



**Mining and Energy** Division

# Review of Environmental Assessment

Warkworth Coal Mine

Modification 6

DA 300-9-2002-I Mod 6

## Submission

Construction Forestry Mining and Energy

Union (Mining and Energy Division)

Northern Mining & NSW Energy District

November 2013

On 12 November 2013 Warkworth Mining Ltd applied to the Minister, Department of Planning seeking approval for an additional 350m of disturbance in the West Pit. This Project is sought under Section 75W of the EP&A Act, 1979.

The Director General made the Environmental Assessment publicly available on the 15 November 2013 at the DP & I Information Centre Sydney, Singleton Shire Council and Nature Conservation Council.

The Union is pleased to take the opportunity to comment on the Warkworth Modification Project and related activities Environmental Assessment.

The Mining and Energy Division is a Division of the CFMEU under the Federal Workplace Relations Act 1996, with over 120,000 members, one of the largest in Australia. The Division covers several industries including the coal industry, coal ports, metalliferous mining industries, electrical power generation, oil and gas and the Nation's small coking industry.

The Northern Mining & NSW Energy District Branch of the CFMEU Mining and Energy Division, being the branch that on behalf of the organisation which is making the submission is the principal Union representing coal miners in the Northern District coalfields of New South Wales. The Warkworth facility is located approximately 15 kilometres south-west of Singleton and is wholly within the State's Northern District coalfields.

The Union is familiar with the Warkworth facility site and has engaged the services of an Environmental Consultant with extensive experience in local government and environmental assessments on coal mining related projects.

After reviewing all the material and taking advice, the Union supports this application to increase the disturbance of the West Pit at Warkworth Mine as proposed.

### **Project Overview**

The proposed modification to the development consent comprises a 350 metre (m) extension of Warkworth Mine's disturbance limit for West Pit, which includes up to some 300 m of mining activities and up to approximately 50 m disturbance west of this mining area for the provision of mining Infrastructure, such as roads and water management infrastructure. The extension of West Pit would allow for the mining of economic resources outside of the existing development consent boundary. The mining of the extension area will be completed within the timeframe of the development consent, which is currently until 2021.

The proposed modification will require the clearing of approximately 16 hectares (ha) of endangered ecological communities (EECs) under the Threatened Species Conservation Act 1995 (NSW). To compensate for the loss of this vegetation, 32 ha of EEC vegetation will be provided as an offset on WML owned land.

The proposed modification will extend into an area known as Non-Disturbance Area 1 which is subject to a Deed of Agreement executed in 2003 between WML and the Minister for Planning (the Deed). This Deed has been amended so that it permits the carrying out of the development; the subject of this modification.

### **Need for modification**

Following the recent decision of the NSW Land and Environment Court to disapprove the Warkworth Extension Project (09\_0202), which was previously approved by the NSW Planning Assessment Commission (as delegate of the Minister), WML is conducting a review of its options with respect to Warkworth Mine and planning for the future with an aim to maintain production levels at, or as close as possible to, existing levels.

The disapproval of the Warkworth Extension Project in 2013 has effectively halved the width of the main pit at Warkworth. This loss of strike length (ie working room) is placing significant constraints on the operation of the site's draglines, shovels and mining fleet. As a result, production is already expected to drop by around 1 million tonnes in 2014. If these constraints continue, MTW will be unable to avoid a further drop in production and employment levels. A further drop in production is likely to impact the economic viability of the entire operation, which needs to run at current production levels to avoid an increase in unit costs.

Pursuing this modification will allow MTW to continue mining across the full width of the existing pit it had operated until 2013, for around two years. This will allow the site to continue to operate as close as possible to current production and employment levels over this period, and maximise its economic viability in a challenging environment for the Australian coal industry. During this time, further planning will be conducted for the longer term future of MTW.

### **Ecology**

Environmental assessment of ecological effects was undertaken using relevant available information from the EA lodged for the Warkworth Extension Project (EMM, 2010). No threatened flora species have been recorded in the proposed extension and infrastructure areas or are likely to be affected by the disturbance in those areas. Several threatened fauna species have been recorded within the proposed extension and infrastructure areas and others have potential to occur due to the presence of suitable habitat. However, the vegetation of the proposed extension and infrastructure areas is relatively degraded, and it is unlikely to provide important habitat to these threatened species. Large areas of similar vegetation will remain in the study area and in the locality that these species will be able to utilise, and they are unlikely to be dependent on habitat present in the proposed extension and infrastructure areas.

An offset comprising approximately 32 ha of native vegetation at a ratio of 2:1 is proposed to be protected. In addition to this area, 32 ha will be revegetated to native EEC vegetation communities after mining is complete providing a long-term ratio of 4:1. Both of these areas will be managed in the long term in accordance with any mechanism for protection required by the consent authority and appropriate management plans to maintain and increase their conservation value.

No significant impact is considered likely to occur to threatened species or EECs as a result of the proposed modification. No referral under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) is required given there is an existing approval to disturb this area and offsets provided.

### **Noise and vibration**

The noise assessment considered the potential noise impacts to residences from the proposed modification with the adoption of reasonable and feasible management and mitigation measures. Noise impacts from Warkworth Mine under the proposed modification are expected to remain relatively unchanged compared to existing levels. This translates to approximately a 0.1 dB possible increase in noise from operations within the proposed extension area, based entirely on the change in distance between source and receptor. Progressing West Pit westward for the

proposed modification will use around 12 per cent of the operations plant equipment within this area. Compliance monitoring data from 2012 demonstrates existing noise levels are predominantly compliant with prescribed development consent limits. This is also evident from noise measurements undertaken since 2004.

Noise will continue to be managed under a range of controls outlined in MTW's management plans which will be updated in accordance with the proposed modification, should approval be granted. In particular the Noise Management Plan describes a hierarchy of proactive and reactive controls designed to effectively manage noise to achieve compliance with noise criteria at residences. In particular, the Trigger Action Response Plan (TARP) will continue to be implemented to manage noise emissions from MTW.

### **Air quality**

MTW currently undertakes air quality monitoring at locations potentially sensitive to dust generation including on private land in the vicinity of the Warkworth Mine. Current dust levels generated by MTW are compliant with the relevant criteria, as shown in air quality monitoring results from 2012.

The proposed modification is predicted to continue to meet relevant air quality criteria given the minor nature of the extension and no substantial changes proposed to the existing approved operations. The proposed modification is not predicted to result in exceedances of the relevant air quality criteria based on the operational controls in place and verified compliance air quality monitoring data through its monitoring network at representative locations surrounding Warkworth Mine. WML will continue to manage and mitigate potential dust impacts associated with the proposed modification through a range of controls and continued monitoring in the area surrounding the mine.

### **Visual**

The proposed modification would occur in an area where mining is already a feature of the landscape. The proposal would extend mining operations closer to view points in the west; however, these are largely screened by vegetation and intervening topography. Despite the high/moderate visual sensitivity of these viewpoints the predicted additional visual impacts are negligible. Visual management at Warkworth Mine will continue under the proposed modification which includes progressive rehabilitation of disturbed areas and placement of equipment during night time operations.

### **Groundwater**

Assessment of groundwater impacts of the proposed modification was based on the results of previous groundwater modelling undertaken for Warkworth Mine. The predictions in these models were determined to be conservative based on the results of groundwater monitoring.

The seepage rate to the existing mine is not likely to change due to the proposed modification. The current operations and proposed modification are not predicted to result in significant drawdown in the alluvial aquifer. Therefore, impacts to groundwater users and groundwater dependent ecosystems are unlikely.

The proposed modification was assessed against the requirements of the Aquifer Interference Policy. The predicted water take from the regulated and unregulated water sources remains unchanged from the estimates predicted in the 2003 approval. Existing WML water licences are sufficient for the predicted groundwater takes under the current operations and proposed modification.

### **Surface water**

The management of potential surface water impacts for the proposed modification will be based on a continuation of the existing surface water management strategy for the integrated MTW operations. Surface water management and monitoring will continue to be undertaken generally in accordance with the MTW Water Management Plan and the MTW Water Monitoring Programme which will be modified for the proposed extension.

Clean water runoff will continue to be segregated from mine water via the maintenance of contour drains, sedimentation and mine water dams. The continuation of mining to the west will have negligible additional impacts on local and regional watersheds. The proposed extension to West Pit is above the 100 year average recurrence interval (ARI) design flood extent. Hence, the proposed modification will have no impact on flood flows, velocities or flood levels along Wollombi Brook for events up to and including the 100 year ARI flood event. The proposed modification is not expected to result in changes to discharge requirements.

### **Other environmental considerations**

A summary of the predicted impacts for other environmental considerations is as follows:

- No social impacts will arise from the proposed modification as maintenance of production levels at or as close as possible to existing levels will sustain mine employment, amenity will not be significantly impacted, and there will be no social impacts arising from workforce influx, population change and associated impacts on infrastructure and community composition.
- No strategic agricultural land is located within the proposed extension and infrastructure areas and the proposed extension will not impact agricultural land in the vicinity.
- Annual contribution of greenhouse gas emissions of the proposed modification (similar to Year 2 of the Warkworth Extension Project) in comparison to the Australian GHG emissions for the period October 2011 to September 2012 is estimated to be approximately 0.18%.
- Non-indigenous heritage items, registered and non-registered, are well outside the area of land proposed to be disturbed by the proposed modification. In addition, based on compliance with relevant blasting criteria, the proposed modification will not indirectly impact surrounding heritage items.
- An assessment of blast impacts concluded that blast charges under the proposed modification are predicted to satisfy blast and vibration criteria for residences and sensitive structures, provided that blasts are appropriately designed. Blasting activities will continue to be managed through existing protocols within management plans and compliance with the prescribed criteria within the development consent.
- The proposed extension to West Pit at the Warkworth Mine will occur within the existing operations functions and no employment or road network changes are proposed.

### **Project justification and conclusion**

It is considered that the proposed modification of Warkworth Mine's development consent to permit the proposed extension of West Pit is justified, for the following reasons:

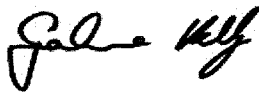
- it will allow WML time to review options for the future of Warkworth Mine whilst maintaining production and employment levels at, or as close as possible to, current levels;
- it will allow for the current economic and social benefits of Warkworth Mine to continue;

- the site is suitable for the proposed modification given that it is an existing mining operation and there will be no increase to the number of properties within the acquisition zone;
- the EA demonstrates the environmental acceptability of the proposed modification, and indicates there would be no significant adverse social, economic or environmental impacts;
- the proposed modification is generally consistent with the relevant objects of the EP&A Act, including the principles of ecologically sustainable development, and the aims and non discretionary development standards of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (NSW); and
- the proposed 350 m extension lies within mining tenement CCL753, which was granted in 1981.

### **In Summation**

Based on the assessment of potential environmental impacts which has been multi-disciplinary and involved consultation with the DP&I and other relevant stakeholders, the Warkworth Mine Modification is anticipated to pose negligible additional environmental impacts beyond those already approved under 300-9-2002-i

The Union considers that, this Project is consistent with currently approved Development Consent objectives of the EP&A Act, and therefore supports the proponent's application and asks for the consent to be granted in the form sought.



**Grahame Kelly**  
**DISTRICT SECRETARY**