

Notice of Modification

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

As delegate of the Minister for Planning, the Planning Assessment Commission of NSW modifies the development consent referred to in Schedule 1, as set out in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2016

SCHEDULE 1

The development consent (DA 305-7-2003) granted by the Minister Assisting the Minister for Infrastructure for Planning (Planning Administration) for the Wambo Coal Mine on 4 February 2004.

SCHEDULE 2

1. Under the 7th bullet point in Proposed Development in Schedule 1:
 - (a) delete the words “and drift”; and
 - (b) delete the word “Bowfield” and replace with “Woodlands Hill”.
2. In the list of definitions in Schedule 2:
 - (a) delete the definition for “DRE” and insert instead “Division of Resources and Energy, within the NSW Department of Industry”; and
 - (b) insert the following definition in alphabetical order:

Longwall domain	Areas 1, 2, 3 and 4 as identified in Figure 9 of the document titled <i>South Wambo Underground Mine Modification Environmental Assessment</i> (see condition 2(q) of Schedule 3)
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3. Delete all references to “shall” and replace with “must”, except in:
 - (a) condition 3 of Schedule 3;
 - (b) condition 5 of Schedule 3;
 - (c) the third reference in condition 21 of Schedule 4;
 - (d) condition 22B of Schedule 4;
 - (e) condition 57 of Schedule 4;
 - (f) the second reference in condition 70 of Schedule 4;
 - (g) the last reference in condition 83 of Schedule 4;
 - (h) the second reference in condition 7 of Schedule 5;
 - (i) condition 8 of Schedule 5; and
 - (j) the second, third and fifth references in condition 9 of Schedule 5.
4. In condition 2 of Schedule 3:
 - (a) delete the word “and”, following the words “December 2014;”; and
 - (b) delete the full stop following the words “September 2015” and replace with the following:

and letter from Peabody Energy to the Department titled Modification 15 to DA 305-7-2003 – Supplementary Request to Include Revised Portal Location, dated 2 November 2015;
 - (q) the modification application DA 305-7-2003 MOD 12 and accompanying documents entitled *South Wambo Underground Mine Modification Environmental Assessment*, dated April 2016, associated Response to Submissions dated June 2016 and letter from Peabody Energy to the Department titled *Modification 12 to DA 305-7-2003 – Request to Revise First Workings Layout*, dated 13 July 2016; and
 - (r) Approved Layout, shown in Appendix 5.

Note: With the approval of the Secretary, longwall panels may be shortened or narrowed, providing that the proposed variations do not result in increased subsidence impacts or environmental consequences.

5. Delete conditions 2A to 4 of Schedule 3, and insert the following:
 - 2A. The Applicant must carry out the development in accordance with the conditions of this consent.
 3. If there is any inconsistency between the documents listed in condition 2, the most recent document shall prevail to the extent of the inconsistency. The conditions of this consent shall prevail over the documents in condition 2 to the extent of any inconsistency.
 4. The Applicant must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
 - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
 - (b) any reviews, reports or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.
6. In condition 6 of Schedule 3, delete "2025" and replace with "2032".
7. Following condition 7A of Schedule 3, insert the following:
 - 7B. With the agreement of the Secretary, the Applicant may prepare a revision of a stage of a strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition of this consent.
8. Delete conditions 11 and 12 of Schedule 3, including the headings.
9. Following Table 1 in condition 1 of Schedule 4, after the words "Development Project" insert the following:

Lands titled 23A & B - Kannar, 31A,B,C & D - Fisher, 51 - Hawkes and 56 - Haynes have been acquired and are now mine-owned.
10. In conditions 5C, 9, 20, 22C, 30, 39 and 44 of Schedule 4:
 - (a) delete the words "and implement" in the first sentence (where applicable); and
 - (b) insert the sentence "The Applicant must implement the approved management plan as approved from time to time by the Secretary." following the last subparagraph of each condition.
11. Following Table 10 in condition 7 of Schedule 4, after the words "Table 9 above.", insert the following:

Property 23C - Kannar has been acquired and is now mine-owned.
12. Delete condition 28A of Schedule 4, including the heading.
13. In condition 28C of Schedule 4:
 - (a) delete the words "fully, or substantially,"; and
 - (b) after the word "longwalls", insert the words "to the satisfaction of DSC,".
14. In condition 37 of Schedule 4, delete the words "each extraction plan" and insert instead "an extraction plan in any coal seam not previously subject to second workings within the relevant longwall domain".
15. In Table 16 in condition 40 of Schedule 4, following the row for "Remnant Woodland Enhancement Area D Extension", insert the following row:

