

Decision to approve a Variation

Approval No: EPBC 2016/7816	Project Title: South Bates Extension Underground Mine, Warkworth, NSW	
Submission: 1st: 31/10/2109 Final: 25/11/2019	Variation: Update condition references to NSW development consent and update several definitions	
	PAS Contact Officer: s22	Approval holder: Wambo Coal Pty Ltd

Timing for decision: 9 December 2019

Reason: There is no specific timeframe for a decision. The request was made on 31/10/2019.

Cleared by: s22, Director **Signature:** s22 29-11-19

Recommendations:

- That you agree to vary the conditions attached to the EPBC Act approval 2016/7816, in accordance with the decision instrument at **Attachment A**.
Agreed / Please discuss
- If you agree to Recommendation 1, that you sign the decision instrument at **Attachment A** for publication.
Signed / Not signed
- If you sign the instrument at **Attachment A**, that you sign the letter at **Attachment B** advising the approval holder of your decision.
Signed / Not signed

Signatory: Greg Manning, Assistant Secretary
Assessments and Post Approvals Branch

Date: 3/12/2019

Comments:

Background

- The Minister has delegated you as decision maker for these matters pursuant to section 515 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- On 4 May 2018, a delegate of the Minister approved under the EPBC Act, with conditions, a project to construct and operate a 505 ha extension of underground coal mining operations in the Whybrow Seam at the Wambo Coal Mine (**EPBC 2016/7816**). Current approval conditions are at **Attachment C**. The approval is subject to cost recovery fees.
- The proposed action was determined a controlled action as a result of potential significant impacts on matters protected by the relevant controlling provision(s), being EPBC Act section(s):
 - 18 and 18A (Listed threatened species and ecological communities); and

- b. 24D and 24E (A water resource impacted by coal seam gas or large coal mining development).

The proposed variation

4. On 31 October 2019, Peter Jaeger, Manager of Environment and Community for Wambo Coal Pty Ltd (Wambo), requested a variation to update references to the NSW Development Consent for the project, following NSW approval of a United Wambo Joint Venture Project (**Attachment D**). The modification has not changed the content that relates to EPBC conditions, but has changed the reference numbers used in the EPBC approval. Another EPBC approval has been similarly affected (EPBC 2016/7636) and a similar brief is being developed for a variation.
5. In preparing the variation, the Department identified some standard conditions that were unclear or inconsistent with another similar project approval held by the same approval holder. As a result the conditions and definitions relating to publication of reports and commencement have been varied.
6. In summary the conditions and definitions to be varied are:
 - a. Conditions 1, 3 and 5 – update references to NSW state development consent;
 - b. Conditions 2, 3, 4, 6, 7 and 8 – use new or varied defined terms
 - c. Change the definition of commencement of the action; and
 - d. Add definitions of business day and website, and revoke the definition of days.
7. The approval holder has paid the required cost recovery fee.

Proposed decision

8. The Department has reviewed the proposed variation, and considers that it will not reduce the environmental outcomes. As it will ensure that the approval conditions correctly reference the conditions in the NSW development consent, is consistent with similar approvals held by Wambo and uses clearer terminology, the Department considers the proposed varied conditions to be necessary and convenient for the protection of the listed matters.
9. On 25 November 2019, Wambo agreed to the variation notice wording (**Attachment E**).
10. On the above basis, the Department recommends that you:
 - agree to vary the conditions of approval for EPBC approval 2016/7816, in accordance with the variation decision instrument at **Attachment A**;
 - sign the decision instrument at **Attachment A**; and
 - sign the letter to Wambo Coal Pty Ltd at **Attachment B** advising of your decision.

ATTACHMENTS

- A:** Proposed variation decision instrument (**for signature**)
- B:** Letter to the approval holder (**for signature**)
- C:** Current conditions (for information)
- D:** Request for variation – letter of 31/10/2019 (for information)
- E:** Agreement to variation wording – email of 25/11/2019 (for information)



VARIATION OF CONDITIONS ATTACHED TO APPROVAL

South Bates Extension Underground Mine, Warkworth, NSW (EPBC 2016/7816)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted Wambo Coal Pty Limited
ABN: 13 000 668 057

Approved action To construct and operate a 505 ha extension of underground coal mining operations (longwall mining) in the Whybrow Seam at the Wambo Coal Mine, including the surface infrastructure needed to undertake this activity [See EPBC Act referral 2016/7816].

Variation

Variation of conditions attached to approval The variation is:

Delete conditions 1, 2, 3, 4, 5, 6, 7 and 8 attached to the approval and substitute with the conditions specified in the table below.

Delete the definition of Commencement of the action attached to the approval and substitute with the definition for Commence/Commenced/Commencement of the action as specified in the table below.


Add the definitions of Business Day and Website specified in the table below.

Revoke the definition of Days

Date of effect This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position Greg Manning
Assistant Secretary
Assessments and Post Approvals Branch

Signature 

Date of decision 3/12/19

Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	<p>1. The person taking the action must:</p> <ul style="list-style-type: none"> a. Implement administrative conditions A1 and A2 of Schedule 2 of the state development consent to minimise the impacts of the action on protected matters. b. Implement environmental performance conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent, where the conditions relate to avoiding, mitigating, managing, offsetting, monitoring or recording, or reporting on impacts to protected matters. c. Notify the Department in writing of any proposed change to the conditions of the state development consent referred to in conditions 1a and 1b, within 5 business days of formally proposing a change or becoming aware of any other proposed change. d. Notify the Department in writing of any change to conditions of the state development consent, referred to in conditions 1a to 1b, within 5 business days of a change to conditions being finalised.
As varied on the date this instrument was signed	<p>2. Within 25 business days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement of the action.</p>
As varied on the date this instrument was signed	<p>3. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans and strategies required by conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent on their website. Each management plan and strategy must be published on the website within 1 month of being approved by the Secretary and remain there for a period of no less than 5 years.</p>
As varied on the date this instrument was signed	<p>4. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the management plans and strategies required by conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of this approval.</p>
As varied on the date this instrument was signed	<p>5. The person taking the action must publish a report on the website addressing compliance with each of the conditions of this approval, including implementation of any management plan, program, strategy and review required by condition 1. The reporting period and report publication must comply with conditions D10 and D15 of Schedule 2 of the state development consent. Documentary evidence providing proof of the date of publication must be provided to the Department (by email to EPBCMonitoring@environment.gov.au or an address as stipulated by the Department) at the same time as the compliance report is published. The person taking the action must continue to publish the report until such time as agreed in writing by the Minister.</p>
As varied on the date this instrument was signed	<p>6. Any potential or actual contravention of the conditions of this approval, including contravention of a commitment made in a management plan or strategy required by condition 1 must be reported to the Department no later than 7 business days of the person taking the action becoming aware of the actual or potential contravention, by email to EPBCMonitoring@environment.gov.au or an address as stipulated by the Department.</p>
As varied on the date this instrument was signed	<p>7. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor and audit criteria must be approved by the Minister prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the Minister.</p>
As varied on the date this instrument was signed	<p>8. If, at any time after 5 years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister.</p>

Date of decision	Definitions attached to approval
Original dated 4/5/2018	Approval means the approval to take the action under section 133 of the EPBC Act as noted in the date of decision section of this approval.
As varied on the date this instrument was signed	Business Day means a day that is not a Saturday, a Sunday or a public holiday in the location of the action.
As varied on the date this instrument was signed	Commence / Commenced / Commencement of the action means any physical works, excluding fences and signage, associated with the action.
As varied on the date this instrument was signed	Days - Revoked
Original dated 4/5/2018	Department means the Australian Government department or any other agency administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) from time to time.
Original dated 4/5/2018	EPBC Act means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
Original dated 4/5/2018	Minister means the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) and includes a delegate of the Minister .
Original dated 4/5/2018	Protected matters means the matters protected by the controlling provisions for the action under Part 3 of the EPBC Act .
Original dated 4/5/2018	Secretary means the Secretary of the NSW Department of Planning & Environment, and includes a nominee of the Secretary .
Original dated 4/5/2018	State development consent means the development consent under Section 80 of the <i>NSW Environmental Planning & Assessment Act 1979</i> for application number DA 305-7-2003 as modified on 20 December 2017.
As varied on the date this instrument was signed	Website means a set of related web pages located under a single domain name attributed to the person taking the action and available to the public.



Ref: 2016/7816

Mr Peter Jaeger
Manager of Environment and Community
Wambo Coal Pty Ltd
PMB 1
Singleton NSW 2330

**South Bates Extension Underground Mine, Warkworth, NSW (EPBC 2016/7816)
– Variation of EPBC approval**

Dear Mr Jaeger

Thank you for your correspondence dated 31 October 2019 to the Department requesting the variation of conditions attached to the approval dated 4 May 2018.

Officers of this Department have reviewed the variation request. As delegate of the Minister, I have varied conditions 1, 2, 3, 4, 5, 6, 7 and 8 and a number of definitions attached to EPBC Approval 2016/7816 under section 143(1)(c) of the *Environment Protection and Biodiversity Conservation Act 1999* so as to update references to the NSW development consent and update some standard conditions and definitions. The conditions must now be undertaken in accordance with the varied conditions specified in the variation notification, which has been attached for your information.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact s22 [redacted] Project Officer, Post Approvals Section, on s22 [redacted] or by email: post.approvals@environment.gov.au.

Yours sincerely

Greg Manning
Assistant Secretary
Assessments and Post Approvals Branch
Environment Standards Division

3/12/2019



Approval

South Bates Extension Underground Mine, Warkworth, NSW (EPBC 2016/7816)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Wambo Coal Pty Limited
proponent's ABN (if applicable)	ABN: 13 000 668 057
proposed action	To construct and operate a 505 ha extension of underground coal mining operations (longwall mining) in the Whybrow Seam at the Wambo Coal Mine, including the surface infrastructure needed to undertake this activity [See EPBC Act referral 2016/7816].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved
A water resource, in relation to coal seam gas development and large coal mining development (section 24D & 24E)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2039.

