

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.



David Kitto
Executive Director
Resource Assessments & Business Systems

Sydney 14 MARCH

2016

SCHEDULE 1

The project approval (MP 08_0184) for the Ulan Continued, granted by the then Minister for Planning on 15 November 2010.

SCHEDULE 2

1. Delete the definitions for "Department", "Director-General", "DRE", "EA", "EA (MOD1)", "EA (MOD 2)", "Executive Director, Mineral Resources", "Heritage Branch", "Minister", "NOW" and insert the following in alphabetical order:

Department	Department of Planning and Environment
DPI Water	Division of Water within the Department of Primary Industries
DRE	Division of Resources and Energy within the Department of Industry
EA	<ul style="list-style-type: none">• <i>Ulan Coal Continued Operations Environmental Assessment</i>, dated October 2009, as modified by the Response to Submissions dated February 2010 and correspondence to the Department dated 13 April 2010, 14 May 2010, 8 September 2010 and 20 March 2012;• <i>Modification of Ulan Coal Continued Operations – North 1 Underground Mining Area, Minor Modification to Ulan No. 3 & Ulan West Mine Plans & Proposed Concrete Batching Plant</i>, dated July 2011 (MOD 1), as modified by the Response to Submissions dated September 2011;• <i>Modification to Ulan Coal Continued Operations – Ulan West Mine Plan (Approved Panels 1-4) and Construction Blasting</i>, dated May 2012 (MOD 2); and• <i>Ulan West Modification</i> (2 volumes), dated March 2015 (MOD 3), as modified by the Response to Submissions dated August 2015, <i>Ulan Coal Mines Ltd – Offset Area Calculations</i>, dated 17 December 2015 and correspondence to the Department dated 4 March 2016
Heritage Council of NSW	The Heritage Branch within OEH
Minister	Minister for Planning, or delegate
Secretary	Secretary of the Department, or nominee
Secretary Industry	Secretary of the Department of Industry, or nominee

2. Delete all references to "Director-General" and replace with "Secretary".
3. Delete all references to "NOW" and replace with "DPI Water".
4. Delete all references to "the Executive Director, Mineral Resources", and replace with "Secretary Industry".
5. Delete all references to "Heritage Branch", and replace with "Heritage Council of NSW".

6. In condition 2 of Schedule 2, delete all words (except the notes), and replace with the following:
 2. The Proponent shall carry out the project:
 - (a) generally in accordance with the EA;
 - (b) in accordance with the statement of commitments; and
 - (c) in accordance with the conditions of this approval.
7. Delete condition 4 of Schedule 2, and replace with the following:
 4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from:
 - (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in these documents.
8. In condition 5 of Schedule 2, delete "2031", and replace with "2033".
9. Delete conditions 14 and 15 of Schedule 2, and replace with the following:

"UPDATING & STAGING STRATEGIES, PLANS OR PROGRAMS"

14. With the approval of the Secretary, the Proponent may submit any strategy, plan or program required by this consent on a progressive basis.

To ensure these strategies, plans or programs are updated on a regular basis, the Proponent may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Proponent may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this approval.

Notes:

- While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.
- If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.

15. Deleted."

10. In condition 1 of Schedule 3, in Table 1, remove the "Subsidence" column.
11. In condition 2 of Schedule 3, in Table 2, remove the references to "Location 7", "Ulan Anglican Church" and Ulan Catholic Church".
12. In condition 24 of Schedule 3, in Table 14, delete "/Cockabutta Creek".
13. In condition 38 of Schedule 3, delete all references to "Cockbutta", and replace with "Cockabutta".
14. In condition 41, delete Table 15 and replace with the following:

Table 15: Biodiversity Offset Strategy

	Clearing, Removal and/or Disturbance	Offset Areas			
		Spring Gully Cliffline Management Area	Brokenback Conservation Area	Bobadeen Vegetation Offset Area and Bobadeen East Corridor	Bobadeen East Offset Area
Native Vegetation (ha)	411	273	58	1,125	229
EEC/CEEC (ha)	69	-	-	278	169
Cliffline (km)	12.9	9	3	-	-

15. In condition 47(c) of Schedule 3:
- (a) delete "11" and replace with "7";
 - (b) delete "Mona and Cockabutta Creeks", and replace with "Mona Creek";
 - (c) after "4 groove sites within the two Grinding Groove Conservation Areas"; insert
- managing subsidence impacts at the Ochre Quarry site #807;" and
 - (d) delete the full stop in the last paragraph, and insert "; and
 - a Salvage Research and Impact Mitigation Strategy for Cockabutta Creek cultural heritage sites, which:
 - includes a suitable research program to develop site investigation and salvage protocols;
 - proposes measures to minimise and mitigate subsidence impacts at rockshelter sites;
 - describes how subsidence impacts at the sites would be monitored, managed, mitigated, and/or remediated; and
 - includes suitable up-front supplementary compensation measures for subsidence impacts to the sites and a program of implementation for the supplementary measures;"
16. In condition 4 of Schedule 5, delete the Note and replace with the following:

"Where this review leads to revisions in any such document, then within 4 weeks of the review, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development."

17. In Appendix 1, delete the Schedule of Land and replace with the following:

Lot	DP	LotSecDP	Area (Ha)	Owner
1	182395	1//182395	0.64	Mine Owned (UCML)
1	206588	1//206588	2.42	Mine Owned (UCML)
1	431692	1//431692	0.26	Transport for NSW
1	432146	1//432146	3.29	Transport for NSW
1	518563	1//518563	56.28	Mine Owned (UCML)
1	534014	1//534014	3.12	The State of NSW
1	552740	1//552740	0.37	Mine Owned (UCML)
1	572488	1//572488	2.06	Mine Owned (UCML)
1	661026	1//661026	0.76	Mine Owned (UCML)
1	701346	1//701346	596.85	Mine Owned (UCML)
1	720331	1//720331	7.95	Mine Owned (UCML)
1	720332	1//720332	9.16	Mine Owned (UCML)
1	720333	1//720333	7.53	Mine Owned (UCML)
1	720334	1//720334	0.25	Mine Owned (UCML)
1	720335	1//720335	10.35	Mine Owned (UCML)
1	722880	1//722880	3.26	Mine Owned (UCML)
1	722881	1//722881	3.03	Mine Owned (UCML)
1	722882	1//722882	1.25	Mine Owned (UCML)
1	750773	1//750773	13.41	Mine Owned (UCML)
1	840034	1//840034	457.90	Mine Owned (UCML)
1	876943	1//876943	113.31	Private
1	1069300	1//1069300	0.90	Mine Owned (UCML)
1	1099495	1//1099495	15.30	Mine Owned (UCML)

