

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, I modify the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.



David Kitto
Director, Mining & Industry Projects

Sydney **30 August** 2012

SCHEDULE 1

The project approval (10_0059) for the Werris Creek Extension Project, granted on 25 October 2011 by the A/Deputy Director-General, Development Assessment and Systems Performance.

SCHEDULE 2

1. Insert the following definitions in alphabetical order:

EA (MOD 1)	The Environmental Assessment for 10_0059 MOD 1, comprising the letters from Whitehaven Coal Limited to the Department dated 3 August 2012 and 27 August 2012
EPA	Environment Protection Authority
RMS	Roads and Maritime Services

2. Delete all references to "RTA" and replace with "RMS".
3. In condition 2 of schedule 2, delete all words after "commitments;" , and insert the following:
- (c) modification application 10_0059 – MOD 1 and EA (MOD 1); and
 - (d) the conditions of this approval.
4. In conditions 5, 12, 13, 16, 19, 20 and 23 of schedule 3, delete the reference to "OEH" and replace with "EPA".
5. After condition 23 of schedule 3, insert the following:
- Void Water Dam 1**
- 23a. Within 2 months of the completion of construction works for the expanded Void Water Dam 1, the Proponent shall submit a "works as-executed" report to the Director-General and EPA, certified by a practising engineer, confirming that the expanded dam has been constructed to its design specifications.
6. In condition 24 of schedule 3:
- delete "Additional Offset Area", and "The Additional Offset Area", and replace with "Greenslopes/Banool";
 - delete "218.66", and replace with "215.86";
 - delete "74", and replace with "123"; and
 - delete "1241.72", and replace with "1,287.92".
7. In condition 4(c) of schedule 5, delete "and" and replace with "or".

8. In Appendix 1, delete the Schedule of Land and insert the following:

Lot(s)	DP Number
19, 20, 65, 73-75, 83, 90, 92, 109, 110, 112, 120, 121, 123, 126-130, 131-135, 217, 225	751017
1-4	1022826
1-4	1037145
2	431951
1	186633
270	257307
2	1095262
1	344178
1	1114226
1	328762
1	328763
11-12	1160636
2	1085891

All Crown and public roads within the project boundary, as shown in Figure 1.

