


# Notice of Modification

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

As delegate of the Minister for Planning and Public Spaces, the Independent Planning Commission of NSW modifies the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Gordon Kirkby (Chair)  
Commission Member



Prof. Chris Fell  
Commission Member



A/Prof. Brett Whelan  
Commission Member

Sydney 17 July 2019

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### SCHEDULE 1

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

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### SCHEDULE 2

1. In the list of definitions, delete the definitions for 'DPI Water', 'DRE', 'Heritage Council of NSW' and 'Secretary', and insert the following in alphabetical order:

BC Act	<i>Biodiversity Conservation Act 2016</i>
BCT	NSW Biodiversity Conservation Trust
Dol	Department of Industry – Lands and Water Division
DRG	Division of Resources and Geoscience, within the Department
Heritage Branch	Heritage Branch of OEH
Modification 4	The development as described in <i>Ulan Continued Operations Project – Modification 4 Longwall Optimisation Project</i> , dated January 2018 (MOD 4), as modified by the Response to Submissions dated August 2018
Secretary	Planning Secretary under the EP&A Act, or nominee

2. In the definition for "EA":
- delete "and" at the end of the third bullet point;
  - at the end of the fourth bullet point, insert "; and"; and
  - following the fourth bullet point, insert the following:
    - Ulan Continued Operations Project – Modification 4 Longwall Optimisation Project*, dated January 2018 (MOD 4), as modified by the Response to Submissions dated August 2018.
3. Delete all references to "shall" and replace with "must", except in:
- conditions 3 and 10 of Schedule 2;
  - condition 50(i) of Schedule 3; and
  - the last reference in condition 6 of Schedule 4.
4. Delete all references to "DRE" and replace with "DRG".
5. Delete all references to "DPI Water" and replace with "Dol".
6. Following condition 2 of Schedule 3, insert the following:

## Noise Criteria – Modification 4 Surface Facilities Activities

- 2A. The Proponent must ensure that noise generated during surface infrastructure construction activities as outlined in Modification 4 does not exceed the limits shown in Table 2A.

Table 2A: Noise criteria dB(A)

Location*	Day	Evening	Night	
	$L_{Aeq}(15\text{ min})$	$L_{Aeq}(15\text{ min})$	$L_{Aeq}(15\text{ min})$	$LA1(1\text{ min})$
R39 and R40	41	38	38	52
All other privately-owned land	40	35	35	52

\*To identify the locations of R39 and R40 see the figure in Appendix 3.

However, this criterion does not apply if the Proponent has a written agreement with the relevant landowner to exceed the criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

Note:

- The noise acquisition criteria specified in Schedule 3 Condition 3 do not apply for surface infrastructure construction activities outlined in Modification 4.

7. In conditions 9, 16, 22, 26, 34, 44, 47 and 57 of Schedule 3:
- delete the words "and implement; and
  - at the end of each condition insert the following:

The Proponent must implement the plan as approved by the Secretary.

8. In Table 9 of condition 19 in Schedule 3, delete the footnote reference "a" and replace with "b".
9. Following condition 43 of Schedule 3, insert the following:

### Additional Offset Requirements

- 43A. Within 12 months of determination of Modification 4, unless otherwise agreed by the Secretary, the Proponent must retire 61 ecosystem credits of Plant Community Type (PCT) 478 and calculate and retire species credits to offset the biodiversity impacts of Modification 4. The calculation and retirement of credits must be carried out in consultation with OEH and in accordance with the Biodiversity Offsets Scheme of the BC Act.

*Note: The credits to be calculated in accordance with Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014) may need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act, if the credits are to be retired in accordance with the Biodiversity Offsets Scheme of the BC Act.*

10. In condition 1 of Schedule 5:
- delete the words "and implement; and
  - at the end of the condition insert the following:

The Proponent must implement the strategy as approved by the Secretary.

11. In condition 1(f) of Schedule 5, delete the words "copies of" and replace with the words "references to".
12. In condition 2(a) of Schedule 5, delete the word "detailed" and replace with the words "a summary of".
13. In condition 5 of Schedule 5, delete the words "Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version)", and replace with "Community Consultative Committee Guidelines: State Significant Projects (2016)".
14. In the heading above condition 6 of Schedule 5 after the word "Incident" insert the words "Notification and".
15. Replace condition 6 of Schedule 5 with:

The Proponent must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and identify the project (including the project number and name) and set out the location and nature of the incident.

16. Following condition 6 of Schedule 5 insert the following:

6A Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and identify the project (including the project number and name), set out the condition that the project is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

**Note:** *A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*

17. In condition 8(b) of Schedule 5, after the word “agencies” insert the words “and CCC”.

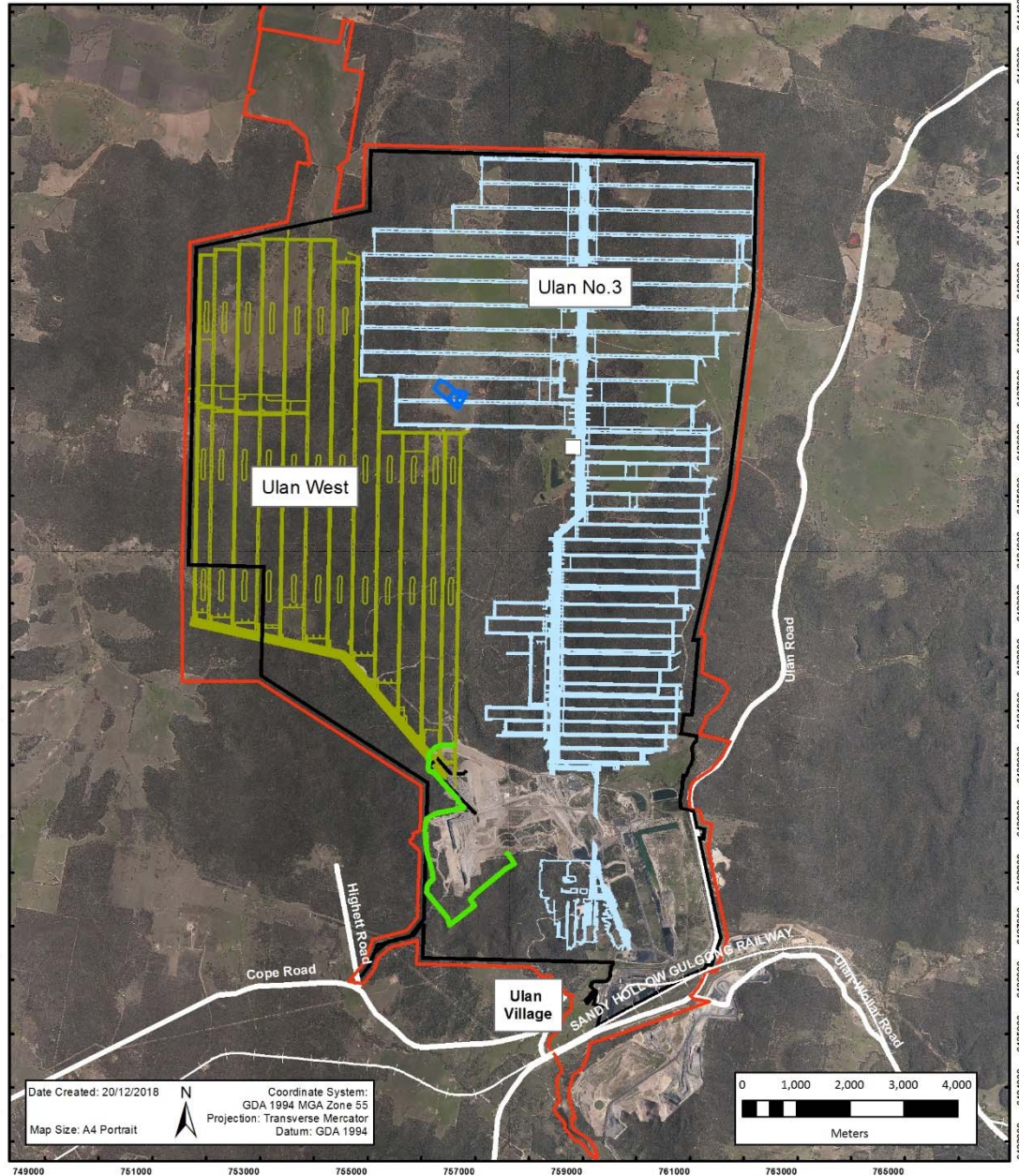
18. Replace the note under condition 8 of Schedule 5 with:

*Notes:*

1. *This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.*
2. *The Department’s “Independent Audit – Post Approval Requirements, June 2016” (as updated from time to time) sets out the minimum requirements to be met when undertaking Independent Audits required by a project approval or conditions of consent.*









19. Delete the figures in Appendix 2 and replace with the following:

Ulan Complex Operations



Ref: D:\Operations\GIS\Ulan\_GIS\07\_ Projects\MOD4\_4\MOD4\_Maps\20181128\_Ulan\_Complex\_Operations.mxd

**Legend**

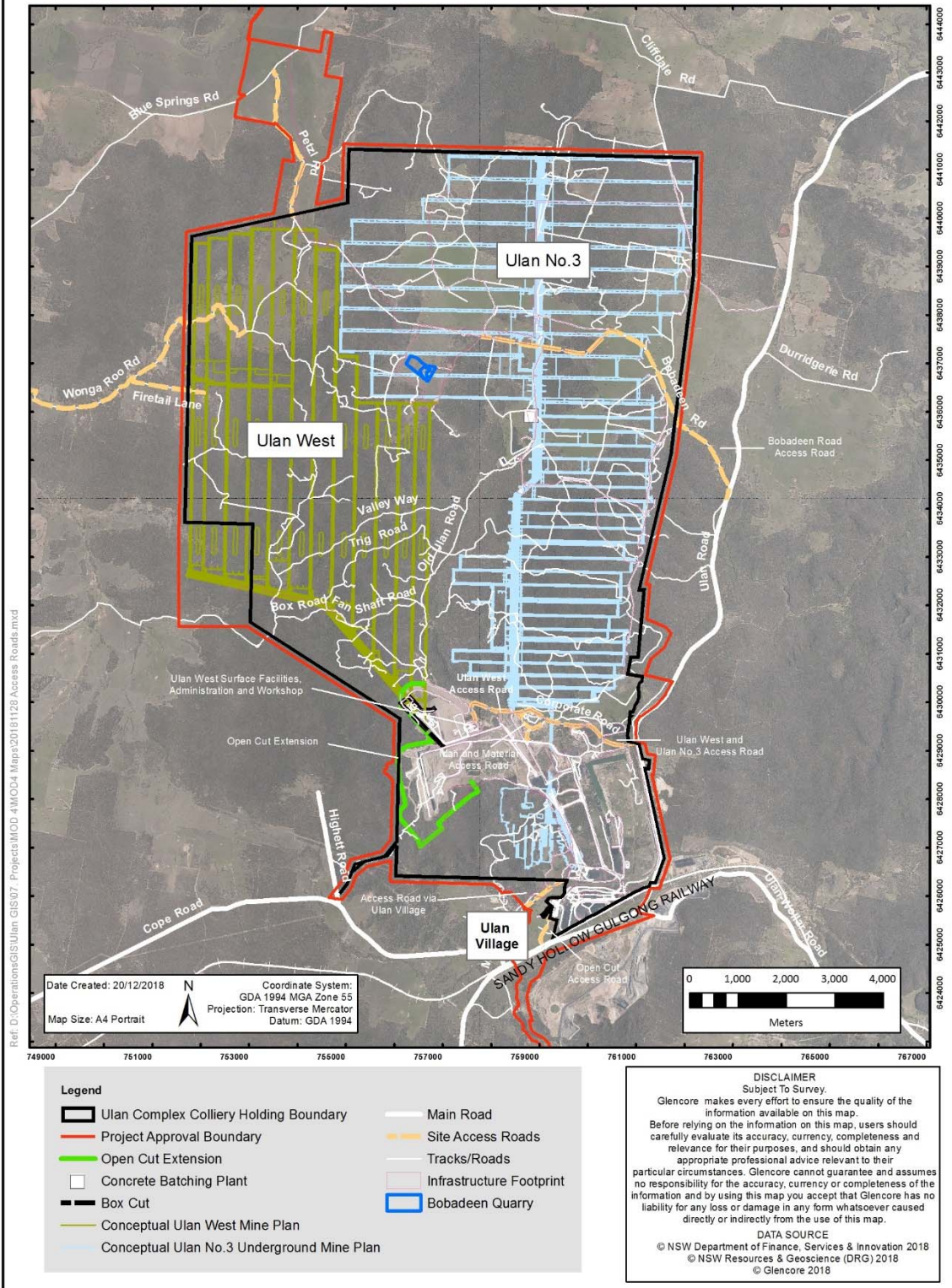
	Ulan Complex Colliery Holding Boundary		Box Cut
	Project Approval Boundary		Conceptual Ulan West Mine Plan
	Open Cut Extension		Conceptual Ulan No.3 Underground Mine Plan
	Concrete Batching Plant		Bobadeen Quarry

