

Notice of Modification

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

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



Carolyn McNally
Secretary

Sydney

10.11.14

2014

SCHEDULE 1

The project approval (MP 10_0015) granted by the Minister for Planning and Infrastructure for the Rocglen Extension Project on 27 September 2011.

SCHEDULE 2

1. Delete the word "Infrastructure" in the footnotes and replace with "Environment".
2. Delete all references to "Director-General" and replace with "Secretary".
3. In the Table of Contents:
 - a) insert the word "Project" between the words "Surrender of Existing" and "Approval";
 - b) delete the words "Staged Submission of any Strategy, Plan or Program" and replace with "Updating & Staging Strategies, Plans or Programs";
 - c) insert the heading "Protection of Public Infrastructure" beneath the heading "Staged Submission of any Strategy, Plan or Program";
 - d) insert the heading "Bushfire Management" below the heading "Waste";
 - e) delete the heading for Appendix 7 and replace with "APPENDIX 7: STATEMENT OF COMMITMENTS"; and
 - f) update the page numbers for each heading in the Table of Contents.
4. In the Definitions list, delete the definitions for "Director-General" and "RTA", and update/insert the following definitions:

Approved haulage route	The route used to transport coal from the Project and the Tarrawonga and Vickery coal mines to the Whitehaven CHPP, including the use of sections of the public road network, as shown in Figure 3 of Appendix 2
CHPP	Coal Handling and Preparation Plant
Cumulative haulage	The total amount of ROM coal transported from the Project and the Tarrawonga and Vickery coal mines
Department	Department of Planning and Environment
EA	Environmental assessment titled: <ul style="list-style-type: none">• <i>Whitehaven Coal Limited Rocglen Coal Mine Extension Project Environmental Assessment</i>, dated February 2011, and associated response to submissions titled <i>Whitehaven Coal Limited Rocglen Coal Mine Extension Project - Response to Submissions</i>, dated June 2011; and• <i>Whitehaven ROM Coal Haulage modification</i>, dated February 2014, and associated response to submissions titled <i>Whitehaven ROM Coal Haulage Modification - Response to Submissions</i>, dated April 2014.
EPA	Environmental Protection Authority

Kamilaroi Highway overpass	A section of private haul road to be developed over the Kamilaroi Highway, providing access from Blue Vale Road directly to the Whitehaven CHPP access road, and to be constructed as part of the Vickery Coal Project (SSD 5000)
Minister	Minister for Planning, or delegate
OEH	NSW Office of Environment and Heritage
RMS	Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Tarrawonga coal mine	The Tarrawonga Extension Project (MP 11_0047)
Vickery coal mine	The Vickery Coal Project (SSD 5000)

5. In condition 5 of schedule 2, delete the words "the Executive Director, Mineral Resources in".

6. Insert the following after condition 6 of schedule 2:

"Coal Transport

6A. For the period up until the commissioning of the Kamilaroi Highway overpass, the Proponent:

- (a) may not transport more than 1.5 million tonnes of ROM coal from the site in any calendar year;
- (b) shall transport all coal from the site to the Whitehaven CHPP via the approved haulage route; and
- (c) shall, together with the owners of the Tarrawonga and Vickery coal mines, ensure that the cumulative haulage of coal along the approved haulage route does not exceed 3.5 million tonnes.

6B. For the period following the commissioning of the Kamilaroi Highway overpass, the Proponent:

- (a) may not transport more than 1.5 million tonnes of ROM coal from the site in any calendar year;
- (b) shall transport all coal from the site to the Whitehaven CHPP via the approved haulage route and the Kamilaroi Highway overpass; and
- (c) shall, together with the owners of the Tarrawonga and Vickery coal mines, ensure that the cumulative haulage of coal along the approved haulage route does not exceed 4.5 million tonnes."

7. Delete the heading "Staged Submission of any Strategy, Plan or Program" and condition 12 of schedule 2, and replace with the following:

"UPDATING & STAGING STRATEGIES, PLANS OR PROGRAMS

12. With the approval of the Secretary, the Proponent may submit any strategies, plans or programs required by this approval on a progressive basis.

