



ASSESSMENT REPORT

PROPOSED MODIFICATIONS

PLANNING REPORT ON THE ASSESSMENT OF THREE MODIFICATION APPLICATIONS LODGED PURSUANT TO SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1. INTRODUCTION AND BACKGROUND

1.1 The Applicant

Coal and Allied Operations Pty Limited (Coal & Allied).

1.2 Background

As a result of Coal & Allied's recent acquisition of Warkworth mine adjacent to their existing Mount Thorley Operations (MTO), there is an opportunity for Coal & Allied to undertake their coal operations at the two sites more efficiently.

Coal & Allied are therefore seeking to modify three development consents that relate to the operation of the Warkworth Mine and MTO. The three consents which the applicant is requesting to modify are:

- Warkworth Mine, granted on 14 December 1995 by the Minister for Urban Affairs and Planning;
- Mount Thorley Operations, granted on 12 January 1983 by the then Minister for Planning, and
- Mount Thorley Operations, granted on 22 June 1996 by the Minister for Urban Affairs and Planning.

Coal & Allied seek the modifications to allow for the construction and use of a private haul road to transport coal between the existing Warkworth Mine and Mount Thorley Operations (refer to Figure 1). The private haul road will enable the applicant to operate the two mines more efficiently by providing for the more flexible use of the associated infrastructure at the two mines.

In order to achieve these improved operational efficiencies, the Applicant seeks a modification to the three relevant consents to allow for:

- the construction/ upgrading of a haul road between Warkworth Mine and Mount Thorley Operations;
- an increase in the amount of material that may be hauled on these routes from the existing 2mtpa to 4 mtpa, and
- the processing of coal from these mines at either the MTO Coal Preparation Plant (CPP) or the Warkworth Mine Coal Preparation Plant (CPP), as required.

1.3 Overview of the Proposal and its Location

Coal & Allied have lodged applications to modify three development consents. The haul road proposal, as part of the application, relates to a parcel of land located between the Warkworth Mine and MTO, situated approximately 12 kilometres south-west of Singleton. The proposed haul road extension is located in the south-eastern corner of the Warkworth Mine and will traverse into the north-eastern corner of MTO, as shown in Figure 1.

The proposed haul road will extend the existing Warkworth internal haul road to the south to join an existing unsealed haul road at MTO. This will require the construction of a road approximately 150 metres in length within the Warkworth mine area, and the subsequent sealing of the 700 metre gravel portion of the existing road. The proposed haul road will form a T-intersection with the existing Warkworth Mine haul road, as shown in Figure 1. This will enable traffic from Warkworth Mine to continue either south to the MTO CPP or veer east to the MTCL.

In order to achieve the required flexibility in processing coal between the two mine sites, the modifications are also seeking to allow coal from the Warkworth mine to be hauled to either the MTCL or MTO CPP for processing; and the ability to haul coal from MTO to the Warkworth CPP for processing. The current proposal also seeks to increase the

haulage volume on these internal routes to a maximum limit of 4Mt of material per annum to allow for the increase in material being transported between the sites.

1.4. Lodgement of Modification applications and exhibition

On 18 June 2001, Coal & Allied lodged three modification applications and supporting documentation with the Department under Section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The applications are proposing to modify three individual development consents, being consents for the Warkworth Mine 1995, Mt Thorley 1983 and Mt Thorley 1996. These applications were accompanied by a Statement of Environmental Effects (SEE).

All previous submitters to the original consents were notified in accordance with the Clause 118(3) of the *Environmental Planning and Assessment Regulation 2000*. Following notification of the modification in the *Singleton Argus*, the applications were publicly exhibited from Friday 29 June 2001 to Monday 16 July 2001. The Department is satisfied that public exhibition of the proposal has been undertaken in accordance with the EP&A Regulation.

1.5. Local Council position

Singleton Shire Council raised no objections to the proposed modification, however did raise some issues to be addressed in the assessment. Council's primary concern related to the proximity of the haul road to the Putty Road. These issues are addressed in Section 5 of this report.

1.6. Government agencies position

Three submissions were received from government agencies in response to the exhibition of these applications. These submissions were from Department of Mineral Resources (DMR), Roads and Traffic Authority (RTA) and the Environmental Pollution Authority (EPA). The three agencies raised some issues, however did not object to the proposed modification of the consents.

1.7. Local Community position

No submissions were received from the local community.

1.8. Applicant's Position

The applicant has accepted the recommended conditions.

2. THE PROPOSAL

2.1. Details of the proposal and infrastructure

The proposed site for the haul road is located in an area subject to intensive coal mining and a high level of disturbance, spanning both the Warkworth Mine and MTO areas. Warkworth Mine currently has an internal haul road, including a bridge over the Putty Road, which links the mine site to the MTCL. It is proposed to extend this road to the south to join an existing unsealed haul road at MTO, as illustrated in Figure 1. The road will also form a T-intersection in order to join this route to the existing Warkworth Mine haul road, as shown in Figure 1. This will enable traffic from Warkworth Mine to continue either south to the MTO CPP or veer east to the MTCL.

The proposed haul road extension will be 850 metres in length, including the construction of approximately 150 metres of new road, and the grading and sealing of a further 700 metres of existing gravel road. The new length of road to be constructed is contained wholly within the approved Warkworth mine area. Following the upgrade, the proposed road will be sealed for its entire length and generally have a width of between 10 to 15 metres, comprising a 9 metre wide carriageway to facilitate two-way traffic. Detailed design drawings of the proposed road are contained in Appendix D of

the SEE. The construction of a private haul road will allow coal material to be transported between the two sites. The proposal does not include any changes to the existing approved production capacity of either mine.

2.2. Existing consents

MTO and Warkworth are subject to a number of development consents which control, amongst of other factors, the transport of product from the site and the facility at which material is processed. The original 1983 consent for Mt Thorley required that all product coal from the mine be transferred by conveyor to the Mount Thorley Coal Loader, and then by rail to markets, except in the case of emergencies. The 1996 Mt Thorley consent approved the continuation of mining further to the west of the 1983 development area, and granted approval for an annual coal production level of 8mtpa Run of Mine (ROM) coal. However the actual tonnage of coal currently washed at the plant is below the approved rate. The Applicant considers there is therefore the opportunity to wash coal produced from the Warkworth mine at the MTO CPP so that the plant can operate at its approved capacity.

