

Notice of Modification

Section 96(1A) 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.



David Kitto
Director
Major Development Assessment

Sydney 22 JUNE 2009

SCHEDULE 1

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

SCHEDULE 2

1. Insert the following, in alphabetical order, in the definitions in schedule 2:

DSC	Dams Safety Committee
SEE	Statement of Environmental Effects
2. Delete the definition for "DEC" in schedule 2, and replace with:
DECC Department of Environment and Climate Change
3. Delete the definition for "DNR" in schedule 2, and replace with:
DWE Department of Water and Energy
4. Delete all references to "DEC" and replace with "DECC".
5. Delete all references to "DNR" and replace with "DWE".
6. Delete condition 2(j) of schedule 3, and replace with:

(j)	SEE titled <i>Wambo Coal Mine Statement of Environmental Effects on Proposed Modification</i> , dated March 2009; and
(k)	conditions of this consent.
7. Delete condition 3 of schedule 3, and replace with:

3.	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
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8. Delete condition 25(c) of schedule 4 and replace with:

(c)	assess current and forecast compliance with the rules of the Hunter River Salinity Trading Scheme; and
(d)	report the results in the AEMR.
9. Insert the following after condition 28 of schedule 4:

Chitter Dump Dam

28A. The Applicant shall design and construct the Chitter Dump Dam in consultation with United Collieries Pty Ltd, and to the satisfaction of the DSC and DPI. The design of the dam must be accompanied by a detailed assessment of the potential operational and environmental risks associated with the dam, particularly in relation to potential subsidence-related impacts.

10. Delete the sentence after condition 30(g) of schedule 4, and replace with:

By the end of October 2009, the Applicant shall revise the Site Water Management Plan in consultation with DPI, DECC and DWE, and to the satisfaction of the Director-General.

11. Insert the following after condition 34(d) of schedule 4:

- ; and
- (e) a program to investigate and monitor potential water loss from the Chitter Dump Dam, including potential migration of stored water toward Wollombi Brook.