

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

16 June 2017

Your reference: DA 450-10-2003 Modification 7

Dear Ms McNally,

Proposed modification 7 to Hunter Valley Operations North development consent (DA 450-10-2003) to amend historical boundary errors and update the Schedule of Lands

This application is an administration modification for the Hunter Valley Operations (HVO) North development consent (DA 450-10-2003) under Section 75W of the *Environmental Planning and Assessment Act 1979*.

Hunter Valley Operations currently have four mining lease applications (MLA) lodged for mining or mining purposes for areas within HVO North that are predominately outside the current development consent footprint.

This application includes an area of mining that was assessed and approved as part of the Carrington West Wing Project (EMM 2010). The mining purposes include water diversions, dams and established haul roads that existed at the time of the 2003 development application for HVO North.

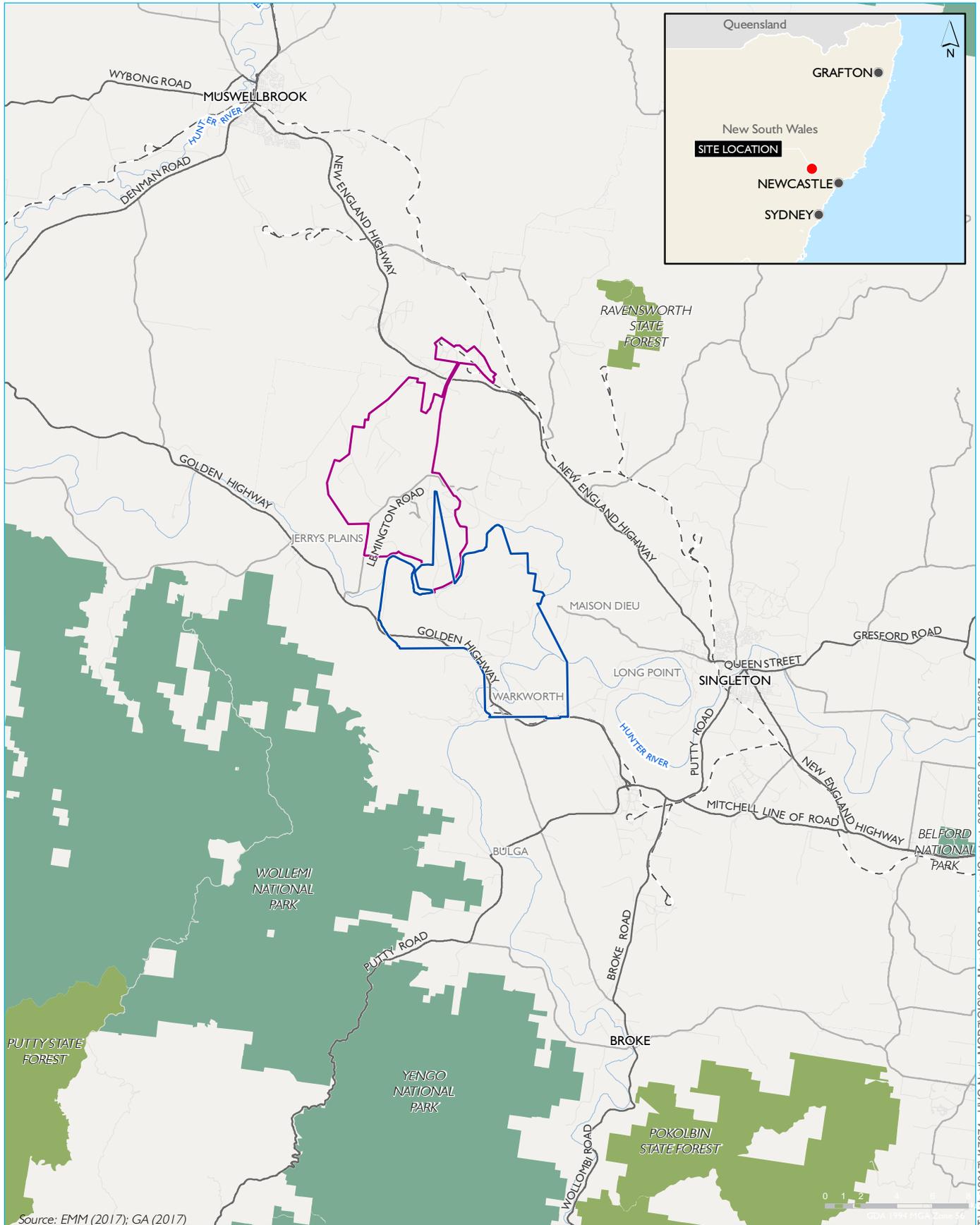
The 2003 environmental impact statement was prepared for the extension of West Pit, the consolidation of 18 separate consents that related to HVO North and the integration of operations across HVO North (West Pit Extension and Minor Modification EIS, ERM 2003).

