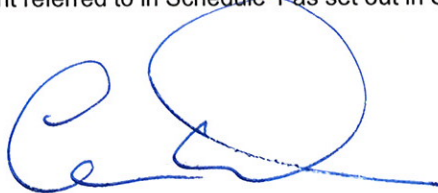


Notice of Modification

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

I, the Executive Director, Sustainable Development Assessments, as delegate of the Minister for Planning, modify the development consent referred to in Schedule 1 as set out in Schedule 2.



Chris Wilson
Executive Director
Sustainable Development Assessments

Sydney 25 OCTOBER 2006

File No: S02/02148

SCHEDULE 1

The development consent (DA 376-8-2003) granted by the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) for the Bulga underground coal mine on 23 February 2004.

SCHEDULE 2

1. Delete the description of the 'Proposed Development' in Schedule 1 and replace with the following:

The development of underground mining operations at the Bulga Complex in general accordance with the Environmental Impact Statement for *the Bulga Coal Continued Underground Operations*, which includes:

- underground mining in 4 coal seams, producing up to 14 million tonnes of run-of-mine (ROM) coal a year;
- processing a maximum of 20 million tonnes of ROM coal a year from the Bulga Complex (which includes open cut and underground mining operations);
- constructing a range of associated infrastructure, including new amenities, offices, road intersections, coal conveyors, gas drainage plants, and gas drainage and dewatering bores;
- using, and in some cases upgrading existing infrastructure; and
- transporting coal to Newcastle Port by rail.

2. Delete condition 2 of Schedule 3 and replace with the following:

- 2 The Applicant shall carry out the development generally in accordance with the:

- (a) DA 376-8-2003;
- (b) EIS titled *Bulga Coal Continued Underground Operations*, volumes 1-5, dated July 2003;
- (c) MOD 4-1-2006 and the letter from Umwelt (Australia) Pty Limited to the Department of Planning titled *Section 96(1A) Modification of Bulga Coal Underground Operations (DA 376-8-2003) – Relocation of Men and Materials Drifts*, dated 23 December 2005;
- (d) MOD 113-9-2006 Statement of Environmental Effects titled *Coal Handling and Processing Plant – Increased Throughput*, dated September 2006; and
- (e) conditions of this consent.

3. Delete condition 7 of Schedule 3 and replace with the following:

- 7 The Applicant shall not process more than 20 million tonnes of ROM coal a year from the Bulga Complex.