



# ABEL UNDERGROUND MINE

Abel Upgrade  
Modification

Project Description  
and Preliminary  
Environmental  
Assessment



Part of Gloucester Coal



ABEL UPGRADE MODIFICATION  
PROJECT DESCRIPTION AND PRELIMINARY ENVIRONMENTAL ASSESSMENT



Part of Gloucester Coal

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# 1 INTRODUCTION

## 1.1 PURPOSE AND STRUCTURE OF THIS DOCUMENT

Donaldson Coal Pty Limited (Donaldson Coal) requests a modification of Project Approval 05\_0136 for upgrades to underground mining operations at the Abel Underground Mine (herein referred to as the Abel Upgrade Modification [the Modification]).

This document has been prepared to provide the New South Wales (NSW) Department of Planning and Infrastructure (DP&I) with a summary description of the Modification, an overview of the environmental studies that are proposed to support an Environmental Assessment (EA) and to initiate the preparation of Director-General's Requirements (DGRs) under section 75W of the NSW *Environmental Planning and Assessment Act, 1979* (EP&A Act).

The remainder of this document is structured as follows:

- |           |   |
|-----------|---|
| Section 1 | Introduction – provides a background to the Abel Underground Mine and an overview of the proposed Modification activities.  |
| Section 2 | Local and Regional Context – summarises the local and regional context of the Abel Underground Mine (including surrounding development).  |
| Section 3 | Modification Description and Justification – provides a clear and concise description of the Modification, indicates the types of activities that will be undertaken, includes a justification for the Modification and summarises alternatives considered.   |
| Section 4 | Planning Considerations – describes the applicable statutory planning instruments and strategic planning documents.   |
| Section 5 | Preliminary Environmental Assessment – identifies key environmental issues of particular relevance to the Modification, provides an analysis of the likely nature and extent of potential impacts, and identifies the level and scope of environment impact assessment to be undertaken for the EA. |

Section 6 Stakeholder Consultation – outlines consultation (with the community, local councils and Government agencies) already undertaken and proposed to be carried out for the Modification.

Section 7 References – Lists documents referenced in Sections 1 to 6.

## 1.2 BACKGROUND

The Abel Underground Mine is an underground coal mining operation located approximately 23 kilometres (km) north-west of the Port of Newcastle, NSW in the Newcastle Coalfield (Figure 1). The Abel Underground Mine is owned and operated by Donaldson Coal, a wholly owned subsidiary of Gloucester Coal Limited.

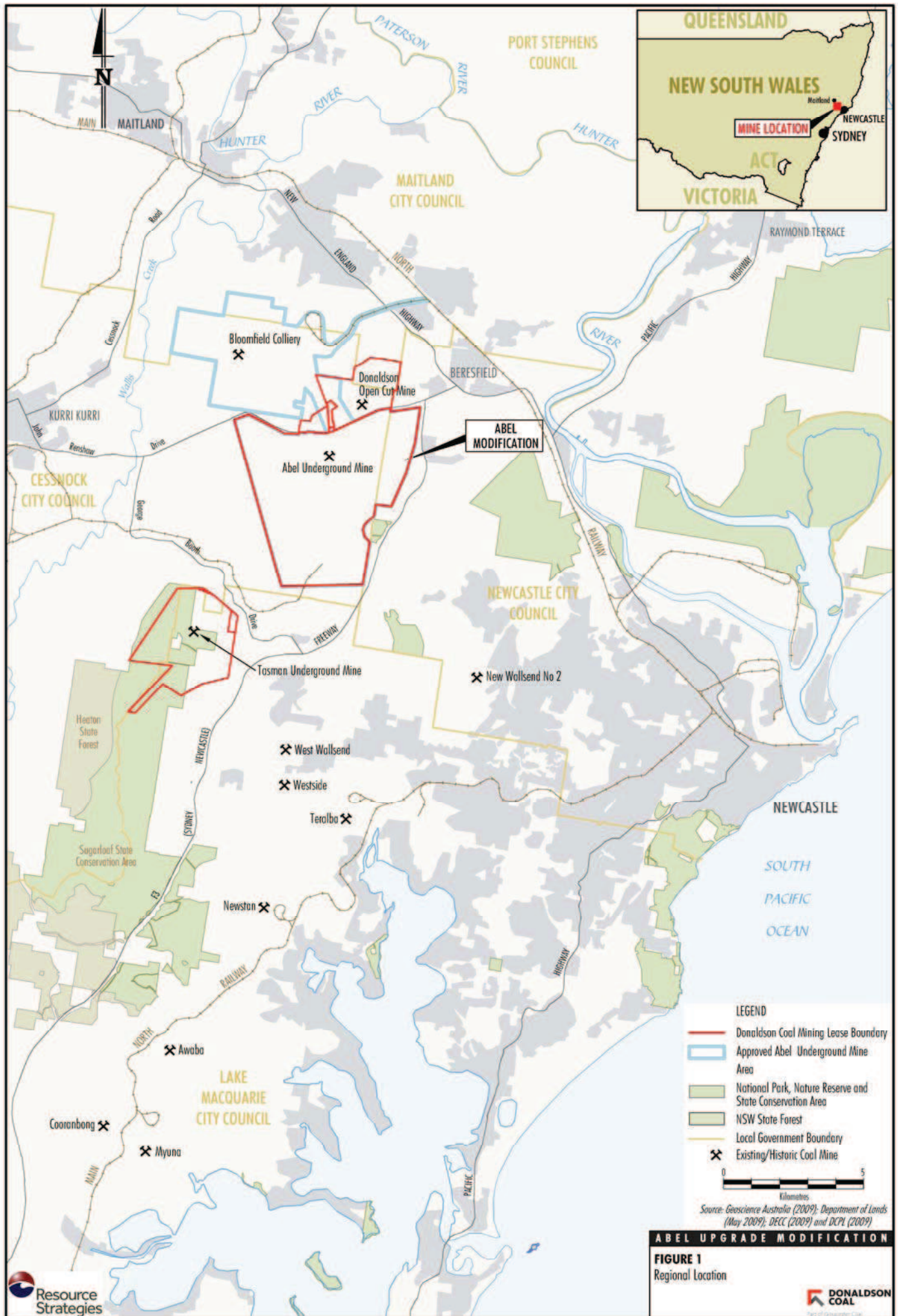
The potential environmental impacts of the existing Abel Underground Mine were assessed in the *Abel Underground Mine Part 3A Environmental Assessment* (Donaldson Coal, 2006).

Project Approval (05\_0136) for the Abel Underground Mine was granted on 7 June 2007 by the then NSW Minister for Planning pursuant to section 79J of the EP&A Act. The Abel Underground Mine was modified in 2010 (05\_0136 Mod 1) and 2011 (05\_0136 Mod 2) for the construction and installation of a downcast ventilation shaft and an upcast ventilation shaft, respectively.

In accordance with Project Approval 05\_0136, the Abel Underground Mine is approved to extract up to 4.5 million tonnes per annum (Mtpa) run-of-mine (ROM) coal, over a mine life of approximately 21 years (i.e. until 31 December 2028). Also in accordance with Project Approval 05\_0136, the Bloomfield Coal Handling and Preparation Plant (CHPP) is approved to process up to 6.5 Mtpa ROM coal.

