

10 May 2023

Steve O'Donoghue
Director Resource Assessments
Department of Planning and Environment
Via Email: Stephen.ODonoghue@planning.nsw.gov.au

Dear Steve,

RE: TARRAWONGA COAL MINE – ROAD HAULAGE HOURS MODIFICATION

Introduction

The Tarrawonga Coal Mine (TCM) is an open cut coal mining operation located approximately 42 kilometres (km) north-northwest of Gunnedah in New South Wales (NSW) (Figure 1). Run-of-mine (ROM) coal is crushed and screened on-site, and the sized ROM coal is loaded onto on-highway trucks for transport via the Approved ROM Coal Transport Route to the Whitehaven Coal Handling and Preparation Plant (CHPP) located in Gunnedah (Figure 1).

The TCM is owned and operated by Tarrawonga Coal Pty Ltd (TCPL), a wholly owned subsidiary of Whitehaven Coal Limited (Whitehaven).

Project Approval 11_0047 for the TCM was issued by the NSW Planning Assessment Commission under delegation of the NSW Minister for Planning and Infrastructure pursuant to section 75J of the EP&A Act in 2013. Project Approval 11_0047 has been modified on nine separate occasions, with the most recent being the Waste Tyre Disposal Modification (MOD 9), which was approved in May 2021.

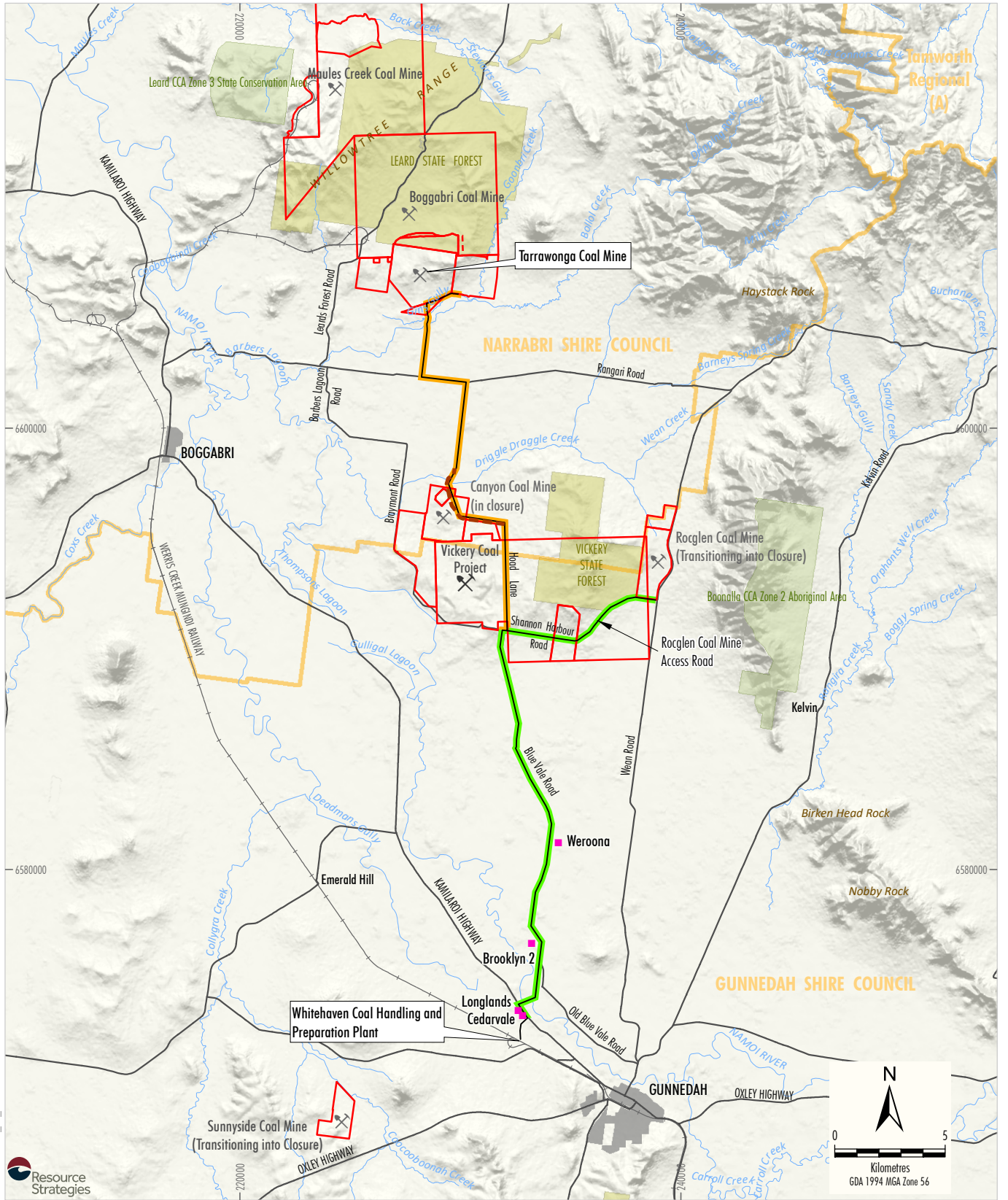
Project Approval 11_0047 allows for the extraction and transportation of up to 3.5 million tonnes per annum (Mtpa) of ROM coal along the Approved ROM Coal Transport Route from TCM to the Whitehaven CHPP (Figure 1). Project Approval 11_0047 also allows the TCM to receive up to 700,000 tonnes per annum of coal rejects from the Whitehaven CHPP. The TCM has not been able to achieve its consented road haulage tonnage in recent times, primarily due to low availability of road haulage drivers and impacts of flooding events.