Under the 1995 Warkworth consent, coal from the Warkworth Mine is currently processed through the raw coal stockpiles, the Warkworth CPP and the clean coal stockpiles, before being transferred to the MTCL by either conveyor or road trucks. The Warkworth development consent does not allow for raw coal to be transported by road to the MTO CPP for washing and subsequent delivery to the MTCL, nor for the processing of coal produced by the MTO and delivered to the Warkworth CPP for processing. Likewise, the MTO consents do not allow for the transporting of coal by road to Warkworth for processing, however they do not expressly prohibit the washing of coal derived from Warkworth Mine at the MTO CPP.

This proposal will therefore require modifications to the consents to allow coal from Warkworth Mine to be hauled to either the MTCL or MTO CPP for processing and the ability to haul coal from MTO to the Warkworth CPP for processing. Coal will be transported using the current and future upgraded haulage vehicles.

In June 2000 the Minister granted consent for a modification to the 1995 Warkworth consent to permit the maximum haulage of 2mtpa of clean coal along the haul road from Warkworth mine to the MTCL. Following this 2000 modification, in addition to the construction of the haul road, the current proposal also seeks approval to increase this haulage volume on these haulage routes (ie. including the existing haul road from Warkworth mine to the MTCL and the proposed haul road from between Warkworth Mine and MTO) from the approved 2mtpa to a maximum limit of 4mtpa of material.

2.3. Land Ownership and Land use

The site for the proposed haul road is located within existing mining leases, and is surrounded by intensive coal mining. The lots of land which are subject to this proposal are owned by Warkworth Mining Limited, Miller Pohang Coal Pty Ltd and Singleton Shire Council. Representatives of these companies and the General Manager of Singleton Shire Council provided written consent for the lodgment of this modification application. The proposed road extension also crosses a strip of land owned by the Public Transport Commission of NSW (now State Rail Authority). The landholders, known as Rail Estate, along with the other relevant parties, including the Joint Coal Board and the Board of the Mount Thorley Coal Loader provided written advice that they had no objections to the proposal.

2.4. Annual production, hours of operation and employment

Warkworth mining has consent to use the existing haul road between Warkworth Mine and the MTCL 24 hours a day, 7 days a week. No changes to these existing arrangements are proposed and the use of the proposed haul road would also operate 24 hours 7 days a week. However, as previously described, the modification seeks approval to increase the haulage on the internal roads from 2mpa to 4mtpa, notwithstanding there will be no increase in production from the mine sites.

The number of employees at these sites is expected to be unaffected by this proposal.

2.5. Justification for the use of s96(2)

The application of Section 96(2) is justified by the Applicant in that development for which the modification is sought is the same development for which the consent was originally granted, apart from the manner in which material is transported and the facility at which it is processed.

The main features of the approved Warkworth Mine and MTO will not be affected by the proposed modification outlined above. There will be no change in the areas to be mined or the maximum production tonnages of coal specified in the respective development consents. The Applicant advises that the proposed amendment will not significantly alter the external environmental impacts of the existing mines. The only change to the development is the construction of an internal haul road that will enable alterations to the transport and processing of material between the two sites.

The Department is satisfied that the applications to modify the development consents are substantially the same development to which the development consents for the Warkworth Mine and MTO relate.

As the Minister determined the original applications, the Minister is the consent authority for the modification applications.

3. STATUTORY PLANNING MATTERS

The SEE considers the applicability of various State, regional and local statutory planning provisions as they apply to the proposed modification.

3.1 Local Planning Considerations

The proposal is located within the Singleton Shire and the planning provisions for the Shire are contained within the Singleton Local Environmental Plan (LEP) 1996. The land within both the Warkworth Mine and MTO is zoned Rural 1(a) under the Singleton Local Environment Plan 1996. In the 1(a) zone, roads are permissible with development consent. The Department is satisfied that the proposal is consistent with the objectives of this zoning.

3.2 Regional Environmental Plans

The Hunter Regional Environmental Plan (REP) 1989 applies to the proposal. The REP provides a framework to guide and control growth and development in the region. The REP includes objectives relating to the management of coal and other mineral resources and extractive industries in the region. The SEE considers the parts of the Hunter REP which are directly relevant to the proposal. The Department considers that the proposal is consistent with the objectives of the REP.

3.3 State Environmental Planning Policies (SEPP)

- *SEPP No. 11 (Traffic Generating Development)*

SEPP 11 requires that any development application for extractive industry or mining, which may have significant impacts on road transport systems, be forwarded to the Roads and Traffic Authority for consideration. However, this proposal is for an internal haul road only, which will connect to another private road haul road. As such, the proposal will not impact on the local road network, and therefore SEPP 11 does not apply. Notwithstanding this, the RTA was consulted and a submission was received. The RTA raised some issues about the proposal but raised no objections. The issues are discussed in detail in Section 4 and 5 of this report.

- *SEPP No. 44 (Koala Habitat Protection)*

SEPP 44 applies to Singleton Shire, as it is identified in Schedule 1 of the policy as a local government area where koalas are known to occur. However, the SEE states that the proposed modification relates to land which has been

greatly disturbed by a history of mining, road construction, grazing and clearing activities. The assessment provided in the SEE reports that the site does not support potential or core Koala habitat. The Department concurs with this assessment.

3.4 Environment Protection and Biodiversity Conservation Act, 1999 (EPBC Act)

The Commonwealth EPBC Act commenced operation on 16 July 2000, with the primary objective of providing protection for the environment, particularly those aspects of the environment that are matters of “national environmental significance”. The EPBC Act establishes a scheme requiring environmental assessment and approval of proposals likely to significantly impact on such matters and a determination by the Minister as to whether the proposal is a “controlled action” under the EPBC Act.

The SEE advises that consideration was given to the likelihood of impacts to Matters of National Environmental Significance, however since no significant impacts were considered likely, no subsequent referral was directed to Environment Australia. The Department considers that the Applicant’s decision not to refer the matter to the Commonwealth for their consideration, appears reasonable.

