



# Hunter Valley Operations North (DA 450-10-2003 MOD 7)

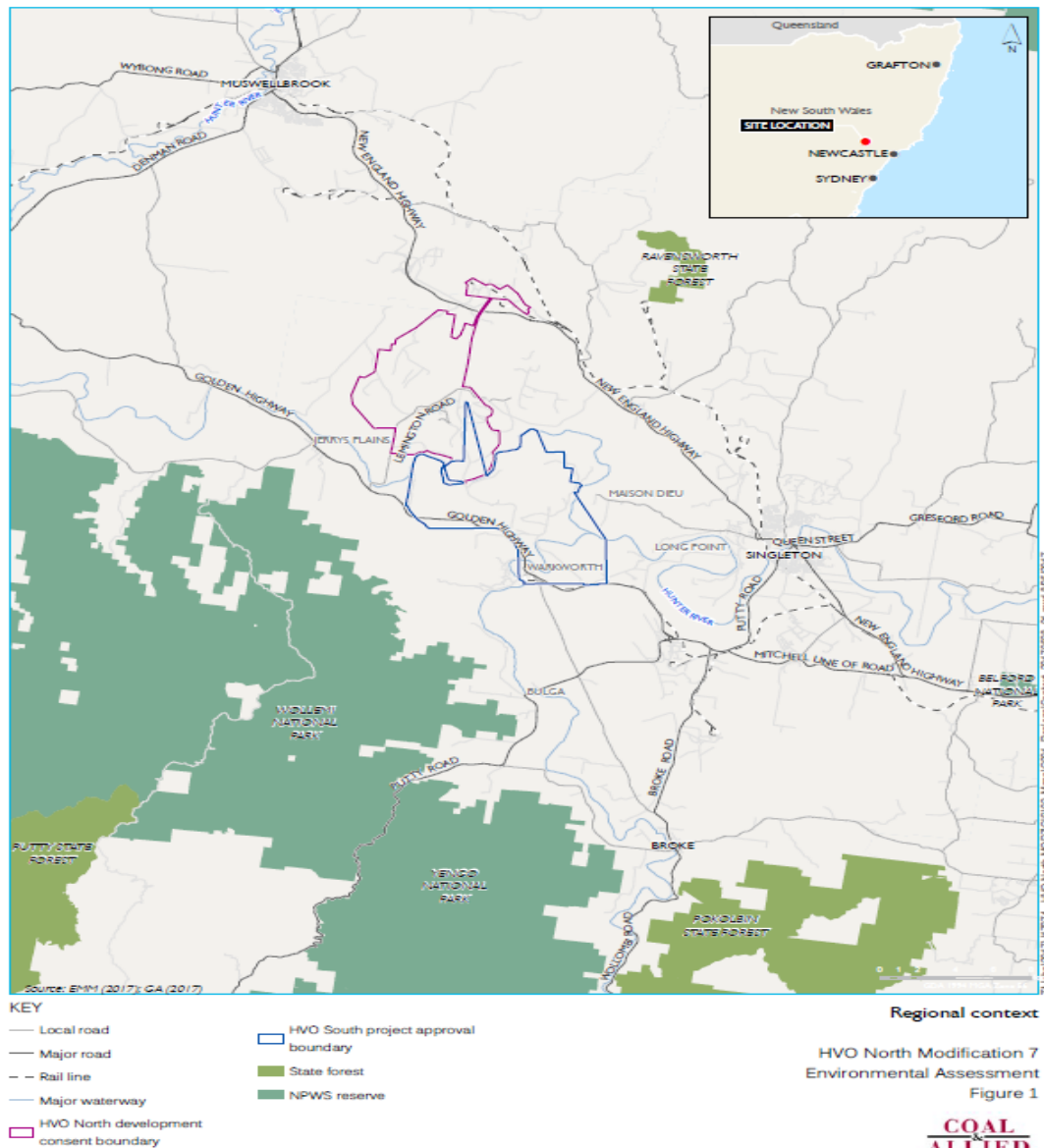
## Modification 7 – Administrative

### Environmental Assessment Report

Section 75W of the *Environmental Planning and Assessment Act 1979*

## 1. BACKGROUND

Coal and Allied Operations Pty Limited (Coal and Allied), a subsidiary of Rio Tinto, own and operate the Hunter Valley Operations (HVO) mining complex, located approximately 24 kilometres (km) northwest of Singleton, in the Hunter Valley (see **Figure 1**).