TCPL is seeking to modify the approved road haulage hours for transportation of ROM coal and coal rejects in Project Approval 11_0047 (the Modification). Modification to Project Approval 11_0047 is sought under section 4.55(2) of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act).

This Modification Report has been prepared in consideration of the guideline *State significant development guidelines – preparing a modification report* (Department of Planning and Environment [DPE], 2022), and describes the Strategic Context, Description of the Modification, Statutory Context, Engagement, Assessment of Impacts and Justification of the Modification.

The Applicant for the Modification is:

Tarrawonga Coal Pty Ltd
469 Goonbri Road
Boggabri NSW 2382



WHC-20-69 MOD10 - IMA_201A



- LEGEND**
- Mining Tenement Boundary (ML and CL)
 - Mining Lease Application Boundary (MLA 1)
 - NSW State Forest
 - State Conservation Area, Aboriginal Area
 - Major Roads
 - Railway
 - Local Government Boundary
 - Whitehaven Private Haul Road
 - Approved ROM Coal Transport Route - Northern Section
 - Approved ROM Coal Transport Route - Southern Section
 - Private Landholders

Source: LPMA - Topographic Base (2010); NSW Department of Industry (2018)

WHITEHAVEN COAL
TARRAWONGA COAL MINE
 Approved ROM Coal Transport Route
 and Road Noise Assessment Locations

Figure 1

Strategic Context

The TCM is an existing mining operation that operates under Project Approval 11_0047 and comprises an open cut mine and other mining related infrastructure. Sized ROM coal is transported between the TCM and the Whitehaven CHPP using a fleet of on-highway haulage trucks.

The Whitehaven CHPP in Gunnedah is approved to receive ROM coal from the TCM, Vickery Coal Mine (yet to commence ROM haulage), Rocglen Coal Mine (now under closure) and Sunnyside Coal Mine (now under closure) under Development Consent DA 0079-2002. Coal rejects generated at Whitehaven CHPP are currently transported via the Approved ROM Coal Transport Route to the TCM for disposal.

The TCM has not been able to achieve its consented 3.5 Mtpa road haulage tonnage in recent times, primarily due to low availability of road haulage drivers and impacts of flooding events. The ROM coal haulage operation has faced rostering challenges due to the restricted road haulage hours in the Project Approval (11_0047), which has resulted in driver availability issues. Consultation with the haulage operation indicated that an increase in the permitted road haulage hours would increase driver availability due to the improvement in shift scheduling. The proposed increase in the TCM road haulage hours is expected to allow TCM to achieve full utilisation of the currently permitted 3.5 Mtpa road haulage limit.

As described in the Tarrawonga Coal Mine Life-of-Mine Modification (MOD 7), the ROM coal haulage operation has introduced a new fleet of prime movers for ROM coal haulage which has increased truck payloads. The new combinations allow payloads of up to 62 tonnes (t) compared to the 42 t trucks previously used. This has reduced the daily ROM coal truck trips required to meet the coal production rate (compared to that assessed in MOD 7). Despite this, as described above, the haulage operation has reported rostering challenges due to limited flexibility provided by the current road haulage hours, which has resulted in driver availability issues.

Description of the Modification

Whitehaven is proposing a modification to Project Approval 11_0047 to authorise additional road haulage hours on the Approved ROM Coal Transport Route (Figure 1). Whitehaven is proposing the modification of Condition 9, Schedule 2 of Project Approval 11_0047 as per the **bolded amendments** shown in Table 1.

Table 1
Proposed Modified Project Approval Conditions

Condition Number	Existing Condition	Modified Condition
Cond. 9, Sch. 2	The Proponent shall only transport coal from the site or receive coal reject from the Whitehaven CHPP by truck between the hours of: (a) 6 am to 9.15 pm Monday to Friday; (b) 7 am to 5.15 pm Saturday; and (c) at no time on Sundays or public holidays.	The Proponent shall only transport coal from the site or receive coal reject from the Whitehaven CHPP by truck between the hours of: (a) 4 am to 11.15 pm Monday to Friday; (b) 5 am to 7.15 pm Saturday; and (c) at no time on Sundays or public holidays.

