

ASSESSMENT REPORT

Werris Creek Coal Mine Modification

Emplacement Area, Dry Separation Plant & Void Water Irrigation (10_0059 MOD 2)

1 BACKGROUND

Werris Creek Coal Pty Limited (WCC), a wholly owned subsidiary of Whitehaven Coal Limited, owns and operates the open cut Werris Creek Coal Mine, located approximately 4 kilometres (km) south of Werris Creek in the Liverpool Plains Shire local government area (see Figure 1).

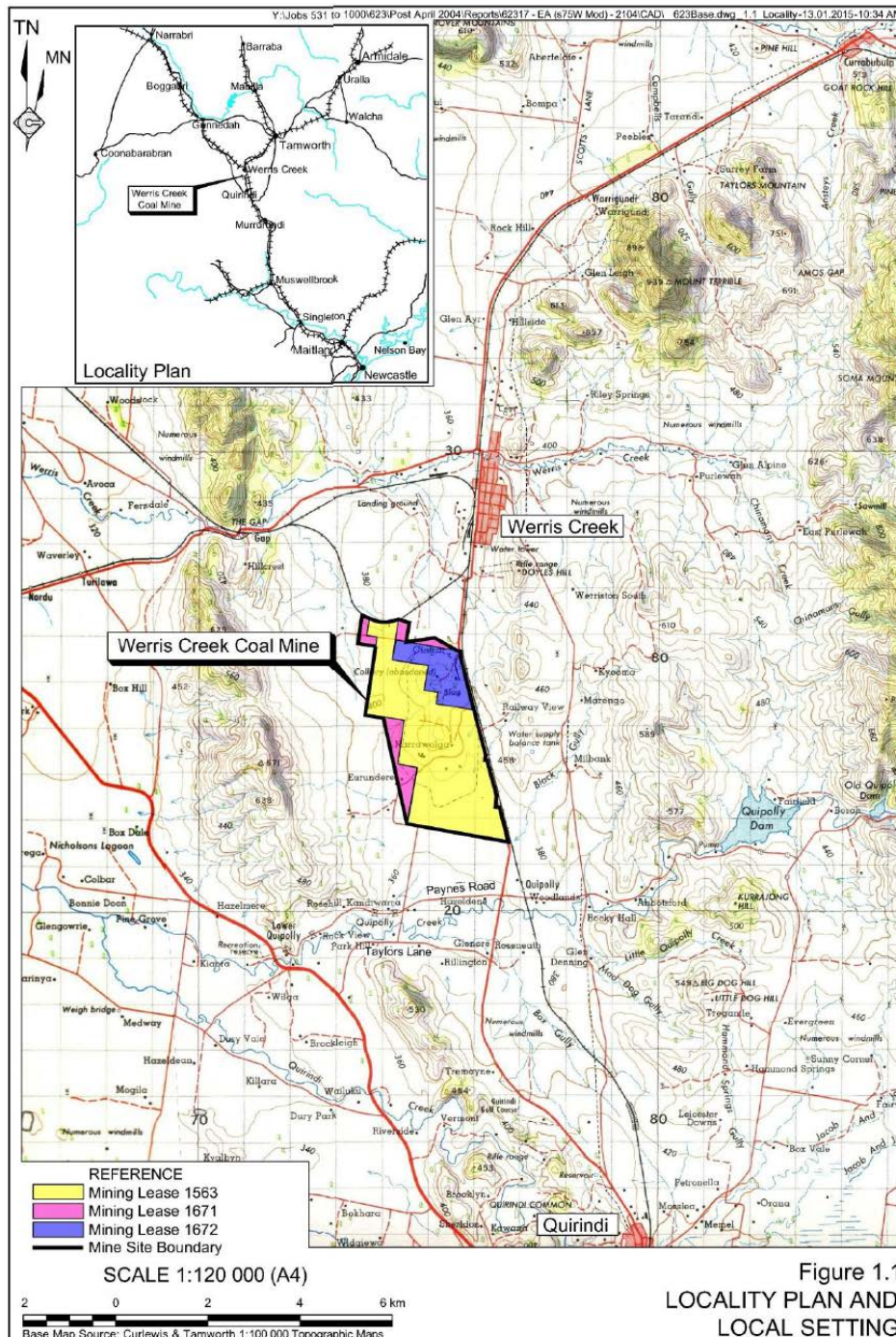


Figure 1: Regional context of the Werris Creek Coal Mine

Mining operations commenced in 2005, with the development of an open cut pit and various infrastructure areas, including those used for coal processing, rail loading and despatch, reject emplacement and water management. The mine provides employment for approximately 140 people.

The mine is surrounded by agricultural, rural-residential and conservation land uses. The closest urban settlement is the township of Werris Creek, located approximately 4 kilometres north of the mine.

WCC currently operates the mine under a project approval (MP 10_0059) granted in 2011 under delegation from the then Minister for Planning and Infrastructure. This approval has been modified on one previous occasion and allows:

- continuation and extension of mining operations until the end of December 2032;
- extraction of up to 2.5 million tonnes of Run-of-Mine (ROM) coal per annum;
- processing of coal using fixed and mobile crushers;
- transportation of up to 50,000 tonnes of coal by road to domestic markets; and
- transportation of coal by rail to domestic and export markets.

As part of this approval, WCC is permitted to develop out-of-pit and in-pit Overburden Emplacement areas. Figure 2 shows the approved layout of the mine, including the area approved for out-of-pit Overburden Emplacement (shown in purple). Once mining is complete, these two emplacement areas would combine to create one landform approved to a maximum height of 445 metres (m). The approved final landform is shown in Figure 3.

Mining is currently approaching the deepest sections of the open cut and is encountering historical underground workings associated with the former Werris Creek Colliery. These areas have produced lower than expected coal recovery and higher than expected overburden volumes (i.e the strip ratio is higher than expected).

Consequently, WCC requires additional overburden emplacement capacity to account for the increase in total overburden volume. Additionally, coal extracted from previously mined seams of the Werris Creek Colliery is lower quality than expected and requires additional processing prior to export.