The areas subject to this application are on land parcels that weren't included in the Schedule of Lands for the previous development consent approvals.

On 11 September 2015, an order was gazetted providing an exemption from the requirement for certain mining purposes to be on a mining lease. The exemption expires on 15 November 2017. A review of the mining tenements and activities occurring on site has identified several small areas where activities associated with HVO North are not contained within the development consent boundary. This means that as of the 15th November, the activities occurring within these identified areas will be subject to Section 6 of the *Mining Act 1992* which requires a mining authorisation for mining purposes.

Before the mining lease can be granted, Section 65 of the *Mining Act 1992* requires a development consent to be in place.

Coal & Allied seek an administration modification to the existing development consent for HVO North to include these areas within the development consent boundary, and include the relevant lot and deposited land details within the Schedule of Lands (the proposed modification).



Source: EMM (2017); GA (2017)

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KEY

- Local road
- Major road
- - Rail line
- Major waterway
- HVO North development consent boundary
- HVO South project approval boundary
- State forest
- NPWS reserve

Regional context

HVO North Modification 7
Environmental Assessment
Figure 1

The inclusion of these areas will enable the MLAs to be determined under the *Mining Act 1992* to ensure compliance with the requirements of that Act when the exemption expires on 15 November 2017.

Background

Hunter Valley Operations mining complex is approximately 24 kilometres (km) north-west of Singleton, New South Wales (NSW). Coal & Allied Operations Pty Limited and HVO Resources Pty Limited own the HVO mining complex, which is managed by HV Operations Pty Ltd (Coal & Allied). While HVO is managed as one operation, HVO North and HVO South each have separate planning approvals; one for HVO North and one for HVO South, geographically divided by the Hunter River (Figure 1).

Mining operations first commenced at the now HVO over 65 years ago, in 1949. Since the beginning of operations, the development of HVO occurred through a series of expansion and acquisitions that resulted in the operation managing 18 separate development approvals for activities north of the Hunter River.

HVO North operates under development consent DA 450-10-2003, which was issued by the then Minister for Infrastructure, Planning and Natural Resources in 2004, under Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). The 2004 approval consolidated the 18 historical approvals for the activities undertaken at HVO North.

The 2004 development consent has since been modified a number of times, the most recent being Modification 6 in January 2017 following the assessment of the fine rejects emplacement within Carrington Pit.

The proposed modification

The areas subject to this application are currently outside the existing development consent boundary for HVO North. Coal & Allied proposes to modify DA 450-10-2003 under Section 75W of the EP&A Act to include the land parcels identified in Appendix 1 of this application into the Schedule of Lands of the existing development consent. While the majority of these parcels are subject to MLAs, this application also includes:

1. An area adjacent to MLA 496 that contains the same approved mining purpose as MLA 496. This adjacent land parcel will be the subject of another MLA but has been included in this application to expedite the process.
2. An area along the same haul road as that covered by MLA 520. This section of the haul road was approved under DA 77/20 and has mining tenement (ML1359 and ML1337) but is not covered by the development consent boundary.

Figure 2 shows the location of the MLAs and the adjacent areas proposed for inclusion within the HVO North Schedule of Lands.

The mining activities and the mining purposes undertaken on the areas identified in this proposal do not represent operational changes to the site and were either subject to environmental assessment within the approved Carrington West Wing mining area, or were existing activities that were consolidated with the 2004 approval for HVO North.

The activities within the four MLAs subject to the proposed modification are described below:

- MLA 495 (as shown in Figure 3): an area adjacent to West Pit that is partially within the existing HVO North development consent boundary. The area is currently used for water management and the MLA is sought for continued mining purposes.

The MLA includes areas associated with Parnells Dam. The construction and use of Parnells Dam was considered within the environmental impact statement (EIS) titled: BP Coal, *Environmental Impact Statement for Proposed Extension of Howick Mine*, October 1989.

The EIS and development application was approved by Singleton Council under the EP&A Act on 7 June 1990. As shown in Figure 3, Parnells Dam encroaches outside the existing development consent boundary and hence, the additional land parcel associated with this area is requested to be included within the Schedule of Lands.

- MLA 496 (as shown in Figure 4): an area to the north of West Pit that is outside the current development consent boundary used for water management purposes. The MLA is sought for continued mining purposes.

As stated previously, the adjacent land parcel to MLA 496 has been included in this proposal as it contains the same clean water diversion channel as that within MLA 496. This additional area will be subject to another MLA but has been included in this proposal to seek inclusion within the development consent boundary for HVO North.

The clean water diversion was shown in the EIS titled: BP Coal, *Environmental Impact Statement for Proposed Extension of Howick Mine*, October 1989, as a cut off drain occurring upslope of the Howick Mine's infrastructure facilities. The EIS and development application was approved by Singleton Council under the EP&A Act on 7 June 1990.

- MLA 489 (as shown in Figure 5): occurs adjacent to the approved Carrington West Wing mining area and seeks approval for mining and mining purposes.