If approved, the additional road haulage hours enable the TCM to achieve the currently consented 3.5 Mtpa ROM movement from TCM to the Whitehaven CHPP located in Gunnedah.

The Modification would not change the mine tenements, open-cut mining methods, coal extraction rate, coal reserves or mine life approved under Project Approval 11_0047. It would also not change any activities at the Whitehaven CHPP approved under Development Consent DA 0079-2002.

Statutory Context

TCM was gazetted as a State Significant Development (SSD) for the purposes of future modification on 17 August 2018. Approval for the proposed Modification is sought under section 4.55(2) of the EP&A Act as it is substantially the same development to the existing operations for which consent was originally granted for TCM (Project Approval 11_0047, as modified).

The consent authority is, therefore, required to satisfy itself that the TCM incorporating the Modification would remain substantially the same development as was last modified under section 75W of the EP&A Act (i.e. Modification 5), inclusive of consideration of the changes arising from previously approved modifications.

Table 2 provides a summary comparison of the currently approved TCM (Project Approval 11_0047) and the TCM incorporating the Modification.

**Table 2
Summary Comparison of the Approved and Modified Tarrawonga Coal Mine**

TCM Component	Summary of Approved TCM Including Modifications	Summary of the Modification
Development size, scale and footprint	Conventional open cut coal mining operation including coal and gravel crushing, screening and loadout infrastructure	No change.
Intensity including rates of production	Up to 3.5 Mtpa ROM coal.	No change.
Primary, secondary and ancillary use	On-site water management system comprises water management storages and collection drains, runoff diversions, sediment control and open cut dewatering. Existing Mine Facilities Area (comprising a crib hut, offices, hardstand, first aid building, maintenance workshop, toilets, wash bay and light vehicle parking area). Haulage of ROM coal and coal rejects along the Approved ROM Coal Transport Route.	No change.
Project life and hours of operation	Project Approval to December 2030. Operating hours are 24 hours per day, seven days per week.	No change.
Road haulage hours	ROM coal dispatch hours: <ul style="list-style-type: none"> ▪ 6.00 am to 9.15 pm Monday to Friday; and ▪ 7.00 am to 5.15 pm Saturday. 	ROM coal dispatch hours: <ul style="list-style-type: none"> ▪ 4.00 am to 11.15 pm Monday to Friday; and ▪ 5.00 am to 7.15 pm Saturday.
Extent, duration and severity of impacts	As described in previous environmental assessments and as authorised by Project Approval 11_0047.	No change.

As the Modification relates to a change of hours of road haulage hours along the Approved ROM Coal Transport Route, the consent authority can be satisfied that the TCM incorporating the Modification would remain “substantially the same” as the development as last modified under section 75W of the EP&A Act (i.e. Modification 5).

The *Biodiversity Conservation Act 2016* (the BC Act) provides the legislative framework for biodiversity conservation in NSW. With reference to clause 30A, section 1(a) and 2(c) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, the Modification does not propose any new surface development, and would not increase impacts on biodiversity values and therefore, it is considered that a Biodiversity Development Assessment Report is not required.

Engagement

Whitehaven has consulted with government agencies and relevant stakeholders during the preparation of this Modification Report. A summary of this consultation is provided below. It is anticipated that consultation with government agencies will continue during the assessment of the proposal by the NSW Government.

NSW Department of Planning and Environment

Whitehaven commenced consultation with the DPE regarding the proposed Modification in November 2022. TCPL provided a scoping letter to the DPE on 14 March 2023 to provide an overview of the Modification, proposed approval pathway and the proposed scope of the environmental assessment.

Government Agencies

Whitehaven provided a briefing letter to the following agencies on 26 April 2023 to provide an overview of the Modification and the supporting environmental assessments to be undertaken:

- Narrabri Shire Council (NSC);
- Gunnedah Shire Council (GSC);
- NSW Environment Protection Authority; and
- Transport for NSW.

Whitehaven will provide periodic updates to Government Agencies on the Modification assessment status.

Community Consultative Committee

Whitehaven provided a briefing letter to the Community Consultative Committee (CCC) Chair for distribution to the CCC on 26 April 2023. The letter provided an overview of the Modification and the supporting environmental assessments to be undertaken. Whitehaven will provide an update on the Modification assessment status at the next CCC meeting on 24 May 2023.

