

# 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.



17.12.09

Chris Wilson  
Executive Director, Major DA Assessments

Sydney

2009

### SCHEDULE 1

The project approval (06\_0261) granted by the Minister for Planning for Hunter Valley Operations South on 24 March 2009.

### SCHEDULE 2

1. Delete the definitions for "DECC", "DPI" and "DWE" from the list of Definitions and insert in alphabetical order the following:

DECCW	Department of Environment, Climate Change and Water
DII	Department of Industry and Investment
DSC	Dams Safety Committee
NOW	NSW Office of Water
EA (Mod 1)	Environmental Assessment titled <i>Raising of Lake James Dam</i> , dated October 2009, and the response to submissions (including its Statement of Commitments) dated November 2009.
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 "NOW".
5. In condition 2 of schedule 2, delete all words after "commitments;" and insert:
  - (c) EA (Mod 1); and
  - (d) conditions of this approval.
6. Insert the following condition after condition 9 of schedule 2:
  - 9A. Within 3 months of any modification to this approval, the Proponent shall review and if necessary revise any strategies/plans/programs required under this approval which are relevant to the modification to the satisfaction of the Director-General.
7. In Table 2 of schedule 3 delete the words "17 – Algie", and below "34 – Ernst" insert the following:

50 – Nelson
8. In conditions 3 and 20 of schedule 3, delete the words "10-12" and replace with "7-9".
9. In Table 14 of schedule 3 delete the words "17 – Algie", and after "24 – Clifton and Edwards" insert the following:

and residences located within 250 metres of this residence.
10. Insert the following after condition 28 of schedule 3:



## Lake James

28A. The Proponent shall design and construct Lake James (as described in the documents listed in condition 2(c) of schedule 2) to the satisfaction of the DSC. The final dam design, as submitted to DSC, must be accompanied by a detailed assessment of the potential operational and environmental risks associated with the dam.

11. In condition 5 of schedule 5, delete the words "31 January" and replace with "31 March".
12. In Appendix 1, after the row relating to Lot 2 DP 306421, insert the following row relating to Lot 2 DP 48646.

2		48646	Coal & Allied Operations Pty Limited	Y	Y	Warkworth North East
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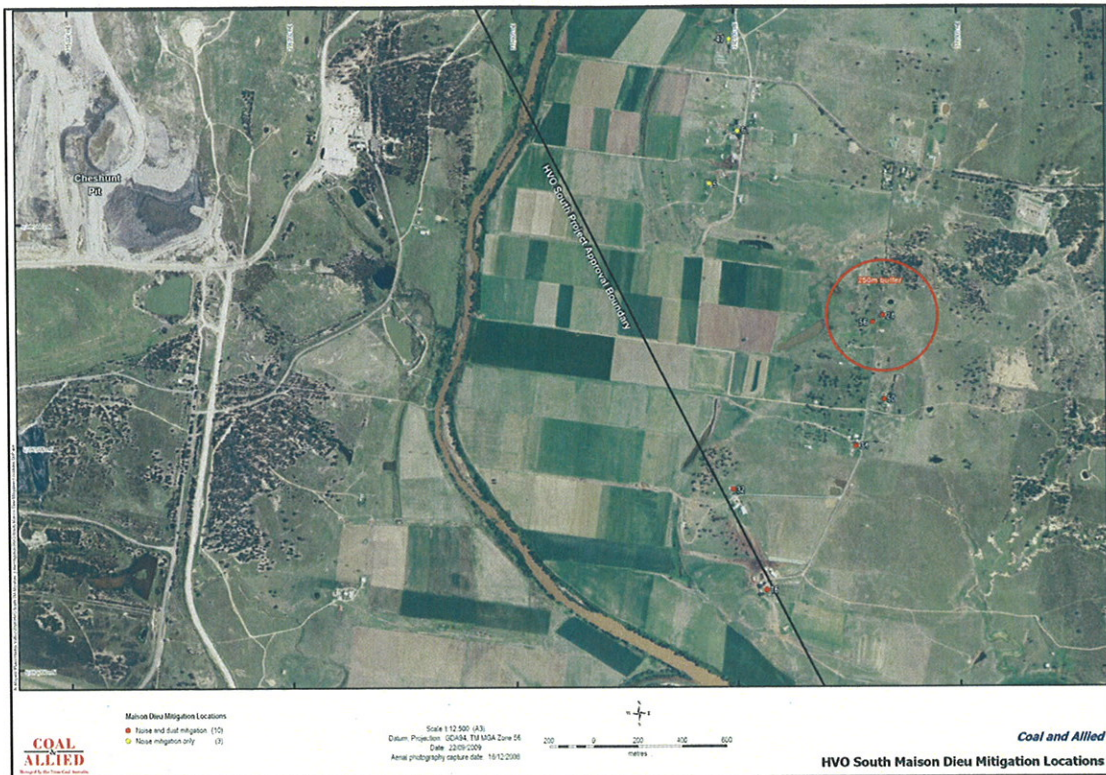
13. In Appendix 2, delete Figure 2 and replace with the following:



Figure 2: Amended Project Application Area



14. In Appendix 3, delete "0.1" from the title of Table 0.1 Noise Limits Applicable to Proposal, dB(A) and replace with "22.1".
15. In Appendix 4, delete the existing plan and insert the following:



16. In Appendix 4, delete from the Table all locations for Maison Dieu (East) and insert the following:

5	Bowman	317887	6399172
16	Algie	318128	6397347
24	Clifton and Edwards	318660	6398580
32	Algie (Curlewis)	317982	6397802
34	Ernst	318530	3697994
47	Moxey	317979	6399821
50	Nelson	318656	6398203
56	Edwards	318607	6398553
61	Shearer	318008	6399499