Remnant Woodland Enhancement Area E	41.6 ha
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16. In condition 41 of Schedule 4, delete the words "June 2015", and insert instead "December 2017".
17. Delete conditions 74, 76, 77 and 78 of Schedule 4.
18. In condition 75 of Schedule 4, delete the words "The Applicant shall cease all coal haulage on public roads as soon as a rail coal loader is commissioned in the vicinity of the site,", and insert instead the words "The Applicant must ensure that all product coal is transported from the site by rail".
19. In condition 94C of Schedule 4, delete all words following sub-paragraph (f), and insert the following:

- (g) include a detailed tailings management strategy that includes timing for rehabilitation of all tailings storage facilities, in order that final land form and land use objectives can be achieved in a timely manner;
 - (h) include a plan that describes proposed grazing carrying capacity across the post mining landscape;
 - (i) include interim rehabilitation where necessary to minimise the area exposed for dust generation;
 - (j) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and competition criteria; and
 - (k) build to the maximum extent practicable on the other management plans required under this consent.
20. In condition 1 of Schedule 6:
- (a) delete the words “and implement” in the first sentence; and
 - (b) insert the sentence “The Applicant must implement the approved strategy as approved from time to time by the Secretary.” following the last sub-paragraph.
21. In condition 5 of Schedule 6, delete the words “an annual review of the environmental performance”, and insert “a report to the Department reviewing the environmental performance”.
22. In condition 7 of Schedule 6:
- (a) delete the word “and” in sub-paragraph (d);
 - (b) delete the full stop in sub-paragraph (e), and insert the following:
 - ; and
 - (f) be conducted and reported to the satisfaction of the Secretary.
 - (c) delete the words “6 weeks of the completion of”, and insert the words “12 weeks of commencing”.
23. Replace Appendix 1 with the following:

Lot Number	Deposited Plan Number	Tenure Type
1	DP110084	Freehold
1	DP1089682	Freehold
1	DP114970	Freehold
1	DP709722	Freehold
1	DP720705	Freehold
1	DP241316	Freehold
1	DP616303	Freehold
1	DP1177768	Freehold
1	DP1174490	Local Government Authority
100	DP753792	Freehold
101	DP753792	Freehold
103	DP753792	Freehold
104	DP753792	Freehold
109	DP753792	Freehold
110	DP753792	Freehold
111	DP753792	Freehold
112	DP753792	Freehold
113	DP753817	Freehold
118	DP753792	Freehold
129	DP755267	Freehold
131	DP1089157	Freehold
160	DP753817	Freehold
161	DP753817	Freehold
170	DP823775	Crown
175	DP823775	Crown
18	DP753817	Freehold

Lot Number	Deposited Plan Number	Tenure Type
2	DP1085145	Freehold
2	DP110084	Freehold
2	DP709722	Freehold
2	DP616303	Freehold
2	DP617852	Freehold
2	DP720705	Freehold
2	DP1174490	Freehold
208	DP753817	Freehold
22	DP753817	Freehold
220	DP1135537	Freehold
23	DP3030	Freehold
3	DP720705	Freehold
3	DP1177768	Freehold
3	DP1085145	Freehold
38	DP753792	Freehold
39	DP753792	Freehold

Lot Number	Deposited Plan Number	Tenure Type
4	DP1085145	Freehold
4	DP542226	Freehold
4	DP720705	Freehold
45	DP753792	Freehold
46	DP753792	Freehold
49	DP753792	Freehold
5	DP542226	Freehold
5	DP1085145	Freehold
50	DP753792	Freehold
51	DP753792	Freehold
52	DP753792	Freehold
55	DP753792	Freehold
57	DP1074788	Freehold
58	DP753792	Freehold
60	DP753792	Freehold
61	DP753792	Freehold
62	DP753792	Freehold
63	DP753792	Freehold
64	DP753792	Freehold
66	DP753817	Freehold
67	DP753817	Freehold
7	DP3030	Freehold
71	DP753817	Freehold
79	DP1074787	Freehold
79	DP753821	Freehold
82	DP548749	Freehold
83	DP548749	Freehold
92	DP755267	Freehold
95	DP753792	Freehold
A	DP33149	Freehold
B	DP33149	Freehold
C	DP33149	Freehold

Lot Number	Deposited Plan Number	Tenure Type
1	DP732501	Freehold
2	DP732501	Freehold
3	DP732501	Freehold
4	DP732501	Freehold
5	DP732501	Freehold
6	DP732501	Freehold