Decision-maker

name and position	Kim Farrant Assistant Secretary Assessments and Waste Branch
signature	
date of decision	4 May 2018

Conditions attached to the approval

1. The person taking the action must:
 - a. Implement administrative conditions 1, 2 and 2A of Schedule 3 of the **state development consent** to minimise the impacts of the action on **protected matters**.
 - b. Implement environmental performance conditions 22, 22C, 22D and 23 - 39 of Schedule 4 of the **state development consent**, where the conditions relate to avoiding, mitigating, managing, offsetting, monitoring or recording, or reporting on impacts to **protected matters**.
 - c. Notify the **Department** in writing of any proposed change to the **conditions** of the **state development consent**, referred to in conditions 1a and 1b, within 14 **days** of formally proposing a change or becoming aware of any other proposed change.
 - d. Notify the **Department** in writing of any change to **conditions** of the **state development consent**, referred to in conditions 1a to 1b, within 14 **days** of a change to **conditions** being finalised.
2. Within 30 **days** after the **commencement of the action**, the person taking the action must advise the **Department** in writing of the actual date of **commencement of the action**.
3. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans and strategies required by conditions 22, 22C, 22D and 23 – 39 of Schedule 4 of the **state development consent** on their website. Each management plan and strategy must be published on the website within 1 month of being approved by the **Secretary** and remain there for a period no less than 5 years.
4. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to these conditions of **approval**, including measures taken to implement the management plans and strategies required by conditions 22, 22C, 22D and 23 – 39 of Schedule 4 of the **state development consent**, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of this **approval**.
5. By 31 March of each year after the **commencement** of the action, the person taking the action must: publish a report on their website addressing compliance with each of the **conditions** of this **approval**, including implementation of any management plans and strategies required by **conditions** 22, 22C, 22D and 23 – 39 of Schedule 4 the **state development consent** over the previous calendar year; and provide documentary evidence providing proof of the date of publication to the **Department**, by email to EPBCMonitoring@environment.gov.au (or another email address as stipulated by the **Department**). The person taking the action must continue publishing annual compliance reports and make all reports available on their website for the life of the approval, unless agreed in writing by the **Minister**.
6. Any potential or actual contravention of the **conditions** of this **approval**, including contravention of a commitment made in a management plan or strategy required by conditions 22, 22C, 22D and 23 – 39 of Schedule 4 of the **state development consent** must be reported to the **Department** no later than 7 **days** of the person taking the action becoming aware of the actual or potential contravention, by email to EPBCMonitoring@environment.gov.au or an address as stipulated by the **Department**.

7. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the **conditions of approval** is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
8. If, at any time after 5 years from the date of this **approval**, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

Definitions

Approval means the **approval** to take the action under section 133 of the EPBC Act as noted in the date of decision section of this approval.

Commencement of the action means any physical works, excluding fences and signage, associated with the action.

Days means a business day that is not a Saturday, a Sunday or a public holiday in the location of the **action**.

Department means the Australian Government department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Minister means the **Minister** administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the **Minister**.

Protected matters means the matters protected by the controlling provisions for the action under Part 3 of the **EPBC Act**.

Secretary means the **Secretary** of the NSW Department of Planning & Environment, and includes a nominee of the **Secretary**.

State development consent means the development consent under Section 80 of the *NSW Environmental Planning & Assessment Act 1979* for application number DA 305-7-2003 as modified on 20 December 2017.



WAMBO COAL PTY LTD

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31 October 2019

Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601

By email: postapproval@environment.gov.au

To Whom it May Concern,

VARIATION REQUEST – EPBC 2016/7816 AND EPBC 2016/7636

I am writing to you as the Manager: Environment & Community at the Wambo Coal Mine.

On 29 August 2019, Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited, received approval for the development of the United Wambo Joint Venture Project (Modification 16). As a result of this approval, changes have been made to the Development Consent (DA 305-7-2003) and all conditions have been renumbered. It should be noted that although the condition numbers and content have been updated, the requirements of EPBC related conditions remains unchanged.

This letter formally requests that the Minister for the Environment and Energy vary EPBC 2016/7816 and EPBC 2016/7636 to account for the changes to condition numbers in the state development consent. The suggested variations are outlined in Enclosures 1 and 2.

For your convenience, Enclosure 3 provides a reconciliation of the state development consent conditions previously referenced in EPBC 2016/7816 and EPBC 2016/7636 and those proposed to be referenced.

Enclosure 1 also includes requested replacement text for Condition 5 of EPBC 2016/7816. This replacement is requested to ensure consistency between EPBC 2016/7816, EPBC 2016/7636 and the state development consent.

Please do not hesitate to contact me on (02) 6570 2206 if you have any queries or require additional information.

Yours faithfully,

Peter Jaeger
Manager: Environment & Community
WAMBO COAL PTY LTD

ENCLOSURE 1

PROPOSED CONDITIONS – VARIATION TO EPBC 2016/7816

Requested variations to the conditions of EPBC 2016/7816 – deletions are shown as ~~strikethrough~~ and new text is underlined:

Condition 1.a of EPBC Act Approval (EPBC 2016/7816) – Amended condition

Implement administrative ~~conditions 1, 2 and 2A of Schedule 3~~ conditions A1 and A2 of Schedule 2 of the state development consent to minimise the impacts of the action on protected matters.

Condition 1.b of EPBC Act Approval (EPBC 2016/7816) – Amended condition

Implement environmental performance ~~conditions 22, 22C, 22D and 23-39 of Schedule 4~~ conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent, where the conditions relate to avoiding, mitigating, managing, offsetting, monitoring or recording, or reporting on impacts to protected matters.

Condition 3 of EPBC Act Approval (EPBC 2016/7816) – Amended condition

Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans and strategies required by ~~conditions 22, 22C, 22D and 23-39 of Schedule 4~~ conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent on their website. Each management plan and strategy must be published on the website within 1 month of being approved by the Secretary and remain there for a ~~period~~ period of no less than 5 years.

Condition 4 of EPBC Act Approval (EPBC 2016/7816) – Amended condition

The person taking the action must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the management plans and strategies required by ~~conditions 22, 22C, 22D and 23-39 of Schedule 4~~ conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of this approval.

Condition 5 of EPBC Act Approval (EPBC 2016/7816) – Replacement condition

The person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plan, program, strategy and review required by condition 1. The reporting period and report publication must comply with conditions D10 and D15 of Schedule 2 of the state development consent. Documentary evidence providing proof of the date of publication and noncompliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. The person taking the action must continue to publish the report until such time as agreed in writing by the Minister.

Condition 6 of EPBC Act Approval (EPBC 2016/7816) – Amended condition

Any potential or actual contravention of the conditions of this approval, including contravention of a commitment made in a management plan or strategy required by ~~conditions 22, 22C, 22D and 23-39 of Schedule 4~~ conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent must be reported to the Department no later than 7 days of the person taking the action becoming aware of the actual or potential contravention, by email to EPBCMonitoring@environment.gov.au or an address as stipulated by the Department.

ENCLOSURE 2

PROPOSED CONDITIONS – VARIATION TO EPBC 2016/7636

Requested variations to the conditions of EPBC 2016/7636 – deletions are shown as ~~strikethrough~~ and new text is underlined:

Condition 1.b of EPBC Act Approval (EPBC 2016/7636) – Amended condition

~~Implement conditions 1, 2 and 2A of schedule 3 conditions A1 and A2 of Schedule 2 of the state development consent to minimise the impacts of the action on protected matters.~~

Condition 1.c of EPBC Act Approval (EPBC 2016/7636) – Amended condition

~~Implement environmental performance conditions 22–41A and 44–50 of Schedule 4 conditions B1-B11, B51-B55, B62-B73 and B75-B77 of Schedule 2 of the state development consent, where the conditions relate to avoiding, mitigating, managing, offsetting, monitoring or recording, or reporting on impacts to protected matters. In implementing these conditions, the approval holder must protect at least 18.3 ha of Central Hunter Valley Eucalypt Forest and at least 27.7 ha of foraging habitat for the Regent Honeyeater (*Anthochaera phrygia*) in perpetuity.~~

Condition 5 of EPBC Act Approval (EPBC 2016/7636) – Amended condition

~~The person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plan, program, strategy and review required by condition 1. The reporting period and report publication must comply with conditions 5 and 12 of schedule 6 conditions D10 and D15 of Schedule 2 of the state development consent. Documentary evidence providing proof of the date of publication and noncompliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. The person taking the action must continue to publish the report until such time as agreed in writing by the Minister.~~

ENCLOSURE 3

STATE DEVELOPMENT CONSENT (305-7-2003) (AUGUST 2019)