**Figure 1: Location of HVO mining complex**

Mining operations at the site first began over 65 years ago, in 1949. Since then, a series of expansions and acquisitions resulted in the operation managing 18 separate development approvals for activities north of the Hunter River.

The HVO mining complex includes HVO North and HVO South (see **Figure 1**), which are geographically divided by the Hunter River and regulated by two separate approvals. HVO North includes the Carrington Pit and West Pit and operates under development consent (DA 450-10-2003) granted by the then Minister for Infrastructure and Planning in 2004 and the subject of this proposed modification.

The consent has been previously modified six times, including extensions to the Carrington Pit in southerly, easterly and westerly directions, and allows Coal and Allied to:

- extract up to 22 million tonnes of run-of-mine (ROM) coal a year, until June 2025;
- process coal on site at the Hunter Valley Coal Handling and Preparation Plant (HVCHPP) or the Howick Coal Handling and Preparation Plant (HCHPP); and
- transport coal to the Port of Newcastle for export or to local power stations for domestic use.

## 2. PROPOSED MODIFICATION

On 11 September 2015, an order was gazetted under the *Mining Act 1992* (Mining Act), which provided an exemption for ancillary mining activities (AMAs) to be subject to a mining lease. This exemption expires on 15 November 2017.

Coal and Allied has reviewed the mining tenements and activities occurring on the HVO North site and have identified several areas where AMAs are not contained within the development consent boundary. As such, from the 15th November 2017, these areas will require a mining lease in accordance with Section 6 of the Mining Act.

In accordance with Section 65 of the *Mining Act*, a development consent must be in place before a mining lease can be granted. HVO have four mining lease applications (MLA) lodged in preparation for the expiry of the AMA exemption. These include MLA 489, 495, 496 and 520. However, some of the areas within the MLAs are located outside the existing development consent boundary.

These areas have previously been subject to environmental assessment under current and former development approvals and Coal & Allied are seeking to amend the development consent boundary and schedule of lands of DA 450-10-2003 to enable the MLA's to be granted.

The modification also seeks to include two areas outside the development consent boundary but not subject to MLAs. This includes:

- one area adjacent to ML 496 where a prospective MLA will be lodged; and
- a section of a haul road that was approved under DA 77/20, but was not reflected in the development consent boundary.

Areas proposed to be included within the development consent boundary including the MLAs and the adjacent areas are shown in **Figure 2** (below).

## 3. STATUTORY CONTEXT

### 3.1 Section 75W

DA 450-10-2003 was granted under Part 4 of the Environmental Planning & Assessment Act 1979 (EP&A Act). In accordance with clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and the transitional arrangements under Schedule 6A of the EP&A Act, the modification must be determined under the former section 75W of the EP&A Act. The Department is satisfied that the proposal can be characterised as a modification to the existing consent. It does not seek to change in any significant way the nature or scale of the approved mining operations.

The Department is therefore satisfied that the proposed modification is within the scope of section 75W and may be determined accordingly.





KEY

- Mining Lease Application boundary
- Major waterway
- Proposed consent boundary amendment
- HVO North development consent boundary
- Local road
- Major road
- Rail line

Modification location

HVO North Modification 7  
Environmental Assessment  
Figure 2

**COAL  
&  
ALLIED**  
Managed by Rio Tinto Coal Australia

**Figure 2:** Location of areas to be included within development consent.

### 3.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director Resource Assessments may determine the application under the Minister's delegation of 16 February 2015, as there were no public objections, Singleton and Muswellbrook Councils did not object to the proposal, and no political donations have been reported by Coal and Allied.

## 4. CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to notify or exhibit the modification application. Given the minor nature of the proposed modification, the Department did not consider that public exhibition was warranted nor was agency input. However, the EA was made publicly available on the Department's website and no community submissions were received.

## 5. ASSESSMENT

The AMAs carried out in the areas subject to this modification have all previously been assessed for environmental impacts as part of the approved Carrington West Wing Project (EMM 2010) or under historical approvals consolidated within DA 450-10-2003.

The areas subject to the proposed modification and their approved use are described in **Table 1** (below).

**Table 1:** Areas subject to the proposed modification

Area	Description	MLA	Relevant Assessment
1	<ul style="list-style-type: none"> <li>This area adjacent to West Pit and is partially within the existing development consent boundary.</li> <li>Its use is for water management purposes including: <ul style="list-style-type: none"> <li>the use of Parnell's Dam; and</li> <li>a clean water diversion.</li> </ul> </li> <li>No change of use is proposed.</li> <li>This area is contained within the schedule of lands but is sought to be included within the development consent boundary.</li> </ul>	MLA 495	The construction & use of Parnells Dam was assessed in a 1989 Environmental Impact Statement (EIS) which was approved by Singleton Council in 1990.
2	<ul style="list-style-type: none"> <li>This area is located north of the West Pit and is outside of the existing development consent boundary.</li> <li>Its use is a clean water diversion.</li> <li>No change of use proposed.</li> <li>This area is sought to be included within the development consent boundary &amp; schedule of lands.</li> </ul>	MLA 496	This clean water diversion was considered in the 1989 EIS approved by Singleton Council in 1990.
3	<ul style="list-style-type: none"> <li>This area of land is adjacent to MLA 496 and contains the same clean water diversion channel.</li> <li>An MLA has not yet been lodged for this area. However, Coal &amp; Allied intend to lodge one in the future.</li> <li>This area is sought to be included within the development consent boundary &amp; schedule of lands.</li> </ul>	N/A	This clean water diversion was considered in the 1989 EIS and approved by Singleton Council in 1990.
4	<ul style="list-style-type: none"> <li>This area is located adjacent to the approved Carrington West Wing.</li> <li>It use is a clean water diversion.</li> <li>No change of use proposed.</li> </ul>	MLA 489	This clean water diversion was assessed as part of the Carrington West Wing Project (EMM 2010). However, the corresponding land parcels



Area	Description	MLA	Relevant Assessment
	<ul style="list-style-type: none"> <li>This area is contained within the development consent boundary but is sought to be included in the schedule of lands.</li> </ul>		were not included in the Schedule of Lands.
5	<ul style="list-style-type: none"> <li>This area includes a haul road located between the North Pit and the rail loader.</li> <li>This road was approved under DA 77/20. However, it was not included in the development consent boundary.</li> <li>The upper part of this road is covered by existing mining tenements, whereas the lower part of the road is subject to an MLA.</li> <li>No changes of use is proposed.</li> <li>This area is sought to be included in the development consent boundary.</li> </ul>	MLA 520 (lower part of haul road only)	This haul road was included in the HVO West Pit Extension and Minor Modifications EIS is October 2003, and approved under DA 77/20.

The inclusion of these areas within the HVO North development consent boundary would not change the currently approved mining activities or resulting impacts at the site. Despite these areas being included in the development consent boundary, no change or intensification of use would result.

No changes are proposed to any other conditions of consent and the Department is satisfied that the environmental impacts of the mine would continue to be managed satisfactorily under the existing conditions of consent and the site's Environmental Protection Licence.

Overall, the Department is satisfied that the proposed modification is administrative in nature and would not result in any environmental impacts beyond those previously assessed and managed under the current conditions of development consent.

## 6. RECOMMENDED CONDITIONS

The Department has drafted a recommended Notice of Modification (see **Appendix B**) and a consolidated version of the consent as it is proposed to be modified (see **Appendix C**). The Department has taken the opportunity to update other conditions of consent that are consistent with current practices and contemporary standards. The Department considers that the environmental impacts of the project can be appropriately managed through the proposed amended conditions of consent.

Coal and Allied has considered and agreed to the recommended conditions.

## 7. RECOMMENDATION

It is **RECOMMENDED** that the Director Resource Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the modification request falls within the scope of section 75W of the EP&A Act;
- **approves** the modification application DA 450-10-2003 MOD 7, subject to conditions; and
- **signs** the attached Notice of Modification (**Appendix B**).



Genevieve Seed  
Senior Planning Officer  
Resource Assessments

28.7.17



Howard Reed  
Director  
Resource Assessments

28-7-17

## **APPENDIX A: ENVIRONMENTAL ASSESSMENT**

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[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8579](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8579)

## **APPENDIX B: NOTICE OF MODIFICATION**

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## APPENDIX C: CONSOLIDATED CONSENT

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