



WAMBO COAL

13 May 2009

RECEIVED

20 MAY 2009

Minister for Planning
c/- Director of Major Development Assessment
Department of Planning
The Western Gallery
Level 4, 23-33 Bridge Street
SYDNEY NSW 2000

Attention: Mr David Kitto

Dear David


RE: WAMBO COAL MINE – DEVELOPMENT CONSENT MODIFICATION APPLICATION

Please find attached Wambo Coal Pty Limited's (WCPL) application to modify the Wambo Coal Mine (WCM). The attached Statement of Environmental Effects for the South Wambo Dam includes information which describes how the WCM will remain substantially the same as the originally approved development.

WCPL requests that the Minister for Planning approve the proposed modification under Section 96(2) of the *Environmental Planning and Assessment Act, 1974*.

Please do not hesitate to contact the undersigned on (02) 6570 2361 if you should have any queries.

Yours faithfully,



MICHEAL ALEXANDER
Project Manager
Wambo Coal Pty Limited

Cc Belinda Parker

Application to modify a development consent



NSW GOVERNMENT
Department of Planning

Date duly made: 2010/5/10/9

DA modification no: DA 305-7-2003 MOD 8

1. Before you lodge

You can use this form to apply to modify a development consent given by the Minister of Planning. If the changes you propose mean the development will not be substantially the same as that originally approved, please do not use this form. You will need to submit a new development application.

Disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations

Lodgement

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to us. When your application has been assessed, you will receive a notice of determination.

To complete this form, please place a cross in the boxes and fill out the white sections as appropriate.

2. Details of the applicant

NAME

Mr Ms Mrs Dr Other

First name

Micheal

Family name

Alexander

Company/organisation

Wambo Coal Pty Limited

ABN

STREET ADDRESS

Unit/street no.

Street name

Jerry's Plains Road via

Suburb or town

Warkworth

State

NSW

Postcode

2330

POSTAL ADDRESS (or mark 'as above')

PMB 1

Suburb or town

Singleton

State

NSW

Postcode

2330

CONTACT DETAILS

Daytime telephone

(02) 6570 2361

Fax

(02) 6570 2390

Mobile

0400 801 716

Email

malexander@peabodyenergy.com.au

2. Identify the land

Unit/street no. (or lot no. for Kosciuszko ski resorts)

Street or property name

Suburb, town or locality

Refer to Figure 1 of the enclosed SEE.

Postcode

Local government area

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma eg 123/579, 162/2.

As detailed in DA 305-7-2003-i

(1) Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact Department of Lands for updated details.

(2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Describe what the original consent allows

Please refer to the enclosed SEE.

What is the development application no.?

DA 305-7-2003

What is the date of consent?

4/2/2004

What was the original estimated cost of development (including GST)?

5. Describe the modification you propose to make

Please indicate the type of modification you propose to make by placing a cross in the appropriate box below.

You need to submit with your application form a full description of the expected impacts of the modifications proposed, including relevant plans, drawings and compliance with relevant controls.

- A modification to correct a minor error, misdescription or miscalculation

Describe the error, misdescription or miscalculation

(Refer to section 96(1) of the *Environmental Planning and Assessment 1979* (EP&A) Act)

- A modification that will have minimal environmental impact

Describe the modification and its expected impact

(Refer to section 96(1A) of the EP&A Act)

Any other modification

Describe the modification and its expected impact
(Refer to section 96(2) of the EP&A Act)

Please refer to the enclosed SEE.

Will the modified development be substantially the same as the development that was originally approved?

No Please submit a new development application.

Yes Please provide evidence that the development will remain substantially the same.
(If you need to attach additional pages, please list below the material attached).

Please refer to the enclosed SEE.

If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

6. Number of jobs to be created

Please indicate the number of jobs this will create. This should be expressed as a proportion of full time jobs over a full year. (e.g. a person employed full-time for 6 months would equal 0.5 of a full-time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full-time for 2 weeks, which equals approximately 0.08 of an FTE job.)

Construction jobs (full-time equivalent)

12

Operation jobs (full-time equivalent)

0

7. Application fee

For development that involves a building or other work, the fee for your application is based on the estimated cost of the development.

Clause 258 of the Environmental Planning and Assessment Regulation 2000 and the table attached to that clause set out how to calculate the fee for an application for modification of a consent.

If your development needs to be advertised to the public you may also need to include an advertising fee. Clause 258 of the regulations includes details on these fees.

Note: Advertising fees attract GST, all other fees do not. Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

Total fees lodged

8. Political donation disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application or request.

Have you attached a disclosure statement to this application?

Yes

No

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

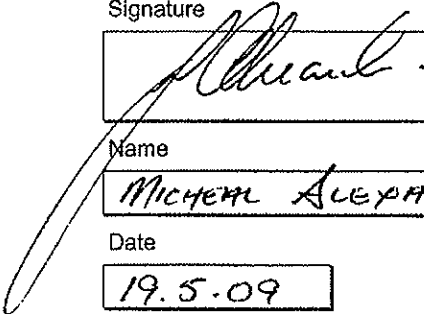
9. Signatures

The owner(s)* of the land being developed must sign the application.

If you are not the owner of the land, you must ask the owner(s) of the land to sign the application. If the land is Crown land, an officer of the Department of Planning must sign the application.

As the owner(s)* of the above property, I/we consent to this application:

Signature



Name

MICHAEL ALEXANDER

Date

19.5.09

Signature



Name

SCOTT SULLIVAN

Date

19/5/09

* Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than owner is required.

The applicant, or the applicant's agent, must sign the application.

Signature

Name, if you are not the applicant

Date

In what capacity are you signing if you are not the applicant?

10. Privacy policy

The information you provide in this application will enable us, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted. If your application is for designated development or advertised development, it will be available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise us of any changes.