The approved operations at the Abel Underground Mine includes, amongst other things:

- Underground mining within Mining Lease (ML) 1618 in the Upper Donaldson Seam and Lower Donaldson Seam, using bord and pillar extraction methods.
- A mine layout developed in accordance with subsidence management commitments.
- Surface infrastructure facilities (e.g. ROM coal stockpiles) within a section of the Donaldson Open Cut Mine void.





- Ventilation shafts required for underground mining operations.
- Transportation of ROM coal via internal, sealed haul roads to the Bloomfield CHPP.
- The receipt of coal (via internal, sealed haul roads) at the Bloomfield CHPP from various sources, including the Tasman Underground Mine, Donaldson Open Cut and Bloomfield Colliery.
- Handling, processing and rail loadout of coal at the Bloomfield CHPP.
- Transportation of product coal to the Port of Newcastle via a privately-owned rail loop and spur and the Main North Railway.
- Disposal of fine and coarse reject material from the Bloomfield CHPP at the Bloomfield Colliery.
- An integrated water management system that incorporates aspects of the Abel Underground Mine, Donaldson Open Cut and Bloomfield Colliery water management systems.
- Ongoing surface monitoring, rehabilitation and remediation of subsidence effects.
- Other associated minor infrastructure, plant, equipment and activities.
- The extension of mining, using bord and pillar extraction, in a southern section of the Upper Donaldson Seam that overlies the Lower Donaldson Seam within ML 1618.
- Development of the modified mine layout to meet the existing approved subsidence management commitments.
- An extension of the mine life of approximately one year (i.e. until 31 December 2029).
- Increased annual ROM coal production of up to 6.1 Mtpa.
- An increase in the amount of ROM coal received from the Tasman Underground Mine (per annum and in total).
- Increased internal haulage of the ROM coal from the Abel Underground Mine and the Tasman Extension Project to the Bloomfield CHPP.
- Increased throughput of coal at the Bloomfield CHPP and rail loadout facility.
- Modifications and upgrades to the CHPP.
- Increased annual and total quantity of fine and coarse rejects from the Bloomfield CHPP disposed at the Bloomfield Colliery.
- Potential upgrades to the integrated water management system of the Abel Underground Mine, Donaldson Open Cut and Bloomfield Colliery.
- Construction and use of additional ventilation shafts.
- Development and use of in seam gas drainage infrastructure.
- Other associated minor infrastructure, plant, equipment and activities.

A general arrangement of the approved operations at the Abel Underground Mine is shown on Figure 2. The locations of the Bloomfield CHPP, Tasman Underground Mine, Donaldson Open Cut and Bloomfield Colliery are also shown on Figure 2.

### 1.3 MODIFICATION OVERVIEW

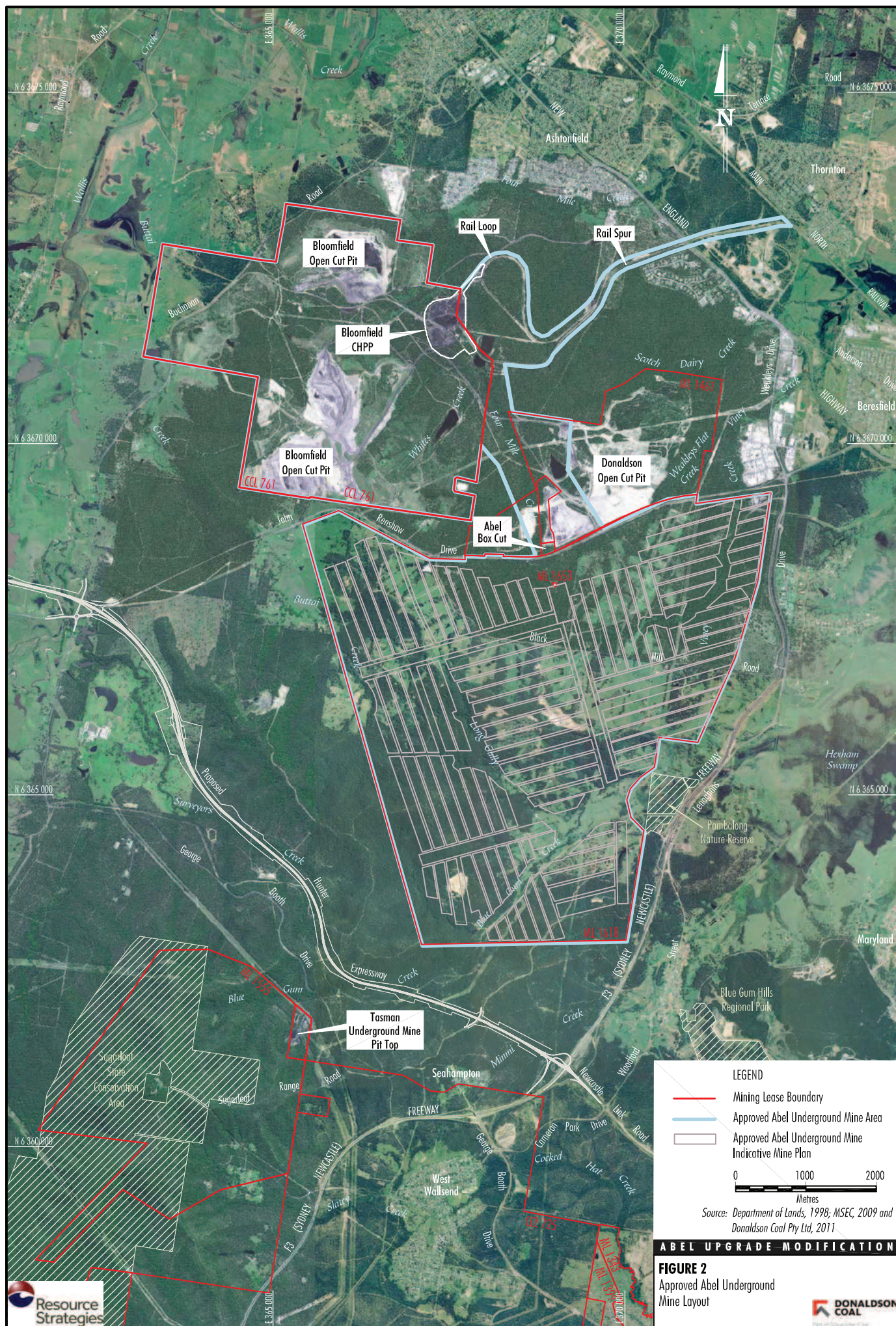
The proposed Modification to the Abel Underground Mine would involve the continuation of underground mining within the approved area (i.e. ML 1618) and the approved seams (Upper Donaldson and Lower Donaldson seams), using a combination of longwall, shortwall and bord and pillar mining. In addition, the Modification would involve the receipt of ROM coal associated with the Tasman Extension Project (subject to approval of the Tasman Extension Project [Application Number SSD-4962]).

The key components of the proposed Modification are summarised below:

- The introduction of longwall mining in a section of the Lower Donaldson Seam.
- The introduction of shortwall mining in a section of the Upper Donaldson Seam, and a section of the Lower Donaldson Seam.

Additional detail on each component of the Modification is provided in Section 3.







## 2 LOCAL AND REGIONAL CONTEXT

### 2.1 LOCATION AND MINING TENEMENTS

The existing Abel Underground Mine is located approximately 23 km north-west of the Port of Newcastle within ML 1618. The Bloomfield CHPP is located within Consolidated Coal Lease (CCL) 761.

The approved Abel Underground Mine area is shown on Figure 1. The Modification would not extend outside the approved Abel Underground Mine area.