WCC's approval also provides for various water management systems and infrastructure including a number of void water dams (see Figure 2). These dams provide temporary storage of void water (i.e. water that accumulates in the open cut pit) prior to use for dust suppression or evaporation if the water is not required. The void water dams are currently operating close to capacity and are predicted to exceed capacity under median and high rainfall scenarios. In these circumstances, WCC would be required to store up to 200 Megalitres (ML) of water in the open cut pit to avoid discharges from the site. This may temporarily limit access to the coal seams in the the lower sections of the of the pit.

2 PROPOSED MODIFICATION

WCC is proposing to further modify its project approval under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In summary, the proposed modification (10_0059 MOD 2) involves:

- extending the out-of-pit Overburden Emplacement Area to the west by approximately 6 hectares (ha);
- extending the 400 metre (m) to 445 m sections of the Overburden Emplacement Area to the north by approximately 250 m;
- constructing and operating a Dry Separation Plant to process up to 250,000 tonnes of ROM coal per annum;
- supplying surplus void water to surrounding land owners for irrigation and/or other agricultural uses; and
- minor modifications to the surface water management system.

Each aspect of the proposed modification is described in further detail below and in full in the Environmental Assessment (EA) submitted in support of the application (see Appendix C).

WCC also originally sought approval to increase the approved hours for domestic coal haulage. The Department and a number of government agencies raised concerns about this aspect of the modification. In response to these issues, WCC withdrew its proposal to increase off site haulage hours at the mine.

