

Notice of Modification

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

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

Member of the Commission

Member of the Commission

Sydney

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. In the list of definitions in schedule 2, insert in alphabetical order the following:

Adaptive management	Adaptive management includes monitoring subsidence impacts and subsidence effects and, based on the results, modifying the mining plan as mining proceeds to ensure that the effects, impacts and/or associated environmental consequences remain within predicted and designated ranges and in compliance with the conditions of this consent
Associated surface development	Includes ventilation shafts, gas drainage and gas flaring infrastructure, pit top facilities, access road, offices, car park, electrical sub-station, and associated services and easements such as powerlines, water supply, fire control, communications and waste water
Built features	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; any pipeline, water, sewer, telephone, gas or other service main
Conditions of this consent	Conditions contained in schedules 2 to 4 inclusive
Construction	The demolition of buildings or works, carrying out of works and erection of buildings covered by this consent
EA	Environmental Assessment
EPL	Environment Protection Licence issued under the POEO Act
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal object or Aboriginal place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that: - causes or threatens to cause material harm to the environment; and/or - breaches or exceeds the limits or performance measures/criteria in this consent
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Negligible	Small and unimportant, such as to be not worth considering
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation

	versus benefits provided, community views and the nature and extent of potential improvements
Reasonable costs	The costs agreed between the Department and the Applicant for obtaining independent experts to review the adequacy of any aspects of the extraction plan, or where such costs cannot be agreed, the costs determined by a dispute resolution process
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
Second workings	Extraction of coal from longwall panels, mini-wall panels or pillar extraction
SMP	Subsidence Management Plan
Subsidence	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts

2. In condition 2 of schedule 3, delete all words after “dated April 2013;” and insert instead:
 - (n) the modification application DA 305-7-2003 MOD 13 and accompanying documents entitled *North Wambo Mine Modification Environmental Assessment - The addition of North Wambo Underground Mine Longwalls 9 and 10* dated December 2012 and *North Wambo Underground Mine Modification - Response to Submissions* dated April 2013; and
 - (o) conditions of this consent.
3. In Table 14A of schedule 4 delete the words “Nil impact.” and insert in their place “Negligible subsidence impacts. Negligible environmental consequences.”.
4. In condition 28B of schedule 4, delete the words “and construct” and insert in their place “, construct and operate”.