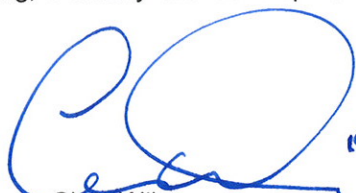


Notice of Modification

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As the 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

19.12.09

Sydney,

2008

SCHEDULE 1

The development consent for Ulan Coal Mines Limited granted by the Minister for Planning on 20 December 1999 (DA 113-12-98).

SCHEDULE 2

1. Replace Condition 1.1 (a)(vi) of Schedule 2 with the following:
 - (vi) Modification Application DA 113-12-98 MOD 3 titled "*Modifications to Ulan Coal Mine Development Consents DA 113-12-98 and DA 103-5-2005 under Section 96(1A) of the Environmental Planning and Assessment Act 1979*", dated 17 November 2008, supplied by Ulan Coal Mines Limited; and
 - (vii) The conditions of this consent.
2. Add, as the first bullet point, to Condition 2.1 (c) (ii) the following text:
 - Reverse Osmosis Plant
3. Replace row EC in Condition 4.2 (g) table with the following row:

Conductivity	µs/cm	800			900
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4. Insert the following after Condition 4.2 (k):

Reverse Osmosis Plant

- (l) Prior to any construction fencing is to be installed to encompass artefacts sites RO/A and RO/B. The planning for and installation of the fencing is to be conducted in consultation with the local Aboriginal Community groups who conducted the site inspection. A representative from the local Aboriginal Community groups, who conducted the site inspection, is to be in attendance during the installation of fencing.
- (m) The discharge volume from Rowans Dam is not to exceed 10 ML/day.

- (n) The Applicant shall ensure that a suitably qualified person conducts monitoring of Ulan Creek below the discharge point every 6 months to ascertain whether the discharge is affecting the stability of Ulan Creek.
- (o) The Applicant shall undertake a program of weed eradication in Ulan Creek below the discharge point at regular intervals to the satisfaction of the Director-General.