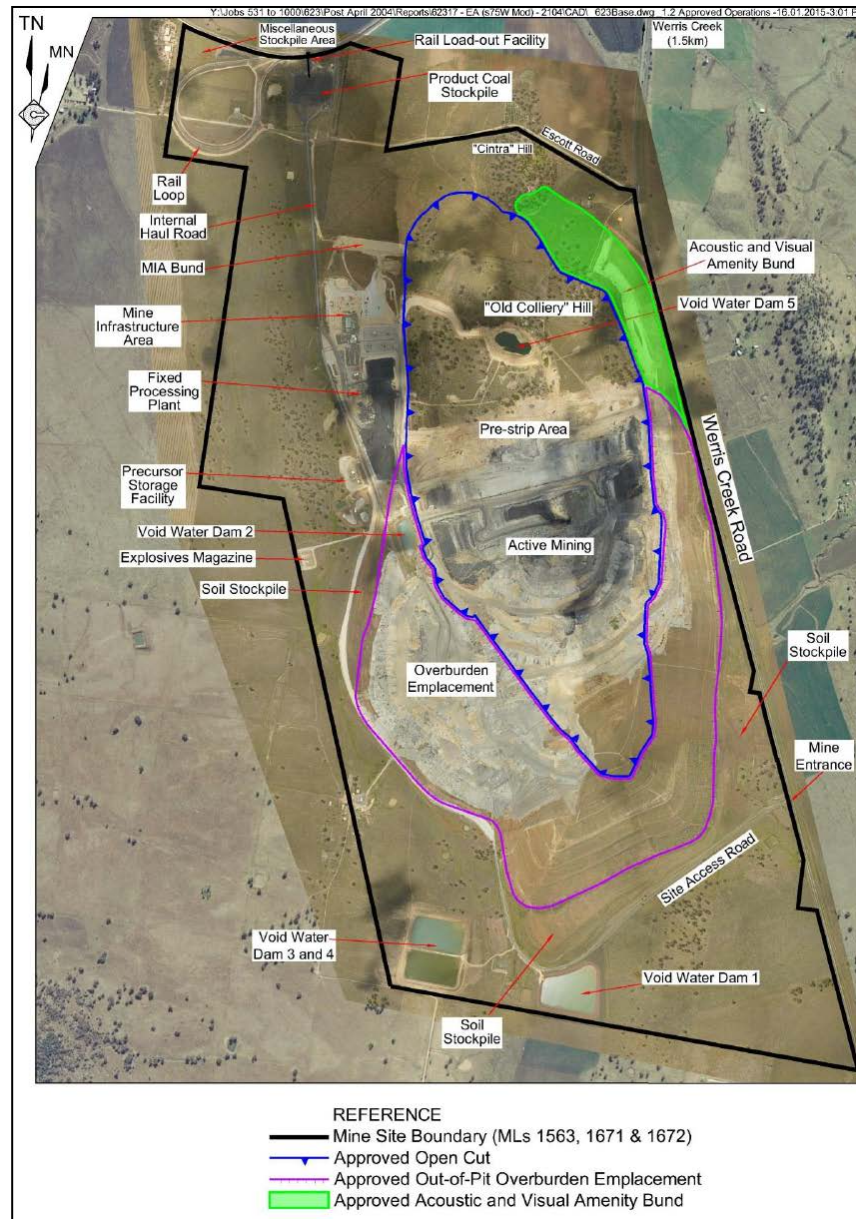


Figure 2: Approved Layout of the Werris Creek Coal Mine

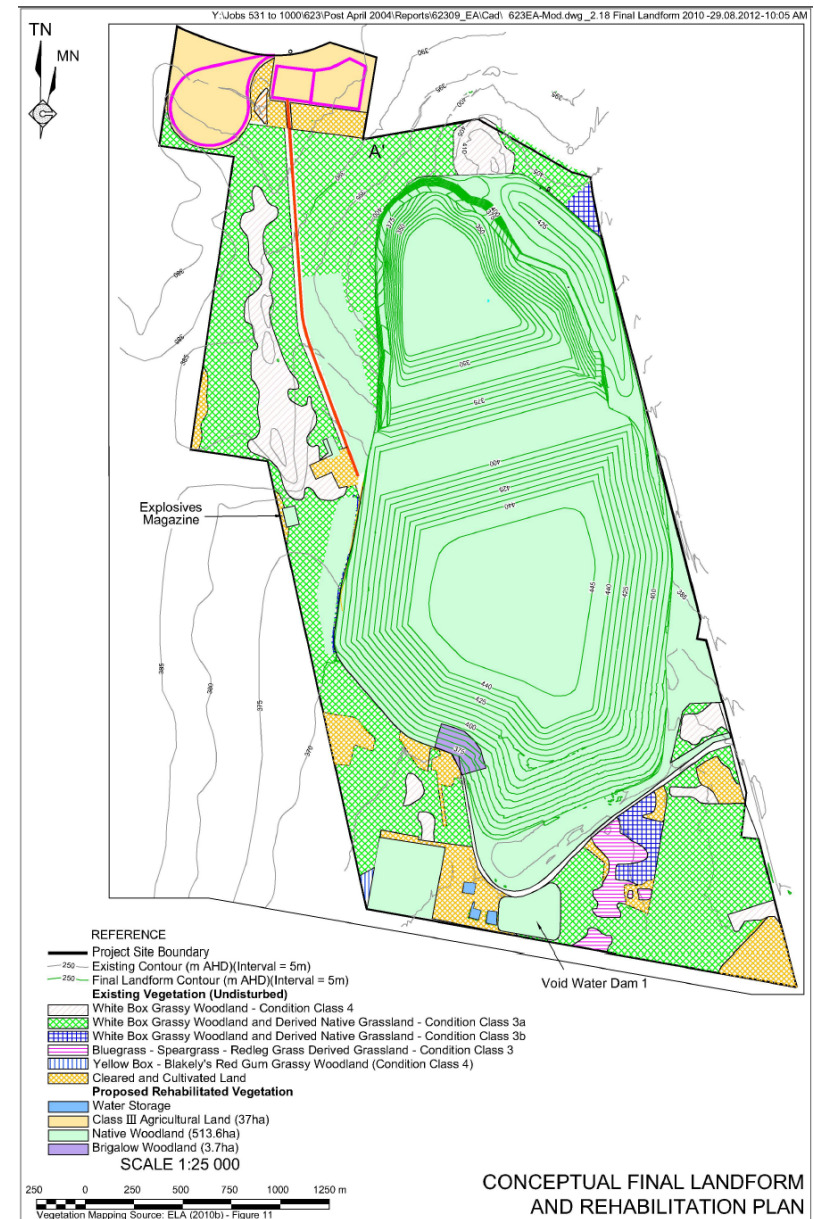


Figure 3: Approved Final Landform

Overburden Emplacement

To address the higher than anticipated strip ratios, WCC is proposing to increase the capacity of both the out-of-pit and in-pit emplacement areas at the mine. The out-of-pit emplacement area would be extended to the west by approximately 6 ha (see Figure 4). This extension would increase the capacity of the emplacement by approximately 6 Million bank cubic metres (Mbcm) and would be undertaken on an area currently used for soil stockpiling.

The extension would not result in any additional disturbance. Soil currently stockpiled within the area would be utilised for rehabilitation or would be relocated (to other areas approved for soil stockpiling) prior to the commencement of overburden emplacement.

The in-pit emplacement area would also be expanded to provide additional overburden capacity of approximately 13.5 Mbcm. The emplacement would be mostly located within and above the void created by the open cut and would not result in any additional disturbance. As shown in Figure 4, the 400 m to 445 m sections of the emplacement would be temporarily extended approximately 250 m to the north.

Once mining is completed, a proportion of overburden in this area would be used to backfill the mining void left at the north of the site. Consequently, the extent and height of the extended overburden areas would be reduced over time as the site is progressively rehabilitated.

The maximum extent of the Overburden Emplacement area, relative to the proposed final landform, is shown in Figure 5.

Dry Separation Plant

WCC is proposing to construct and operate a Dry Separation Plant which would be located in the existing mining infrastructure area (see Figure 4). The Dry Separation Plant would be used to process coal extracted from the historical workings of the Werris Creek Colliery, as well as other coal with rock, ash or other contaminant, which is unable to be processed using the existing processing plant.

It is anticipated that up to 250,000 tonnes per annum would be processed in the Dry Separation Plant. Processing would be undertaken on a campaign basis, as sufficient stockpiles are generated. The area of the mine designated for coal stockpiling would remain unchanged.

Void Water

WCC is seeking to provide up to 500 ML of void water per annum to owners or lease holders of land adjoining and/or surrounding the mine for irrigation or other agricultural uses (such as stock watering).

Up to 200 ML would need to be irrigated during high rainfall scenarios to alleviate the storage capacity shortfall and ensure that WCC would not be required to store water in the open cut pit. Up to 300 ML could also be provided if there is sufficient demand from land/lease holders. WCC would reduce the operation of water evaporation units to provide for these requirements.

No specific locations for the use of void water are identified in the modification application and the final locations would be subject to contractual arrangements. WCC propose to undertake site-specific monitoring and soil analysis of the areas to which void water would be applied to confirm that irrigation could be undertaken with minimal impact to the land, surface water and groundwater resources.

Water would be supplied to dams on local properties via surface pipelines. The pipeline would be installed from the closest void water dam. WCC have also indicated that some void water may be carted by road in the event that properties are located too far to be accessed by pipeline.

Once the water is provided to the properties it would become the responsibility of land/lease holder to manage.

Water Management System

The proposal includes some minor modifications to the management of surface water around the acoustic and visual amenity bund, including the construction of a new sediment basin. The new sediment basin would be constructed within the approved footprint of the approved acoustic and visual amenity bund (see Figure 4).

The basin is required to manage surface water run-off from the bund. WCC originally proposed to divert this run-off around the northern end of the site. However, WCC has identified that significant earthworks would be required to enable the run-off to flow and that the water would be more suitably managed through the use of the proposed sediment basin.

Once the basin reaches capacity, water would be either transferred to other water management structures or treated to meet the water quality limits in the Environment Protection Licence (EPL), prior to being discharged from the site.