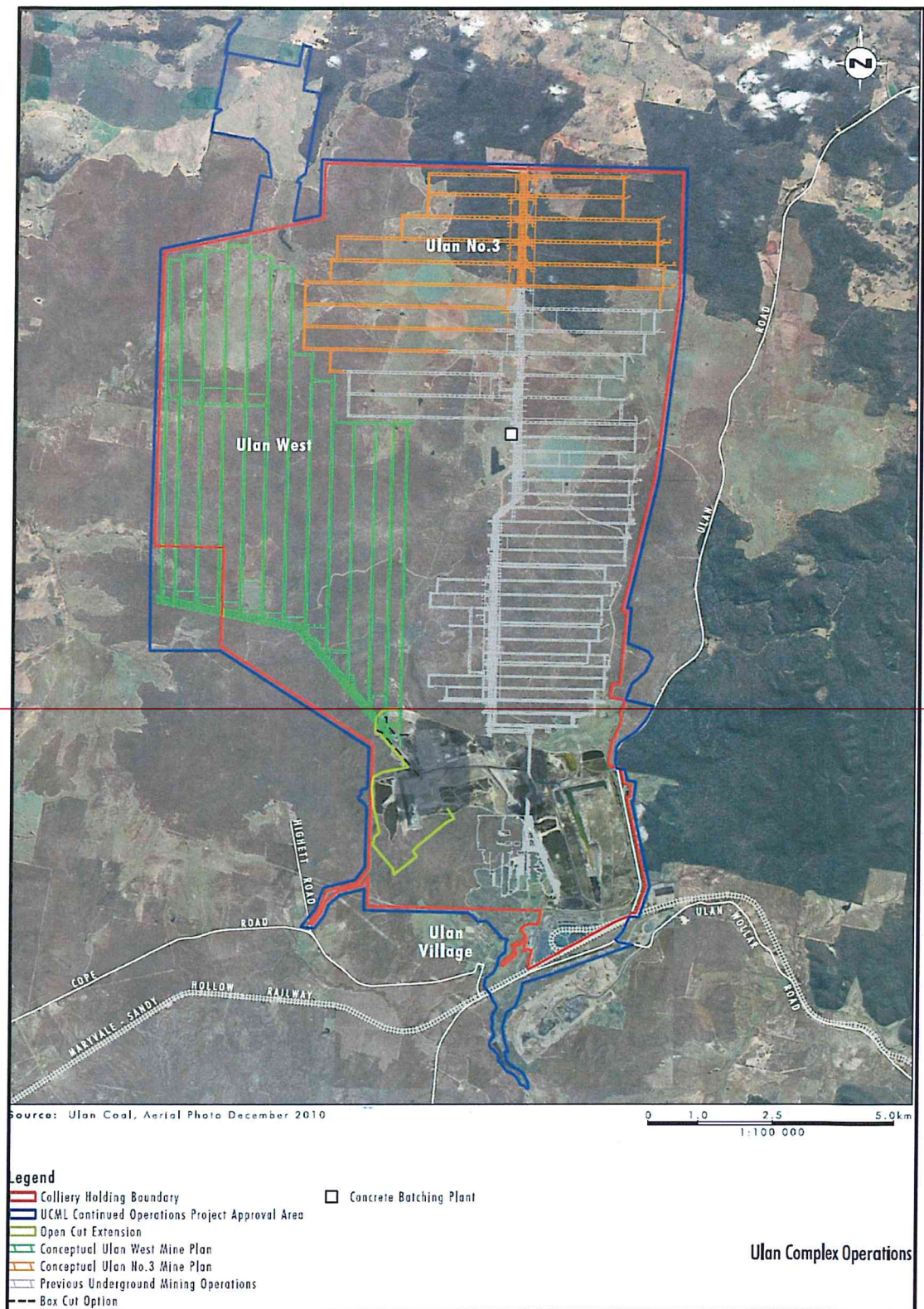
2	182395	2//182395	0.06	Mine Owned (UCML)
2	206588	2//206588	3.05	Mine Owned (UCML)
2	432146	2//432146	0.00	Mine Owned (UCML)
2	518563	2//518563	0.38	Mine Owned (UCML)
2	534014	2//534014	62.81	Private
2	537477	2//537477	6.08	Mine Owned (UCML)
2	720334	2//720334	3.54	Crown Land Leased (UCML)
2	722880	2//722880	0.18	Mine Owned (UCML)
2	722882	2//722882	2.80	Mine Owned (UCML)
2	750735	2//750735	384.74	Crown Land Leased (UCML)
2	750736	2//750736	14.74	Mine Owned (UCML)
2	750773	2//750773	13.77	Mine Owned (UCML)
2	840034	2//840034	201.85	Mine Owned (UCML)
3	132117	3//132117	0.52	Mine Owned (UCML)
3	182395	3//182395	0.70	Mine Owned (UCML)
3	206588	3//206588	2.65	Mine Owned (UCML)
3	534014	3//534014	97.03	Private
3	701346	3//701346	180.20	Mine Owned (UCML)
3	720334	3//720334	1.24	Crown Land Leased (UCML)
3	722880	3//722880	0.14	Mine Owned (UCML)
3	750735	3//750735	98.58	Mine Owned (UCML)
3	750773	3//750773	20.14	Mine Owned (UCML)
4	132117	4//132117	27.47	Mine Owned (UCML)
4	182395	4//182395	0.39	Mine Owned (UCML)
4	206588	4//206588	1.57	Mine Owned (UCML)
4	615702	4//615702	19.76	Mine Owned (UCML)
4	701346	4//701346	449.75	Mine Owned (UCML)
4	720334	4//720334	2.51	Mine Owned (UCML)
4	722880	4//722880	0.76	Mine Owned (UCML)
4	750735	4//750735	120.14	Mine Owned (UCML)
5	206588	5//206588	0.20	Mine Owned (UCML)
5	750735	5//750735	68.74	Crown Land Leased (UCML)
5	750773	5//750773	24.20	Mine Owned (UCML)
5	755439	5//755439	15.42	Mine Owned (UCML)
6	206588	6//206588	2.72	Mine Owned (UCML)
6	750735	6//750735	16.75	Mine Owned (UCML)
7	206588	7//206588	5.67	Mine Owned (UCML)
7	750735	7//750735	16.22	Mine Owned (UCML)
8	206588	8//206588	0.50	Mine Owned (UCML)
8	750735	8//750735	15.82	Mine Owned (UCML)
9	750735	9//750735	16.23	Mine Owned (UCML)
9	750773	9//750773	15.20	Mine Owned (UCML)
10	750735	10//750735	16.75	Mine Owned (UCML)
11	750735	11//750735	16.79	Mine Owned (UCML)

