



ASSESSMENT REPORT

Liddell Colliery Section 96(1A) Modification (DA 305-11-01 MOD 4)

1. BACKGROUND

Liddell Coal Operations Pty Limited (Liddell) operates the Liddell Colliery, located 25 kilometres northwest of Singleton (see Figure 1). The mine has been in continuous operation since the 1950s, utilising both open cut and underground mining methods. The mine was granted consent by the Minister in 2002 (DA 305-11-01) for the continuation of mining for an additional 21 years. The consent allowed production of 4.5 million tonnes of run-of-mine (ROM) coal per year.

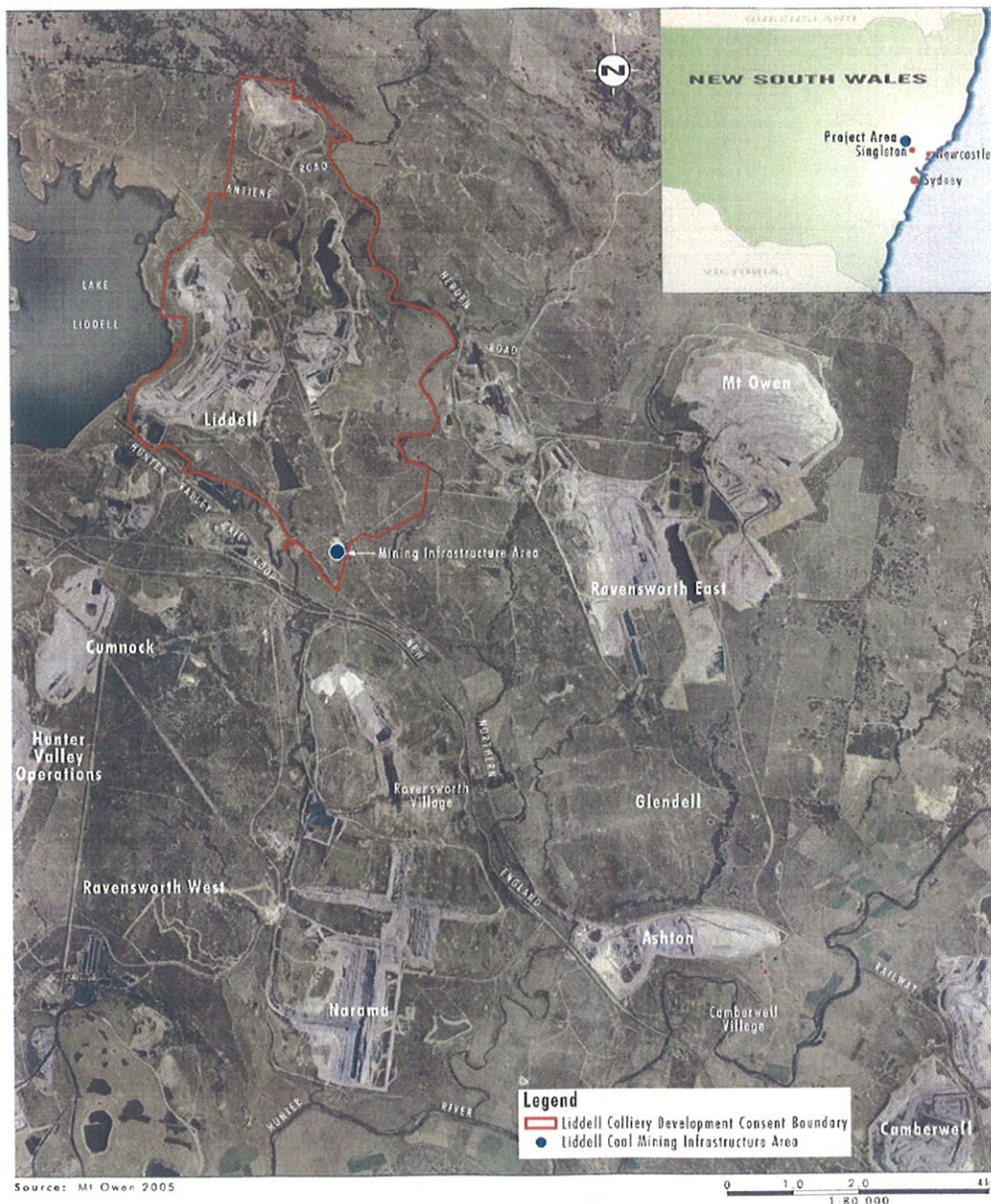


Figure 1 – Liddell Colliery and surrounds

In July 2007, the Minister approved a modification to Liddell's development consent under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This modification involved increasing the mining footprint, increasing ROM coal production from 4.5 to 8 million tonnes of coal a year, relocating the coal handling and preparation plant (CHPP); and relocating the existing office, workshop and storage areas (together referred to as the Mining Infrastructure Area or MIA) to the southern part of the site.