The Abel Underground Mine area is within the Cessnock, Maitland and Newcastle Local Government Areas (LGAs) (Figure 1).

### 2.2 LAND USE AND BUILT FEATURES

The majority of ML 1618 comprises rural residential and areas of vegetated land. The majority of cleared land is used for grazing, commercial orchards land or lifestyle properties.

Existing and proposed development within ML 1618 includes:

- the localities of Black Hill and Stockrington;
- agricultural infrastructure including farm dams and irrigation systems;
- Black Hill Public School;
- Black Hill Church and cemetery;
- transmission lines owned by TransGrid and AusGrid;
- Hunter Water pipeline;
- Jemena natural gas pipeline;
- telecommunications infrastructure owned by Telstra and Optus;
- the Black Hill Quarry (Woodbury's Haulage and Earthmoving) and Stockrington Quarry (Daracon);
- John Renshaw Drive, Black Hill Road, Seahampton Road, Lings Road, Dog Hole Road, Browns Road and other minor roads; and
- the proposed Black Hill Employment Lands (MP10\_0093).

## 2.3 TOPOGRAPHY, WATER RESOURCES AND VEGETATION

ML 1618 is located within the lower section of the Hunter River catchment and comprises undulating ridge-affected terrain and shallow, slope wash filled gullies and foot slopes (Strata Engineering, 2006). The main topographic feature is Black Hill, which is an east-west trending ridge located near the centre of ML 1618. Topographic relief varies from approximately 210 metres (m) Australian Height Datum (AHD) at the top of Black Hill to approximately 0 m AHD within the wetlands associated with the Pambalong Nature Reserve to the east of ML 1618.

Buttai Creek, Viney Creek, Weakleys Flat Creek, Four Mile Creek and their tributaries drain northwards within ML 1618 from the Black Hill ridgeline. The Buttai Creek sub-catchment area drains north-westward into Wallis Creek. Weakleys Flat Creek and Viney Creek area drain northward into Woodberry Swamp. The Four Mile Creek sub-catchment area drains northward into more significant reaches of Four Mile Creek prior to entering the Hunter River.

Blue Gum Creek and its tributary Long Gully drain the southern side of the ridgeline eastwards towards Pambalong Nature Reserve and Hexham Swamp (which are located outside ML 1618). The watercourses in this area are generally ephemeral, however Blue Gum Creek would be expected to have at least a small baseflow for the majority of the year, including some minor seepage from near surface alluvium.

The most south-eastern portion of ML 1618 is within the Minmi Creek sub-catchment which drains eastward into Hexham Swamp.

The Bloomfield CHPP is located within the Four Mile Creek sub-catchment of the Hunter River.

Aquifers within ML 1618 are limited to alluvial aquifers associated with swamp, floodplain and estuarine sediments along Blue Gum Creek and deeper coal measure aquifers (Peter Dundon and Associates Pty Ltd, 2006). Groundwater in the alluvium associated with Blue Gum Creek, Pambalong Nature Reserve and Hexham Swamp is believed to be in direct hydraulic connection with the surface water in these wetlands (Peter Dundon and Associates Pty Ltd, 2006). There is believed to be limited interaction between deeper groundwater in the coal measures and both the surface water and groundwater associated with the alluvium (Peter Dundon and Associates Pty Ltd, 2006).



Vegetation within ML 1618 includes the Donaldson Open Cut Bushland Conservation Area and conservation lands proposed by Coal & Allied Industries Limited for the Minmi, Link Road North and South Residential Development (MP10\_0090) and the Black Hill Employment Lands (MP10\_0093). The deeper gullies, notably the Long Gully network and an unnamed gully to the south, support a sub-tropical rainforest community that is considered dependent on shallow groundwater.

### 3 MODIFICATION DESCRIPTION AND JUSTIFICATION

#### 3.1 PROPONENT

Donaldson Coal (ABN 87 073 088 945), a wholly owned subsidiary of Gloucester Coal Limited, is the proponent for the Modification. The contact details for Donaldson Coal are:

Donaldson Coal Pty Limited  
Level 7, 167 Macquarie Street  
SYDNEY NSW 2000  
Telephone: (02) 9220 9900

Further information on the proponent and its coal mining operations can be found at:

[www.gloucestercoal.com.au](http://www.gloucestercoal.com.au)

#### 3.2 PROJECT DESCRIPTION

The proposed Modification involves changes to the method of mining at the Abel Underground Mine to increase the efficiency of coal recovery within the existing approved area (i.e. ML 1618) and approved coal seams (i.e. Upper Donaldson Seam and Lower Donaldson Seam). The increase in the rate of coal recovery would result in an associated increase in the amount of coal processed at the Bloomfield CHPP.

In addition, there would be an increase in the amount of ROM coal from the Tasman Underground Mine received at the Abel Underground Mine and processed at the Bloomfield CHPP as a result of the proposed Tasman Extension Project (Application Number SSD-4962).

Table 1 provides a summary comparison of activities associated with the approved Abel Underground Mine and the Modification. Additional details of each of the main Modification features are discussed below.

##### ***Underground Mining and Subsidence Commitments***

The Abel Underground Mine is a bord and pillar mining operation, and is approved to mine within ML 1618 in the Upper Donaldson Seam and Lower Donaldson Seam. The area and seams currently approved to be mined are shown on Figure 3.

Bord and pillar operations at the Abel Underground Mine consist of:

- formation of main roadways (first workings);
- extraction of mining panels (second workings or secondary extraction); and
- extraction of main roadway pillars (second workings or secondary extraction).

The layout of the existing Abel Underground Mine has been developed to meet the following subsidence commitments:

- Mining limited to first workings beneath, and designed to ensure that mining causes no subsidence impacts requiring mitigation works on:
  - principal residences and other specified buildings (e.g. Black Hill Public School);
  - schedule 2 streams (i.e. 3rd order and above);
  - Blue Gum Creek alluvium; and
  - rainforest protection zones.
- Not more than 60% of coal seam extracted beneath identified cliff areas.
- Monitoring and management strategies for dams and other surface structures (e.g. quarries).

The Modification would involve the introduction of longwall and shortwall mining within some sections of the currently approved mining area and seams. These areas are shown on Figure 4.

An additional section of the Upper Donaldson Seam that overlies the Lower Donaldson Seam within ML 1618 would also be mined, using bord and pillar methods (Figure 4).

The mine layout for the Modification would be developed to meet the existing subsidence commitments detailed above. As part of these commitments, no longwall or shortwall mining is proposed beneath subsidence control zones that are currently limited to first workings.