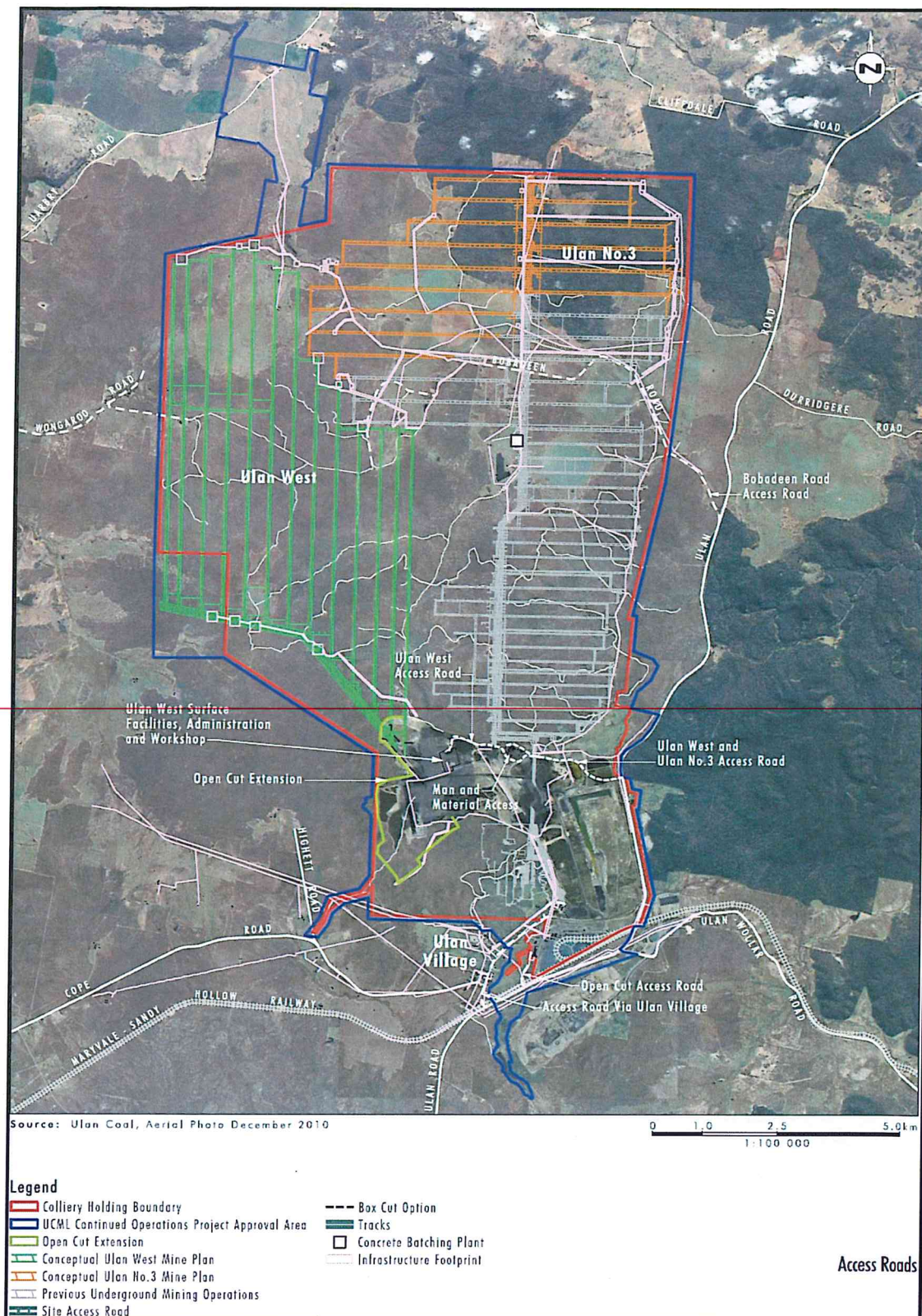
11	750773	11//750773	22.02	Mine Owned (UCML)
11	1152406	11//1152406	125.06	Moolarben Coal
12	750735	12//750735	16.15	Mine Owned (UCML)
13	750735	13//750735	16.99	Mine Owned (UCML)
13	750773	13//750773	16.42	Crown Land Leased (UCML)
13	755439	13//755439	16.77	Mine Owned (UCML)
14	750773	14//750773	16.88	Crown Land Leased (UCML)
14	755442	14//755442	250.06	Mine Owned (UCML)
14	1152406	14//1152406	177.25	Mine Owned (UCML)
15	750735	15//750735	931.26	Mine Owned (UCML)
15	750773	15//750773	0.74	Crown Land Leased (UCML)
16	750735	16//750735	33.28	Mine Owned (UCML)
16	750773	16//750773	15.81	Crown Land Leased (UCML)
16	1140073	16//1140073	2.68	Mine Owned (UCML)
17	750735	17//750735	40.29	Mine Owned (UCML)
17	750773	17//750773	16.51	Mine Owned (UCML)
18	750735	18//750735	64.91	Mine Owned (UCML)
18	750773	18//750773	15.69	Mine Owned (UCML)
19	132631	19//132631	56.34	Mine Owned (UCML)
19	750735	19//750735	192.77	Mine Owned (UCML)
19	750746	19//750746	119.79	Private
20	750735	20//750735	55.00	Mine Owned (UCML)
20	750773	20//750773	15.02	Mine Owned (UCML)
20	755439	20//755439	81.91	Mine Owned (UCML)
21	750773	21//750773	16.28	Mine Owned (UCML)
22	750735	22//750735	160.45	Private
23	750735	23//750735	31.91	Private
24	750735	24//750735	112.37	Mine Owned (UCML)
25	750773	25//750773	16.14	Private
27	750735	27//750735	19.02	Private
27	750773	27//750773	31.96	Mine Owned (UCML)
27	755439	27//755439	15.91	Mine Owned (UCML)
28	750735	28//750735	16.33	Private
28	750773	28//750773	97.29	Mine Owned (UCML)
29	750735	29//750735	38.40	Private
30	750735	30//750735	106.47	Mine Owned (UCML)
31	750735	31//750735	64.48	Mine Owned (UCML)
32	631102	32//631102	24.71	Mine Owned (UCML)
32	750735	32//750735	16.34	Private
33	750735	33//750735	42.95	Private
33	755439	33//755439	18.35	Crown Land Leased (UCML)
34	750735	34//750735	43.11	Private
35	750735	35//750735	78.78	Mine Owned (UCML)
36	750735	36//750735	15.88	Mine Owned (UCML)
37	750735	37//750735	48.72	Mine Owned (UCML)

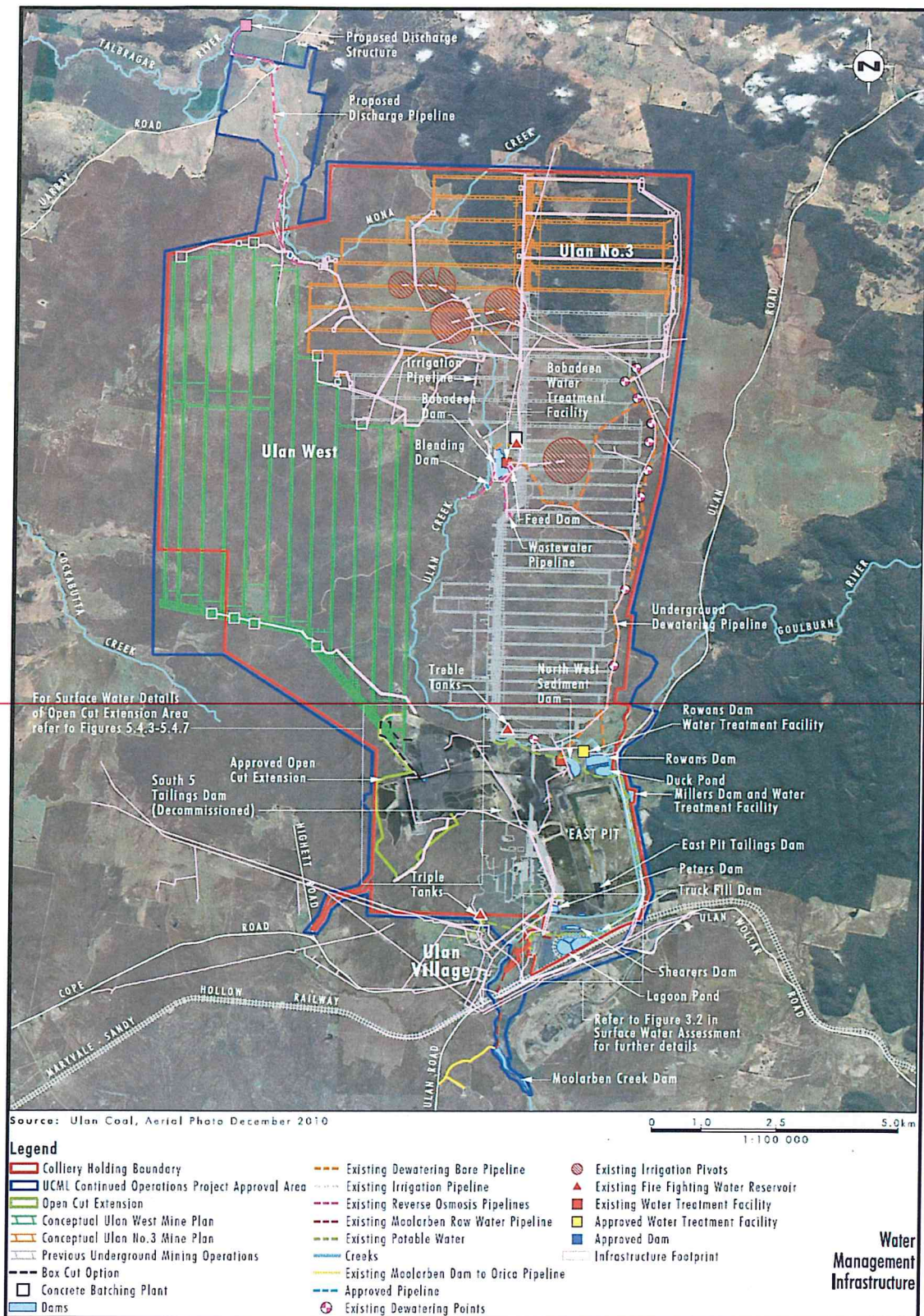
38	750735	38//750735	63.59	Private
39	750735	39//750735	15.99	Mine Owned (UCML)
41	750735	41//750735	21.22	Crown Land Leased (UCML)
42	750735	42//750735	59.20	Crown Land Leased (UCML)
43	736630	43//736630	29.85	The State of NSW
43	750735	43//750735	19.51	Crown Land Leased (UCML)
44	736630	44//736630	32.76	Mine Owned (UCML)
44	750735	44//750735	39.52	Private
45	736630	45//736630	38.89	Mine Owned (UCML)
45	750735	45//750735	123.85	Mine Owned (UCML)
45	750736	45//750736	44.57	Mine Owned (UCML)
46	736630	46//736630	17.24	Mine Owned (UCML)
46	750735	46//750735	62.22	Mine Owned (UCML)
46	750736	46//750736	30.26	Mine Owned (UCML)
47	736630	47//736630	15.88	Mine Owned (UCML)
47	750735	47//750735	251.15	Mine Owned (UCML)
48	736630	48//736630	51.74	Mine Owned (UCML)
48	750735	48//750735	35.46	Crown Land Leased (UCML)
49	736630	49//736630	18.18	Mine Owned (UCML)
49	750735	49//750735	40.55	The State of NSW
50	736630	50//736630	39.99	Mine Owned (UCML)
50	750735	50//750735	39.25	Mine Owned (UCML)
51	750735	51//750735	16.12	Mine Owned (UCML)
52	736630	52//736630	28.02	Mine Owned (UCML)
52	750735	52//750735	107.16	Private
52	750773	52//750773	82.07	Crown Land Leased (UCML)
53	750735	53//750735	95.54	Mine Owned (UCML)
54	750735	54//750735	431.40	Mine Owned (UCML)
54	750736	54//750736	250.08	Mine Owned (UCML)
54	750773	54//750773	15.20	Mine Owned (UCML)
55	722794	55//722794	2.39	Crown Land Leased (UCML)
55	750735	55//750735	79.51	Mine Owned (UCML)
56	750735	56//750735	1089.64	Mine Owned (UCML)
56	750773	56//750773	62.84	Mine Owned (UCML)
57	155597	57//155597	0.75	Crown Land Leased (UCML)
57	750746	57//750746	287.54	Private
58	750773	58//750773	47.15	Mine Owned (UCML)
59	750759	59//750759	17.42	Private
59	750773	59//750773	57.19	Mine Owned (UCML)
60	750736	60//750736	52.81	Mine Owned (UCML)
60	750742	60//750742	32.88	Private
61	750736	61//750736	208.81	Mine Owned (UCML)
62	750742	62//750742	79.54	Private
63	750773	63//750773	27.36	Mine Owned (UCML)
64	750773	64//750773	83.64	Mine Owned (UCML)