Reconciliation of Previous and New Conditions

Previous Condition Number(s)	Text from December 2017 Development Consent	New Condition Number(s)	Text from August 2019 Development Consent	Material Change in Relation to EPBC Approvals?																												
Condition 1, Schedule 3	The Applicant must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Condition A1, Schedule 2	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	No.																												
Condition 2, Schedule 3	<p>The Applicant must carry out the development generally in accordance with the:</p> <p>(a) DA 305-7-2003;</p> <p>(b) EIS titled Wambo Development Project, volumes 1-5, dated July 2003, and prepared by Resource Strategies Pty. Ltd.;</p> <p>(c) letter from Holmes Air Sciences to the Department, dated 3 September 2003, and titled Wambo Development Project - Response Air Quality Assessment;</p> <p>(d) letter from Wambo Coal Pty. Ltd. to the Department, dated 24 October 2003, and titled Wambo Development Project - Development Application Amendment (DA 305-7-2003-1);</p> <p>(e) Statement of Environmental Effects titled Wambo Development project - Wambo Seam Underground Mine Modification, dated January 2005, and prepared by Wambo Coal Pty Ltd.;</p> <p>(f) document titled Wambo Development Project - Modification of DA 305-7-2003-1, dated 24 October 2005;</p> <p>(g) document titled Wambo Development Project - Modification of DA 305-7-2003-1; dated 23 January 2006;</p> <p>(h) document titled Wambo Development Project - Modification of DA 305-7-2003-1; dated 27 July 2006;</p> <p>(i) document titled Wambo Coal Mine Modification Statement of Environmental Effects; dated September 2006;</p> <p>(j) document titled Wambo Coal Mine Statement of Environmental Effects on Proposed Modification, dated March 2009;</p> <p>(k) document titled Wambo Coal Mine Modification Statement of Environmental Effects, dated June 2009 and the response to submissions dated July 2009;</p> <p>(l) the modification application DA 305-7-2003 MOD 9 and accompanying letter prepared by Wambo Coal Pty Ltd.;</p> <p>(m) the modification application DA 305-7-2003 MOD 11 and accompanying documents titled Wambo Montrose Water Storage Modification Environmental Assessment dated June 2012 and Wambo Montrose Water Storage Modification Response to Submissions dated 4 September 2012;</p> <p>(n) the modification application DA 305-7-2003 MOD 13 and accompanying documents entitled North Wambo Mine Modification Environmental Assessment - The addition of North Wambo Underground Mine Longwalls 9 and 10 dated December 2012 and North Wambo Underground Mine Modification - Response to Submissions dated April 2013;</p> <p>(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;</p> <p>(p) the modification application DA 305-7-2003 MOD 15 and accompanying documents entitled South Bates (Wambo Seam) Underground Mine Modification Environmental Assessment - The addition of South Bates (Wambo Seam) Underground Mine Longwalls 14 to 16, dated August 2015, and associated Response to Submissions dated September 2015 and letter from Peabody Energy to the Department titled Modification 15 to DA 305-7-2003 - Supplementary Request to Include Revised Portal Location, dated 2 November 2015;</p> <p>(q) the modification application DA 305-7-2003 MOD 12 and accompanying documents entitled South Wambo Underground Mine Modification Environmental Assessment, dated April 2016, associated Response to Submissions dated June 2016 and letter from Peabody Energy to the Department titled Modification 12 to DA 305-7-2003 - Request to Revise First Workings Layout, dated 13 July 2016;</p> <p>(r) the modification application DA 305-7-2003 MOD 17 and accompanying documents entitled South Bates Extension Modification Environmental Assessment, dated March 2017, associated Response to Submissions (Parts A and B) dated June and September 2017; and</p> <p>(s) Approved Layout, shown in Appendix 5.</p> <p>Note: With the approval of the Secretary, longwall panels may be shortened or narrowed, providing that the proposed variations do not result in increased subsidence impacts or environmental consequences.</p>	Condition A2, Schedule 2	<p>The development may only be carried out:</p> <p>(a) in compliance with the conditions of this consent;</p> <p>(b) in accordance with all written directions of the Planning Secretary;</p> <p>(c) generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3), SEE (Mod 4), SEE (Mod 5), SEE (Mod 6), SEE (Mod 7), SEE (Mod 8), EA (Mod 9), EA (Mod 11), EA (Mod 13), EA (Mod 14), EA (Mod 15), EA (Mod 12), EA (Mod 17) and EA (Mod 16); and</p> <p>(d) generally in accordance with the Development Layout and approved mine plan.</p> <p>Note: With the approval of the Planning Secretary, longwall panels may be shortened or narrowed, providing that the proposed variations do not result in increased subsidence impacts or environmental consequences.</p>	No.																												
Condition 2A, Schedule 3	The Applicant must carry out the development in accordance with the conditions of this consent.																															
Condition 22, Schedule 4	<p>The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 14A, to the satisfaction of the Secretary.</p> <p>Table 14A. Subsidence Impact Performance Measures</p> <table border="1" data-bbox="328 1219 1090 1482"> <thead> <tr> <th colspan="2">Water</th> </tr> </thead> <tbody> <tr> <td>Woolambi Brook</td> <td>Negligible subsidence impacts. Negligible environmental consequences. Controlled release of excess site water only in accordance with EPL requirements.</td> </tr> <tr> <th colspan="2">Cliffs</th> </tr> <tr> <td>Low level cliffs</td> <td>Minor environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing that in total do not impact more than 5% of the total face area of such features within the South Bates Extension Area)</td> </tr> <tr> <th colspan="2">Biodiversity</th> </tr> <tr> <td>Wollemi National Park</td> <td>Negligible subsidence impacts. Negligible environmental consequences.</td> </tr> </tbody> </table>	Water		Woolambi Brook	Negligible subsidence impacts. Negligible environmental consequences. Controlled release of excess site water only in accordance with EPL requirements.	Cliffs		Low level cliffs	Minor environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing that in total do not impact more than 5% of the total face area of such features within the South Bates Extension Area)	Biodiversity		Wollemi National Park	Negligible subsidence impacts. Negligible environmental consequences.	Condition B1, Schedule 2	<p>The Applicant must ensure that underground mining operations undertaken following the approval of Mod 9 comply with the performance measures in Table 1.</p> <p>Table 1: Subsidence Impact Performance Measures - Natural and Heritage Features etc</p> <table border="1" data-bbox="1242 1219 2020 1482"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <th colspan="2">Water</th> </tr> <tr> <td>Woolambi Brook</td> <td>Negligible subsidence impacts and environmental consequences. Release of water from the site only in accordance with EPL requirements.</td> </tr> <tr> <th colspan="2">Land</th> </tr> <tr> <td>Low level cliffs</td> <td>Minor environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing that in total do not impact more than 5% of the total face area of such features)</td> </tr> <tr> <th colspan="2">Biodiversity</th> </tr> <tr> <td>Wollemi National Park</td> <td>Negligible subsidence impacts and environmental consequences.</td> </tr> <tr> <td>Warkworth Sands Woodland Community</td> <td>Minor cracking and ponding of the land surface or other subsidence</td> </tr> </tbody> </table>	Feature	Performance Measures	Water		Woolambi Brook	Negligible subsidence impacts and environmental consequences. Release of water from the site only in accordance with EPL requirements.	Land		Low level cliffs	Minor environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing that in total do not impact more than 5% of the total face area of such features)	Biodiversity		Wollemi National Park	Negligible subsidence impacts and environmental consequences.	Warkworth Sands Woodland Community	Minor cracking and ponding of the land surface or other subsidence	No.
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The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of approval of modification 9. <p>If the Applicant exceeds the performance measures in Table 14A and the Secretary determines that:</p> <ol style="list-style-type: none"> it is not reasonable or feasible to remediate the impact or environmental consequence; or remediation measures implemented by the Applicant have failed to satisfactorily remediate the impact or environmental consequence, <p>then the Applicant must provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Secretary.</p> <p>Note: An offset required under this condition must be proportionate with the significance of the impact or environmental consequence.</p>	Warkworth Sands Woodland Community	Minor cracking and ponding of the land surface or other impact. 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Any decision by the Planning Secretary shall be final.</p> <p>Condition B3, Schedule 2</p> <p>If the Applicant exceeds the performance measures in Table 1 and the Planning Secretary determines that:</p> <ol style="list-style-type: none"> it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence, <p>then the Applicant must provide an offset to compensate for the subsidence impact or environmental consequence that is proportionate to the significance of the subsidence impact or environmental consequence, following consultation with BCD and to the satisfaction of the Planning Secretary.</p>	<table border="1"> <tr> <td colspan="2" data-bbox="1220 183 1521 218">impacts. 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Condition 22A, Schedule 4	<p>The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 14B, to the satisfaction of DRG.</p> <table border="1"> <tr> <th colspan="2" data-bbox="312 783 659 804">Table 14B: Subsidence Impact Performance Measures</th> </tr> <tr> <th colspan="2" data-bbox="312 804 659 825">Built Features</th> </tr> <tr> <td data-bbox="312 825 698 935">All built features</td> <td data-bbox="698 825 1075 935">Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.</td> </tr> <tr> <td colspan="2" data-bbox="312 935 1075 956">Public Safety</td> </tr> <tr> <td data-bbox="312 956 698 976">Public Safety</td> <td data-bbox="698 956 1075 976">No additional risk</td> </tr> </table> <p>Notes:</p> <ol style="list-style-type: none"> The Applicant will be required to define more detailed performance indicators for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition 22C below). The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of modification 9. Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes. Compensation required under this condition includes any compensation payable under the Mine Subsidence Compensation Act 1961 and/or the Mining Act 1992. 	Table 14B: Subsidence Impact Performance Measures		Built Features		All built features	Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.	Public Safety		Public Safety	No additional risk	Condition B4, Schedule 2	<p>The Applicant must ensure that the underground mining operations undertaken following the Approval of Modification 9 comply with the performance measures in Table 2.</p> <table border="1"> <tr> <th colspan="2" data-bbox="1220 783 1657 804">Table 2: Subsidence Impact Performance Measures – Built Features</th> </tr> <tr> <th data-bbox="1220 804 1605 825">Feature</th> <th data-bbox="1605 804 1979 825">Performance Measures</th> </tr> <tr> <td colspan="2" data-bbox="1220 825 1979 845">Built Features</td> </tr> <tr> <td data-bbox="1220 845 1605 963">All built features (including public infrastructure and all structures on privately-owned land)</td> <td data-bbox="1605 845 1979 963">Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.</td> </tr> <tr> <td colspan="2" data-bbox="1220 963 1979 984">Public Safety</td> </tr> <tr> <td data-bbox="1220 984 1605 1005">Public Safety</td> <td data-bbox="1605 984 1979 1005">Negligible additional risk</td> </tr> </table> <p>Notes:</p> <ul style="list-style-type: none"> The Applicant is required to define more detailed performance criteria for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition B7 below). Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes. Compensation required under this condition includes any compensation payable under the Coal Mine Subsidence Compensation Act 2017. 	Table 2: Subsidence Impact Performance Measures – Built Features		Feature	Performance Measures	Built Features		All built features (including public infrastructure and all structures on privately-owned land)	Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated.	Public Safety		Public Safety	Negligible additional risk	No.														
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Condition 22B, Schedule 4	<p>Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 14B is to be settled by DRG. DRG may seek the advice of the MSB on the matter. Any decision by DRG shall be final and not subject to further dispute resolution under this consent.</p>	Condition B5, Schedule 2	<p>Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 2 is to be settled by the Planning Secretary, following consultation with the Resources Regulator. Any decision by the Planning Secretary shall be final.</p>	No.																																				
Condition 22C, Schedule 4	<p>The Applicant must prepare an Extraction Plan for the second workings within each seam to be mined to the satisfaction of the Secretary. Each Extraction Plan must:</p> <ol style="list-style-type: none"> be prepared by a team of suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; be approved by the Secretary before the Applicant carries out any of the second workings covered by the plan; include detailed plans of the proposed first and second workings and any associated surface development; include detailed performance indicators for each of the performance measures in Tables 14A and 14E; provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this consent; describe the measures that would be implemented to ensure compliance with the performance measures in Tables 14A and 14B, and manage or remediate any impacts and/or environmental consequences; include the following to the satisfaction of DRG: 	Condition B7, Schedule 2	<p>The Applicant must prepare an Extraction Plan for all second workings on the site to the satisfaction of the Planning Secretary. Each Extraction Plan must:</p> <ol style="list-style-type: none"> be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; include detailed plans of existing and proposed first and second workings and any associated surface development; provide updated predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent; describe in detail the performance criteria to be implemented to ensure compliance with the performance measures in Table 1 and Table 2, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in condition B104, including: <ol style="list-style-type: none"> a trigger action response plan to identify risks and specific follow up actions to avoid exceedances of the performance measures; and 	No.																																				