**Table 1**  
**Overview of the Approved Abel Underground Mine and the Modification**

Development Component	Approved Abel Underground Mine	Modified Abel Underground Mine
Mining area	Mining within ML 1618.	No change.
Coal seams mined	Upper Donaldson Seam and Lower Donaldson Seam.	No change to the seams mined. Extension of mining, using bord and pillar methods, in a southern section of the Upper Donaldson Seam that overlies the Lower Donaldson Seam within ML 1618.
Mining method	Bord and pillar mining, including first workings (formation of main roadways and mining panels) and secondary workings (extraction of mining panel pillars and main roadway pillars).	Introduction of longwall mining (230 m wide void) and shortwall mining (120 m wide void) in some areas within ML 1618. Continuation of bord and pillar mining in all other areas.
Subsidence commitments and management	Mining limited to first workings beneath, and designed to ensure that mining causes no subsidence impacts requiring mitigation works on: <ul style="list-style-type: none"> <li>principal residences and other specified buildings (e.g. Black Hill Public School);</li> <li>schedule 2 streams (i.e. 3rd order and above);</li> <li>Blue Gum Creek alluvium; and</li> <li>rainforest protection zones.</li> </ul> Not more than 60% of coal seam is extracted beneath identified cliff areas. Monitoring and management strategies for dams and other surface structures (e.g. quarries).	No change to existing subsidence commitments.
Mine life	Mining approved until 31 December 2028.	Mining until 31 December 2029.
Total ROM coal	Total ROM coal production of up to approximately 55 Mt over the life of the mine.	Total ROM coal production of up to approximately 65 Mt over the life of the mine.
Annual ROM coal production	ROM coal production of up to approximately 4.5 Mtpa.	ROM coal production of up to approximately 6.1 Mtpa.
Surface infrastructure area and mine entry	Surface facilities (e.g. conveyor and ROM coal stockpile) located within a section of the Donaldson Open Cut Mine void.	No change.
ROM coal haulage	ROM coal transported from the ROM coal stockpile to the Bloomfield CHPP via a 4 km sealed, internal haul road.	No change to the internal haulage route. Increased haulage movement associated with increased ROM coal production.
Bloomfield CHPP	ROM coal from the Abel Underground Mine, Donaldson Open Cut, Tasman Underground Mine, Bloomfield Colliery and other sources processed at the Bloomfield CHPP.  Processing of up to 6.5 Mtpa ROM coal.	The Bloomfield CHPP would continue to receive coal from sources approved in the <i>Abel Underground Mine Part 3A Environmental Assessment</i> , with changes in volume in respect of coal received from the Abel Underground Mine and Tasman Underground Mine. Processing of up to approximately 8.9 Mtpa ROM coal. Modifications and upgrades to the CHPP to accommodate increased processing requirements.
Interaction with other mines	ROM coal from the Tasman Underground Mine transported to the Bloomfield Colliery CHPP using internal haul roads within the approved Abel Underground Mine area.  Receipt and processing of ROM coal from the Abel Underground Mine, Tasman Underground Mine, Donaldson Open Cut, Bloomfield Colliery and other sources at the Bloomfield CHPP.  Disposal of fine and coarse rejects from the CHPP at the Bloomfield Colliery.	Increased road haulage associated with increased ROM coal production from the Tasman Extension Project.  Increased receipt and processing of ROM coal associated with the Modification and the Tasman Extension Project.  Increased production of rejects associated with increased processing of ROM coal.

**Table 1 (Continued)**  
**Overview of the Approved Abel Underground Mine and the Modification**

<b>Development Component</b>	<b>Approved Abel Underground Mine</b>	<b>Modified Abel Underground Mine</b>
Product coal transportation	Transportation of product coal from the Bloomfield CHPP to the Port of Newcastle via a private rail loop and spur which connects to the Main North Railway.	No change to the transportation of product coal by rail.  Increased transportation of product coal and associated rail movements.
Reject management	Coarse and fine reject disposal at the Bloomfield Colliery.	No change to the method of reject disposal.  Increased reject material associated with increased coal processing at the CHPP.
Water management	On-site water management conducted in accordance with the following principles: <ul style="list-style-type: none"> <li>• separation of clean and dirty water;</li> <li>• minimisation of demand for fresh water supply by recycling water collected on the site;</li> <li>• storage of recycled water on-site to reduce water consumption during operation of the proposed development;</li> <li>• management and control of stormwater flows;</li> <li>• minimisation of sediment generation, soil erosion and transport off-site; and</li> <li>• minimisation of discharge from licensed discharged points.</li> </ul>	No change to water management principles.  Alternative options for disposal of excess water are currently being investigated by Donaldson Coal, and would be described and assessed as part of the Modification.
Mine ventilation and gas drainage	The Abel Underground Mine utilises both an upcast and a downcast ventilation shaft.  No gas drainage is conducted.	Additional ventilation shafts would be constructed for mining operations in the Lower Donaldson Seam.  Development and use of in seam gas drainage infrastructure may be required.
Hours of operation	Abel Underground Mine, Bloomfield CHPP and the rail loadout facility operate 24 hours per day, 7 days per week.	No change.
Operational workforce	Approximately 375 employees.	Approximately 25 additional operational employees.  Approximately 50 construction employees required for the modifications and upgrades to the Bloomfield CHPP.

### **ROM Coal Handling, Processing and Transport**

The Abel Underground Mine is currently approved to produce up to 4.5 Mtpa ROM coal.

ROM coal is conveyed to the surface infrastructure facilities located within a section of the Donaldson Open Cut Mine void. The ROM coal is then stockpiled and transported via internal haul roads to the Bloomfield CHPP, where it is processed and loaded onto trains for transport to the Port of Newcastle.

The increased efficiency of longwall and shortwall mining, and the additional coal recovered from the Upper Donaldson Seam, would result in an increase in annual ROM coal production to approximately 6.1 Mtpa. As such, there would be an associated increase in ROM coal handling, transport and processing. This would include increased rail movements on the private rail loop and spur and the Main North Railway.

### **Integration with Other Mines**

#### *Tasman Underground Mine*

The Tasman Underground Mine, located to the south-west of the Abel Underground Mine (Figure 1), was approved in 2004 (DA 274-9-2002) to produce a maximum of 975,000 tonnes per annum ROM coal. ROM coal from the Tasman Underground Mine is transported via public roads to the Abel Underground Mine, where it is transported via internal roads to the Bloomfield CHPP for processing and rail loadout.

The Newcastle Coal Company Pty Ltd, a wholly owned subsidiary of Donaldson Coal, is seeking approval for the Tasman Extension Project (Application Number SSD-4962), which involves an increase in ROM coal production to up to 1.5 Mtpa until approximately 2029.



As part of the Modification, ROM coal from the Tasman Extension Project would be received at the Abel Underground Mine (from John Renshaw Drive), and transported via internal roads to the Bloomfield CHPP for processing and rail loadout.

#### *Donaldson Open Cut*

The Donaldson Open Cut operates in accordance with Development Consent DA 98/01173 and 118/698/22 (File No. N97/00147), and is approved to operate until 31 December 2013.

The Donaldson Open Cut is located immediately to the north of ML 1618 within ML 1461 (Figure 2), and is owned and operated by Donaldson Coal. Aspects required for the operation of the Abel Underground Mine are located within ML 1461 (e.g. surface infrastructure facilities and part of the internal haul road), and are operated and approved in accordance with the Abel Underground Mine Project Approval (05\_0136).

In addition, elements of the Donaldson Open Cut water management system are integrated with the Abel Underground Mine water management system.

#### *Bloomfield CHPP*

The Bloomfield CHPP, located immediately north of the Donaldson Open Cut (Figure 2), is owned and operated by Bloomfield Collieries Pty Limited. In accordance with the Abel Underground Mine Project Approval (05\_0136), the Bloomfield CHPP is approved to process up to 6.5 Mtpa ROM coal.

As part of the Modification, the Bloomfield CHPP and associated handling and rail loadout infrastructure would be upgraded to process up to approximately 8.9 Mtpa ROM coal from the Modification, the Tasman Extension Project, the Bloomfield Colliery and other sources. It should be noted that the increased processing rate, and associated upgrades to the CHPP, would not occur until after the cessation of mining at the Donaldson Open Cut.

