

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 development consent referred to in schedule 1, subject to the conditions in schedule 2.

David Kitto
Director
Mining and Industry Projects

Sydney

2011

Blue Type represents 2015 modification

SCHEDULE 1

The development consent for the Whitehaven Coal Handling and Preparation Plant (DA 0079.2002), granted by Gunnedah Shire Council on 2 October 2002, under delegation from the Minister for Urban Affairs and Planning.

SCHEDULE 2

Replace existing conditions of consent with the following:

SCHEDULE 1

Development Application:	0079.2002
Applicant:	Whitehaven Coal Mining Pty Ltd
Consent Authority:	Minister for Urban Affairs and Planning
Land:	See Appendix 1
Development:	Construction and operation of the Whitehaven Coal Handling and Preparation Plant

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DEFINITIONS

Applicant	Whitehaven Coal Mining Pty Ltd, or its successors
ARTC	Australian Rail Track Corporation
BCA	Building Code of Australia
CHPP	Coal Handling and Preparation Plant
Conditions of this consent Council	Conditions contained in schedules 2 and 3 inclusive Gunnedah Shire Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development described in the EIS
DPI Water	Division of Water within the Department of Primary Industries
DRE	Division of Resources and Energy within the NSW Department of Trade & Investment
EIS	The environmental impact statement for the Whitehaven siding CHPP dated June 2002, as modified by the: <ul style="list-style-type: none"> • additional documents submitted to Gunnedah Shire Council and/or the EPA relating to the development, dated June 2002; • amended statement of environmental effects for the increase in throughput at the Whitehaven CHPP and rail loading facility, prepared by RW Corkery & Co Pty Limited, dated April 2008; • environmental assessment for establishment of additional reject ponds at the Whitehaven CHPP, prepared by Whitehaven Coal Mining Pty Ltd, dated August 2011 and the associated response to submissions, dated November 2011; and • environmental assessment titled <i>Whitehaven Coal Limited – Gunnedah CHPP and Rocglen Rejects Management Modification and Environmental Assessment</i>, dated May 2015.
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build or carry out
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this consent
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mining operations	Includes the processing, handling, storage and transportation of coal
Minister	Minister for Planning, or delegate
Minor	Small in quantity, size and degree
Mitigation	Activities associated with reducing the impacts of the development
Negligible	Small and unimportant, such as to be not worth considering
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, gas supply, drainage, sewerage, telephony, telecommunications etc
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The treatment or management of land disturbed by the development for the purpose of establishing a safe, stable and non-polluting environment, and includes remediation
Remediation	Activities associated with partially or fully repairing the impacts and/or environmental consequences of the development
ROM	Run-of-mine
Secretary	Secretary of the Department, or nominee
Site	The land listed in Appendix 1

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

TERMS OF CONSENT

2. The Applicant shall carry out the development:
 - (a) in general accordance with the EIS; and
 - (b) in accordance with the conditions of this consent.

Note: The general layout of the development is shown in Appendix 2.

3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
4. The Applicant shall comply with any reasonable requirement/s of the [Secretary](#) arising from the Department's assessment of:
 - (a) any reports, strategies, plans, programs, reviews or correspondence that are submitted by the Applicant in accordance with this consent; and
 - (b) the implementation of any actions or measures contained in these documents.

LIMITS ON CONSENT

Mining Operations

5. The Applicant may carry out mining operations on the site until 2 October 2022.

Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the [Secretary](#) and the Executive Director, Mineral Resources in DRE. Consequently this consent will continue to apply in all other respects - other than the right to conduct mining operations - until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.

Coal Processing

6. The Applicant shall not process more than 3.0 million tonnes of ROM coal on the site in a calendar year.

Coal Transport

7. The Applicant shall not dispatch more than 4.1 million tonnes of coal from the site in a calendar year.

STRUCTURAL ADEQUACY

8. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for proposed building works;*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

DEMOLITION

9. The Applicant shall ensure that all demolition work on site is carried out in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

10. Unless the Applicant and the applicable authority agree otherwise, the Applicant shall:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development,

Note: This condition does not include matters that are expressly provided for in the conditions of this consent, such as the maintenance of public roads.