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	<ul style="list-style-type: none"> a coal resource recovery plan that demonstrates effective recovery of the available resource; a subsidence monitoring program to: <ul style="list-style-type: none"> provide data to assist with the management of the risks associated with subsidence; validate the subsidence predictions; and analyse the relationship between the subsidence effects and impacts under the plan and any ensuing environmental consequences; a Built Features Management Plan to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings, and which: <ul style="list-style-type: none"> addresses in appropriate detail all items of public infrastructure and all classes of other built features; and has been prepared following appropriate consultation with the owner/s of potentially affected features/s; a Public Safety Management Plan to ensure public safety in the mining area; and appropriate revisions to the Rehabilitation Management Plan required under condition 94C; and <p>(h) include a:</p> <ul style="list-style-type: none"> Water Management Plan, which has been prepared in consultation with EPA and CLWD, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on surface water resources, groundwater resources and flooding, and which includes: <ul style="list-style-type: none"> surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; a program to monitor and report groundwater inflows to underground workings; and a program to manage and monitor impacts on groundwater bores on privately-owned land; Biodiversity Management Plan, which has been prepared in consultation with the OEH, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on flora and fauna; Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general; Heritage Management Plan, which has been prepared in consultation with OEH and relevant stakeholders for Aboriginal and non-Aboriginal heritage, to manage the potential environmental consequences of the proposed second workings on heritage sites or values; and <p>(i) include a program to collect sufficient baseline data for future Extraction Plans.</p> <p>The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p> <p>Notes:</p> <ol style="list-style-type: none"> An SMP approved by DRG prior to 30 July 2011 is taken to satisfy the requirements of this condition for the workings covered by this plan. Management plans prepared under condition 22C(h) should address all potential impacts of proposed underground coal extraction on the relevant features. Other similar management plans required under this consent (eg under conditions 30 - 35 and 44 - 48) are not required to duplicate these plans or to otherwise address the impacts associated with underground coal extraction. 		<ul style="list-style-type: none"> (ii) a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of the performance measures, or where any such exceedance appears likely; <p>(e) include the following to the satisfaction of the Resources Regulator (or DRG, as the case may require):</p> <ul style="list-style-type: none"> (i) a coal resource recovery plan that demonstrates effective recovery of the available resource; (ii) a Subsidence Monitoring Program to: <ul style="list-style-type: none"> provide data to assist with the management of the risks associated with subsidence (conventional and non-conventional); validate the subsidence predictions; and analyse the relationship between the subsidence effects and impacts under the plan against those predicted and any ensuing environmental consequences; (iii) a Built Features Management Plan to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings on built features, and which: <ul style="list-style-type: none"> addresses, in appropriate detail, all items of public infrastructure and all classes of other built features; and has been prepared following appropriate consultation with the owner/s of potentially affected features/s; (iv) a Public Safety Management Plan to ensure public safety in the mining area; and (v) appropriate revisions to the Rehabilitation Management Plan required under condition B107; and <p>(f) include a:</p> <ul style="list-style-type: none"> (i) Water Management Plan, which has been prepared in consultation with EPA, DPIE Water and NRAR, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on surface water resources, groundwater resources and flooding, and which includes: <ul style="list-style-type: none"> surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources (level, yield and quality); a program to monitor and report on compliance with the surface and groundwater impact assessment criteria; a program to monitor and report on groundwater inflows to underground workings; and a program to manage and monitor impacts on privately-owned licensed bores; (ii) Biodiversity Management Plan, which has been prepared in consultation with BCD, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs and groundwater dependent ecosystems; (iii) Land Management Plan, which has been prepared in consultation with any affected public authorities, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on land in general, with a specific focus on cliffs, minor cliffs, rock face features, steep slopes and agricultural enterprises; (iv) Heritage Management Plan, which has been prepared in consultation with BCD and relevant stakeholders for Aboriginal and non-Aboriginal heritage, to manage the potential impacts and/or environmental consequences of the proposed second workings on heritage items; and <p>(g) include a program to collect sufficient baseline data for future Extraction Plans.</p>	
Condition B8, Schedule 2		Condition B8, Schedule 2	The Applicant must not undertake second workings until the applicable Extraction Plan is approved by the Planning Secretary.	
Condition B9, Schedule 2		Condition B9, Schedule 2	The Applicant must implement the Extraction Plan as approved by the Planning Secretary.	
Condition B10, Schedule 2		Condition B10, Schedule 2	Conditions B7 to B9 do not apply to first or second workings which are covered by an Extraction Plan or Subsidence Management Plan approved, or submitted for approval, as at the date of determination of Modification 16.	
Condition 22D, Schedule 4	<p>The Applicant must ensure that the management plans required under condition 22C(h) above include:</p> <ul style="list-style-type: none"> (a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this consent; (b) a detailed description of the measures that would be implemented to remediate predicted impacts; and (c) a contingency plan that expressly provides for adaptive management. 	Condition B7, Schedule 2	See above.	No.
Condition 22E, Schedule 4	<p>The Applicant may carry out first workings within the underground mining area, other than in accordance with an approved extraction plan, provided that DRG is satisfied that the first workings are designed to remain stable and non-subsiding in the long term, except insofar as they may be impacted by approved second workings.</p> <p>Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts.</p>	Condition B6, Schedule 2	<p>The Applicant may carry out first workings within the underground mining areas of the approved mine plan, other than in accordance with an approved Extraction Plan, provided that the Resources Regulator is satisfied that the first workings are designed to remain stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings.</p> <p>Note: The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible direct subsidence impacts.</p>	No.
Condition 22F, Schedule 4	The Applicant must pay all reasonable costs incurred by the Department to engage independent experts to review the adequacy of any aspect of an Extraction Plan.	Condition B11, Schedule 2	The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.	No.
Condition 22G, Schedule 4	Within 6 months of this consent commencing, the Applicant must prepare a Life of Mine Rejects Emplacement Strategy for the development, to the satisfaction of DRG.			No.
Condition 23, Schedule 4	<p>The Applicant must 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.</p> <p>Note: The Applicant is required to obtain necessary licences for the development under the Water Act 1912 and Water Management Act 2000</p>	Condition B52, Schedule 2 Condition B53, Schedule 2	<p>The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.</p> <p>The Applicant must report on water extracted or discharged from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.</p> <p>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.</p>	No.

Previous Condition Number(s)	Text from December 2017 Development Consent	New Condition Number(s)	Text from August 2019 Development Consent	Material Change in Relation to EPBC Approvals?																				
Condition 23A, Schedule 4	Except as may be expressly provided by an EPA licence, the Applicant must comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> during the carrying out of the development.	Condition B54, Schedule 2	Except as may be expressly provided by an EPL, the Applicant must comply with section 120 of the POEO Act while carrying out the development.	No.																				
Condition 24, Schedule 4	<p>Except as may be expressly provided by an EPA licence or the <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i>, the Applicant must:</p> <p>(a) not discharge more than 250 ML/day from the licenced discharge point/s at the development;</p> <p>(b) ensure that the discharges from any licenced discharge point comply with the limits in Table 15:</p> <table border="1"> <caption>Table 15: Discharge Limits</caption> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>pH</td> <td>pH</td> <td>6.5 to 9.5</td> </tr> <tr> <td>Total suspended solids</td> <td>mg/litre</td> <td>120</td> </tr> </tbody> </table> <p>Note: This condition does not authorise the pollution of water by any other pollutants.</p>	Pollutant	Units of measure	100 percentile concentration limit	pH	pH	6.5 to 9.5	Total suspended solids	mg/litre	120	<p>Condition B55, Schedule 2</p> <p>Except as may be expressly provided by an EPL or the <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i>, the Applicant must:</p> <p>(a) not discharge more than 250 ML/day in total from the licenced discharge point/s at the development; and</p> <p>(b) ensure that the discharges from licenced discharge point/s comply with the limits in Table 7.</p> <table border="1"> <caption>Table 7: Discharge Limits</caption> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>pH</td> <td>pH</td> <td>6.5 to 9.5</td> </tr> <tr> <td>Total suspended solids</td> <td>mg/litre</td> <td>120</td> </tr> </tbody> </table> <p>Note: This condition does not authorise the pollution of water by any other pollutants.</p>	Pollutant	Units of measure	100 percentile concentration limit	pH	pH	6.5 to 9.5	Total suspended solids	mg/litre	120	No.			
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Condition 25, Schedule 4	<p>³Each year, the Applicant must:</p> <p>(a) review the site water balance for the development against the predictions in the EIS;</p> <p>(b) re-calculate the site water balance for the development;</p> <p>(c) assess current and forecast compliance with the rules of the Hunter River Salinity Trading Scheme; and</p> <p>(d) report the results in the Annual Review.</p> <p>³ These calculations must exclude the clean water system, including any sediment control structures, and any dams in the mine lease area which fall under the Maximum Harvestable Right Dam Capacity, include any dams that are licensable under Section 205 of the Water Act 1912, and water harvested from any non-harvestable rights/dam on the mine lease area, address balances of inflows, licenced water extractions, and transfers of water from the site to other sites, include an accounting system for water budgets, and include a salt budget.</p>	Condition B66, Schedule 2	See below.	No.																				
Condition 26, Schedule 4	The Applicant must 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 DRG, CLWD and to the satisfaction of the Secretary.	Condition B62, Schedule 2	The Applicant must ensure that the development complies with the performance measures in Table 8.	No.																				
Condition 27, Schedule 4	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 must submit an as-executed report certified by a practising registered engineer, to the Secretary.		<table border="1"> <caption>Table 3: Water Management Performance Measures</caption> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td>Water management – general</td> <td> <ul style="list-style-type: none"> Maintain separation between clean, dirty and mine water Minimise the use of clean and potable water Maximise water recycling, reuse and sharing opportunities Minimise the use of make-up water from external sources Design, install, operate and maintain water management infrastructure in a proper and efficient manner </td> </tr> <tr> <td>Alluvial aquifers (including Wollombi Brook alluvium and excluding the North Wambo Creek alluvium)</td> <td> <ul style="list-style-type: none"> Negligible impacts beyond those predicted in the documents listed in condition A2(c), including: <ul style="list-style-type: none"> negligible change in groundwater levels; negligible change in groundwater quality; and negligible impact to other groundwater users </td> </tr> <tr> <td>Erosion and sediment control works</td> <td> <ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC, 2008)</i> Design, install and maintain any infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterford Land (DPI Water, 2011)</i> Design, install and maintain any creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)</i> </td> </tr> <tr> <td>Clean water diversions and storage infrastructure</td> <td> <ul style="list-style-type: none"> Design, install and maintain the clean water system to capture and convey the 100 year A.R. flood event Maximise, as far as reasonable, the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site </td> </tr> <tr> <td>Sediment dams</td> <td> <ul style="list-style-type: none"> Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004) and 2E Mines and Quarries (DECC, 2008)</i> and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i> </td> </tr> <tr> <td>Above-ground mine water storages</td> <td> <ul style="list-style-type: none"> Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water </td> </tr> <tr> <td>Prescribed dams under the Dams Safety Act 1978 or Dams Safety Act 2015 (including South Wambo Dam)</td> <td> <ul style="list-style-type: none"> Design, constructed and operated to the satisfaction of DSC Drained prior to the commencement of secondary workings in underlying longwalls, to the satisfaction of DSC </td> </tr> <tr> <td>Tailings storages</td> <td> <ul style="list-style-type: none"> Design and maintain tailings storage areas to encapsulate and prevent the release of tailings seepage/leachate </td> </tr> <tr> <td>Overburden emplacements</td> <td> <ul style="list-style-type: none"> Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material Design, install and maintain out-of-pit emplacements to prevent and/or manage long term saline seepage </td> </tr> </tbody> </table>	Feature	Performance Measures	Water management – general	<ul style="list-style-type: none"> Maintain separation between clean, dirty and mine water Minimise the use of clean and potable water Maximise water recycling, reuse and sharing opportunities Minimise the use of make-up water from external sources Design, install, operate and maintain water management infrastructure in a proper and efficient manner 	Alluvial aquifers (including Wollombi Brook alluvium and excluding the North Wambo Creek alluvium)	<ul style="list-style-type: none"> Negligible impacts beyond those predicted in the documents listed in condition A2(c), including: <ul style="list-style-type: none"> negligible change in groundwater levels; negligible change in groundwater quality; and negligible impact to other groundwater users 	Erosion and sediment control works	<ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC, 2008)</i> Design, install and maintain any infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterford Land (DPI Water, 2011)</i> Design, install and maintain any creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013) and <i>Why Do Fish Need To Cross The Road? 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Condition 28, Schedule 4	Prior to destroying the original creek line by open cut mining, the Applicant must 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 DRG and the Secretary.																							
Condition 28A, Schedule 4	Deleted.																							
Condition 28B, Schedule 4	The Applicant must design, construct and operate the South Wambo Dam to the satisfaction of the DSC and DRG. 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.																							
Condition 28C, Schedule 4	The South Wambo Dam must be drained prior to the commencement of mining in the underlying longwalls to the satisfaction of DSC to minimise the risk of operational or environmental impacts from subsidence.																							