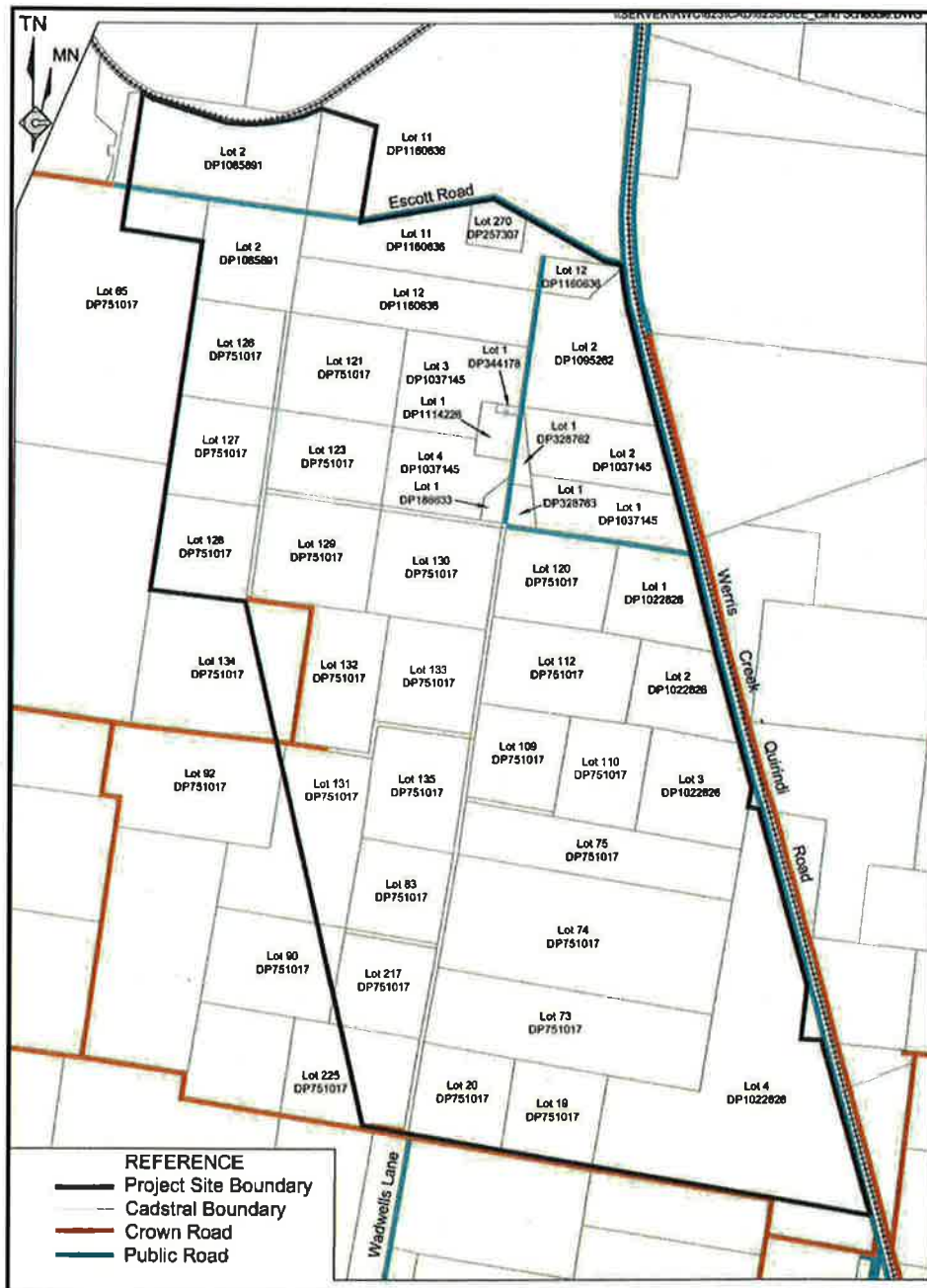


Figure 1: Schedule of Land

9. In Appendix 2, delete Figure 1 and replace with the following:

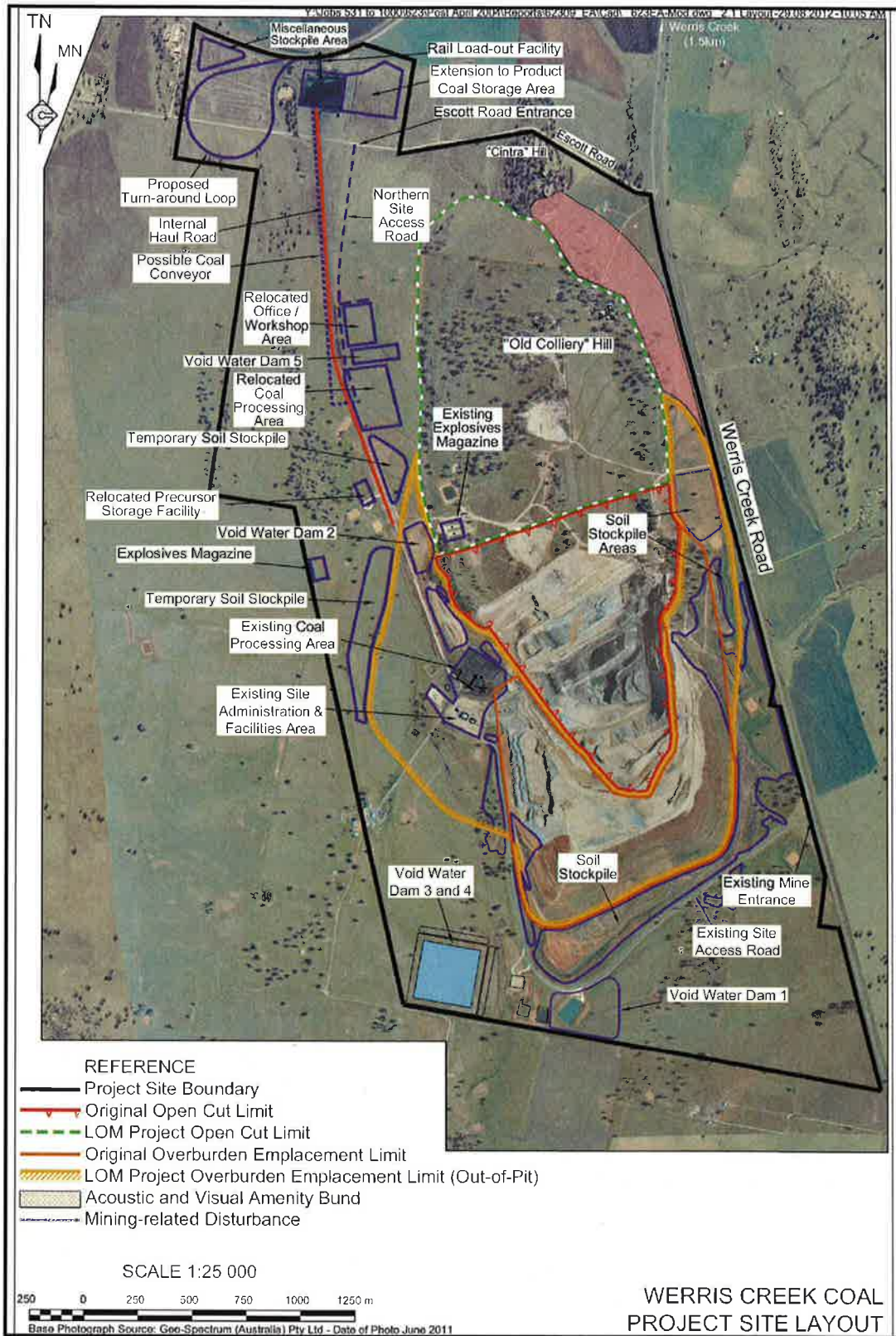


