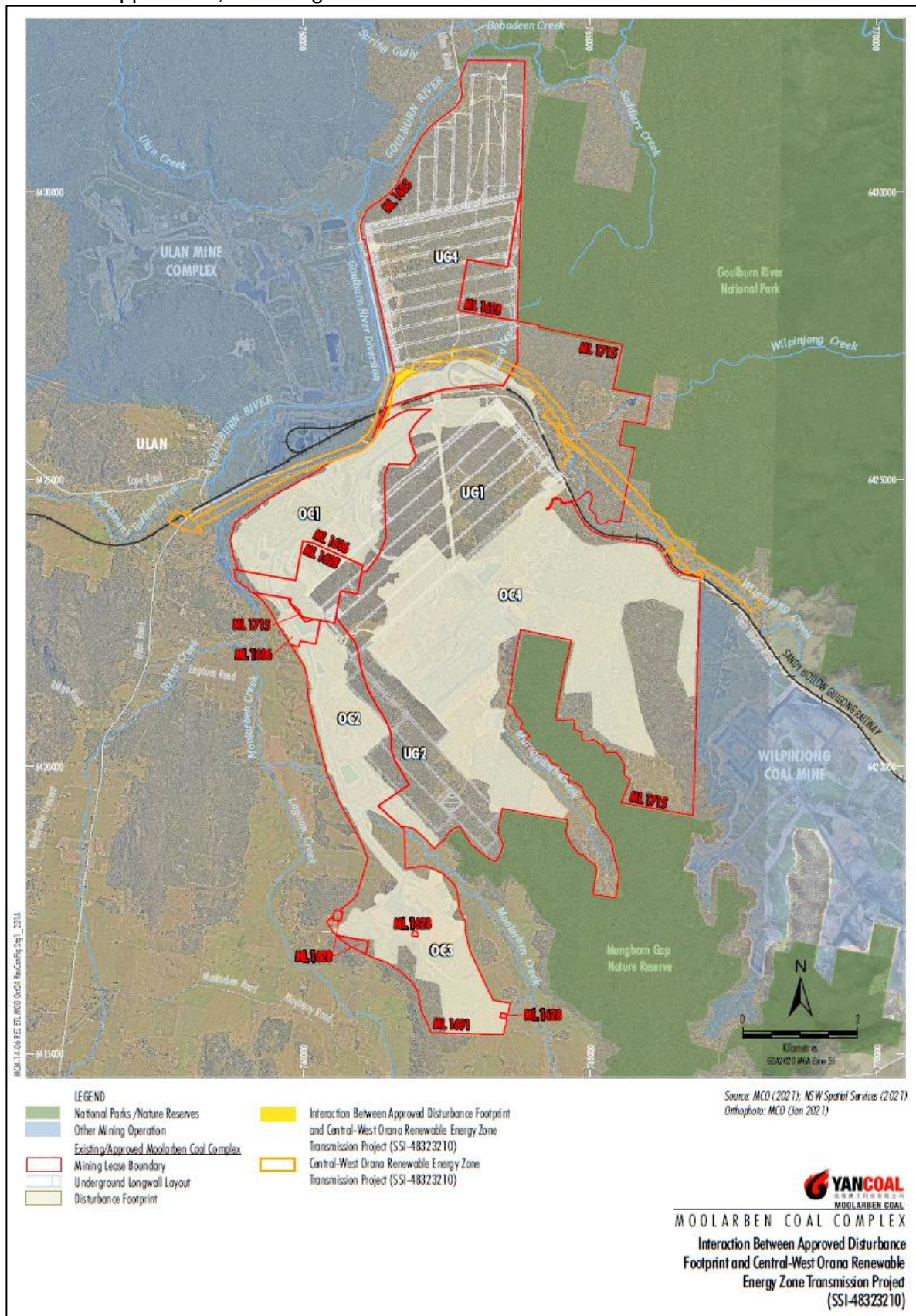


Figure 2.2 – Location of Surface Infrastructure associated with MOD 16



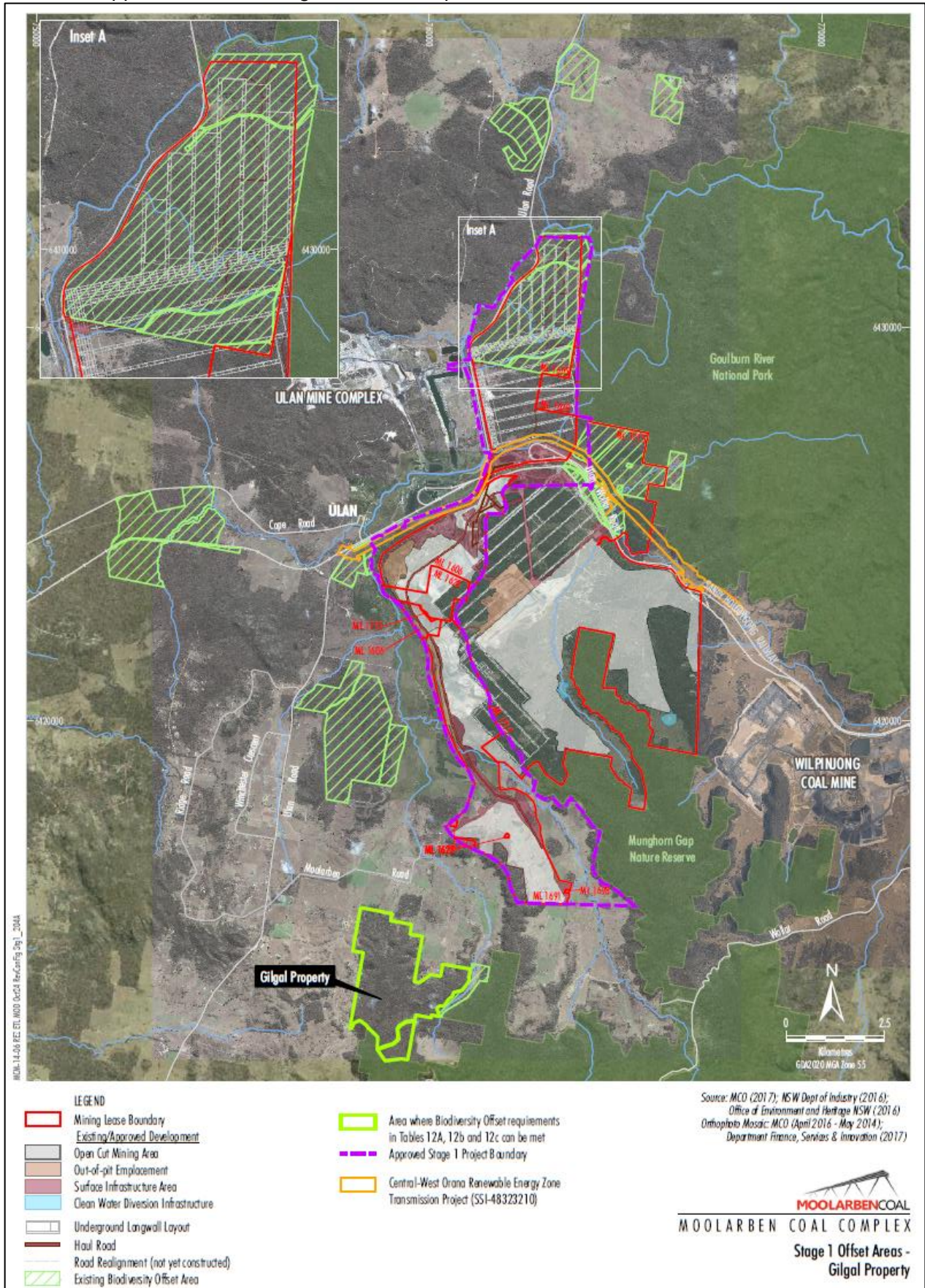
17. In Appendix 2, insert Figure 2.3:



**Figure 2.3** – Interaction Between Approved Disturbance Footprint and Central-West Orana Renewable Energy Zone Transmission Project



