

13 Project justification and conclusion

13.1 Introduction

This chapter provides a summary of the environmental management measures and commitments, additional to those already made for the development consent to be implemented throughout the life of the proposed modification to manage the potential impacts identified within the EA.

This chapter also considers the suitability of the site, assesses the proposed modification against the objects of the EP&A Act (including ESD principles) and the aims of the Mining SEPP, and draws conclusions based on the EA.

13.2 Summary of environmental considerations and management

The key environmental considerations of the proposed modification involve the impacts to ecology and final landform.

The proposed modification involves the disturbance of 30 ha of vegetation communities, which includes approximately 16 ha of EECs, within the proposed mining and infrastructure areas. As discussed in Chapter 5, to mitigate predicted impacts to EECs, an offset area has been nominated for protection in the long term for conservation. The nominated offset area contains approximately 32 ha of EEC consistent with the vegetation type within the proposed mining and infrastructure areas, and represents a 2:1 ratio of EECs being offset to that being disturbed. The area also contains a farm dam which will provide habitat for wetland birds and amphibians. In addition, WML will commit to rehabilitating 32 ha of EEC native woodland following completion of mining activities.

Rehabilitation activities would be guided by the existing MOP for West Pit and the final landform of the proposed mining and infrastructure areas will be in accordance with the concepts for West Pit final landform as given in the MOP and described in Section 2.

13.3 Statement of commitments

This section describes the ongoing and additional commitments, which include management, mitigation and monitoring measures.

All of Coal & Allied's mining operations in the Hunter Valley currently operate under an HSEQ MS which is certified to the international standard ISO:14001 (2004) and forms the basis for ongoing environmental management. The HSEQ is a management tool implemented by the company rather than a consent requirement. The HSEQ is currently implemented across MTW and will continue to be under the proposed modification. The relevant plans, procedures and monitoring programmes contained within the HSEQ will be reviewed and modified to incorporate the commitments outlined below and reflect the changes to operations resulting from the proposed modification.

The ongoing commitments, as required under the existing development consent, implemented at MTW to minimise off-site impacts include:

- Continued commitment to the implementation of proactive, reactive and effective tools, such as the TARP, to manage noise and air quality emissions from MTW as described in Section 6.4. Warkworth Mine is committed to reasonable and feasible continuous improvement and currently are working towards implementing a PMI and alternative real-time noise monitoring technology known as the environmental noise compass as described in Section 6.6.
- In conjunction with their suppliers, MTW are progressing with the attenuation of its fleet of haul trucks and other mining equipment.
- Existing environmental management plans will be updated in accordance with the proposed modification, if required.

The technical assessments in this EA provide some additional measures to avoid or minimise the potential impacts resulting from the proposed modification where warranted. The commitments are related specifically to the proposed modification (ie beyond those currently implemented as standard practice) and are presented below:

- Approximately 32 ha of Central Hunter Grey Box – Ironbark Woodland EEC within the nominated offset are will be conserved for the life of Warkworth Mine.
- Approximately 32 ha of EEC native woodland will be rehabilitated upon completion of mining activities within West Pit.

13.4 Suitability of the site

The proposed modification is considered to be suitable development for the site given that it is a minor extension to an existing mining operation, will not substantially increase impacts above the current operations, will not require the construction of substantial additional infrastructure, and will continue to be managed within the prescribed noise and air quality limits in the development consent. Further, the site is considered suitable for the proposed modification as mining can commence immediately with no construction required, existing infrastructure such as the MTCL and Warkworth and MTO CPP's can be utilised, and current operating and management procedures can be adapted to the extension area.

13.5 Objects of the EP&A Act

The consistency of the proposed modification with the relevant objects of the EP&A Act is considered below.

To encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.

MTW is a long standing operation that has demonstrated the ability to efficiently extract one of the State's valuable natural mineral resources for the benefit of a range of stakeholders.

The proposed modification will enable the continuation of mining at MTW in the short term, maintaining production and employment levels at, or as close as possible to, current levels. This modification will allow for the current local and regional economic and social benefits of Warkworth Mine to continue whilst WML review the future of the operations.

Technical assessments indicate that no significant environmental impacts are anticipated as a result of the proposed modification. Notwithstanding, there are a number of existing environmental management measures in place to mitigate, manage and monitor any potential impacts.

Therefore, it is considered that the proposed modification is consistent with this object.

To encourage the promotion and co-ordination of the orderly and economic use and development of land.

The proposed modification encourages the proper management and development of a natural mineral resource.

The proposed modification will utilise existing equipment, plant, and workforce and will allow for the continuation of operations in the short term. It will also maintain production and employment levels at, or as close as possible to, current levels.

It is proposed to mine resource beneath NDA1. It is acknowledged that the design of the original offset package under the development consent was flawed as it was above substantial coal resources. This was also acknowledged by the DP&I in their Director-General's Assessment Report for the Warkworth Extension Project, stating:

In this particular case, the Department believes there is considerable merit in reviewing the previous offsets. This is principally because the design of the original offset was flawed: it is underlain with substantial coal resources, a conflict which was acknowledged (but not resolved) in both the 2003 development consent and the associated Deed of Agreement.

The disturbance of EECs within the proposed mining and infrastructure areas will be offset 2:1 though the conservation of approximately 32 ha of EEC within the nominated offset area. Further conservation benefits will be provided through the rehabilitation of approximately 32 ha of EEC native woodland following completion of mining.