Local Landholders

Whitehaven has identified and engaged with the potentially affected landholders that have dwellings located in proximity to the Approved ROM Coal Transport Route. Two potentially affected landholders along Blue Vale Road were identified as part of the Tarrawonga Coal Project Environmental Assessment and are subject to ongoing road noise monitoring. A further two landholders with dwellings in proximity to the Kamilaroi Highway have also been consulted in relation to the modified haulage hours.

Whitehaven has reached private agreements with all but one of the potentially affected landholders, and is in advanced discussions to establish the remaining agreement for the proposed change to the haulage hours.

Assessment of Impacts

Whitehaven has undertaken a review of the potential environmental impacts of the Modification to identify key potential environmental issues requiring assessment. A summary of the review findings is provided below.

Road Transport

The proposed Modification would enable road haulage between the TCM and Whitehaven CHPP two hours earlier and two hours later than currently permitted on weekdays and Saturdays under Project Approval 11_0047. The Transport Planning Partnership (TPPP, 2023) has undertaken an assessment of potential road transport impacts associated with the Modification (Appendix A).

The Approved ROM Coal Transport Route includes a combination of public and private roads and provides the shortest and least trafficked route from the TCM to the Whitehaven CHPP (Figure 1). The Approved ROM Coal Transport Route does not traverse either residential areas or permanent school zones, and consists of:

- Whitehaven Private Haul Road north-south between TCM and Rangari Road;
- Rangari Road (between the two sections of private haul road);
- Whitehaven Private Haul Road south of Rangari Road, which crosses Hoad Lane and passes through the former Canyon Coal Mine and east-west to Hoad Lane;
- Hoad Lane between the Whitehaven Private Haul Road and Blue Vale Road;
- Shannon Harbour Road between the Rocglen Coal Mine Access and Hoad Lane;
- Blue Vale Road between Hoad Lane and Kamilaroi Highway (noting that realignment of Blue Vale Road would occur with commencement of the Vickery Coal Project or Vickery Extension Project);
- Kamilaroi Highway between Blue Vale Road and Whitehaven CHPP access road; and
- the Whitehaven CHPP access road.

There have been no complaints recorded by TCPL relating to TCM road haulage during 2020 to 2022.

A Road Transport Assessment was prepared by TTPP (2019) for the Tarawonga Coal Mine Life-of-Mine Modification (MOD 7). Up until that time, haulage had been conducted using a fleet of trucks with a payload capacity of 42 t. As described above, a new fleet of trucks with a greater payload capacity have been introduced which has resulted in fewer trips required to transport the same tonnage of ROM coal.

The annual and daily ROM coal haulage trips have been estimated based on the maximum 3.5 Mtpa production and haulage rate. Consistent with the MOD 7 assessment, trip generation has been calculated assuming that haulage movements are evenly spread over the weekday and Saturday haulage hours, with haulage occurring over 48 weeks per year. A summary of the average weekday trip generation on the Approved ROM Coal Transport Route is provided in Table 3.

**Table 3
Average Weekday ROM Coal Transport Trip Generation**

	Weekday Trips (vehicles per day)	Hourly Trips (vehicles per hour)			
		4:00 am to 6:00 am	6:00 am to 9:15 pm	9:15 pm to 11:15 pm	11:15 pm to 4:00 am
Approved – MOD 7 Assessment [^]	612	0	40	0	0
Proposed Modification	420	22	22	22	0
Difference	-192	+22	-18	+22	0

[^] As assessed in TTPP (2019).

Under the Modification, there would be a similar reduction in ROM coal haulage movements on Saturdays, with daily trips reducing from 412 to 310 per Saturday.

The daily and peak hourly traffic volumes on the Approved ROM Coal Transport Route with the Modification would be lower than those assessed for the approved TCM operations under MOD 7. The Modification would also reduce the average number of ROM coal trucks travelling on the Approved ROM Coal Transport Route during periods when the school bus is operating.

The future hourly volumes on the Approved ROM Coal Transport Route throughout the extended haulage hours proposed with the Modification would remain below those assessed for the peak hours for the approved Life-of-Mine Modification (MOD 7) (TTPP, 2023).

On the Southern section of the Approved ROM Coal Transport Route, the highest volumes forecast during the additional haulage hours would remain well below historically surveyed peak hourly volumes. As previous assessments have found that there would be no capacity concerns with the operation of the roads and intersections during the peak hours, it follows that with reduced peak hourly volumes, there would also be no capacity concerns with the operation of the roads and intersections with the Modification.

Under a conservative assumption that haulage is undertaken using the previous smaller-capacity truck fleet (i.e. with a 42 t payload), the average hourly haulage trip generation of the Modification would be approximately 32 trips per hour over the proposed extended haulage hours. Under those theoretical conditions, future traffic volumes would remain sufficiently low that there would be no capacity concerns with the operation of the roads and intersections during the peak hours.

