

18 January 2013

Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Haddad,

**Determination of the Wambo Coal Mine Modification 11
Montrose East Dam (305-7-2003 MOD 11)**

I refer to the Acting Deputy Director General's letter dated 11 January 2013 referring the above modification application to the Planning Assessment Commission for determination under Ministerial delegation.

Mr David Johnson and I constituted the Commission for the project. I chaired the Commission.

We have carefully considered the Department's assessment report and recommendation as well as agencies and public submissions.

The key issue identified in the assessment report was biodiversity impact. We note the proposed biodiversity offset ratios for the Box Ironbark EEC and Slaty Box Woodland VEC are 7:1 and 2.5:1 respectively. The proposed offset area is "like for like" and contiguous with Wambo's other established offset areas and the Wollemi National Park. We are satisfied that the issue has been adequately addressed.

We also note that potential surface water impact of the dam was a key issue raised by a nearby landowner. The proposed dam is isolated from the surrounding surface water catchment, will only be filled by pumping, and will be constructed with sufficient freeboard for a 1 in 100 year 72 hour rainfall event. We agree with the Department's assessment that the proposed modification is unlikely to have any significant impacts on ground and surface waters.

We support the strengthening of some of the existing conditions and agree the recommendation for approval is reasonable.

The application is approved subject to the recommended conditions. The signed instrument of approval and document are returned herewith.

Yours sincerely,



Gabrielle Kibble AO
Chairman
Planning Assessment Commission

cc. The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW
Level 33 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000