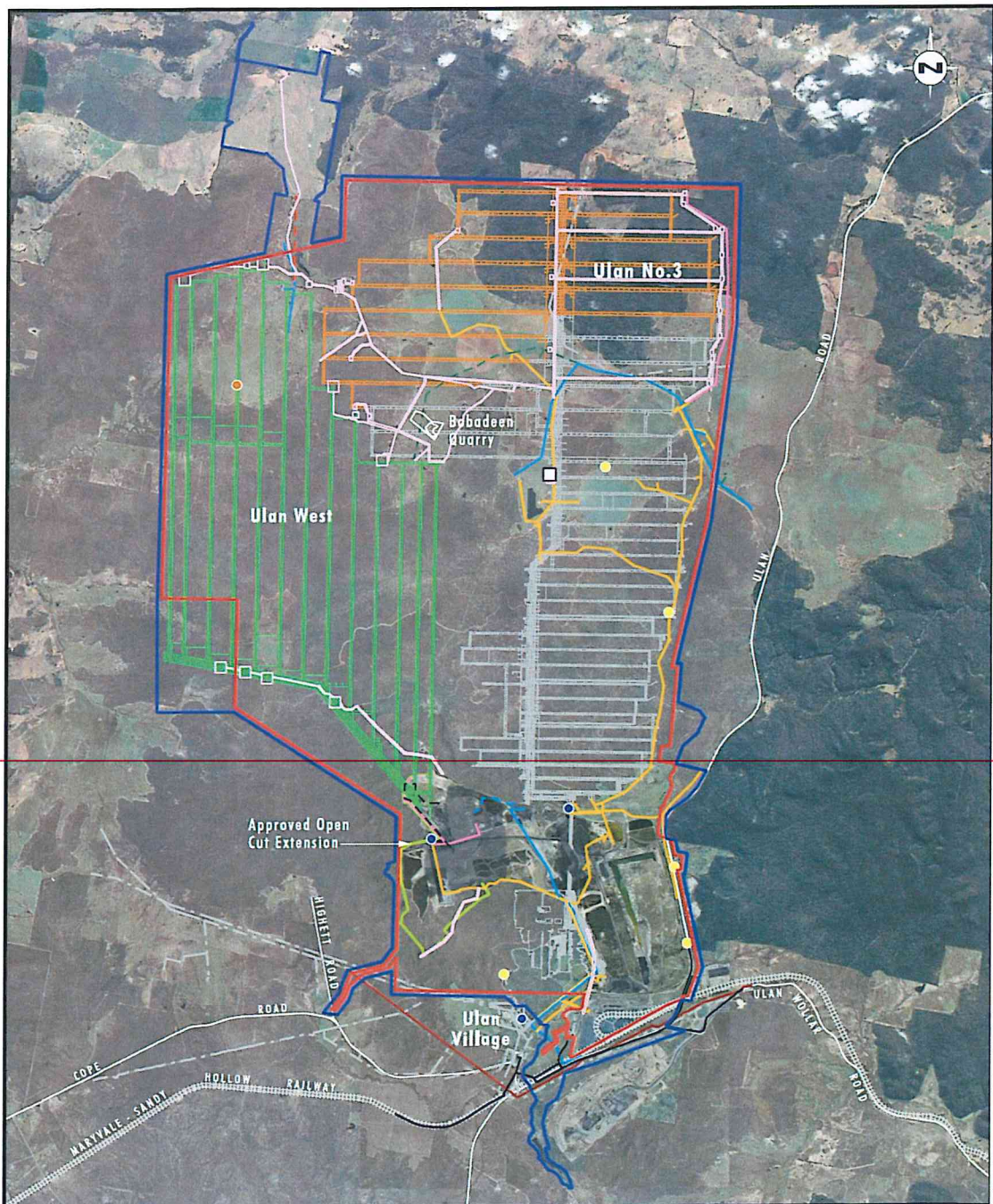
65	750773	65//750773	60.11	Mine Owned (UCML)
66	750773	66//750773	181.34	Mine Owned (UCML)
68	750773	68//750773	46.03	Mine Owned (UCML)
70	750773	70//750773	47.53	Mine Owned (UCML)
71	750773	71//750773	143.03	Mine Owned (UCML)
72	750742	72//750742	333.75	Private
72	750773	72//750773	57.13	Crown Land Leased (UCML)
73	750773	73//750773	65.79	Mine Owned (UCML)
74	750773	74//750773	45.30	Mine Owned (UCML)
75	750742	75//750742	18.95	Private
75	750773	75//750773	103.38	Mine Owned (UCML)
76	750773	76//750773	53.62	Crown Land Leased (UCML)
78	750773	78//750773	21.17	Crown Land Leased (UCML)
79	750773	79//750773	41.12	Mine Owned (UCML)
83	704077	83//704077	320.70	Crown Land Leased (UCML)
84	704077	84//704077	170.78	Moolarben Coal
85	704094	85//704094	98.88	Mine Owned (UCML)
92	755442	92//755442	98.38	Mine Owned (UCML)
101	595015	101//595015	50.41	Mine Owned (UCML)
151	595016	151//595016	31.26	Mine Owned (UCML)
164	750748	164//750748	587.73	The State of NSW
178	750735	178//750735	16.71	Mine Owned (UCML)
179	750735	179//750735	16.49	Mine Owned (UCML)
180	750735	180//750735	16.52	Mine Owned (UCML)
211	750735	211//750735	16.07	Mine Owned (UCML)
212	750735	212//750735	15.24	Mine Owned (UCML)
800	1128041	800//1128041	9.68	Mine Owned (UCML)
7003	1025349	7003//1025349	1.20	Crown Land Leased (UCML)
7005	1028230	7005//1028230	8.09	The State of NSW
7008	1128119	7008//1128119	4064.43	Crown Land Leased (UCML)
7301	1148421	7301//1148421	670.05	Crown Land Leased (UCML)
7302	1148421	7302//1148421	15.39	The State of NSW
7303	1143562	7303//1143562	28.98	Crown Land Leased (UCML)
7303	1148412	7303//1148412	202.90	The State of NSW
7305	1148985	7305//1148985	149.40	Crown Land Leased (UCML)
7306	1148985	7306//1148985	2.94	Crown Land Leased (UCML)
B	408792	B//408792	1.46	Mine Owned (UCML)
C	408792	C//408792	0.46	Mine Owned (UCML)

