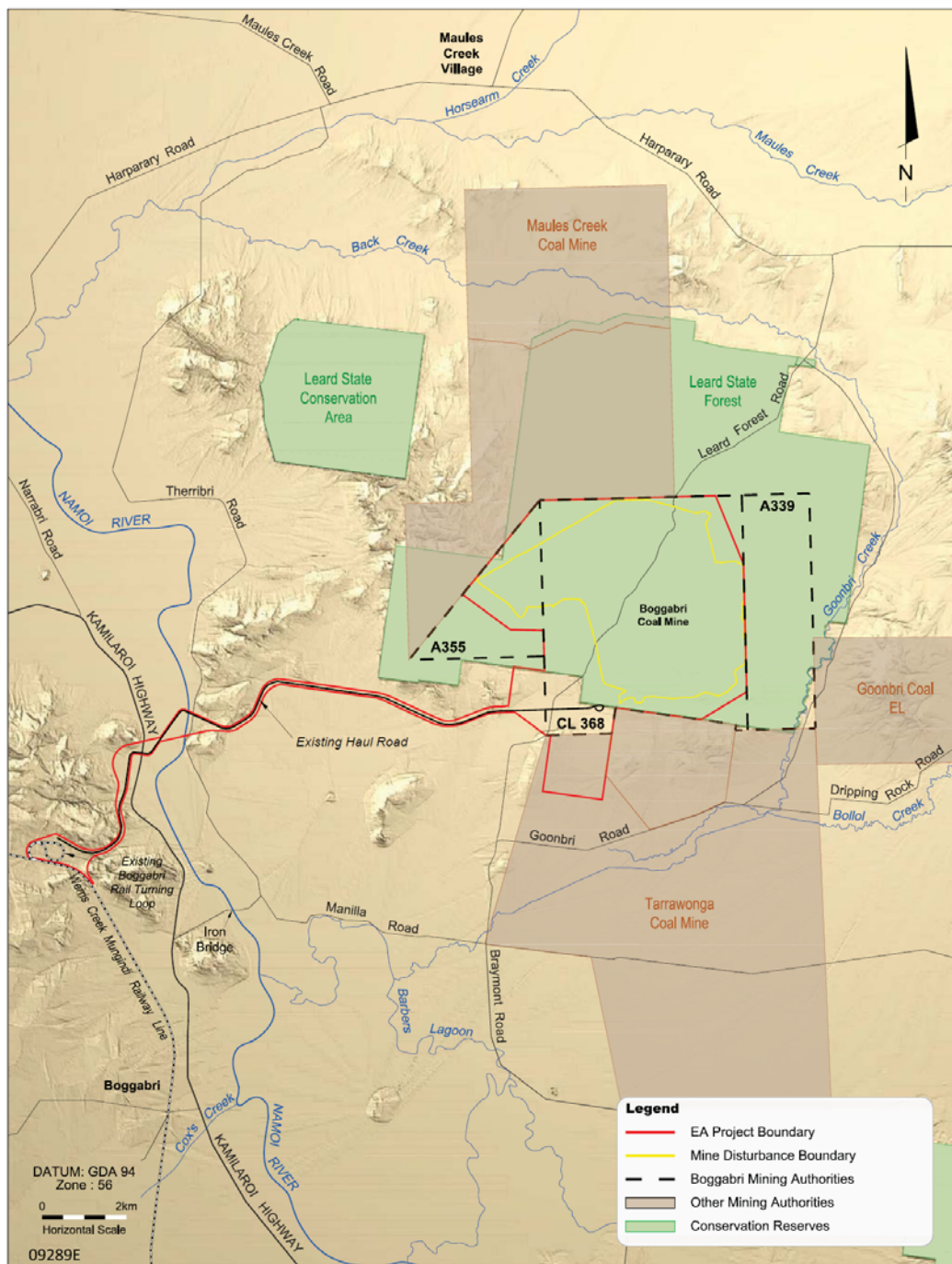


# BOGGABRI COAL PROJECT - MODIFICATION

## Access Arrangements, Stockpiling and In-pit Fuel Storage (09\_0182 MOD 3)

### 1 BACKGROUND

Boggabri Coal Pty Limited (Boggabri Coal), a subsidiary of Idemitsu Boggabri Coal Pty Limited, owns and operates the Boggabri Coal Mine, an open cut coal mine located approximately 15 kilometres (km) northeast of Boggabri in the Narrabri local government area (see **Figure 1**).



**Figure 1: Location of the Boggabri Coal Mine**

On 18 July 2012, the Planning Assessment Commission (PAC) granted project approval for the Boggabri Coal Project (MP 09\_0182). The approval allows for the expansion of the Boggabri Coal Mine including:

- extraction of up to 4.5 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal until the end of December 2033;
- construction and operation of a rail spur, rail loop, load out facility and coal handling and preparation plant (CHPP);
- transportation of coal by rail to the port of Newcastle.

The approval allows Boggabri Coal to transport coal from the site by road until the Boggabri rail spur is commissioned. Under these road haulage arrangements, coal is transported via Boggabri Coal's private haul road to an existing load out facility and turning loop located west of the Kamilaroi Highway (see Figure 1).

