

SECTION 4

**JUSTIFICATION OF SCHEDULE 2,
PART 3 APPROACH TO THE
APPLICATION**

4.1 INTRODUCTION

Part 2 of Schedule 3 of the EP&A Regulation 2000 provides the consent authority (in the case of the Whitehaven Coal Mine, the Minister for Infrastructure and Planning), with the discretion to consider alterations or additions to existing or approved developments which meet any of the criteria identified in Part 1 of Schedule 3 of the EP&A Regulation 2000 as non-designated development.

The following sub-sections address the various factors identified in Clause 36 of Schedule 3 of the Regulations which the consent authority must consider in forming the opinion that the proposal for Canyon extension is not designated development, namely:

- the impact of the existing development;
- the likely impact of the proposed alteration / addition; and
- proposals to mitigate impacts, manage residual risks and facilitate compliance.

4.2 IMPACT OF THE EXISTING DEVELOPMENT

- (i) *previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorizations by a public authority and compliance with any relevant codes of practice.*

The Whitehaven Coal Mine, as approved by DA 72-03-2000, has been operational for approximately 4 years and, during this period, has been subject to regular reviews / inspections by representatives of DPI - DMR, DEC (formerly EPA) and other relevant Government Authorities with few issues raised. Compliance reviews have been included within each of the AEMRs submitted.

In accordance with Conditions 8.1(a) and (b) of DA 72-03-2000, in August 2003 an independent environmental audit of the Mine was undertaken by RW Corkery & Co Pty Ltd, with the report concluding that: "From an environmental management perspective, the Whitehaven Coal Mine is being managed to a good standard".

In December 2003, an independent audit of conformance with Quality Management System Standard ISO 9001:2000 and Environmental Management Standard ISO 14001:1996 was also undertaken of the Roche (WCM's mining contractor) operations and concluded that "a high level of commitment to the management system requirements was evident at this site. The areas of administrative, records management, communication, training and awareness and operational control were well managed."

Over the life of the mine to date, ie since January 2000, WCM has received a total of 38 complaints, of which 31 were received prior to 30 September 2001. A total of only seven complaints / enquiries have been received since that time. A breakdown of the complaints received was presented in Section 1.7.12.

(ii) *rehabilitation or restoration of any disturbed land.*

WCM is committed to progressive rehabilitation of areas of disturbance including both areas of the constructed post-mining landform and areas of mining-related activity which are no longer required for operational purposes, with **Figure 1.3** and **Plate 1** showing the status of mine site rehabilitation as of 01 October 2004.

As of 01 October 2004:

- 24.2 ha had been revegetated to pasture;
- 18.5 ha had been rehabilitated to native vegetation;
- 11 ha had been shaped and soil applied pending rehabilitation to native vegetation (once seasonal conditions permit);
- 4.3 ha had been / or was in the process of being shaped prior to soil application; and
- 45.5 (44%) of the area disturbed to-date at the mine remains active.

Planting of seedlings propagated by Gunnedah TAFE, using seed collected within ML 1471, has also commenced in areas assigned to native vegetation re-establishment.

In addition to the above, WCM has also excluded grazing from the majority of its “Womboola” property which was acquired from the Vickery project, with positive changes to the vegetation composition and structure and faunal occurrence / utilization in the absence of grazing pressures observed.

(iii) *the number and nature of all past changes and their cumulative effects.*

WCM has previously made application for, and been granted, a single modification to DA 72-03-2000. The modification application, sought in February 2003 and approved in September 2003, enabled an increase in the production rate from the mine from 0.75 Mtpa to 1.25 Mtpa. The only impact of that modification related to the potential number of coal trucks on the public road network.

4.3 LIKELY IMPACT OF THE PROPOSED ALTERATION / ADDITION

(i) *the scale, character or nature of the proposal in relation to the development.*

Table 4.1 presents a summary which identifies the scale of the existing approved mine development and that of the extended mine and, in the case of the existing mine, distinguishes between areas approved to be developed under DA 72-03-2000 (as modified) and the areas which actually will be developed. A review of **Table 4.1** shows that, with the exception of a 50 ha increase in the extent of surface disturbance, there would be no changes to the scale of the planned activities. However, it should also be noted that through a combination of improved overburden management, modifications to the mine plan and changed operational practices an area of 22.6 ha approved for disturbance under DA 72-03-2000 would not be developed, resulting in a net increase in disturbance as a consequence of the proposed Canyon development of less than 28 ha.

Table 4.1
Operational Aspects / Features
Existing Approved and Proposed Extended Whitehaven Coal Mine

Aspect	Existing Approved Mine				With Canyon Area	Change
	Existing	Approved (yet to be developed)	Approved (still to be developed)	Total Disturbance Proposed		
Area of Disturbance (ha)	93.0	24.5	15.1	108.1	154.1	46.0
- Open Cut / Overburden Dumps	10.5	13.2	Nil	10.5	4.0	4.0 *
- Infrastructure (roads, buildings)						
TOTAL	103.5	37.7	15.1	118.6	158.1	50.0

Note: * The figure of 4.0 ha represents additional infrastructure requirements associated with the relocated mine facilities and coal bin access road areas. The ROM pad, coal processing area and coal bin would be relocated to existing areas of disturbance.

The similarity in the character and nature of the activities planned within the Canyon extension to those currently approved and undertaken is described throughout this document.

- (ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality.*

The proposed Canyon extension represents a southward progression of the existing approved Whitehaven Mine towards the former, now rehabilitated, Vickery Coal Mine.

Sections 1 and 3 of this SoEE present information on the environmental setting of both the existing approved mine and the proposed Canyon extension, including flora and fauna; air, noise and water quality; visibility and other components.

Development of the Canyon extension would necessitate the disturbance of approximately 50 ha grassland and Box / Ironbark / White Cypress Pine communities within WCM's freehold land but would be compensated through the extension of WCM's existing native bushland re-establishment programme on mined / disturbed areas; grazing exclusion from areas unaffected by mining to promote native vegetation community regeneration, extension and/or diversification, and enrichment plantings to reverse the historic trend of native vegetation loss and promote habitat connectivity and conductivity.

Existing water monitoring, noise and air quality programmes have shown the existing operation to be having nil or minimal adverse impact on local amenity, land uses or the environment (see Sections 1.7.2, 1.7.3, 1.7.4 and 1.7.6). The progression of the mine towards its current approved

southern limit and into the Canyon area would also result in a progressively greater separation distance between activities at the mine at the majority of local residences. Residences which would be closer to the proposed activities within the Canyon extension are either project-related or lie at distances in excess of 3 km.

Operations within the proposed Canyon extension would, by virtue of the intervening topography and vegetation, be less visible than the existing activities. Furthermore, as in the case with the adjacent Vickery Mine, the post-mining landform, once vegetated, would not be discernible from the surrounding natural landforms or environment.

WCM commissioned specialist consultants to examine the impacts of the proposed Canyon extension on relevant components of the environment, with the outcomes of these investigations being used to develop safeguards or ameliorative measures. Copies of the flora, fauna, archaeological, noise and air quality investigation reports are presented in the Appendices to this document.

(iii) the degree to which the potential environmental impacts can be predicted with adequate certainty.

As noted previously, the Whitehaven Coal Mine has been operating for in excess of 4 years, with the validation of its performance and earlier predictions available through field observations, external inspections and audits, and monitoring. The outcomes of these programmes have been submitted previously to the Department in the AEMRs and other documentation. This experience, combined with predictive modelling, has enabled any impacts of the Canyon extension to be predicted with a high degree of certainty.

(iv) the capacity of the receiving environment to accommodate changes in environmental impacts.

The impact of the proposed Canyon extension would be essentially confined to one of surface disturbance. Based on the knowledge of the receiving environment, the nature and impacts of existing operations, and the outcomes of quantitative and qualitative monitoring to date, there is no suggestion of an inability of the receiving environment to accommodate any consequential changes in environmental impact.

4.4 PROPOSALS TO:

(i) mitigate the environmental impacts and manage any residual risk.

WCM has existing procedures in place for the management of impacts on physical, biological and social aspects of the environment. These procedures, which are documented in the various management plans prepared in accordance with DA 72-03-2000 and the Mining Operations Plan, have been demonstrated to be effective in minimizing impacts and managing residual risks. Each of the existing programmes would be continued, with refinements (if any) implemented on the basis of the investigations undertaken and ongoing monitoring programmes.

- (ii) *facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

WCM is committed to undertaking its operations in a manner which complies with relevant standards, codes of practice and Guidelines, and to undertaking its activities in accordance with best management practice, ie to the extent economically practicable.

WCM is a member of the NSW Minerals Council and, through that organisation, together with regular contact with representatives of relevant Government Authorities and other industry representatives, maintains an awareness of standards, codes and guidelines applicable to its operations.

These practices will continue whilst ever the Company remains involved in the coal mining industry.

REFERENCES

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CES (2000), Fauna Survey and Assessment, Whitehaven Open Cut Coal Mine, Gunnedah, NSW.

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Environment Protection Authority (1999), Environmental Noise Management – Environmental Criteria for Road Traffic Noise (Ref. EPA 99/3).

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GCNRC (2000(a)), Soil Survey and Land Capability Report, Whitehaven Coal Mine via Gunnedah.

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RHA (2004(a)), Whitehaven Coal Mine Canyon Extension Noise Impact Assessment.

RHA (2004(b)), Whitehaven Coal Mine Canyon Extension Air Quality Impact Assessment.

RW Corkery & Co Pty Ltd (2000), Environmental Impact Statement for the Stage 2 “Whitehaven” Open Cut Coal Mine Development near Boggabri (Text and Compendium of Specialist Consultant Reports).

RW Corkery & Co Pty Ltd (2004) Environmental Impact Statement for the Proposed Werris Creek Coal Mine (Text and Compendium of Specialist Consultant Reports).