#### *Bloomfield Colliery*

The Bloomfield Colliery, located immediately to the north-west of ML 1618 within CCL 761 (Figure 2), is owned and operated by Bloomfield Collieries Pty Limited. In accordance with its Project Approval (07\_0087), the Bloomfield Colliery is approved to produce up to 1.3 Mtpa until 31 December 2021.

ROM coal from the Bloomfield colliery is transported to the Bloomfield CHPP for processing and rail loadout. All fine and coarse rejects from the Bloomfield CHPP are transported back to the Bloomfield Colliery for disposal in former underground workings and open cut voids in accordance with Abel Underground Mine Project Approval (05\_0136).

In addition, elements of the Bloomfield Colliery water management system are integrated with the Abel Underground Mine water management system.

The Modification would involve increased disposal of rejects at the Bloomfield Colliery associated with the increased processing of ROM coal at the Bloomfield CHPP.

### **Water Management**

In accordance with the Abel Underground Mine Project Approval (05\_0136), an integrated water management system exists between the Abel Underground Mine, Donaldson Open Cut and Bloomfield Colliery.

Excess water from the Abel Underground Mine is directed to the Donaldson Open Cut main water storage dam (Big Kahuna), along with surface runoff and groundwater seepage reporting to the Donaldson Open Cut pit.

Water stored in the Big Kahuna is used for the following purposes (listed in priority order):

- water supply for underground operating purposes; and
- dust suppression.

Excess water in the Big Kahuna is transferred to Lake Foster, which is the supply point for water for the Bloomfield CHPP. Alternative water supply for the Bloomfield CHPP is sourced from groundwater sources within the Bloomfield Colliery mining area (CCL 761).

Donaldson Coal's Environmental Protection Licence (EPL) 11080 includes licensed discharge to Four Mile Creek. The Bloomfield Colliery EPL 396 includes licensed discharge from Lake Forster.

To increase flexibility for its current operations, Donaldson Coal is currently investigating alternative water disposal options for excess water from the Abel Underground Mine and Donaldson Open Cut. These include:

- additional discharge of excess water via licensed discharge points;

- storage of water in the Donaldson Open Cut void;
- a contingency to discharge water from the site following treatment (options for brine disposal include on-site disposal or off-site transport by licensed contractors); and/or
- longer-term off-site options, which would be subject to separate approvals.

This investigation would account for the potential increase in excess water from the Abel Underground Mine associated with increased ROM coal production. This increased water production would potentially be offset by increased water consumption at the CHPP.

The preferred water management options would be assessed as part of the Modification.

### **Employment**

The Abel Underground Mine is approved to employ approximately 375 personnel. The Modification would increase employment by approximately 25 personnel. In addition, approximately 50 construction employees would be required for the modifications and upgrades to the Bloomfield CHPP.

## **3.3 PROJECT JUSTIFICATION OVERVIEW**

### **Alternatives Considered**

Alternatives to the proposed location, scale and mining methods have been considered by Donaldson Coal in the development of the Modification description.

An overview of the alternatives considered is provided in the points below:

- **Modification Location** – the location of the Abel Underground Mine is determined by the presence of coal seams able to be economically mined in the vicinity of the Abel Underground Mine. The extension of mining in the Upper Donaldson Seam results in greater recovery of coal resource.
- **Surface Facilities** – the Modification would continue to use the existing surface facilities, with modifications and upgrades to the Bloomfield CHPP, and as such, no alterations were considered.

- **Scale** – the Modification mining reserve is estimated at approximately 65 Mt of ROM coal within the Upper Donaldson Seam and the Lower Donaldson Seam with increased resource recovery in shortwall and longwall mining areas. Resource definition and exploration drilling conducted by Donaldson Coal indicates that this is the optimum scale for the Abel Underground Mine.
- **Mining Method** – a number of alternative mine layouts were considered by Donaldson Coal. The mining method described in Section 3.2 has been chosen to maximise resource recovery within the Upper Donaldson Seam and the Lower Donaldson Seam, whilst maintaining previous commitments regarding the management and mitigation of potential impacts to the environment and private/public property.

Further consideration of alternatives to location, scale, methods and management will be undertaken as a component of the EA for the Modification.

### **Modification Justification**

The Modification is a continuation of underground mining within the area (ML 1618) and seams currently approved for the Abel Underground Mine.

The proposed changes to the mining extraction methods and mining layout would increase resource recovery within the area and seams currently approved to be mined by the Abel Underground Mine, whilst maintaining previous commitments regarding the management and mitigation of potential impacts to the environment and private/public property. This increased resource recovery would result in the increased payment of royalties to the State and other tax payments.

The Modification would utilise existing surface facilities, with modifications and upgrades to the Bloomfield CHPP, thus minimising additional surface disturbance.

In addition, the Modification would result in an increase in the number of employees at the Abel Underground Mine and Bloomfield CHPP, as well as the employment of approximately 50 employees for the modification and upgrades to the CHPP and other associated infrastructure.

Justification of the Modification on social, environmental and economic grounds, including consideration of the principles of Ecologically Sustainable Development (ESD), will be included in the EA.

## 4 PLANNING CONSIDERATIONS

### 4.1 APPLICABILITY OF SECTION 75W OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The Abel Underground Mine was approved under Part 3A of the EP&A Act by the NSW Minister for Planning on 7 June 2007 (Project Approval 05\_0136) and therefore constitutes a “transitional Part 3A project” pursuant to the savings and transitional provisions in Schedule 6A of the EP&A Act.

Clause 3 of Schedule 6A provides that Part 3A of the EP&A Act continues to apply to and in respect of “transitional Part 3A projects” following its repeal. That is, Part 3A of the EP&A Act continues to apply to the Abel Underground Mine, notwithstanding its repeal.<sup>1</sup>

Approval for the Modification will be sought as a modification to the Abel Underground Mine Project Approval (05\_1036) under section 75W of the EP&A Act. Section 75W of the EP&A Act relevantly provides:

#### **75W Modification of Minister's approval**

(1) *In this section:*

**Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.

**modification of approval** means changing the terms of a Minister's approval, including:

- a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

(2) *The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*

(3) *The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*

(4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*

...

This document is in support of a request for the NSW Minister for Planning and Infrastructure's approval for the Modification, such that the Director-General can provide environmental assessment requirements pursuant to section 75W(3) of the EP&A Act.

### 4.2 PLANNING PROVISIONS

#### **State Environmental Planning Policies**

The following State Environmental Planning Policies (SEPPs) may be potentially relevant to the Modification:

- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP);*
- *State Environmental Planning Policy No. 33 (Hazardous and Offensive Development) (SEPP 33);*
- *State Environmental Planning Policy No. 44 - Koala Habitat Protection;*
- *State Environmental Planning Policy No. 55 (Remediation of Land); and*
- *Hunter Regional Environmental Plan 1989 (Heritage).*

Relevant provisions and objectives of the above SEPPs would be considered in the preparation of the EA.

#### **Local Environmental Plans**

The Abel Underground Mine is within the Cessnock, Newcastle and Maitland LGAs.

The Abel Underground Mine is located within lands covered by the *Newcastle Local Environmental Plan 2003* (Newcastle LEP), *Cessnock Local Environmental Plan 1989* (Cessnock LEP) and *Maitland Local Environmental Plan 1993* (Maitland LEP). The relevant Local Environmental Plans are discussed further in Attachment A.

<sup>1</sup> Part 3A of the EP&A Act (as in force immediately before its repeal) continues to apply for the Abel Underground Mine. The description and quotations of relevant references to clauses of Part 3A in this document are as if Part 3A of the EP&A Act is still in force.