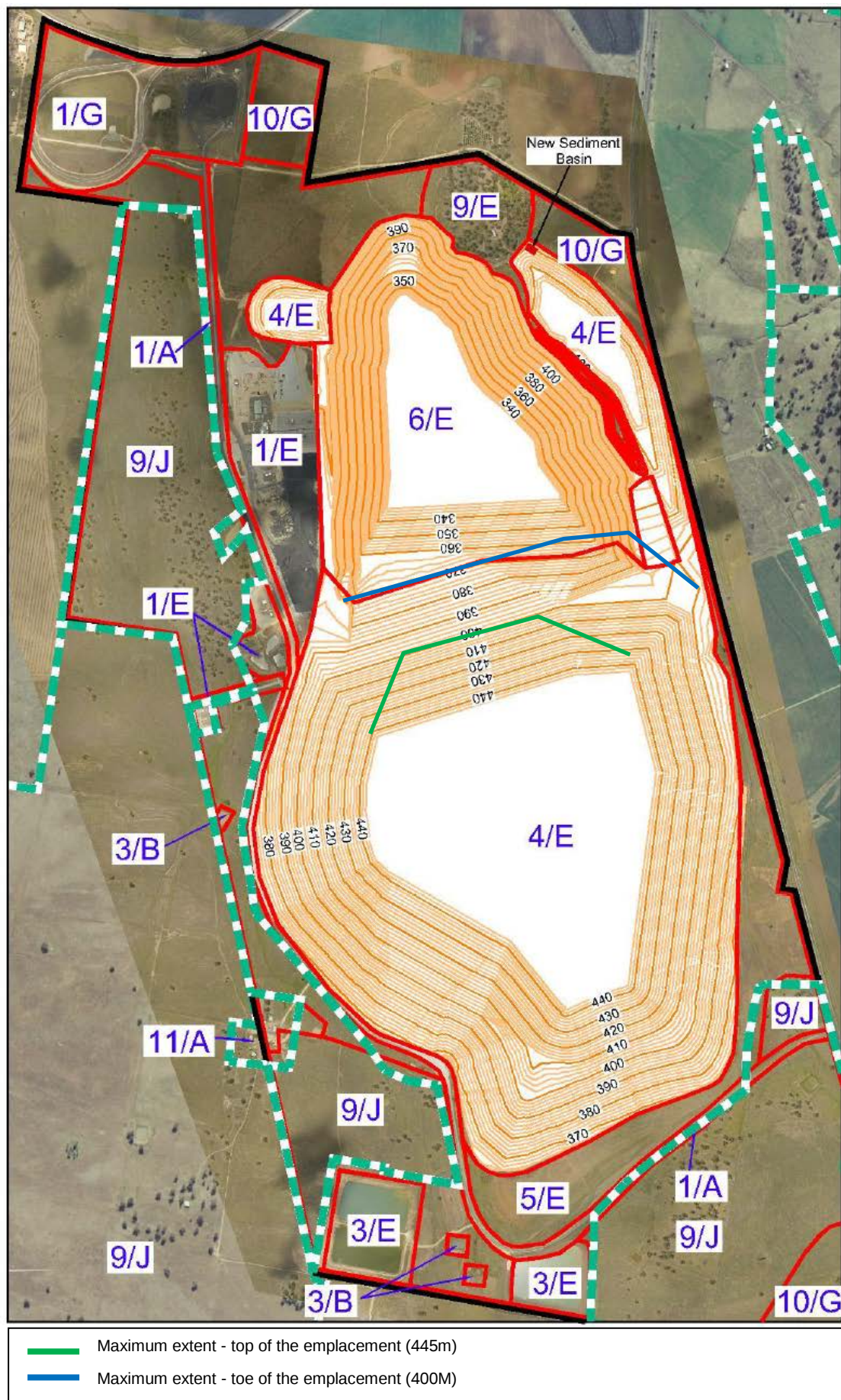


Figure 5: Proposed Final Landform

3 STATUTORY CONTEXT

The Werris Creek Mine was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former Section 75W of the Act.

The Department is satisfied that the proposed modification can be characterised as a modification to the existing approval, as it would:

- not alter the approved mining footprint or the approved mining methods;
- not increase the approved maximum production and processing rates;
- not alter the approved transportation methods or rates; and
- not significantly increase the approved environmental impacts of the mine.

The Minister for Planning and Infrastructure was the approval authority for the original project application, and therefore the Minister for Planning is the approval authority for this modification application. However, the Director, Resource Assessments may determine the application. This is because no public submissions in the form of objections were received on the proposal, no reportable political donations were made, and Liverpool Plains Shire Council raised no objections to the proposal.

4 CONSULTATION

Exhibition and Notification

The Department exhibited the modification application and the accompanying Environmental Assessment from 29 April until 18 May 2014, at the Department's Information Centre, Liverpool Plains Shire Council, and the Nature Conservation Council. The Department also made these documents publically available on its website, and notified government agencies of the application in writing.

Submissions

The Department received submissions from five government agencies, none of which objected to the proposed modification. No submissions were received from the general public. Copies of the agency submissions are included in Appendix D.

WCC provided a response to all the issues raised in submissions. A copy of WCC's Response to Submissions (RTS) is included in Appendix E.

A summary of the issues raised in submissions is provided below, focusing on the residual issues following the withdrawal of the coal haulage aspects of the proposal.

The **Environment Protection Authority (EPA)** made a range of comments in relation to:

- *Air Quality* – that the air quality assessment does not adequately consider additional dust sources resulting from the proposal;
- *Noise* – including recommendations with respect to noise criteria and mitigation rights for nearby residential receivers;
- *Void Water Management* – including recommending WCC irrigate during all rainfall scenarios to minimise the accumulation of void water and reduce the potential risk of uncontrolled water discharges from the site. The EPA also recommended the preparation of an irrigation management plan including identification of appropriate safeguards and management measures; and
- *Dirty Water Management* – the EPA questioned the capacity of the dirty water management systems on site, and noted that the mine could cause water pollution in certain rainfall events if it is not upgraded. The EPA recommends that the Water Management Plan be updated to include measures to address these concerns.

Department of Primary Industries (DPI) including the Office of Water (DPI Water) identified a range of licensing requirements relating to the provision and irrigation of void water. DPI Water also recommended monitoring to be undertaken of the underlying aquifer and indicated that it may have additional management requirements once site specific details for irrigation are provided.