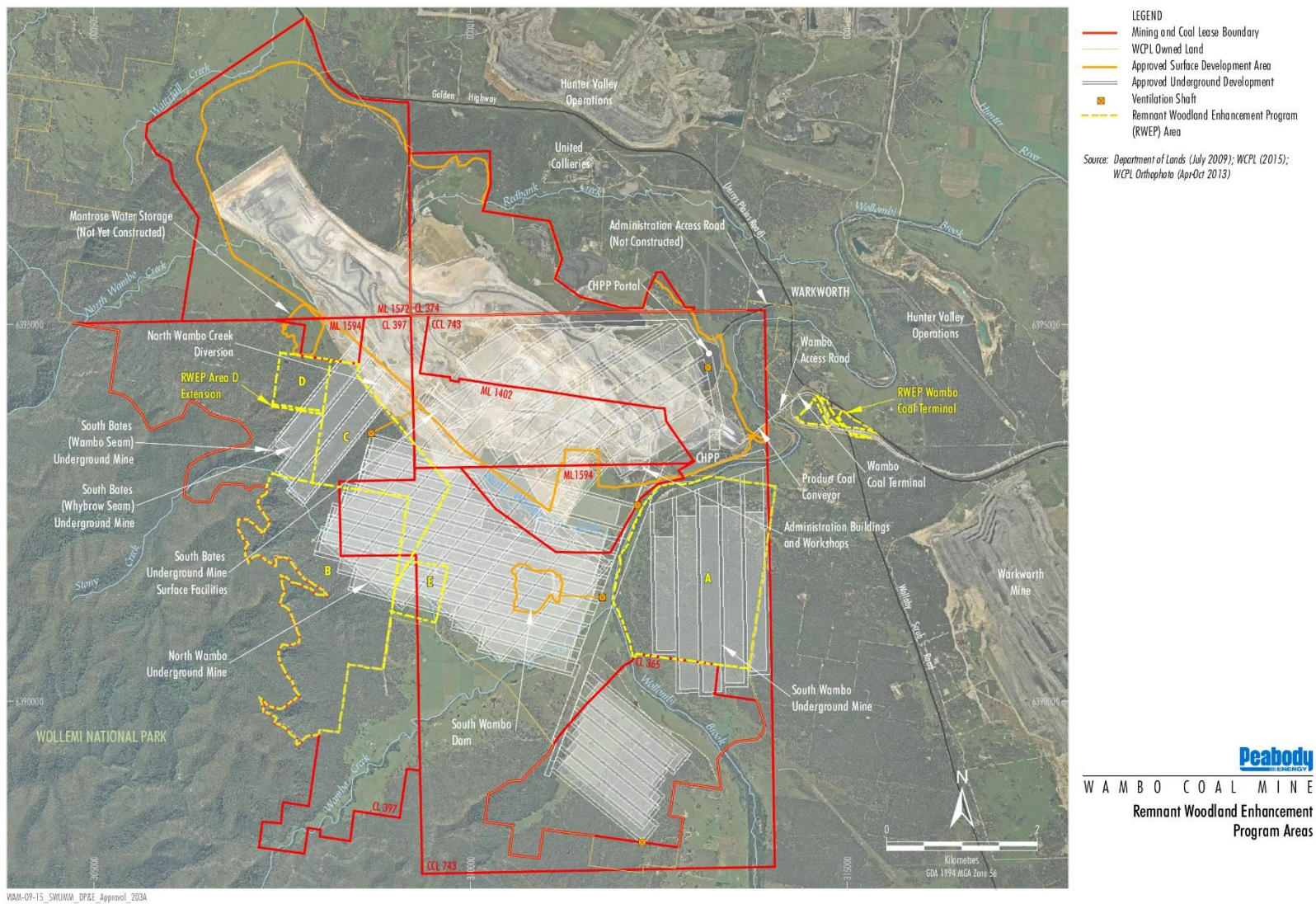
Roads

1. Wambo Mine Road.
2. Road within Lot 1 DP 616303.
3. Road bounded by Lot 220 DP1135537, Lot 83 DP548749, Lot 23 DP3030, Lot 129 DP 755267, Lot 1 DP110084, Lot 1089682 and Lot 1 DP114970.
4. Bounded by Lots 92 & 129 DP 755267.
5. Bounded by Lots 4 & 5 DP542226, Lot 2 DP616303, Lots 2 & 3 DP720705 and Lot 3 1177768.
6. Bounded by Lot 2 DP616303, Lot 5 DP542226, Lot 4 DP720705 and Lots 45 & 46 DP753792.
7. Bounded by Lot 1 DP1174490, Lots 2, 3 & 4 DP1085145 and Lot 175 DP823775.
8. Bounded by Lots 62, 63, 64, 95 & 118 DP753792, Lot 1 DP 1177768 and Lot 2 DP1174490.
9. Bounded by Lot 79 DP1074487, Lot 170 DP823775, Lots 49-51, 58, 118 DP753792, Lot 2 DP1085145 and Lot 2 DP1174490.
10. Bounded by Lot 79 DP1074487, Lots 18, 160 & 161 DP753817 and Lots 49, 50 & 52 DP753792.
11. Bounded by Lot A DP33149, Lots 22, 66 & 71 DP753817 and Lot 2 DP 1174490.
12. Adjoining to the East and North of Lot 79 DP753821.
13. Wambo Road.

