

Notice of Modification

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

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



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Executive Director
Resource Assessments and Compliance

Sydney

10/4/2015

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 Schedules 2 to 6, delete all references to:
 - "Director-General" or "Director General" and replace with "Secretary";
 - "the Executive Director Mineral Resources" and replace with "DRE"; and
 - "the Director-General of DRE" and replace with "DRE"
2. In Schedule 4, reformat Tables 1, 9, 10, 11, 12, 13, 15, 16 and 17 so that the table headings precede the respective tables, as shown in Table 2.
3. In the list of definitions in Schedule 2, delete the definitions for "Conditions of this consent", "Department", "Director-General", "Executive Director Mineral Resources" and "Minister", and insert the following definitions in alphabetical order:

Conditions of this consent	Conditions contained in schedules 2 to 6 inclusive
Department	Department of Planning and Environment
Minister	Minister for Planning, or delegate
Secretary	Secretary of the Department, or nominee
4. Under the heading "Table of Contents" in Schedule 2:
 - Insert the heading "APPENDIX 5: APPROVED LAYOUT – NORTH WAMBO UNDERGROUND MINE LONGWALL 10A" in chronological order; and
 - update the page numbers.
5. In Condition 2 of Schedule 3, delete all words following "dated April 2013;" and replace with:
 - (o) the modification application DA 305-7-2003 MOD 14 and accompanying documents entitled North Wambo Underground Mine Longwall 10A Modification Environmental Assessment - The addition of North Wambo Underground Mine Longwall 10A dated September 2014 and associated Response to Submissions dated December 2014, as amended by the approved layout of Longwall 10A shown in Appendix 5; and
 - (p) conditions of this consent.
6. In Table 14A of Schedule 4, under the heading "Biodiversity" and following the row "White Box Yellow Box, Blakely's Red Gum Woodland/Grassy White Box Woodland Community", insert the following:

Other threatened species, populations or communities	Minor cracking and ponding of the land surface or other impact. Negligible environmental consequences
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7. Following the notes to Condition 22 of Schedule 4, insert the following:

If the Applicant exceeds the performance measures in Table 14A and the Secretary determines that:

- (a) it is not reasonable or feasible to remediate the impact or environmental consequences; or
 - (b) remediation measures implemented by the Applicant have failed to satisfactorily remediate the impact or environmental consequence,
- then the Applicant shall provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.

Note: An offset required under this condition must be proportionate with the significance of the impact or environmental consequence.

8. In Condition 22C of Schedule 4, delete the words "condition 40A" and replace with "condition 94C".
9. In the notes to Condition 22C of Schedule 4, insert the words "for the workings covered by this plan" after the words "this condition".
10. Under the heading "SURFACE & GROUND WATER" in Schedule 4, delete the note "The Applicant is required to obtain licences for the development under the Water Act 1912 and the Protection of the Environment Operations Act 1997.", and replace with the following condition:

Water Supply

23. The Applicant shall ensure that it has sufficient water during each stage of the development, and if necessary, adjust the scale of mining operations to match its available water supply.

Note: The Applicant is required to obtain necessary licences for the development under the Water Act 1912 and Water Management Act 2000.

11. Under the subheading "Pollution of Waters" in Schedule 4:
- renumber "Condition 23" as "Condition 23A"; and
 - delete the word "a" and replace with "an".
12. In Condition 28C of Schedule 4, delete the words "Longwalls No. 9 or 10" and replace with "the underlying longwalls".
13. In Condition 30 of Schedule 4, insert the dotpoint "(b) the predicted salt balance for the site;" after dotpot (a) and renumber the following dotpoints accordingly.
14. Insert the following condition below Condition 30 of Schedule 4:
- 30A. The predicted salt balance for the site shall:
- (a) include details of:
 - the sources of saline material on the site;
 - saline material and saline water management on site;
 - reporting procedures, including the preparation of an annual salt balance; and
 - (b) describe the measures that would be implemented to minimise short term and long term discharge of saline water from the site.
15. In Condition 33 of Schedule 4, insert the word "detailed" before the word "program" in dotpoints (c), (d) and (e).
16. In Condition 34 of Schedule 4, insert the:
- words "comprehensive and detailed" before the word "program" in dotpoint (c); and
 - word "detailed" before the word "program" in dotpoint (d).
17. In Condition 35 of Schedule 4:
- insert the words ", including trigger levels for the provision of suitable compensatory water supplies" after the word "wells" in dotpoint (a);
 - insert the following:
 - (g) measures to minimise and/or offset potential groundwater leakage from Wollombi Brook and associated alluvial aquifers; and
 - (h) measures to mitigate adverse impacts on groundwater dependent ecosystems or riparian vegetation and offset any impacts above the predicted impacts;
 - after dotpot (f); and
 - renumber the following dotpoints accordingly.

18. In Condition 40 of Schedule 4:
- delete the words following “fauna management,” and preceding Table 16, and replace with: “the Applicant shall implement the biodiversity offset strategy summarised in Table 16 (including any subsequent revisions approved in writing by the Secretary), to the satisfaction of the Secretary”
 - delete the heading to Table 16 entitled “Broad Targets for Offset Strategy” and replace with “Biodiversity Offset Strategy”
 - insert the following “and/or as required under Condition 22” after the words “Condition 47(b)” in Table 16;
 - delete note (b) and renumber the notes accordingly; and
 - insert the following note after the words “mine closure plan.”

(c) Should the Secretary determine that an additional offset is required under Condition 22, the Applicant will be required to provide this offset in addition to the specified offsets in Table 16. The size of any additional offset required shall be determined in consultation with OEH and to the satisfaction of the Secretary.
19. In Condition 41 of Schedule 4:
- delete the words “November 2013” and replace with “June 2015”; and
 - insert the following note:

Note: Should the Secretary determine that the specified conservation mechanism is no longer appropriate, the Secretary may approve an alternative conservation mechanism to satisfy this condition, in consultation with OEH.
20. Delete the subheading “Hunter Coalfield Flora & Fauna Advisory Committee Contribution” and Condition 42 of Schedule 4.
21. Insert the following below Appendix 4:

APPENDIX 5
APPROVED LAYOUT – NORTH WAMBO UNDERGROUND MINE LONGWALL 10A

