

**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,

2004

File No: S04/00866

SCHEDULE 1

The development consent (DA No. 200-5-2003) granted by the Minister for Infrastructure and Planning for the Cullen Valley Coal Mine Extension, Cullen Bullen on 19 August 2004.

SCHEDULE 2

1. Delete all text from Schedule 3, condition 6 and replace with the following text:

The Applicant shall not;

- (a) produce more than 1 million tonnes of saleable coal a year from the development; and
- (b) transport more than 250,000 tonnes (cumulative total) of coal a year by road to domestic destinations other than the Mount Piper Power Station.

2. Delete all text from Schedule 4, condition 50 and replace with the following text:

The Applicant shall ensure that all coal haulage from the development:

- (a) uses the dedicated coal haulage route from the development to the Castlereagh Highway;
- (b) is not conveyed on any local road within the Lithgow local government area, except with the written approval of the Director-General;
- (c) occurs between 7.00am and 5.30 pm Monday to Friday, between 7.00am and 5.00pm Saturdays, for no more than 30 days annually to the satisfaction of the DEC and Council, and at no time on Sundays and public holidays.

Note: The hours of operation specified in this condition may be varied with the written consent of the DEC if it is satisfied that the amenity of the residents in the locality will not be adversely affected.

3. Delete all text from Schedule 4, condition 52 and replace with the following text:

Prior to 31 December 2004, the Applicant shall prepare and implement a Coal Haulage Vehicle Management Plan to reduce the impacts of coal haulage traffic from the development on public roads to the satisfaction of the Director-General.