



NSW GOVERNMENT
Department of Planning

ASSESSMENT REPORT

Section 96(2) Modification – Newpac No. 1 Colliery Construction of Ventilation Fans and Associated Mine Infrastructure

1. BACKGROUND

Resource Pacific Limited (the Applicant) operates the Newpac No. 1 Colliery (formerly known as Nardell Colliery) located near Ravensworth, approximately 24 kilometres north-west of Singleton (see Figure 1). The areas surrounding the mine are dominated by open cut and underground coal mining operations as well as the Bayswater and Liddell power stations.

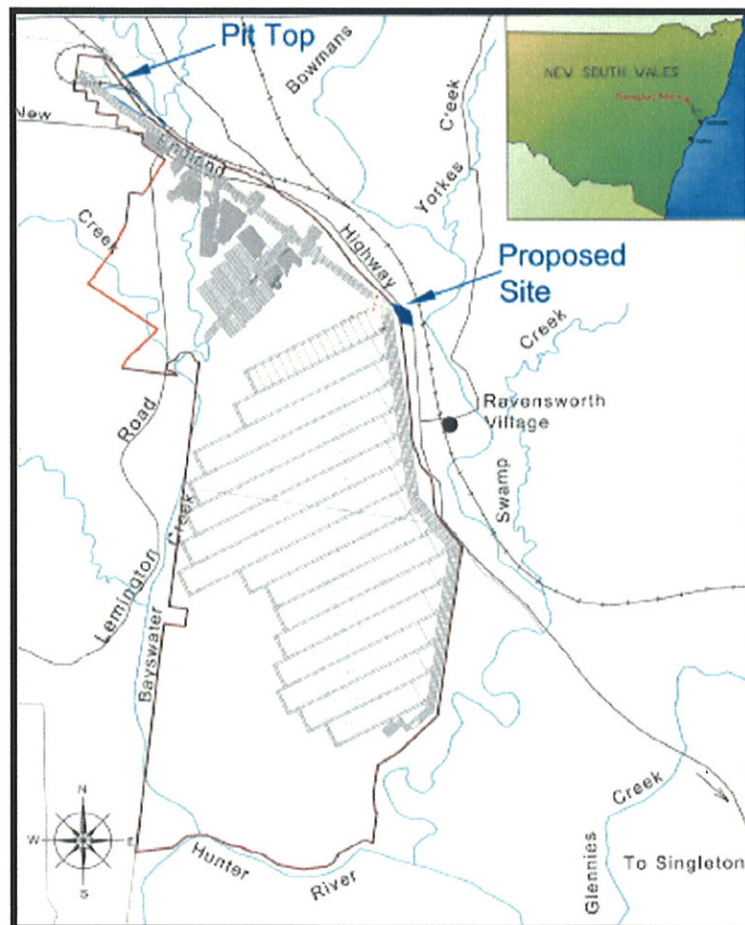


Figure 1 – Site of the proposal in relation to mining operations

The Minister approved the mine on 22 November 1996. The Minister's consent allows the Applicant to extract up to 5 million tonnes of coal a year until 2017. The mine employs over 150 people.

The Minister has approved four modifications to the consent. These are:

- road haulage of coal and upgrade of infrastructure (1998);
- construction of a 100 megalitre dam (2001);
- construction of an electricity supply substation (2007); and
- construction of storage tanks and supply boreholes (2007).

2. PROPOSED MODIFICATION

On 2 April 2007 the Applicant lodged an application with the Department to modify the development consent (DA104/96) under section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A Statement of Environmental Effects (SEE) supporting this application was received by the Department on 9 May 2007.

The Applicant is now seeking approval to construct a ventilation shaft and associated mine service infrastructure at a site 5 kilometres (km) to the south of the mine's pit top facilities (see Figure 1). The ventilation shaft would be connected to the mine's underground workings to allow fresh air to be supplied to underground workers and remove mine gases that are potentially dangerous to workers' health. The proposed ventilation shaft is closer to the current area of coal extraction than the existing ventilation fan located at the pit top (see Figure 2). The Applicant proposes to relocate this fan to the site of the proposed shaft and augment the mine's ventilation capacity by connecting an additional fan to the same shaft.