No additional measures or upgrades are recommended by TTPP (2023) to mitigate the impacts of the development on the capacity, safety and efficiency of the road network as a result of the changed road traffic conditions associated with the Modification. Notwithstanding, Whitehaven would implement the following prior to commencing the Modification:

- review the Driver Code of Conduct and Whitehaven’s specific inductions for haulage truck operators to ensure the behavioural requirements for truck drivers operating in darkness are adequately addressed (such as appropriate use of high-beam headlights);
- review the existing fatigue management measures applicable to the haulage truck drivers and confirm they are appropriate;
- review the approved protocol to clean and maintain the visibility of signage, guideposts and lane delineation on the Approved ROM Coal Transport Route to ensure that it adequately addresses the night-time visibility needs of drivers on the route; and

- the Traffic Management Plan for the Tarrawonga, Rocglen and Vickery Coal Mines would be reviewed and amended as necessary to incorporate the Modification.

Whitehaven would also continue to implement the road maintenance agreements with the GSC and NSC under the Modification. Whitehaven continues to implement road maintenance agreements with the GSC and NSC in accordance with Condition 55, Schedule 3 of Project Approval 11_0047.

Road Noise

RWDI (2023) has undertaken an assessment of potential road noise impacts associated with the Modification (Appendix B).

Project Approval 11_0047 conditions road traffic noise criteria for the TCM. Condition 8, Schedule 3 of Project Approval 11_0047 requires TCPL to ensure that traffic noise on public roads generated by the TCM (and Vickery and Rocglen Coal Mines) does not exceed road traffic noise criteria at any residence on privately-owned land.

The Approved ROM Coal Transport Route includes a combination of private roads located within mine-owned land and sections of public road (e.g. Rangari Road and Hoard Lane). The criteria specified apply only to public road sections.

RWDI (2023) has modelled the road traffic noise impacts under the conservative assumption that the previous smaller-capacity truck fleet (i.e. with a 42 t payload) are used, resulting in greater than anticipated haulage movements. Under this conservative assumption, the noise levels generated by the TCM vehicles along the Approved ROM Coal Transport Route are not expected to exceed the road traffic noise criteria (Table 4).

**Table 4
Predicted Road Traffic Noise Levels**

Receiver	Predicted Noise Level (dBA)			
	Weekday		Weekend	
	Day and Evening L _{Aeq,15hr}	Night L _{Aeq,9hr}	Day and Evening L _{Aeq,15hr}	Night L _{Aeq,9hr}
Criteria	60	55	60	55
Brooklyn 2	44	37	43	31
Weroona	47	41	46	34
Longlands	56	49	54	42
Cedarvale	54	48	53	41

Source: RWDI, 2023 (Appendix B).

Day and Evening is 7:00 am to 10:00 pm; Night is 10:00 pm to 7:00 am.

RDWI (2023) has concluded that the proposed extension of hours for the use of the Approved ROM Coal Transport Route would result in no adverse noise impacts, and noise emissions would continue to remain compliant with Project Approval 11_0047.

Whitehaven would revise the Road Noise Management Plan for the Tarrawonga and Rocglen Coal Mines to include road noise monitoring at a representative location for the Longlands and Cedarvale properties.

Justification of the Modified Project

TCPL is seeking to modify the approved road haulage hours for transportation of ROM coal and coal rejects in Project Approval 11_0047. The proposed increase in the TCM road haulage hours is expected to allow TCM to achieve full utilisation of the currently permitted 3.5 Mtpa road haulage limit.

Whitehaven has engaged with government agencies and community including landholders that have dwellings located in proximity to the haulage route to provide an overview of the Modification. Whitehaven has reached private agreements with all but one of the potentially affected landholders, and is in advanced discussions to establish the remaining agreement for the proposed change to the haulage hours.

The TCM, incorporating the Modification, would be “substantially the same” development as was last modified under section 75W of the EP&A Act (i.e. Modification 5), inclusive of the changes arising from subsequent approved modifications.

The TCM (as modified) would continue to comply with existing criteria, performance measures and limits described in Project Approval 11_0047. TCPL would operate the modified TCM in accordance with the existing environmental management plans and environmental monitoring programs, with minor revisions as necessary to incorporate the Modification.

In weighing up the main environmental impacts (costs and benefits) assessed and described in this Modification Report, the Modification, on balance, is considered to have merit and to be in the public interest of the State of NSW.

Please do not hesitate to contact me on 0475 830 292 if the Department of Planning and Environment requires further information regarding the Modification.

Yours sincerely

WHITEHAVEN COAL LIMITED



Tony Dwyer

Group Manager – Approvals and Biodiversity

TDwyer@whitehavencoal.com.au

0475 830 292

References

Department of Planning and Environment (2022) *State significant development guidelines – preparing a modification report.*

RWDI (2023) *Tarrawonga Coal Mine Road Haulage Hours Modification – Noise Impact Assessment.*

TTPP (2019) *Tarrawonga Coal Mine Life of Mine Modification Road Transport Assessment.*

TTPP (2023) *Tarrawonga Coal Mine – Haulage Hours Modification Road Transport Assessment.*

Attachment 1
Statutory Compliance Table

**Table A1-1
Summary Statutory Compliance for State Legislation**

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>NSW Environmental Planning and Assessment Act 1979</i>				
section 1.3	Relevant objects of the EP&A Act <ul style="list-style-type: none"> ▪ Promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources. ▪ Facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment. ▪ Promote the orderly and economic use and development of land. ▪ Protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats. ▪ Promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage). ▪ Promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State. ▪ Provide increased opportunity for community participation in environmental planning and assessment. 	6.9.4	No change	✓

Table A1-1 (Continued)
Summary Statutory Compliance for State Legislation

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
section 4.15	Relevant environmental planning instruments: <ul style="list-style-type: none"> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021.</i> ▪ <i>State Environmental Planning Policy (Resources and Energy) 2021.</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021.</i> ▪ <i>Gunnedah Local Environmental Plan 2012</i> (Gunnedah LEP). ▪ <i>Narrabri Local Environmental Plan 2012</i> (Narrabri LEP). ▪ Any planning agreement or draft planning agreement that a developer has entered into under section 7.4 of the EP&A Act. ▪ <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation). The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality; the suitability of the site for the development; any submissions made in accordance with the EP&A Act or the EP&A Regulation; the public interest.	6.5.1	Table A2-2	✓
<i>NSW Environmental Planning and Assessment Regulation 2021</i>				
clause 98	Clause 98 provides for the circumstances in which a modification application may be made. In accordance with the requirements of clause 98(4), TCPL will give notice of the Modification application via newspaper no later than 14 days after the Modification application is made. With respect to clause 98(6), the Tarrawonga Coal Mine incorporating the Modification does not relate to land owned by a Local Aboriginal Land Council.	-	Table A2-1	✓
clauses 99 and 100	Clauses 99 and 100 of the EP&A Regulation provide for the making and consent of a modification application. With respect to these two clauses, this Modification Application: <ul style="list-style-type: none"> ▪ contains the information required by the EP&A Act and EP&A Regulation; ▪ has been prepared in consideration of the guideline <i>State significant development guidelines - preparing a modification report</i> (DPE, 2022); ▪ contains the information required by clause 100(1)(a) to (c) and a description of the Modification and its expected impacts; and ▪ is not accompanied by a Biodiversity Development Assessment Report. 	-	Statutory Context section	✓

Table A1-1 (Continued)
Summary Statutory Compliance for State Legislation

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
clause 103	Clause 103 of the EP&A Regulation concerns applications to modify a development consent that relates to "mining or petroleum development" on certain land. The Modification would not change the Tarrawonga Coal Mine development area.	-	NA	✓
clause 106	Division 2 of Part 5 of the EP&A Regulation provides for the public notification of modification applications. The consent authority is required to attend to the relevant public notice requirements in this Division. In this regard, clause 106 applies to a section 4.55(2) modification application if the original development application was for SSD and clause 107 applies to a section 4.55(2) modification application to which clause 106 does not apply.	-	No change	✓
<i>NSW Biodiversity Conservation Act 2016</i>				
section 7.14(2)	The consent authority is to take into consideration the likely impact of the proposed development on biodiversity values as assessment in the Biodiversity Review. The Modification does not require additional surface development beyond the approved areas and would therefore not increase the impact on biodiversity values, including threatened species and ecological communities. The Modification does not involve any surface disturbance.	-	NA	✓
section 7.16(3)	If the consent authority is of the opinion that the Tarrawonga Coal Mine (as modified) is likely to have serious and irreversible impacts on biodiversity values, the consent authority is required to: <ul style="list-style-type: none"> ▪ take those impacts into consideration; and ▪ determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is to be granted. The Modification does not involve any surface disturbance.	-	NA	✓
<i>NSW Mining Act 1992</i>				
section 380AA	An application for development consent to mine for coal cannot be made or determined unless the applicant is the holder of an authority that is in force in respect of coal for the relevant land, or the applicant has the written consent of the holder of such an authority to make the application.	Section 6.4.1 of the Tarrawonga Coal Project EA	No change	✓
<i>NSW Protection of the Environment Operations Act 1997 (PoEO Act)</i>				
section 43	The Tarrawonga Coal Mine currently operates under EPL 12365, granted under the PoEO Act, which allows for coal works and mining for coal as scheduled activities. The EPL contains conditions that relate to emission and discharge limits, environmental monitoring and reporting. The Modification would not require any variation to EPL 12365.	Section 6.4.1 of the Tarrawonga Coal Project EA	No change	✓