18. In Appendix 8, delete Figure 8.1 and replace with:



**Figure 8.1** Biodiversity Offset Areas (see Table 12) and Supplementary Biodiversity Offset Area (see Table 12A)



19. In Appendix 8, delete Figure 8.2 and replace with:

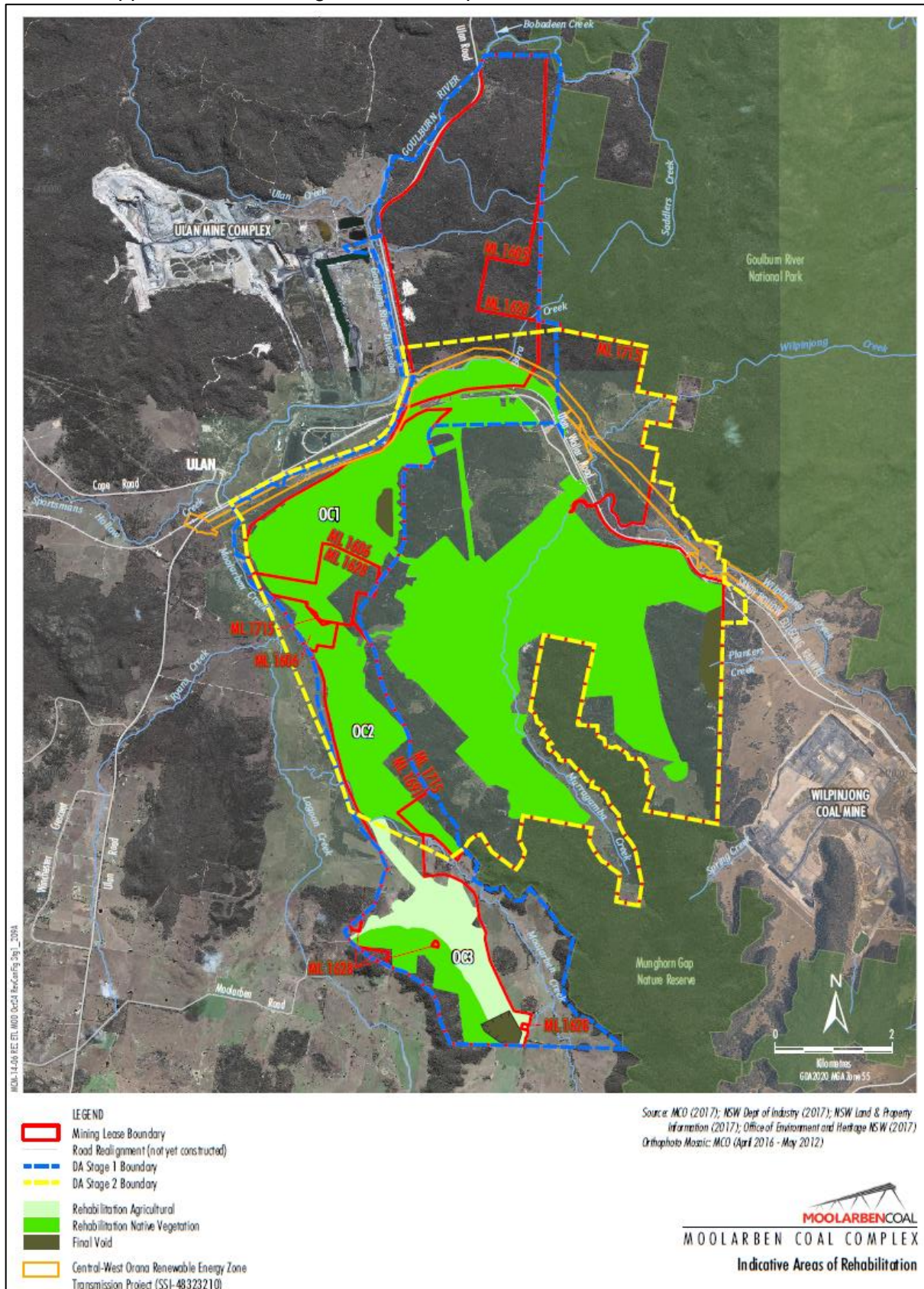


Figure 8.2: Indicative Rehabilitation Areas







21. In Appendix 9, delete Figure 9.1 and replace with:

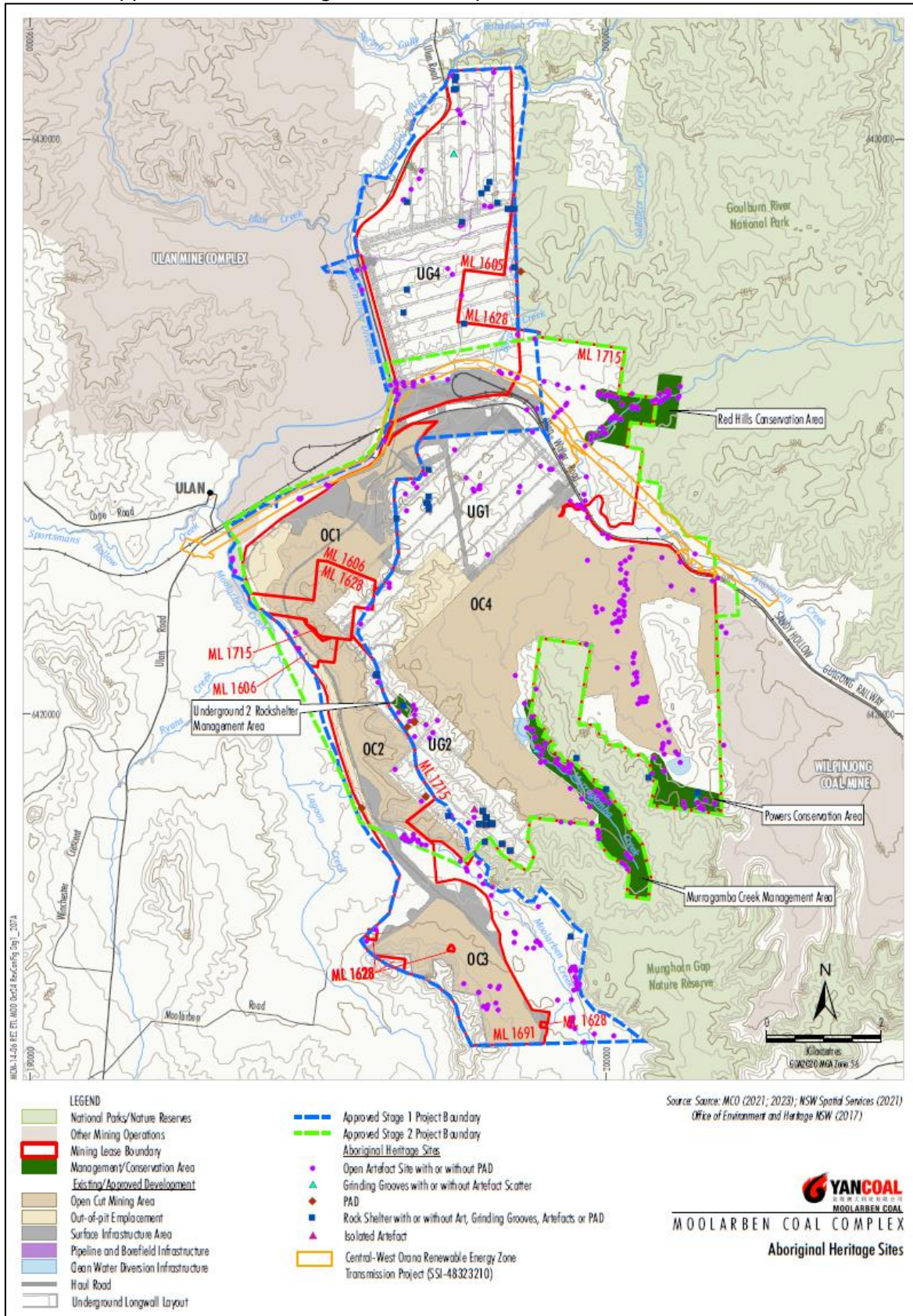


