

# Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Jessie Evans  
Director, Resource Assessments  
Planning and Assessment

Sydney

23 March 2022

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## SCHEDULE 1

<b>Development consent:</b>	MP 08_0184 granted by the Minister of Planning on 15 November 2010
<b>For the following:</b>	Ulan Continued Operations Project
<b>Applicant:</b>	Ulan Coal Mines Pty Limited
<b>Consent Authority:</b>	Minister for Planning
<b>The Land:</b>	Refer to Appendix 1 of MP 08_0184
<b>Modification:</b>	MP 08_0184 MOD 7: Alternative biodiversity offset site

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## SCHEDULE 2

1. In Schedule 1, delete the word "Proponent" and replace with "Applicant"
2. In Schedule 1, delete the words "Ulan Coal Mines Limited" and replace with "Ulan Coal Mines Pty Limited"
3. In Schedules 1 to 5, excluding the Appendices, delete all references to "approval" and replace with "consent", except in:
  - (a) the definition of EA;
  - (b) the first two instances of the word in Schedule 2, condition 14;
  - (c) Schedule 3, conditions 7, 9(a), 11, 16(a), 22(a), 25, 34(b), 44(b), 45, 47(b), 57(f);
  - (d) Schedule 4, conditions 4 and 7;
  - (e) Schedule 5, conditions 1(a), 1(c) and 2(b);
  - (f) the third instance of the word in Schedule 5, condition 4;
  - (g) the second instance of the word in Schedule 5, condition 8(c);
  - (h) Schedule 5, condition 8(d) and 8(e);
  - (i) the notes to Schedule 5, condition 8; and

(j) the first instance of the word in Schedule 5, conditions 10(a).

4. In the definition of “EA” in Schedule 1:

(a) delete the word “and” at the end of the fifth bullet point; and

(b) after the last bullet point, delete the full stop and insert:

; and

- *Ulan Coal Mine Alternative Offset Site Modification (Modification 7) consolidated Modification Report*, dated 2 December 2021.

5. In the list of definitions in Schedule 1 delete “DOI”, “DRG”, “Heritage Branch”, “Material harm to the environment”, “Mitigation”, “OEH”, “Proponent”, “RMS” and “Secretary Industry” and insert the following in alphabetical order:

Applicant	Ulan Coal Mines Pty Limited, or its successors
BCS	Biodiversity, Conservation and Science Directorate within the Department
DPE Water	Water Group within the Department
Heritage NSW	Heritage Branch within the Department of Premier and Cabinet
Material harm to the environment	Is harm that: <ul style="list-style-type: none"><li>• involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li><li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li></ul> This definition excludes “harm” that is authorised under either this consent or any other statutory approval
Mitigation	Activities associated with reducing the impacts of the project prior to or during those impacts occurring
Modification 7	The development as described in <i>Ulan Coal Mine Alternative Offset Site Modification (Modification 7) consolidated Modification Report</i> , dated 2 December 2021
Resources Regulator	Resources Regulator within the Department of Regional NSW
TfNSW	Transport for NSW

6. Delete all references to “Proponent” and replace with “Applicant”

7. Delete all references to “Heritage Branch” and replace with “Heritage NSW”

8. Delete all references to “OEH” and replace with “BCS”, except in Schedule 3 condition 47 where “OEH” is to be replaced by “Heritage NSW”

9. Delete all references to “Secretary Industry” and replace with “Resources Regulator”

10. Delete all references to “DoI” and replace with “DPE Water”
11. Delete all references to “RMS” and replace with “TfNSW”
12. In Schedule 2 condition 11, delete the following from the notes to the condition:
  - “; and  
Part 8 of the EP&A Regulation sets out the requirements for the certification of the project”
13. In Schedule 3 condition 26, 34 and 57(b) delete “DRG” and replace with “Resources Regulator”
14. In Schedule 3 condition 41, delete Table 15 and insert:

