

**NOTICE OF A MODIFICATION TO A DEVELOPMENT CONSENT
UNDER SECTION 96(1A)
OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Under Section 96(1A) of the Environmental Planning and Assessment Act 1979, I, the Assistant Minister for Infrastructure and Planning, modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Diane Beamer, MP
**Assistant Minister for
Infrastructure and Planning**

Sydney,

2004

File No:S02/02289

SCHEDULE 1

The development consent (DA No. 66/93) granted by the Minister for Urban Affairs and Planning for the Mount Owen Open Cut Coal Mine on 22 July 1994.

SCHEDULE 2

1. Replace condition 1(a) with the following:
 - a) The development is to be carried out generally in accordance with the:
 - (i) Development Application No. 66/93;
 - (ii) EIS titled *Proposed Extension – Mount Owen Coal Project, Hebden, New South Wales*, prepared by Resource Planning Pty Limited;
 - (iii) Primary Submission to the Commission of Inquiry, dated December 1993;
 - (iv) Fauna Impact Statement, prepared by Resource Planning Pty Limited, and dated March 1994;
 - (v) Application to Vary Development Consent, prepared by BHP Australia Coal, and dated January 1996;
 - (vi) Letter from BHP Australia Coal to the Department, dated 3 June 1996, including Plan No. TCN-0770-1000-1-018;
 - (vii) Document titled *In Support of S.96 Application to Modify Development Consent Mount Owen Mine*, prepared by Hunter Valley Coal Corporation, and dated December 1998;
 - (viii) Document titled *In Support of S.96 Application to Modify Development Consent Mount Owen Mine*, prepared by Hunter Valley Coal Corporation, and dated April 2000;

- (ix) Statement of Environmental Effects titled *Mount Owen Mine Stage 3 Tailings Emplacement Area*, prepared by Umwelt Environmental Consultants, and dated November 2002;
- (x) Letters from Umwelt Environmental Consultants to the Department, dated 13 December 2002 and 10 January 2003;
- (xi) *The Erosion and Sediment Control Plan – Transportation of Coal from Ravensworth East Mine Box Cuts to Mt Owen CHPP* dated February 2003 and prepared by Umwelt Environmental Consultants;
- (xii) Statement of Environmental Effects titled *Modifications to Coal Receival and Tailings Disposal System - Mt Owen and Ravensworth East Mines*, prepared by Umwelt Environmental Consultants, and dated December 2003.

2. Replace Condition 8 with the following:

- 8.
 - a) The Applicant shall not extract more than 8 million tonnes of ROM coal a year from the Mount Owen Mine.
 - b) The Applicant may receive ROM coal from the Ravensworth East Mine for processing and export, at a maximum rate of 2 million tonnes of ROM coal a year.
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