

Notice of Modification

Section 96(2) 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.



Chris Wilson
Executive Director, Major DA Assessments

Sydney

27 August

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. In the list of definitions in schedule 2, delete the definitions for "DECC", "DPI" and "DWE" and insert in alphabetical order the following:

DECCW	Department of Environment, Climate Change and Water
DII	Department of Industry and Investment
OoW	Office of Water
2. Delete all references to "DECC" and replace with "DECCW".
3. Delete all references to "DPI" and replace with "DII".
4. Delete all references to "DWE" and replace with "OoW".
5. Delete condition 2(k) of schedule 3, and replace with:
 - (k) document titled *Wambo Coal Mine Modification Statement of Environmental Effects*, dated June 2009 and the response to submissions dated July 2009; and
 - (l) conditions of this consent.
6. Insert the following after condition 28A of schedule 4:

South Wambo Dam

28B. The Applicant shall design and construct the South Wambo Dam to the satisfaction of the DSC and DII. 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.
7. In condition 34(e) of schedule 4, after the words "Chitter Dump Dam", insert the words "and South Wambo Dam".
8. Insert the following after condition 41 of schedule 4:

41A. By the end of December 2009, the Applicant shall:

 - (a) incorporate an offset of at least 46 hectares, generally consistent with the offset described in the 2009 SEE, into the Remnant Woodland Enhancement Program (see condition 47); and

- (b) establish mechanisms within the Flora and Fauna Management Plan for long-term conservation and management of this offset in accordance with condition 41 (d) & (e).

- 9. In condition 44 of schedule 4, delete the words "June 2007" and insert instead "December 2009".
- 10. In condition 47(a) of schedule 4, after the words "Areas A, B and C", insert the words "and the offset area described in the 2009 SEE,".