In addition, a *Draft Newcastle Local Environmental Plan 2011* (Draft Newcastle LEP), *Draft Cessnock Local Environmental Plan 2010* (Draft Cessnock LEP) and *Draft Maitland Local Environmental Plan 2011* (Draft Maitland LEP) are currently in preparation and may be gazetted prior to determination of the Modification. The Draft Local Environmental Plans will be addressed in the EA.

#### **4.3 PERMISSIBILITY OF THE PROJECT**

Attachment A describes the permissibility of the Modification under the Newcastle LEP, Cessnock LEP and Maitland LEP.

The effect of the Mining SEPP is that notwithstanding any prohibition in the Local Environmental Plans, the Modification may be carried out with development consent.

## 5 PRELIMINARY ENVIRONMENTAL ASSESSMENT

The following Preliminary Environmental Assessment has been prepared to identify the key potential environmental issues associated with the construction and operation of the Modification. This information has been prepared to assist the DP&I with the issuing of the DGRs for the Modification pursuant to section 75W(3) of the EP&A Act.

This Preliminary Environmental Assessment has drawn on:

- the environmental risk assessment conducted for the *Abel Underground Mine Part 3A Environmental Assessment* (Donaldson Coal, 2006);
- experience from key environmental management and impact assessment issues at the Abel Underground Mine and Bloomfield CHPP;
- understanding of the local and regional context (Section 2) and the Modification (Section 3);
- feedback from stakeholder consultation undertaken to date (Section 6); and
- the outcomes of a preliminary risk assessment.

The preliminary risk assessment was undertaken in general accordance with the draft *Proponent's Guide: Preparing Part 3A Applications Guidelines* (NSW Department of Planning, 2011) and the previous NSW Department of Infrastructure, Planning and Natural Resources (DIPNR) guideline (DIPNR, 2005).

The preliminary risk assessment involved the following:

1. **Identification of Potential Issues** – Identification of likely key environmental issues of relevance to the Modification including: physical or biological aspects of the environment; natural or community resources; environmentally sensitive areas; areas allocated for conservation purposes; and areas sensitive because of community factors.

2. **Identification of Key Potential Environmental Issues** – For the key issues, consideration of the extent of the potential impacts; the nature of the potential impacts; and the potential impacts on environmentally sensitive areas.
3. **Preliminary Consideration of the Study Requirements** – Consideration of the level and scope of assessment that would be required for each key issue within the EA.

The key environmental issues identified by the preliminary risk assessment are provided in Table 2, along with a preliminary list of study requirements to address these issues. Specialist environmental consultants will be commissioned to conduct the studies outlined in Table 2, and independent peer reviews will be conducted for key studies.

In addition to the study requirements outlined in Table 2, the subsidence assessment will demonstrate that existing subsidence commitments can be achieved with the modified mine layout. A specialist review of the impacts on biodiversity will also be conducted.

Assessment of the key potential environmental issues (Table 2) and the other potential impacts identified above would include consideration of:

- existing environment using sufficient baseline data;
- potential impacts of all stages of the Modification, including any cumulative impacts and comparison with approved potential impacts of the Abel Underground Mine;
- measures that could be implemented to avoid, mitigate, rehabilitate/remediate, monitor and/or offset the potential impacts of the Modification; and
- contingency plans and/or adaptive management for managing any potentially significant residual risks to the environment.

The assessments of potential impacts would consider relevant policies, guidelines and plans included in contemporary DGRs for mining projects. Therefore, these policies, guidelines and plans have not been repeated within this document.

**Table 2**  
**Key Potential Environmental Issues and Proposed Level and Scope of Environmental Assessment**

<b>Key Potential Environmental Issue</b>	<b>Likely Extent and Nature of Potential Impacts</b>	<b>Proposed Level and Scope of Environmental Assessment</b>
Subsidence impacts on built features.	<ul style="list-style-type: none"> <li>Potential subsidence impacts on built features overlying the mining area (e.g. telecommunication infrastructure, electricity transmission lines, quarries and dams).</li> </ul>	<ul style="list-style-type: none"> <li>An assessment of potential changes in subsidence effects associated with the modified mining methods and mining layout.</li> <li>Assessment of potential subsidence impacts on built features (including quarries) in consultation with relevant infrastructure owners.</li> <li>Iterative mine design process to avoid or minimise potential subsidence impacts in accordance with existing commitments.</li> </ul>
Groundwater impacts related to underground mining and subsidence effects.	<ul style="list-style-type: none"> <li>Potential depressurisation of coal seam aquifers and shallow perched aquifers as a result of underground mining.</li> <li>Potential impacts on groundwater users in the vicinity of the Abel Underground Mine.</li> <li>Potential reduction in baseflow contributions to local watercourses.</li> <li>Potential impacts on groundwater dependent ecosystems are unlikely due to existing subsidence commitments.</li> </ul>	<ul style="list-style-type: none"> <li>Assessment of potential changes in fracture porosity and permeability of strata overlying the mine workings.</li> <li>Groundwater assessment, including a regional, numerical groundwater model.</li> <li>Assessment of potential impacts on groundwater users and baseflow contributions to local watercourses.</li> </ul>
On-site water management.	<ul style="list-style-type: none"> <li>Increased production of water from underground mining associated with the increased production rate of ROM coal.</li> <li>Potential impacts to downstream water quality.</li> </ul>	<ul style="list-style-type: none"> <li>A detailed site water balance, incorporating the Abel Underground Mine, Bloomfield CHPP, Donaldson Open Cut and Bloomfield Colliery.</li> <li>Investigation of alternative methods for disposing excess water in addition to licensed discharge (note that this investigation has already commenced), including: <ul style="list-style-type: none"> <li>storage of water in the Donaldson Open Cut void;</li> <li>a contingency to discharge water from the site following treatment; and/or</li> <li>other longer-term options (which would be subject to separate approvals).</li> </ul> </li> <li>An ecotoxicity assessment, should a change in the discharge criteria for excess water via licensed discharge points be required.</li> <li>Assessment of potential impacts on any terrestrial and aquatic species, populations, ecological communities and their habitats.</li> </ul>



**Table 2 (Continued)**  
**Key Potential Environmental Issues and Proposed Level and Scope of Environmental Assessment**