Liddell now proposes to make some additions to the MIA to accommodate additional employees, and is seeking approval for this modification under section 96(1A) of the EP&A Act.

2. PROPOSED MODIFICATION

Liddell proposes to construct additional office and workshop facilities within the boundary of the approved MIA. Figure 2 shows the existing and proposed MIA facilities. The proposed additions include:

- two additional high machinery workshop bays;
- three additional relocatable administration offices;
- extension of the existing workshop and one additional workshop office;
- extension of the fuel farm including additional fuel and oil tanks;
- construction of a storage shed and a storage compound for housing spare parts and equipment; and
- modification of roads and parking areas surrounding the MIA, including additional car parking spaces and a semi-trailer turning area.

The additional facilities are required to cater for an increase in employee numbers on site.

3. STATUTORY CONTEXT

The Minister was the consent authority for the original development application, and is therefore the consent authority for this modification application. However, on 4 March 2009, the Minister delegated her powers and functions as an approval authority to modify certain project approvals under section 96(1A) of the EP&A Act to the Director, Major Development Assessment. This modification application meets the terms of this delegation. The Director may therefore determine the application under delegated authority.

The Department has considered the application on its merits in accordance with the statutory requirements in Section 96 of the EP&A Act. The proposed modification would not change coal extraction rates or volumes nor would it alter current mining methods or operations. The Department considers that the proposed modification would be of minimal environmental impact, and that the development, as modified, would remain substantially the same development as that for which consent was originally granted.

Consequently, the Department considers that the application can be assessed and determined under Section 96(1A) of the EP&A Act.

4. CONSULTATION

Under Section 96(1A) of the EP&A Act, the Department is not required to undertake consultation. As the proposed facilities are located entirely within the approved MIA boundary and are 7km from the nearest residence, the Department considers that neither public nor agency consultation is warranted.