18. In Appendix 2, delete the figures, and replace with the following:









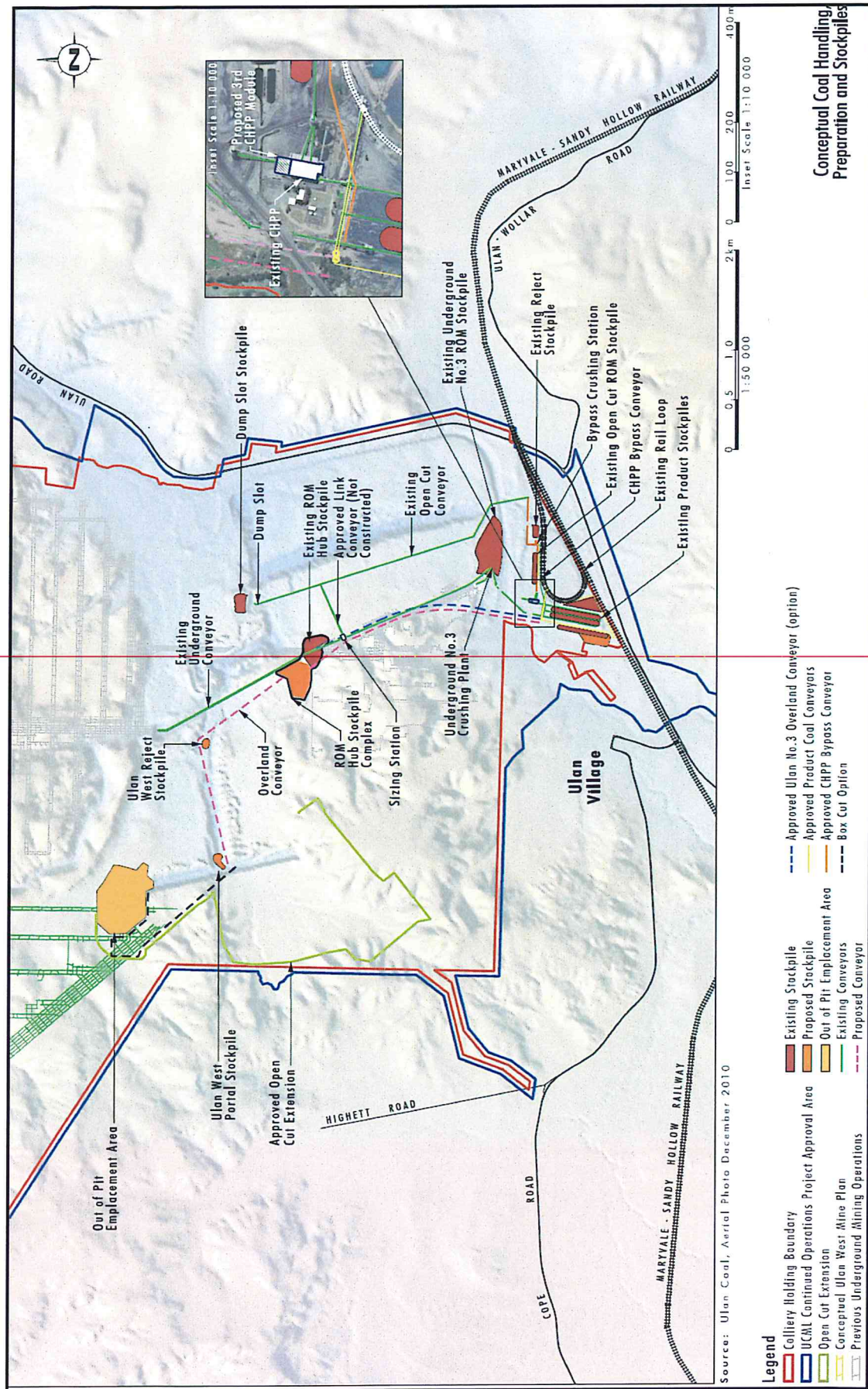
Source: Ulan Coal, Aerial Photo December 2010