Figure 1: Project general arrangement

10. In Appendix 4, delete Figure 1, and replace with the following:

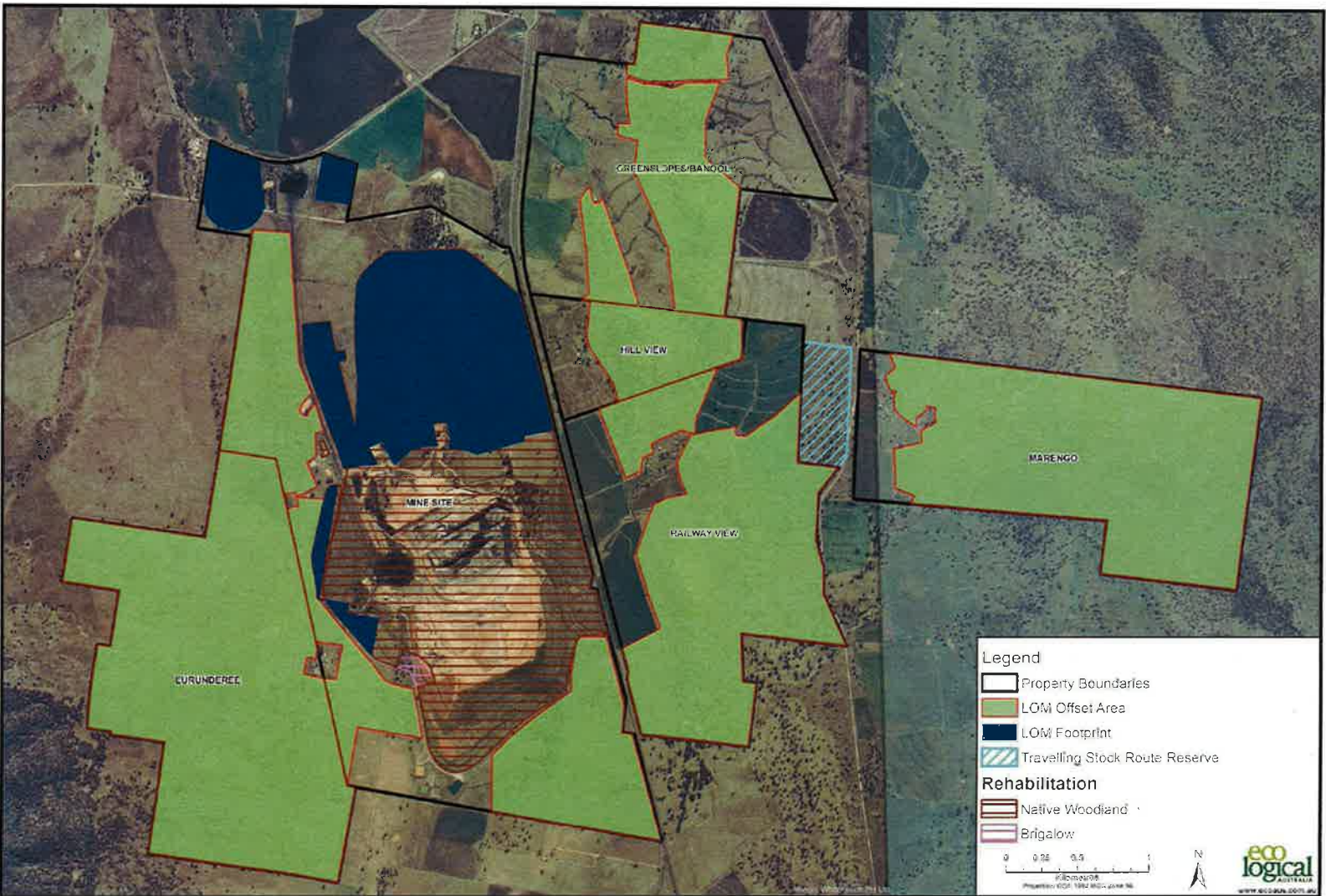


Figure 1: Modified Biodiversity Offset Strategy