Key Potential Environmental Issue	Likely Extent and Nature of Potential Impacts	Proposed Level and Scope of Environmental Assessment
Subsidence impacts on Aboriginal heritage.	<ul style="list-style-type: none"> <li>Potential impacts associated with subsidence impacts.</li> <li>Subsidence impacts expected to be similar to those already approved.</li> </ul>	<ul style="list-style-type: none"> <li>A comprehensive Aboriginal Heritage Assessment was conducted for the <i>Abel Underground Mine – Part 3A Environmental Assessment</i> with reference to the draft <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> (NSW Department of Environmental and Conservation [DEC], 2004a) and <i>Interim Community Consultation Requirements for Applicants</i> (DEC, 2004b).</li> <li>Based on advice with the DP&amp;I, targeted assessment and consultation would be conducted.</li> <li>Assessment of potential impacts on recorded and likely Aboriginal sites in consultation with previously registered Aboriginal groups.</li> <li>Inspections targeted at areas in which the mining method is changing from bord and pillar to either short wall or longwall. Surveys to include participation by the previously registered Aboriginal groups.</li> <li>Inspections targeted at areas (e.g. creeks and cliff lines) with a higher potential of containing sites more susceptible to subsidence impacts (e.g. grinding sites and sandstone overhangs).</li> <li>As per approved Abel Underground Mine and approved Subsidence Management Plans (SMPs), commit to undertake additional surveys across all SMP areas prior to mining in consultation with the Aboriginal community.</li> <li>As per existing commitments, commit to modify the mine plan to avoid subsidence impacts to grinding grooves and/or sandstone overhangs.</li> </ul>
Noise at nearby private receivers.	<ul style="list-style-type: none"> <li>Potential noise impacts associated with the increased transport of ROM coal from the Abel Underground Mine and Tasman Extension Project.</li> <li>Potential noise impacts associated with increased handling, processing and rail loadout of coal at the Bloomfield CHPP.</li> <li>Potential noise impacts associated with increased rail movements on the private rail spur.</li> <li>Potential cumulative noise impacts associated with the Abel Underground Mine and operations at the Bloomfield Colliery.</li> </ul>	<ul style="list-style-type: none"> <li>Assessment of potential noise impacts, including the development of a predictive noise model.</li> <li>Quantification of the requirement for additional rail movements, and assessment of associated potential impacts.</li> <li>Assessment of the effectiveness of existing management measures and identification of any necessary additional management measures.</li> </ul>

**Table 2 (Continued)**  
**Key Potential Environmental Issues and Proposed Level and Scope of Environmental Assessment**

<b>Key Potential Environmental Issue</b>	<b>Likely Extent and Nature of Potential Impacts</b>	<b>Proposed Level and Scope of Environmental Assessment</b>
Air quality impacts at nearby private receivers.	<ul style="list-style-type: none"> <li>Potential air quality impacts associated with the increased transport of ROM coal from the Abel Underground Mine and Tasman Extension Project.</li> <li>Potential air quality impacts associated with increased handling, processing and rail loadout of coal at the Bloomfield CHPP.</li> <li>Potential cumulative air quality impacts.</li> </ul>	<ul style="list-style-type: none"> <li>Assessment of potential air quality impacts, including the development of a predictive air quality model.</li> <li>Quantification of the requirement for additional rail movements, and assessment of associated potential impacts.</li> <li>Assessment of the effectiveness of existing management measures and identification of any necessary additional management measures.</li> </ul>
Disposal of reject material from the CHPP.	<ul style="list-style-type: none"> <li>Potential impacts associated with increased production of rejects from the Bloomfield CHPP.</li> </ul>	<ul style="list-style-type: none"> <li>A detailed material balance to confirm the availability of the disposal of reject material at the Bloomfield Colliery.</li> </ul>
Positive impacts on the regional and NSW economy.	<ul style="list-style-type: none"> <li>An increase in employment from approximately 375 personnel to approximately 400 personnel.</li> <li>Flow-on effects to the regional and NSW economy.</li> <li>Employment of approximately 50 construction personnel.</li> <li>Continued payment of royalties to the State and other tax payments.</li> </ul>	<ul style="list-style-type: none"> <li>Socio-Economic Assessment of potential impacts on the regional and NSW community and economy, including a cost-benefit analysis.</li> <li>Project justification, including consideration of alternatives, principles of ESD and the objects of the EP&amp;A Act.</li> </ul>

## 6 STAKEHOLDER CONSULTATION

### 6.1 STAKEHOLDER CONSULTATION UNDERTAKEN TO DATE

Donaldson Coal has discussed the Modification with DP&I periodically prior to, and during the development of this request for DGRs since late 2009. Recent consultation with DP&I in December 2011 indicated that section 75W was an appropriate approval mechanism for the Modification.

Community consultation undertaken to date in relation to the Modification has included:

- Consultation with the Abel Underground Mine Community Consultative Committee (CCC) regarding the mining design process and Modification in August 2011, October 2011 and November 2011.
- Distribution of an information leaflet to all residents within and surrounding ML 1618 and Donaldson Coal employees in November 2011 providing background information on the Modification and giving notice of community information sessions.
- Community information sessions on the afternoon and evening of 6 December 2011 and the evening of 7 December 2011 to allow members of the local community with an interest in the Modification to have one-on-one discussions with Donaldson Coal representatives. Twenty-seven members of the local community attended the community information sessions.
- Provision of Modification information on the Gloucester Coal Limited website, including the CCC meeting minutes and the information leaflet.

### 6.2 STAKEHOLDER ENGAGEMENT PROGRAMME

A stakeholder engagement programme has been developed for the Modification. Key objectives of this programme are to:

- inform government and public stakeholders about the progress and nature of the Modification;
- recognise and respond to local interest or concerns regarding the Modification; and
- continue the ongoing dialogue between Donaldson Coal and stakeholders that has occurred since the commencement of the Abel Underground Mine.

The programme includes the use of a variety of consultation mechanisms which in summary include actions such as:

- public exhibition of key documents (e.g. this document and the EA);
- continued consultation with the local community via:
  - information provided to the Abel Underground Mine CCC;
  - distribution of community information leaflets; and
  - community information sessions;
- provision of information about the Modification on the Gloucester Coal Limited website;
- consultation with relevant infrastructure owners in the underground mining area;
- consultation with Aboriginal groups, including meetings; and
- meetings with relevant government agencies.

The consultation would include, but not necessarily be limited to, the following government agencies and authorities:

- DP&I;
- NSW Office of Environment and Heritage (including Environment Protection Authority);
- NSW Office of Water;
- Division of Resources and Energy;
- Mine Subsidence Board;
- Cessnock City Council;
- Maitland City Council; and
- Newcastle City Council.

Comprehensive consultation with Aboriginal stakeholders was conducted in accordance with the *Interim Community Consultation Requirements for Applicants* (DEC, 2004b) as part of the Aboriginal Heritage Assessment prepared for the *Abel Underground Mine – Part 3A Environmental Assessment*.

Consultation would be undertaken with previously registered Aboriginal stakeholders as part of the development of the Aboriginal cultural heritage assessment for the Modification (e.g. involvement in targeted field surveys, provision of advice regarding cultural significance and review of proposed management and mitigation measures).

The issues raised and outcomes of the consultation programme will be reported in the EA.



## 7 REFERENCES

- Department of Environmental and Conservation  
(2004a) *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*.
- Department of Environmental and Conservation  
(2004b) *Interim Community Consultation Requirements for Applicants*.
- Department of Infrastructure, Planning and Natural Resources (2005) *Draft Guideline: What is the Level and Scope of Assessment for Major Projects? Preliminary Assessment*.
- Department of Planning (2011) *Draft Proponent's Guide: Preparing Part 3A Applications*.
- Donaldson Coal Pty Limited (2006) *Abel Underground Mine Part 3A Environmental Assessment*.
- Peter Dundon and Associates Pty Ltd (2006) *Abel Coal Project Groundwater Assessment*.  
Appendix G of Donaldson Coal Pty Ltd (2006) *Abel Underground Mine Part 3A Environmental Assessment*.
- Strata Engineering (2006) *Abel Underground Mine – Mine Subsidence Impact Assessment for the Proposed Mine Layout and Extraction*.  
Appendix E of Donaldson Coal Pty Ltd (2006) *Abel Underground Mine Part 3A Environmental Assessment*.

ATTACHMENT A

RELEVANT LOCAL ENVIRONMENTAL PLANS

## **A1 CESSNOCK LOCAL ENVIRONMENTAL PLAN 1989**

The portion of the Abel Underground Mine area within the Cessnock Local Government Area (LGA) includes land zoned under the *Cessnock Local Environmental Plan 1989* (Cessnock LEP) as Zone 1(a) (Rural “A”).

