

STRATFORD COAL MINE – PROPOSED DEVELOPMENT APPLICATION (BOWENS ROAD WEST EXTENSION)

REPORT ON THE ASSESSMENT OF AN APPLICATION FOR DEVELOPMENT CONSENT PURSUANT TO SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

FILE: N93/00422

1. INTRODUCTION AND BACKGROUND

1.1 The Applicant

Stratford Coal Mine (SCM) is owned by Stratford Coal Pty Ltd (SCPL) on behalf of Stratford Joint Venture Partners – CIM Resources Ltd (90%) and ICA Coal Pty Ltd (10%).

1.2 Background

Stratford Coal Mine is located approximately 100 kilometres north of Newcastle in New South Wales and is defined by the mining leases 1360, 1409 and 1447 as shown on Figure 1. It is located within Gloucester Shire Council.

Current operations at Stratford Mine include a coal preparation plant, a rail loop, and open cut mining at three deposits – Stratford Main Deposit, Bowens Road West Deposit and Roseville coal reserve. The mine produces up to 3.4 million tonnes per annum (Mtpa) of Run-of-Mine (ROM) coal in order to produce 2.3 Mtpa of coal for both the domestic and international markets. The Operations at the Stratford Mine also encompasses the Bowens Road North Pit, to the North of the Stratford Main Pit, which was approved by the then Minister for Urban Development and Planning to produce 0.65Mtpa of coal.

1.3 Overview of the Proposal and its Location

The Bowens Road West Pit is located to the south west of the mining lease 1360 as shown on Figure 2. The Applicant seeks to extend the existing Bowens Road West pit by a further 100m to the south, beyond the boundary of the mining lease, to enable the mining of a further 45 000 tonnes of coal. The proposed extension would occur within land owned by SCPL. The depth of the extended pit would remain at the currently mines depth of 35m.

The proposed extension would be undertaken over a four to eight week period utilising existing employees and would not alter the hours of operation of the existing mine or mining activities in other sections of the mine.

1.4 State Significant, Non-Integrated, Non-Designated Development

On 27 March 2002, the Minister declared the Bowens Road West Pit Extension as State Significant Development, under Section 76A(7)(b)(iii) of the *Environmental Planning and Assessment Act 1979* (“The Act”). As such, the Minister for Planning is the consent authority and will determine the application. Since there were no other approvals required under Section 91 of the Act, the development proposal is not an “Integrated development”.

The Department was satisfied that the proposal met the requirements of Part 2, Schedule 3 of the *Environmental Planning Assessment Regulations, 2000*, therefore making the proposal a Non-designated Development application. As a result, a Statement of Environmental Effects (SEE) was prepared in support of the DA.

1.5 Lodgement of Development Application and Exhibition

On 9 April 2002, the Applicant lodged a Development Application (DA) and supporting Statement of Environmental Effects (SEE) with the Department of Planning. The DA and SEE were publicly exhibited from 17 April 2002 to 20 May 2002, in accordance with the *Environmental Planning and Assessment Act, 1979*. Submissions were received until close of the exhibition period. A detailed summary of submissions resulting from the public exhibition of the proposal is given at Appendix 1.

Public notification of the DA involved the placement of a notice in the Gloucester Advocate and the placement of site signs on the proposed DA area. The Department also advised those residents in the area who may have potentially been affected by the proposal.

The Department is satisfied that the requirements for public exhibition of the DA and SEE and public participation have been fully met.

1.6 Local Council position

Gloucester Shire Council raised concern over the noise impacts to the Bramley residence and requested that this property be included in the Noise Acquisition Zone for the Stratford Coal Mine.

