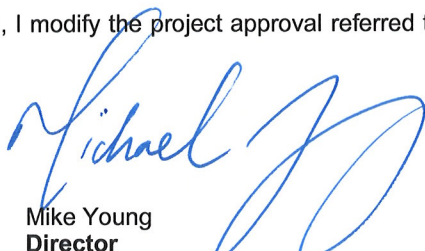


Notice of Modification

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

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.


Mike Young
Director
Resource Assessments

Sydney **3 NOVEMBER** 2015

SCHEDULE 1

The project approval (10_0059) for the Werris Creek Mine Extension Project, granted under delegation from the Minister for Planning and Infrastructure on 25 October 2011.

SCHEDULE 2

1. In the footer, delete the reference to "Infrastructure" and replace with "Environment".
2. Delete the definitions for "Department", "Director-General", "DRE", "EA", "EA (MOD1)", "Minister", "NOW" and "OEH" and insert the following in alphabetical order:

Department	Department of Planning and Environment
DPI Water	Division of Water within the Department of Primary Industries
DRE	Division of Resources and Energy within the NSW Department of Trade & Investment
EA	Environmental Assessment titled: • <i>Werris Creek Coal Mine Life of Mine Project</i>, dated December 2010, as modified by the response to submissions, dated March 2011 and the letter from Whitehaven Coal Limited to the Department, dated 25 July 2011; • <i>Werris Creek Coal Mine Minor Modification to Project Approval PA 10_0059</i>, dated 3 August 2012, and associated letter dated 27 August 2012; and • <i>Environmental Assessment for the Werris Creek Coal Mine Modification 2 (PA 10_0059)</i>, dated April 2015, and associated response to submissions titled <i>Response to Submissions for the Werris Creek Coal Mine Modification 2 (PA 10_0059)</i>, dated June 2015.
Minister	Minister for Planning, or delegate
OEH	Office of Environment and Heritage
Secretary	Secretary of the Department, or nominee
Void Water	Water that accumulates in the open cut pit
Whitehaven CHPP	Whitehaven Coal Handling and Preparation Plant near Gunnedah

3. Delete all references to "Director-General" and replace with "Secretary".
4. Delete all references to "NOW" and replace with "DPI Water".
5. Replace condition 2 of schedule 2 (except for the notes) with the following:
 2. The Proponent shall carry out the project:
 - (a) generally in accordance with the EA;
 - (b) in accordance with the statement of commitments; and
 - (c) in accordance with the conditions of this approval.

6. Delete all words after “in any calendar year” in condition 8 of schedule 2 and insert the following:
 - (b) any product coal from the site by public road to the Muswellbrook, Singleton, Mid-Western Regional, Cessnock or Newcastle local government areas without the written approval of the Secretary; and
 - (c) any coal to the Whitehaven CHPP.
7. Delete “or on more than 25 percent of any privately-owned land” in condition 1 of schedule 3.
8. Delete Table 1 in condition 1 of schedule 3 (except for the notes) and replace with the following:

Table 1: Noise criteria

Location	Day dB(A) $L_{Aeq(15\ min)}$	Evening & Night dB(A) $L_{Aeq(15\ min)}$	Night dB(A) $L_{A1\ (1\ min)}$
R10, R11	39	39	45
R21	39	37	45
R12	38	38	45
R96	38	38	45
R7, R8, R9, R24	37	37	45
R22	36	37	45
R98	36	38	45
All other privately-owned residences	35	35	45

9. Delete Table 3 in condition 3 of schedule 3 (except for the note) and replace with the following:

Table 3: Land subject to additional noise mitigation measures

Location
R10, R11, R12, R21, R96

10. Insert the following after condition 22 of schedule 3:

Void Water Irrigation

22A. The Proponent shall not provide any water for the purpose of irrigation or stock watering, unless the activity has been approved by the Secretary as part of the Water Management Plan.

11. Delete all the words after “surface water impacts of the project” in condition 23 of schedule 3 and insert the following:
 - (c) a Groundwater Management Plan, which includes:
 - detailed baseline data of groundwater levels and quality surrounding the site;
 - groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;
 - a program to monitor :
 - groundwater inflows to the open cut mining operations;
 - the impacts of the project on any groundwater bores on privately-owned land;
 - the seepage/leachate from water storages or backfilled voids on site; and
 - a program to validate the groundwater model for the project, and calibrate it to site specific conditions; and
 - a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse groundwater impacts of the project; and

- (d) an Irrigation Management Plan, which includes:
- a detailed methodology for the transfer (including for pipeline and/or road transportation) and application of void water for each irrigation site;
 - detailed consideration of the irrigation activities guided by the Environmental Guideline *"Use of Effluent by Irrigation, DEC 2014"*, including site specific soil analysis and consideration of the short and long term impacts of salinity and sodicity on soils;
 - parameters for the sustainable application of void water to maximise water uptake and minimise deep percolation to groundwater and/or run-off from the application site;
 - identification of the appropriate approvals held under the *Water Management Act 2000*;
 - a program to monitor void water quality and soil characteristics; and
 - a description of the procedures to be implemented to measure and report on the quantity of water supplied to each individual user and the quantity of void water used against the parameters identified.