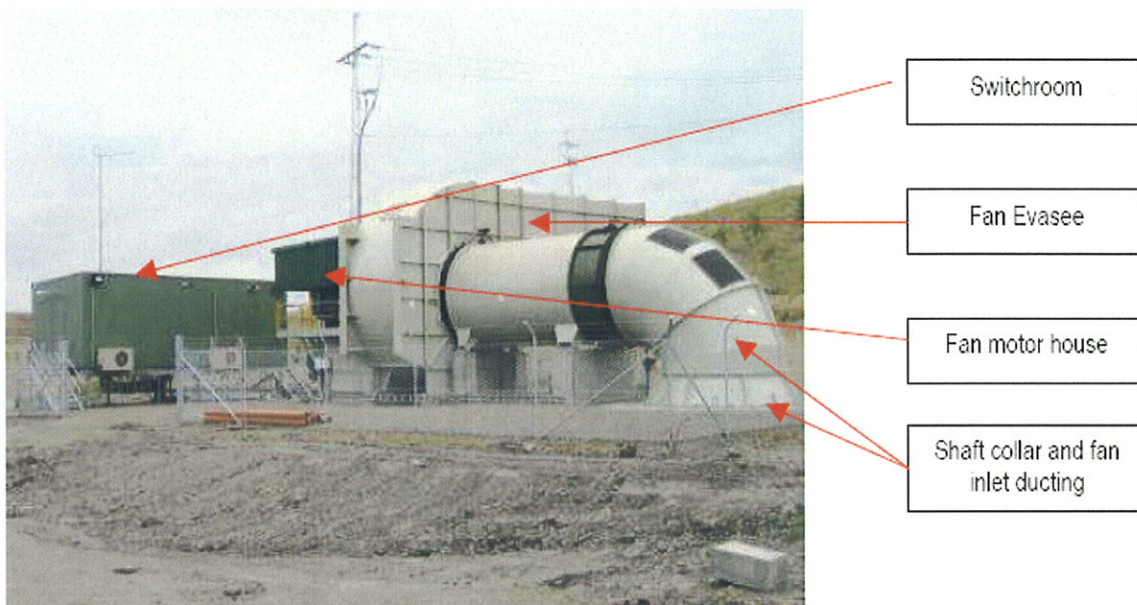


Figure 2: Ventilation fan proposed to be relocated to the new shaft site

The proposed modification (see Figure 3) would include:

- construction of a ventilation shaft by raise boring techniques;
- installation of two ventilation fans at the shaft;
- installation of two main control switch rooms;
- installation of two transformer and circuit breaker switch yards;
- construction and use of an electricity supply trench under the New England Highway;
- underground mine workings, under the New England Highway, to connect the ventilation shaft to existing and planned coal mining areas; and
- installation of up to four air compressors.

The proposal has a capital investment value of \$5 million and would employ up to 10 people during a five month construction period, but would not alter post-construction employment at the mine.

The site of the proposed infrastructure is adjacent to other approved infrastructure, and would represent a consolidation of mine infrastructure within a single area. Vehicular access to the site would be provided by an existing internal access road and access point to the New England Highway at the adjacent Daracon truck depot.