1.7 Government agencies' position

Submissions were received from four government agencies. The submissions from Department of Agriculture did not raise any issues of concern. The Environment Protection Authority (EPA) requested further information in regards to noise impacts to the adjacent residents. The National Parks and Wildlife Service (NPWS) raised issues regarding pre-clearing surveys, revegetation and monitoring of topsoil stripping by representatives of the local Aboriginal community. The Department of Mineral Resources requested that the Water Management Plan and the Mine Operation Plan be updated to incorporate the extension. The Department's considerations of these issues are provided in section 5 of this report.

1.8 Local community position

Three submissions were received from the local community raising issues regarding noise, dust, lighting, blasting and vibration, property value, visual, site water run-off, groundwater, omissions in the SEE and non-compliance of current operations at the mine.

1.9 Applicant's position

The Applicant has accepted the recommended conditions of consent for the proposed modification.

2.0 THE PROPOSAL

2.1 *Site details and Infrastructure*

The Bowens Road West Pit is located to the south west of the mining lease 1360 as shown on Figure 2. The Applicant seeks to extend the existing Bowens Road West Pit by a further 100m to the south, beyond the southern boundary of the current mining lease and current DA area, to enable the mining of an expected 45 000 tonnes of coal. The proposed extension would occur within land owned by SCPL. The depth of the extended pit would remain at 35m.

The 45,000 tonnes estimated in the SEE was based on empirical data gained from the mining of the northern end of the Bowens Road West pit. However, as the Bowens Road West pit is located within faulted geology the potential for this tonnage to vary is high. A fold in the coal seam may result in a duplication of the coal seam. The Applicant has requested that the quantity of coal referred to in the SEE, be revised to 67,500 tonnes, to allow for variability.

The Department is satisfied that the increase in coal tonnage will not change the total quantity of material excavated from the pit as assessed in the SEE, rather the ratio of coal to waste rock. The Applicant has confirmed that an increase in the quantity of coal would not change the rate of mining, method of mining, period of mining, footprint of disturbance nor the potential impacts assessed in the Bowens Road West SEE. No change to the potential air quality or noise impacts as assessed in the SEE would result because the total quantity of material excavated from the pit (ie. waste plus coal) would not change.

The SEE states that the proposed pit extension will occur in a 4 to 8 week timeframe. Upon review by the Applicant, the mining operations associated with extension of the Bowens Road West Pit may take three months when consideration is given to unforeseen events such as weather and machinery break down. The restoration and rehabilitation of the Bowens Road West Pit Extension is expected to take 21 months, allowing for selective refill, contouring and revegetation to the requirements of the DLWC and DMR.

2.2 *Existing Consents*

As the operations in the Bowens Road West Pit Extension will extend beyond the current mining lease and DA boundaries, a new DA has been submitted seeking consent for the extension proposal.

Current activities at the Stratford Coal Mine are covered by the following consents:

- Development consent was granted by the then Minister for Planning on 19 December 1994 to Stratford Coal Pty Limited to construct and operate a surface coal mine and associated facilities (Stratford Coal Mine). The consent permitted a coal production rate of 1.1Mtpa. This consent was subsequently modified on 17 September 1996 and 4 July 2000 resulting in an increase in the coal production rate to 1.7Mtpa and 2.3 Mtpa respectively.
- Development consent was granted by the then Minister for Urban Affairs and Planning on the 5 February 1999 to Stratford Coal Pty Ltd to permit the construction of facilities for the unloading, loading, processing and washing of coal from the Duralie Coal Mine and emplacement of Duralie coal rejects within the Stratford Mine. Duralie Coal Mine is located to the south of the Stratford Coal Mine.

- Development consent was granted by the then Minister for Urban Affairs and Planning on the 25 July 2001 to Stratford Coal Pty Ltd to construct and operate a surface coal mine at the Bowens Road North Pit, which is located adjacent to the northern boundary of the Stratford Coal Mine. This consent permits the production of 0.65Mtpa of coal.

2.3 Land Ownership and Land Use

The Stratford Coal Mine is owned by Stratford Coal Pty Ltd (SCPL) on behalf of Stratford Joint Venture Partners – CIM Resources Ltd (90%) and ICA Coal Pty Ltd (10%).

The land where the proposed extension is to occur is wholly owned by Stratford Coal Pty Ltd.

2.4 Production process

The production process would remain unchanged from existing operations.

2.5 Annual production, hours of operation and employment

Annual production would remain unchanged from existing operations.

The Bowens Road West Pit Extension will be mined for a period of 4 to 8 weeks between the hours of 7am to 6pm. The activities would include a 200t hydraulic excavator, and 2 –3 trucks. Limited blasting is expected (1-2 blasts per week). The extended pit would be backfilled with coarse rejects from the wash plant, followed by the application of topsoil and revegetation.

2.6 Justification for the Project

Justification for the proposal was not provided in the SEE. However the Department considers that since the existing Bowens Road West Pit is mining in the vicinity of the proposed resource, further justification is not required.

3.0 STATUTORY PLANNING MATTERS

3.1 Local Planning Considerations

The Project is within the Gloucester Shire. The planning provisions for the Shire are contained within the Gloucester Local Environmental Plan (LEP) 2000. Under this plan, the proposed Project area is zoned 1(a) Rural Zone, and the development of the proposed works is permissible with development consent. The Department is satisfied that the proposal is consistent with the objectives of the Gloucester LEP.

3.2 State Environmental Planning Policies

SEPP No. 33 (Hazardous and Offensive Development)

SEPP 33 requires a preliminary hazard analysis to be prepared for potentially hazardous development. The Department is satisfied that as there are no changes to the amount of hazardous material to be stored on-site, SEPP 33 is not applicable.

SEPP No. 44 (Koala Habitat Protection)

SEPP 44 applies to Gloucester Shire, as it is identified in Schedule 1 of the policy as a local government area where koalas are known to occur. SEPP 44 requires that prior to the determination of a development application, it must be determined if the land to be developed contains potential koala habitat (identified by the presence of certain tree species on the site) or core koala habitat (identified by a resident population of koalas). The SEE states that the vegetation on the site is largely regrowth and has been disturbed by previous grazing activities. The 1994 EIS did not identify koala habitat in this area. The Department is satisfied that SEPP 44 is not applicable.

4.0 SUBMISSIONS RECEIVED

In accordance with section 79 of the EP&A Act, the Department received a total of seven submissions. A detailed summary of submissions resulting from the public exhibition of the proposal is given at Appendix 1.

4.1 Government agencies

Submissions were received from four government agencies. The submissions from Department of Agriculture did not raise any issues of concern. The Environment Protection Authority (EPA) requested further information in regards to noise impacts to the adjacent residents. The National Parks and Wildlife Service (NPWS) recommended that pre-clearing surveys be performed to ensure that fauna are not harmed during the development, the area be revegetated with locally indigenous vegetation and that the stripping of the topsoil be monitored by representatives of the local Aboriginal community. The Department of Mineral Resources requested that the Water Management Plan and the Mine Operation Plan be updated to incorporate the extension. The Department's considerations of these issues are provided in Section 5 of this report.

4.2 Local Council

Gloucester Shire Council expressed concern that the SEE did not address the impact of the proposal on a residential property owned by CJ & TL Bramley. The Department has held discussions with the Applicant and the Bramley's. The Department understands that the Applicant held an informal agreement with the previous owners of the Bramley property (Mr. Bramley's father), and was of the understanding that this agreement was valid and that inclusion of the property in any acquisition requirements or specific noise or dust criteria was not required. The Applicant has advised the Department that they are currently under renegotiation with CJ & TL Bramley (the new owners of the property). A noise assessment of the impacts from the proposed development at the Bramley property has been performed and is discussed in further detail in Section 5 of this report.

The Council also requested that the Bramley property be included in the Noise Acquisition Zone for the Stratford Coal Mine. The Department's consideration of this issue is provided in Section 5 of this report.

4.3 Community

Three submissions were received from the local community. They raised a number of issues of non-compliance of the mine particularly relating to:

- Equipment in addition to that approved in the consent;

- Operations outside of the agreed hours;
- Increased train movements;
- Exceedance of noise levels;
- Problems with dust;
- Frequency of blasts;
- Contaminated water discharges;
- Night lighting; and
- Vibrations from the processing plant.

Concern was also raised over the effectiveness of the performance of the existing Community Consultative Committee and current visual impacts. The issues raised in submissions concerning the existing performance of the mine will be investigated and addressed by the Department under separate cover.

In regards to the proposed development the submissions raised the following concerns:

- Increase in Noise Levels
- Site Water Management
- Groundwater
- Visual Amenity

The Department's consideration of these issues is provided in Section 5 of this report.

5.0 DEPARTMENT OF PLANNING'S CONSIDERATION

Key issues

The impacts from the proposed modification have been addressed in the SEE. The Department considers the key issues relating to the proposed mining of the Bowens Road West Pit extension are as follows:

- Noise and blasting impacts;
- Hydrology;
- Air quality impacts;
- Flora and Fauna impacts;
- Aboriginal Archaeology; and
- Visual Amenity

5.1 Noise and blasting impacts

Applicant's Position

The SEE considered the previous noise assessment performed for the Bowens Road North Project EIS (submitted in support of the DA 39-02-01 approved by the Minister of Urban Development and Planning on the 25 July 2001), was adequate in determining the impacts from the proposed development. The SEE outlined that this EIS examined the cumulative acoustic impact of the simultaneous operation of the Bowens Road North Project and Stratford Coal Mine (SCM), including mine operations in the current Bowens Road West Pit. The proposed extension to the Bowens Road West Pit will utilise equipment already in operation in the Bowens Road West Pit and other sections of SCM. As no addition or alteration to the existing plant items or operations is expected, the Applicant concludes that the noise levels will not exceed those predicted by the EIS. Additional information provided by Richard Hegge Associates in a letter dated the 15 April 2002 confirm that

the sound power levels predicted in the Bowens Road North Project EIS, will not be exceeded by the proposed Bowens Road West Pit Extension.

The noise assessment in the Bowens Road North Project EIS concluded that a number of properties would experience noise levels up to 5dBA above the Project Specific Noise Criteria. As a result the consent conditions pertaining to this DA (DA 39-02-01) has made provision for a Noise Management Zone. The residential properties Wadland, Ellis and Bagnall were anticipated to experience noise levels greater than 5dBA above the Project Specific Noise Criteria, and have been included in the Noise Affection Zone of the DA 39-02-01. This requires the Applicant to purchase these properties, if requested by the landowner, in accordance with Condition 11.1.

The SEE indicates that blasting will be required during the 3 month mining operations period. However, due to the close proximity of the CPP, the blast size will be limited and will only occur at a nominal rate of 1-2 per week with a maximum of 3 blasts per week.

Mitigation Measures

The SEE states that noise mitigation measures currently adopted in the SCM Noise Management Plan will apply for the proposed development. Specific mitigation measures for the proposed development limit mining activities to the hours of 7am to 6pm.

Community/Agency Position

Gloucester Shire Council raised concern over the noise impacts to the Bramley residence, requesting that their property be considered for inclusion in the Noise Affection Zone.

The three private submissions raised issues concerning noise levels experienced at their properties.

The EPA was not satisfied with the noise assessment provided in the SEE and requested further information to demonstrate and quantify that noise levels associated with the proposed extension will comply with existing noise limits. The Applicant provided additional information indicating that the proposed Bowens Road West Pit Extension would have minimal potential noise effects other than those previously identified in the Bowens Road North Noise Impact Assessment. The EPA was satisfied with the additional information provided, noting that the applicant will need to submit an application to vary the Environment Protection Licence 5161. The EPA has proposed general conditions of consent that pertain to noise monitoring, noise management, hours of operation and an obligation to prevent and minimise harm to the environment.

Department's Position

The Department has considered the request from Gloucester Shire Council to include the Bramley residence in the Noise Affection Zone and the Bramley submission relating to exceedances of noise levels at their property. The Department agrees that the Bramley property should be included in the Noise Affection Zone, however this zone was created in relation to the Consent Conditions pursuant to the activities for the previously approved Bowens Road North Project (DA 39-02-01). The noise impacts at the Bramley property have not been assessed to date, due to an informal private agreement between the mine and the former owner of the property. The Department considers it inappropriate to include the Bramley property in a Noise Affection Zone as part of the Bowens Road West Extension DA, due to the limited extraction period of the proposal (4-8 weeks). However, the Applicant has recently lodged a modification to the Bowens Road North Project DA39-02-01,

which is currently under consideration by the Department. Should the Department recommend that the Minister approve this modification to the DA39-02-01, provision will be made in this modification to include the Bramley property in the Noise Affection Zone.

The Department acknowledges the private submission from the Bagnall property, which expressed concern over the currently experienced noise levels and the noise impacts of the proposed development. This property is included in the Noise Affection Zone of the Bowens Road North Project DA, and thus the mine is required to purchase this property at the landowner's request in accordance with Condition 11.1 of the DA39-02-01. The Department intends to write to the Bagnall residence informing them of their rights under these provisions, particularly their rights to request an independent valuation of their property should they dispute the Company's valuation. The Department considers that there is no requirement for any further provisions to be included in the Bowens Road West Pit Extension to address the concerns raised in the Bagnall's submission.

The Department acknowledges the private submission from the Mr Greenwood, however the submission largely pertains to night time noise levels experienced at this residence from the existing CPP activities. As the mining activities associated with the proposed extension will be limited to the hours of operation 7am to 6pm, the noise level experienced at this residence is unlikely to increase at night. Provision has been made under the existing consent for the construction and operation of the CPP (DA 73/94 dated 19 December 1994) for independent noise monitoring to be performed at this residence at the request of the landowner and appropriate mitigation measures implemented (including potential acquisition). The Department does not consider that further provisions in this consent are required. The Department intends to respond to the private submissions informing them of their rights under the existing consent conditions and to request advice from the Applicant concerning the issues raised by the submitters.

Mr Greenwood's submission also noted that the proposed extension to the Bowens Road West Pit would bring the Pit closer to his property, leading to increased noise levels. The noise assessment provided in the SEE stated that noise would not increase as a result of the proposed extension. The Bowens Road North Project Specific Noise Limits have been included in the consent conditions to ensure that noise from the mine does not increase as a result of the proposed extension.

The EPA has recommended consent conditions for a noise compliance survey to be performed within one week of operations commencing and restricting operations to the hours of 7am to 6pm as per the SEE. The Department has included these recommendations in the consent conditions. The EPA has also recommended a noise management protocol be prepared that includes compliance standards, complaints handling, site contact person, noise mitigation measures and noise monitoring.

The Department has included in the consent conditions the project specific noise limits applicable to the Bowens Road North Project and that noise issues be managed in accordance with the Bowens Road North Noise Management Plan. The Plan includes details of monitoring methods, noise mitigation measures, community consultation, complaints handling protocol, and site contact person. The Department considers that the Noise Management Plan adequately meets the EPA's request for a noise management protocol.

5.2 *Hydrology*

Applicant's Position

The SEE states that potential hydrological impacts arising from the Bowens Road West Pit would be minimal due to the limited scale of the proposed operation occurring over less than a 2 hectare area. The SEE also indicates that there would be a minimal impact due to the extraction occurring over a limited 4 to 8 week timeframe.

As part of the current operations, water from the Bowens Road West Pit is currently pumped to the Co-Disposal Dam, Stratford East Dam or the Roseville Void. Additional water from the extension would be managed in the same manner and would not make any material difference to the current site water balance and management regime.

Erosion and sediment controls currently in place would be extended in line with the current water management strategy.

The SEE indicates that previous studies have reported negligible drawdown effects around the project area indicating that there is relatively little water movement in the local groundwater system. Therefore groundwater impacts associated with the extension of the Bowens Road West Pit would be negligible.

Community/Agency Position

The Department of Mineral Resources (DMR) requested that the existing Site Water Management Plans be revised to incorporate the extension to the Bowens Road West Pit.

One private submission raised concern regarding the impact to groundwater. The SEE states that previous studies performed by the Applicant indicate that groundwater impacts are not an issue. The DLWC and EPA did not raise any concerns regarding groundwater; therefore the Department concludes that groundwater impacts are unlikely to result from the proposed development.

The private submission also raised concerns regarding the management of water on the site, as it was previously part of the old swamp catchment area. The DLWC and EPA did not raise any concerns regarding this matter; therefore the Department concludes that impacts to the old swamp catchment are unlikely to result from the proposed development.

Department's Position

The Department acknowledges the DMR request. The Department has reviewed the Stratford Coal Mine Site Water Management Plan, and considers it adequate to address the site water issues associated with the proposed Bowens Road West Pit Extension. To ensure this management plan is complied with, consent conditions have been included pertaining to the management of site water issues in accordance with the Stratford Coal Mine Site Water Management Plan. The Plan includes measures to address stormwater, water quality, discharges, and monitoring. The Department is satisfied that the existing Stratford Coal Mine Water Management Plan is adequately addressing the concerns regarding groundwater and catchment area raised in the private submission.

5.3 *Air Quality Impacts*

Applicant's Position

The SEE indicated that the previous air quality assessment performed for the Bowens Road North Project EIS (submitted in support of the DA 39-02-01 approved by the Minister of Urban Development and Planning on the 25 July 2001) was adequate in determining the impacts from the proposed development. The SEE outlined that this EIS examined the cumulative air quality impacts of the simultaneous operation of the Bowens Road North Project and Stratford Coal Mine (SCM), including mine operations in the current Bowens Road West Pit. The proposed extension to the Bowens Road West Pit will utilise equipment already in operation in the Bowens Road West Pit and other sections of SCM. As no addition or alteration to the existing plant items, stockpile areas or operations is expected, the Applicant concludes that the air quality impacts will not exceed those predicted by the EIS. Additional dust will be created during the clearing of land, however the Applicant concludes that the impact will be minimal as the area of land to be cleared is only 2 hectares.

Mitigation Measures

The SEE states that currently employed dust control measures will be maintained including haul road watering, minimisation of exposed areas, dust suppression on drill rigs, and progressive rehabilitation.

Community/Agency Position

No issues regarding dust were raised in the submissions.

Department's Position

The Department is satisfied that the proposed extension will not result in additional dust impacts provided that the dust suppression activities are performed. To ensure that dust mitigation measures are employed for the proposed extension, the Department proposes to include provisions in the consent conditions that dust be managed in accordance with the existing Bowens Road North Dust Management Plan. The Plan includes details of monitoring methods, dust suppression and control, community consultation and complaints handling protocol.

5.4 *Flora and Fauna*

Applicant's Position

The proposed development will result in the clearing of 2 hectares of land, which includes a small section of remnant vegetation. Previous flora and fauna assessments in the area have identified the threatened fauna species the Common Bentwing Bat, Squirrel Glider, Green-thighed Frog and Glossy Black Cockatoo. Currently the mine is undertaking the creation of vegetation corridors, pre-clearance surveys and revegetation of disturbed areas at the Stratford Coal Mine. The Applicant considers these measures adequate to mitigate any potential impact on the flora and fauna arising from the extension of the Bowens Road West Pit.

Community/Agency Position

The NPWS is generally satisfied with the assessment of the flora and fauna impacts provided in the SEE. The NPWS recommends that a condition of consent be included to undertake pre-clearing surveys to ensure that fauna are not inadvertently harmed during the development and rehabilitation of the area with locally indigenous vegetation.

Department's Position

The Department agrees with the NPWS recommendations, and has included requirements for the Applicant to undertake pre-clearing fauna surveys and to rehabilitate the site with locally indigenous vegetation in the conditions of consent. To ensure that impacts to flora and fauna are minimised, the Department has included a consent condition that flora and fauna impacts be managed in accordance with the Bowens Road North Project Flora and Fauna Management Plan. The Department is satisfied that these proposed conditions of consent will ensure that impacts to flora and fauna are minimised.

5.5 *Aboriginal Archaeology*

Applicant's Position

The proposed development will result in the clearing of 2 hectares which may result in the disturbance of aboriginal artefacts. The SEE states that previous studies of the area identified two isolated artefacts and an open site, which are not in the proposed area to be disturbed by the proposal.

Community/Agency Position

The NPWS has reviewed the SEE, and has recommended that a representative of the local Aboriginal community or a suitably experienced person be on-site while topsoil is stripped from the DA area, to ensure that any potential Aboriginal cultural heritage objects are not disturbed.

Department's Position

The Department agrees with the NPWS recommendations and has included provisions to require a representative of the local aboriginal community to be present on site during top-soil stripping activities as part of the conditions of consent. The Department is satisfied that the proposed extension will not impact on Aboriginal heritage sites and that the requirements of the recommended conditions will provide adequate mitigation measures should any sites be identified.

5.6 *Visual Amenity*

Applicant's Position

The SEE states that the dominant feature on the landscape is the Stratford Coal Mine. The proposed development is in keeping with this landscape and thus visual amenity would not be affected by the proposal.

Community/Agency Position

One private submission raised concern regarding the visual impact of the mine as well as the proposed development.

Department's Position

The Department considers that as the land, on which the proposed development is located, is largely cleared, the visual impact of the area would not be significantly increased by the proposed development. The short time frame of the proposed mine operation in this area would also result in limited visual impacts for the proposal. The NPWS recommendation to rehabilitate the site with locally indigenous species should assist in reducing the visual impact over the long term.

6.0 SCOPE OF CONDITIONS OF CONSENT

The recommended conditions of consent at Attachment "A" have been prepared taking into consideration issues raised by Government agencies, local council, local community or other organisations.

The recommended conditions of consent request:

- revision of the current Stratford Coal Mine Operation Plan to include the proposed development;
- management of environmental impacts in accordance with the current Bowens Road North Environmental Management Plans;
- pre-clearing fauna surveys;
- rehabilitation of the site with native indigenous vegetation; and
- provisions for the local aboriginal community to present on site during top-soil stripping activities.

The Department has undertaken consultations with the Applicant concerning the content and intent of the conditions of consent.

7.0 CONCLUSION

The Department considers that there are no environmental impacts from the proposed Bowens Road West Pit Extension, which could not be effectively managed through the recommended consent conditions. The proposal is consistent with State and regional planning objectives.

8.0 RECOMMENDATION

It is RECOMMENDED that the Minister approve the development application extending the Bowens Road West Pit as submitted by Stratford Coal Pty Limited subject to the attached conditions of consent.

Endorsed

Gordon Kirkby
A/Assistant Director

Simon Schubach
A/Executive Director

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 NO 203

79C EVALUATION

(1) Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (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 plan, and 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,

Refer to page 4 of this Report

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, ***Refer to pages 5 to 10 of this Report***
- (c) the suitability of the site for the development, ***Refer to pages 3 to 10 of this Report***
- (d) any submissions made in accordance with this Act or the regulations, ***Refer to pages 2 and 4, 5 of this Report***
- (e) the public interest. ***Refer to pages 1 to 12 of this Report***