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 Subject To Survey.  
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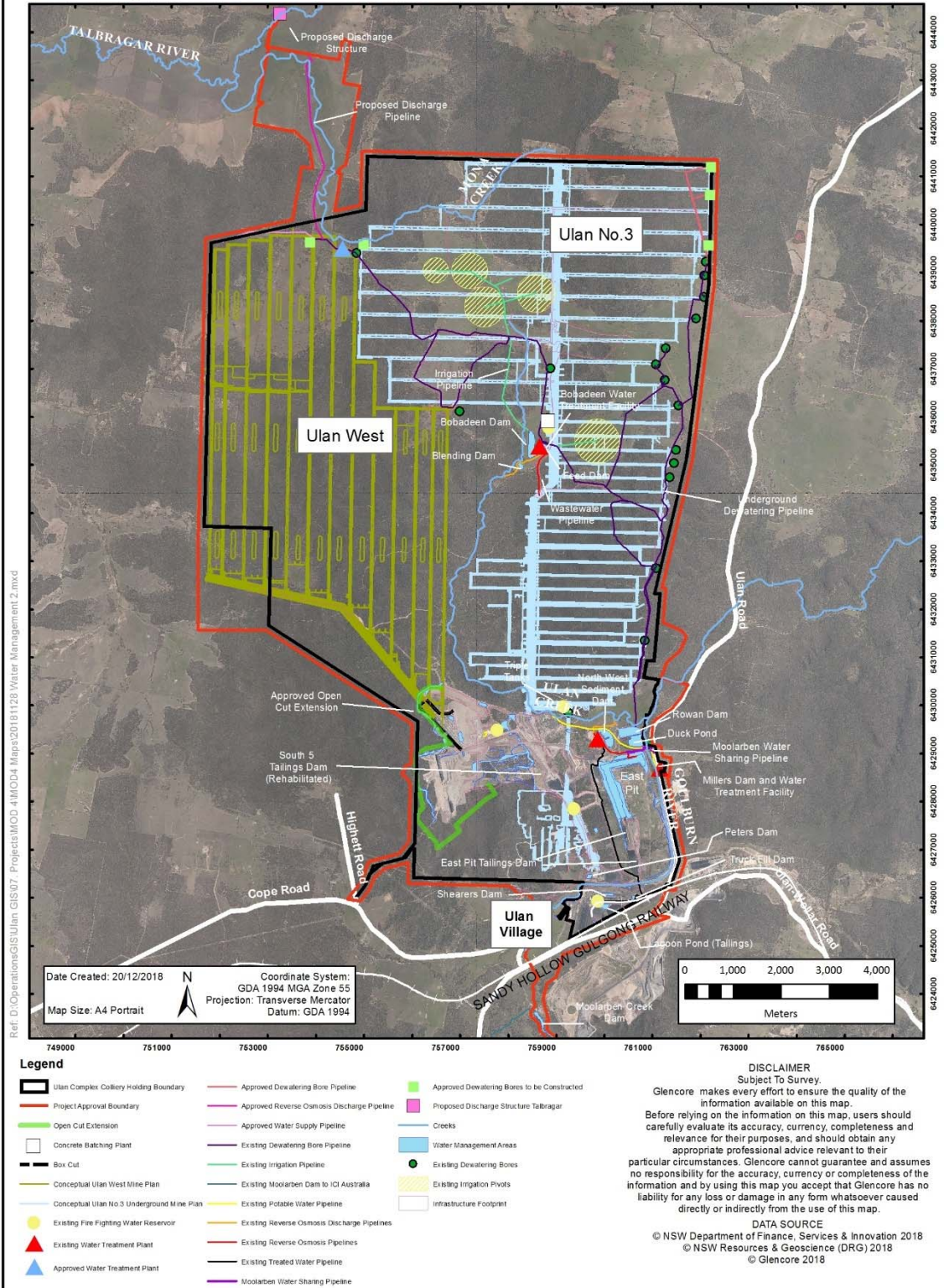