Division of Resources and Energy (DRE) raised concerns that the modification would result in a landform that is not consistent with the current rehabilitation objectives, or the local topography. DRE recommended that these concerns be addressed through the Mining Operations Plan for the project.

Roads and Maritime Services (RMS) recommended the application consider the potential impacts on public roads as a result of the transportation of void water.

Liverpool Plains Shire Council (Council) raised no objections subject to the dry processing plant being operated to comply with the existing noise and air quality criteria. Council also indicated its support for the use of void water for agricultural purposes.

5 ASSESSMENT

In assessing the merits of the proposal, the Department has considered:

- the modification application and accompanying EA;
- agency submissions and WCC's Response to Submissions;
- the EA and conditions of approval for the Werris Creek Extension Project;
- relevant environmental planning instruments, policies and guidelines; and
- the requirements of the EP&A Act.

5.1 Overburden Emplacement Area and Dry Separation Plant

The proposed increases to the Overburden Emplacement Area and the operation of a Dry Separation Plant have the potential to affect the amenity of residents in a number of ways, including:

- increased noise and dust emissions; and
- visual amenity impacts from the extended Overburden Emplacement Area.

The EA includes an assessment of each of these issues, including a consideration of the potential noise, air quality, and visual impacts of the Overburden Emplacement Area and Dry Separation Plant. Specialist assessments were undertaken by Spectrum Acoustics and SLR Consulting and were prepared in accordance with applicable guidelines.

WCC considered a range of alternative options to reduce the potential amenity impacts of the proposal, including:

- further extensions to the out-of-pit emplacement area to maintain the approved maximum height; and
- extensions to the existing acoustic and visual amenity bund.

The assessments found that these alternatives would result in additional biodiversity impacts (including some impacts to Endangered Ecological Communities) and would result in greater or similar long term visual impacts compared to the modification as currently proposed.

WCC would also continue to implement a range of mitigation measures to reduce amenity impacts as far as practicable. These include:

- development of the acoustic and visual amenity bund (due to be completed by the end of 2015);
- noise attenuation of the mining fleet;
- using water carts on haul roads and stockpiles to minimise dust emissions;
- restricting overburden, coal and soil loading activities during adverse weather conditions;
- use of water sprays on coal processing infrastructure;
- progressive rehabilitation and revegetation of disturbed areas; and
- planting of vegetation screens to limit visibility of the mine from local residences and viewpoints along public roads.

With the above mitigation measures in place, the assessments indicate that the modification would result in some minor impacts at a small number of receivers, primarily due to increased noise and visual impacts associated with the extended Overburden Emplacement Area.

Operational Noise

The assessment predicts operational noise levels would increase at 3 privately-owned residences located east and south of the mine (Properties 96, 98 and 22). The worst case noise levels for these residences are shown in Table 1, and the relevant noise contours are shown on Figure 6. The assessment indicates that WCC would be able to continue to comply with relevant criteria at the remaining residences.

Table 1: Summary of Noise Impacts and Criteria

Receiver No.	Existing Criteria Evening & Night (dB(A) $L_{Aeq}(15min)$)	Worst Case Noise Prediction (dB(A) $L_{Aeq}(15min)$)
22 ¹	36	37
96	37	38
98 ¹	36	38

Notes: 1. WCC holds an agreement with the landholder for noise levels up to 45dB(A)

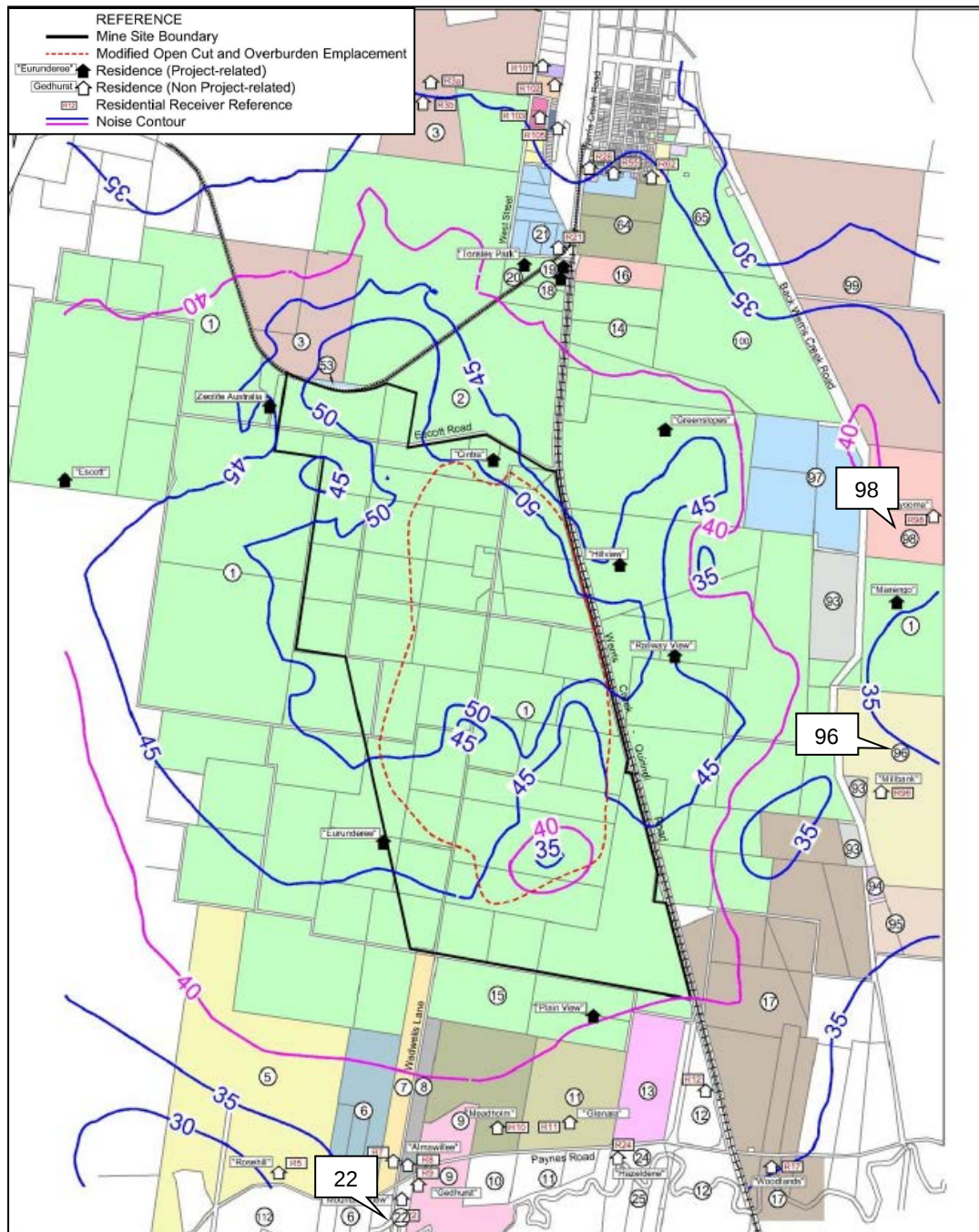


Figure 6: Predicted Worst Case Noise Levels

WCC has negotiated agreements with the owners of 2 of the affected residences (22 and 98). These agreements allow WCC to produce noise levels of up to 45 dB(A) at these receivers. The agreements also require Whitehaven to implement noise mitigation measures at the residences if noise levels exceed 40dB(A), and acquire the properties if noise levels exceed 45dB(A).

Noise levels are predicted to remain under the limit negotiated as part of the agreements, and would be managed through this process.

The EPA has recommended that the approval be modified to be consistent with the noise agreements for these properties. The Department does not consider that this is warranted given that the project approval clearly states that the noise limits do not apply when agreements are in place. The Department is satisfied that noise impacts can be appropriately managed by the existing agreements, and has therefore recommended that the criteria be amended to reflect the worst case noise predictions for receivers 22 and 98 (37 dB(A) and 38 dB(A) respectively).

Noise levels at the remaining affected receiver (Property 96) would increase by 1 dB(A) (i.e. up to 38 dB(A)). In considering this issue, the Department notes that 1 dB(A) increase would be unlikely to result in any discernible change to the noise levels at the receiver. The Department is also satisfied that WCC is implementing all reasonable and feasible measures and has considered all reasonable alternatives to reduce noise impacts from the mine and the proposed modification.

Additionally, the Department notes that this residence already has mitigation rights under the approval, which is consistent with the NSW Government's *Voluntary Land Acquisition and Mitigation Policy*. Accordingly, the Department considers that any minor additional impacts resulting from the proposal can be appropriately managed under the existing conditions. Based on the above, the Department has recommended that noise criteria for receiver 96 be modified to reflect the worst case noise prediction from the modification (i.e. 38dBA).

In addition to these impacts on residences, the proposed modification is also predicted to impact 3 vacant properties (Properties 16, 64 and 97). However, these impacts are not predicted to be significant (up to 38 dB(A)) and would be well below the recommended maximum noise levels for voluntary land acquisition rights in a rural area, as outlined in the *Voluntary Land Acquisition and Mitigation Policy* (45 dB(A) at night). Consequently, the Department considers that the proposed modification is unlikely to have a significant impact on these landholdings.

WCC has purchased a number of residences in the noise affectation zone for the original project (Properties 14, 18 and 20). Consequently, the Department has recommended that the noise criteria and mitigation rights be removed for these receivers.

Based on the above, the Department is satisfied that the proposal would be unlikely to significantly increase the noise affectation in the locality. The minor predicted increases to noise levels would be suitably managed either through WCC's negotiated noise agreements or the existing conditions which provide for noise mitigation measures at the affected receiver. Consequently, the Department is satisfied that no further conditions are necessary to manage noise impacts from the mine.

Air Quality

The Air Quality Impact Assessment for the modification relies on modelling undertaken for the Werris Creek Mine Extension Project in 2010. Potential impacts have been predicted by comparing the estimated emissions from the proposed modification against the scenario modelled for year 15 of original project.

EPA initially raised concerns about the adequacy of this methodology. In particular, that it did not consider the different locations of key emissions sources or additional emission sources. However, these concerns were resolved through consultation between WCC and the EPA, and documented in the RTS. Consequently, both the Department and EPA are satisfied that the adopted method provides a robust basis for predicting impacts associated with the proposal.

The assessment predicts that the annual average and 24-hour average PM₁₀ levels would be unlikely to increase and would meet the applicable criteria at all private receiver locations. Although Total Suspended Particulate (TSP) emissions are predicted to increase as a result of the increased Overburden Emplacement Area and operation of the Dry Separation Plant, the maximum concentration (54 µg/m³) is predicted to be well below the applicable criteria for TSP (90 µg/m³).

Given that the assessment predicts compliance with all the relevant air quality criteria in the project approval, the Department considers that the proposed modification would be unlikely to result in any significant air quality impacts, and that no further conditions are necessary to manage air quality impacts.

Visual and Final Landform

The visual impact assessment considers the worst case impacts of the proposed modification which would occur in approximately 2020. Visual impacts would progressively decrease in the remaining years of the mine life as material is removed from the Overburden Emplacement Areas and emplaced in the mining void (see the modified mine sequence and final landform in Figures 4 and 5).

The proposed Overburden Emplacement Area would be increasingly visible from a number of locations until the material is re-handled and emplaced in the mining void. In particular, the Overburden Emplacement Area would be approximately 250 m closer to residences located north of the mine in the township of Werris Creek, and residences east of the mine would be subject to a marginal increase in visual impacts as the 400 m to 445 m sections of the emplacement are extended to the north.

The Dry Separation Plant would be located within the existing mining infrastructure area and would have no appreciable visual impacts.

The assessment indicates that the proposed modification would be unlikely to result in any significant visual impacts on the receivers north of the mine. In considering the potential impacts on these receivers, the Department notes that these receivers are a substantial distance from the Overburden Emplacement Area (approximately 3 km) and that encroachment of the emplacement by approximately 250 m is unlikely to be discernible from a visual impact perspective. The Department also notes that the proposal would not result in any change to the maximum height when viewed from these receivers.

