



# Werris Creek Coal Mine Modification 3

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Administrative correction to the approved project layout  
State Significant Development Modification Assessment  
(MP 10\_0059 MOD 3)

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# 1 Background

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

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

WCC currently operates the mine under a project approval (MP 10\_0059) granted in 2011 under delegation from the then Minister for Planning and Infrastructure. This approval allows:

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

The project approval has been modified on two occasions. Modification 1 primarily involved changes to the void water dams, location of explosive magazine and biodiversity offsets.

Modification 2 (MOD 2) was approved in November 2015. The modification primarily involved changes to the mine layout, including an extension of the overburden emplacement area and construction of a dry separation plant.

The project approval includes a figure showing the general layout of the mine in Appendix 2. The figure was not updated to reflect the changes approved for MOD 2, and consequently the figure incorrectly depicts the general arrangement of the mine.

WCC is therefore seeking an administrative modification under Section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to the project approval to replace the figure in Appendix 2 to reflect the approved layout.

## 2 Statutory context

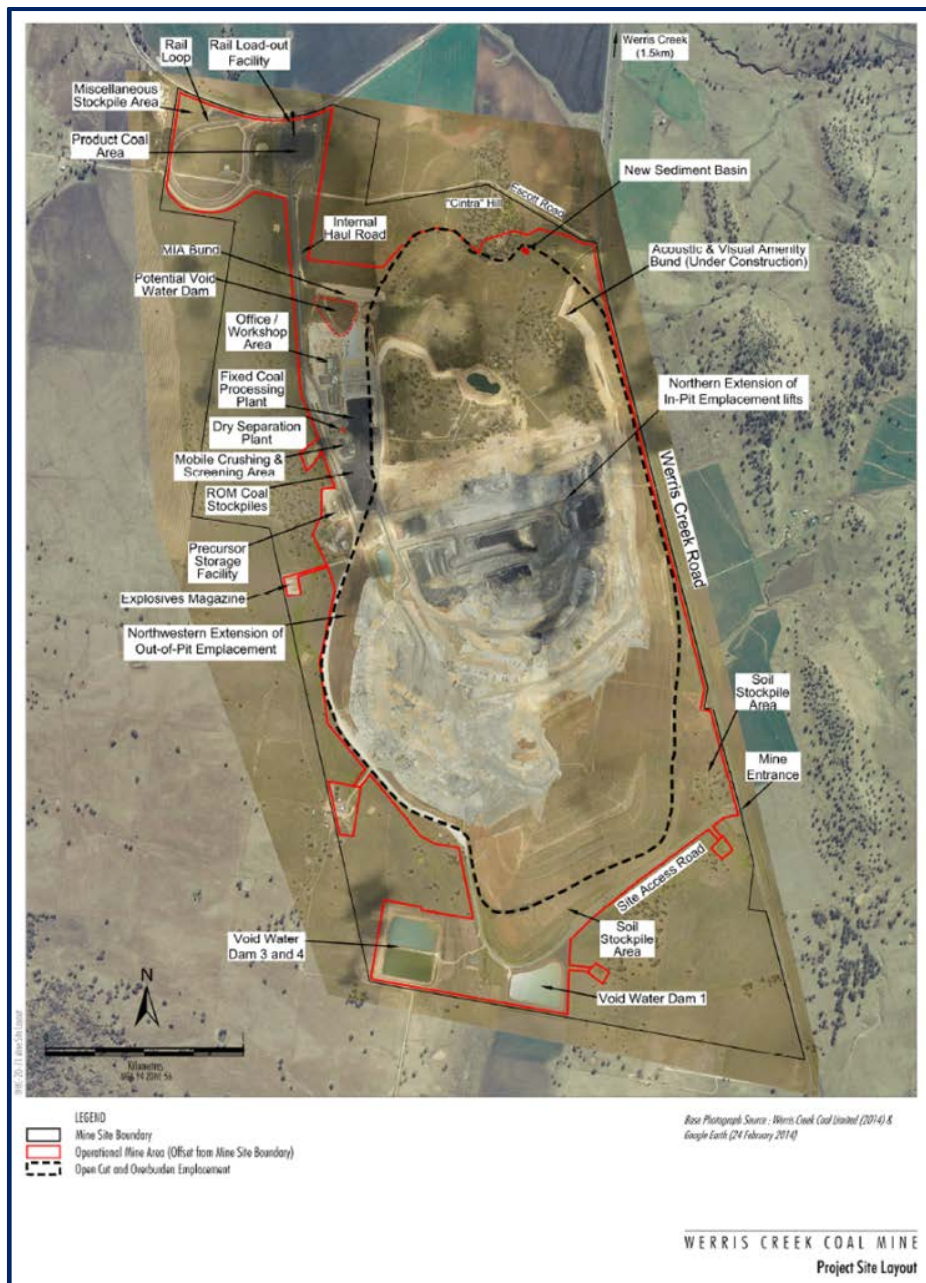
The Werris Creek Coal Mine was originally approved under Part 3A of the EP&A Act. Under clause 6 of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, the project was transitioned to State Significant Development (SSD) by order, which took effect by publication in the NSW Government Gazette on Friday 17 August 2018.

The Department considers that the application can be characterised as a modification involving a minor error, misdescription or miscalculation as it involves a correction to the project approval only. Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1) of the Act and should be assessed and determined under that section.

The Minister for Planning and Public Spaces is the consent authority for this modification application. However, under the Minister's delegation of 9 March 2020, the Director, Resource Assessments may determine the application.

### 3 Assessment

The modification replaces the figure in Appendix 2 of the project approval with **Figure 1** below, to reflect the approved layout of the mine. The impacts associated with the change in the mine layout were already assessed and approved for Modification 2. There are no other proposed changes to the project approval or any aspect of the mine layout, operations or mining method. Consequently, the Department is satisfied that there are no environmental impacts associated with the modification, and the modification can be approved.



**Figure 1 | Werris Creek Project Site Layout**

## 4 Recommendation

The Department has drafted a Notice of Modification (see **Appendix A**) and consolidated approval (see **Appendix B**) with the revised Appendix 2 figure.

It is recommended that the Director, Resource Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application (MOD 3) falls within the scope of section 4.55(1) of the EP&A Act
- **approves** the application under Section 4.55 (1); and
- **signs** the attached approval of the modification (**Appendix A**).

**Recommended by:**



1/3/2020

Rose-Anne Hawkeswood  
**Team Leader**  
**Resource Assessments**

## 5 Determination

The recommendation is Adopted/Not Adopted by:



1 April 2020

Stephen O'Donoghue

**Director**

**Resource Assessments**

# Appendices

## **Appendix A – Notice of modification**

<https://www.planningportal.nsw.gov.au/major-projects/project/27271>

## **Appendix B – Consolidated Approval**

<https://www.planningportal.nsw.gov.au/major-projects/project/27271>