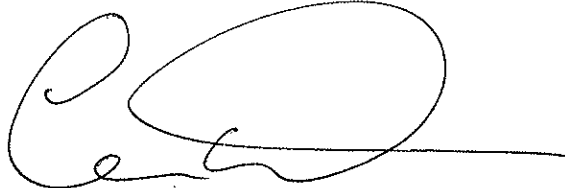


Notice of Modification

Section 96(2) of the *Environmental Planning & Assessment Act 1979*

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



Chris Wilson
Executive Director
Major Project Assessment

Sydney

4 July

2007

File No: S02/02258

SCHEDULE 1

The development consent (DA No. 104/96) granted by the Minister for Urban Affairs and Planning for the development of open cut and underground mining operations at the Newpac No. 1 Colliery (formerly Nardell Colliery) on 22 November 1996.

SCHEDULE 2

1. Delete paragraph (g) of condition 1 of schedule 2, and replace with the following:
 - (g) *s96 Application – Ventilation shaft, electricity supply and underground workings Statement of Environmental Effects Resource Pacific Ltd (Revision 1)* prepared by Connell Hatch, dated 27 March 2007; and
 - (h) conditions of this consent.
2. In condition 3 of schedule 2, replace references to the "Environment Protection Authority (EPA)" and "National Parks and Wildlife Service (NPWS)" with "Department of Environment and Climate Change (DECC)"; replace references to the "Department of Land and Water Conservation (DLWC)" with "Department of Water and Energy (DWE)"; and replace references to the "Department of Mineral Resources (DMR)" with "Department of Primary Industries (DPI)".
3. Delete all references to "EPA" and "NPWS" from schedule 2 and replace with "DECC".
4. Delete all references to "DLWC" from schedule 2 and replace with "DWE".
5. Delete all references to "DMR" from schedule 2 and replace with "DPI".
6. Delete condition 24 (i) and replace with the following:
 - (i) The Applicant shall take all reasonable and practical measures to prevent subsidence of the New England Highway. Should the Highway be damaged by subsidence due to the development, the Applicant shall ensure that the Highway is remediated at its own expense and to the satisfaction of the Roads and Traffic Authority (RTA).
 - (ia) Prior to the excavation of any mine working under the New England Highway, the Applicant shall consult with the RTA to the satisfaction of the Director-General.

7. In condition 28 (ii) of schedule 2, replace "hydraulic fluid storage tank" with "mine infrastructure (ventilation fan)" and replace "Boral" with "Daracon".
8. Insert the following note after condition 28 of schedule 2:

Note: The mine infrastructure (ventilation fan) site is the site adjacent to the New England Highway about one kilometre north of the Daracon truck depot, Ravensworth, wherein is located a ventilation shaft and fans, hydraulic fluid supply facilities, a concrete drop hole and other mine support infrastructure.

9. After condition 33 of schedule 2, insert the following:

MINE INFRASTRUCTURE (VENTILATION FAN) SITE

34. Prior to commencing any development in the vicinity of site MG#1 or within the "lower hillslope" landform described in the SEE of condition 1(g), the Applicant shall consider the need to obtain a section 90 Consent to Destroy under the *National Parks and Wildlife Act 1974*.
35. Prior to 30 November 2007, the Applicant shall establish visual screens in accordance with the recommendations of Appendix B of the SEE of condition 1(g), and provide a report on their establishment to the Department, to the satisfaction of the Director-General.

Operational Noise Criteria

36. The Applicant shall ensure that the noise generated by the development at the mine infrastructure (ventilation fan) site does not exceed the noise impact assessment criteria in Table 1 for any privately owned residence.

Table 1: Noise impact assessment criteria dB(A)

Location	Day L_{Aeq}(15 minute)	Evening L_{Aeq}(15 minute)	Night L_{Aeq}(15 minute)
All privately owned residences	38	38	36

Notes:

- a) Noise from the development is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the L_{Aeq}(15 minute) noise limits in the above table. The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- b) Where it can be demonstrated that direct measurement of noise from the development is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).
- c) The noise emission limits identified in the above table apply under meteorological conditions of:
 - wind speeds of up to 3 m/s at 10 metres above ground level; or
 - temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.

Construction Activities

37. The Applicant shall ensure construction activities at the mine infrastructure (ventilation fan) site are limited to the hours 7am to 6pm Monday to Friday and 8am to 1pm Saturdays and at all other times ensure that construction noise does not exceed the operational noise criteria in Table 1.