3.5 Threatened Species Conservation Act, 1995

Eight Parts Tests of Significance under Section 5A of the Act were conducted for each of the threatened and regionally significant species, populations or ecological communities that could occur in the locality. An Eight Part test was conducted for five bat species and one bird species recorded at the site. The assessment concluded that there was unlikely to be any significant impact on these threatened species and therefore a species impact (SIS) statement was not required. Given the disturbed nature of the site and that the proposed works are relatively minor within the context of the surrounding land use, the Department concurs with the Applicant’s assessment and considers that the proposal would be unlikely to have a significant impact on threatened species.

3.6 Conclusion

The proposal is in accordance with the provisions of all the relevant environmental planning instruments.

4. SUBMISSIONS RECEIVED

In accordance with section 79 of the EP&A Act, the Department received a total of 4 submissions in response to the exhibition of these applications. These included submissions from Singleton Shire Council, DMR, RTA and EPA.

4.1. Local Council position

Singleton Shire Council raised no objections to the proposed modification, however the Council did raise some issues to be addressed in the assessment. The Council raised the need for the assessment of the proposal to thoroughly address any potential adverse impacts, particularly on any road users of the Putty Road due to its close proximity to the haul road and on any resident in close proximity to the proposal. These included issues relating to visual impact, noise, dust and night lighting (including vehicle headlights). Further, Council indicated that there are several easement allotments in the vicinity of the proposed haul road and recommended that any approval should ensure that easements are not compromised and that permission has been obtained from all relevant land owners. The issues raised by Council have been adequately addressed in the Department’s assessment of the proposal, which is detailed in Section 5 of this report.

4.2. Government agencies position

Three submissions were received from government agencies in response to the exhibition of the three applications. These submissions were from DMR, RTA and the EPA. The submissions from the government agencies did not object to the proposal, however they raised a number of issues that they considered should be addressed by the Department.

The RTA expressed some concern that the geometry of the proposed haul road may result in sight distance conflicts between traffic on the haul road and The Putty Road. In order to ameliorate these concerns, the RTA submitted that appropriate screening must be provided between the proposed haul road and the Putty Road to provide visual separation of the two traffic streams. The RTA stipulated that the provision of the screening/ shielding is to be at the Applicant's expense and is to be contained outside the Main Road 503 road reserve.

DMR indicated that the stability of the haul road's drainage, and erosion and sediment control will be incorporated and reviewed as part of the Annual Environmental Management Review process. In addition, if light proves to be a distraction to the users of Putty Rd, DMR submitted that an earthen bund or tree lot would need to be provided to mitigate this effect. DMR also noted that the new haul road should be placed in the Mt Thorley Mining Operations Plan.

The EPA submitted that they raised no objections to the modification and considered that the proposal would not alter the environmental impact of the existing mine. The EPA advised that no variations to the existing licenses for the premises would be required for this modification.

The issues raised by the three submissions from the government agencies have been assessed by the Department and are detailed in Section 5 of this report.

4.3. Local Community position

No submissions were received from the local community.

5. DEPARTMENT OF URBAN AFFAIRS AND PLANNING CONSIDERATIONS

Key Issues

The Department identified the key issues for the project as being:

- Noise
- Air quality
- Flora and Fauna
- Water quality and erosion
- Archaeological heritage
- Visual impacts
- Land use

5.1. Noise

• The Applicant's position

The Applicant conducted an environmental noise impact assessment for the proposed modification for the construction and operation of the haul road. The methodology and results of the assessment are outlined in Section 3.3.2 of the SEE. The Applicant identified that the predominant factor, which may potentially increase noise levels at the private non-mine owned receivers, is the increased haulage and subsequent increase in vehicular movements on the route.

The Warkworth and MTO conditions of consent provide that Warkworth and MTO currently operate under the following noise level criteria for neutral weather conditions, as listed in Table 1.

Table 1. Existing noise level criteria under neutral weather conditions

	Warkworth Mine	Mount Thorley
Day (7am-10pm)	35dB(A) (L10)	35 dB(A)
Night (10pm –7am)	33 dB(A)(L10)	35 dB(A)

The Applicant considered the predicted noise contribution of the haul road operations at the four closest potentially affected residences compared with existing mining activities and existing noise level criteria. For noise modelling purposes, the Applicant applied a worst case scenario of 4 trucks using the haul road in convoy, exposing the receivers to equal noise emission (a total sound power level of 110 dB(A) L_{10, 15 minutes}). The SEE indicates that the expected average number of trucks using the haul road would be 2.1 over a 15 minute period for the proposed haul road capacity of up to 4Mtpa.

The closest and potentially most affected privately owned residences, are the properties owned respectively by S. Hedley and J. Hedley, both of which are approximately 2 kilometres east of the proposed haul road extension. Other privately owned residences include the Kime property to the north-east and the Stuart property to the north. Since the other residences were located several kilometres from the haul road, the SEE indicates that these dwellings were not included in the assessment. The results of the modelling are contained in Table 2.

Table 2. Predicated noise levels at the closest residences

Residential property	L_{10, 15 minute Noise Level, dB(A)}
S. Hedley	24
J. Hedley	20
Stuart	15
Kime	24

The applicant advises that the calculated noise levels account for calm weather conditions as well as adverse weather parameters as derived from the application of the EPA's Industrial Noise Policy. The results of the modelling included in the SEE indicates that the proposed modification will not result in any exceedance of any noise level criteria for either of the Warkworth Mine or MTO under neutral conditions at the four closest privately owned residences. The Applicant also indicates that during adverse weather conditions, noise from trucks using the haul road will not increase the total mine noise levels received at the private residences.

- **Mitigation measures**

The Applicant does not propose any mitigation measures as the proposed modification is not predicted to exceed the noise level criteria under which the mines operate.

- **Community/ Agency position**

No submissions were received which raised direct concern about noise impact, however Singleton Council did list this as one factor which would need to be thoroughly assessed by the Department. EPA advised that no license modifications would be required for the proposal, and that they did not object to the proposal.

- **Department's position**

The Department is satisfied with the noise assessment undertaken in the SEE and supports the position that the proposed haul road will not increase the total noise levels from either mine above the current noise level criteria at any private residences. The Department also concurs with the EPA's advice there would be no need to vary the existing noise level criteria for either mine due to the proposed modification. Notwithstanding this, the Department has recommended draft conditions which will ensure that the noise levels from the proposed use of the haul road will be monitored, assessed and reported in accordance with the existing conditions of consent for both Warkworth Mine and

MTO. The Department considers that the existing monitoring and assessment framework is adequate to effectively manage noise from the proposed use of the haul road and increased haulage of coal material from 2mtpa to 4mtpa.

