

**NOTICE OF A MODIFICATION TO A DEVELOPMENT CONSENT
UNDER SECTION 96(2)
OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Under Section 96(2) of the *Environmental Planning and Assessment Act 1979*, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Diane Beamer MP
**Minister Assisting the
Minister for Infrastructure & Planning
(Planning Administration)**

Sydney,

2003

File No: S97/00374

SCHEDULE 1

The development consent (DA No. 113-12-98) granted by the Minister for Urban Affairs and Planning for the Extension of Underground Coal Mining Operations at Ulan on 20 December 1999.

SCHEDULE 2

1. Delete the following text from the "DEFINITIONS":

Surface facilities – bathhouse, manriding and winding shafts, dewatering facilities, ventilation shafts and fans, monitoring boreholes, ballast and stonedust drophole and water supplies

2. Add the following text to the "DEFINITIONS":

ML 1468 – Mining Lease No. 1468

Surface facilities – bathhouse, manriding and winding shafts, dewatering facilities, ventilation shafts and fans, monitoring boreholes, ballast and stonedust drophole, water supplies and basalt quarry

3. Add the following text immediately following "**Government Authorities**":

DEC – Department of Environment and Conservation

DIPNR – Department of Infrastructure, Planning and Natural Resources

4. Add the following text immediately following the last entry under the heading "**Government Authorities**":

- Note:**
1. Any reference to EPA is taken to be a reference to DEC.
 2. Any reference to DLWC is taken to be a reference to DIPNR.
 3. Any reference to DUAP is taken to be a reference to DIPNR.
 4. Any reference to NPWS is taken to be a reference to DEC.
5. Delete conditions 1.1 (a) (i) and 1.1 (a) (ii) and replace with:
- (a) The applicant shall carry out the development generally in accordance with:
- (i) DA No. 113-12-98 as modified by MOD 24-4-2002-i on 3 June 2002;
 - (ii) EIS and SIS dated December 1998, and prepared by Kinhill Pty Ltd;
 - (iii) All other relevant information provided by the Applicant, including additional archaeological information requested by NPWS, and supplied by Ulan Coal mines Limited in a letter dated 26 May 1999;
 - (iv) SEE titled "Ulan Coal Mine Expansion: Bobadeen Communications Facilities – Section 96(1A) Modification Application dated 20 April 2002 and prepared by McKenzie Land Planning Services Pty Limited;
 - (v) SEE dated 5 October 2002, and prepared by Pelican Environment & Business Solutions; and
 - (v) The conditions of this consent.

If there is any inconsistency between the above documents, the conditions of consent or the most recent relevant document shall prevail to the extent of the inconsistency.

6. Add, immediately following condition 1.2 (iii), the following condition:
- (iv) Prior to the commencement of any development associated with the basalt quarry, as described in the SEE dated 5 October 2002, the Applicant shall provide, to the satisfaction of the Director – General, a report listing commitments made in the SEE and progress made in meeting those commitments.
7. Delete condition 1.5.
8. Replace, in condition 2.1 (c) (i), the text "The landuse description shall include any ares of important habitat" with "The landuse description shall include any areas of important habitat".
9. Add, as the first bullet point, to condition 2.1 (c) (ii) the following text:
- basalt quarry
10. Add, immediately following condition 2.2 (a), the following condition:
- (b) Basalt quarry production from ML 1468 shall not exceed 12,000 tonnes of material per annum, with the exception of basalt supplied in accordance with condition 7.1 (h). The Applicant shall provide annual basalt quarry production data as requested by the DMR, in the manner required, on the standard form for that purpose.
11. Add, immediately following condition 3.5 (c), the following condition:
- (d) The Applicant shall prepare and implement an Erosion and Sediment Control Plan for the basalt quarry, described in the SEE dated 5 October 2002. The

Plan shall be prepared in accordance with conditions 3.5 (b) (i), (ii), (iv), (v) and (vi). The Applicant shall not carry out any of this development before the Director – General has approved the Plan.

12. Insert the following text in condition 4.1 (a) (xvi), immediately following “approved site water management plans” and prior to “and EIS”:

“, SEEs”
13. Delete the text “modify the mining activity” from condition 6.4 (b) (iii) and replace with the following text;

“modify the mining or quarrying activity, as appropriate,”
14. Insert the following text in condition 6.4 (h) (i), immediately following “noise emission levels due to normal operations of the mine” and prior to “under prevailing weather conditions”:

“and quarry”
15. Insert the following text in condition 6.4 (h) (i), immediately following “including the means for determining the noise levels emitted by the mining” and prior to “operations”:

“and quarrying”.
16. Add, immediately following condition 7.1 (c), the following two conditions:
 - (d) All production from the basalt quarry shall be used on the Ulan Coal Mine site or Bobadeen Road, and not transported to any other site for use.
 - (e) The Applicant shall make available to Merriwa Shire Council, at the basalt quarry site and at cost, sufficient crushed basalt to enable Bobadeen Road and its intersection with Ulan Road to be upgraded.
17. Add, immediately following condition 10.1 (b), the following condition:
 - (c) The Applicant shall notify each relevant landowner in writing of its intention to commence basalt quarry operations at least 14 days prior to the commencement of any development associated with the quarry.