The environmental impacts were assessed as part of the Carrington West Wing Project (EMM 2010) but the land parcel(s) not included in the Schedule of Lands.

- MLA 520 (as shown in Figure 6): the existing haul road was approved under DA 77/20 which permitted the construction of the coal haul road between North Pit and the rail loader. This area can be seen in the HVO West Pit Extension and Minor Modifications EIS dated Oct 2003, specifically Volume 4, Figures 5, 13 and 43. No change to this road is proposed.

The upper section of the haul road is not within the existing development consent boundary despite this area being covered by mining tenements (the exception being the area subject to the MLA for continued mining purposes).

This administrative modification application seeks to include within the consent boundary, the areas of the approved haul road that were not included during the historical consent consolidation process.

As requested by the Department, the lot and deposited plan details of these additional land parcels are provided in Appendix 1, the development consent boundary for HVO North as modified is illustrated in Figure 7 and the entire corrected Schedule of Lands for DA 450-10-2003 is outlined in Appendix 2 which includes the lands subject to this amendment modification as well as the current land ownership details as at the application date.

Legislative framework

While the development consent for HVO North was a consent issued under Part 4 of the EP&A Act, transitional provisions within the NSW Environmental Planning and Assessment Regulation 2000 (NSW) (EP&A Regulation) allow for a consent to be modified under Section 75W of the EP&A Act as if the consent were an approval under the now repealed Part3A.

Pursuant to the transitional provisions under clause 12 to Schedule 6A of the EP&A Act, Section 75W of Part3A continues to apply to modifications of certain development consents provided for under Clause 8J(8) of the EP&A Regulation. Clause 8J(8)(c) of the EP&A Regulation states:

For the purposes only of modification, the following development consents are taken to be approvals under Part3A of the Act and Section 75W of the Act applies to any modification of such a consent:

- c) *a development consent granted by the Minister under Part 4 of the Act (relating to State significant development) before 1 August 2005 or under clause 89 of Schedule 6 to the Act, DA 450-10-2003 was issued by the then Minister for Infrastructure, Planning and Natural Resources in 2004, under Part4 of EP&A Act, and therefore, Clause 8J(8)(c) applies.*

The approved development and operations at HVO North will not be affected by the proposed modification. The activities within the areas subject to the proposed modification were assessed within relevant approval documentation associated with HVO North (and its predecessors) and consolidated into the 2004 consent for HVO North. Further, each of these areas is successfully managed through existing systems and processes implemented at HVO North.

Accordingly, the proposed modification will not result in significant environmental impacts beyond those previously assessed and managed under the current development consent. Therefore, Coal & Allied seeks to have the proposal approved as a modification of DA 450-10-2003, as provided for under Clause 8J(8)(c) of the EP&A Regulation and Section 75W of the EP&A Act.

Environmental management

The inclusion of these land parcels within the development consent boundary for HVO North will not change the existing activities undertaken and approved for these sites. The development will remain substantially the same as the development that was originally approved. There are no plans to intensify the use of these areas above their existing use or that approved in the case of MLA 489 and the Carrington West Wing Project.

Each of the areas described in this modification application are successfully managed in accordance with the existing systems and processes implemented at HVO North. Should the proposed modification be approved, these areas would continue to be managed appropriately and reported against as required in the Annual Review for HVO.

Summary

Coal & Allied seeks to modify the existing development consent for HVO North to include four areas subject to MLAs within the Schedule of Lands. These four areas have previously been subject to environmental assessments associated within ongoing operations at HVO North (and its predecessors). In addition, land parcels adjacent to two of the MLAs are requested for inclusion in the HVO North development consent boundary. The infrastructure occurring within these areas have been previously approved but were mistakenly not included in the final Schedule of Lands.

Recent amendments to the *Mining Act 1992* will remove the exemption to require the land subject to MLAs to have development consent prior to issuing of a Mining Lease. The proposed modification will ensure compliance with the *Mining Act 1992* following removal of the exemption on 15 November 2017.

A replacement land schedule for DA 450-10-2003 is attached as is a figure that illustrates the development consent boundary as modified.

These areas are currently managed through the successful implementation of existing environmental systems and processes at HVO North. Should the proposed modification be approved, these areas will continue to be managed appropriately.