5.2. Air quality

- **Applicant's position**

The Applicant has undertaken an assessment of the predicted increases in dust levels at the surrounding private residences as a result of the proposed modification. This included potential increases in dust deposition, Total Suspended Particulates (TSP) and PM10. The SEE compared the potential increases in these criteria to the existing dust levels and applicable air quality criteria.

The existing conditions of consent provide that the mine must operate within a framework that ensures the operations minimise the potential for dust emissions to exceed the relevant dust amenity criteria¹.

The relevant EPA dust amenity criteria are as follows:

	Dust Deposition	TSP	PM10
Criteria	4g/ m2/ month	90ugm3	50ugm3

The surrounding MTO and Warkworth Mine have an extensive network of dust monitors from which existing air quality parameters may be monitored. Table 3 lists the existing air quality results as obtained from the monitoring network, and the predicted increases in dust levels based on the modelling reported in the SEE as a result of this application.

Table 3. The existing air quality and expected increases in dust deposition, TSP and PM10 at potentially affected residences

Residence	Dust deposition		TSP		PM 10	
	Existing g/m ² /month	Increase Ug m ³	Existing Ug m ³	Increase Ug m ³	Existing Ug m ³	Increase Ug m ³
Kime	3.6	0.1	68	2	-	0
S Hedley	1.2	0.1	68	2	-	0
J Hedley	1.2	0.1	68	2	-	0
Stuart	1.6	0.0	34	1	-	0
Hambledon Hill	1.6	0.0	68	0	-	0
Magin	3.4	0.0	34	0	-	0
Townsend	1.7	0.0	38	0	13	0
Hawkes	1.2	0.0	34	0	-	0
Bulga Bridge	1.6	0.0	38	0	13	0

The above results provided by the Applicant indicate that only minimal increases in dust levels are expected at surrounding residences. The existing air quality levels are generally well within the permissible levels, and on the basis of this modelling, the proposed modification is not expected to result in any exceedance of the relevant EPA criteria. The SEE concludes that the proposed increase in the truck movements between Warkworth Mine and MTO is unlikely to have any impact on the air quality of the surrounding residences.

¹ The requirement that the operations be conducted in a manner to minimise potential for dust emissions to exceed the relevant EPA criteria was inserted into the Warkworth 1995 Consent following the Modification to the Warkworth Consent dated 26 June 2000. The current modification application proposes to insert this requirement into the existing conditions for the 1996 Mt Thorley Conditions of Consent.

- **Mitigation Measures**

The Applicant does not detail any specific mitigation measures to reduce the impacts on air quality. However, in the general description of the proposal, it is indicated that the road will be sealed and periodically vacuum swept in accordance with current practice at the existing operations to minimise dust.

- **Community/ Agency Position**

Singleton Council submitted that, amongst other issues, any approval should ensure that dust impacts are mitigated to avoid adverse impacts on residents in the vicinity. The EPA advised that no variations to existing licences will be required for this modification.

- **Department's position**

The Department concurs with the assessment in the SEE that the proposed haul road is unlikely to have any significant adverse impact on the air quality of the surrounding residences. Under the existing consent conditions, the Applicant is required to monitor dust deposition and concentration of TSP, and provide these results to the Department, EPA, DMR and Council on an agreed basis. The haul road is proposed to be in the vicinity of the existing mining activity operating under these consents and will be incorporated into this existing air quality-monitoring program.

Notwithstanding the above, the Department has included a specific dust suppression clause in the Mount Thorley consent, and extended the relevant clause in the Warkworth consent, to provide that the activity must be carried out in a manner that will minimise the potential for dust emission to exceed the relevant EPA dust amenity criteria.

5.3. Flora and Fauna

- **The Applicant's position**

The SEE reports that the proposed route of the haul road was surveyed by an ecologist on 29 May 2001, the results of which are included in Section 3.3.4 of the SEE.

Flora

The flora and fauna survey indicated that the vegetation surrounding the site can be classified into Ironbark Woodland, regenerating Ironbark Woodland and pasture. The approximate locations and extent of these communities within 100 metres of the proposed haul road are illustrated in Figure 4 of the SEE.

The small parcel of Ironbark woodland, located near the proposed T-intersection of the road, is dominated by Narrow-leaved Ironbark, with a small number of young Grey Box sparsely distributed throughout. There are three large ironbarks within this community, however none of these have tree hollows. The shrub layer and ground cover are sparse and include many introduced species.

The regenerating woodland, located in three fragmented parcels, is dominated by regenerating Grey Box and Narrow leaved Ironbark. This vegetation is generally immature or very young, with an understorey of sparse to moderate density.

The pasture, which covers the remaining vegetated area, has a sparse to moderate cover with grasses, herbs and weeds, however is heavily disturbed by grazing, weeds and eroded areas.

The assessment indicates that the quality of the vegetation as fauna habitat has been greatly reduced by a history of disturbance from mining, road construction and clearing activities.

The construction of the road will remove small patches of young regrowth woodland and three mature ironbark trees. However, these trees are noted in the SEE to lack tree hollows and occur in small, highly fragmented patches of vegetation. The Applicant advises that the clearing is necessary for the construction of the haul road, however it will not result in the clearance of any known or potential habitat that is critical for the survival of any threatened species.

Fauna

The SEE indicates that seventeen threatened fauna species may potentially occur on the site of the proposed haul road route or in the surrounding area. From this list of threatened species, the Applicant undertook an 8 part test assessment for six of these species. These were: the Regent Honey-eater, Eastern Freetail Bat, Eastern Flasistrelle, Common Bent Wing Bat, Yellow Bellied Sheath-tailed Bat and the Greater Broad Nosed Bat.

The rationale for determining whether an 8 part test was required for each of the listed species was outlined in the SEE. The 8-parts test for each of the six species is attached in Appendix E of the SEE.