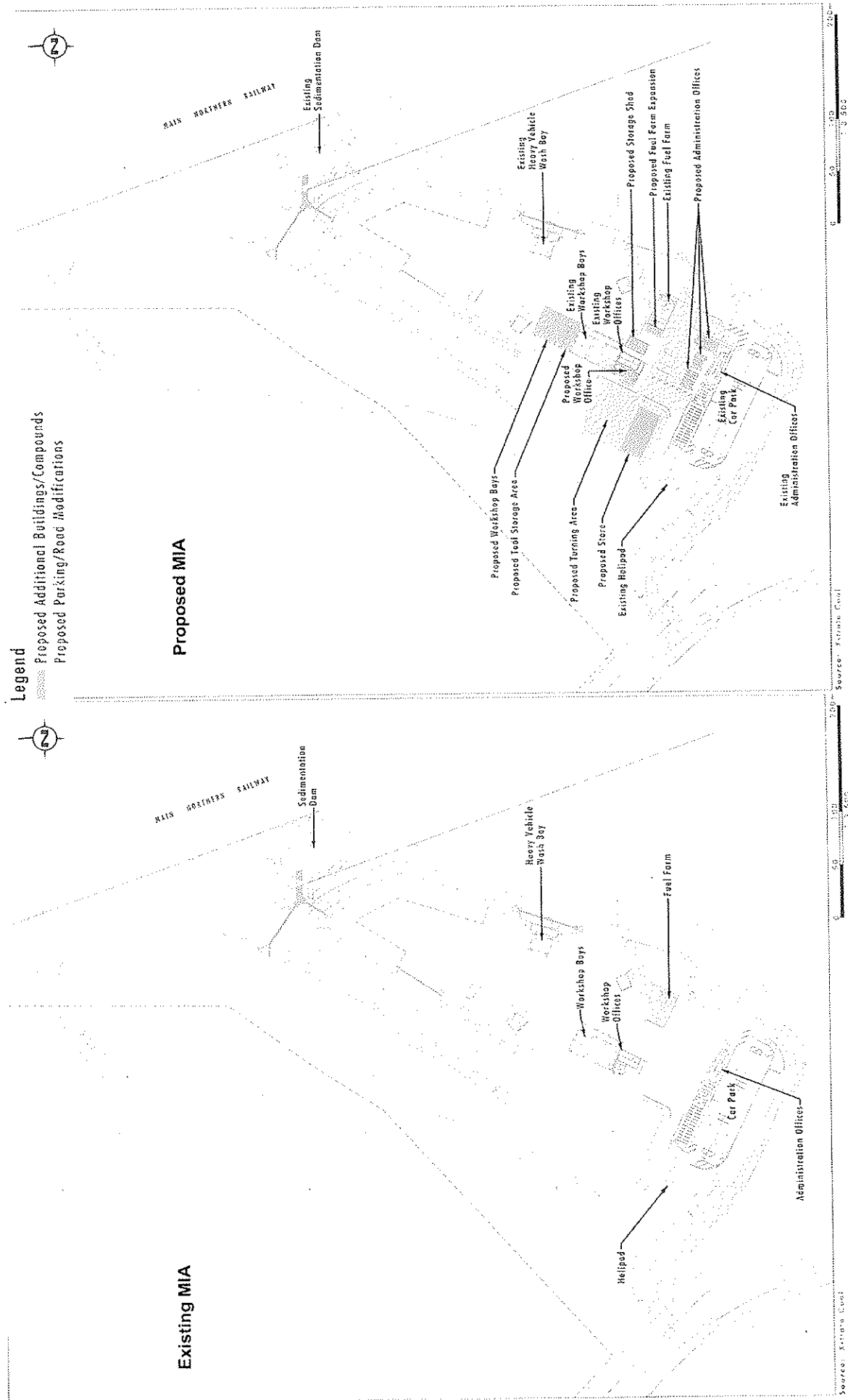


Figure 2: Existing and Proposed Mining Infrastructure Area

5. CONSIDERATION

The Department has assessed the merits of the proposal in accordance with the relevant statutory requirements, and considers that the key issues relate to management of construction-related impacts such as surface water, noise and air quality. Aboriginal heritage and ecological issues are also discussed below.

Issue	Assessment	Recommendation
Surface water	The MIA, approved in 2007, is already cleared and compacted and contains areas of hardstand. Disturbance for construction of the additional facilities would be minimal; however standard erosion and sediment controls would be required to ensure no adverse impacts to Bowmans and Bayswater Creeks.	The existing conditions of approval requiring erosion and sediment controls are sufficient for managing the impacts associated with the modification.
Noise	Noise from standard building construction activities would be minor in the context of the overall mining operations. The nearest private residence is located approximately 7 kilometres from the MIA and is therefore very unlikely to be affected. All construction activities would be carried out during daytime hours.	The existing conditions of approval limit noise from mining operations at neighbouring residences. Noise from construction of the modification must not exceed the operational noise criteria in the approval, being 35dB(A) during day time hours.
Air quality	Dust would be generated from general building construction activities but these would be very minor in the context of the overall mining operations. The nearest private residence is very unlikely to be affected.	The air quality limits in the existing approval are adequate for ensuring that off-site receptors are not adversely impacted by the modification.
Aboriginal heritage	The MIA was surveyed in 2006 as part of the Environmental Assessment for the previous, major modification to allow increased production and relocation of office and workshop facilities. The survey identified one archaeological site (LID33) in this location and the site was salvaged in August 2007. As the proposed modification would be undertaken entirely within the approved disturbance boundary, no further impacts on archaeological sites are anticipated.	No amendments to the conditions of approval are considered necessary.
Ecology	All vegetation within the MIA was cleared following approval of the 2007 modification. The proposed additions to the MIA would be constructed entirely within the cleared area; therefore there would be no additional impacts on flora and fauna.	No amendments to the conditions of approval are considered necessary.

6. SECTION 79C

Under section 96 of the EP&A Act, a consent authority is required to consider the relevant matters listed under Section 79C of the Act when it determines a modification application.

The Department has assessed the proposal against these matters, and is satisfied that:

- the proposal is consistent with the provisions of the relevant planning instruments;
- the potential environmental impacts are not significant and can be adequately minimised, mitigated and/or managed;
- the site is suitable for the development;
- the proposal is in the public interest; and
- the proposed modification can be carried out in a manner that is consistent with the objects of the EP&A Act, including the principles of ecologically sustainable development.

7. RECOMMENDED CONDITIONS

The Department is satisfied that the existing conditions of consent for the Liddell Colliery are generally adequate to manage the development as modified by the application.

8. CONCLUSION

The Department has assessed the application in accordance with the relevant requirements of the EP&A Act. This assessment has found that the proposed modifications would be of minimal environmental impact, and could be appropriately managed to ensure an acceptable level of environmental performance. The overall benefits outweigh any potential minor impacts, which would be adequately managed under existing measures.

On this basis, the Department is satisfied that the proposed modifications are justified, and should be approved.

9. RECOMMENDATION

It is RECOMMENDED that the Director:

- consider the findings and recommendations of this report;
- determine that the proposed modification is of minimal environmental impact;
- determine that the development to which the consent, as modified, relates is substantially the same development for which consent was originally granted;
- approve the application under section 96(1A) of the EP&A Act; and
- sign the attached notice of modification (Tagged A).

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DKitto 27/10/09

David Kitto
Director
Major Development Assessment