

CHRISW

Moolarben Coal Mines Pty Limited

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2 February 2009

The Director-General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: David Kitto

Dear Sir

**Moolarben Coal Mines Pty Limited (MCM)
Moolarben Coal Project**

MCM holds Major Project approval for Stage 1 of the Moolarben Coal Project (MCP) at Ulan, which was granted by the Minister for Planning on 6 September 2007 Reference No. 05_0117, as modified under s 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 26 November 2008 and 18 December 2008.

On 14 July 2008 MCM lodged a Major Project Application No. 08_0135 in respect of Stage 2 of the MCP. On 11 September 2008 the Directors-General's Requirements (DGRs) for environmental assessment were issued based upon a Preliminary Environmental Assessment (PEA) of Stage 2 of the MCP, which described the proposed operation of Stage 2 of the MCP as one mining complex.

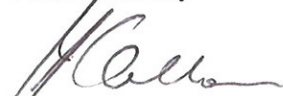
MCM intends that Stage 1 of the MCP and, if it should be approved, Stage 2 of the MCP would operate as one single mining complex. To achieve this objective it is necessary to seek further modification of the Stage 1 project approval.

Enclosed is a form of application for modification under s75W of the EPA Act.

All of the environmental aspects of both the proposed modification to the Stage 1 project approval and the operation of Stage 2 to enable the MCP to operate as one mine complex were described in the PEA. It is considered that the environmental assessment of these two applications could be considered in one environmental assessment report. It would be appreciated if you could confirm for MCM that this approach is acceptable to you.

Please do not hesitate to contact me for any clarification.

Yours faithfully



IAN J CALLOW
Project Manager - Development

RECEIVED
- 3 FEB 2009
Director-General

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: 3 / 2 / 09

Modification No. 05-0117 mod 3

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister.

If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

ABN

Moolarben Coal Mines Pty Limited

82108601672

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Ian John

Family name

Callow

Position

Project Manager Development

STREET ADDRESS

Unit/street no.

Level 14,
213

Street name

Miller Street

Suburb or town

North Sydney

State

NSW

Postcode

2059

POSTAL ADDRESS (or mark 'as above')

GPO Box 1320

Suburb or town

North Sydney

State

NSW

Postcode

2059

Daytime telephone

02 9922 3777

Fax

02 9923 2427

Mobile

0419 622 155

Email

icallow@frl.com.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

As per MP
05_0117

Street or property name

Suburb, town or locality

Near Ulan via Mudgee

Postcode

2850

Local government area(s)

Mid-Western Regional

State Electorate(s)

Upper Hunter and Orange

REAL PROPERTY DESCRIPTION

Lots 51 & 53 DP 736630; Lot 24 DP 755439

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

The development and operation of the Moolarben Coal Project, comprising three open cut coal mines, an underground coal mine and associated infrastructure and facilities including:

- Extraction of up to 8 Mtpa ROM coal from open cut resources;
- Extraction of up to 4 Mtpa of ROM coal from underground resources;
- A CHPP authorised to process up to 12 Mtpa of coal;
- A rail spur and rail loop off the Gulgong-Sandy Hollow Railway line;
- Train loading infrastructure;
- Administration, bathhouses and workshop buildings;
- Transportation of product coal to market via rail;
- Rehabilitation and revegetation of the site.

As Approved by the Minister for Planning on 6 September 2007 as - Application No. 05_0117

What was the original project application no.?

05_0117

What was the date of the approval?

06/09/2007

What was the original application fee?

\$485,925.00

5. Describe the modification you propose to make to the approval

Describe the proposed modification

MCM seeks the approval of the Minister for Planning under Section 75W of the Environmental Planning and Assessment Act 1979 to the modification of the MCP Stage 1 Approval to authorise:

1. An increase in the throughput for the existing Stage 1 MCP Infrastructure Area to the processing, handling and rail loading of up to 17 Mtpa ROM coal and 13 Mtpa product coal.
2. Receipt, processing, handling and rail loading of coal from the Stage 2 area of the MCP at the Stage 1 MCP Infrastructure Area.
3. Relocation of the Underground No. 4 mine, two drift entries, ROM coal stockpile and pit top facilities from within the Stage 1 MCP Infrastructure Area to Open Cut 1 north east highwall.
4. The addition of a new condition numbered 5A in Schedule 2 as follows:

"5A: The MCP Infrastructure Area may be operated until 31 December 2033."

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$Nil

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

Nil
additional

Operational jobs (FTE)

Nil
additional

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land
Not applicable

Signature

Name

Date

Land
Not applicable

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

- ☒ Yes
☐ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature

Name

Moolarben Coal Mines P/L

Date

2/2/2009

In what capacity are you signing if you are not the proponent

Project Manager - Development

Name, if you are not the proponent

Ian John Callow