The 8 part test assessment concluded that no threatened species were likely to be significantly impacted by the proposed development, due to the highly disturbed nature of the site and the small amount of habitat that is proposed to be removed. Accordingly, the Applicant was not required to prepare a SIS. The SEE also advises that no significant impacts are likely to any Matters of National Environmental Significance under the EPBC Act, given that only small, highly fragmented areas of regrowth woodland will be cleared for the project. Accordingly, the Applicant did not refer the matter to Environmental Australia for their consideration.

- ***Mitigation measures***

The applicant advises that the main measures to be implemented to protect flora and fauna include the flagging of the native vegetation that is proposed to be retained, and the implementation of erosion control measures to minimise the potential impacts of erosion and sedimentation on native vegetation.

- ***The Department's position***

The Department acknowledges that the site for the proposed haul road is highly modified and that the proposal is unlikely to have a significant impact on any threatened species. The Department considers that an SIS is not required for the proposal.

The Department concurs that mitigation measures detailed in the SEE should adequately manage the potential impact of the proposal on the remaining vegetation at the site. Given that the proposed road construction is limited to the Warkworth development application, a new clause has been inserted to the Land Management and Erosion and Sediment Control condition of the 1995 Warkworth Consent. This clause provides that the existing Land Management Plan shall be revised to include management measures for the retention of remnant vegetation, where possible, along the route of the proposed haul route.

5.4. Water quality and erosion

- ***The Applicant's position***

The SEE details that the proposed construction of the haul road link, and subsequent disturbance to the vegetation and soil of the site, will have the potential for some increase in erosion, and further discharge to sediment dams. Run-off from the road will continue to drain to sediment dams in the mine water management systems for the two mines. The Applicant advises that discharges from the mine water management systems will be in accordance with the current license conditions and will continue to be monitored as part of the environmental management of the mines. The SEE describes that water quality in the local watercourses and the proposed works will not affect Hunter River.

After construction, sediment loadings, and subsequent sediment discharge to sediment basins in the system, will be decreased due to the sealing of the existing sections of the haul road. system. The Applicant also advises that regular sweeping of the roads will prevent the build up of dust and sediments on the road pavement.

- ***Mitigation measures***

The Applicant advises that water management systems have been developed for both mines in accordance with the existing conditions of consent for the two mines. The haul road extension will be located within the area controlled by existing water management systems at both mine sites.

The SEE indicates that during construction of the road temporary sediment and erosion control measures will be implemented. These will include:

- Diversion of run-off from undisturbed areas around areas affected by construction works;
- Use of sediment fences to filter run-off from disturbed areas.
- Stabilisation of all disturbed area immediately after completion of works
- Installation of diversion drains upstream of stockpiles; and
- Use of diversion banks and check dams to limit flow velocities.

Following construction, the road shoulders will be vegetated and have relatively flat batters which will reduce flow velocities and minimise the risk of erosion due to run-off from the road. Erosion and scour protection and energy dissipaters will be provided downstream of the culverts to prevent erosion and scour of the local drainage depressions.

- ***Department's position***

The construction phase of the haulage road does have the potential to increase erosion and sedimentation at the site due to the disturbance of vegetation and soil. The existing development consents require the Applicant to prepare an Erosion and Sediment Control Plan. Given that the construction of the link road is limited to the Warkworth site, the Department has inserted the condition in the Warkworth consent that the plan for this site be revised to incorporate the proposed haul road and to include the mitigative measures outlined in the SEE. It is considered that this requirement to revise the existing management plan, along with the existing water management plans for the two sites, shall adequately limit the sedimentation and erosion potential of the proposal.

5.5. Aboriginal archaeology

- ***Applicant's position***

The Applicant has undertaken an assessment of the potential Aboriginal archaeology that occurs with the area of the proposal. The SEE describes that a search of the NPWS Aboriginal Sites Register indicates that 38 known sites occur within 5 kilometres of the proposed site for the haulage road.

However, the SEE indicates that the proposed site is a narrow passage which will link two existing haul roads. The SEE indicates that the northern section of the haulage route has no archaeological potential due to the high level of disturbance of this area, while heavy vehicle movements have also resulted in the disturbance to the southern section of the route. As the surface area of the existing northern and southern section of the route will remain unaltered, it is anticipated that the only area of potentially disturbed land is the 150 metre long extension linking the two existing haul roads. The Applicant undertook a field survey in this area, in consultation with the Lower Wonnarua Tribal Council. The SEE advises that no archaeological material was recorded during the survey, and as a result the sensitivity of the archaeological area is considered to be very limited.

Notwithstanding this, the SEE considers that due to the high density of sites within the local area and the relative proximity to water courses, it is possible that archaeological evidence of Aboriginal visitation and occupation of the area may exist within the study area. However, the relatively disturbed nature of the surrounding land suggests the

significance of any potential archaeology items within the proposed extension is likely to be low. Support from the Lower Wonnarua Tribal Council for this position is provided in Appendix G of the SEE.

- ***Mitigation measures***

Despite the assessment of the site as being of low archaeological potential, the SEE proposes that:

- Prior to starting construction, contractors and the construction personnel are to be advised that under the NPWS Act 1974 it is an offence to knowingly disturb or destroy an aboriginal relic; and
- If any archaeological material is found, work should cease and the Lower Wonnarua Tribal Council and NPWS Aboriginal Heritage Unit be contacted, in order to assess the significance of the find and ensure proper mitigation measures are put in place.

- ***Submissions by agencies***

No submissions were received from any other agencies.

- ***Department's position***

The Department considers that the SEE provides an adequate assessment of the potential archaeological significance of the proposed site. It is recognised that the site is highly modified and this disturbance greatly decreases the likelihood of any items of archaeological significance remaining intact and within their archaeological context at the location. However, the Department has included in the amended conditions for the Warkworth Mine, the clause that if during the course of construction of the haul road link the Applicant becomes aware of any heritage or archaeological material or sites, all work likely to be affected by the material shall cease immediately and the relevant authorities be consulted about an appropriate course of action prior to recommencement of work. Any necessary permits or consents shall be obtained and complied with prior to the recommencement of work. The Department considers that these conditions will adequately manage any potential impact of the proposal on Aboriginal archaeology at the site.

5.6. Visual Impact

- ***The Applicant's position***

The SEE considers the visual impact of the proposal in the context of the existing land use. The Applicant advises that the visual impact will be consistent with the current views of the mines and the general surrounding mining activity.

