

**NOTICE OF MODIFICATION TO A DEVELOPMENT CONSENT
UNDER SECTION 96(2) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

Diane Beamer MP
**Minister Assisting the
Minister for Infrastructure and Planning
(Planning Administration)**

Sydney

2005

File No: S03/02777

SCHEDULE 1

The development consent (DA 97-800) granted by the Minister for Urban Affairs and Planning for the Mandalong Coal Mine.

SCHEDULE 2

1. Delete Condition 1 of Schedule 2, and replace with:

1. The applicant shall carry out the development generally in accordance with the:
 - (i) development application DA 97-800 lodged with Lake Macquarie City Council on 27 November 1997 and the accompanying Environmental Impact Statement (EIS) dated 27 November 1997, and prepared by Umwelt (Australia) Pty Limited;
 - (ii) submissions to the Commission of Inquiry by the Applicant (refer to Schedule 5);
 - (iii) modification application prepared by Powercoal, dated 29 March 2001;
 - (iv) Mandalong Mine Methane Drainage Plant and Coal Haulage, Statement of Environmental Effects, dated 28 October 2004, and prepared by Sinclair Knight Merz; and
 - (v) conditions of this consent.

If there is any inconsistency between the above, either the conditions of this consent, or the most recent document shall prevail to the extent of any inconsistency.

2. Add the following after Condition 60 of Schedule 2:

Greenhouse Gas

- 60a. The Applicant shall:
- (i) monitor the greenhouse gas emissions generated by the development;
 - (ii) investigate ways to reduce greenhouse gas emissions generated by the development, including technologies to convert mine gas emissions into energy;

- (iii) prior to 30 June 2005, submit a report to the Department on the progress towards implementation of greenhouse gas abatement measures; and
- (iv) report on greenhouse gas monitoring and abatement measures in the AEMR,
to the satisfaction of the Director-General.

3. Delete Condition 85 of Schedule 2, and replace with:

85. The Applicant shall:

- (i) provide adequate fire protection works on the Mine Access Site. This shall include one fully equipped fire fighting unit on standby and annual hazard reduction works as required;
- (ii) ensure that all dangerous goods and materials stored on site are stored in accordance with the relevant Australian Standards; and
- (iii) prior to the operation of the methane drainage plant, develop a risk management plan to identify risk scenarios and control measures relating to the potential accumulation of methane due to any malfunction of the plant,
to the satisfaction of the Director-General.

4. Delete Condition 89 of Schedule 2, and replace with:

89. No coal shall be hauled on public roads other than the haul road identified in DA 97-800, except for the estimated 1,000 tonnes of coal removed during the construction of the decline tunnel, to the satisfaction of the Director-General.

This coal shall be:

- (i) hauled on public roads only for delivery to Awaba Colliery;
- (ii) transported by road over a maximum period of five (5) days; and
- (iii) transported only after temporary safety warning signage has been installed to the satisfaction of the Roads and Traffic Authority.