

Notice of Modification

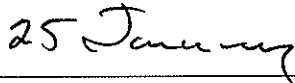
Section 96(2) of the *Environmental Planning and Assessment Act 1979*

I, the A/Executive Director, Major Project Assessments, as delegate of the Minister for Planning, modify the development consent referred to in Schedule 1, as set out in Schedule 2.



Yolande Stone
A/Executive Director
Major Projects Assessments

Sydney



2007

SCHEDULE 1

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

SCHEDULE 2

1. Replace the definitions of Department, Director-General, and Minister from Schedule 2 Definitions with the following (in alphabetical order):

Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
Minister	Minister for Planning, or delegate

2. Insert the following definition in Schedule 2 Definitions (in alphabetical order):

DNR	Department of Natural Resources
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3. Delete Condition 2 of Schedule 3, and replace with the following:

2. The Applicant shall carry out the development generally in accordance with the:
- (a) DA 305-7-2003;
 - (b) EIS titled *Wambo Development Project*, volumes 1-5, dated July 2003, and prepared by Resource Strategies Pty. Ltd.;
 - (c) letter from Holmes Air Sciences to the Department, dated 3 September 2003, and titled *Wambo Development Project - Response Air Quality Assessment*;
 - (d) letter from Wambo Coal Pty. Ltd. to the Department, dated 24 October 2003, and titled *Wambo Development Project - Development Application Amendment (DA 305-7-2003-i)*;
 - (e) Statement of Environmental Effects titled *Wambo Development project - Wambo Seam Underground Mine Modification*, dated January 2005, and prepared by Wambo Coal Pty Ltd;
 - (f) document titled *Wambo Development Project - Modification of DA 305-7-2003-I*, dated 24 October 2005;
 - (g) document titled *Wambo Development Project - Modification of DA 305-7-2003-I*; dated 23 January 2006;
 - (h) document titled *Wambo Development Project - Modification of DA 305-7-2003-I*; dated 27 July 2006;
 - (i) document titled *Wambo Coal Mine Modification Statement of Environmental Effects*; dated September 2006; and
 - (j) conditions of this consent.

4. In condition 4 of Schedule 4, delete "including residences on properties 40 (Muller) and 125 (Barry)" and replace with the following "including the residence on property 40 (Muller)".
5. In conditions 16, 21 and 83 of Schedule 4, delete the words "(a) within 14 days" and replace with "(a) within 28 days".
6. In condition 20 of Schedule 4, insert "(unless otherwise agreed to by the Director-General)" after "Before carrying out any development".
7. Delete condition 26 of Schedule 4, and replace with the following:

26. The Applicant shall design, construct, maintain, and rehabilitate the temporary North Wambo Creek Bypass, the temporary North Wambo Creek Pipeline, and the North Wambo Creek Diversion in consultation with DPI, DNR and to the satisfaction of the Director-General.

Note: The Department accepts that the Applicant is not required to "rehabilitate" the temporary North Wambo Creek Bypass.

8. Delete condition 27 of Schedule 4, and replace with the following:

27. Within one month of completing the construction of the temporary North Wambo Creek Bypass, the temporary North Wambo Creek Pipeline, and the North Wambo Creek Diversion, the Applicant shall submit an as-executed report, certified by a practising registered engineer, to the Director-General.

9. Delete condition 28 of Schedule 4, and replace with the following:

28. Prior to destroying the original creek line by open cut mining, the Applicant shall demonstrate that the relevant stage of the North Wambo Creek Diversion is operating successfully from a hydrological and biological point of view to the satisfaction of DPI and the Director-General.

Note: This condition does not apply to the temporary North Wambo Creek Bypass.

10. In condition 29 of Schedule 4, delete "to the satisfaction of DEC and the Director-General" and replace with "to the satisfaction of DEC, DNR and the Director-General".

11. Delete condition 30 of Schedule 4, and replace with the following:

30. Before carrying out any development, the Applicant shall prepare a Site Water Management Plan for the development in consultation with DPI and DNR, and to the satisfaction of the Director-General. This plan must include:

- (a) the predicted site water balance;
- (b) the North Wambo Creek Diversion Plan;
- (c) an Erosion and Sediment Control Plan;
- (d) a Surface Water Monitoring Program;
- (e) a Ground Water Monitoring Program;
- (f) a Surface and Ground Water Response Plan; and
- (g) a strategy for the decommissioning water management structures on the site.

By the end of June 2007, the Applicant shall revise the Site Water Management Plan for the development in consultation with DPI and DNR, and to the satisfaction of the Director-General.

Note: The North Wambo Creek Diversion Plan must also be prepared in consultation with NSW Fisheries.

12. After condition 31 of Schedule 4, insert the following note:

Note: The Applicant may prepare and submit the North Wambo Diversion Plan on a progressive basis to reflect the relevant stages of the proposed diversion.

13. In condition 34 of Schedule 4, delete "By the end of April 2006, the Applicant shall update its Groundwater Monitoring Program, to the satisfaction of the Director-General".

14. Delete condition 35 of Schedule 4, and insert the following:

35. The Surface and Ground Water Response Plan shall include:

- (a) measures to mitigate any adverse impacts on existing water supply bores or wells;
- (b) measures to mitigate the loss of surface water flows in the surface water streams or channel on the site;

- (c) measures to remediate any connective cracking between the underground mine workings and the surface water streams, channel or alluvials;
- (d) measures to mitigate the long term direct hydraulic connection between the backfilled open cut and the North Wambo Creek alluvium if the potential for an downstream adverse impact is detected;
- (e) measures to address the decrease in throughflow rates caused by the development within the Wollombi Brook alluvium downstream of the open cut;
- (f) measures to address any reduction in the stability or ecological quality of the North Wambo Creek Diversion below the established performance criteria;
- (g) trigger levels for the relinquishment of water extraction rights to compensate for surface and groundwater losses from streams, channels or alluvials to open cut and underground mining workings;
- (h) the procedures that would be followed if any unforeseen impacts are detected during the development; and
- (i) response times for undertaking the above measures.

15. Delete condition 36 of Schedule 4, and insert the following:

36. Prior to the commencement of underground mining, the Applicant shall develop and implement a surface and subsurface investigation program to assess the likely fracturing of geological strata and hydraulic property changes above each longwall panel, to the satisfaction of the Director-General. This program shall:
- (a) provide an interpreted comparison of the results from all longwall panels against pre-mining baseline geological conditions, in order to assess the level of variability of fracture and changes in hydraulic properties between panels.;
 - (b) assess the impact on groundwater resources and surface expression resulting from underground mining at varying depths; and
 - (c) be repeated for each coal seam as it is mined.

By the end of June 2007, the Applicant shall revise the Surface and Subsurface Investigation Program for the development in consultation with DPI and DNR, and to the satisfaction of the Director-General.

16. Delete the note in condition 40 of Schedule 4, and insert the following note after Table 16:

Notes:

- 1. *The Director-General shall form the Hunter Coalfield Flora & Fauna Advisory Committee to:*
 - *provide on-going advice on the Flora and Fauna Management Plan; and*
 - *monitor and review the performance of the implementation of the Remnant Woodland Enhancement Program.*
- 2. *The area of Open Cut Woodland Revegetation in Table 16 is based on the establishment of 50% woodland within the mixed woodland/pasture areas shown in the EIS, and with the agreement of the Director-General, may vary depending on the shape of the final landform and the approved mine closure plan.*

17. At the end of condition 44 of Schedule 4, insert the following:

By the end of June 2007, the Applicant shall revise the Flora and Fauna Management Plan for the development to the satisfaction of the Director-General.

- 18. In condition 41 of Schedule 4, delete "Within 6 months of the commencement of this consent" and replace with "Within 18 months of the commencement of this consent".
- 19. In condition 40, 42, 44 and 49 of Schedule 4, insert "(when established)" after the "Hunter Coalfield Flora & Fauna Advisory Committee".
- 20. In condition 62 of Schedule 4, delete "The photographic record is to be lodged with NSW Heritage Office, the Department and the Council" and replace with "The photographic record is to be lodged with NSW Heritage Office, and a copy is to be submitted to the Department and the Council".
- 21. In conditions 65 and 67 of Schedule 4, insert the words "(or its latest version)" after the words "AS 2187.2-1993".
- 22. Delete condition 86 of Schedule 4, and replace with the following:

86. Unless otherwise agreed to by the Director-General, all external lighting associated with the development shall comply with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

23. Delete condition 87 of Schedule 4, and replace with the following:

87. For the life of the development, the Applicant shall:

- (a) monitor the greenhouse gas emissions generated by the development;
- (b) investigate ways to reduce greenhouse gas emissions generated by the development; and
- (c) report on greenhouse gas monitoring and abatement measures in the AEMR, to the satisfaction of the Director-General.

24. Delete condition 88 of Schedule 4, and replace with the following:

88. For the life of the development, the Applicant shall:

- (a) monitor the amount of waste generated by the development;
- (b) investigate ways to minimise waste generated by the development;
- (c) implement reasonable and feasible measures to minimise waste generated by the development; and
- (d) report on waste management and minimisation in the AEMR, to the satisfaction of the Director-General.

25. In condition 1 of Schedule 5, delete "criteria in conditions 1 and 6" and insert "criteria in conditions 2 and 6".

26. In condition 9 of Schedule 5, delete "the President of the Australian Institute of Valuers and Land Economists" and replace with "the President of the NSW Division of the Australian Property Institute".

27. In condition 7 of Schedule 6, delete "Within 3 months of commissioning this audit" and replace with "Within 3 months of completing this audit".