To ensure the strategies, plans or programs under the conditions of this approval are updated on a regular basis, the Proponent may at any time submit revised strategies, plans or programs to the Secretary for approval.

With the agreement of the Secretary, the Proponent may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this approval.

Notes:

- *While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.*
- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program."*

8. Insert the following after condition 13 of schedule 2:

"PROTECTION OF PUBLIC INFRASTRUCTURE

14. Unless the Proponent and the applicable authority agree otherwise, the Proponent shall:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Note: This condition does not apply to any damage to roads caused as a result of general road usage."

9. Delete the condition 2 of schedule 3, and replace with the following:
- "2. The Proponent, together with the owners of the Tarrawonga and Vickery coal mines, shall ensure that the noise generated on public roads by the project and the other mines, does not exceed the criteria in Table 2 at any existing residence on privately-owned land.

Table 2: Road traffic noise criteria dB(A)

Land	Day and Evening LAeq (15 hour)	Night LAeq (9 hour)
All privately-owned residences	60	55

However, these criteria do not apply if the Proponent has a written agreement with the relevant landowner to exceed the criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

Note: Traffic noise generated by the project is to be measured in accordance with the relevant procedures in the NSW Road Noise Policy."

10. In condition 4(a) of schedule 3, delete the word "OEH" and replace with "the EPA".
11. Delete condition 4(c) of schedule 3 and replace with the following:
"(c) describe the measures that would be implemented to ensure the noise impacts generated by project-related traffic on the Kamilaroi Highway overpass are minimised as far as practicable; and"
12. In condition 12(a) of schedule 3, delete the word "OEH" and replace with "the EPA".
13. In the notes to condition 15 of schedule 3, delete the word "OEH" and replace with "the EPA".
14. In condition 16(a) of schedule 3, delete the words "the off-site".
15. In condition 17(a) of schedule 3, delete the word "OEH" and replace with "the EPA".
16. In condition 18(b) of schedule 3, delete the word "OEH" and replace with "the EPA".
17. In condition 22 of schedule 3, delete the word "OEH" and replace with "the EPA".
18. In condition 26 of schedule 3, insert ", as may be modified from time to time through the agreement of both parties. If there is a dispute in relation to this agreement, then either party may refer the matter to the Secretary for resolution" after the word "Council".
19. Insert the following after condition 26 of schedule 3:

"Traffic Management Plan

27. The Proponent shall prepare and implement a traffic management plan for the Project, to the satisfaction of the Secretary. This plan must:
 - (a) be prepared in consultation with RMS, Gunnedah Shire Council, Narrabri Shire Council, and the owners of the Tarrawonga and Vickery coal mines;
 - (b) be submitted to the Secretary for approval, by 30 June 2015;
 - (c) include:
 - a protocol for operating haul trucks during school bus hours;
 - consideration of measures to minimise dust from unsealed roads that may be used for access to the mine site;
 - arrangements to comply with cumulative coal haulage limits from the Project and the Tarrawonga and Vickery coal mines; and
 - a monitoring program to audit vehicle movements, including the origin and destination of employees, against predictions in the EA."
20. In condition 28 of schedule 3, delete the word "Figure 1" and replace with "Figure 3".
21. Insert the following after condition 29 of schedule 3:
- "29A. For all coal transported by road under this approval, the Proponent shall ensure that:
 - (a) trucks travelling to and from the site do not exceed 40 kilometres per hour in the vicinity of the school bus when it is operating near school bus stops along the approved haulage route, unless an alternative protocol is agreed by the Secretary; and
 - (b) spillage from coal haulage vehicles is minimised and promptly managed."

22. In condition 34 of schedule 3, delete the words "the Executive Director, Mineral Resources in".
23. In condition 36 of schedule 3, delete the words "the Executive Director, Mineral Resources in".