Previous Condition Number(s)	Text from December 2017 Development Consent	New Condition Number(s)	Text from August 2019 Development Consent	Material Change in Relation to EPBC Approvals?						
			<table border="1"> <tr> <td data-bbox="1245 172 1453 207">Chemical and hydrocarbon storage</td> <td data-bbox="1460 172 2025 207"> <ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard </td> </tr> <tr> <td data-bbox="1245 212 1453 310">Creek diversion and restoration works (including the North Wambo Creek Diversion)</td> <td data-bbox="1460 212 2025 310"> <ul style="list-style-type: none"> Diverted creek lines to be hydraulically and geomorphologically stable in the long-term Incorporate erosion control measures based on vegetation and engineering revelements Incorporate persistent/permanent pools for aquatic habitat Revegetate with suitable native species </td> </tr> <tr> <td data-bbox="1245 315 1453 435">Aquatic, riparian and groundwater dependent ecosystems</td> <td data-bbox="1460 315 2025 435"> <ul style="list-style-type: none"> Negligible environmental consequences beyond those predicted in the documents listed in condition A2(c) Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC & ARMCANZ, 2000) and Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC, 2005) </td> </tr> </table>	Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard 	Creek diversion and restoration works (including the North Wambo Creek Diversion)	<ul style="list-style-type: none"> Diverted creek lines to be hydraulically and geomorphologically stable in the long-term Incorporate erosion control measures based on vegetation and engineering revelements Incorporate persistent/permanent pools for aquatic habitat Revegetate with suitable native species 	Aquatic, riparian and groundwater dependent ecosystems	<ul style="list-style-type: none"> Negligible environmental consequences beyond those predicted in the documents listed in condition A2(c) Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC & ARMCANZ, 2000) and Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC, 2005) 	
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Aquatic, riparian and groundwater dependent ecosystems	<ul style="list-style-type: none"> Negligible environmental consequences beyond those predicted in the documents listed in condition A2(c) Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC & ARMCANZ, 2000) and Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC, 2005) 									
Condition 29, Schedule 4	<p>The Applicant must:</p> <p>(a) measure:</p> <ul style="list-style-type: none"> the volume of water discharged from the site; water use on the site; dam and water structure storage levels; water transfers across the site; and water transfers between the site and surrounding mines; <p>(b) monitor the quality of the surface water:</p> <ul style="list-style-type: none"> discharged from the licenced discharge point/s at the development; and upstream and downstream of the development; <p>(c) monitor flows in the Wollombi Brook; and North Wambo, South Wambo, and Stony Creeks;</p> <p>(d) monitor the volume and quality of water inflows from each separate source to the underground and open cut workings; and</p> <p>(e) monitor regional ground water levels and quality in the alluvial and overburden aquifers during the development and at least 10 years after mining; and</p> <p>(f) periodically assess groundwater pressure response in the coal measures; to the satisfaction of EPA, CLWD and the Secretary.</p>	Condition B66, Schedule 2	<p>The performance measures in Table 8 do not apply to water management structures constructed prior to the approval of Modification 16.</p> <p>The Applicant must prepare a Water Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with DPIE Water and the EPA;</p> <p>(c) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 8);</p> <p>(d) include a:</p> <p>(i) Site Water Balance that includes details of:</p> <ul style="list-style-type: none"> predicted annual inflows and outflows on the site; sources and security of water supply for the life of the development (including authorised entitlements and licences); water storage capacity; water use and management on the site, including any water transfers or water sharing with neighbouring mines; licensed discharge points and limits; and reporting procedures, including the annual preparation of an updated site water balance; <p>(ii) Salt Balance that includes details of:</p> <ul style="list-style-type: none"> sources of saline material on the site; saline material and saline water management on the site; measures to minimise discharge of saline water from the site; and reporting procedures, including the annual preparation of an updated salt balance; <p>(iii) Erosion and Sediment Control Plan that:</p> <ul style="list-style-type: none"> is consistent with the requirements of Managing Urban Stormwater: Soils and Construction - Volume 1; Blue Book (Landcom, 2004) and Volume 2E: Mines and Quarries (DECC, 2008); identifies activities that could cause soil erosion, generate sediment or affect flooding; describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk; describes the location, function, and capacity of permanent erosion and sediment control structures and flood management structures; and describes what measures would be implemented to maintain (and if necessary decommission) the structures over time; <p>(iv) Surface Water Management Plan that includes:</p> <ul style="list-style-type: none"> detailed baseline data of surface water flows and quality of watercourses and/or waterbodies potentially impacted by the development, including: <ul style="list-style-type: none"> stream and riparian vegetation health; channel stability (geomorphology); and water supply for other surface water users; a detailed description of the surface water management system; detailed plans, design objectives and performance criteria for water infrastructure, including: <ul style="list-style-type: none"> any approved creek diversions or restoration works associated with the development; water run-off diversions and catch drains; water storages and sediment dams; emplacement areas and tailings storages; and reinstated drainage networks on rehabilitated areas of the site; detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts associated with the development, on: <ul style="list-style-type: none"> downstream surface water flows and quality (including Wollombi Brook, North Wambo, South Wambo, and 	No. Previous conditions relating to monitoring, managing and reporting on surface water and groundwater have generally been combined and rationalised into Condition B62, Schedule 2 (see above) and Condition B66, Schedule 2. The proposed variation includes reference to these two new conditions.						
Condition 30, Schedule 4	<p>Before carrying out any development, the Applicant must prepare a Site Water Management Plan for the development in consultation with DRG and CLWD, and to the satisfaction of the Secretary. This plan must include:</p> <p>(a) the predicted site water balance;</p> <p>(b) the predicted salt balance for the site;</p> <p>(c) the North Wambo Creek Diversion Plan;</p> <p>(d) an Erosion and Sediment Control Plan;</p> <p>(e) a Surface Water Monitoring Program;</p> <p>(f) a Ground Water Monitoring Program;</p> <p>(g) a Surface and Ground Water Response Plan; and</p> <p>(h) a strategy for the decommissioning water management structures on the site.</p> <p>By the end of October 2009, the Applicant must revise the Site Water Management Plan in consultation with DRG, EPA and CLWD, and to the satisfaction of the Secretary.</p> <p>The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p> <p>Note: The North Wambo Creek Diversion Plan must also be prepared in consultation with NSW Fisheries.</p>									
Condition 30A, Schedule 4	<p>The predicted salt balance for the site must:</p> <p>(a) include details of:</p> <ul style="list-style-type: none"> 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 <p>(b) describe the measures that would be implemented to minimise short term and long term discharge of saline water from the site.</p>									
Condition 31, Schedule 4	<p>The North Wambo Creek Diversion Plan must include:</p> <p>(a) the detailed design and specifications of the creek diversion, including the flow control bund, cut off wall, and channel;</p> <p>(b) a revegetation program for the channel using a range of suitable native riparian and floodplain species;</p> <p>(c) the detailed design of the system that would return intercepted ground water to the alluvial aquifer downstream of the open cut;</p> <p>(d) a construction program for the creek diversion, describing how the work would be staged, and progressively integrated with the mining operations and the mine waste emplacement drainage system;</p> <p>(e) water quality, ecological and geomorphic performance criteria for the creek diversion;</p>									

Previous Condition Number(s)	Text from December 2017 Development Consent	New Condition Number(s)	Text from August 2019 Development Consent	Material Change in Relation to EPBC Approvals?
	<p>(f) a program to monitor water quality, ecological, and geomorphic integrity of the creek diversion; and</p> <p>(g) a program to inspect and maintain the creek diversion and revegetation works during the development.</p> <p>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.</p>		<p>Stony Creeks);</p> <ul style="list-style-type: none"> - channel stability; - stream and riparian vegetation health; - water supply for other water users; and - post-mining water pollution from rehabilitated areas of the site; <ul style="list-style-type: none"> • a program to monitor: <ul style="list-style-type: none"> - compliance with the relevant performance measures listed in Table 8 and the performance criteria established above; - controlled and uncontrolled discharges and seepage/leachate from the site; - impacts on water supply for other water users; - surface water inflows, outflows and storage volumes to inform the Site Water Balance; and - the effectiveness of the surface water management system and the measures within the Erosion and Sediment Control Plan; • reporting procedures for the results of the monitoring program; and • a plan to respond to any exceedances of the surface water performance measures or performance criteria, and repair, mitigate, compensate and/or offset any adverse surface water impacts of the development; <p>(v) Groundwater Management Plan which is consistent with Groundwater Monitoring and Modelling Plans – Introduction for prospective mining and petroleum activities (DPI Water, 2014) and includes:</p> <ul style="list-style-type: none"> • detailed baseline data of groundwater levels, yield and quality for groundwater resources and groundwater dependent ecosystems potentially impacted by the development, including groundwater supply for other water users; • a detailed description of the groundwater management system; • groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on: <ul style="list-style-type: none"> - regional and local aquifers (alluvial and hardrock); - groundwater supply for other water users such as privately-owned licensed groundwater bores; and - groundwater dependent ecosystems. • a program to monitor and evaluate: <ul style="list-style-type: none"> - compliance with the relevant performance measures listed in Table 8, and the performance criteria established above, including monitoring of regional groundwater levels and quality during the life of the development and at least 10 years post-mining; - water loss/seepage from water storages into the groundwater system (particularly from South Wambo Dam and Monroe East Dam); - groundwater inflows, outflows and storage volumes to inform the Site Water Balance; - any hydraulic connectivity between the alluvial and hardrock aquifers; - impacts on groundwater dependent ecosystems; - impacts on groundwater supply for other water users; - the effectiveness of the groundwater management systems; and • reporting procedures for the results of the monitoring program; • a plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate, compensate and/or offset any adverse groundwater impacts of the development; and • a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and <p>(vi) a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition D10.</p>	
Condition 32, Schedule 4	<p>The Erosion and Sediment Control Plan must:</p> <p>(a) be consistent with the requirements of the Department of Housing's Managing Urban Stormwater, Soils and Construction manual;</p> <p>(b) identify activities that could cause soil erosion and generate sediment;</p> <p>(c) describe the location, function, and capacity of erosion and sediment control structures; and</p> <p>(d) describe measures to minimise soil erosion and the potential for the migration of sediments to downstream waters.</p>	Condition B67, Schedule 2 Condition B68, Schedule 2	<p>The Applicant must not commence Phase 2 until the Water Management Plan is approved by the Planning Secretary.</p> <p>The Applicant must implement the Water Management Plan as approved by the Planning Secretary.</p>	No.
Condition 33, Schedule 4	<p>⁶The Surface Water Monitoring Program must include:</p> <p>(a) detailed baseline data on surface water flows and quality in the Wollombi Brook, and North Wambo, South Wambo, and Stony Creeks;</p> <p>(b) surface water impact assessment criteria;</p> <p>(c) a detailed program to monitor surface water flows and quality in the Wollombi Brook; and North Wambo, South Wambo, and Stony Creeks;</p> <p>(d) a detailed program to monitor bank and bed stability in North Wambo, South Wambo, and Stony Creeks;</p> <p>(e) a detailed program to monitor the quantity and quality of the vegetation in the riparian zones adjacent to North Wambo, South Wambo, and Stony Creeks;</p> <p>(f) a program to monitor the effectiveness of the Erosion and Sediment Control Plan; and</p> <p>(g) a program to monitor the water quality of dam discharges from the site.</p>	Condition B66, Schedule 2	See above.	No. Previous conditions relating to monitoring, managing and reporting on surface water and groundwater have generally been combined and rationalised into Condition B62, Schedule 2 (see above) and

Previous Condition Number(s)	Text from December 2017 Development Consent	New Condition Number(s)	Text from August 2019 Development Consent	Material Change in Relation to EPBC Approvals?
Condition 33A, Schedule 4	<p>Within 3 months of the approval of Modification 17, or as otherwise agreed with the Secretary, the Applicant must, in consultation with CLWD, revise the Surface Water Monitoring Program to:</p> <ul style="list-style-type: none"> (a) include installation of an up-stream flow gauge site on North Wambo Creek; (b) complete a geomorphic context statement for North Wambo Creek; and (c) undertake a pre-subsidence survey and energy profile analysis, and develop pre-subsidence channel profiles for both cross sectional and long profiles. <p>Within 3 months of the approval of Modification 17, or as otherwise agreed with the Secretary, the Applicant must, in consultation with CLWD, revise the Surface Water Monitoring Program to:</p> <p>The Applicant must complete the installation of the flow gauge and the other actions required under this condition and implement a program to regularly monitor flows in North Wambo Creek within 12 months of the Secretary's approval of the revised Surface Water Monitoring Program.</p> <p>[†]incorporates EPA GTA</p>			Condition B66 (also above), Schedule 2. The proposed variation includes reference to these two new conditions.
Condition 34, Schedule 4	<p>The Ground Water Monitoring Program must include:</p> <ul style="list-style-type: none"> (a) detailed baseline data on ground water levels and quality, based on statistical analysis, to benchmark the pre-mining natural variation in groundwater levels and quality; (b) ground water impact assessment criteria; (c) a comprehensive and detailed program to monitor the volume and quality of ground water seeping into the open cut and underground mining workings; (d) a detailed program to monitor regional ground water levels and quality in the alluvial and overburden aquifers; and (e) a program to investigate and monitor potential water loss from the Chitter Dump Dam and South Wambo Dam, and Montrose East Dam, including potential migration of stored water toward Wollombi Brook. 			
Condition 34A, Schedule 4	<p>Prior to submitting the first Extraction Plan for the Longwall Domains, the Applicant must revise the Groundwater Monitoring Program to:</p> <ul style="list-style-type: none"> (a) include the installation of paired monitoring bores for the South Wambo Underground Mine, in consultation with CLWD, to assess potential fracture interconnections between surface water resources, alluvial and hardrock aquifers; and (b) provide detailed information on the groundwater levels within the alluvial and hardrock aquifers within the Longwall Domains. 			
Condition 34B, Schedule 4	<p>Within 3 months of the approval of Modification 17, or as otherwise agreed with the Secretary, the Applicant must revise the Ground Water Monitoring Program, in consultation with CLWD, to include the installation of:</p> <ul style="list-style-type: none"> (a) clustered monitoring bores for the South Bates Extension Area, located in proximity to the Hunter Lowland Redgum Forest along North Wambo Creek, and characterise the geological and hydrological systems in the vicinity of this vegetation community, including an assessment of the presence and extent of any shallow groundwater; and (b) monitoring vibrating wire piezometers, located above the South Bates Extension Area, both within and beyond the areas with potential for connective cracking. <p>The Applicant must complete the installation of the bores and piezometers required under this condition and establish a program to continually monitor them within 12 months of the Secretary's approval of the revised Ground Water Monitoring Program.</p>			
Condition 35, Schedule 4	<p>The Surface and Ground Water Response Plan must include:</p> <ul style="list-style-type: none"> (a) measures to mitigate any adverse impacts on existing water supply bores or wells, including trigger levels for the provision of suitable compensatory water supplies; (b) measures to mitigate the loss of surface water flows in the surface water streams or channel on the site; (c) deleted; (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, Wambo Creek and Stony Creek below the established performance criteria; (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; (i) 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; (j) the procedures that would be followed if any unforeseen impacts are detected during the development; and (k) response times for undertaking the above measures. 			
Condition 35A, Schedule 4	<p>The Applicant must take into account the results of data collected pursuant to the implementation of condition 29 and conditions 33 to 35 in any Extraction Plan for the South Bates Extension Area or the Longwall Domains.</p>			
Condition 36, Schedule 4	Deleted.			
Condition 36A, Schedule 4	<p>Within 12 months of the approval of Modification 17, or as otherwise agreed with the Secretary, the Applicant must commission and provide to the Secretary for approval, a Groundwater Dependent Ecosystem Study report. This study must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary; (b) be developed in consultation with CLWD; (c) adopt any available data collected from the revised Ground Water Monitoring Program; 	Condition B64, Schedule 2	<p>Within 12 months of the determination of Modification 17, or as otherwise agreed with the Planning Secretary, the Applicant must commission and provide to the Planning Secretary for approval, a Groundwater Dependent Ecosystem Study report. This study must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; (b) be developed in consultation with DPIE Water; 	No.

