

## MAULES CREEK COAL MINE

### Water Pipeline Realignment Modification (10\_0138 Mod 2)

#### 1 BACKGROUND

Maules Creek Coal Pty Limited (MCC) owns the Maules Creek Coal Mine, an open cut coal mine located 18 kilometres (km) northeast of Boggabri in the Narrabri local government area (LGA) (see Figure 1).

The mine is located in an existing mining precinct centred within and around Leard State Forest. As shown in Figure 1, there are existing coal mining operations close to the project, including the Boggabri Coal Mine, the Tarrawonga Coal Mine and an exploration licence held by Goonbri Coal. The area surrounding the mine site is dominated by mining, forestry and agriculture.

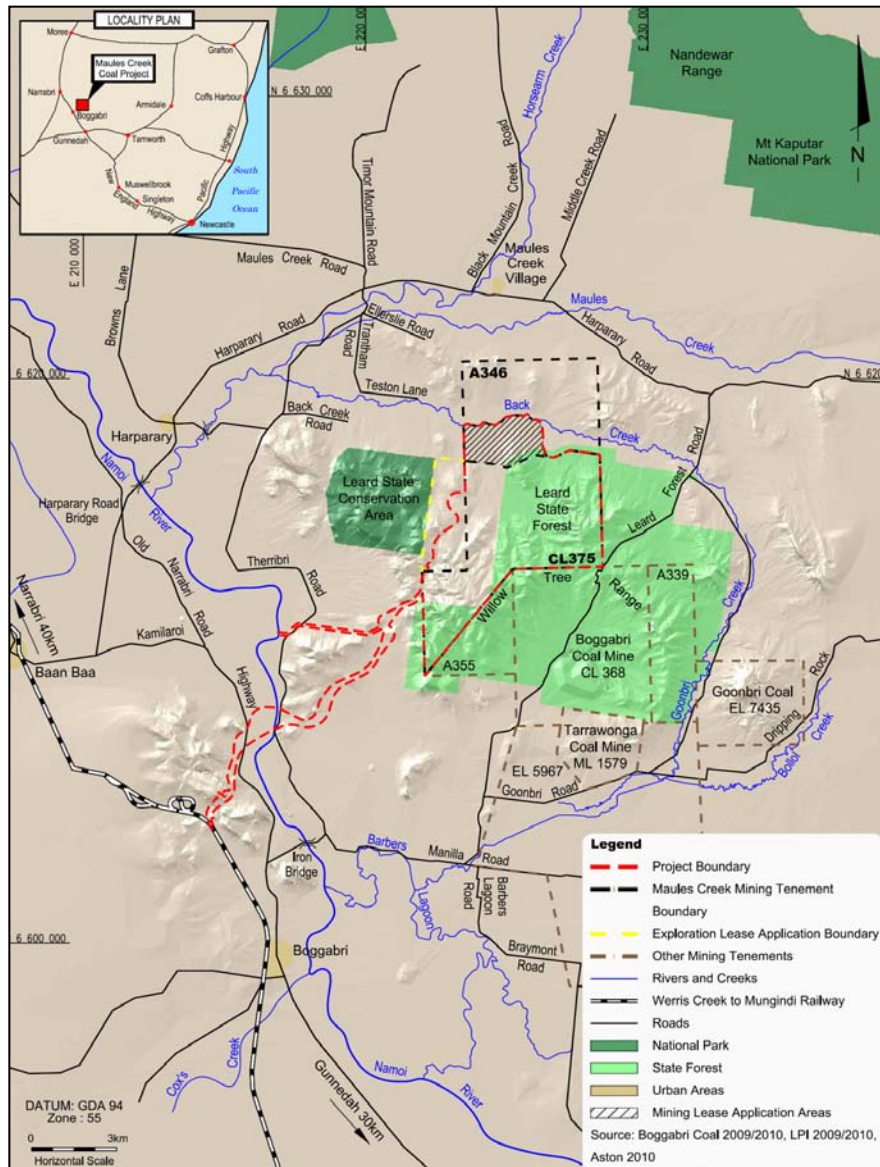


Figure 1: Location of the Maules Creek Coal Mine

On 23 October 2012 the Planning Assessment Commission (PAC) approved the Maules Creek Coal Project (PA 10\_0138) on behalf of the Minister for Planning and Infrastructure.