Receivers located to the east of the mine would be subject to increased visual impacts as the extended benches of the emplacement area are developed. The Department considers that any additional impacts would not be significant in the context of the existing, approved emplacement area.

Furthermore, any additional impacts to these receivers would be temporary and would reduce over time, as overburden material is emplaced in the final void. The Department also notes that the proposal would not increase the approved maximum height of the Overburden Emplacement Area, and that impacts would also reduce as the final landform is progressively rehabilitated.

The proposed final landform would not be substantially different to that approved, and therefore, the proposed modification would be unlikely to result in any significant long term visual impacts. Notwithstanding, DRE raised concerns that the final landform would not be sympathetic to the surrounding topography. However, DRE also acknowledged that the emplacement area is constrained by a number of factors, including the footprint and height of the emplacement area, and recommended that the final landform design be improved through the development of the Mining Operations Plan following any approval.

In assessing this issue, the Department notes that WCC considered alternative options in the development of the proposal including measures to reduce the plateau and to create a more distinct 'hill top'. WCC concluded that the height of the Overburden Emplacement Area would need to be increased by at least 10 m in order to accommodate this design, and that it would have very little benefit for the majority of residential receivers in regard to visual impacts.

Notwithstanding, the Department believes that WCC ought to minimise the visual impacts and construct landforms sympathetic to natural landforms (including landform micro relief) as far as practicable. The Department has recommended a condition in this regard which is consistent with current best practice for mining projects in NSW.

WCC would also be required to update the Rehabilitation Management Plan, to the satisfaction of DRE, and reflect any changes resulting from the proposed modification. With these measures in place, the Department is satisfied that the proposed modification would not result in any significant visual impacts.

5.2 Void Water

The EA includes an assessment of the potential impacts resulting from void water irrigation at two representative locations. The two properties, known as “Cintra” and “Escott”, are characteristic of the surrounding landform and soil characteristics, and are located in close proximity to the mine (see Figure 7).

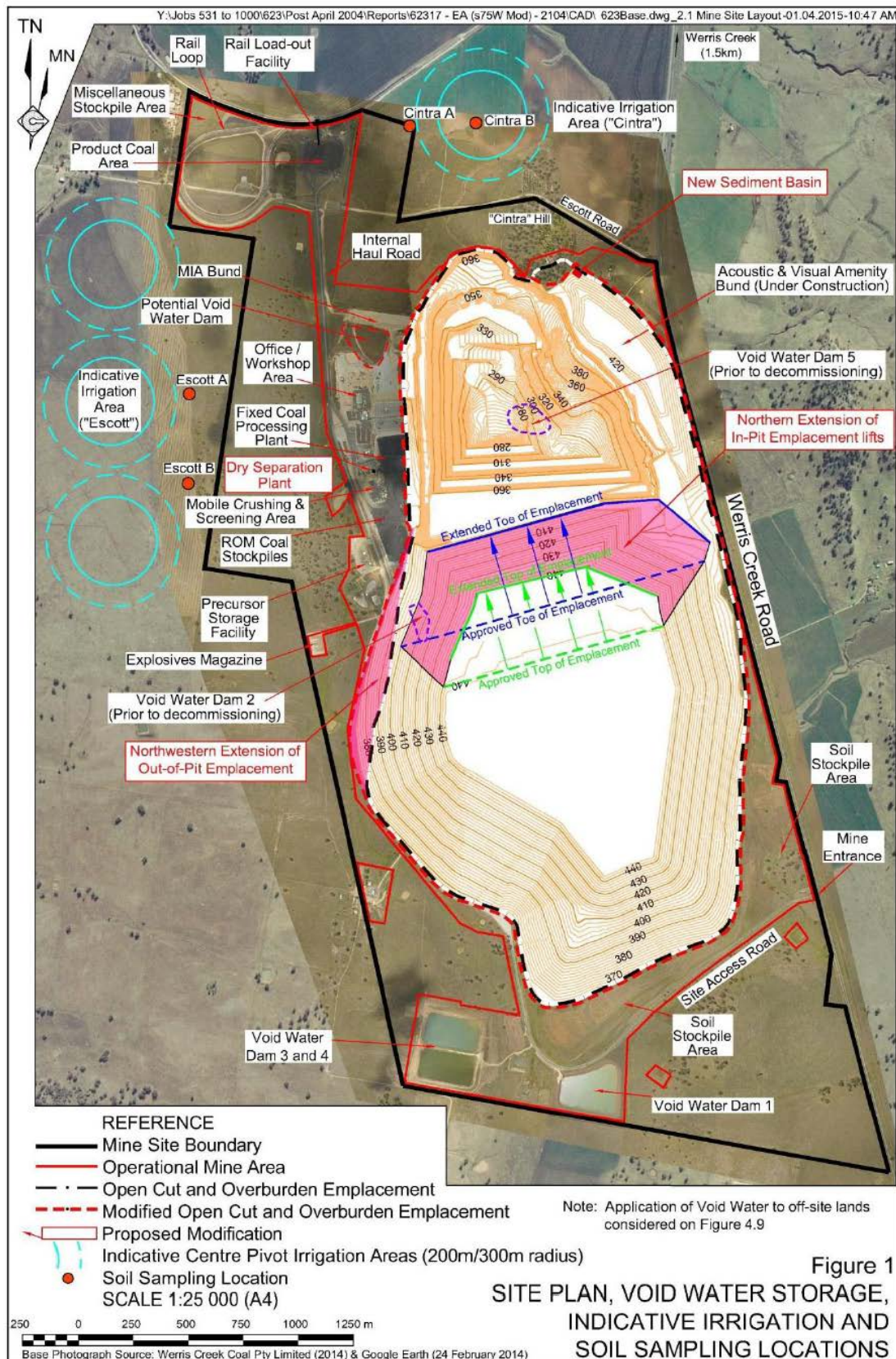


Figure 7: Indicative Location of Void Water Irrigation

The Department notes that the assessment only provides an indication of the likely impacts of the proposal, and that further site specific details would be required following any approval. To this end, WCC has committed to undertaking detailed soil sampling once contractual arrangements are in place with relevant land/lease holders.