OPERATION OF PLANT AND EQUIPMENT

11. The Applicant shall ensure that all plant and equipment used on site, or to transport coal from the site, is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.
-

**SCHEDULE 3
ENVIRONMENTAL PERFORMANCE, MANAGEMENT AND REPORTING**

ENVIRONMENTAL PERFORMANCE

Noise

1. The Applicant shall:
 - (a) comply with the noise limits specified in any EPL for the development;
 - (b) minimise the operational, low frequency, and rail noise generated by the development;
 - (c) ensure that its rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL (No. 3142);
 to the satisfaction of the [Secretary](#).

Air Quality

2. The Applicant shall:
 - (a) minimise offsite odour, fume and dust emissions of the development;
 - (b) minimise the surface disturbance on site and revegetate disturbed areas as soon as practicable;
 to the satisfaction of the [Secretary](#).

Water

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain water licences for the development.

3. The Applicant shall ensure that any surface water discharges from the site comply with the discharge limits (both volume and quality) set for the development in any EPL.

Visual Amenity and Lighting

4. The Applicant shall undertake tree planting on the eastern and northern boundary of the additional reject ponds (9, 10 and 11) and settlement ponds (8 and 9), within 6 months of commencement of construction works, to the satisfaction of the [Secretary](#).
5. The Applicant shall:
 - (a) minimise the visual and off-site lighting impacts of the development;
 - (b) ensure no outdoor lights shine above the horizontal; and
 - (c) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting* or its latest version;
 to the satisfaction of the [Secretary](#).

Waste

6. The Applicant shall ensure that the waste generated by the development is appropriately stored, handled and disposed of in a lawful manner.

Rehabilitation

7. The Applicant shall rehabilitate the site to the satisfaction of the Executive Director, Mineral Resources in DRE. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EIS.

Road Maintenance

8. The Applicant shall, to the satisfaction of Council, seal the internal access road leading from Torrens Road, from the site boundary to the junction of the eastern boundary of Lot 111, DP 755503.
9. The Applicant shall enter into a formal agreement with Council to reimburse Council for 85% of annual routine maintenance costs for Torrens Road. The Applicant is also required to contribute, on an annual basis, to the future resealing of this road in accordance with Table 1. Annual contribution for future reseal is to be \$780.00 per annum to be indexed annually (from 2002).

Table 1: Road Maintenance

Reseal Cost	\$3.00 per square metre	
Torrens Road	0.6km x 6.5m width	= 3900 square metres
Total cost to reseal		= \$11700
Assumed 15 year life of seal		= \$11700/15
		= \$780.00

Bushfire Management

10. The Applicant shall:
 - (a) ensure that the development is suitably equipped to respond to any fires on site; and
 - (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.

ENVIRONMENTAL MANAGEMENT

Design and Construction

11. The Applicant shall:
 - (a) consult with [DPI Water](#) and the CMA during detailed design of the reject and settlement ponds and earth bund;
 - (b) submit detailed designs to the [Secretary](#) for approval prior to commencement of construction; and
 - (c) submit to the [Secretary](#), post construction (as executed) plans verifying that pond construction was completed in accordance with the approved pond design.
12. Construction work may only be carried out on site between 7am and 6pm Monday to Friday and 8am and 1pm on Saturdays. No construction work is allowed on Sundays, public holidays or at any other time without the written approval of the [Secretary](#).