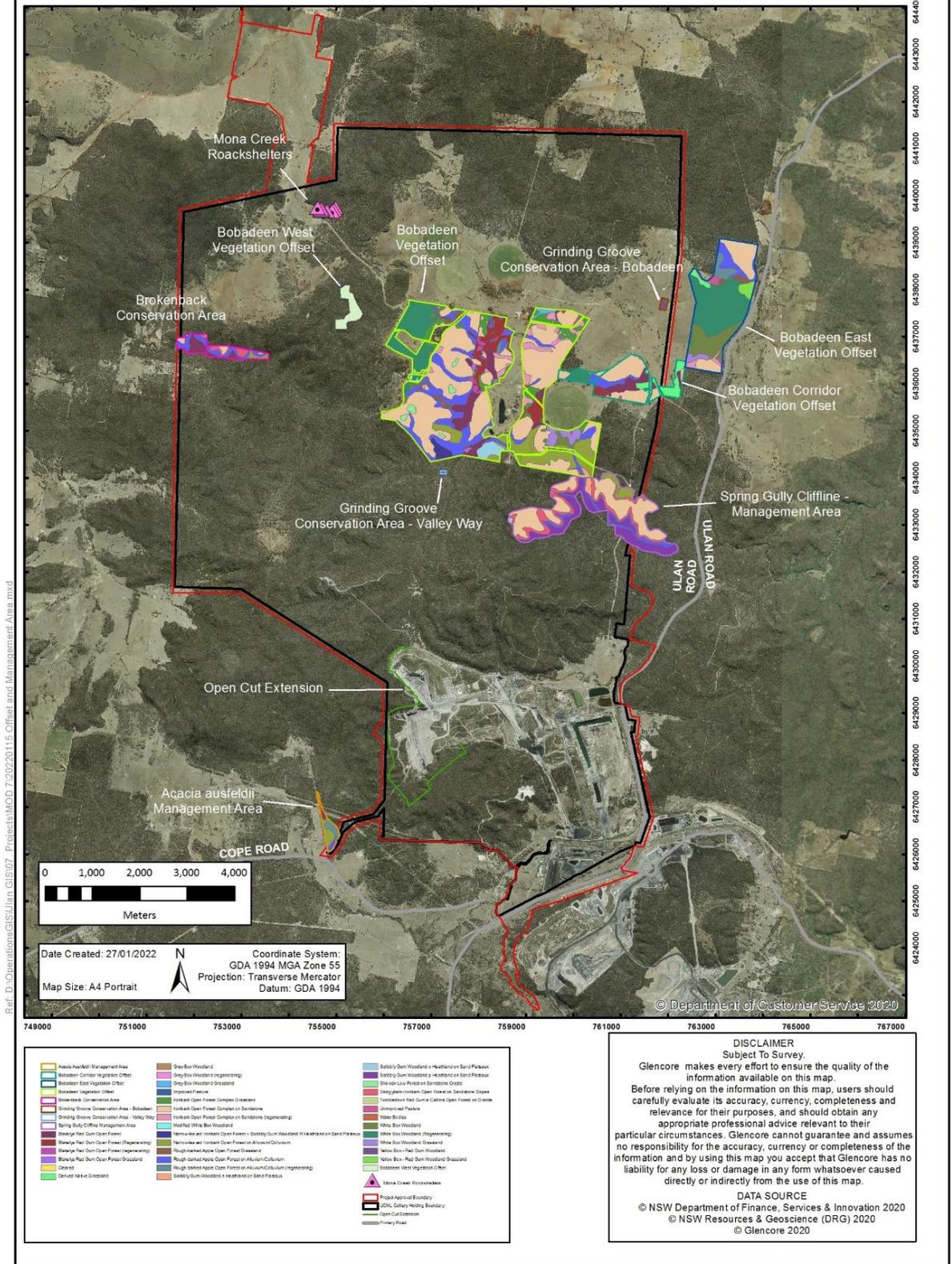
Table 15: Biodiversity Offset Strategy

	Clearing, Removal and/or Disturbance	Spring Gully Cliffline Management Area	Offset Areas			
			Brokenback Conservation Area	Bobadeen Vegetation Offset Area and Bobadeen East Corridor	Bobadeen East Offset Area	Bobadeen West Vegetation Offset Area
Native Vegetation (ha)	411	273	48	1,125	229	22
EEC/CEEC (ha)	69	-	-	278	169	-
Cliffline (km)	12.9	9	2.2	-	-	0.9

15. After condition 43 of Schedule 3, insert the following:
 

43AA. Unless otherwise agreed by the Secretary, the Applicant must make suitable arrangements to provide appropriate long term security for the Bobadeen West Vegetation Offset Area to the satisfaction of the Secretary by 30 June 2023.
16. In Schedule 3 condition 55, delete the words “to the satisfaction of DRG” and replace with “in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*”
17. In Schedule 3 condition 57, delete the words “to the satisfaction of Secretary Industry” and replace with “in accordance with the conditions imposed on the mining lease(s) associated with the development under the *Mining Act 1992*”
18. In Schedule 3 condition 57(f), delete “DRG” and replace with “the Secretary”
19. In Appendix 4 Offset Strategy, delete the figure and insert the following figure:

Offset and Management Areas



End of modification  
(MP08\_0184 MOD 7)