Table A1-1 (Continued)
Summary Statutory Compliance for State Legislation

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>NSW Water Management Act 2000</i>				
sections 89, 90 and 91	TCPL holds appropriate licences under the <i>Water Management Act 2000</i> for the existing activities at the Tarrawonga Coal Mine.	Section 6.4.1 of the Tarrawonga Coal Project EA	No change	✓
<i>NSW Heritage Act 1977</i>				
section 139	No items of historic heritage would be directly disturbed by the modified TCM as there would be no additional surface development.	Section 6.4.1 of the Tarrawonga Coal Project EA	No change	✓
<i>NSW Crown Land Management Act 2016</i>				
section 5.30	The Modification would not change the Tarrawonga Coal Mine development area.	-	No change	✓

**Table A2-2
Summary Statutory Compliance for Environmental Planning Instruments**

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i>				
Part 2.2	The Planning Systems SEPP provides for the declaration of SSD. In this respect, the approved Tarrawonga Coal Mine development was declared to be SSD under clause 6 of Schedule 2 to the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i> .	-	Table A2-2	✓
clause 2.7	Clause 2.7(1) relevantly provides for the Independent Planning Commission to be the declared consent authority for certain applications to modify a development consent for SSD, if the application is made by a person who has disclosed a "reportable political donation" under section 10.4 of the EP&A Act in connection with the modification application. In this respect, this Modification Application is not made by a person who has disclosed a reportable political donation	-	Table A2-2	✓
clause 2.10	Under clause 2.10, development control plans do not apply to SSD.	-	Table A2-2	✓
<i>State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP)</i>				
clause 2.1	Clause 2 of Chapter 2 (Mining, petroleum and extractive industries) of the Resources and Energy SEPP relevantly states that the aims of the Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries: <ul style="list-style-type: none"> ▪ to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State; ▪ to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources; ▪ to promote the development of significant mineral resources; and ▪ to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources. The consent authority can be satisfied that the Modification is consistent with the relevant aims of the Resources and Energy SEPP for the reasons given in Section 4.1.2 with respect to the objects of the EP&A Act.	-	Table A2-2	✓
clause 2.9	Clause 2.9 states that development for the purpose of mining may be carried out (with consent) on land where agriculture or industry may be carried out (with or without development consent). The Modification does not involve a change in the Tarrawonga Coal Mine development areas.	-	Table A2-2	✓

Table A2-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
clause 2.16	<p>Clause 2.16 provides various non-discretionary development standards for mining. In this regard, it is noted that:</p> <ul style="list-style-type: none"> ▪ The Modification would not increase any potential impacts on cumulative noise level, cumulative air quality level, airblast overpressure, or ground vibration (i.e. the non-discretionary development standards listed under clause 2.16[1] to [6]). ▪ The minimal impact considerations in the AIP (NSW Government, 2012) not applicable to this modification as it relates to a change in road haulage hours. 	-	Table A2-2	✓
clause 2.17	<p>Before determining an application for consent for the purposes of mining the consent authority must:</p> <p>(a) consider –</p> <p>(i) <i>the existing uses and approved uses of land in the vicinity of the development, and</i></p> <p>(ii) <i>whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and</i></p> <p>(iii) <i>any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and</i></p> <p>(b) <i>evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and</i></p> <p>(c) <i>evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</i></p> <p>Land use in the vicinity of the Tarrawonga Coal Mine is dominated by agriculture, mining associated with the Tarrawonga Coal Mine and other nearby mines, and proposed biodiversity conservation areas associated with the Tarrawonga Coal Mine and other nearby mines.</p> <p>The Modification would be wholly within the existing Tarrawonga Coal Mine mining and exploration leases and requires no new surface development.</p> <p>Accordingly, the Tarrawonga Coal Mine incorporating the Modification is considered to be compatible with existing and approved uses of land, namely an open cut and underground coal mine rehabilitated to conservation and agriculture final land uses.</p>	-	Table A2-2	✓

Table A2-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
clause 2.19	<p>Before determining an application for development in the vicinity of mining, petroleum or extractive industry, the consent authority must (among other things) consider whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery.</p> <p>The Modification does not involve a change in the Tarrawonga Coal Mine development areas.</p>	-	Table A2-2	✓
clause 2.20	<p>Clause 2.20(1) of the Resource and Energy SEPP requires that, before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:</p> <ul style="list-style-type: none"> (a) <i>that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,</i> (b) <i>that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,</i> (c) <i>that greenhouse gas emissions are minimised to the greatest extent practicable.</i> <p>In addition, clause 2.20(2) requires that, without limiting clause 2.20(1), in determining a development application for development for the purposes of mining petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.</p> <p>The Modification does not seek to change the approved surface development extent and, therefore, would not involve additional potential impacts on biodiversity or water resources.</p> <p>The Modification is not expected change the annual ROM coal haulage movements or result in any change to greenhouse gas emissions.</p>	-	Table A2-2	✓
clause 2.21	<p>Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery, and whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.</p> <p>The Modification provides greater flexibility to the Tarrawonga Coal Mine operations.</p>	-	Table A2-2	✓