Mining is permissible with consent on lands within Zone 1(a) (Rural “A”) under the Cessnock LEP as “mines” is not listed as a prohibited use in the zoning table. Therefore, all development for the purpose of the Modification would be permissible under the Cessnock LEP.

## **A2 NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2003**

The portion of the Abel Underground Mine area within the Newcastle LGA includes land zoned under the *Newcastle Local Environmental Plan 2003* (Newcastle LEP) as Zone 7(c) (Environmental Investigation Zone).

Mining is permissible with consent on lands within Zone 7(c) (Environmental Investigation Zone) under the Newcastle LEP. Therefore, all development for the purpose of the Modification would be permissible under the Newcastle LEP.

## **A3 MAITLAND LOCAL ENVIRONMENTAL PLAN 1993**

The portion of the Abel Underground Mine area within the Maitland LGA includes land zoned under the *Maitland Local Environmental Plan 1993* (Maitland LEP) as Zone 1(b) (Secondary Rural) and Zone 4(b) (Light Industrial). The portion of the Abel Underground Mine area within the Maitland LGA includes the rail loop and spur and northern section of Bloomfield Colliery where tailings may be disposed.

Mining is permissible with consent on lands within Zone 1(b) (Secondary Rural) under the Maitland LEP as “mining” is not listed as a prohibited use in the zoning table.

A portion of the existing rail spur is located on lands within Zone 4(b) (Light Industrial) under the Maitland LEP. Within Zone 4(b) (Light Industrial), mining is permissible with consent as “mining” is not listed as a prohibited use in the zoning table, however “offensive industry” is prohibited. The rail spur is potentially “offensive” as defined under the Maitland LEP.

Clause 4 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)* 2007 (Mining SEPP) relevantly provides:

### **4 Land to which Policy applies**

*This Policy applies to the State.*

Clause 5(3) of the Mining SEPP gives it primacy where there is any inconsistency between the provisions in the Mining SEPP and the provisions in any other environmental planning instrument (subject to limited exceptions).

The practical effect of clause 5(3) for the Project is that if there is any inconsistency between the provisions of the Mining SEPP and those contained in the Maitland LEP, the provisions of the Mining SEPP will prevail.

Clauses 6 and 7 of the Mining SEPP provide what types of mining development are permissible without development consent and what types are permissible only with development consent.

In this regard, clause 7(1) of the Mining SEPP states:

### **7 Development permissible with consent**

#### **(1) Mining**

*Development for any of the following purposes may be carried out only with development consent:*

...

- (d) *facilities for the processing or transportation of minerals or mineral bearing ores on land on which mining may be carried out (with or without development consent), but only if they were mined from that land or adjoining land,*

...

The rail spur is on land which mining may be carried out with development consent under the Maitland LEP and is used for the transportation of coal mined from the immediately adjoining areas.

The effect of clause 7(1)(d), in conjunction with the operation of clause 5(3) of the Mining SEPP, is that notwithstanding any potential prohibition in the Maitland LEP, facilities for the transportation of coal may be carried out with development consent.



# Request to modify a major project



NSW GOVERNMENT  
Department of Planning

Date duly made: \_\_\_\_/\_\_\_\_/\_\_\_\_

Modification No. \_\_\_\_\_

## 1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

### Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

### Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning  
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000  
GPO Box 39 SYDNEY NSW 2001  
Phone 1300 305 695

## 2. Details of the proponent

Company/organisation/agency

Donaldson Coal Pty Ltd

ABN

87 073 088 945

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Doug

Family name

Gordon

Position

General Manager - Surface Operations

STREET ADDRESS

Unit/street no.

Level 7, 167

Street name

Macquarie Street

Suburb or town

Sydney

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

As above

Suburb or town

State

Postcode

Daytime telephone

(02) 9220 9900

Fax

(02) 9220 9999

Mobile

Email

[gcl@gloucestercoal.com.au](mailto:gcl@gloucestercoal.com.au)

### 3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

via John Renshaw Drive

Suburb, town or locality

Black Hill, NSW

Postcode

2322

Local government area(s)

Cessnock, Newcastle and Maitland

State Electorate(s)

Cessnock, Wallsend and Maitland

REAL PROPERTY DESCRIPTION

Refer Appendix 1 of Project Approval 05\_0136

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

**MAP: A map of the site and locality should also be submitted with this request.**

### 4. Details of the original major project or concept plan

Briefly describe what the original approval allows

Establishment of an underground coal mine south of the existing Donaldson open cut mine, involving the construction and operation of new mine surface facilities within the existing Donaldson open cut and the construction and operation of a new underground mine off the existing highwall.

What was the original project application no.?

05\_0136

What was the date of the approval?

07/07/2007

What was the original application fee?

\$105,171.50

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

### 5. Describe the modification you propose to make to the development

Describe the proposed modification

The proposed Abel Upgrade Modification involves changes to the method of mining at the Abel Underground Mine to increase the efficiency of coal recovery within the existing approved area (ML 1618) and approved coal seams (Upper Donaldson Seam and Lower Donaldson Seam). The increase in the rate of coal recovery would result in an associated increase in the amount of coal processed at the Bloomfield Coal Handling and Processing Plant.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

#### ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

To be advised

#### FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE)

50

Operational jobs (FTE)

25 additional

### 6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

Not required - Clause 8F of the Environmental Planning and Assessment Regulation, 2000 applies.

Land

Signature

Name

Date

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

### 7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

☒ Yes

☐ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).



## 8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

Doug Gordon

Date

19/12/11

In what capacity are you signing if you are not the proponent

Name, if you are not the proponent

# Political donations disclosure statement



NSW GOVERNMENT  
Department of Planning

Office use only:

Date received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning application no. \_\_\_\_\_

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning and Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

## Explanatory information

### Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

### How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation is made.

### What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

**Warning:** A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.

Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

## Glossary of terms (under section 147 of the *Environmental Planning and Assessment Act 1979*)

**gift** means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

**gift** means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

**local councillor** means a councillor (including the mayor) of the council of a local government area.

**relevant planning application** means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
  - b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
  - c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
  - d) an application for development consent under Part 4 (or for the modification of a development consent), or
  - e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application,
- but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
  - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
  - h) any other application or request that is excluded from this definition by the regulations.

**relevant period** is the period commencing 2 years before the application or submission is made and ending when the application is determined.

**relevant public submission** means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

**reportable political donation** means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

### 86 Meaning of "reportable political donation"

- (1) For the purposes of this Act, a reportable political donation is:
  - (a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
  - (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
    - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
    - (ii) made to the major political donor.
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

**a person has a financial interest** in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

**persons are associated with each other** if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.



# Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

<b>Disclosure statement details</b>				
Name of person making this disclosure  Doug Gordon	Planning application reference (e.g. DA number, planning application title or reference, property address or other description)  05_0136			
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT	YES / NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO			
<b>Reportable political donations made by person making this declaration or by other relevant persons</b>				
<p>* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).</p> <p>* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</p> <p>* If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.</p>				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
NO REPORTABLE POLITICAL DONATIONS TO DECLARE				
Please list all reportable political donations—additional space is provided overleaf if required.				
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.				
Signature(s) and Date				
Name(s)				

Cont...

## Political Donations Disclosure Statement to Minister or the Director-General

Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation