



ASSESSMENT REPORT

Section 75W Modification – Invincible Coal Mine

1 BACKGROUND

Coalpac Pty Limited (Coalpac) owns and operates the Invincible Coal Mine, located in the Western Coalfield of NSW, approximately 20 kilometres northwest of Lithgow (see Figure 1).

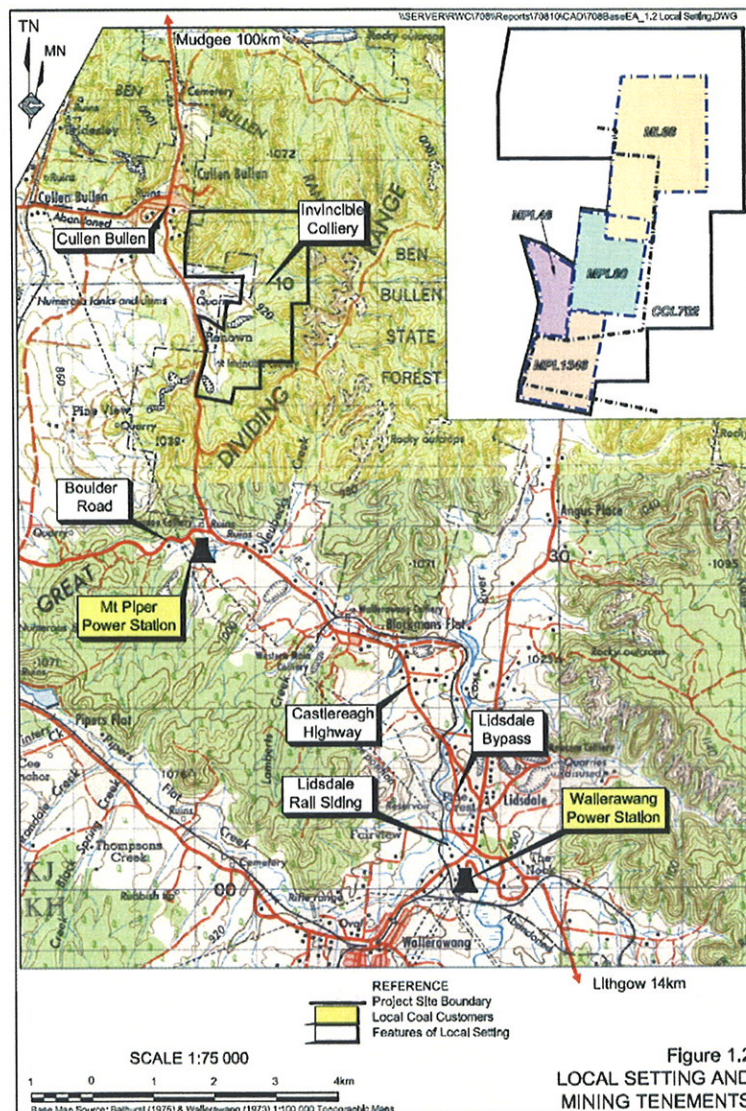


Figure 1: Location of Invincible Coal Mine

Coalpac operated the mine sporadically from 1989 until it received Ministerial consent in September 2006. This approval allowed Coalpac to produce up to 350,000 tonnes of saleable coal a year via open cut methods, with transportation via public roads to local power stations and other domestic customers.

This Ministerial consent was modified twice, in June 2007 to allow coal to be washed on site and in December 2007 to allow auger mining and an increase in saleable coal production to 500,000 tonnes a year.

After identifying further economic coal reserves at the mine, Coalpac submitted a new project application in August 2007 seeking approval for its saleable coal production limit to be increased to 900,000 tonnes a year, to extend the mine's life by up to 8 years and to allow rehabilitation to occur following the completion of mining. This application was approved by the Minister on 4 December 2008. This project approval is now the "dominant" approval at the mine, with the consent granted in September 2006 due to be surrendered by November 2009.

2 PROPOSED MODIFICATION

On 6 January 2009, Coalpac submitted a modification application seeking to modify the approval granted in December 2008 under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed modification involves correcting an incorrect Lot/DP number listed in the project approval.

3 STATUTORY CONTEXT

3.1 Approval Authority

The Minister was the approval authority for the original project application, and is consequently the approval authority for this modification application. However, the Executive Director, Major Project Assessment may determine the application under the Minister's delegation of 7 June 2007.

3.2 Exhibition and Notification

Under Section 75W of the EP&A Act, the Department is not required to notify or exhibit the modification application. It is considered that the content of the proposed modification is too minor to require either exhibition or notification. However, the Department has made the application publicly available on its website.

4 ASSESSMENT

The schedule of land in the project approval comprises "Part Ben Bullen State Forest, Lot 1/DP 180294, Lot 112/DP 877190 and Lot 113/DP 877190". This schedule of land was referred to in Coalpac's project application and Environmental Assessment. However, Lot 112/DP 877190 was inadvertently listed as Lot 112/DP 677190 in the project approval. The modification seeks only to correct this administrative discrepancy. No environmental impacts requiring assessment arise from the proposed modification.

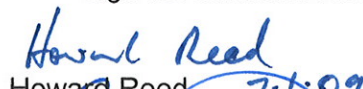
5 CONCLUSION

The Department has assessed the application in accordance with the relevant requirements of the EP&A Act. The proposed modification is necessary to correct an administrative discrepancy and would not cause any additional environmental impacts for the approved project. The Department therefore concludes that the modification should be approved.

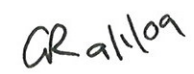
6 RECOMMENDATION

It is RECOMMENDED that the Executive Director:

- consider the findings and recommendations of this report;
- approve the proposed modification under Section 75W of the EP&A Act; and
- sign the attached Notice of Modification.


Howard Reed
A/Manager, Mining


Chris Wilson
Executive Director
Major Project Assessment


Chris Ritchie
A/Director
Industry and Mining