- ***Mitigation measures***

The Applicant does not propose any mitigation measures as the visual impact of the proposal is predicted to be minimal.

- ***Submissions from agencies***

The EPA, DMR and Singleton Council all expressed concern regarding the proximity of the proposed haul road to the Putty Road. The concerns of the agencies related to possible distraction of drivers by vehicular headlights and general activity on this stretch of land.

- ***Department's position***

The Department concurs that in the context of the surrounding land use, the proposed new section of road will not result in any significant visual impact. However due to the proximity of the proposed haul road to users of the Putty Road, the Applicant will be required to implement measures to minimise the potential for the haul road to distract users of the Putty Road and to ensure that road safety is not compromised. In order to ensure adequate protection for drivers on the Putty

Road, the Department has inserted a new clause to the road conditions of the relevant consents. The clause provides that the Applicant shall install adequate screening between the haul road and Putty Road to prevent distraction of users of Putty Road to the satisfaction of SSC and RTA. The screening is to be located outside the Main Road 503 road reserve and to be installed at the Applicant's expense. Under existing conditions of consent, the Applicant is also required to screen or direct all vehicular lights away from residences and roads, to the satisfaction of Council. The Department believes that these proposed measures will adequately manage the potential visual impact from the proposal and potential distraction to drivers on the Putty Road.

5.7. Land use

- ***Applicant's position***

The Applicant advises that the proposed modifications will not change the land use on or surrounding the site, and no additional land will need to be acquired for these purposes. The proposed site for the haul road is surrounded by coal mines and the haul link will join the two existing roads. The Applicant advises that given the context of the proposed site, the haul road extension is consistent with the existing land use of the area.

- ***Submissions by agencies***

Singleton Shire Council raised concern that there are several easement allotments in the vicinity of the proposed haul road link. The Council submitted that any approval should ensure that access to easements is not compromised by the construction of the haul road.

- ***Department's position***

The Department is satisfied that the proposed haul road is consistent with the surrounding land use. In order to ensure access to the easements, as raised in the submission from the SSC, the Department has provided that a clause be inserted in the conditions of consent requiring Applicant maintain adequate access to the easements and that relevant easement owners have been consulted prior to construction/ upgrading of the haul road.

6. VARIATIONS TO CONDITIONS OF CONSENT

The proposed changes relate to the addition/ amendment of a number of conditions in the Warkworth 1995 Development Consent; Mt Thorley 1983 Development Consent and the Mt Thorley 1996 Development Consent. The recommended modifications to these consents are attached as Appendix A. These amendments have been prepared following the assessment conducted by the Department, and in considering the submissions raised by other Government agencies and Council.

The following changes are recommended:

- ◆ **Warkworth 1995 Development Consent**

General

Insert in Condition 1 after the words "...prepared by Warkworth Mining Limited dated February, 2000" the following:

"and in accordance with the modification application made by Coal & Allied with the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001)."

Condition 8. Land management and Erosion and sediment Control

Insert at the end of Condition 8(i), the following:

“This shall include management measures to minimise the impacts on remnant vegetation along the route of the haul road between Warkworth mine and Mount Thorley Operations”

Insert in condition 8(ii) after the words “...from the Warkworth mine to the Mount Thorley Coal Loader”, the following: “and revise this plan to incorporate the haul road from Warkworth Mine to the Mount Thorley Operations.”

Condition 9. Roads

Insert a new Condition 9 (iii) as follows:

The Applicant shall:

- a. construct/ upgrade the haul road between Warkworth Mine and the Mount Thorley Operations as described in the SEE dated June 2001, at the site location illustrated in Figure 1 of the SEE and generally in accordance with the design drawings attached in Appendix D to the SEE;
- b. prior to the commencement of construction, install adequate screening between the Putty Road and the haul road. This screening is to be located and designed specifically to eliminate any safety issues and visual conflicts between vehicles on the haul road and users of the Putty Road. The screening is to be located outside the Main Road 503 road reserve and be designed, constructed and maintained to the satisfaction of the Council and RTA; and
- c. ensure that adequate access to easements is maintained and that relevant easement owners have been consulted prior to construction/ upgrading of the haul road.

Condition 10. Noise levels

Insert in Condition 10, after the words “shown in Figure 21 of the EIS” the following:

“or listed in Table 2 of the SEE dated June 2001.

Condition 11. Noise and Vibration Monitoring and Management

Adjust the existing Condition 11 to read 11(a), and insert a new condition 11(b) as follows:

“The Applicant shall ensure that the noise investigations, reporting requirements, management measures and independent monitoring arrangements outlines in Condition 11(a) above includes noise issues associated with the modification described in the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001).

Condition 14. Dust suppression

In Condition 14(iv) after the phrase “...Warkworth mine to the Mount Thorley Coal Loader”, insert the words: “and the haul road from Warkworth mine to Mount Thorley Operations.”

Condition 25. Aboriginal Heritage

In Condition 25 after the phrase “...Warkworth mine to the Mount Thorley Coal Loader”, insert the words: “and the haul road from Warkworth mine to Mount Thorley Operations”

◆ Mt Thorley 1983 Development Consent

Preamble

Insert in the Preamble after the words “copies of which are deposited in the office of the Department” the following:

“and in accordance with modification application made by Coal & Allied with the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001).”

Condition 20. Rail Loading

Delete condition 20.

Condition 21. Coal transportation

Insert at the end of this condition:

“Notwithstanding the above, material may also be transported to Warkworth Coal Preparation Plant, via the internal haul road, as described in the modification application made by Coal & Allied with the accompanying Statement of Environmental Effects (SEE) prepared by ERM dated June 2001. The material transported on this haul road, including material transported along the haul road to/ from the Mount Thorley Coal Preparation plant shall not exceed 4mtpa”.

◆ Mt Thorley 1996 Development Consent

General

Insert in Condition 1 after “...in accordance with Section 77(3) of the Act”, the following:

“and in accordance with modification application made by Coal & Allied with the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001).”

Condition 7. Land management and Erosion and Sediment Control

Insert in Condition 7 (ii) after the words “to cover the proposed mine extension site” the following words:

“and revise this plan to incorporate the haul road from the Warkworth mine to the Mount Thorley Operations”.