Figure 9.1 Aboriginal Cultural Heritage sites



22. In Appendix 10, delete Figure 10.1 and replace with:

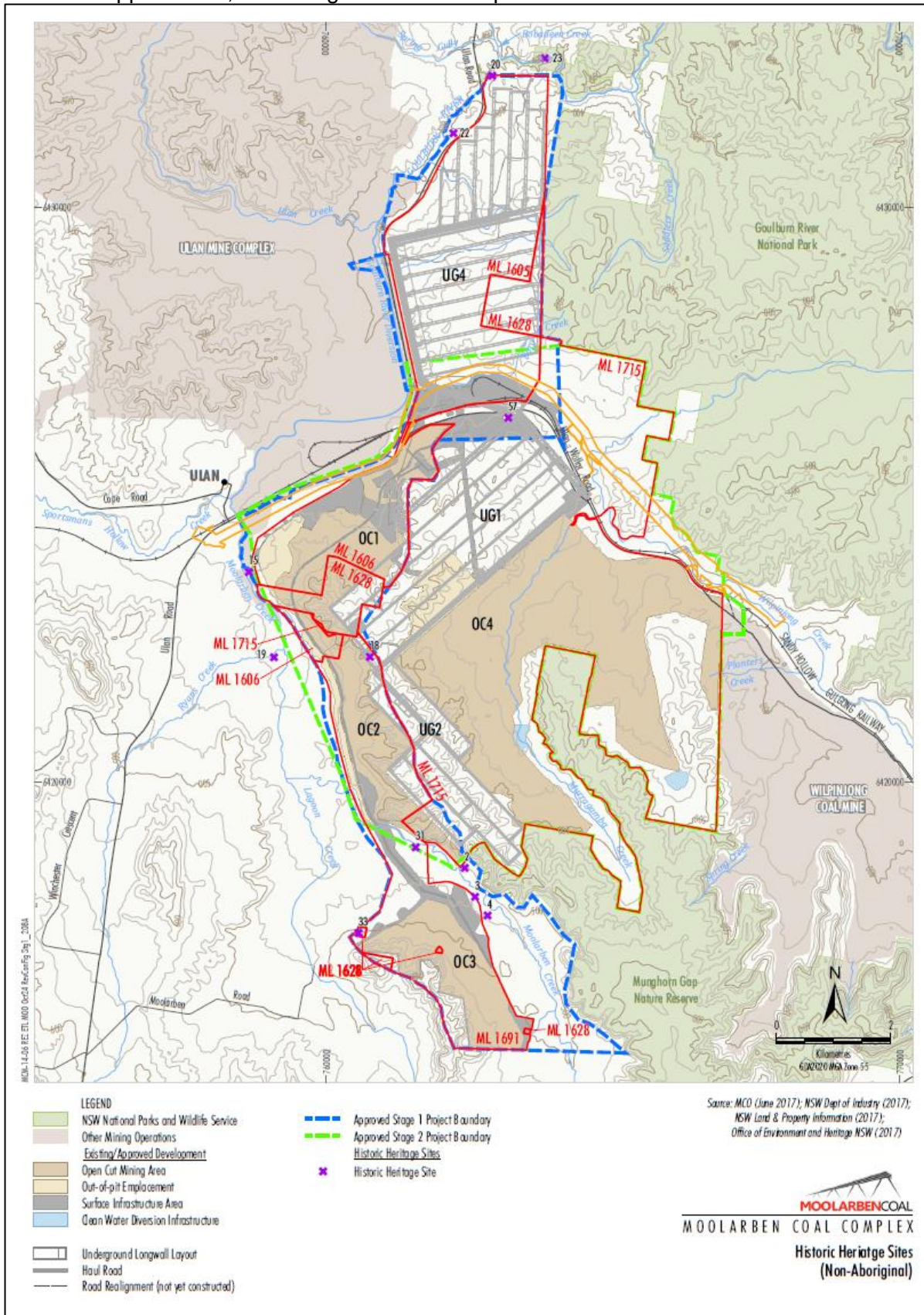


Figure 10.1: Historic Heritage Sites

**End of modification  
(MP05\_0117 MOD 16)**