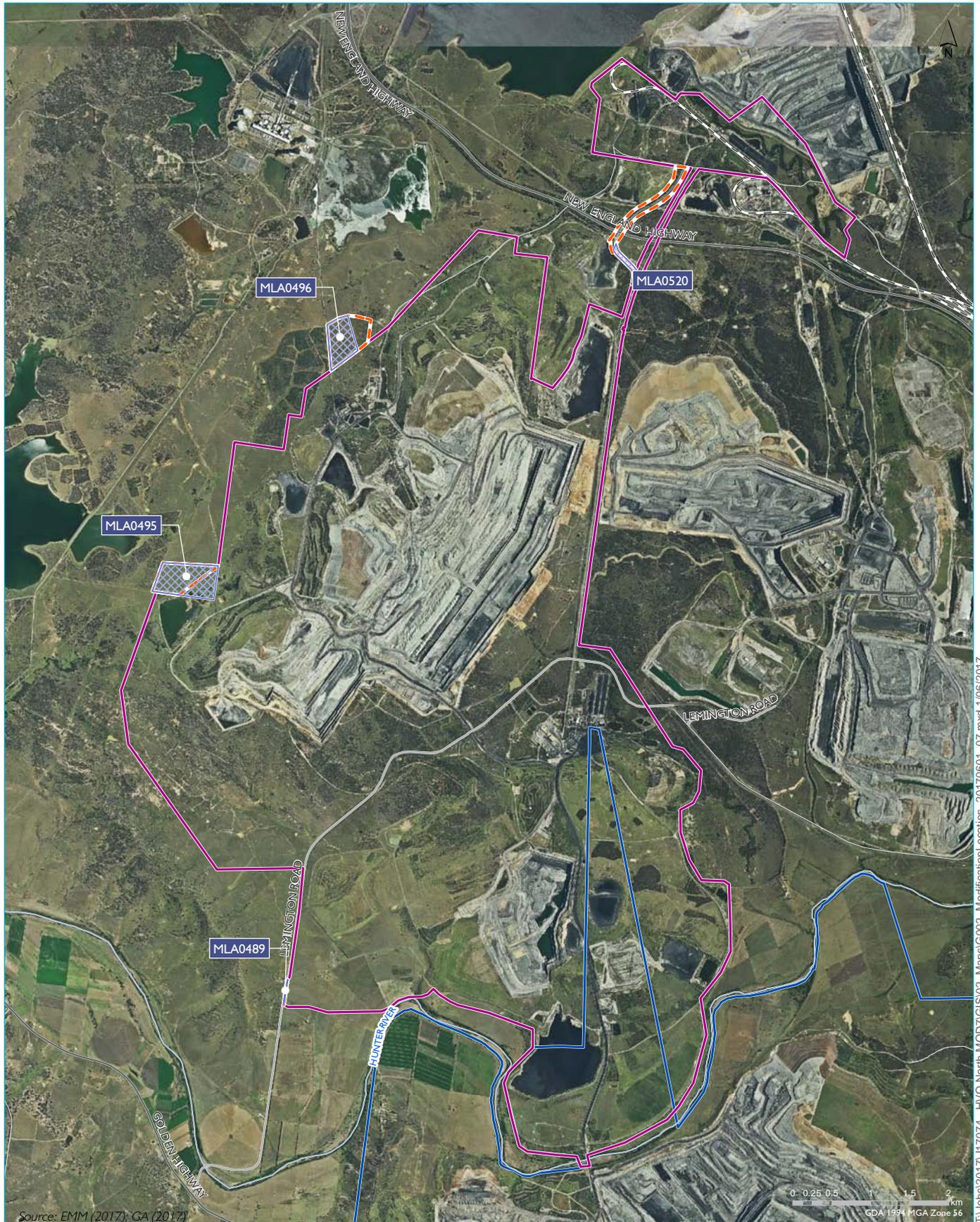
If you have any questions about this modification request to DA 450-10-2003, please contact me on 0477 335 409.