Environmental Management Plan

13. The Applicant shall prepare and implement an Environmental Management Plan for the development to the satisfaction of the [Secretary](#). This plan must:
 - (a) be submitted to the [Secretary](#) for approval by the end of June 2012;
 - (b) describe the roles and responsibilities of key personnel involved in environmental management;
 - (c) describe the relevant statutory requirements, limits or performance measures/criteria and the measures that would be implemented to comply with these requirements;
 - (d) detail the best practice management measures to be implemented, including all reasonable and feasible measures, to:
 - minimise the operational, low frequency, and rail noise generated by the development;
 - minimise offsite odour, fume and dust emissions;
 - minimise visual and off-site lighting impacts; and
 - avoid, minimise, reuse and recycle all waste streams generated by the development.
 - (e) include a program to monitor and report on the environmental performance of the development and the effectiveness of any management measures;
 - (f) include a protocol for managing, reporting and responding to any complaints, incidents or non-compliances; and
 - (g) include a protocol for periodic review of the plan.

Water Management Plan

14. The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of the [Secretary](#). This plan must be prepared in consultation with [DPI Water](#) and the [EPA](#) and be submitted to the [Secretary](#) for approval prior to construction of the additional reject and settlement ponds. The plan must include:
 - (a) an Erosion and Sediment Control Plan, prepared in accordance with *Managing Urban Stormwater: Soils and Construction (the Blue Book), 4th Edition* or its latest version;
 - (b) a Surface Water Management Plan, including:
 - a program to monitor surface water flows and quality in the watercourses that could be affected by the project, including trigger levels for investigating adverse impacts; and
 - an updated site water balance;
 - (c) a Groundwater Management and Response Plan, which must include:
 - baseline data of groundwater levels, yield and quality in the project area;
 - groundwater impact assessment criteria, including trigger levels for investigating any adverse groundwater impacts;
 - a program to monitor groundwater in the area of the additional reject and settlement ponds;
 - a response protocol for any exceedances of assessment criteria; and
 - measures to mitigate and/or offset any adverse impacts on groundwater.

Rehabilitation Management Plan

15. The Applicant shall prepare and implement a Rehabilitation Management Plan for the development to the satisfaction of the Executive Director, Mineral Resources in DRE. This plan must:
- be prepared in consultation with the Department, [DPI Water](#) and Council;
 - be submitted to the Executive Director Mineral Resources in DRE for approval, 12 months prior to completion and closure of the CHPP;
 - be prepared in accordance with any relevant DRE guideline; and
 - describe the measures that would be implemented to rehabilitate the site and implement the rehabilitation strategy described in the EIS.

REPORTING

Annual Report

16. The Applicant shall report annually on the environmental performance of the development, in accordance with the requirements of the EPL.

Monitoring of Coal Transport

17. The Applicant shall:
- keep records of the:
 - amount of coal transported from the site (on a monthly basis); and
 - date and time of each train movement generated by the development; and
 - make these records available on its website at the end of each calendar year.