Condition 8. Roads, Levee and Traffic Route Lighting

Insert a new condition 8(iv) as follows:

The Applicant shall:

- a. construct/ upgrade the haul road between Warkworth Mine and the Mount Thorley Operations as described in the SEE dated June 2001, at the site location illustrated in Figure 1 of the SEE and generally in accordance with the design drawings attached in Appendix D to the SEE;
- b. prior to the commencement of construction, install adequate screening between the Putty Road and the haul road. This screening is to be located and designed specifically to eliminate any safety issues and visual conflicts between vehicles on the haul road and users of the Putty Road. The screening is to be located outside the Main Road 503 road reserve and be designed, constructed and maintained to the satisfaction of the Council and RTA; and

- c. ensure that adequate access to easements is maintained and that relevant easement owners have been consulted prior to construction/ upgrading of the haul road.

Condition 9. Noise levels

Insert in Condition 9 after the words “shown in Figure 7 of the EIS” the following:

“or listed in Table 2 of the SEE dated June 2001”

Condition 10. Noise Monitoring and Management

Adjust the existing Condition 10 to read 10(a), and insert a new condition 11(b) as follows:

The Applicant shall ensure that the noise investigations, reporting requirements, management measures and independent monitoring arrangements outlines in Condition 11(a) above includes noise issues associated with the modification described in the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001).

Condition 12. Air quality

Insert in Condition 12(ii) after the words “potential for dust emissions” the following:

“exceeding the relevant EPA dust amenity criteria”

Condition 13. Dust suppression

Insert the following new condition after Condition 13 (iii):

(iv). Ensure construction/ upgrade and use of the haul road from Warkworth Mine to the Mount Thorley Operations is carried out in a manner that will minimise the potential for dust emissions to exceed the relevant EPA dust amenity criteria.

7. CONSIDERATION UNDER SECTION 79(C) EP&A ACT 1979 –EVALUATION

In determining an application for the modification of a consent, the Minister as consent authority is to take into consideration the relevant matters listed under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979*, in accordance with Section 96(3) of the Act. Based on this evaluation (attached as **Appendix B**), it is considered that the merits of the modification warrant granting of consent, subject to the recommended conditions of consent.

8. CONCLUSION

The proposed modification to the Warkworth/ Mt Thorley operations will not have any different or additional impact beyond those which have already been assessed in relation to the original applications for these developments. Apart from the manner in which material is transported between the sites, the mining operation as proposed will operate in accordance with the developments as originally assessed.

It is recommended that the Minister:

- (i) Consider the findings and recommendations of this report;
- (ii) Approve the applications under Section 96(2) of the Environmental Planning and Assessment Act 1979, subject to the modified conditions set out in the instrument of approval.
- (iii) Sign the Instruments of Consent

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APPENDIX A AMENDED CONDITIONS OF CONSENT

The following changes to the conditions of consent are recommend. Conditions or clauses to be added to the existing conditions are indicated by highlight, and those to be removed are indicated by strike-through as follows

Warkworth 1995 Development Consent:

Condition 1. General

The Development is to be carried out generally in accordance with the Environmental Impact Statement dated 2 June 1995 prepared by Envirosiences Pty Ltd and certified in accordance with Section 77(3) of the Act and the modification made by Warkworth Mining Limited with the accompanying Statement of Environmental Effects (SEE) prepared by Warkworth Mining Limited for construction and operation of surface coal mine extensions at the Warkworth Coal Mine dated February 2000, and in accordance with modification application made by Coal & Allied Pty Limited with the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001), as may be modified by the conditions set out herein.

Condition 8. Land Management and Erosion and Sediment Control

8(i). The Applicant shall prepare and regularly update at its own expense, to the satisfaction of LWAC, a Land Management Plan for all its land holdings within or contiguous with Consolidate Coal Lease 753 to provide for proper land management including eradication of vermin and noxious weeds as required by the Rural lands Protection Authority, the Upper Hunter Weeds Authority, the Prickly Pear Authority and other relevant authorities.

This shall include management measures to minimise the impacts on remnant vegetation along the route of the haul road between Warkworth mine and Mount Thorley Operations"

8(ii) The Applicant shall prepare an erosion and sediment control plan to cover the proposed mine extension site and the haul road from Warkworth mine to the Mount Thorley Coal Loader and revise this plan to incorporate the haul road from Warkworth Mine to the Mount Thorley Operations to meet the requirements of LAWAC and.

Condition 9. Roads

Condition 9(iii). The Applicant shall:

- a. construct/ upgrade the haul road between Warkworth Mine and the Mount Thorley Operations as described in the SEE dated June 2001, at the site location illustrated in Figure 1 of the SEE and generally in accordance with the design drawings attached in Appendix D to the SEE;
- b. prior to the commencement of construction, install adequate screening between the Putty Road and the haul road. This screening is to be located and designed specifically to eliminate any safety issues and visual conflicts between vehicles on the haul road and users of the Putty Road. The screening is to be located outside the Main Road 503 road reserve and be designed, constructed and maintained to the satisfaction of the Council and RTA.
- c. ensure that adequate access to easements is maintained and that relevant easement owners have been consulted prior to construction/ upgrading of the haul road.

Condition 10. Noise levels

The Applicant shall ensure that noise levels due to the operation of the mine, at any residence shown in Fig. 21 of the EIS or listed in Table 2 of the SEE dated June 2001 (other than one owned by a mining company), shall not exceed:-

- during day time (7am-10pm), the LA10 daytime noise level design goal of 35dB(A)
- during night time (10pm-7am), the LA10 night time noise level design goal of 33dB(A).
- These goals relate to average conditions (neutral atmosphere), or as otherwise determined by the EPA.

Condition 11. Noise and Vibration Monitoring and Management

Adjust the existing Condition 11 to read 11(a), and insert a new condition 11(b) as follows:

"The Applicant shall ensure that the noise investigations, reporting requirements, management measures and independent monitoring arrangements outlined in Condition 11(a) includes noise issues associated with the modification, as described in the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001)."

Condition 14. Dust suppression

14(iv). Ensure construction and use of the haul road from Warkworth Mine to the Mount Thorley Coal Operations is carried out in a manner that will minimise the potential for dust emissions to exceed the relevant EPA dust amenity criteria.