11. In Appendix 5, delete Figures 1 and 2, and replace with the following:

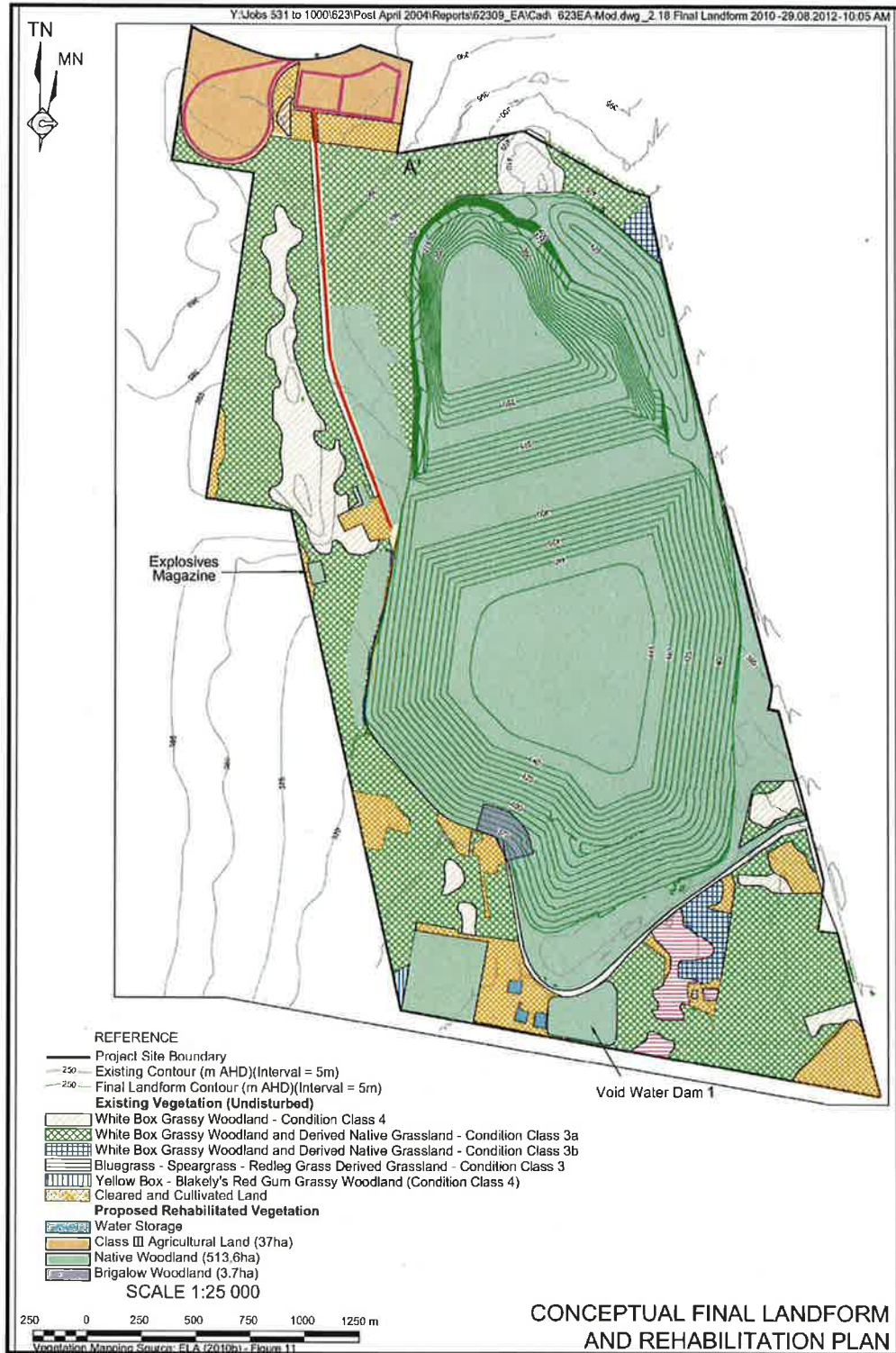


Figure 1: Conceptual Final Landform and Rehabilitation Plan