

Notice of decision

Bulga Coal Complex Modifications (SSD-4960 MOD 3 and DA376-8-2003)

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-4960 Mod 3 – Bulga Optimisation Project - Modification 3 DA376-8-2003 Mod 7 – Bulga Underground Modification 7
Applicant	Bulga Coal Management Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director – Energy, Resources and Compliance, under delegation from the Minister for Planning and Public Spaces has, in accordance with section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act) modified the consents subject to the recommended conditions.

A copy of the Department of Planning & Environment's assessment report and instruments of modification are available at <https://www.planningportal.nsw.gov.au/major-projects/project/16841>.

Date of decision

16 July 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act, including the objects of the Act;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- applicable NSW Government guidelines and policies;
- all information submitted with the modification application during the assessment of the application;
- advice from NSW Government agencies and Singleton and Muswellbrook Shire Councils;
- the submissions received during the public exhibition of the modification application from 3 October to 4 November 2019 (see Attachment 1); and
- the findings and recommendations in the Department's Assessment Report.

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for approving the modification are as follows:

- the modifications would enable the extraction of an additional 63 Mt of coal resource within an area that has been predominantly disturbed by previous mining operations;
- the modifications would continue to provide ongoing social and economic benefits to the Hunter Region and would deliver broader economic and social benefits to the people of NSW through the payment of mining royalties;
- the impacts on the community and the environment are similar to the existing operations and can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and guidelines;
- none of the NSW Government agencies objected to the project;
- the issues raised by the community during consultation and in submissions have been considered and where necessary have been addressed through changes to the existing conditions of consent; and
- weighing all relevant considerations, the modifications are in the public interest, subject to imposing strict conditions of consent

Attachment 1 – Consideration of Community Views

The Department exhibited the modifications from 3 October to 4 November 2019 and received 2 public submissions objecting to the modifications. Comments were also received from Singleton and Muswellbrook Shire Councils.

The table below includes a summary of how key issues raised by the community were taken into consideration.

Table 1 – Community Views

<i>Issue</i>	<i>Consideration</i>
<i>Biodiversity</i> Clearing of native vegetation	<i>Assessment</i> - The modifications would clear 16.4 hectares of remnant native vegetation consistent with the <i>Central Hunter Grey Box-Ironbark Woodland in New South Wales North Coast and Sydney Basin Bioregions</i>, listed as an endangered ecological community (EEC) under the <i>NSW Biodiversity Conservation Act 2016</i> (BC Act) and Critically EEC under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). The proposed clearing of this EEC/CEEC would reduce the overall regional extent of the community by 0.044 percent. - BCM has committed to offset the direct impacts to the vegetation communities through the provision of a land-based biodiversity offset secured in perpetuity, in accordance with the <i>NSW Framework for Biodiversity Assessment</i> and the EPBC Act. <i>Conditions / response</i> - The retirement of ecosystem credits in accordance with the Biodiversity Offsets Scheme of the BC Act. - Biodiversity impacts would continue to be managed under the site's Biodiversity Management Plan in consultation with BCD.
<i>Coal extraction</i> Climate change impacts associated with coal use	<i>Assessment</i> - Scope 3 greenhouse gas (GHG) emissions, generated primarily by product transport and the use of coal products, would form approximately 96 per cent of GHG emissions from the modifications. Only around 4% of the GHG emissions associated with the proposed modifications are related to on-site energy use and fugitive emissions (Scope 1 & 2). - The modifications would increase Scope 1 GHG emissions by 22.25 per cent and Scope 2 GHG emissions by 36.77 per cent, and Scope 3 by 28.04 per cent in comparison to the existing approved emissions. - Overall, the Department considers that the predicted increases in greenhouse gas emissions are acceptable, noting that the majority of the coal would be exported overseas for energy production and steel manufacturing and therefore accounted for in those countries in accordance with international agreements. <i>Conditions / response</i> - Revised conditions to update the project Air Quality and Greenhouse Gas Management Plan, incorporating best practice management measures to reduce GHG emissions and improve energy efficiency.
<i>Air quality</i> - Re-disturbing rehabilitated land - Cumulative air quality impacts	<i>Assessment</i> - The proposed modification would not result in any exceedance of contemporary air quality limits with the exception of one residential receiver. - BCM would continue to implement a comprehensive Air Quality Management Plan for the Complex, which includes a range of proactive and reactive measures to minimise air quality impacts. - The predicted emissions from the proposed modifications would not significantly elevate air pollutant levels above those already experienced in the vicinity of the Bulga complex, and any potential risks could be minimised through the continued use of daily meteorological forecasting to guide mining operations in adverse conditions. <i>Conditions / response</i> - Afford rights to mitigation and acquisition upon request to the additional private receiver. - Revise existing conditions to impose stricter air quality criteria consistent with the updated air quality policy, updating the consents to reflect the EPA's current standards for particulate matter (PM₁₀, PM_{2.5}) and dust deposition.

<i>Issue</i>	<i>Consideration</i>
<i>Social</i> • Impact on surrounding community • Mine closure planning	<i>Assessment</i> • The Department notes that the modifications would result in incremental social impacts relative to the existing approved operations, primarily due to the 4 year extension in the life of the open cut mine. • However, the modifications would also generate social benefits through continuing employment and economic benefits to the Hunter Region and the people of NSW through the payment of mining royalties, with minimal changes in environmental or amenity impacts. • The Department is satisfied the proposed conceptual final landform and land use capabilities are appropriate, maintain the intention of the existing approval and do not preclude the consideration of appropriate future land uses following completion of mining operations and rehabilitation of the site <i>Conditions / response</i> • Contemporary conditions to strengthen the consideration of mine closure planning and future land uses, including the preparation of a Rehabilitation Strategy to guide the progressive development and periodic review of rehabilitation, final landform and land use outcomes for the Complex, in consultation with Singleton Shire Council.