The assessment indicates that the void water is generally consistent with the quality of local surface water resources and could be irrigated on these properties with no significant impacts to surface water, groundwater or soil resources, subject to appropriate water application rates.

In particular, the Department notes that the void water is less saline than local surface water resources (1,023 $\mu\text{S}/\text{cm}$ compared with 1300 $\mu\text{S}/\text{cm}$, the mean salinity of Quipolly Creek) and would be unlikely to result in any increased salinity in the soils and water resources of the Namoi catchment. The Department also notes the water would be suitable for irrigation to moderately sensitive crops and all common pastures under the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*.

Importantly, the end user of the water would be required to consult with DPI Water about any approvals required to irrigate under the *Water Management Act 2000*.

Given the above, both the Department and the EPA are satisfied that the level of risk associated with the irrigation of void water is relatively low, and could be undertaken without any significant impacts subject to the implementation of appropriate management measures and safeguards.

However, the EPA raised concerns about the risk for uncontrolled discharges from the site, if WCC are unable to dispose of enough water using irrigation. In these circumstances, the Department notes that WCC would be required to store any excess water in the pit, and there is therefore no significant risk of any uncontrolled discharges from the site.

The Department has recommended that the suitability of each site designated for water application be considered under an Irrigation Management Plan. As part of this plan, WCC would be required to:

- describe the methodology for the transfer and application of void water for each site;
- undertake site specific soil analysis and consider the short and long term impacts of salinity and sodicity on soils;
- identify parameters for the sustainable application of void water to maximise uptake and minimise percolation and/or run-off;
- identify the appropriate approvals held under the *Water Management Act 2000*;
- implement a program to monitor soil characteristics and void water quality; and
- describe the procedures to be implemented to measure and report on the quantity of water supplied to each individual user.

WCC would also be required to update other aspects of the existing Water Management Plan including the Site Water Balance for the mine.

WCC would be required to consult with both DPI Water and EPA in the preparation of the Irrigation Management Plan, and prior to transferring any void water from the site. With these recommendations in place, the Department is satisfied that the irrigation of void water would be suitably managed.

Transportation of Water

The proposed modification may result in some additional movements on the road network in circumstances where a pipeline would not be suitable to transfer water for irrigation. However, it is unlikely that these would be significant in the context of the other project related movements. Domestic coal haulage movements are also expected to decrease, which would result in a net reduction of project related vehicle movements. The Department also notes that road haulage would not be the preferred method for transportation, and that WCC would rely on pipelines for the majority of water transfer.

Accordingly, the Department is satisfied that any impacts associated with water transport would not be significant.

5.3 Water Management System

The proposed modification would not require any significant upgrades or changes to the existing water management system. The proposed sediment basin would be operated to comply with any requirements in the EPL and would be unlikely to result in any significant impacts.

The EPA raised a range of concerns relating to the management and storage of “coal contact” (i.e. dirty) water. The Department notes that WCC is not proposing to modify the water management system with respect to dirty water. However, the Department notes:

- the EPA is responsible for regulating any potential pollution from the mine;
- it would be an offence under the *Protection of the Environment Operations Act 1997* for WCC to cause water pollution;
- the existing project approval conditions require that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL;
- the EPA has the power to require WCC to upgrade the capacity of the dirty water management system at any time.

The Department is satisfied that no further conditions are necessary to manage surface water at the mine, noting that requirements of the EPA regarding upgrades to the dirty water management system would be consistent with the existing project approval.

5 RECOMMENDED CONDITIONS

The Department has drafted a Notice of Modification (see **Appendix A**) and consolidated approval (see **Appendix B**).

These conditions would allow WCC to extend the existing out-of-pit and in-pit Overburden Emplacement Area, construct and operate a Dry Separation Plant, and construct additional water management infrastructure. These conditions would also allow WCC to provide void water for irrigation purposes, subject to detailed design and assessment as part of the Water Management Plan for the project.

The Department has also recommended a number of changes to the approval including:

- removing noise criteria for the three properties that WCC have acquired (14, 18 and 20);
- increasing the noise criteria at receivers 22, 96 and 98 to reflect the predicted noise emissions from the mine;
- requiring WCC to comply with rehabilitation objectives to minimise the visual impact of the final landform;
- a condition to clarify the restrictions on road haulage of coal;
- conditions to ensure that management plans are updated in a timely manner when necessary; and
- updating the definitions to reflect recent name changes to government agencies.

The Department notes that WCC has received a copy of the recommended conditions, and has raised no objections.

6 CONCLUSION

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act.

The proposal would allow WCC to continue to operate effectively as it encounters the historical workings associated with of the former Werris Creek Colliery. The proposal would also allow WCC to supply surplus water for beneficial agricultural uses, without any significant risk to surface water and ground water quality or soil resources.

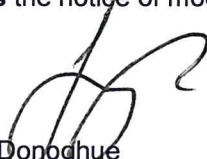
Although the modification would result in some minor additional noise and visual impacts, the Department considers that these would not be significant in the context of the existing operations, and could be appropriately managed by the existing criteria and a range of additional measures, including requirements for WCC to minimise the visual impacts of the final landform as far as practicable.

Given the above, the Department considers that the proposed modification is in the public interest and should be approved, subject to conditions.

7 RECOMMENDATION

It is RECOMMENDED that the Director, Resource Assessments, as delegate of the Minister:

- **considers** the findings and recommendations of this report;
- **determines** that the modification is within the scope of Section 75W of the EP&A Act;
- **approves** the application under Section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

 27/10/15
Stephen O'Donoghue
Team Leader
Resource Assessments

 3.11.15.
Mike Young
Director
Resource Assessments

APPENDIX A: NOTICE OF MODIFICATION

APPENDIX B: CONSOLIDATED APPROVAL

APPENDIX C: ENVIRONMENTAL ASSESSMENT

APPENDIX D: SUBMISSIONS

APPENDIX E: RESPONSE TO SUBMISSIONS