Yours sincerely



Michael Lloyd
Approvals Specialist

cc. Howard Reed, Director, Resource Assessments

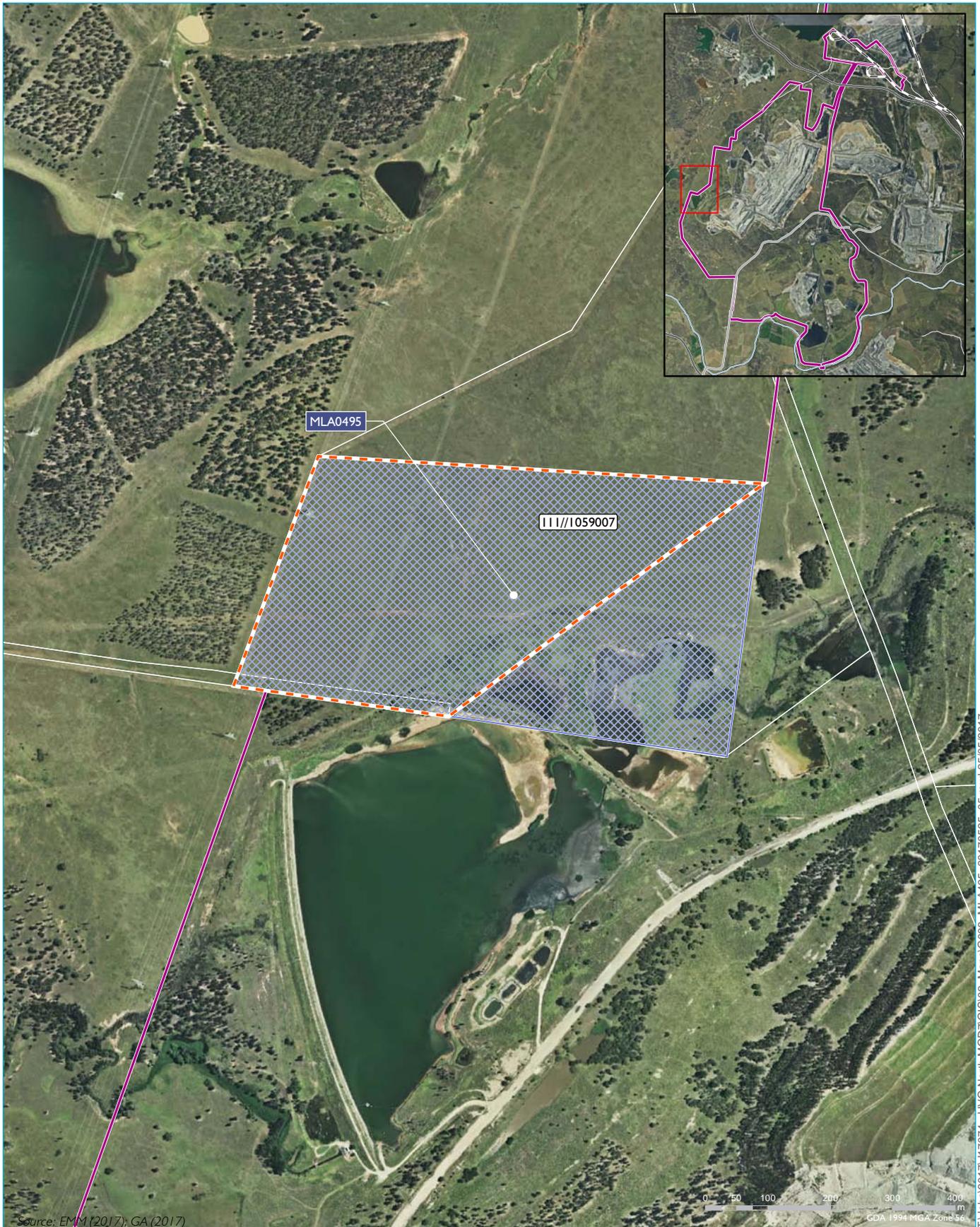


KEY

-  Mining Lease Application boundary
-  Proposed consent boundary amendment
-  Local road
-  Major road
-  Rail line
-  Major waterway
-  HVO North development consent boundary