It is considered that the proposed modification would constitute an orderly and economic use of the land and reserves by ensuring that sterilisation of resource does not occur, an improved conservation outcome is provided, and current employment and economic benefits will continue to be provided locally and across the region.

To encourage the provision of land for public purposes.

The proposed modification will have no direct impact on the provision of land for public purposes.

To encourage the provision and co-ordination of community services and facilities.

The proposed modification will see the continuation of operations at Warkworth Mine. As the proposed modification will utilise MTW's existing workforce, there will be no demand for additional community services and facilities (such as childcare, health, education and emergency services) as a direct result of the proposed modification. Therefore, adverse social impacts on community infrastructure and services are considered to be negligible. The ongoing operations will, however, enable continued support of the community through initiatives such as the Coal & Allied Community Development Fund, which has contributed over \$11 million to projects in the local community since its inception in 1999.

To encourage the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.

The proposed modification will result in the disturbance of approximately 30 ha of vegetation communities, including approximately 16 ha of EECs. This impact will be offset through the conservation for the life of Warkworth Mine of the nominated offset area and rehabilitated EEC native woodland. As described above, it is considered that this will provide a better conservation outcome that would allow the efficient extraction of the coal resource without sterilisation.

To encourage ecologically sustainable development

The principles of ESD are outlined in Section 6 of the NSW *Protection of the Environment Administration Act 1991* and Schedule 2 of the EP&A Regulation 2000. The consistency of the proposed modification with each of these principles is discussed below.

Precautionary Principle: in practice this means that development should not cause serious or irreversible environmental impact. Such impacts can be avoided through the understanding of potential environmental impacts by undertaking a full environmental assessment, and incorporating effective mitigation or compensation measures into development proposals.

The mine plan design was considered to provide an appropriate balance between potential environmental impacts and the need to maintain production and employment levels at, or as close as possible to, current levels whilst allowing WML time to undertake appropriate planning for the future of the MTW operations.

Furthermore, the technical assessments for the proposed modification are based on conservative assumptions, ensuring that potential worst case impacts are identified and addressed. WML has committed to additional measures to prevent or minimise potential adverse environmental impacts resulting from the proposed modification.

For these reasons, the proposed modification is consistent with the precautionary principle.

Social equity including intergenerational equity: The proposed modification is a small addition to the existing operation and does not significantly alter social equity of the larger project.

Conservation of biological diversity and maintenance of ecological integrity: As identified above, ecological impacts will be offset 2:1 under the proposed modification. Biological diversity will be conserved through the protection of the nominated offset area and rehabilitated EEC native woodland.

Improved valuation and pricing of environmental resources: the potential environmental impacts of the proposed modification have been thoroughly addressed in this EA. The value of the proposed modification in terms of continued operations at Warkworth Mine and the resultant enhanced security of employment were considered in the context of the potential environmental impacts. In this respect, it is considered that the proposed modification assists in the valuation and pricing of environmental resources.

To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.

Consultation has been undertaken with DP&I regarding the nature of the proposed modification. Further consultation with DP&I and other government agencies will occur during the public exhibition and response to submissions processes.

To provide increased opportunity for public involvement and participation in environmental planning and assessment.

This EIS will be publically exhibited and the public will be invited to make formal submissions.

13.6 Aims of the Mining SEPP

The consent authority must consider the aims of the Mining SEPP in determining an application for development consent for the purposes of mining. The proposed modification meets the aims of the Mining SEPP which include:

- (a) 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;

The proposed modification encourages the proper management and development of a natural mineral resource. It will utilise existing equipment, plant, and workforce and will allow for the continuation of operations in the short term. It will also maintain production and employment levels at, or as close as possible to, current levels.

- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources;

It is considered that the proposed modification would constitute an orderly and economic use of the land and reserves by ensuring that sterilisation of resource does not occur, an improved conservation outcome is provided, and current employment and economic benefits will continue to be provided locally and across the region.

- (b1) to promote the development of significant mineral resources,

CCL753 contains significant amounts of thermal and semi-soft coking coal. There are estimated to be over 555 Mt of coal within the lease area. These are significant identified reserves and resources which will be further developed under the proposed modification.

- (c) 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 appropriate planning controls contained in the Mining SEPP have been addressed throughout this EA.

Furthermore, as shown in Chapter 3, the proposed modification complies with the non-discretionary development standards imposed by Clause 12AB of the Mining SEPP.

13.7 Conclusion

It is considered that the proposed modification of the development consent to permit the extension of West Pit is justified, for the following reasons:

- it will allow WML time to review options for the future of Warkworth Mine whilst maintaining production and employment levels at, or as close as possible to, current levels;
- it will allow for the current economic and social benefits of Warkworth Mine to continue;

- the site is suitable for the proposed modification given that it is an existing mining operation and there will be no increase to the number of properties within the acquisition zone;
- the EA demonstrates the environmental acceptability of the proposed modification, and indicates there would be no significant adverse social, economic or environmental impacts; and
- the proposed modification is generally consistent with the relevant objects of the EP&A Act, including the principles of ESD, and the aims and non discretionary development standards of the Mining SEPP; and
- the proposed 350 m extension lies within mining tenement CCL753, which was granted in 1981.