Condition 25. Aboriginal heritage

If, during the course of construction of the haul road link for the haulage route from Warkworth mine to the Mount Thorley Coal Loader and the haul road from Warkworth mine to the Mount Thorley Operations, the Applicant becomes aware of any heritage or archaeological material or sites, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, the Heritage Office and the Local Aboriginal Land Councils. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

Mt Thorley 1983 Development Consent

Preamble

Now I, the Minister for Planning and Environment, after consideration of the findings and recommendations of the Commission of Inquiry, in accordance with Section 101(6) of the Act, do hereby determine the application by granting consent to that application for the proposed development, generally in accordance with the proposed development as described in the application and the Environmental Impact Statement entitled "Environmental Impact Statement for the Expansion of the Operations of the Mount Thorley Colliery Volume 1, and Volume 2 Appendices, and Volume 3 Figures" prepared by James B. Croft and Associates Pty. Limited, dated September, 1981, copies of which are deposited in the office of the Department, and in accordance with modification application made by Coal & Allied Pty Limited with the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001) subject to the following conditions.

Condition 20. Rail Loading

That Condition 20 be deleted:

~~That the applicant shall within 36 months from the date of this consent to the proposed development or such further time as may be determined by the Minister under s. 102 of the Act, if required, commission of coal handling facilities acceptable under the consent to the proposed development which shall ensure that all product of the mine is transferred off site using conveyors via the revised rail bin layout as proposed in Figure 6 of the Department's Environmental assessment Report and upon such commissioning, shall terminate use of the surge pile areas at the Mt Thorley rail coal loading facility. Further, the applicant shall obtain in respect of height, colour and surface texture~~

~~the prior concurrence of the Council before the construction of the second coal bin now proposed, to the rear of the existing coal stockpiles at the Mt Thorley rail loading facility.~~

Condition 21. Coal Transportation

That all coals produced at the mine shall be hauled by rail except in the case of an emergency when, where rail facilities are available, a permit to haul coal along public roads shall first be obtained from the State Rail Authority, and in the case where rail facilities are not available the prior written consent be obtained from the Council. Notwithstanding the above, material may also be transported to Warkworth Coal Preparation Plant, via the internal haul road, as described in the modification application made by Coal and Allied with the accompanying Statement of Environmental Effects (SEE) prepared by ERM dated June 2001. The material transported on this haul road, including material transported along the haul road to/ from the Mount Thorley Coal Preparation plant, shall not exceed 4mtpa.

Mt Thorley 1996 Development Consent

1. General

The Development is to be carried out generally in accordance with Environmental Impact Statement dated 10 August 1995 prepared by ERM Mitchell McCotter Pty Ltd and certified in accordance with Section 77(3) of the Act, and in accordance with modification application made by Coal & Allied Pty Limited with the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001) as may be modified by the condition set out in herein.

Condition 7. Land Management and Erosion and Sediment Control

7(ii). The Applicant shall prepare an erosion and sediment control plan to cover the proposed mine extension site to meet the requirements of LWAC and revise this plan to incorporate the haul road from the Warkworth mine to the Mount Thorley Operations.”

Condition 8. Roads, Levee and Traffic and Route Lighting

8(iv).The Applicant shall:

- a. construct/ upgrade the haul road between Warkworth Mine and the Mount Thorley Operations as described in the SEE dated June 2001, at the site location illustrated in Figure 1 of the SEE and generally in accordance with the design drawings attached in Appendix D to the SEE;
- b. prior to the commencement of construction, install adequate screening between the Putty Road and the haul road. This screening is to be located and designed specifically to eliminate any safety issues and visual conflicts between vehicles on the haul road and users of the Putty Road. The screening is to be located outside the Main Road 503 road reserve and be designed, constructed and maintained to the satisfaction of the Council and RTA; and
- c. ensure that adequate access to easements is maintained and that relevant easement owners have been consulted prior to construction/ upgrading of the haul road.

Condition 9. Noise levels

9. The Applicant shall ensure that noise levels due to the operation of the mine, at any residence shown in Figure 7 of the EIS or listed in Table 2 of the SEE dated June 2001 (other than one owned by a mining company), shall not exceed the L_{A10} day and night time noise level design goal of 35dB(A). The goals relate to average conditions (neutral atmosphere), or as otherwise determined by the EPA.

Condition 10. Noise Monitoring and Management

Adjust the existing Condition 10 to read 10(a), and insert a new condition 10(b) as follows:

"The Applicant shall ensure that the noise investigations, reporting requirements, management measures and independent monitoring arrangements outlines in Condition 11(a) above includes noise issues associated with the modification described in the accompanying Statement of Environmental Effects prepared by Environmental Resources Management (ERM) Australia Pty Ltd for the haul road between Warkworth Mine and Mount Thorley Operations (June 2001)."

Condition 12. Air quality

12(ii). Use the data collected by the wind monitoring and recording station referred to in sub-clause (i) above to determine when and how the mine operation is to be modified to minimise the potential for dust emissions exceeding the relevant EPA dust amenity criteria.

Condition 13. Dust suppression

13(iv). Ensure construction/ upgrade and use of the haul road from Warkworth Mine to the Mount Thorley Operations is carried out in a manner that will minimise the potential for dust emissions to exceed the relevant EPA dust amenity criteria."

APPENDIX B
SECTION 79C(1) CONSIDERATIONS

The following assessment is based on the matters listed for consideration under section 79c(1) of the *Environmental planning and assessment act, 1979*.

(a) The Provisions of:

- (I) Any environmental planning instrument, and**
- (II) Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**
- (III) Any development control plans, and**
- (IV) The regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

that apply to the land to which the development application relates,

Relevant environmental planning instruments (EPIs) are addressed in section 3 of this report. It is considered that the proposed modification is generally consistent with the provisions of all relevant EPIs.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality,

The likely impacts of the proposed modification on the natural and built environments have been discussed in this Report in Section 5.

(c) the suitability of the site for the development,

It is considered that the subject site is suitable for the proposed development. The site is located within existing mine lease and the site is also surrounded by intensive coal mining leases.

(d) any submissions made in accordance with this Act or Regulation

Only four submissions were received in relation to the project, and no objections to the modifications were raised. The comments raised in these submissions have been taken into account in the assessment.

(e) the public interest

The environmental assessment indicates that the proposed road will not result in significant adverse effect on surrounding residences.