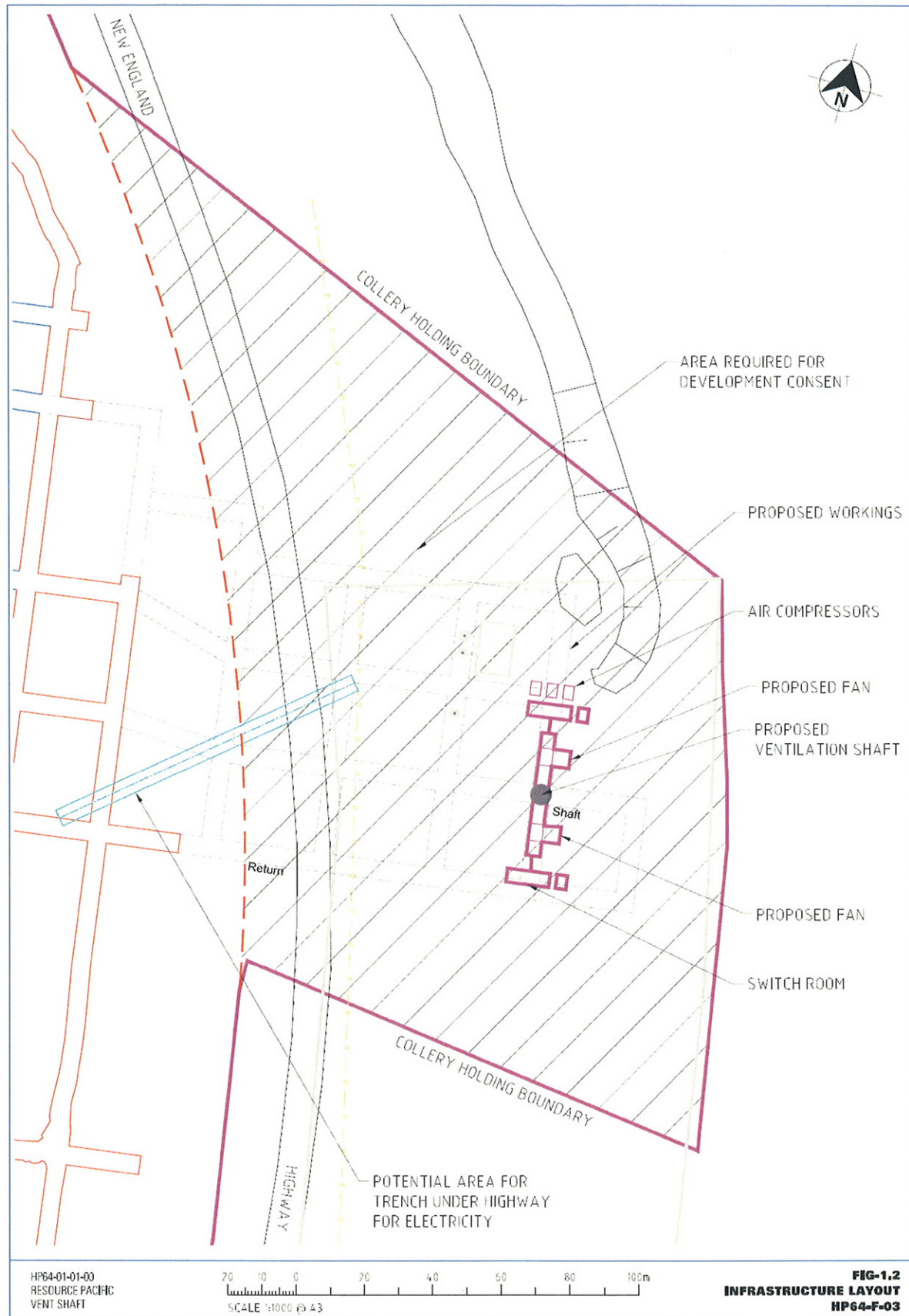


Figure 3: Proposed infrastructure layout and extension of Colliery Holding

3. STATUTORY CONTEXT

Consent Authority

The Minister was the consent authority for the original development application, and is consequently the consent authority for this application. On 5 April 2006, the Minister delegated his powers and functions as a consent authority to modify development consents under section 96(2) of the EP&A Act to the Executive Director, Major Project Assessment. Consequently, the Executive Director may determine the application under delegated authority.

Section 96

Under section 96(2) of the EP&A Act, a consent authority may modify a development consent if it is satisfied that the *"development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)"*.

The Department has assessed the potential impacts of the proposal (see Section 5) and is satisfied that the proposed modification would be of minimal environmental impact, and that the development (as modified) would remain substantially the same development for which consent was originally granted as:

- the proposed modification is generally consistent with the mine service infrastructure needs identified in the Environmental Impact Statement for the original DA approved in 1996, although the proposed location of this infrastructure is different; and
- the proposal does not require an increase in approved coal production rates to operate.

Environmental Planning Instruments

The following planning instruments and policies are relevant to the proposal:

- *State Environmental Planning Policy (SEPP) No. 11 – Traffic Generating Development;*
- *SEPP No 33 – Hazardous and Offensive Development;*
- *SEPP No 55 – Remediation of Land;*
- *Hunter Regional Environmental Plan 1989; and*
- *Singleton Local Environment Plan 1996.*

The Department has assessed the proposal against the relevant provisions in these instruments and is satisfied that the proposal complies with and is otherwise consistent with their aims, objectives and requirements.