Modification location

HVO North Modification 7
Environmental Assessment
Figure 2

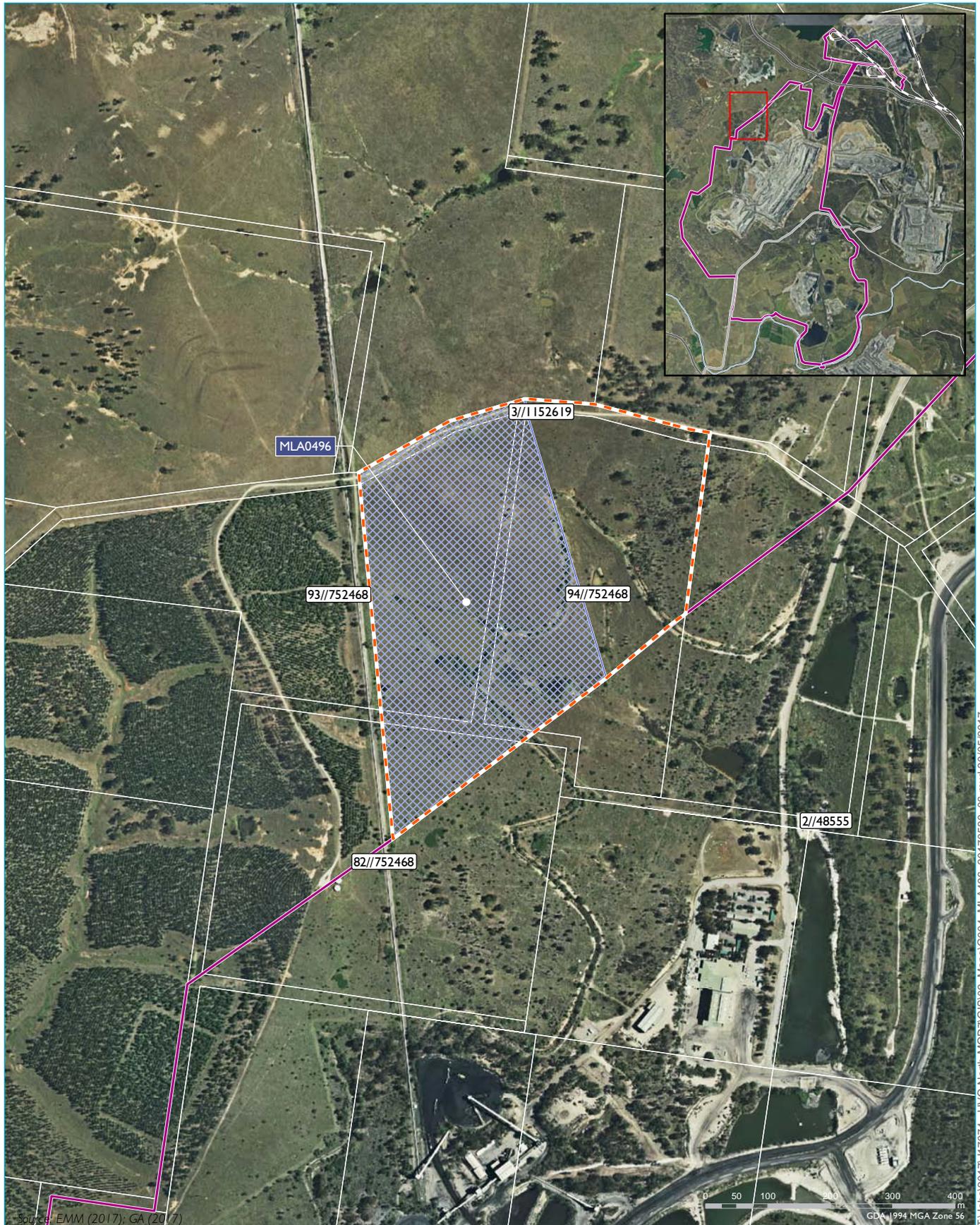


KEY

-  Mining Lease Application boundary
-  Proposed consent boundary amendment
-  HVO North development consent boundary

MLA 495 tenement details

HVO North Modification 7
Environmental Assessment
Figure 3



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KEY

-  Mining Lease Application boundary
-  Proposed consent boundary amendment
-  HVO North development consent boundary

MLA 496 tenement details

HVO North Modification 7
Environmental Assessment
Figure 4



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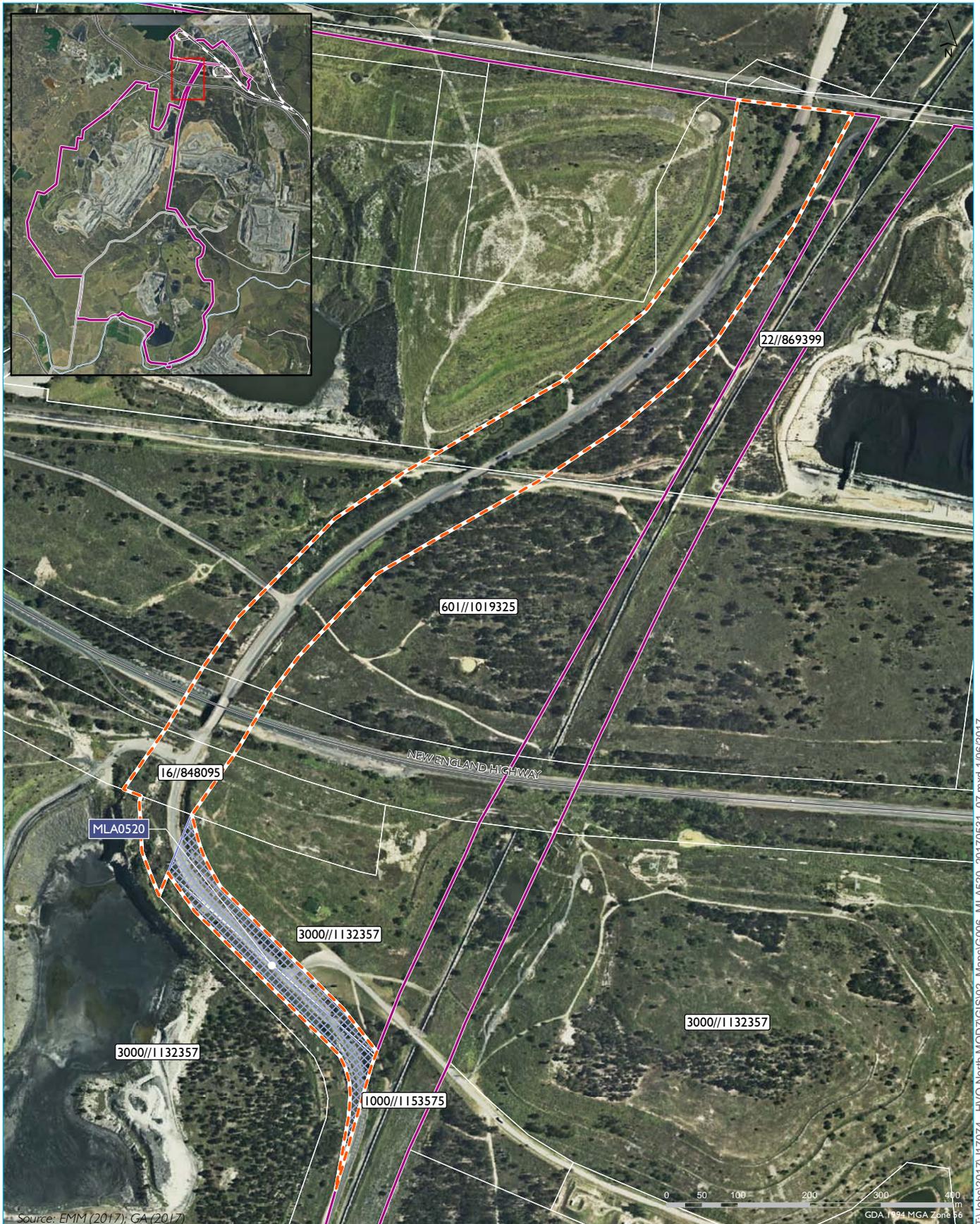
KEY

