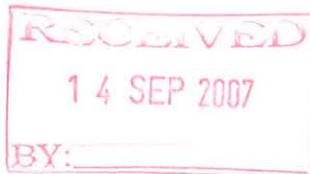




Our Reference: DA57/93 (AD373-06) JW

Tahmoor Coal
Po Box 100
TAHMOOR NSW 2573

8 June 2007



Dear Sir/Madam,

DEVELOPMENT CONSENT NO. DA57/93- MINING LEASE 1378- TAHMOOR NORTH COAL MINE

APPLICATION FOR MODIFICATION OF CONSENT NO. AD373-06 - SECTION 96AA ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 – CHANGE TO CONDITION 54

Reference is made to your application received 20 May 2006 seeking to modify the abovementioned Development Consent. In pursuance of it's power under the abovementioned Act, the Council, as the responsible authority, has granted approval of the abovementioned application, and has amended Development Consent No. DA57/93 as follows:

1. Condition 54 is amended to read as follows:

*"54 The Applicant shall not cause damage to any building or structure which is a Heritage Item without the prior approval of Council. The application for such approval shall include a detailed report assessing:
likely subsidence and the potential damage to the item arising from subsidence;
impacts of expected damage on the historical significance of the Item (prepared by a qualified heritage expert endorsed by Council); and
appropriate mitigation, management or restoration measures.*

Note: In this condition, "Heritage Item" means an item either listed in Schedule 1 of the Wollondilly Local Environmental Plan 1991 or identified in the Wollondilly Heritage Study 1993. The power for Council to issue an "approval" is established under this condition, and should not be read as establishing any requirement for the application for and grant of development consent under the Act.

When applying for the approval of Council under condition 27, the Applicant shall provide a copy of the application and detailed report to the owner or owners of affected buildings or structures and to the Community Consultative Committee."

2. All other conditions of Development Consent No. DA57/93 shall remain valid and applicable.

Should you wish to discuss Council's decision or the conditions imposed you may contact Council's Land Use Planning & Environment Division.

Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to lodge an appeal with the Land and Environment Court of New South Wales within twelve (12) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

Yours faithfully,



for

Michael Kelly

Supervisor – Development Assessment

LAND USE PLANNING AND ENVIRONMENT