

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

**NOTICE OF MODIFICATION TO A DEVELOPMENT CONSENT GRANTED
UNDER SECTION 76(A)9 and 80 OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979, PURSUANT TO SECTION 96(1A) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

I, the Minister for Planning, under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2. I am satisfied that the development to which the development consent, as modified, will relate, is substantially the same development and is of minimal environmental impact.

Andrew Refshauge MP
Minister for Planning

Sydney,

2002

File No : S00/01177

SCHEDULE 1

Development consent granted by the Minister for Urban Affairs and Planning on 20 November 2001 to a Development Application submitted by BHP Billiton for Stage 1 of an underground coal mine, and construction and operation of associated surface facilities.

SCHEDULE 2

Proposed modification for which development approval is now sought (DA MOD-11-2-2002-i) includes:

- Permitting the use of cross measure drivage under Lot reference 43 to access the No 3 coal seam.
 - (a) ***Inserting a new subclause after Condition 1.1(a)(ix):***
 - (x) “and the modification application dated 12 February 2002, including:
 - a letter dated 27 January 2002 from BHP Billiton to the Department of Planning detailing the proposed modification and providing an assessment of its potential environmental impacts.”
 - (b) ***Inserting a figure in a new Schedule C of the consent which illustrates the final location of the approved portal***
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