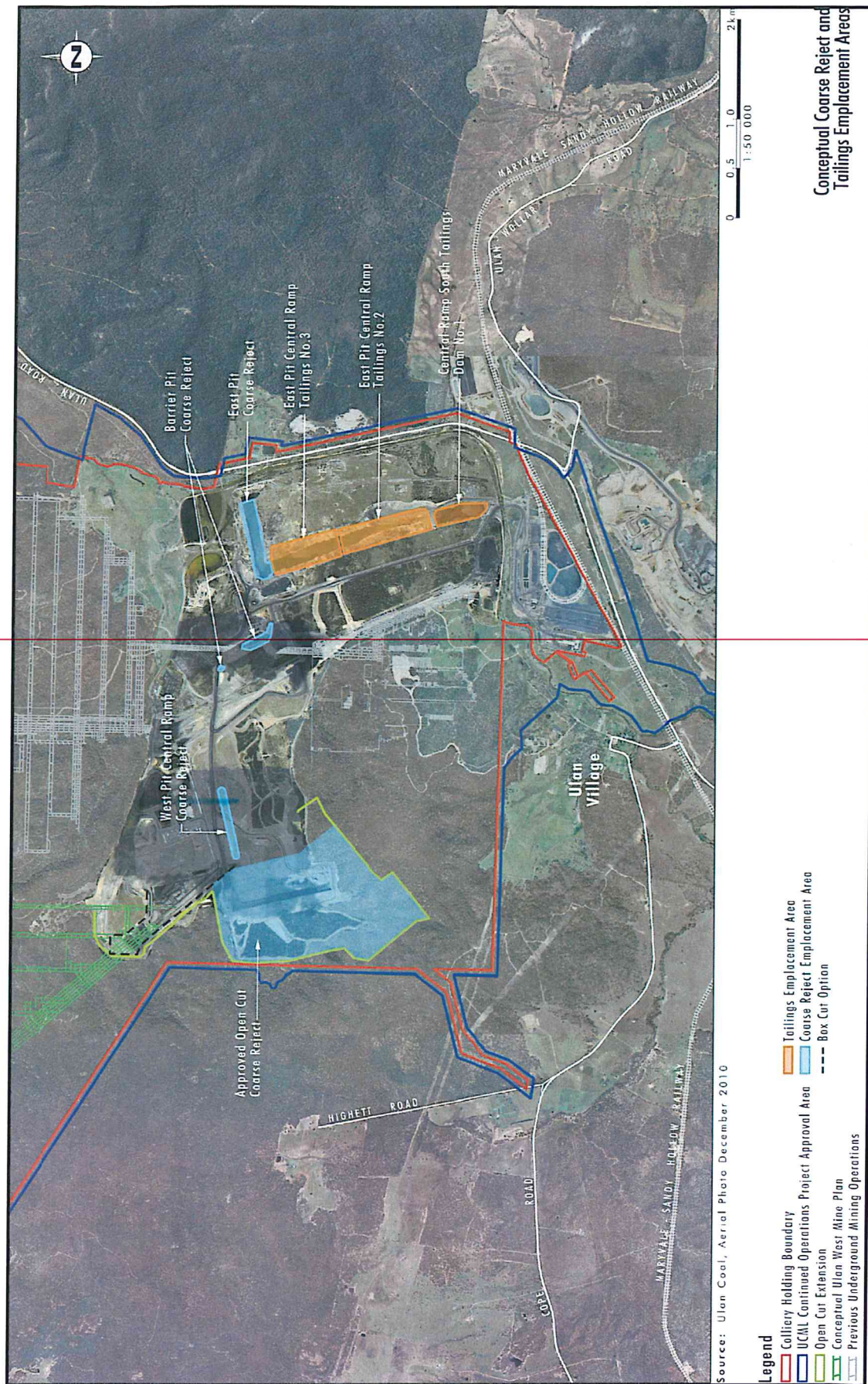
0 1.0 2.5 5.0 km
1:100 000

Legend

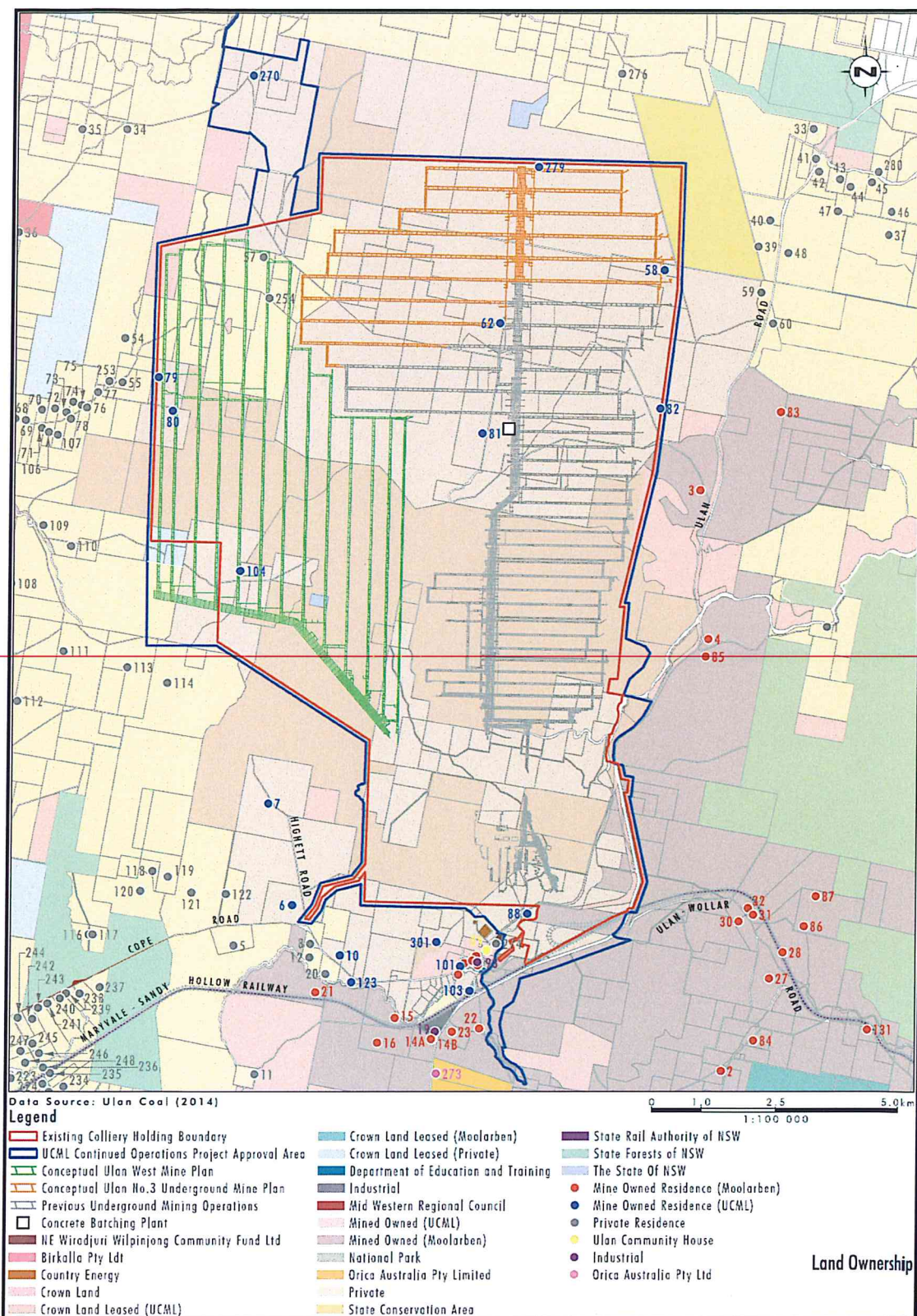
- | | | |
|---|--|---|
| — Colliery Holding Boundary | — Existing Power Line UCML | — Existing Power Line Private |
| — UCML Continued Operations Project Approval Area | — Existing Country Energy Power Line | — Approved Power Line |
| — Open Cut Extension | — Existing Transgrid Power Line | ● Approved Communication Towers |
| — Conceptual Ulan West Mine Plan | — Existing Fibre Optics UCML | — Approved Fibre Optic |
| — Conceptual Ulan No.3 Mine Plan | — Existing Fibre Optics Telstra | — Infrastructure Footprint |
| — Previous Underground Mining Operations | — Existing Telstra Line Active | |
| — Box Cut Option | — Existing Telstra Line Inactive | |
| □ Concrete Batching Plant | ● Existing Substations | |
| — Babadeen Quarry | ● Existing Communication Towers | |