-  Mining Lease Application boundary
-  Proposed consent boundary amendment
-  HVO North development consent boundary
-  Local road

MLA 489 tenement details

HVO North Modification 7
Environmental Assessment
Figure 5



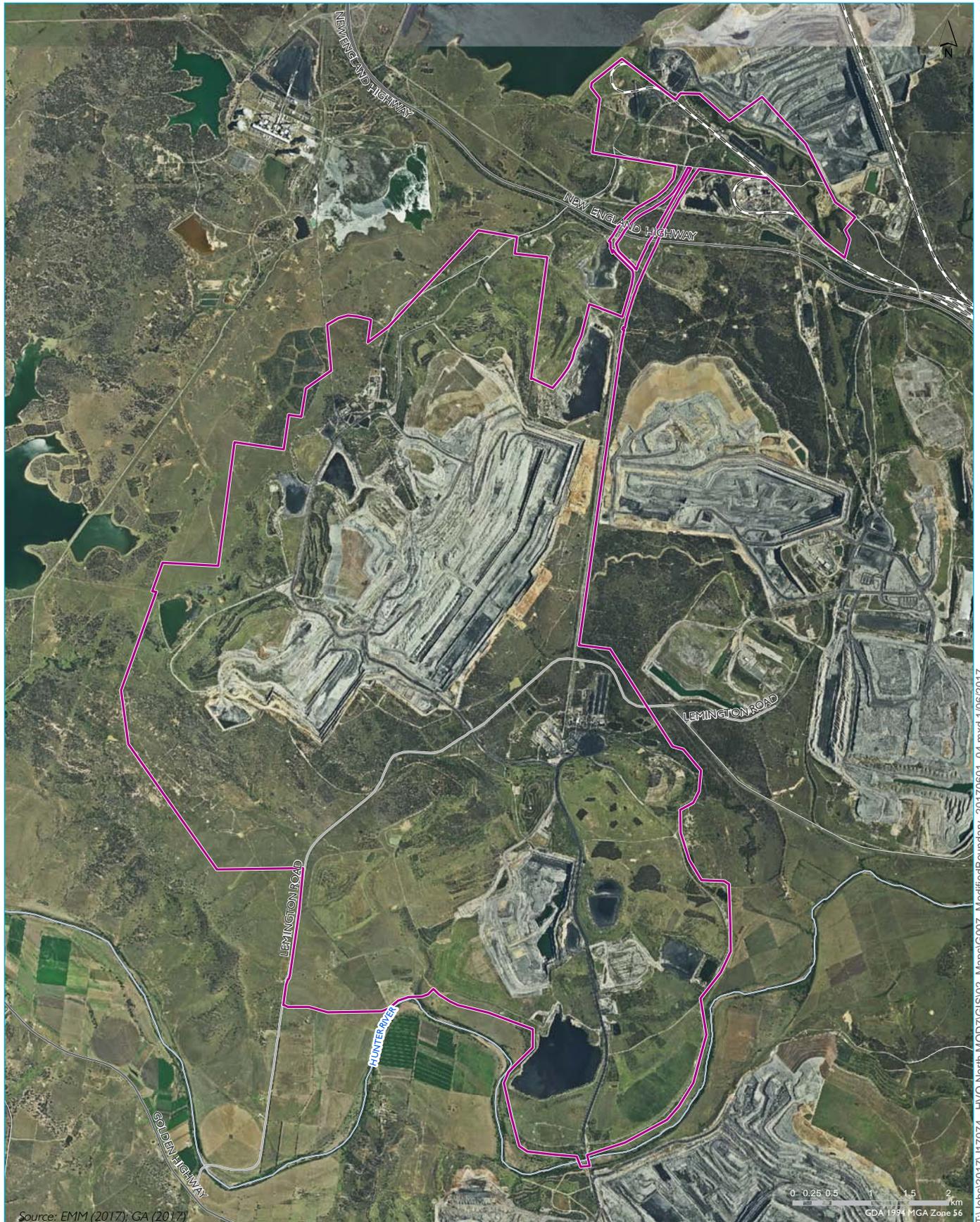


KEY

-  Mining Lease Application boundary
-  Proposed consent boundary amendment
-  HVO North development consent boundary
-  Major road