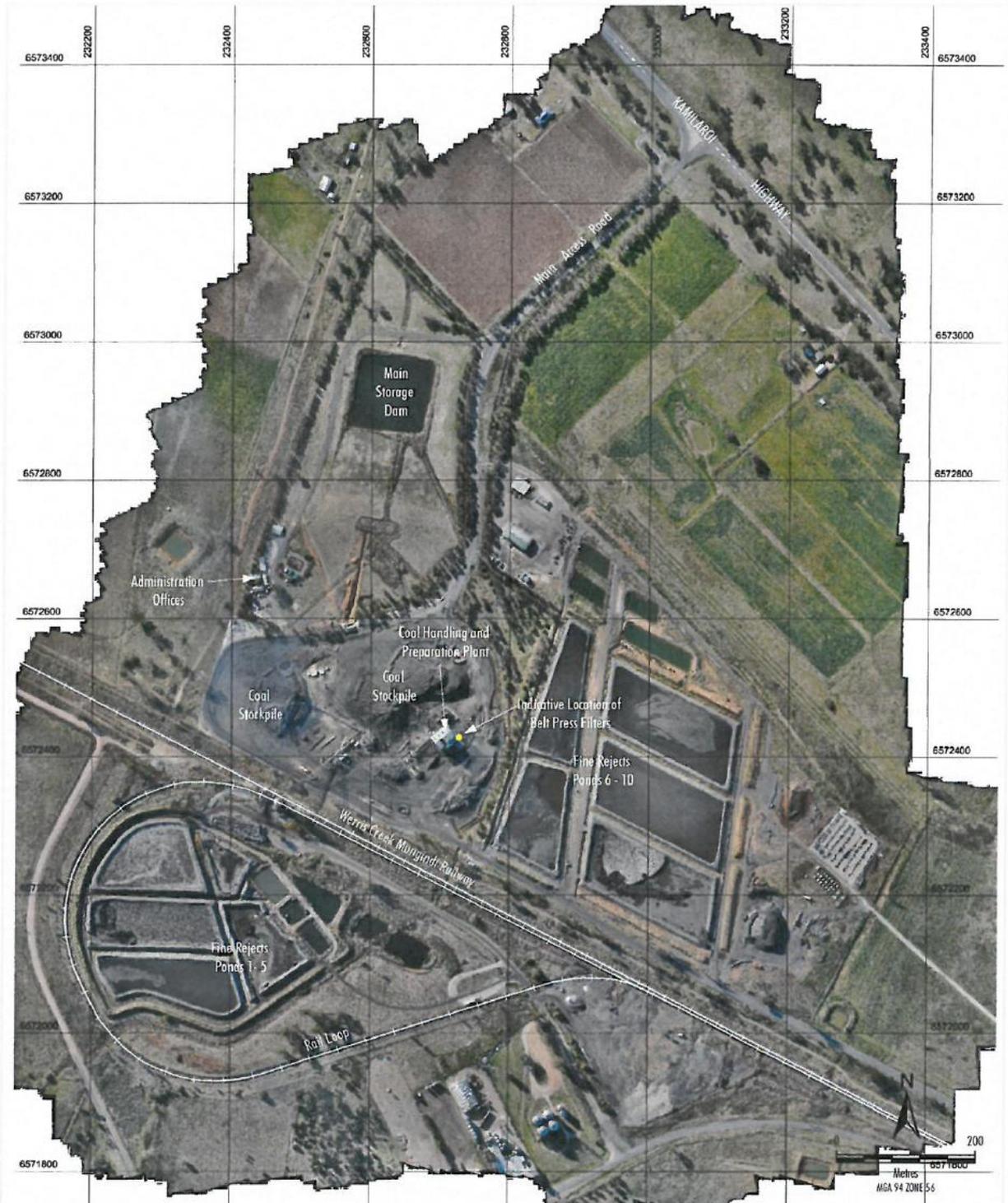
Access to Information

18. The Applicant shall:
- make the following information publicly available on its website:
 - the EIS;
 - all current statutory approvals for the development;
 - approved plans required under the conditions of this consent;
 - a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans approved under the conditions of this consent or the EPL;
 - a complaints register, which is to be updated on a monthly basis;
 - any other matter required by the [Secretary](#); and
 - keep this information up to date, to the satisfaction of the [Secretary](#).
19. [Within 3 months of:](#)
- [The submission of an annual report under condition 16 above; or](#)
 - [any modification to the conditions of this consent,](#)
- [the Applicant shall review, and if necessary revise, the plans required under this consent to the satisfaction of the Secretary. 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 for approval.](#)

Note: This is to ensure the plans are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.

**APPENDIX 1
SCHEDULE OF LAND**

Lot	Deposited Plan
678	705086
1	723509
111,112,120,471,472,473,474,475,498	755503
1	810271
3	875874
12	542047
North-Western Railway Corridor, incorporating rail load out bin adjacent to Lot 3 DP 875874	



Source: Whitehaven Coal, 2015



CHPP AND ROCGLÉN REJECT MANAGEMENT

General Arrangement of the

Whitehaven CHPP

Figure 2