4. CONSULTATION

Between 24 May and 8 June 2007, the Department exhibited the application in accordance with the requirements for public participation in the *Environmental Planning and Assessment Regulation 2000*.

During the exhibition period, the Department received a total of 6 submissions. Five were from Government authorities - Department of Environment and Climate Change (DECC), Department of Primary Industries (DPI), Department of Water and Energy (DWE); Mine Subsidence Board (MSB) and Roads and Traffic Authority (RTA). None of the Government authorities objected to the proposal.

One submission supporting the proposal was received from a special interest group (United Mineworkers Federation), and no submissions were received from the general public.

5. CONSIDERATION

The Department has assessed the application and the submissions on the proposal in accordance with the requirements of section 79C of the EP&A Act. The key issues are discussed below.

Issue	Consideration	Impact
Noise	The proposal is predicted to comply with the DECC's operational noise impact criteria at all residential receivers, provided that the Applicant implements proposed noise mitigation measures for the ventilation fans and compressors. Construction noise is generally predicted to comply with the appropriate DECC criteria. Both the Department and the DECC are satisfied that the proposal can be operated to meet the DECC noise criteria. The Department has recommended conditions of consent requiring the Applicant to meet these criteria.	Minimal
Surface Disturbance	The site is gently sloping and is well grassed and construction activities would occur over a limited area. In addition, soil erosion control measures would be established during the construction period. The Department and the DWE consider the impacts regarding surface disturbance to be minimal.	Minimal
Cultural Heritage	The Applicant's indigenous archaeological assessment identified that the "lower hillslope" landform covering the infrastructure site may potentially contain Aboriginal objects. The Department has recommended a consent condition that would require the Applicant to consider the need to obtain a section 90 Consent to Destroy for the proposed area of ground disturbance.	Minimal
Roads and Traffic	The traffic impact assessment in the SEE predicted vehicle movements associated with the proposal would cause a negligible increase to existing traffic movements at the site. The Department considers the access road intersection with the New England Highway would safely handle the proposed small increase in vehicle movements. The Applicant has predicted that the New England Highway would be unaffected by mining subsidence effects. However, both the RTA and the Department believe the Applicant should be required to consult with RTA about this matter to ensure this valuable community asset is protected from any subsidence impacts.	Negligible
Air Quality	The Department agrees with the Applicant's assessment that the moist nature of mine ventilation air would prevent the entrainment of dust in air removed from the mine, and that this air would be mixed with fresh air by the ventilation fans, dissipating and diluting any odours that may be emitted from the mine.	Negligible
Visual	The proposed infrastructure would be located five kilometres from the nearest non-mine owned residence. Travellers on the New England Highway would observe these structures for up to 45 seconds. The SEE recommended that tree screens be established to minimise visual impacts. With these measures in place, the Department is satisfied that the proposal would have a negligible visual impact on residents or Highway travellers.	Negligible
Flora and fauna	The existing vegetation on the site is almost entirely composed of introduced pastures and weeds. Only two mature trees occur on the site. The Department considers that the proposal would be unlikely to have any impact on threatened species.	Nil

6. CONCLUSION AND SECTION 79C CONSIDERATION

The Department has assessed the proposal against the objects of the EP&A Act and the matters listed under section 79C of the EP&A Act, and is satisfied that:

- the development as modified would remain consistent with the objectives and requirements of relevant planning instruments;
- the proposal would have a negligible impact on the environment and local residents; and
- the proposed modification is necessary to ensure a safe working environment for underground mine workers at the Newpac No.1 Colliery.

Consequently, the Department is satisfied that the proposed modification should be approved, subject to conditions.

7. RECOMMENDATION

It is RECOMMENDED that the Executive Director exercise the powers and functions delegated to him in the Instrument of Delegation from Minister Sartor, dated 5 April 2006, and:

- consider this report;
- determine that the development consent, as modified, would relate to substantially the same development to which consent was originally granted;
- approve the proposed modification under section 96(2) of the EP&A Act, subject to conditions set out in the attached notice of modification; and
- sign the attached notice of modification (Tag A).

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Major Development Assessment

Howard Reed

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Mining and Extractive Industries

Chris Wilson 4.7.07

Chris Wilson
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