APPENDICES

24. In Appendix 2, insert the following after "Figure 2":

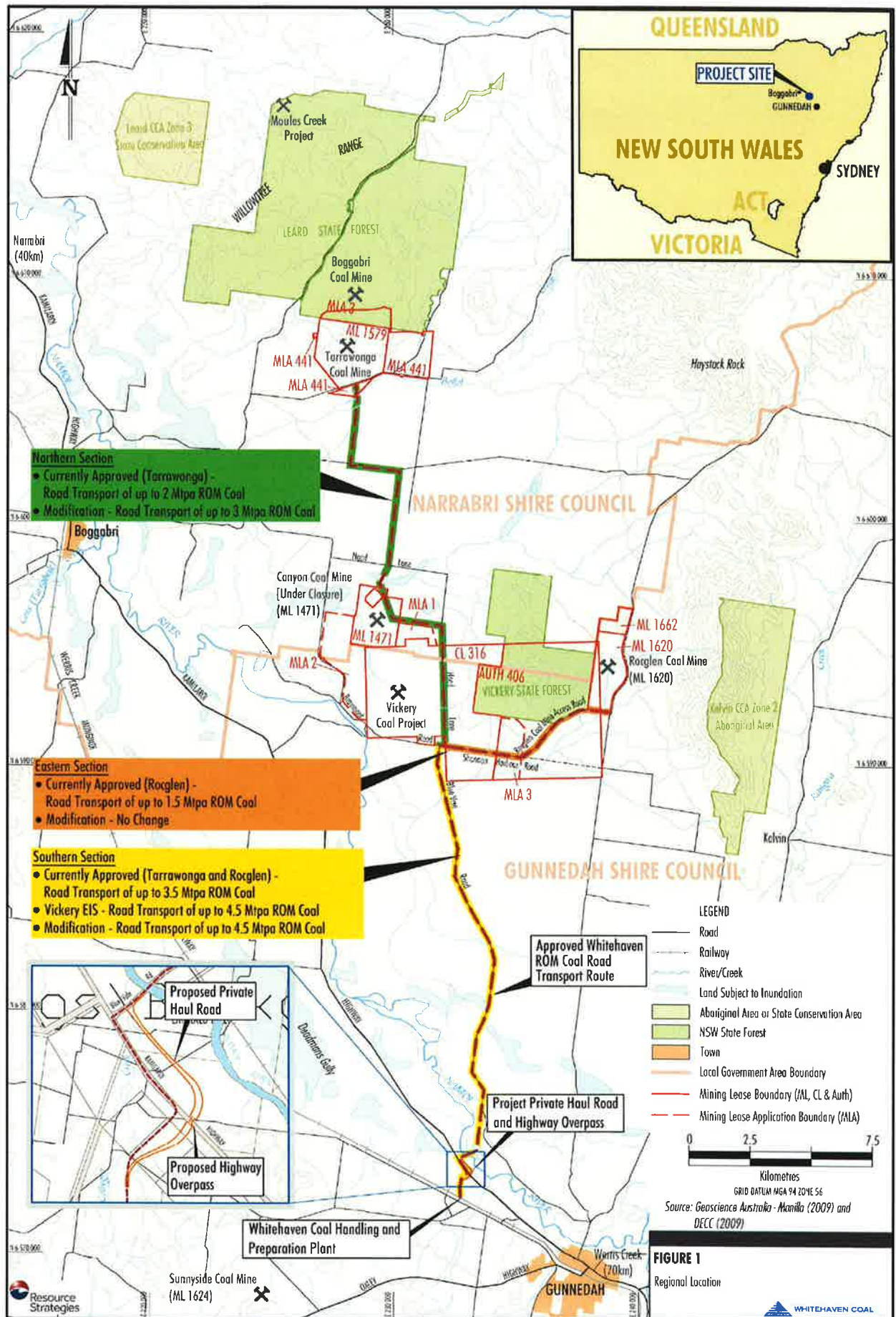


Figure 3: Approved Road Haulage Route