UCML Site Access Roads

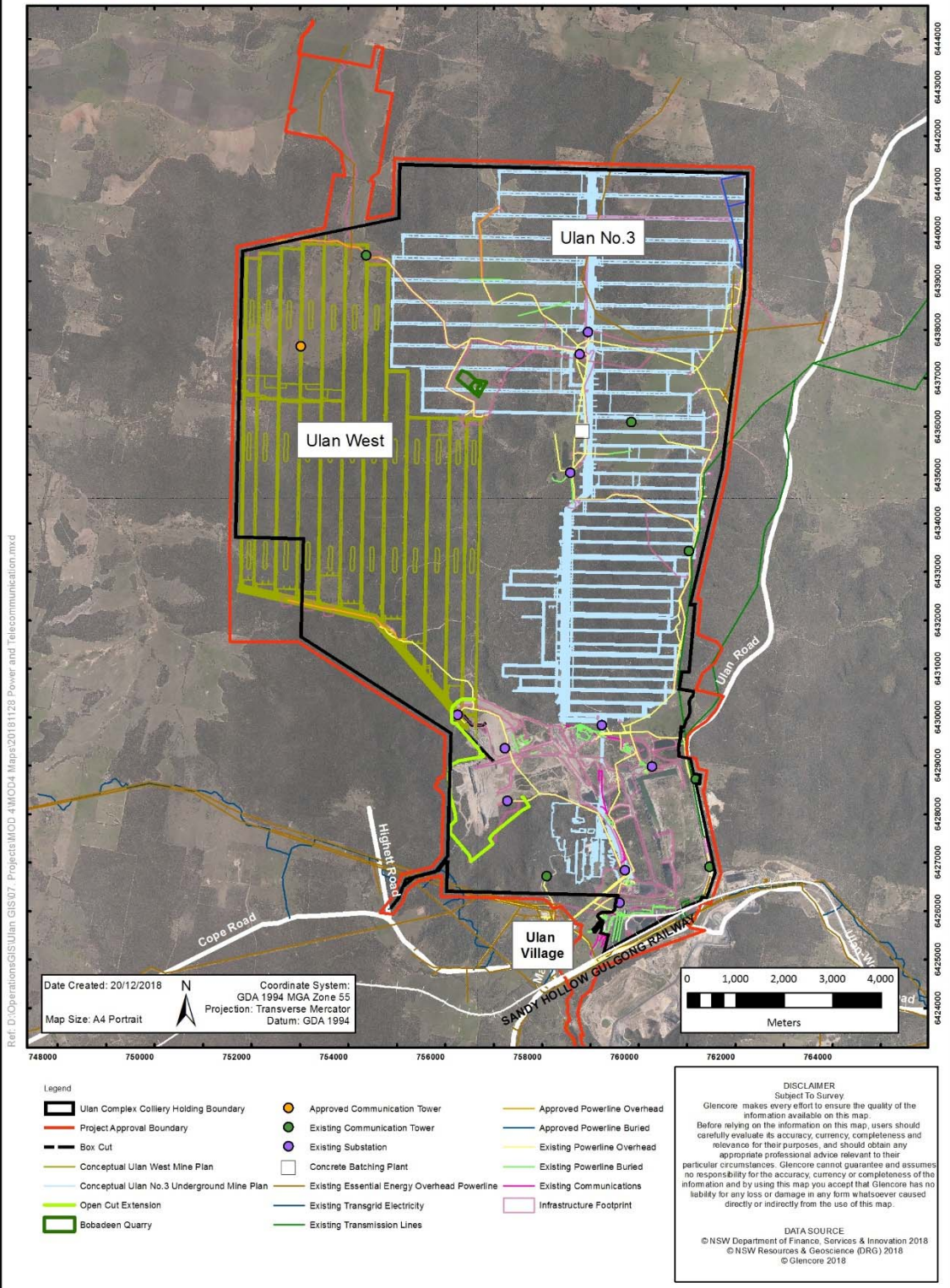




Water Management Infrastructure

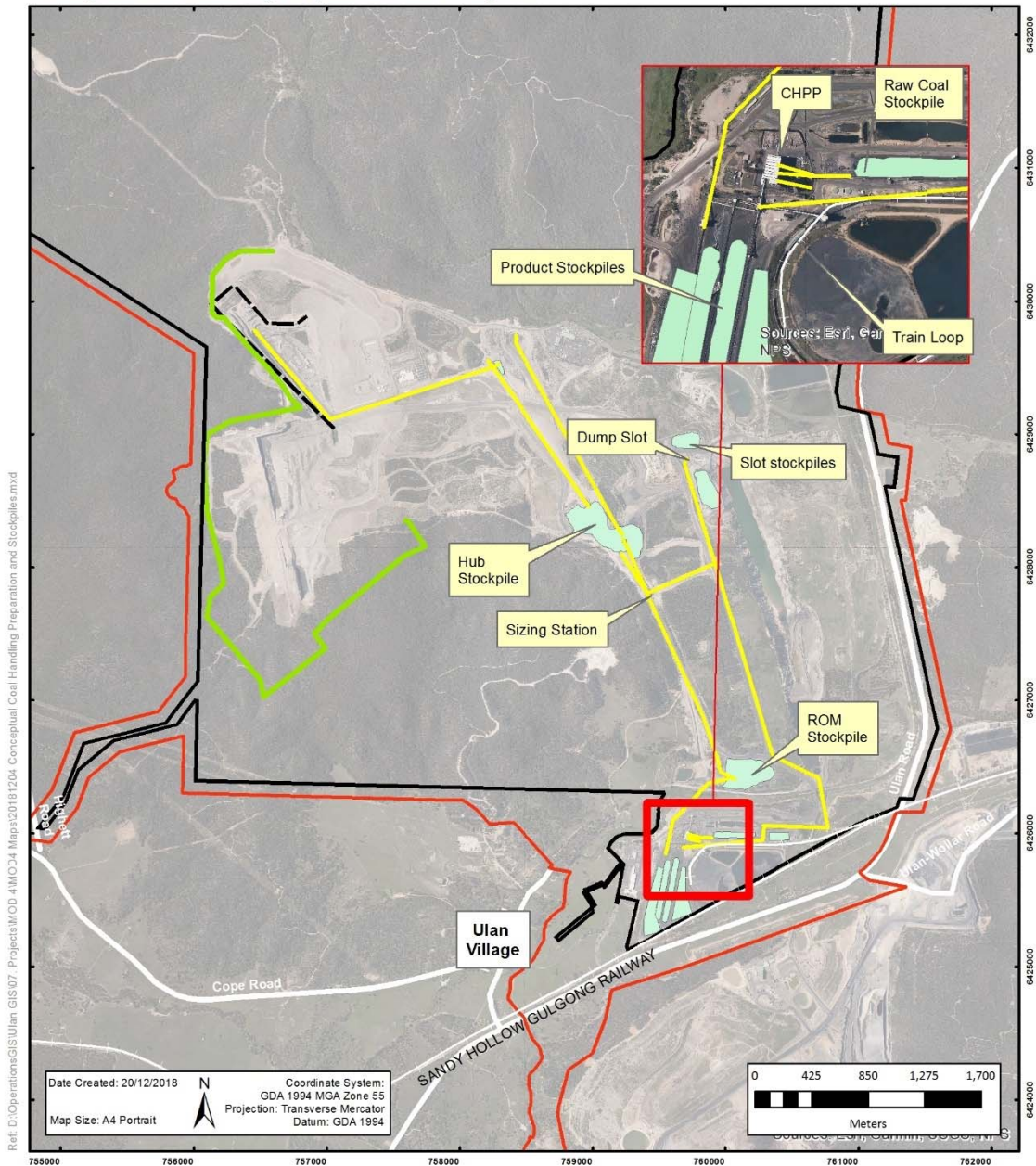














Conceptual Coal Handling, Preparation and Stockpiles



**Legend**

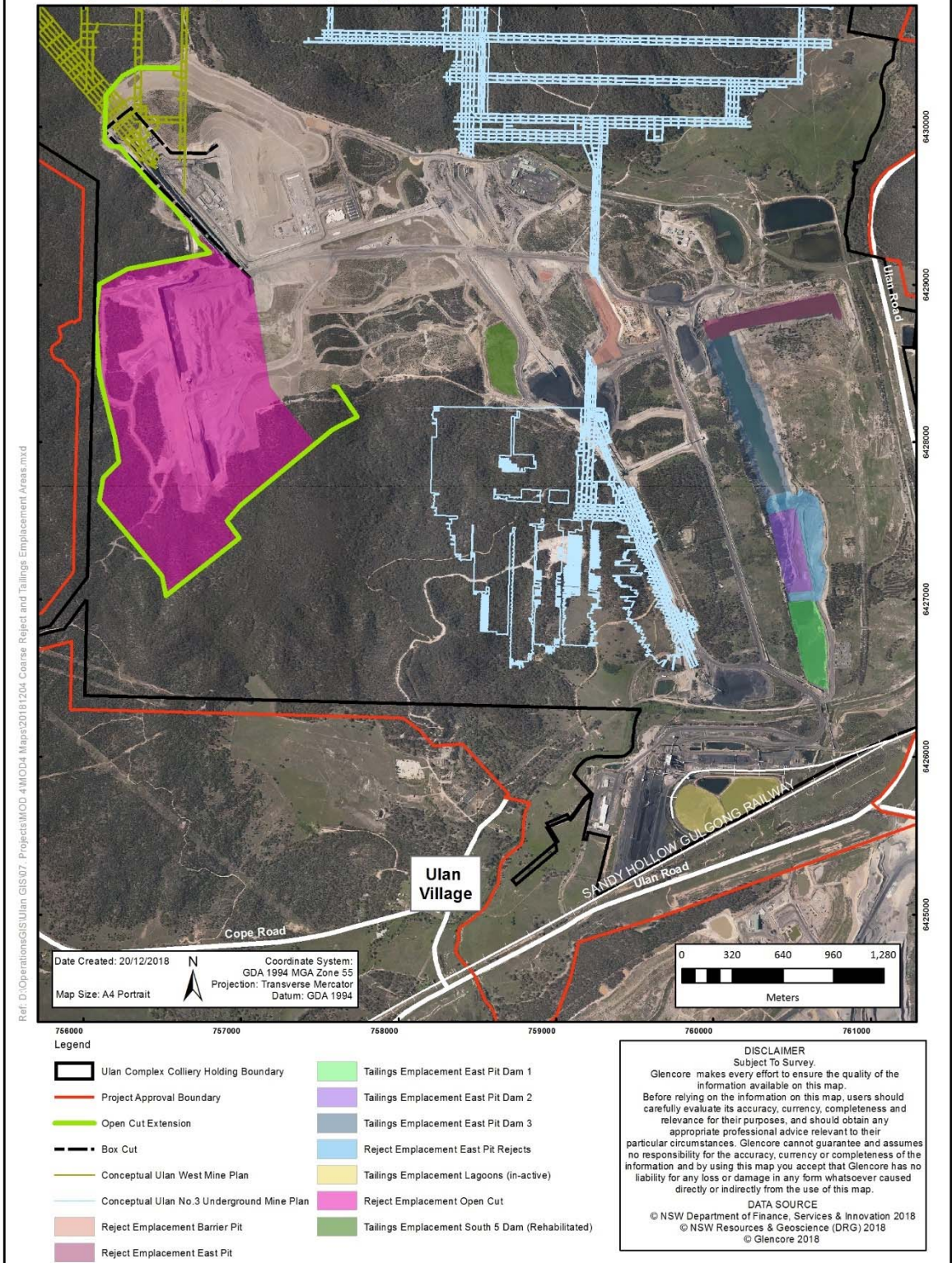
 Ulan Complex Colliery Holding Boundary	 Existing Coal Stockpiles
 Project Approval Boundary	 Box Cut
 Open Cut Extension	
 Existing Coal Handling Conveyors	