12. Delete "the Executive Director, Mineral resources in" in condition 41 of schedule 3.

13. Delete the row titled "Mine site (as a whole)" from the table in condition 41 of schedule 3, and replace with the following:

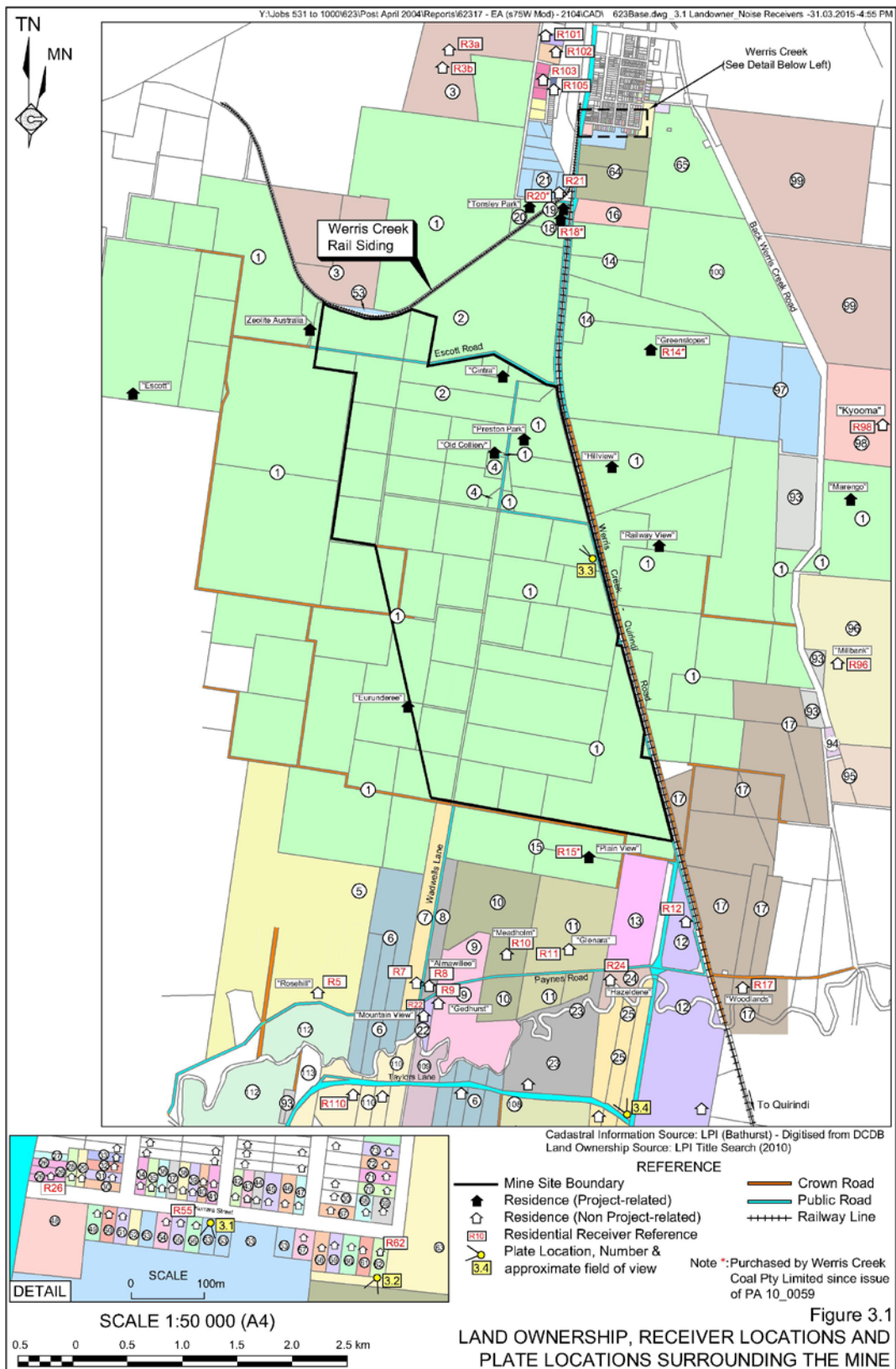
Mine Site (as a whole)	• Safe, stable and non-polluting; • Constructed landforms sympathetic to natural landforms (including landform micro-relief) as far as practicable; • Final land uses compatible with surrounding land uses; and • Minimise visual impact of final landforms as far as reasonable and feasible.
Woodland areas and other vegetated land	• Establishment of at least 280 hectares of White Box-Yellow Box-Blakely's Red Gum Woodland EEC; and • Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems that is comprised of: - local native plant species; and - at least 180 hectares of shrubby woodland.