Wollombi Brook

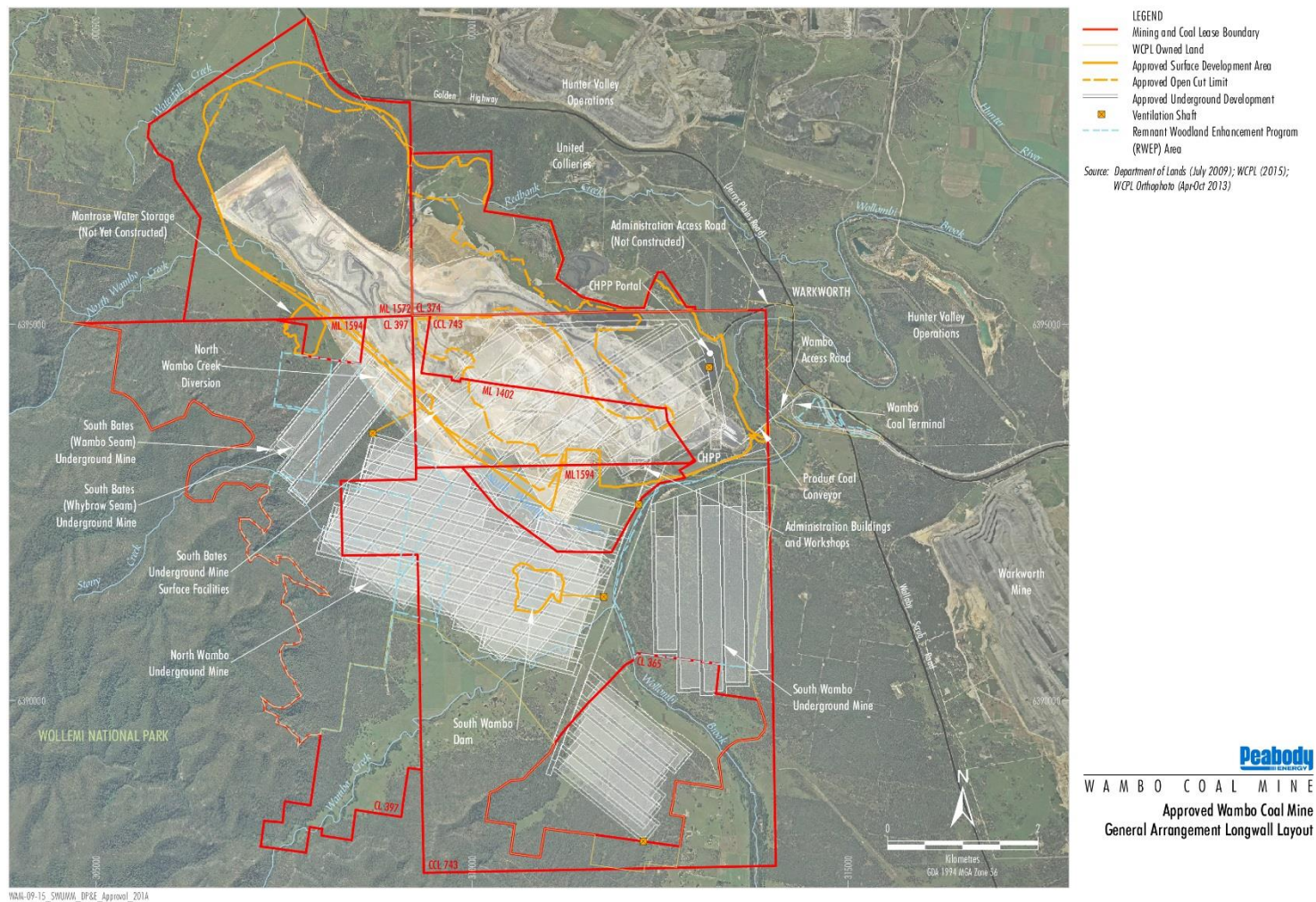
1. Bounded by Lot 220 DP1135537, Lot 83 DP548749, Lot1 DP110084, Lot 1 DP241316 and Lot 7 DP3030.
2. Bounded by Lot 1 DP1089682 and Lots 1, 2, 3, 4, 5 & 6 DP732501.

24. Replace the first figure in Appendix 4 with the following:



25. Replace Appendix 5, including the title, with the following:

APPENDIX 5 APPROVED LAYOUT



26. Adjust the TABLE OF CONTENTS and page numbers to reflect changes made by this instrument.