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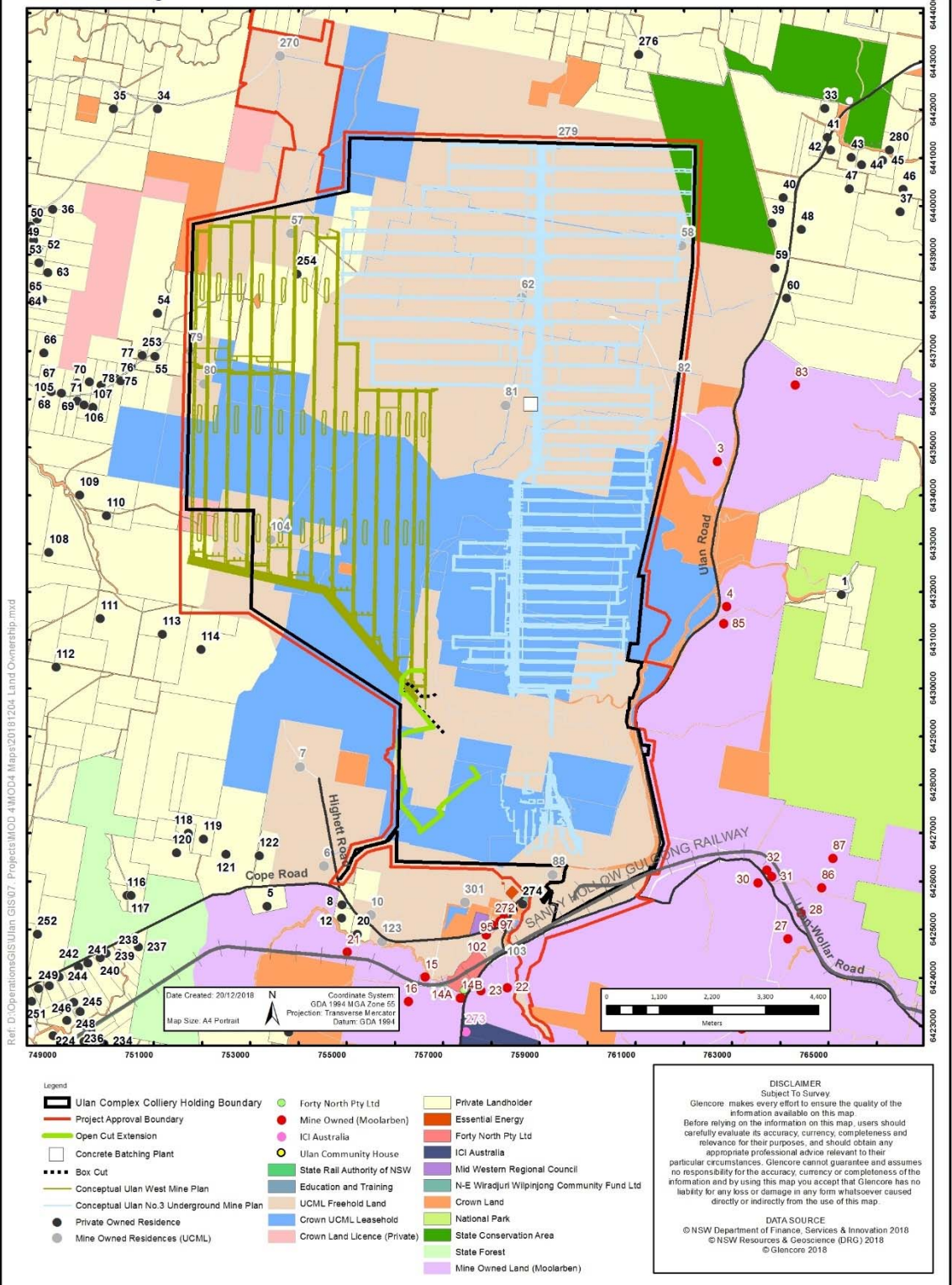
Conceptual Coarse Reject and Tailings Emplacement Areas



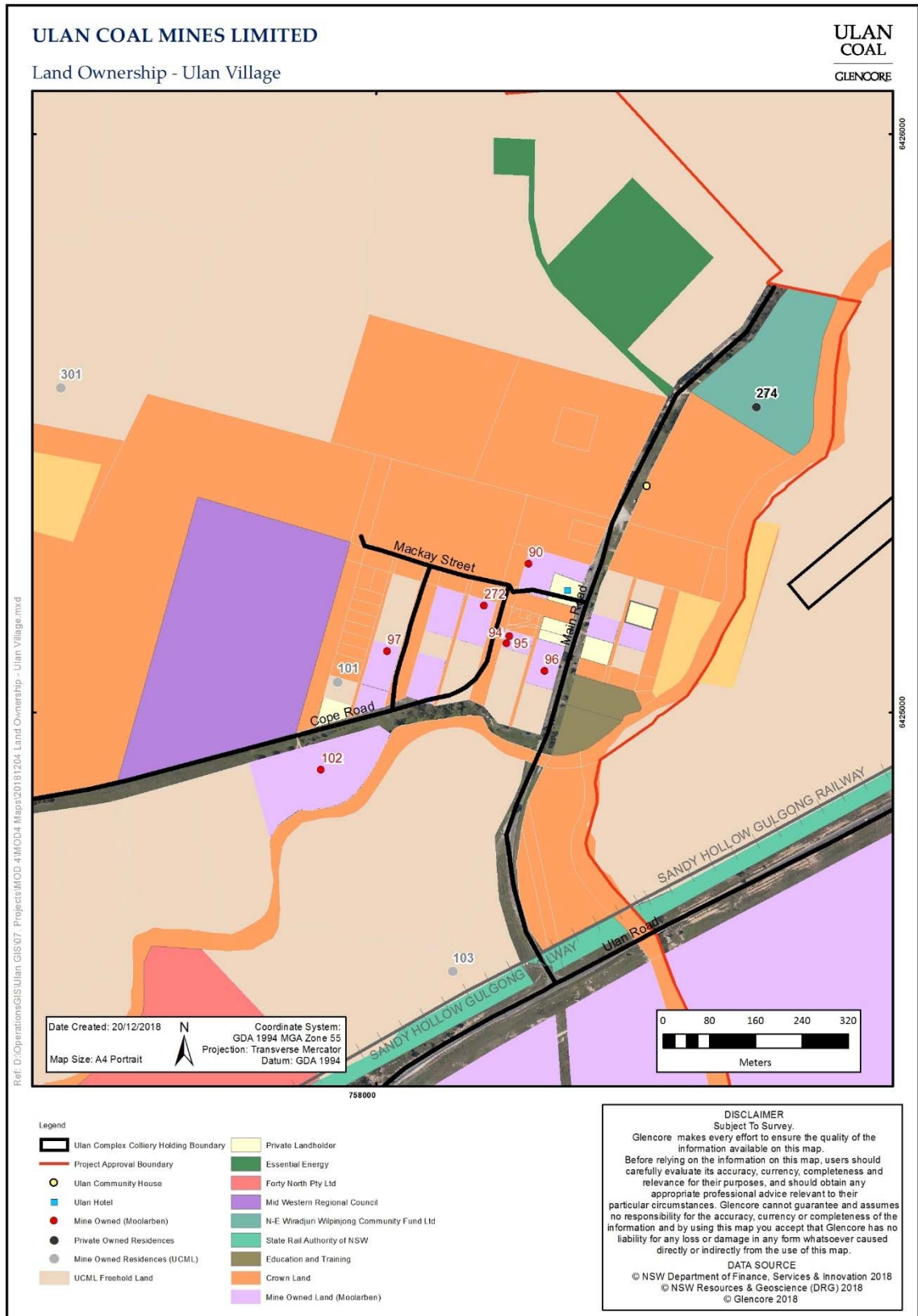
20. Delete the figures in Appendix 3 and replace with the following:



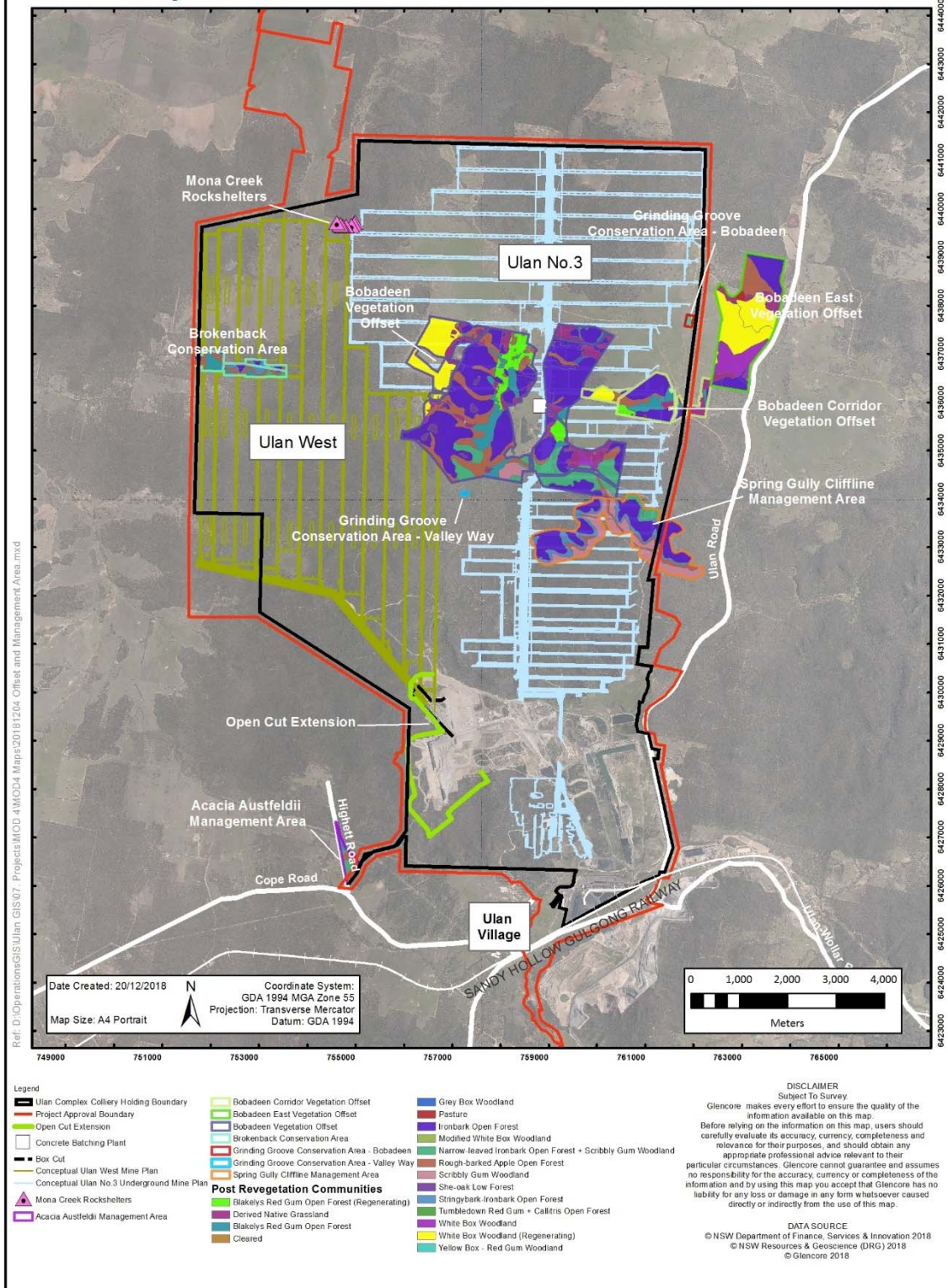
Land Ownership







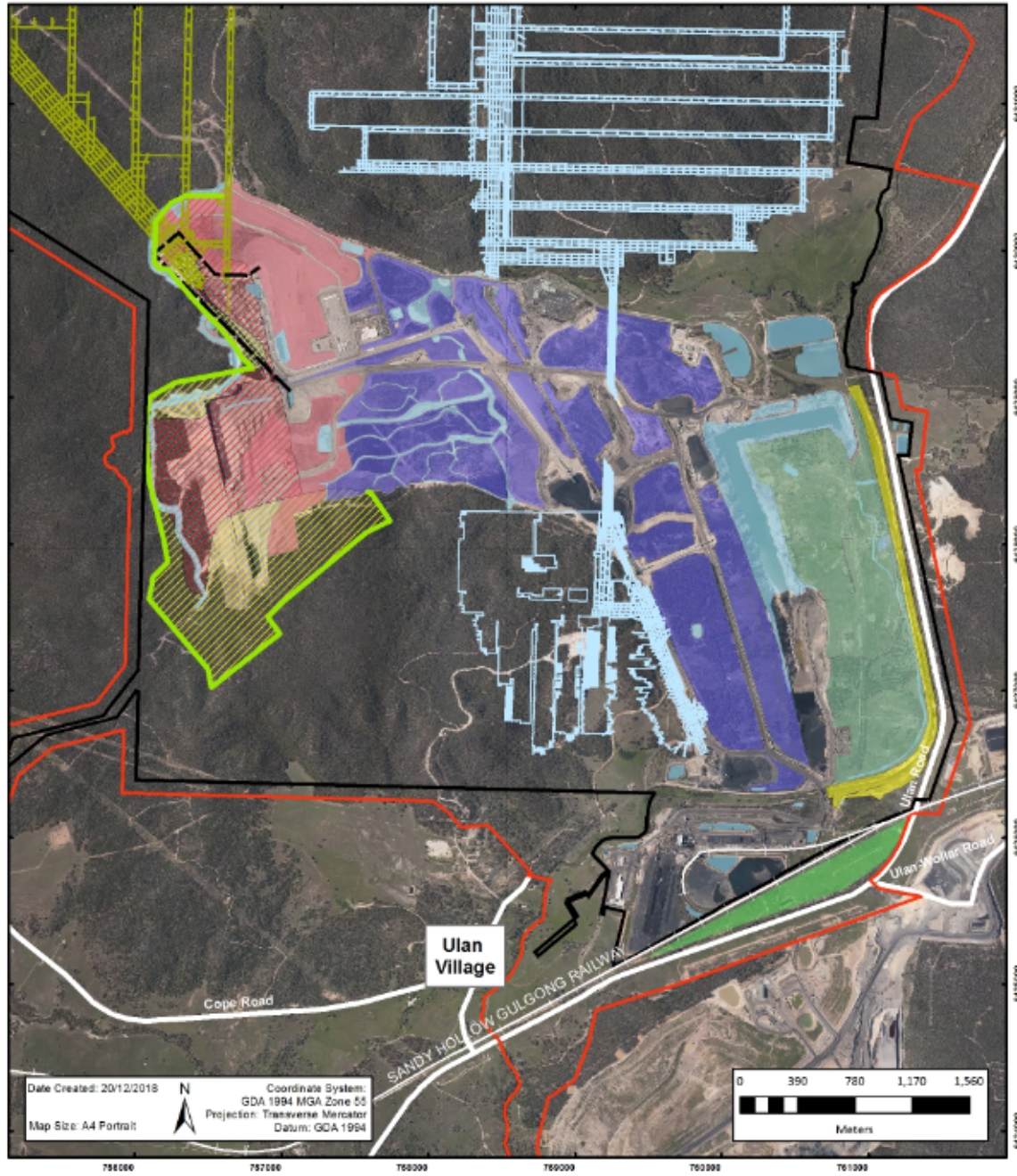
21. Delete the figure in Appendix 4 and replace with the following:



22. Delete the second and third figures in Appendix 5 and replace with the following:



Revegetation Areas



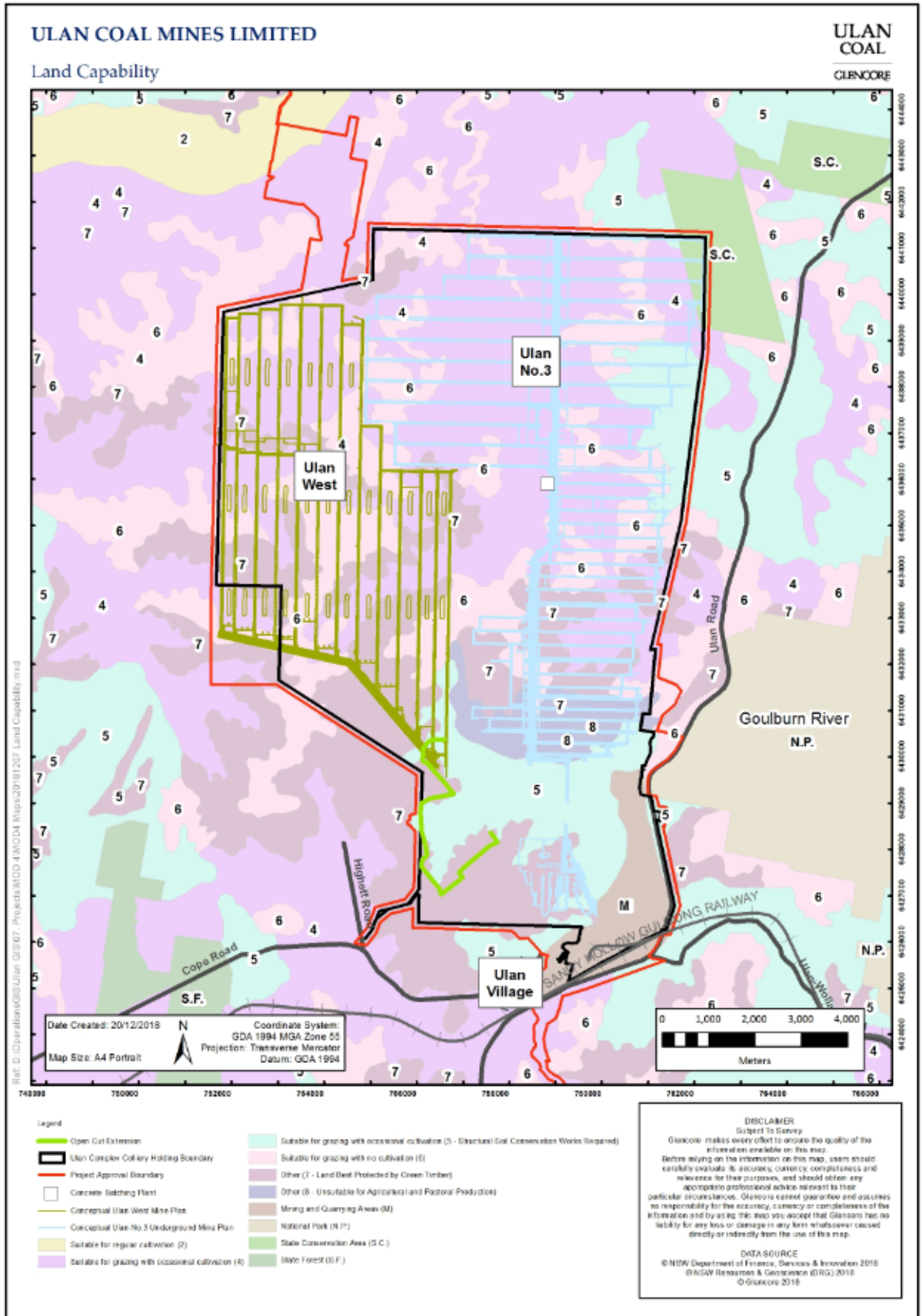
Ref: D:\Operations\GIS\Ulan\_GIS\07\_Projects\MCD-4\MCD4\_Maps\2018\1220\_Revegetation\_Areas.mxd

Date Created: 20/12/2018  
 Map Size: A4 Portrait  
 Coordinate System: GDA 1994 MGA Zone 55  
 Projection: Transverse Mercator  
 Datum: GDA 1994

- |  |   |
|--|---|
| Ulan Complex Colliery Holding Boundary     | Goulburn River Diversion                                  |
| Project Approval Boundary                  | Open Woodland   |
| Open Cut Extension                         | Endemic Native Woodland/Forest                            |
| Box Cut                                    | Tree Screen   |
| Conceptual Ulan West Mine Plan             | Woodland  |
| Conceptual Ulan No.3 Underground Mine Plan | Rehabilitate to Grey Box Woodland                         |
| Water Management Area                      | Rehabilitate to Ironbark Open Forest Complex on Sandstone |

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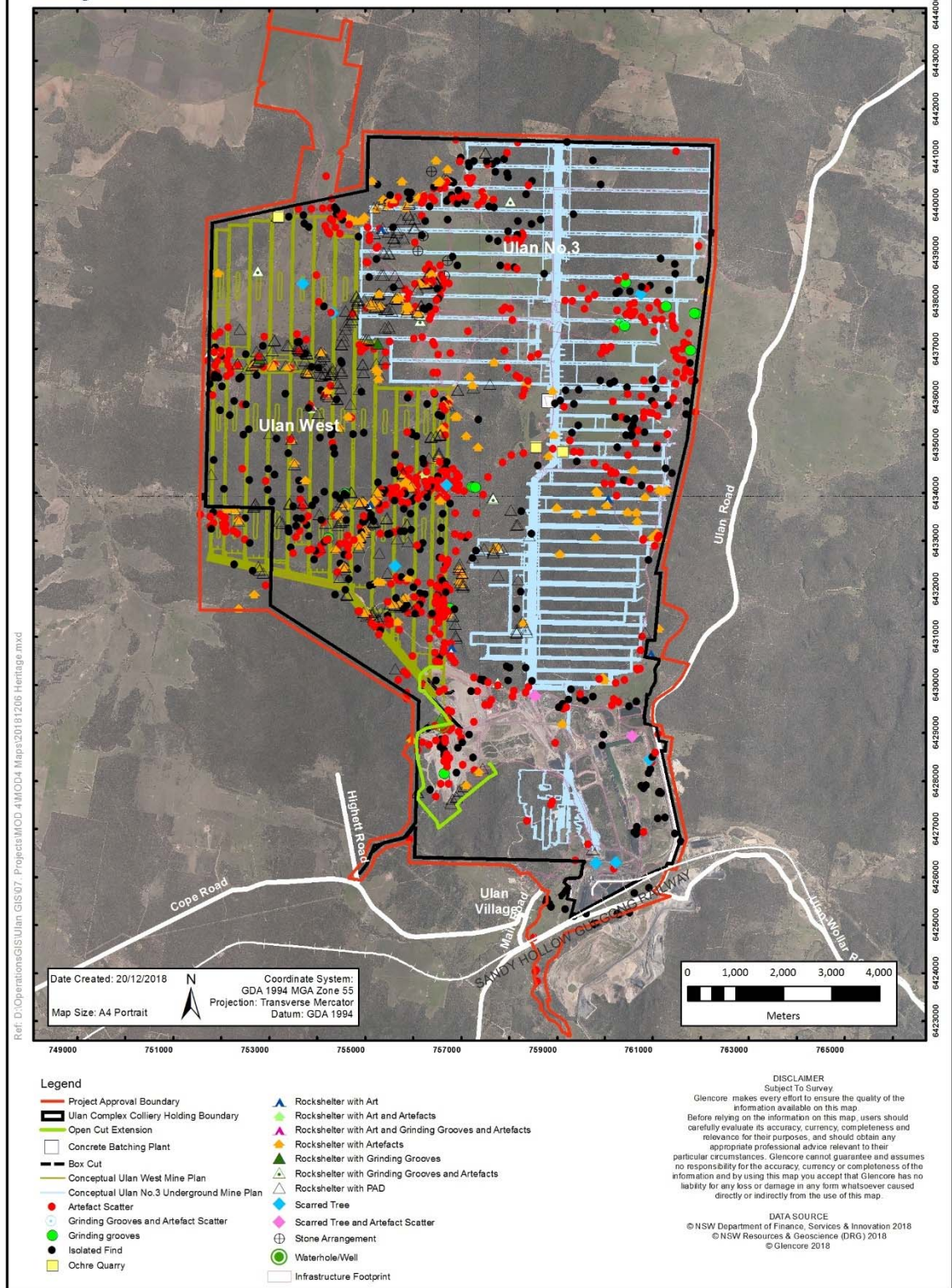
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23. Delete the figure in Appendix 6 and replace with the following:



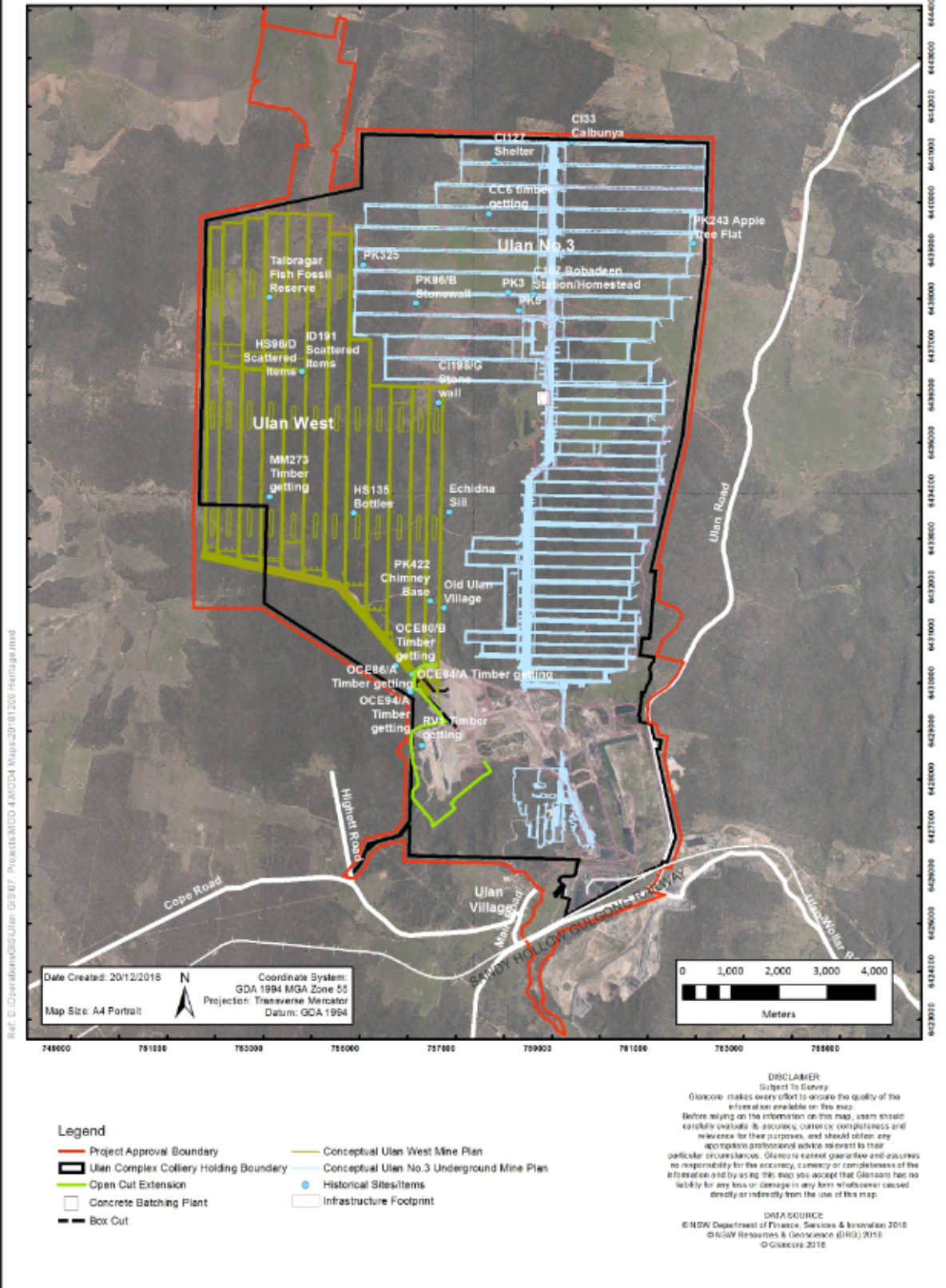
Aboriginal Site Locations



21. Delete the figure in Appendix 7 and replace with the following:



European and Natural Heritage Sites/Items within Project Area



22. Update the Table of Contents to reflect the above changes.