Power and
Telecommunications Services

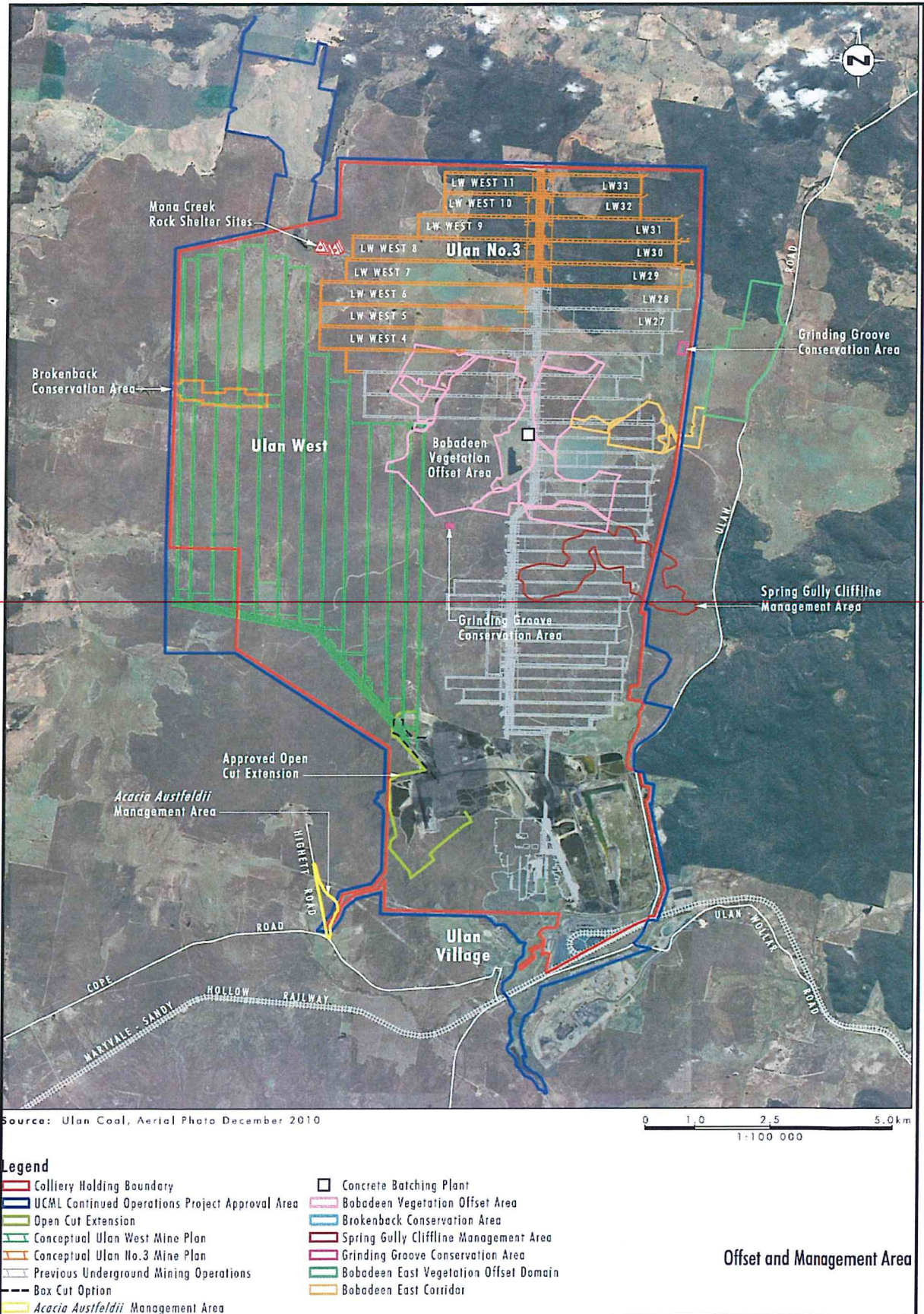




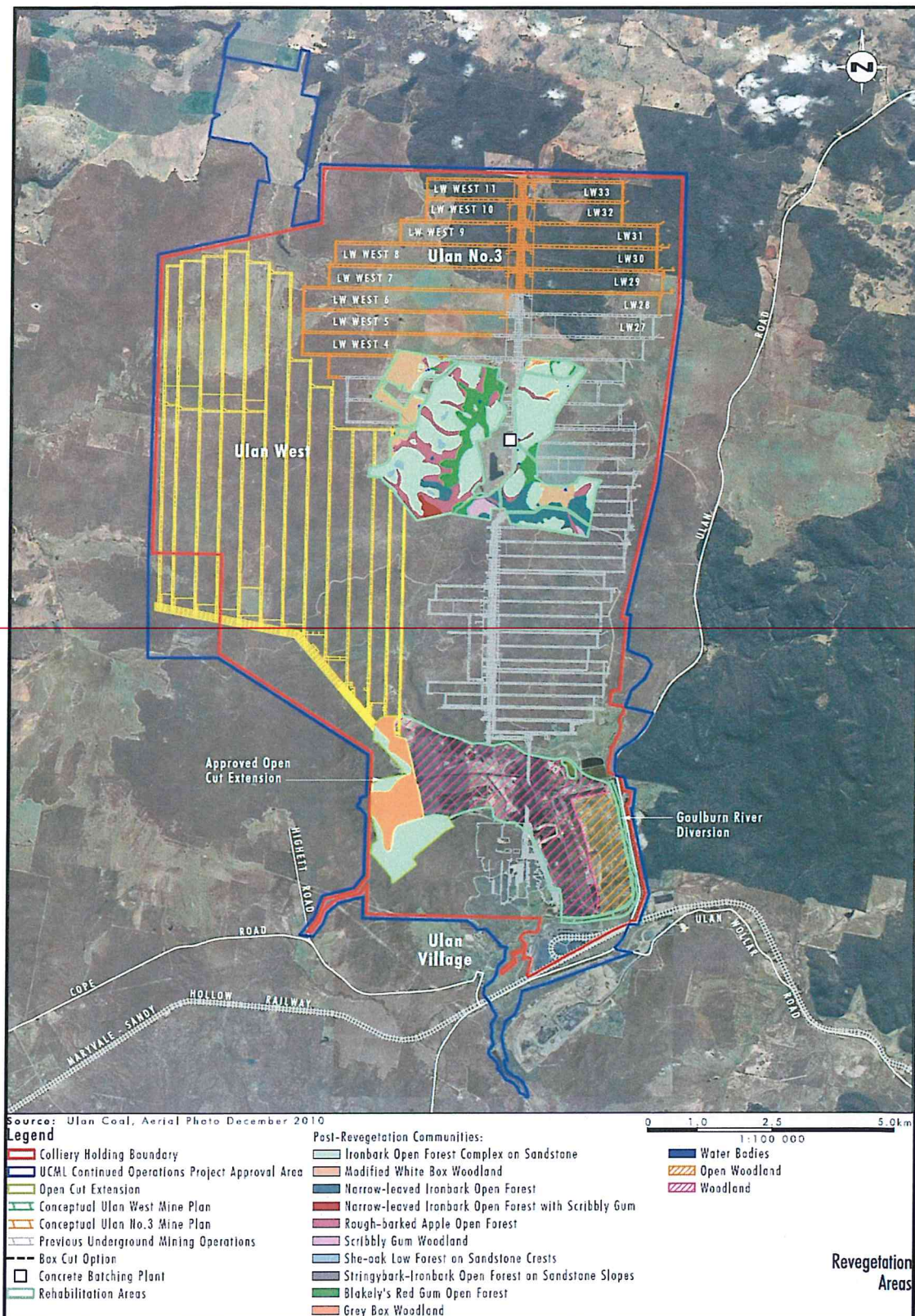
19. In Appendix 3, delete the "Land Ownership" figure, and replace with the following:

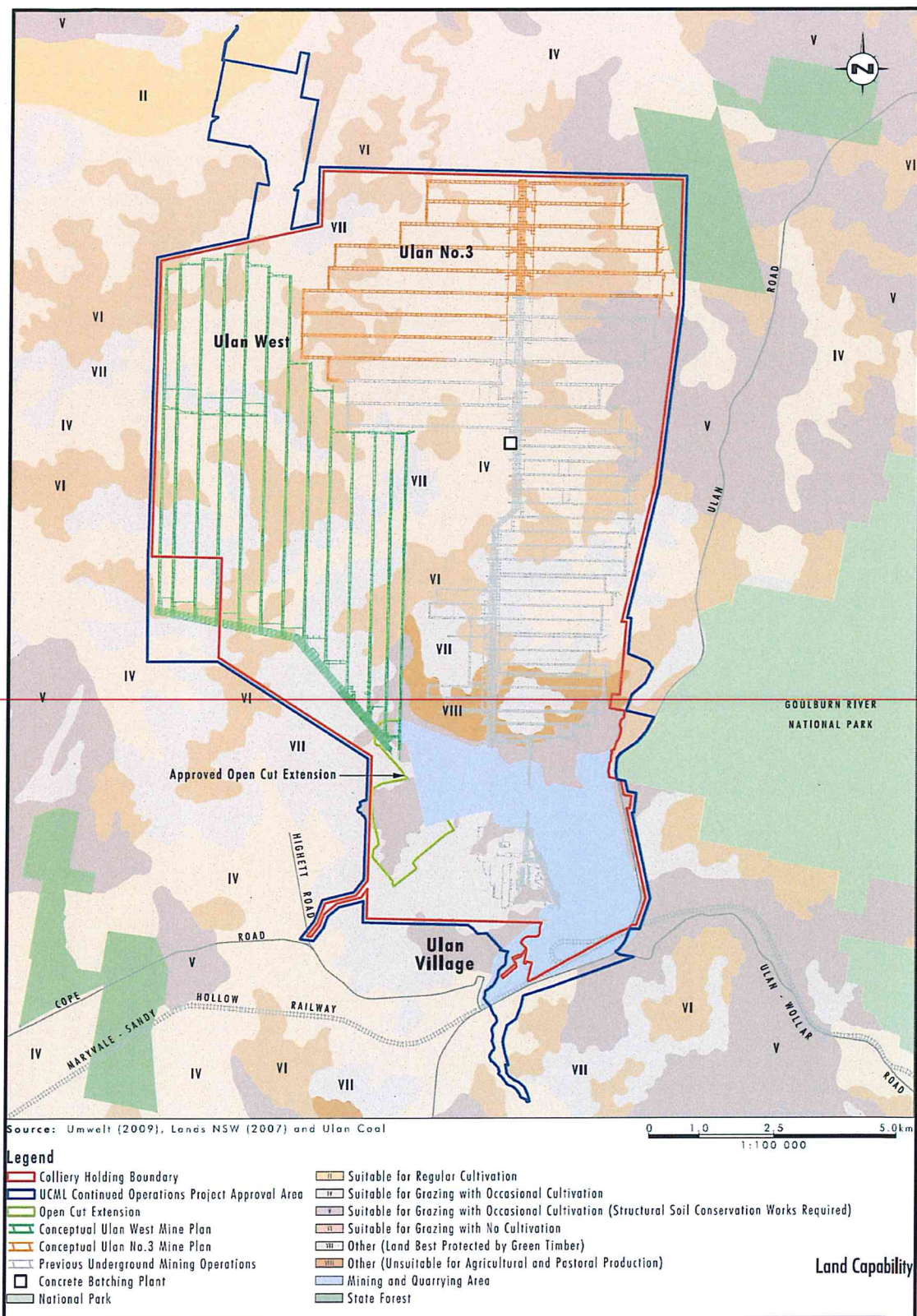


20. In Appendix 4, delete the "Offset Management Area" figure, and replace with the following:

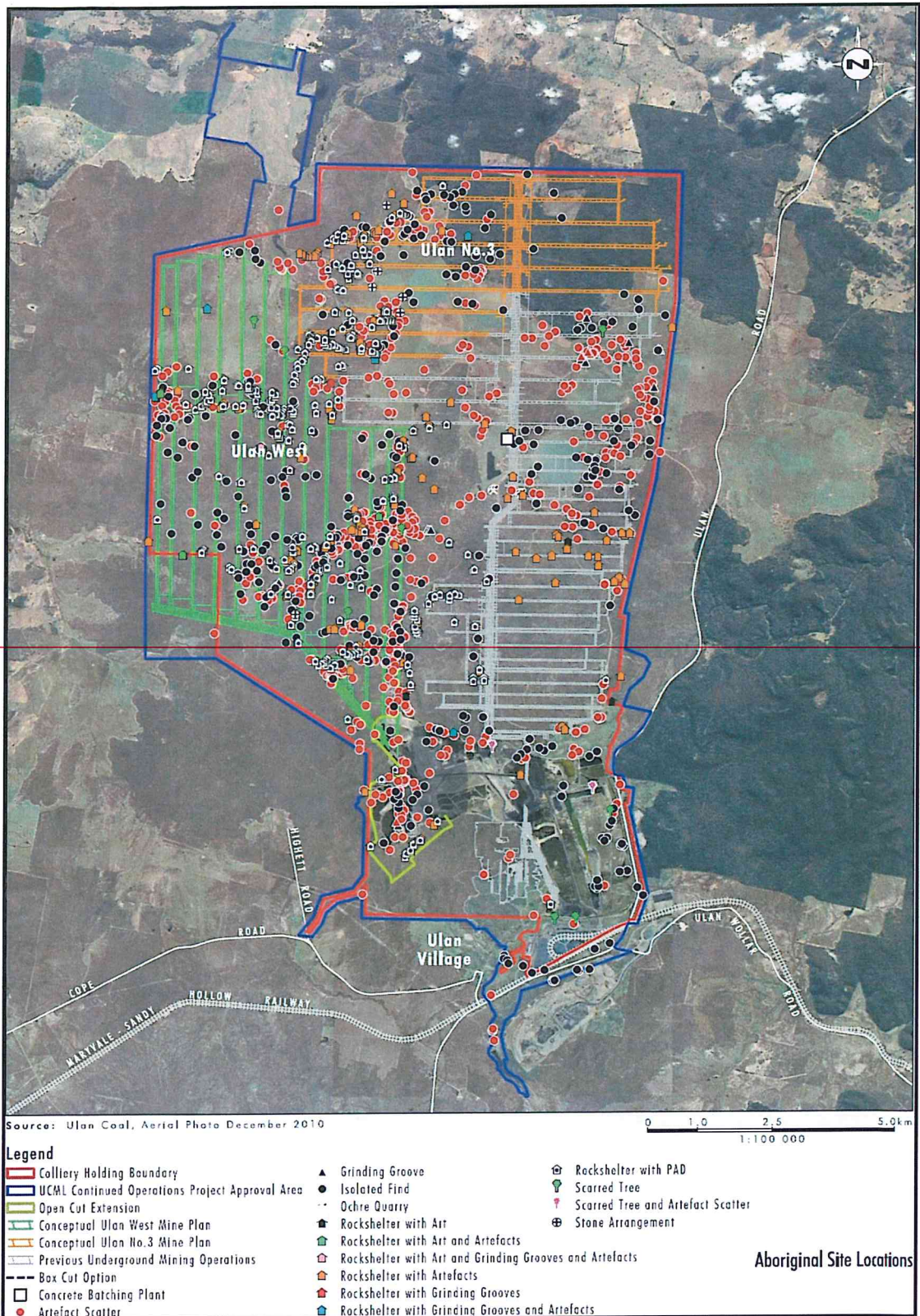


21. In Appendix 5, Delete the "Revegetation Areas" and "Land Capability" figures, and replace with the following:

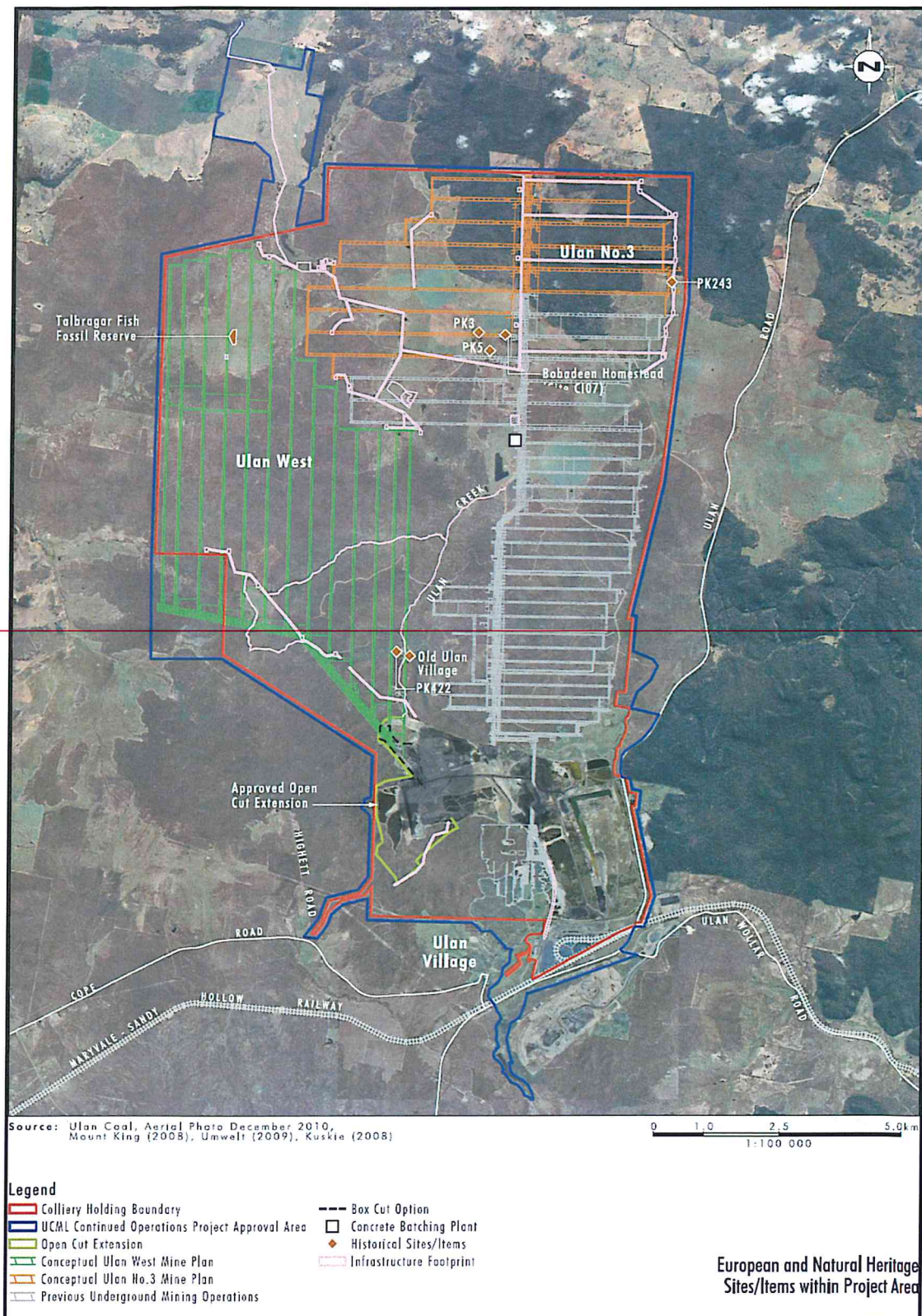




22. In Appendix 6, delete the figure and replace with the following:



23. In Appendix 7, delete the figure and replace with the following:



24. In Appendix 8, General Terms of the Planning Agreement (Roads and Traffic):
- (a) delete "\$1.05", and replace with "\$1.15";
 - (b) delete "21" and replace with "23"; and
 - (c) delete "4.525" and replace with "4.625".
25. In Appendix 9 Statement of Comittments:
- (a) in s6.5.2, delete "Section 5.4" and replace with "the Approved Goulburn River Diversion Remediation Plan";
 - (b) In s6.6.7, delete "At this stage it is proposed to involve rezoning for environmental protection";
 - (c) in s6.7.1 delete "and the Cockabutta Creek 18-20 Sites (ID# 160-162)"
 - (d) in s6.12.1 "Section 5.4 of the EA" and replace with "the Approved Goulburn River Diversion Remediation Plan"; and
 - (e) in s6.16.3 delete "XCN" and replace with "Glencore".
-