The private haul route crosses Leard Forest Road and Therribri Road at grade, and extends over the Kamilaroi Highway via an overpass. With the exception of temporary construction access from the Kamilaroi Highway, the private haul road cannot be accessed by public roads.

Road haulage is expected to continue until October 2016 when the rail spur is due for completion. Once the Rail Spur Line is commissioned, all coal is to be transported from the site via rail except under exceptional circumstances.

## **2 PROPOSED MODIFICATION**

Boggabri Coal is currently undertaking detailed design work for the mine and associated infrastructure. In completing this design work, Boggabri Coal has identified a number of refinements which would facilitate greater efficiency in the construction and operation of the project, and is now seeking to modify its project approval to allow (see **Figure 2**):

- construction of two permanent access roads linking the Kamilaroi Highway to the Boggabri private haul road;
- temporary storage of overburden material at a former quarry and reuse of this material during construction of the rail spur;
- use of the Daisymede Laydown Compound for vehicle, equipment and material storage; and
- use of temporary in-pit fuel storage facilities.

The modification would not change the amount of coal extracted, processed and transported, nor would it alter the approved mining methods.

Each aspect of the modification is detailed below and is described in full in the Environmental Assessment (EA), which is attached as **Appendix C**.

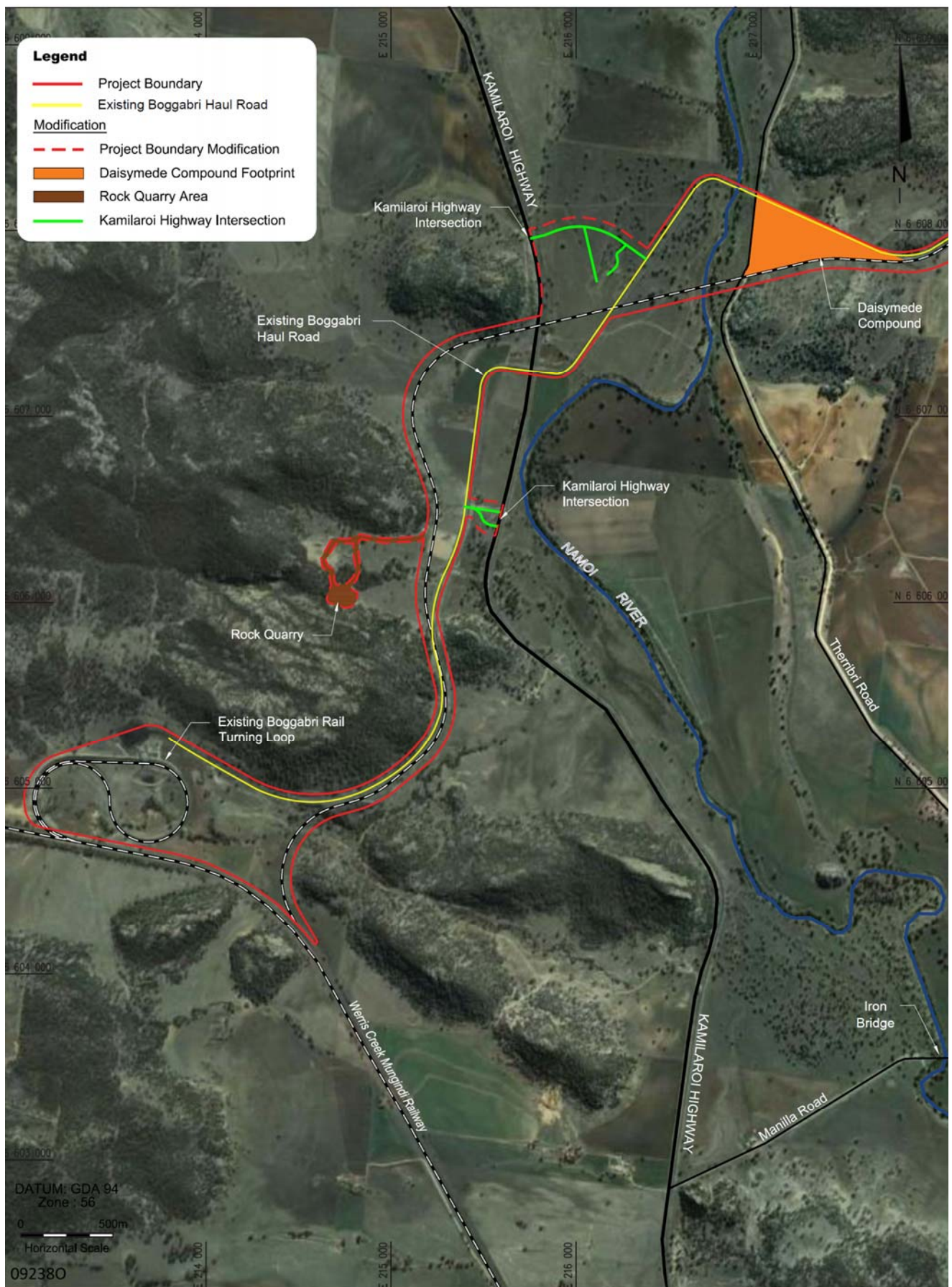
### *Kamilaroi Highway Access Roads*

Two access roads would be developed to connect the Kamilaroi Highway to the Boggabri private haul road (see **Figure 2**). These access roads would provide left turn access and egress from the Kamilaroi Highway. The southern access intersection, comprising a connecting road approximately 170 m long, would be constructed approximately 750 m south of the existing haul road bridge that crosses the Kamilaroi Highway. The northern access intersection, comprising a connecting road approximately 800 m long, would be constructed approximately 800 m north of the haul road bridge. Both intersections would incorporate auxiliary left lanes and acceleration lanes.

The intersections would provide alternative site access during construction and would also form the primary operational access route to the mine once the rail spur is commissioned and haulage vehicles removed from the haul road. The access roads would be located outside the approved project boundary, and consequently Boggabri Coal is also seeking to modify the project boundary to encompass the proposed works.

### *Overburden Stockpile*

Boggabri Coal has identified the need to stockpile overburden from its mining operations to be later used as fill during rail spur embankment construction activities. Approximately 180,000 tonnes of overburden has already been stockpiled at the site identified as the former 'Rock Quarry', which is located outside the project boundary (see **Figure 2**). Boggabri Coal is now seeking to regularise these stockpiles under the project approval, and amend the project boundary accordingly.



**Figure 2: Proposed Modification Layout**



### Daisymede Laydown Compound

The Daisymede Laydown Compound would be used as a laydown area for stockpiling construction materials and storing vehicles and equipment during the construction and operational phases of the project.

### Temporary Fuel Storage Facilities

Boggabri Coal has identified the need to use temporary in-pit fuel storage facilities to improve the efficiency of its mining operations. Boggabri Coal is seeking approval for the use of four temporary in-pit fuel storage facilities with 67,000L capacity. The facilities would be portable and situated at various locations throughout the mine and along haulage routes to optimise the efficiency of the mining fleet.

## **STATUTORY CONTEXT**

### **3.1 Section 75 W**

The Boggabri Coal Project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 11 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act and the proposed modification is required to be assessed under the former Section 75W of the Act.

Planning and Infrastructure considers that the modification application falls within the scope of a request to modify under Section 75W. In this regard, Planning and Infrastructure notes:

- the proposed changes to the project boundary would be minor;
- there would be no changes to the approved extraction rate, operating hours, coal handling methods or coal transportation arrangements; and
- the approved mine life would not be extended.

### **3.2 Approval Authority**

The Minister for Planning and Infrastructure was the approval authority for the project application, and is therefore the approval authority for this modification application. However, under the Minister's delegation of 14 September 2011, the Director Mining Projects, may determine the application. This is because less than 10 public submissions were received on the proposal that were in the nature of an objection, no reportable political donations were made, and Narrabri Shire Council (Council) did not object to the proposal.

## **4 CONSULTATION**

Planning and Infrastructure exhibited the modification application from 12 November until 29 November 2013 and made the accompanying EA publicly available on its website and at Planning and Infrastructure's Information Centre, Narrabri Shire Council and the Nature Conservation Council. Planning and Infrastructure received submissions from 8 government agencies, 1 special interest group (Construction, Forestry, Mining and Energy Union (CFMEU)) and 1 member of the general public. Full copies of all submissions are included in **Appendix D**.

None of the government agencies objected to the proposed modification and the CFMEU and public submission supported the application. Some government agencies raised concerns and recommended conditions of approval relevant to their respective administrative and regulatory responsibilities, which are summarised below.

The **Office of Environment and Heritage (OEH)** raised a number of concerns with the ecological assessment, and requested clarification regarding the nature and extent of impacts associated with the proposed modification. OEH also made recommendations concerning offset requirements, including the need to address the impacts on the original biodiversity offset, and the need for additional offsets to compensate for additional clearing of native vegetation and habitat for threatened species.

**Narrabri Shire Council (Council)** did not object to the proposed modification but made comments in relation to mine access and offset requirements. Council supports the proposal to dedicate the private haul road as the primary access road for the mine and requested these measures be in place as soon as possible. Council also acknowledged that offsets would be required to compensate for the additional impacts on native vegetation, and recommended that any additional offsets be located in areas of low agricultural productivity.

**Namoi Catchment Management Authority (Namoi CMA)** also raised concerns regarding the measures to offset ecological impacts, and recommended the proponent amend the Biodiversity Offset Strategy prior to any determination.

**Department of Primary Industries (DPI)** including the NSW Office of Water (NOW), Fisheries NSW and Crown Lands, did not object to the proposed modification but made a number of comments and recommendations. NOW indicated that Boggabri Coal would be required to obtain approval under Part 8 of the *Water Act 1912* for works on the floodplain, including the proposed access roads and intersections. Crown lands also identified a number of requirements relating to its responsibilities under the *Crown Lands Act 1989*.

The **Division of Resources and Energy (DRE)**, **Environment Protection Agency (EPA)**, **Office of Agricultural Sustainability & Food Security (OAS&FS)** and **Roads & Maritime Services (RMS)** made general recommendations about the proposed modification. Boggabri Coal has addressed the concerns raised in submissions in its Response to Submissions (see **Appendix E**). Planning and Infrastructure has subsequently considered all issues raised in the submissions, and Boggabri Coal's response to these submissions, in its assessment.

## 5 ASSESSMENT

In assessing the merits of the proposed modification, Planning and Infrastructure has considered:

- the original EA and existing conditions of approval for the mine;
- EA, submissions and response to submissions for the proposed modification;
- relevant environmental planning instruments, policies and guidelines; and
- the requirements of the EP&A Act.

Planning and Infrastructure believes that the key issues for the proposal relate to biodiversity, noise, and transport (see Sections 5.1, 5.2 and 5.3). All other issues are considered in Table 3 in Section 5.4.

### 5.1 Biodiversity

The Boggabri project application area and offset area were subject to flora and fauna surveys during the approval process for the Boggabri Coal project. Additional site specific surveys were also completed for each area to be impacted by the proposed modification. OEH raised concerns that a number of vegetation communities have been reclassified as a result of the more recent surveys, and that there are inconsistencies between the EA, the original project application and approved Biodiversity Management Plan for the project.

However, Planning and Infrastructure notes that the original classification and mapping undertaken for the Boggabri Coal Project was undertaken at a much larger scale, suitable for the identification and characterisation of some 7,000 ha of offset lands. In this context, it is not unexpected that the detailed surveys undertaken for the modification would provide more detailed information on the vegetation communities on the subject land that are not entirely consistent with the previous mapping. Consequently, Planning and Infrastructure is satisfied that the assessment provides a sound basis for considering the biodiversity impacts of the proposed modification, and any inconsistencies with previous mapping can be addressed through amendments to the biodiversity offset obligation under the modified project approval.

Boggabri Coal's ecological assessment indicates that approximately 48 ha of disturbance would occur to facilitate the modification, including 14 ha of native woodland in the areas proposed for the Kamilaroi Highway intersections and access routes (see **Figure 3**). Other aspects of the modification, including the use of the Rock Quarry and Daisymede Laydown Area, would not impact any native vegetation.

Two native vegetation communities would be impacted, including 11.2 ha of Pilliga Box – Poplar Box White Cypress Pine grassy open forest, and 2.8 ha of White Box – White Cypress Pine grassy woodland, which is listed as an Endangered Ecological Community (EEC)<sup>1</sup> under the *Threatened Species Conservation Act 1995* (TSC Act). The Box Gum Woodland EEC is reported to be in poor to moderate condition, while the majority of the Pilliga Box community is in moderate condition and dominated by native species. The majority of the disturbance (37.4 ha including 13.3 ha of native vegetation) would occur in an existing offset area for the Boggabri Coal Project, known as the Namoi River Offset. The Namoi River Offset area is approximately 2,469 ha in size and contributes to offsetting requirements for impacts to the Box Gum Woodland EEC. A summary of the impacts is provided in Table 1 below.

No threatened flora or fauna species were recorded in the modification areas, although 27 threatened species listed under the TSC Act were considered to have the potential to occur. Boggabri Coal conducted significance assessments for each of the threatened flora and fauna species, and vegetation

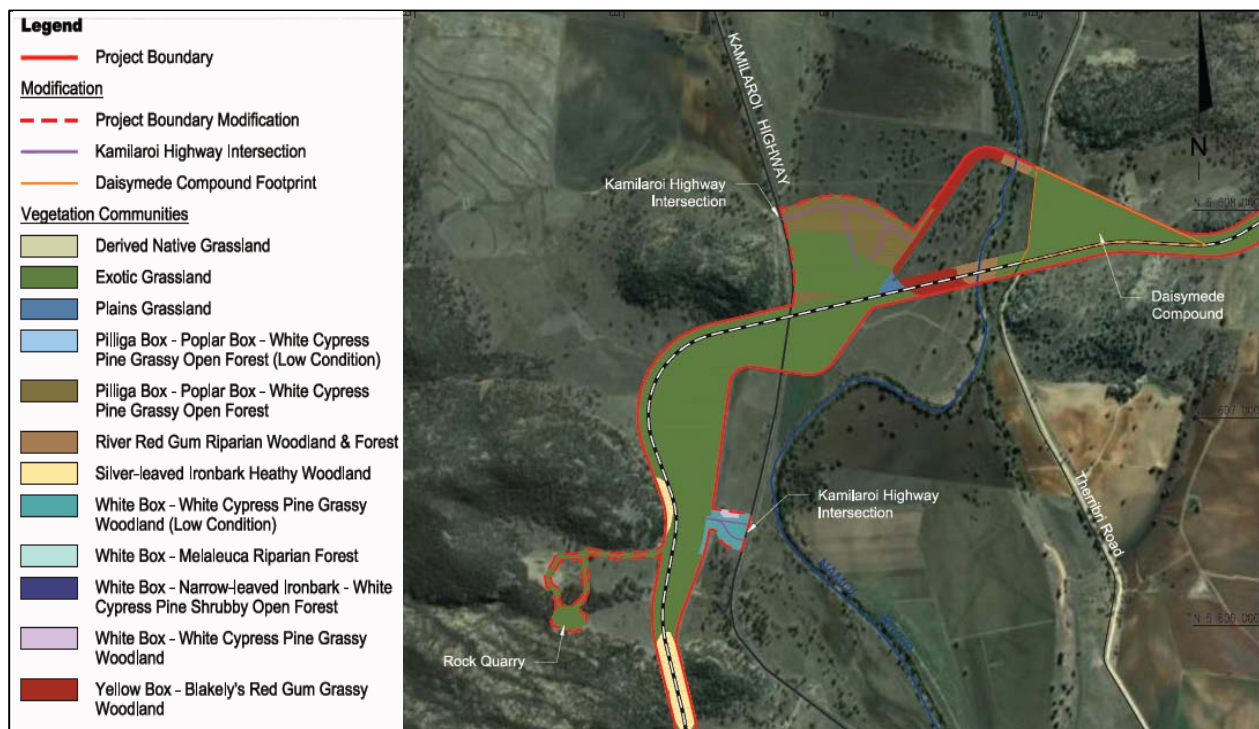
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<sup>1</sup> Listed as White Box – Yellow Box – Blakely's Red Gum (Box Gum) Woodland

communities, and concluded that the modification would be unlikely to result in any significant additional impacts to those assessed and approved under the original project application.

**Table 1: Vegetation Clearing for the Modification**

<b>Vegetation Community</b>	<b>Total Disturbance (ha)</b>	<b>Disturbance in Approved Namoi Offset Area (ha)</b>
Pilliga Box – Poplar Box White Cypress Pine grassy open forest	11.2	10.7
White Box – White Cypress Pine grassy woodland EEC	2.8	2.6
Exotic Grassland	33.6	24.1
<b>Total Native Vegetation</b>	<b>14</b>	<b>13.3</b>
<b>Total</b>	<b>47.6</b>	<b>37.4</b>



**Figure 3: Vegetation Communities in the Modification Area**

Notwithstanding, Boggabri Coal is proposing to provide offsets to compensate for the loss of 37.4 ha of the Namoi River Offset. In response to issues raised in submissions, Boggabri Coal has also committed to provide additional offsets to compensate for the impacts on the 14 ha of native vegetation at a ratio commensurate with EEC offsets for the Boggabri Coal Project (4.7:1). However, while Boggabri Coal has identified the need to offset the impacts from the modification, no specific offsets have been identified and therefore no detail on the location or condition of the offsets has been provided.

Planning and Infrastructure notes that Boggabri Coal is currently involved in the preparation of the Leard Forest Mining Precinct Regional Biodiversity Strategy, a mechanism for meeting its obligations under the existing approval for identifying and securing an additional 1000 ha of land to offset impacts on the Box Gum Woodland EEC. Planning and Infrastructure considers that it would be appropriate for Boggabri Coal to identify and secure the additional offsets for the modification through this strategy. The strategy is subject to endorsement by OEH and subsequent approval by Planning and Infrastructure, and consequently the suitability of additional offsets would be thoroughly assessed as part of this process.

To this end, Planning and Infrastructure has recommended a condition which would require Boggabri Coal to provide a total offset of at least 103 ha, including a minimum of 16 ha of Box-Gum Woodland EEC and 63 ha of Pilliga Box Woodland to compensate for the loss of a portion of the Namoi River Offset and the additional impacts on native vegetation. This obligation would be in addition to the 1,000 ha already required under the project approval. Subject to the implementation of these offsetting measures, Planning and Infrastructure is satisfied that the proposed modification would be unlikely to result in any significant impacts on biodiversity.

## 5.2 Noise

The EA includes a Noise Impact Assessment (NIA) undertaken by Bridges Acoustics. The assessment considered noise emissions associated with construction and operations, which are discussed separately below.

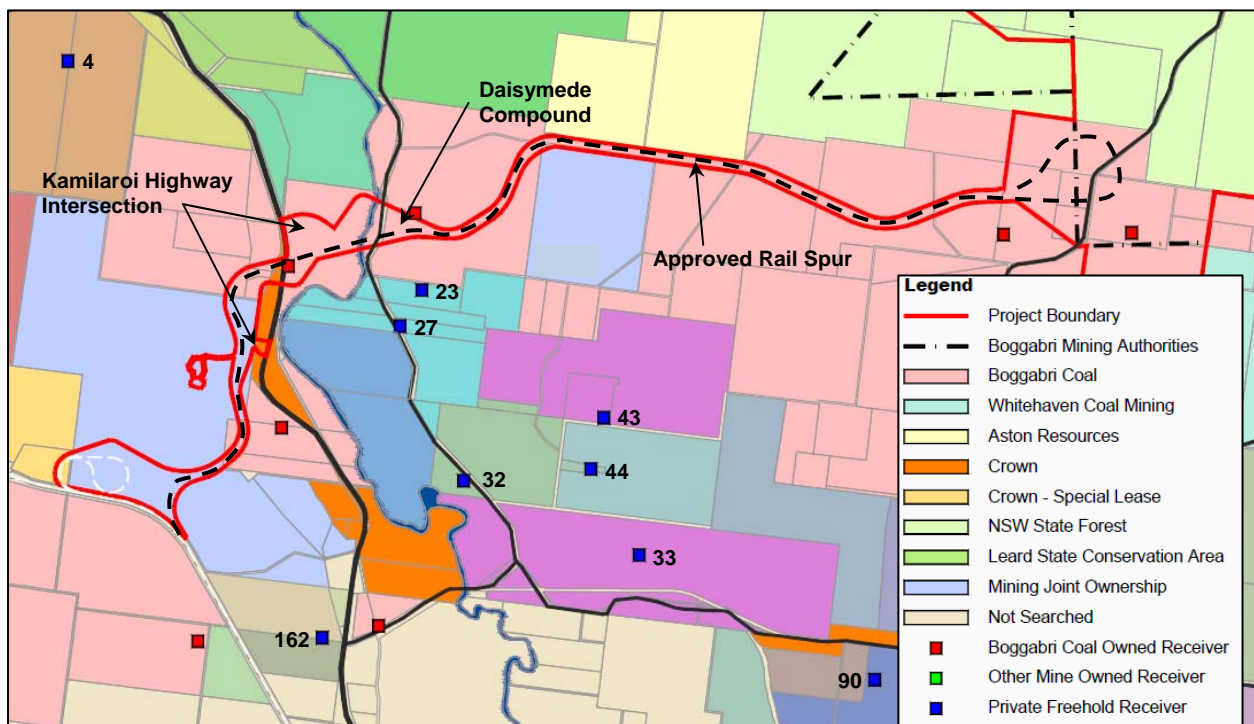
### Construction Noise

The NIA considered noise emissions associated with construction activities including, stockpiling and transporting material from the Rock Quarry, use of the Daisymede Laydown Compound, and construction of mine access from the Kamilaroi Highway. The NIA considered all noise emissions from the modification against the criteria for the rail spur, as specified in the Boggabri Coal project approval. Planning and Infrastructure considers it appropriate to apply these criteria given that the proposed modification is located approximately 8 km from the active mining area and in close proximity to the rail spur.

Construction noise levels would increase at 4 privately-owned residences (4, 23, 27, and 32) by up to 8dB(A) relative to the noise levels assessed and approved for the construction of the rail spur (see **Table 2**). Importantly, despite the predicted increase, the cumulative noise level generated by the access roads and rail spur line is predicted to remain at or below the applicable criteria in the project approval at all receivers. The locations of the receivers relative to the rail spur and proposed modification is shown in **Figure 4**.

**Table 2: Summary of Construction Noise Impacts and Criteria**

Receiver No.	Rail Spur Construction Noise Criteria (dBA $L_{Aeq}(15 \text{ min})$ )	Worst Case Noise Prediction (dBA $L_{Aeq}(15 \text{ min})$ )		
		Access Road Construction	Rail Spur Construction	Cumulative Noise Level
4	40	36	<35	37
23	45	44	36	45
27	50	43	38	44
32	40	37	<35	38



**Figure 4: Privately-owned residences in the vicinity of the proposed modification**

This assessment does not specifically include the use of the Daisymede Laydown Compound. However, the use of the compound is only predicted to produce a noise level of up to 37 dB(A)  $L_{Aeq}(15 \text{ min})$  at the nearest receivers (23 and 27), and would therefore be unlikely to appreciably increase cumulative noise levels.

Planning and Infrastructure also notes that the assessment is based on the worst case scenario of the entire access road construction fleet being located at the north most intersection at any given time. The assessment has also conservatively assumed that no topographical, or other shielding, would attenuate the noise emissions from construction activities. Finally, Planning and Infrastructure notes that

construction activities associated with the Kamilaroi Highway access roads would occur over a reasonably short period of between 8 to 10 weeks.

Boggabri Coal would manage any impacts from the modification in accordance with the approved Construction Environment Management Plan (CEMP) which includes a number of measures to minimise impacts on residences, including relocating works during meteorological conditions that compound noise impacts.

Given these considerations, Planning and Infrastructure is satisfied that Boggabri Coal would be able to meet the construction noise criteria in the Boggabri Coal Project approval, and therefore the construction activities would be unlikely to result in any significant additional impacts on nearby receivers. Planning and Infrastructure has recommended a condition of approval requiring Boggabri Coal to comply with the rail spur construction criteria for all construction works associated with the Kamilaroi Highway access roads and Daisymede Laydown Compound.

#### Operational Noise

The Boggabri Coal Project included an assessment of the noise levels associated with haul vehicles using the private haul road and train movements on the rail spur. A number of properties in close proximity to the haul route and rail spur were predicted to experience noise above 35 dB(A) from these activities (including receivers 23 and 27) and were granted acquisition rights in the project approval.

Once the approved rail spur line is commissioned, Boggabri Coal would use the private haul road and proposed Kamilaroi Highway access intersections as the main access route to the mine. This would generate additional noise emissions to that predicted and assessed as part of the Boggabri Coal Project, which assumed the haul route would no longer be used once the rail spur is operational.

The NIA calculated that worst case operational traffic levels would generate similar noise emissions to the haulage trucks that currently operate on the private haul road. The worst case scenario would only occur during shift change periods, accounting for approximately 2 hours per day. Noise levels during the remainder of the day would be significantly lower than those currently generated by the haulage vehicles. Therefore, during times with no train noise, noise levels would be equal to or better than the approved noise levels from haulage vehicles.

Notwithstanding, Planning and Infrastructure notes that increased noise levels would occur during times when train noise coincides with traffic noise generated on the private haul road, particularly during these shift change periods. These increased noise levels would potentially result in additional impacts to receivers in close proximity to the haul road and rail spur (namely receivers 23 and 27).

The Daisymede Compound would also be used during the operational phase of the project with the occasional use of a mobile crane or front end loader to load bulk materials on to trucks. These activities would produce a noise level of up to 37 dB(A) at receiver 23, and 34 dB(A) at receiver 27.

Although the NIA does not quantify the cumulative noise emissions from the rail spur and proposed modification, Planning and Infrastructure notes that the worst case (i.e. shift change at the mine) would be unlikely to coincide with rail movements on the rail spur on a regular basis and even when this does occur, the combined noise levels from traffic and train movements would only occur over a few minutes as trains pass the affected residences.

In considering this issue, Planning and Infrastructure notes that Boggabri Coal is required to design the rail spur to minimise noise impacts, including implementing all reasonable and feasible mitigation measures identified in an acoustic review of the rail spur. To this end, Boggabri Coal have identified a range of measures to minimise noise emissions from the source, including treatments for the rail spur and locomotives and, mitigation at residences should noise levels exceed the relevant criteria in the project approval.

Importantly, Boggabri Coal would be required to comply with the criteria in the project approval for all activities including the proposed modification. In the event that Boggabri Coal cannot comply, they will be required to implement the above mitigation measures to reduce impacts on privately owned receivers. It is also important to note that any potentially affected residences (such as 23 and 27) already have acquisition rights under the existing approval. If the landowners choose not to exercise these rights, they may also request noise mitigation measures be applied at their residences.

Due to the intermittent nature of the noise impacts associated with the proposed modification, Planning and Infrastructure is satisfied that the proposal would be unlikely to significantly increase the noise



affectation in the locality. Additionally, any further impacts would be appropriately managed under the conditions of the existing approval with all potentially affected receivers entitled to acquisition. Boggabri Coal is also required to meet the relevant noise criteria in the project approval and provide mitigation in the event that they fail to do so. Planning and Infrastructure also notes that there are a range of inherent benefits associated with removing operational traffic from public roads, which are discussed below.

### 5.3 Traffic and Transport

The proposed intersections with the Kamilaroi Highway have been designed in consultation with RMS and include a number of safety measures to minimise impacts on the Kamilaroi highway including, restricting vehicles from undertaking right turn movements to or from the highway (with the provision of wire rope barriers), provision of ancillary lanes to ensure vehicles enter the highway at a speed commensurate with other traffic, and placement of appropriate signage.

The Kamilaroi Highway access roads would provide alternative site access during construction, resulting in a reduction of between 30 and 80 heavy vehicle movements per day on local public roads including Manilla Road and Leard Forest Road. The access roads would also be used as the primary site access for the operational workforce once the rail spur is commissioned, with mine personnel accessing the mine via the private haul road. The modification would result in a reduction of up to 550 movements per day on the surrounding local roads and associated intersections during operations.

Planning and Infrastructure notes that Council has supported this aspect of the proposed modification due to the predicted reduction of vehicle movements on local roads, and that RMS has raised no objections.

Planning and Infrastructure is satisfied that the intersections have been designed to minimise any impacts on the Kamilaroi Highway as far as practicable, and considers that the intersections would be unlikely to result in any significant impacts with the exception of some short delays to traffic on the highway during the 8 to 10 week construction period. To ensure this is the case, Planning and Infrastructure has recommended a condition requiring Boggabri Coal design and construct the intersections to the satisfaction of RMS.

Planning and Infrastructure notes that the use of the haul road for operational traffic would result in continued impacts on users of Therribri Road. Local traffic on Therribri Road must currently give way to coal haulage vehicles using the private haul road. Upon approaching the intersection of Therribri Road, haulage vehicles are required to reduce speed to 20 km/h due to the significant braking distances of the unregistered haulage vehicles.

Boggabri Coal is proposing to maintain the right of way arrangements for operational traffic once the rail spur is operational and haulage vehicles are removed from the private haul road. However, Boggabri Coal would increase the speed limit through the Therribri intersection to 40 km/h as all vehicles using the road would be road registered. Planning and Infrastructure is satisfied with these proposed arrangements given the relatively small amount of traffic using Therribri road (approximately 79 vehicles per day). Planning and Infrastructure also notes that Boggabri Coal would continue to implement a range of safety measures at the intersection, including advance warning signage and traverse deceleration lines, to ensure the safety of all road users.

Considering the large reduction in traffic volumes on local roads, Planning and Infrastructure is satisfied that the proposed access arrangements for both operational and construction traffic would result in a significant improvement over the existing arrangements. Planning and Infrastructure is also satisfied that Boggabri Coal has implemented all reasonable and feasible measures to minimise its impacts on road network, and that the modification would be unlikely to result in any significant impacts to road users.

### 5.4 Other Issues

A summary of Planning and Infrastructure's assessment of all other relevant issues is provided in Table 3.

**Table 3:** Assessment of other issues

<b>Issue</b>	<b>Impact and Consideration</b>	<b>Recommendation</b>
<i>Air Quality</i>	<ul style="list-style-type: none"> <li>The EA included a review of potential air quality impacts undertaken by Pacific Environment Limited.</li> <li>Activities associated with the use of the Rock Quarry including transporting and stockpiling crushed overburden, would generate localised dust emissions.</li> <li>Dust emissions from the proposed modification would represent a very small percentage of the total emissions from the project (1.4%) and would be unlikely to result in any additional impacts or exceedances of the relevant criteria.</li> </ul>	No additional conditions or amendments necessary.

	<ul style="list-style-type: none"> <li>• Boggabri Coal would implement a range of standard mitigation measures to reduce any impacts including, watering unsealed roads and working areas, and modifying work practices during adverse weather conditions.</li> <li>• Consequently, Planning and Infrastructure is satisfied that the additional dust emissions resulting from the proposed modification would have a negligible impact on air quality and could be effectively managed in accordance with the CEMP and Air Quality Management Plan for the project.</li> </ul>	
<i>Aboriginal Heritage</i>	<ul style="list-style-type: none"> <li>• The proposed modification would be located within an area previously subject to a full Aboriginal Archaeology and Cultural Heritage Assessment which involved extensive consultation with Registered Aboriginal parties (RAPs).</li> <li>• A review of previous studies identified that the modification would not disturb any additional sites of Aboriginal cultural significance.</li> <li>• Any unidentified sites or items located during the construction of the modification would be managed in accordance with Boggabri's approved Heritage Management Plan which requires appropriate consultation with RAPs for the project.</li> <li>• Consequently, Planning and Infrastructure is satisfied that the modification would not result in any additional impacts to known items of Aboriginal heritage significance, and that appropriate management measures are in place to address any artefacts that are identified during construction.</li> </ul>	No additional conditions or amendments necessary.
<i>Surface Water</i>	<ul style="list-style-type: none"> <li>• NOW has raised no concerns regarding the proposed modification but identified the need for Boggabri Coal to obtain approval under Part 8 of the <i>Water Act 1912</i>, for all works on the floodplain.</li> <li>• Planning and Infrastructure notes that Boggabri Coal submitted an application for the applicable works following the exhibition of the EA.</li> <li>• The proposed modification would be unlikely to result in any change to local flooding characteristics with modelling indicating an improved outcome relative to the original project.</li> <li>• Contaminated and dirty water runoff from construction of the proposed modification would be adequately managed in accordance with the approved Construction Environmental Management Plan.</li> <li>• Consequently, Planning and Infrastructure is satisfied that the potential surface water impacts associated with the proposed modification can be managed.</li> </ul>	No additional conditions or amendments necessary.

## 6 RECOMMENDED CONDITIONS

Planning and Infrastructure has drafted a recommended notice of modification (see **Appendix A**) for the proposal as well as a consolidated version of the project approval as modified (see **Appendix B**). These conditions would allow Boggabri Coal to construct the Kamilaroi Highway access roads and intersections, stockpile material for the use in the rail spur construction, use the Daisymede Laydown Area for equipment, material and vehicle storage, and use temporary in-pit fuel storage facilities.

The conditions would also require Boggabri Coal to:

- identify and implement the proposed biodiversity offsets;
- design and construct the intersections with the Kamilaroi Highway to the satisfaction of RMS; and
- comply with the rail spur construction noise criteria for all construction works related to the access roads and Daisymede Laydown Compound.

Planning and Infrastructure also notes that the project approval requires Boggabri Coal to update all management plans within 3 months of the modification being approved, to ensure that other matters (such as controlling dust emissions, erosion and sediment control, etc) are appropriately addressed.

Boggabri Coal does not object to the recommended notice of modification.

## 7 CONCLUSION

Planning and Infrastructure has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act.

The proposed modification would facilitate the development of the mine by improving functionality and efficiency during construction and operations. This assessment has found that the proposed modification would:

- result in a small impact on the Namoi River Offset area and Box-Gum Woodland EEC, but the proposed biodiversity offsets would effectively compensate for this impact;
- result in an improvement in the access arrangements for the construction and operation of the mine;
- comply with applicable construction noise criteria in the existing project approval;
- not result in any significant impacts on air quality, Aboriginal Heritage values or water resources; and
- reduce the impacts on the local road network by removing more than 500 vehicle movements from the local road network.

The proposed modification would not result in any material changes to the Boggabri Coal Project with respect to the amount of coal extracted, processed and transported. Nor would the proposed modification alter the approved mining methods, extraction area and number of employees.

Planning and Infrastructure considers that the benefits of the modification outweigh its residual costs and that the proposed modification is in the public interest and should be approved, subject to conditions.

## 8 RECOMMENDATION

It is **RECOMMENDED** that the Director Mining Projects, as delegate of the Minister:

- **consider** the findings and recommendations of this report;
- **determines** that the modification is within the scope of section 75W of the EP&A Act;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).



17/3/2014

Matthew Riley  
**Planning Officer**  
**Mining Projects**



17.3.14

Mike Young  
**A/Director**  
**Mining Projects**

## **APPENDIX A: NOTICE OF MODIFICATION**



## **APPENDIX B: CONSOLIDATED PROJECT APPROVAL**

## **APPENDIX C: ENVIRONMENTAL ASSESSMENT**

## **APPENDIX D: SUBMISSIONS**

## **APPENDIX E: RESPONSE TO SUBMISSIONS**