Table A2-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
clause 2.23	<p>Clause 2.23 of the Resource and Energy SEPP requires that, before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development. In particular, the consent authority must consider whether conditions of the consent should:</p> <ul style="list-style-type: none"> (a) <i>require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or</i> (b) <i>require waste generated by the development or the rehabilitation to be dealt with appropriately, or</i> (c) <i>require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or</i> (d) <i>require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.</i> <p>The Modification does not involve a change in the Tarrawonga Coal Mine development areas.</p>	-	Table A2-2	✓

Table A2-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
Part 2.4	<p>Part 2.4 of the Resource and Energy SEPP concerns "mining or petroleum development", which is defined under clause 17A to mean:</p> <p>(1) <i>In this Part, mining or petroleum development means—</i></p> <p>(a) <i>development specified in clause 5 (Mining) of Schedule 1 to State Environmental Planning Policy (State and Regional Development) 2011, but only if—</i></p> <p>(i) <i>a mining lease under the Mining Act 1992 is required to be issued to enable the development to be carried out because—</i></p> <p>(A) <i>the development is proposed to be carried out outside the mining area of an existing mining lease, or</i></p> <p>(B) <i>there is no current mining lease in relation to the proposed development, or</i></p> <p>(ii) <i>the development is for the purposes of extracting a bulk sample as part of resource appraisal or a trial mine comprising the extraction of more than 20,000 tonnes of coal or of any mineral ore, or</i></p> <p>...</p> <p>(2) <i>However, mining or petroleum development does not include development carried out on land that is outside—</i></p> <p>(a) <i>the mining area of a proposed mining lease, or</i></p> <p>(b) <i>the area of a proposed production lease.</i></p> <p>The Modification does not involve a change in the Tarrawonga Coal Mine development areas.</p>	-	Table A2-2	✓

Table A2-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i>				
clause 4.6	<p>Chapter 4 (Remediation of Land) of the Resilience and Hazards SEPP is concerned with the remediation of contaminated land. Relevantly, clause 4.6(1) and (2) state:</p> <p>(1) <i>A consent authority must not consent to the carrying out of any development on land unless—</i></p> <p>(a) <i>it has considered whether the land is contaminated, and</i></p> <p>(b) <i>if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p>(c) <i>if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i></p> <p>(2) <i>Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines</i></p> <p>The Modification does not involve a change in the Tarrawonga Coal Mine development areas.</p>	-	Table A2-2	✓
clause 3.12	<p>A consent authority must consider current circulars or guidelines published by the DPE relating to hazardous or offensive development, whether to consult with relevant public authorities regarding any environmental or land use safety requirements, a preliminary hazard analysis prepared by the applicant, feasible alternatives to the development and likely future use of surrounding land.</p> <p>To the extent that clause 13 is relevant to the Modification Application, the consent authority can be satisfied that the development as modified will be carried out appropriately to manage potential hazards and pollution.</p> <p>The Modification would not involve the use of any additional hazardous materials and would not change the approved development extent or operations of the Tarrawonga Coal Mine. Hazardous materials would continue to be managed in accordance with the Project Approval and approved management plans.</p>	-	Table A2-2	✓
Gunnedah LEP				
clause 2.3(2)	<p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p>	Section 6.5.2 of the Tarrawonga Coal Project EA	No change	✓

Table A2-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarrawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
clause 5.10(4)	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Section 6.5.2 of the Tarrawonga Coal Project EA	No change	✓
clause 5.10(8)	The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance— (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.	Section 6.5.2 of the Tarrawonga Coal Project EA	No change	✓
Narrabri LEP				
clause 2.3(2)	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Section 6.5.2 of the Tarrawonga Coal Project EA	No change	✓
clause 5.10(4)	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Section 6.5.2 of the Tarrawonga Coal Project EA	No change	✓
clause 5.10(8)	The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.	Section 6.5.2 of the Tarrawonga Coal Project EA	No change	✓

Table A2-2 (Continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in the Tarawonga Coal Project EA or Modification EA	Relevant Section in Modification Report	Modified Project Compliance Status
clause 6.1	Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters: <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	Section 6.5.2 of the Tarawonga Coal Project EA	No change	✓

Appendix A
Road Transport Assessment

Appendix B
Road Noise Assessment