The project approval has been modified once since this time (in 2013), and allows for the development of an open cut coal mine (see Figure 2), including:

- extraction of up to 13 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal for a period of 21 years; and
- processing coal onsite before transporting it by rail to the port of Newcastle.

The approval also allows for the construction and operation of ancillary infrastructure, including an overland raw water pipeline from the Namoi River to the mine.

MCC is currently undertaking detailed engineering design and preliminary works associated with the project (mining operations are yet to commence). As part of these preliminary works, MCC has reviewed and optimised the design of its approved water pipeline, and is now seeking approval for the realignment of the western-most portion of the pipeline. The eastern and central portions of the pipeline have already been constructed.

## **2 PROPOSED MODIFICATION**

The proposed modification involves (see Figures 2 and 3):

- realigning a 1.3 km section of the water supply pipeline approximately 300 m south of the approved alignment;
- relocating the associated water pump at the Namoi River 300 m south of the approved location; and
- a minor amendment to the project boundary to accommodate the proposed realignment.

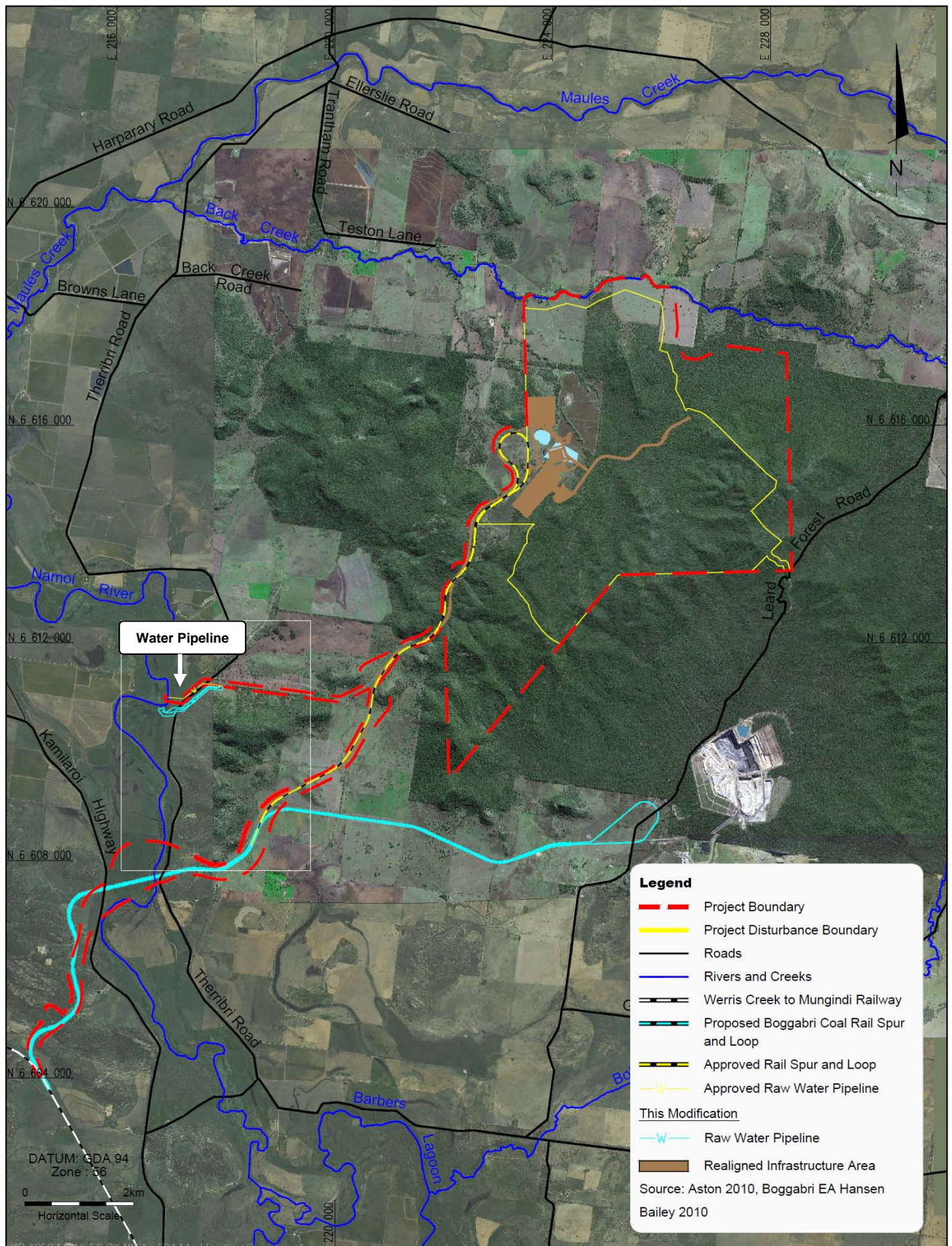
The minor realignment of the western-most portion of the pipeline would allow it to traverse land owned by MCC, with the exception of Therribri Road which is owned by Narrabri Shire Council.

The proposed pipeline would have a nominal diameter of 315 mm and would be installed directly on the ground surface over a 2 day construction period. The realignment would not result in the clearance of any vegetation, and the only direct ground disturbance would occur when the proposed pipeline intersects with (and crosses beneath) Therribri Road.

MCC holds a high security water access licence under the *Water Management Act 2000* to source water from the Namoi River, which would supplement onsite water supplies throughout construction and operation of the project. The proposed modification would not increase the approved water extraction rate from the Namoi River, nor would it change any other aspect of the approved project.

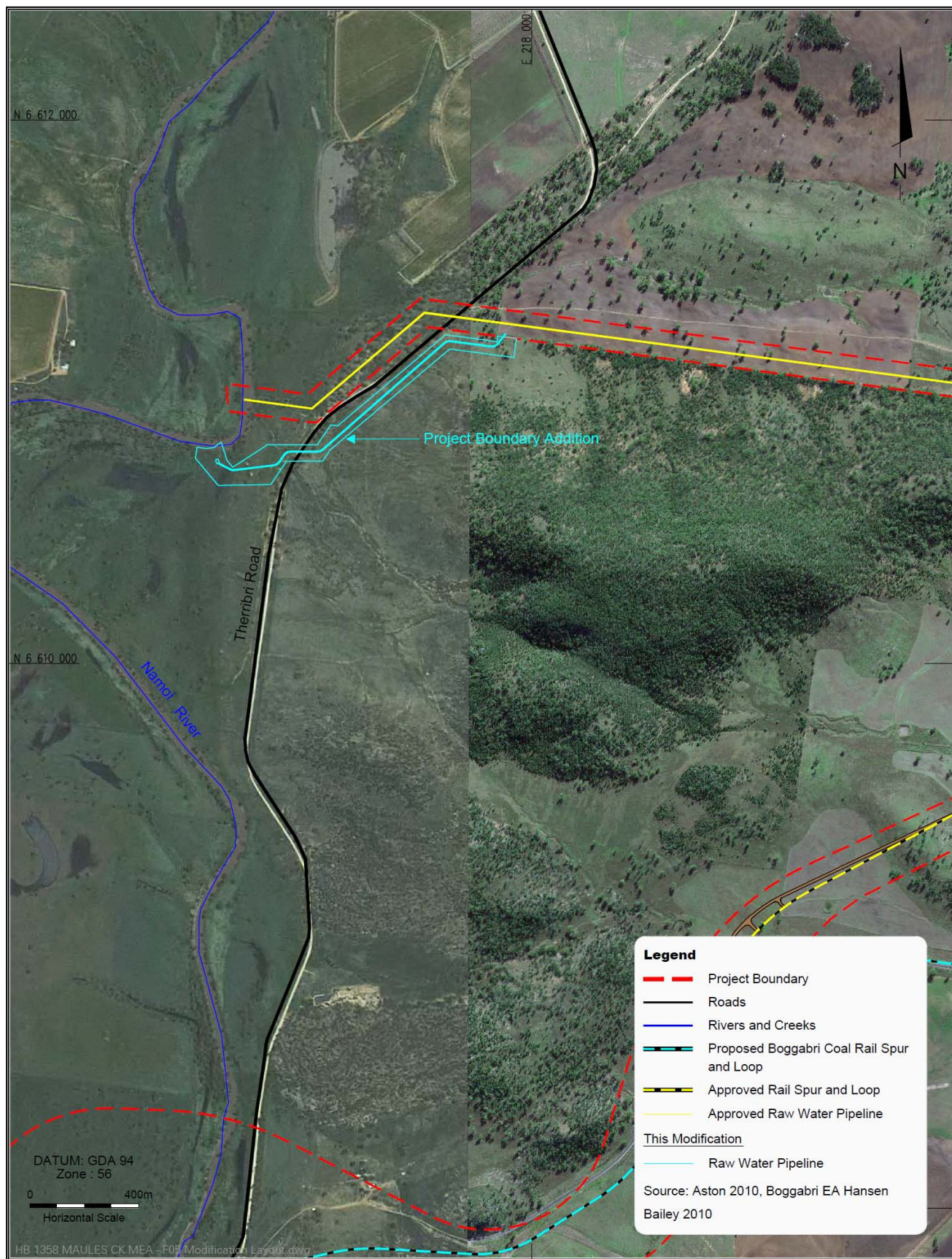
The modification is described in full in the Environmental Assessment (EA), which is attached as **Appendix C**.





**Figure 2: Project Layout showing Water Pipeline**





**Figure 3: Proposed Modification**

### **3 STATUTORY CONTEXT**

#### **3.1 Section 75W**

Although Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) was repealed on 11 October 2011, the Maules Creek Coal Project remains a “transitional Part 3A project” under Schedule 6A of the EP&A Act. The proposed modification is therefore being considered under Section 75W of the EP&A Act, in accordance with the relevant savings provisions.

#### **3.2 Approval Authority**

The Minister for Planning and Infrastructure is the approval authority for the modification application. However, under the Minister’s delegation of 14 September 2011, the Director Mining Projects may determine the application. This is because no public submissions were received, no reportable political donations were made and Narrabri Shire Council raised no objections to the proposal.

#### **3.3 Modification**

Planning and Infrastructure is satisfied that the proposal can be characterised as a modification to the development approval because:

- it would not result in any change to the mine’s production or mining methods;
- any resulting environmental impacts would be substantially the same as the approved project; and
- the proposed project boundary amendment constitutes a very minor change to the approved project boundary.

Consequently, Planning and Infrastructure is satisfied that the proposed modification is within the scope of Section 75W of the EP&A Act.

#### **3.4 Environmental Planning Instruments**

MCC has considered the relevant environmental planning instruments in the EA and Planning and Infrastructure is satisfied that none of these instruments substantially govern the carrying out of the proposal.

### **4 CONSULTATION**

After accepting the application Planning and Infrastructure made it publicly available on its website from 12 February 2014, and referred it to Narrabri Shire Council (Council) for comment.

Council confirmed that it has no objections to the proposal, providing MCC obtains consent from Council as the relevant roads authority under Section 138 of the *Roads Act 1993* to construct the pipeline crossing beneath Therribri Road. MCC has now confirmed that it has obtained this approval from Council. A copy of Council’s comments, and MCC’s response, is provided in **Appendix D**.

No representations from any other agencies, or the general public, were received during the course of the assessment process.

## 5 ASSESSMENT

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

- the EA for the original project;
- the existing conditions of approval;
- the EA for the proposed modification;
- Council's comments;
- relevant environmental planning instruments, policies and guidelines; and
- the requirements of the EP&A Act.

Based on its assessment, Planning and Infrastructure is satisfied that all potential impacts resulting from the modification would be relatively minor and could be appropriately managed. Planning and Infrastructure's assessment of key issues associated with the proposed modification is summarised in Table 1 below.

**Table 1:** Assessment of key issues

<b>Issue</b>	<b>Impact and Consideration</b>	<b>Recommendation</b>
<i>Biodiversity</i>	<ul style="list-style-type: none"> <li>• The EA includes a biodiversity assessment undertaken by Cumberland Ecology.</li> <li>• The proposed pipeline realignment would traverse an area of Pilliga Box – Poplar Box – White Cypress Pine Grassy Open Woodland, and an area of low diversity native and exotic grassland.</li> <li>• The realignment would not result in any vegetation clearance because: <ul style="list-style-type: none"> <li>○ the proposed pipeline route would primarily traverse grassland areas;</li> <li>○ the flexible nature of the pipeline would allowed MCC to avoid trees and shrubs; and</li> <li>○ the proposed pumping location would be located in an area of cleared and largely exotic grassland.</li> </ul> </li> <li>• In comparison, the pipeline route assessed and approved under the original project would result in the clearance of 10 hectares of vegetation. This is because the approved pipeline included an associated gravel access track, which is no longer proposed under the realignment.</li> <li>• Notwithstanding the above, Planning and Infrastructure notes that the proposed pipeline would be located within the mine's Western Offset area. However, the pipeline would be located adjacent to the boundary fence line and Planning and Infrastructure is satisfied that it would not interfere with the future restoration and management of the offset area.</li> <li>• Overall, Planning and Infrastructure is satisfied that the proposed modification would not result in any material impacts on biodiversity, and that the management measures proposed by MCC, along with those in the approved Biodiversity Management Plan for the project, would ensure this is the case.</li> </ul>	No additional conditions required.
<i>Aboriginal Heritage</i>	<ul style="list-style-type: none"> <li>• The EA includes a review of previous Aboriginal cultural heritage assessments undertaken for the site in the context of the proposed modification.</li> <li>• The review indicates that no Aboriginal heritage sites are located within the approved pipeline route, and that the proposed alignment would be located in a similar Aboriginal archaeology setting to that of the approved route.</li> <li>• Given that the pipeline would be placed on the ground surface (with the exception of the Therribri Road</li> </ul>	No additional conditions required.

<b>Issue</b>	<b>Impact and Consideration</b>	<b>Recommendation</b>
	<p>underpass) the risk of harm to Aboriginal heritage sites is considered to be negligible.</p> <ul style="list-style-type: none"> <li>• Nonetheless, as part of its Land Disturbance Protocol, MCC proposes to commission an expert archaeologist and two approved registered Aboriginal party (RAP) members, to inspect the pipeline route before construction commences. If this inspection identifies any Aboriginal artefacts, MCC would avoid these sites by making minor adjustments to the alignment of the pipeline.</li> <li>• MCC also proposes to manage the modification in accordance with its approved Aboriginal Cultural Heritage Management Plan. This plan requires that all staff and contractors undergo an Aboriginal heritage induction and cultural awareness training. It also includes procedures for the discovery of Aboriginal artefacts which are required to be undertaken in consultation with RAPs.</li> <li>• Given the low risk associated with the proposed modification, and with the implementation of the above management measures, Planning and Infrastructure is satisfied that the realignment would have a negligible impact on Aboriginal cultural heritage.</li> </ul>	
<i>Noise</i>	<ul style="list-style-type: none"> <li>• The EA includes a noise assessment undertaken by Global Acoustics, which modelled noise impacts from the operation of the Namoi River water pump on the closest noise sensitive receiver (NSR 225).</li> <li>• The pump (which would be the only operational noise source) is predicted to be inaudible at NSR 225, with noise emissions reaching only 10 dB(A) under worst case meteorological conditions.</li> <li>• In regard to construction noise, the proposed alignment is approximately 300 m further away from the nearest receiver compared with the existing alignment, and given the 2 day construction timetable, Planning and Infrastructure is satisfied that the impacts of construction noise would be negligible.</li> <li>• Consequently, Planning and Infrastructure is satisfied that the proposed modification would not result in any additional noise impacts to those already assessed and approved for the original project.</li> </ul>	No additional conditions required.
<i>Air Quality</i>	<ul style="list-style-type: none"> <li>• During operation the proposed pipeline and water pump would not generate dust emissions.</li> <li>• During construction, potential dust emissions would be negligible due to the minimal area of disturbance. Additionally, the realigned pipeline would be located further away from the closest sensitive receiver, and because the pipeline no longer includes an associated access track, construction activities would be substantially less than those assessed and approved for the original alignment.</li> <li>• Consequently, Planning and Infrastructure is satisfied that there would be no additional air quality impacts resulting from the proposed modification.</li> </ul>	No additional conditions required.
<i>Agriculture</i>	<ul style="list-style-type: none"> <li>• The realigned pipeline would traverse land capable of supporting agriculture, with a land capability classification of 2, 7 or 8. However, no cropping or intensive agricultural activities have occurred, or currently occur, on this land.</li> <li>• Additionally, the proposed pipeline would be located adjacent to the fence line of the property and the</li> </ul>	No additional conditions required.



<b>Issue</b>	<b>Impact and Consideration</b>	<b>Recommendation</b>
	<p>potential for future use in agricultural production would generally remain unaffected.</p> <ul style="list-style-type: none"> <li>Given the minor extent of disturbance associated with the realignment, Planning and Infrastructure is satisfied that the proposed realignment would have a negligible impact on agricultural resources in the local area.</li> </ul>	
<b>Water</b>	<ul style="list-style-type: none"> <li>The proposed modification: <ul style="list-style-type: none"> <li>would not increase the approved water extraction rate from the Namoi River, or alter the approved water balance; and</li> <li>would not result in significant ground disturbance or erosion and sedimentation impacts.</li> </ul> </li> <li>Consequently, Planning and Infrastructure is satisfied that there would be no additional impact on water resources to those already assessed and approved for the original project.</li> </ul>	No additional conditions required.

## 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**).

In summary these conditions:

- allow MCC to construct and operate the realigned water pipeline in accordance with the information provided in the EA; and
- reflect the minor project boundary amendment.

## 7 CONCLUSION

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

It is acknowledged that the proposed modification would allow the raw water pipeline to traverse land owned by MCC, and would result in less ground disturbance and a better biodiversity outcome to that assessed and approved for the original pipeline route.

Planning and Infrastructure's assessment has shown that the proposed modification would not result in any significant environmental impacts. Consequently, Planning and Infrastructure believes that the proposed modification should be approved.

## 8 RECOMMENDATION

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

- consider** the findings and recommendations of this report;
- determine** that the modification falls within the scope of section 75W of the Act;
- approve** the application under section 75W, subject to conditions; and
- sign** the notice of modification in **Appendix A**.

  
Mike Young  
Manager  
Mining Projects  
6.3.14

  
David Kitto  
Director  
Mining Projects





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

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



## **APPENDIX C: ENVIRONMENTAL ASSESSMENT**

## **APPENDIX D: NARRABRI SHIRE COUNCIL SUBMISSION**