14. Delete all references to "the Executive Director, Mineral Resources in" in condition 43 of schedule 3.

15. Insert the following after "submitted to the satisfaction of the Director-General" in condition 4 of schedule 5:

"Where this review leads to revisions of any plan then within four weeks of the review the revised document must be submitted to the Secretary and any other relevant agencies for approval."

16. Delete the figure in Appendix 3 and replace with the following:



17. Delete the figure in Appendix 5 and replace with the following:



Figure 1: Conceptual Final Landform

18. Delete Appendix 6 and replace with the following:

**APPENDIX 6
STATEMENT OF COMMITMENTS**

Desired Outcome	Action	Timing
1. Environmental Management System		
A systematic set of documents are in place to guide the planning and implementation of all environmental management strategies.	1.1 Incorporate the environmental procedures in an on-site management system.	As required
	1.2 Implement the following management plans; • Mining Operations Plan (Rehabilitation Management Plan) • Heritage Management Plan • Site Water Management Plan • Noise Management Plan • Blast Management Plan • Air Quality and Greenhouse Gas Management Plan • Biodiversity and Offset Management Plan • Waste and Hydrocarbon Management Plan	Ongoing
	1.3 Incorporate relevant environmental data / information in Annual Environmental Management Reports.	Annually
2. Groundwater		
Effective management of the potential contamination and/or reduction in availability of groundwater resources.	2.1 Implement impact mitigation measures in accordance with an approved Site Water Management Plan.	As defined by the Site Water Management Plan
	2.2 Undertake groundwater monitoring in accordance an approved Site Water Management Plan.	As defined by the Site Water Management Plan
	2.3 Implement additional assessment, land owner notification and contingency or compensatory measures in accordance with an approved Site Water Management Plan.	As defined by the approved Site Water management Plan
Prevent Accumulation of void water within the final landform which may impact on final land form and land use.	2.4 Backfill overburden into the final void above the equilibrium water level.	Following the cessation of mining
3. Surface Water		
Effective management of the potential contamination and/or reduction in availability of surface water resources.	3.1 Construct and maintain surface water management infrastructure of the Mine in accordance with an approved <i>Site Water Management Plan</i> .	Ongoing
	3.2 Implement impact mitigation measures in accordance with an approved <i>Site Water Management Plan</i> .	As defined by the Site Water Management Plan

Desired Outcome	Action	Timing
	3.3 Undertake surface water monitoring in accordance an approved Site Water Management Plan.	As defined by the Site Water Management Plan
Prevention of void water discharge off site.	3.4 Operate void water dams with sufficient freeboard to prevent discharge during high rainfall events.	Ongoing
	3.5 Complete an irrigation assessment for specific irrigation campaigns in accordance with EPA requirements.	Prior to commencement of off-site irrigation
	3.6 Provide each irrigation assessment to the EPA for review and approval.	Prior to commencement of off-site irrigation
4. Biodiversity		
Avoid, minimise, mitigate or offset impacts (in that hierarchical order) on native vegetation (including the two identified EECs), native fauna (including threatened species) and their habitat.	4.1 Implement the impact avoidance, minimisation, mitigation and offset measures of an approved Biodiversity Offset Strategy and Biodiversity and Offset Management Plan (BOMP) for the Mine in consultation with the OEH, DPE and DoE.	Ongoing
	4.2 Include detail on the following activities in the BOMP. • Identification and demarcation of areas to be cleared. • Retention of felled trees for subsequent use during rehabilitation activities • Identification of biological resources within the disturbance area including habitat resources such as hollows, stag trees and coarse woody debris, and the availability of endemic seed. • Seed collection. • Monitoring and inspection programs. • Noxious weed management.	As defined within the BOMP
Rehabilitate disturbed areas to create a final landform that maintains or improves biodiversity values of the Mine Site.	4.3 Complete rehabilitation in accordance with an approved Rehabilitation Management Plan (RMP) or Mining Operations Plan (MOP).	Ongoing
5. Heritage		
Maintain Aboriginal heritage values on site.	5.1 Implement the Heritage Management Plan for the Mine in consultation with OEH and DPE.	Ongoing
	5.2 Relocate the Narrawolga Axe Grinding Grooves to the Willow Tree Visitor Information Centre (at Willow Tree), as nominated in the Mine Heritage Management Plan, and in accordance with a care agreement transferring the responsibility from Werris Creek Coal to Nungaroo LALC.	Completed 15 April 2015.
6. Transport Aspects		
Product haulage by	6.1 Adhere to the restricted hours of operation.	Ongoing

Desired Outcome	Action	Timing
public road is conducted in an appropriate and safe manner.	6.2 Prevent spillage from the trucks through the continuation of a 'covered load' policy.	Ongoing
7. Noise		
Attenuate mining noise sources to ensure compliance with Project Specific Noise Criteria.	7.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Prior to mining through the "Old Colliery" Hill
	7.2 Implement noise mitigation and management measures in accordance with an approved Noise Management Plan (NMP).	Ongoing
	7.3 Employ a dedicated Noise Control Operator (NCO) to continually monitor real time noise levels and inform the Open Cut Examiner (OCE) if the dominant noise source is mining.	Ongoing
	7.4 Modify or partially suspend mining operations to achieve the nominated noise criteria when elevated noise levels a result of mining noise.	On advice from NCO of elevated mining noise
Monitor and manage noise generated by the LOM Project	7.5 Implement noise monitoring in accordance with an approved NMP for the Mine.	As defined within the NMP
8. Blasting		
Minimise impacts from blasting on surrounding receptors and infrastructure.	8.1 Undertake blasting in accordance with an approved Blast Management Plan (BMP).	Ongoing
	8.2 Continue to monitor blasting impacts in accordance with BMP.	All blasts
9. Air Quality		
Minimise impacts to air quality relating to the Project.	9.1 Undertake all surface disturbance, mining, processing, transportation and other air emissions activities in accordance with an approved Air Quality and Greenhouse Gas Management Plan (AQGHGMP) for the Mine.	Ongoing
Monitor and manage dust emissions generated by the LOM Project.	9.2 Undertake air quality monitoring in accordance with an approved AQGHGMP for the Mine.	As defined within the AQGHGMP
10. Visibility		
Screen the operation visually from the surrounding local area.	10.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Prior to mining through the "Old Colliery" Hill
	10.2 Maintain screening vegetation and constructed landforms in accordance with an approved RMP (or MOP).	Ongoing
	10.3 Continue to position and direct floodlights visible offsite to not shine above horizontal and generally orientated in a westerly direction away from Werris Creek Road and adjacent communities.	During night-time operations

Desired Outcome	Action	Timing
	10.4 Ensure fixed lights visible from offsite locations will comply with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting	During night-time operations
	10.5 Maintain a lighting camera located adjacent to R62 on southern edge of Werris Creek orientated towards the Mine.	Ongoing (or until advised by resident)
	10.6 Maintain the Mine Site in a clean and tidy condition at all times.	Ongoing
11. Soils, Land Capability and Agricultural Suitability		
Create a final landform that is safe, stable and is amenable to a combination of agricultural and native flora/fauna conservation activities.	11.1 Undertake final landform construction and rehabilitation in accordance with an approved RMP or MOP.	Ongoing
12. Waste		
Manage waste appropriately on site.	12.1 Prepare and implement waste management activities in accordance with an approved Waste and Hydrocarbon Management Plan (WHMP).	Ongoing
13. Hazards		
Manage bushfire hazards appropriately.	13.1 Prepare and implement fire prevention, management and suppression measures in accordance with a Fire Management Strategy which forms part of an approved BOMP.	Ongoing.
The storage and handling of hazardous materials is appropriately managed.	13.2 Prepare and implement hydrocarbon management activities in accordance with an approved WHMP.	Ongoing
14. Community Contributions		
Provide for ongoing support to the Werris Creek local community and Liverpool Plains Shire Council.	14.1 Maintain the Community Consultative Committee or similar and include local community representatives.	Ongoing
	14.2 Complete and distribute regular newsletters regarding project progress and operations.	Ongoing
	14.3 Continue to provide funding towards maintenance of Taylors Lane through Section 94 contributions.	Ongoing
	14.4 Implement the Community Enhancement Fund with the Liverpool Plains Shire Council and Community Consultative Committee.	Ongoing