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	<p>(d) provide advice on the likely level of groundwater dependence of the vegetation in the South Bates Extension Area given current groundwater levels and expert knowledge of the vegetation communities in the region;</p> <p>(e) in the event it is considered that vegetation communities in the vicinity of the South Bates Extension Area are groundwater dependent (either entirely or partially), provide advice on the likelihood that subsidence associated with the South Bates Extension Area could cause adverse impacts and how any such impacts would manifest;</p> <p>(f) consider to what degree the cumulative impacts of adjacent mining operations may have already impacted groundwater dependent vegetation across the South Bates Extension Area;</p> <p>(g) provide any recommendations regarding the revised Ground Water Monitoring Program required under condition 34B, and in particular provide any recommendations that would assist in assessing the potential fracture interconnections between surface water resources and hard rock aquifers that may impact on groundwater dependent vegetation; and</p> <p>(h) include a management and/or remediation program that describes measures that could be implemented to ensure compliance with the performance measures in Table 14A for any groundwater dependent endangered ecological community.</p>		<p>(c) provide advice on the likely level of groundwater dependence of the vegetation in the South Bates Extension Area given current groundwater levels and expert knowledge of the vegetation communities in the region;</p> <p>(d) in the event it is considered that vegetation communities in the vicinity of the South Bates Extension Area are groundwater dependent (either entirely or partially), provide advice on the likelihood that subsidence associated with the South Bates Extension Area could cause adverse impacts and how any such impacts would manifest;</p> <p>(e) consider to what degree the cumulative impacts of adjacent mining operations may have already impacted groundwater dependent vegetation across the South Bates Extension Area;</p> <p>(f) provide any recommendations that would assist in assessing the potential fracture interconnections between surface water resources and hard rock aquifers that may impact on groundwater dependent vegetation; and</p> <p>(g) include a management and/or remediation program that describes measures that could be implemented to ensure compliance with the performance measures in Table 1 or Table 8 for any groundwater dependent endangered ecological community.</p>																																							
Condition 36B, Schedule 4	The Applicant must take into account the findings of the Groundwater Dependent Ecosystem Study and not less than 2 years of monitoring results obtained under condition 34B in the preparation of any Extraction Plan for Longwalls 23 – 25.	Condition B65, Schedule 2	The Applicant must take into account the findings of the Groundwater Dependent Ecosystem Study and not less than 2 years of monitoring results obtained under condition 37 in the preparation of any Extraction Plan for Longwalls 23 – 25.	No.																																						
Condition 37, Schedule 4	<p>Prior to seeking approval from the Department for an extraction plan in any coal seam not previously subject to second workings within the relevant longwall domain, unless the Secretary directs otherwise, the Applicant must commission a suitably qualified person, whose appointment has been approved by the Secretary, to conduct an independent audit of the subsidence, surface water, and ground water impacts of the development. This audit must:</p> <p>(a) review the monitoring data for the development;</p> <p>(b) identify any trends in the monitoring data;</p> <p>(c) examine the subsidence, surface water, and groundwater impacts of the development;</p> <p>(d) compare these impacts against the relevant impact assessment criteria and predictions in the EIS; and, if necessary;</p> <p>(e) recommend measures to reduce, mitigate, or remediate these impacts.</p>			<p>No.</p> <p>The audit requirements are now provided in Condition D11, Schedule 2 of the Development Consent (DA 305-7-2003), EPBC 2016/7816 and EPBC 2016/7636 both already contain audit conditions (Condition 7).</p>																																						
Condition 38, Schedule 4	<p>If the independent audit determines that the subsidence, surface water, and/or ground water impacts resulting from the underground mining operations are greater than those predicted in the EIS, the Applicant must:</p> <p>(a) assess the significance of these impacts;</p> <p>(b) investigate measures to minimise these impacts, including modifying subsequent mine plans;</p> <p>(c) describe what measures would be implemented to reduce, minimise, mitigate or remediate these impacts in the future; and</p> <p>(d) implement the measures as described in (c); to the satisfaction of the Secretary.</p>																																									
Condition 39, Schedule 4	<p>At the end of Year 7 of the development, or as directed otherwise by the Secretary, the Applicant must prepare a Final Void Management Plan for the development, in consultation with the DRG, the Secretary and Council, and to the satisfaction of the Secretary. This Plan must:</p> <p>(a) investigate options for the future use of the final void;</p> <p>(b) re-assess the potential groundwater impacts of the development; and</p> <p>(c) describe what actions and measures would be implemented to</p> <ul style="list-style-type: none"> • minimise any potential adverse impacts associated with the final void; and • manage, and monitor the potential impacts of, the final void over time. <p>The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p>																																									
Condition 40, Schedule 4	<p>Within the limits of current technology and best practice flora and fauna management, the Applicant must 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.</p> <p>Table 16: Biodiversity Offset Strategy</p> <table border="1" data-bbox="297 1074 1068 1334"> <thead> <tr> <th>Area</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>Remnant Woodland Enhancement Area A</td> <td>424 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area B</td> <td>454 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area C</td> <td>211 ha</td> </tr> <tr> <td>Open Cut Woodland Revegetation</td> <td>1,570 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area D</td> <td>46 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area D Extension</td> <td>2 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area E</td> <td>41.6 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area for the Wambo Coal Terminal</td> <td>As shown in Appendix 4</td> </tr> <tr> <td>Other Areas</td> <td>As identified under Condition 47(b) and/or as required under Condition 22</td> </tr> </tbody> </table> <p>Notes:</p> <p>(a) The areas specified in table 16 are shown in Appendix 4.</p> <p>(b) 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 Secretary, may vary depending on the shape of the final landform and the approved mine closure plan.</p> <p>(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 must be determined in consultation with</p>	Area	Size	Remnant Woodland Enhancement Area A	424 ha	Remnant Woodland Enhancement Area B	454 ha	Remnant Woodland Enhancement Area C	211 ha	Open Cut Woodland Revegetation	1,570 ha	Remnant Woodland Enhancement Area D	46 ha	Remnant Woodland Enhancement Area D Extension	2 ha	Remnant Woodland Enhancement Area E	41.6 ha	Remnant Woodland Enhancement Area for the Wambo Coal Terminal	As shown in Appendix 4	Other Areas	As identified under Condition 47(b) and/or as required under Condition 22	<p>Condition B69, Schedule 2</p> <p>Condition B70, Schedule 2</p> <p>Condition B71, Schedule 2</p>	<p>The Applicant must implement the Biodiversity Offset Strategy set out in Table 9 and shown in Appendix 6, to the satisfaction of the Planning Secretary.</p> <p>Table 9: Biodiversity Offset Strategy</p> <table border="1" data-bbox="1204 1042 1975 1265"> <thead> <tr> <th>Area</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>Remnant Woodland Enhancement Area A</td> <td>424 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area B</td> <td>454 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area C</td> <td>211 ha</td> </tr> <tr> <td>Open Cut Woodland Revegetation</td> <td>270 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area D</td> <td>46 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area D Extension</td> <td>2 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area E</td> <td>41.6 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area for the Wambo Coal Terminal</td> <td>As shown in Appendix 6</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> • The area of Open Woodland Revegetation in Table 5 was previously 1,570 hectares. Under EA (Mod 16) this obligation was reduced to 270 hectares, with the remaining area being taken up by SSD 7142. • Additional offsets may be required by the Planning Secretary under condition B3. <p>The land used to satisfy the requirement to establish Open Woodland Revegetation under condition 36B cannot be the same land as land used for Open Woodland Revegetation or Ecological Mining Rehabilitation under SSD 7142. If the United Wambo open cut coal mine does not proceed to Phase 2 (as defined within ISG 7142), then the Applicant must establish an additional 1,300 hectares of Open Woodland Revegetation, as otherwise required under SSD 7142.</p>	Area	Size	Remnant Woodland Enhancement Area A	424 ha	Remnant Woodland Enhancement Area B	454 ha	Remnant Woodland Enhancement Area C	211 ha	Open Cut Woodland Revegetation	270 ha	Remnant Woodland Enhancement Area D	46 ha	Remnant Woodland Enhancement Area D Extension	2 ha	Remnant Woodland Enhancement Area E	41.6 ha	Remnant Woodland Enhancement Area for the Wambo Coal Terminal	As shown in Appendix 6	No.
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	OEH and to the satisfaction of the Secretary.			
Condition 41, Schedule 4	By the end of December 2017, unless otherwise agreed by the Secretary, the Applicant must: (a) enter into a conservation agreement/s pursuant to section 69B of the National Parks and Wildlife Act 1974 covering all offset areas listed in Table 16 (see condition 40) and which records the Applicant's obligations under the conditions of this consent in relation to the management of these areas, and register the agreement/s pursuant to section 69F of the National Parks and Wildlife Act 1974; or (b) where OEH has advised in writing that it is of the view that any such offset area or part of such an area should not be subject to a conservation agreement for a period of time, then the Applicant must by the same date cause to be registered against the land title(s) of the area/s a public positive covenant and/or restriction on the use of the land, in favour of the Secretary, requiring the Applicant to implement and observe all obligations under the conditions of this consent in relation to the management of these areas. The conservation agreement or the public positive covenant and/or restriction on the use of land, as the case may be, must remain in force in perpetuity in relation to the area. 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.	Condition B72, Schedule 2	The Conservation Agreement/s made under section 69B of the <i>National Parks and Wildlife Act 1974</i> for the offset areas listed in Table 9 must remain in force in perpetuity.	No.
Condition 41A, Schedule 4	The Applicant must not undertake any mining operations (except approved underground mining operations) or other activities within the offset areas listed in Table 16, other than: (a) activities under an approved Biodiversity Management Plan, Flora & Fauna Management Plan or Heritage Management Plan; (b) environmental management, environmental monitoring or other monitoring required under this consent or under an approved management plan or monitoring program; and (c) rehabilitation activities under an approved Extraction Plan.	Condition B73, Schedule 2	The Applicant must not undertake any mining operations (except approved underground mining operations) or other activities within the offset areas listed in Table 9, other than: (a) environmental management, environmental monitoring or other monitoring required under this consent or under an approved management plan or monitoring program; (b) exploration and ancillary disturbance activities approved under a Biodiversity Management Plan or a Conservation Agreement; or (c) rehabilitation activities under an approved Extraction Plan.	No.
Condition 44, Schedule 4	Before carrying out any development, the Applicant must prepare a Flora and Fauna Management Plan for the development, in consultation with the Hunter Coalfield Flora and Fauna Advisory Committee (when established), and to the satisfaction of the Secretary. This plan must include: (a) a Vegetation Clearance Protocol; (b) a Threatened Species Management Protocol; (c) a Remnant Woodland Enhancement Program; (d) a Flora and Fauna Monitoring Program; (e) strategies to manage any subsidence impacts in the Remnant Woodland Enhancement Areas; (f) strategies to avoid clearing of Warkworth Sands Endangered Ecological Community and minimise the extent of clearing in other ecological communities for gas drainage infrastructure in the Remnant Woodland Enhancement Areas, to the satisfaction of the Secretary; (g) strategies for the minimisation of impacts of exploration activity in the Remnant Woodland Enhancement Areas; and (h) a description of who would be responsible for monitoring, reviewing, and implementing the plan. By the end of March 2013, the applicant must revise the Flora and Fauna Management Plan for the development to the satisfaction of the Secretary. The Applicant must implement the approved management plan as approved from time to time by the Secretary.	Condition B75, Schedule 2	The Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Planning Secretary. This plan must: (a) be prepared by a suitably qualified and experienced person/s; (b) be prepared in consultation with BCD; (c) describe the short, medium, and long term measures to be undertaken to manage vegetation and fauna habitat on the site and in the offset areas; (d) describe how biodiversity management would be integrated with similar measures within the Water Management Plan referred to in condition B65 and the Rehabilitation Management Plan referred to in condition B107; (e) describe the measures to be implemented within approved disturbance areas on the site to: (i) minimise the amount of clearing and employ temporary vegetation strategies (see condition B106); (ii) minimise impacts on fauna, including undertaking pre-clearance surveys; (iii) provide for the salvage, transplanting and/or propagation of any threatened flora found during pre-clearance surveys, in accordance with the Guidelines for the Translocation of Threatened Plants in Australia (Vallee et al., 2004); (iv) minimise impacts on fauna habitat features such as tree hollows and termite mounds where reasonable and feasible; and (v) maximise the salvage of resources, including bush rocks, tree hollows, fallen timber, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement; (f) describe the measures to be implemented on the site to: (i) enhance the quality of vegetation, vegetation connectivity and fauna habitat including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata; (ii) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows and promote the use of these introduced habitat features by threatened fauna species; (iii) manage any potential conflicts between these works and Aboriginal heritage values; and (iv) enhance riparian vegetation along the North Wambo Creek Diversion; (v) protect vegetation and fauna habitat outside of the approved disturbance areas; (vi) manage potential indirect impacts on threatened flora and fauna species; (vii) manage the collection and propagation of seed from the local area; (viii) control weeds, including measures to avoid and mitigate the spread of noxious weeds; (ix) control feral pests with consideration of actions identified in relevant threat abatement plans; (x) control erosion; (xi) manage any grazing and agriculture; (xii) control access to vegetated or revegetated areas; and (xiii) manage bushfire hazards; (g) describe the measures to manage the offset areas listed in Table 9 in accordance with any Conservation Agreement/s, including measures to: (i) enhance the quality of existing remnant vegetation; vegetation connectivity and fauna habitat; (ii) avoid clearing of Warkworth Sands EEC and minimise vegetation clearing generally for gas drainage infrastructure and exploration activities; (iii) control weeds and feral pests; and (iv) limit vehicular traffic; (h) include a seasonally-based program to monitor and report on: (i) the effectiveness of the above measures; (ii) quality of vegetation, vegetation connectivity and fauna habitat through assessment of landscape functionality, species diversity and abundance, vegetation dynamics and habitat complexity; and	No. Previous conditions relating to monitoring, managing and reporting on biodiversity outcomes have generally been combined and rationalised into Condition B75, Schedule 2. The proposed variation includes reference to this new condition.
Condition 45, Schedule 4	The Vegetation Clearance Protocol must include: (a) the delineation of areas of remnant vegetation to be cleared; (b) progressive clearing; (c) pre-clearance surveys; (d) identification of fauna management strategies; (e) collection of seed from the local area; (f) salvage and reuse of material from the site; and (g) control of weeds during clearing activities.			
Condition 46, Schedule 4	The key components of the Threatened Species Management Protocol must include: (a) observations/surveys for threatened species (facilitated by the vegetation clearance surveys and Flora and Fauna Monitoring Program); (b) consultation with regulatory authorities; and (c) threatened species management strategies and reporting.			
Condition 47, Schedule 4	The Remnant Woodland Enhancement Program must include: (a) a habitat assessment of all areas listed in Table 16, to obtain additional information on existing habitat resources and characteristics of each area; (b) investigation of other areas to be included in the Program, including the Acacia anuera Community (Community 15) and the Southern Area; (c) appropriate enhancement strategies to be implemented based on the habitat assessment including: • the fencing of remnants to exclude livestock; • control measures to minimise the occurrence of weeds; • control measures to minimise the occurrence of feral pests; • limiting vehicular traffic; • selective planting of native vegetation; and • the provision of roosting/nesting resources for fauna.			
Condition 48, Schedule 4	The Flora and Fauna Monitoring Program must include: (a) a program to monitor revegetation of disturbance areas including:			