MLA 520 tenement details

HVO North Modification 7
Environmental Assessment
Figure 6



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KEY

- Local road
- Major road
- - Rail line
- Major waterway
- Modified HVO North
- development consent boundary

Modified HVO North development consent boundary

HVO North Modification 7
Environmental Assessment
Figure 7

APPENDIX 1
Proposed additions to the Schedule of Lands within DA 450-10-2003

Lot	DP	Property Owner	Comment
Part 101	1017998	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Within MLA 489
Part 93	752468	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD	Within MLA 496

APPENDIX 2
Schedule of Lands:
Schedule of Lands within DA 450-10-2003 as amended

Development Application Area – Lot and DP Schedule		
Hunter Valley Operations, North		
Lot	DP	Property Owner
1	90727	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	110662	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	114966	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	125406	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P1	191982	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	211043	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P1	659810	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	727260	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P1	729048	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	737796	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	779625	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	794836	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	808431	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	823767	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P1	1078618	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	1113789	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	1152619	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P2	48555	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
2	114966	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
2	125406	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
2	574166	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P2	808301	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
2	808431	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
2	1152619	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
3	48555	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
3	125406	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
3	252530	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
3	1113789	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P3	1152619	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
4	48555	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
4	125406	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
4	130831	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
4	252530	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
4	1113789	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P4	1152619	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
5	48555	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
5	125406	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
5	252530	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
5	1113789	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
6	125406	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
6	1113789	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
7	48555	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
7	125406	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD

P156	752468	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
157	752468	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
158	752468	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
159	752468	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P164	752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P170	752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
171	752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
182	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
183	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
184	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
192	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
193	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
200	752481	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
201	544091	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
211	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
212	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
217	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
218	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
219	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
221	975271	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P300	597726	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
304	868175	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
380	869839	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
P1000	1153575	COAL & ALLIED OPERATIONS PTY LTD and HVO RESOURCES PTY LTD
1	574166	AGL MACQUARIE PTY LTD
1	1155775	AGL MACQUARIE PTY LTD
2	1167986	AGL MACQUARIE PTY LTD
P120	1174907	AGL MACQUARIE PTY LTD
P601	1019325	AGL MACQUARIE PTY LTD
100	700429	ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION
89	752470	Charlotte Augusta Bowman
7	48165	Council road - Lemington Road
6	48165	Crown / Council road - Lemington Road
1	776382	Crown / Council Road - Liddell Station Road
2	48165	Crown / Council road - Old Lemington Road
4	48165	Crown / Council road - Old Lemington Road
4	776382	Crown Land
P16	848095	CUMNOCK NO 1 COLLIERY PTY LIMITED, ICRA CUMNOCK PTY LIMITED
300	856881	CUMNOCK NO 1 COLLIERY PTY LIMITED, ICRA CUMNOCK PTY LIMITED
P3000	1132357	CUMNOCK NO 1 COLLIERY PTY LIMITED, ICRA CUMNOCK PTY LIMITED
5	48165	Her most gracious majesty Queen Elizabeth the second - Lemington / Old Lemington Road
8	48165	Her most gracious majesty Queen Elizabeth the second - Lemington Road
P9	48165	Her most gracious majesty Queen Elizabeth the second - Lemington Road
1	48165	Her most gracious majesty Queen Elizabeth the second - Old Lemington Road
3	48165	Her most gracious majesty Queen Elizabeth the second - Old Lemington Road
P102	1103268	LIDDELL TENEMENTS PTY LIMITED, MITSUI MATSUSHIMA AUSTRALIA PTY LIMITED, ENEX LIDDELL PTY LIMITED
P22	869399	Resource Pacific Ltd, Cumnock No.1 Colliery Pty Ltd, Muswellbrook Coal Company Ltd, ICRA Cumnock Pty Ltd
2	1113789	SINGLETON COUNCIL - Council Road - Lemington Road

1	135459	State Rail Authority of New South Wales
1481	1129164	THE STATE OF NEW SOUTH WALES
7001	93617	THE STATE OF NEW SOUTH WALES
		Part Crown (Coal & Allied Operations Pty Limited) Licence 175936
		Crown land - Closed road - north side 7001//93617
		Part Crown land South Bank Hunter River
		OLD HIGHWAY RD
		Lemington Road
		LIDDELL STATION RD
		NEW ENGLAND HWY
		Railway - Newdell Rail Spur
		Various Crown and Council Roads
		HUNTER RIVER