Previous Condition Number(s)	Text from December 2017 Development Consent	New Condition Number(s)	Text from August 2019 Development Consent	Material Change in Relation to EPBC Approvals?												
	<ul style="list-style-type: none"> visual monitoring to determine the need for maintenance and/or contingency measures; and monitoring of the quality of rehabilitation using Ecosystem Function Analysis (or a similar systems based approach) through the assessment of landscape function, vegetation dynamics and habitat complexity; and <p>(b) a program to monitor the effectiveness of offset strategy in accordance with the description in Table 17.</p> <p>Table 17: Flora & Fauna Monitoring Program</p> <table border="1" data-bbox="312 304 1079 600"> <thead> <tr> <th>Monitoring Component</th> <th>Monitoring Description</th> </tr> </thead> <tbody> <tr> <td>Flora</td> <td>A number of permanent flora survey quadrats (of varying sizes to survey tree, shrubs and ground cover) should be established in woodland enhancement areas to obtain quantitative data on plant species diversity and abundance.</td> </tr> <tr> <td>Habitat Complexity</td> <td>Habitat complexity should be monitored using a number of permanent transects established within woodland enhancement areas. Habitat complexity parameters such as canopy cover, shrub cover, ground vegetation cover, the amount of litter, fallen logs and rocks should be surveyed.</td> </tr> <tr> <td>Terrestrial Fauna</td> <td>Terrestrial fauna surveys should be conducted to monitor the usage of enhancement areas by vertebrate fauna. Monitoring may include laune species diversity and abundance or, alternatively, the use of indicator species to measure the effectiveness of enhancement measures.</td> </tr> <tr> <td>Aquatic Fauna</td> <td>Freshwater macro-invertebrate monitoring, including an assessment of SIGNAL A values and water quality (e.g. temperature, pH, and salinity).</td> </tr> <tr> <td>Specific Enhancement Initiatives</td> <td>Monitoring of specific enhancement initiatives (e.g. the provision of nesting/roosting boxes, weed control or feral animal control).</td> </tr> </tbody> </table>	Monitoring Component	Monitoring Description	Flora	A number of permanent flora survey quadrats (of varying sizes to survey tree, shrubs and ground cover) should be established in woodland enhancement areas to obtain quantitative data on plant species diversity and abundance.	Habitat Complexity	Habitat complexity should be monitored using a number of permanent transects established within woodland enhancement areas. Habitat complexity parameters such as canopy cover, shrub cover, ground vegetation cover, the amount of litter, fallen logs and rocks should be surveyed.	Terrestrial Fauna	Terrestrial fauna surveys should be conducted to monitor the usage of enhancement areas by vertebrate fauna. Monitoring may include laune species diversity and abundance or, alternatively, the use of indicator species to measure the effectiveness of enhancement measures.	Aquatic Fauna	Freshwater macro-invertebrate monitoring, including an assessment of SIGNAL A values and water quality (e.g. temperature, pH, and salinity).	Specific Enhancement Initiatives	Monitoring of specific enhancement initiatives (e.g. the provision of nesting/roosting boxes, weed control or feral animal control).		<ul style="list-style-type: none"> improvements that could be implemented to improve biodiversity outcomes; <p>(i) identify the potential risks to the successful implementation of the Biodiversity/Offset Strategy, and include a description of the contingency measures to be implemented to mitigate against these risks; and</p> <p>(j) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>	
Monitoring Component	Monitoring Description															
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Condition 49, Schedule 4	<p>The Applicant must:</p> <p>(a) review the performance of the Flora and Fauna Management Plan annually, in consultation with the Hunter Coalfield Flora & Fauna Advisory Committee (when established); and</p> <p>(b) revise the document as necessary to take into account any recommendations from the annual review.</p>															
Condition 50, Schedule 4	<p>Within 5 years of the date of this consent, and every 5 years thereafter, unless the Secretary directs otherwise, the Applicant must commission, and pay the full cost of, an Independent Audit of the offset strategy. This audit must:</p> <p>(a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Secretary;</p> <p>(b) assess the performance of the offset strategy;</p> <p>(c) review the adequacy of the Flora & Fauna Management Plan; and, if necessary,</p> <p>(d) recommend actions or measures to improve the performance of the offset strategy, and the adequacy of the Flora & Fauna Management Plan.</p>	<p>Condition B76, Schedule 2</p> <p>Condition B77, Schedule 2</p>	<p>The Applicant must not commence Phase 2 until the Biodiversity Management Plan is approved by the Planning Secretary.</p> <p>The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.</p>													
Condition 5, Schedule 6	<p>By the end of March each year, the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> the relevant statutory requirements, limits or performance measures/criteria; the monitoring results of previous years; and the relevant predictions in the EIS; <p>(c) identify any non-compliance over the previous calendar year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.</p>	Condition D10, Schedule 2	<p>By the end of March each year or other timeframes agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:</p> <ul style="list-style-type: none"> relevant statutory requirements, limits or performance measures/criteria; requirements of any plan or program required under this consent; monitoring results of previous years; and relevant predictions in the documents listed in condition A2(c); <p>(c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid recurrence;</p> <p>(d) evaluate and report on:</p> <ul style="list-style-type: none"> the effectiveness of the noise and air quality management systems; and compliance with the performance measures, criteria and operating conditions in this consent; <p>(e) identify any trends in the monitoring data over the life of the development;</p> <p>(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.</p>	No.												
Condition 12, Schedule 6	<p>From the end of June 2011, the Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> the documents referred to in Condition 2 of Schedule 3; all current statutory consents for the development; all approved strategies, plans and programs required under the conditions of this consent; a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; a complaints register, updated on a monthly basis. 	Condition D15, Schedule 2	<p>Within three months of the determination of Modification 16, until the completion of all rehabilitation required under this consent, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:</p> <ul style="list-style-type: none"> the documents listed in condition A2(c); all current statutory approvals for the development; all approved strategies, plans and programs required under the conditions of this consent; detailed plans for the Phases of the development; minutes of CCC meetings; 	No.												

Previous Condition Number(s)	Text from December 2017 Development Consent	New Condition Number(s)	Text from August 2019 Development Consent	Material Change in Relation to EPBC Approvals?
	<ul style="list-style-type: none"> • minutes of CCC meetings; • the annual reviews of the development; • any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit; • any other matter required by the Secretary; and <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>		<ul style="list-style-type: none"> (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (viii) a summary of the current phase and progress of the development; (ix) contact details to enquire about the development or to make a complaint; (x) a complaints register, updated monthly; (xi) the Annual Reviews of the development; (xii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; and (xiii) any other matter required by the Planning Secretary; and <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	

s47F

From: Dobbins, Nicole <s47F>
Sent: Monday, 25 November 2019 1:59 PM
To: s22
Cc: Jaeger, Peter F
Subject: RE: Wambo Coal EPBC Approval Variation Request
Attachments: 2016-7816-20191114-variation-Notice of Variation of Conditions (comments).docx



Hi s22

Thank you for following up. Please find attached a tracked changes version of EPBC Approval 2016/7816 with one minor amendment. We had no comments on EPBC Approval 2016/7636.

We look forward to receiving formal approval at your convenience.

Thank you
Nicole

Nicole Dobbins
Senior Environmental Advisor
Contract
Peabody Australia
PMB 1, Singleton NSW 2330

s47F



From: s22
Sent: Friday, November 22, 2019 7:26 AM
To: Dobbins, Nicole ; Jaeger, Peter F
Subject: FW: Wambo Coal EPBC Approval Variation Request [SEC=OFFICIAL]

This Message originated from a Non-Peabody source

Hi

I am just following up my previous email.

Have you been able to review – if the notices are agreeable please advise me by return email, and I can then submit them for formal approval.

Regards

s22

Post Approvals Section
Department of the Environment and Energy

s22

From: s22
Sent: Thursday, 14 November 2019 9:29 AM
To: 'Dobbins, Nicole' <s47F>
Cc: Jaeger, Peter F <s47F>
Subject: RE: Wambo Coal EPBC Approval Variation Request [SEC=OFFICIAL]

Hi Nicole and Peter

Thanks for your prompt payment.

We have reviewed the variation request and drafted some variation notices (attached) for your perusal and agreement prior to submission to a delegate for formal approval.

Aside from your requested change, we have also suggested some changes to clarify standard requirements, improve consistency between the 2 conditions, update to our current standard, and correct a couple of minor errors.

I am happy to discuss the changes if you have any concerns.

Regards

s22

Post-Approvals Section
Department of the Environment and Energy

s22

From: Dobbins, Nicole [mailto:s47F]
Sent: Wednesday, 13 November 2019 3:35 PM

s22

Cc: Jaeger, Peter F <s47F> Post Approval <PostApproval@environment.gov.au>
Subject: RE: Wambo Coal EPBC Approval Variation Request [SEC=OFFICIAL]

Hi s22

Thank you for providing the Tax Invoices for our EPBC Approval variation. Both Invoices have now been paid. If you require anything further please get in touch.

Kind regards,
Nicole

From: Jaeger, Peter F <s47F>
Sent: Wednesday, November 13, 2019 9:02 AM
To: Dobbins, Nicole <s47F>
Subject: FW: Wambo Coal EPBC Approval Variation Request [SEC=OFFICIAL]

Peter Jaeger
Manager: Environment & Community
Wambo Coal
PMB 1 | Singleton, NSW 2330

s47F

Peabody

From: s22 >
Sent: 12 November 2019 13:32
To: Jaeger, Peter F s47F n>
Subject: FW: Wambo Coal EPBC Approval Variation Request [SEC=OFFICIAL]

****This Message originated from a Non-Peabody source****

Dear Mr Jaeger

I refer to your email of 31 October 2019.

As discussed with one of your colleagues last week, the 2 variations are subject to cost recovery policy.

I attach 2 invoices for your attention.

Please contact on the s22 if you wish to discuss these.

Regards

s22
Post Approvals Section
Department of the Environment and Energy

s22

From: Jaeger, Peter F [mailto:s47F]
Sent: Thursday, 31 October 2019 1:39 PM
To: Post Approval <PostApproval@environment.gov.au>
Subject: Wambo Coal EPBC Approval Variation Request

Good afternoon,

Please find attached correspondence from Wambo Coal Pty Ltd (WCPL) requesting a variation to EPBC Approval 2016/7816 and EPBC Approval 2016/7636.

WCPL is requesting the variation as both EPBC Approvals include references to conditions in the State Development Consent that are now out of date, due to a recent modification of the Development Consent.

If you require anything further let me know.

Regards,

Peter Jaeger
Manager: Environment & Community
Wambo Coal
PMB 1 | Singleton, NSW 2330

s47F