

Notice of decision

Charbon Coal Project – Modification 2

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	08_0211 MOD 2 – Charbon Coal Project – Modification 2
Applicant	Charbon Coal Pty Limited
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director – Resource Assessments, under delegation from the Minister for Planning and Public Spaces has, under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

The instrument of modification, conditions, and the Department of Planning, Industry & Environment's assessment report are available at <https://www.planningportal.nsw.gov.au/major-projects/project/32616>.

Date of decision

20 August 2021

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 and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification, including advice provided by government agencies; and
- the views of the community about the project (see Attachment 1).

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 granting the modification are as follows:

- the modification would assist in enhancing rehabilitation outcomes for Charbon Colliery and allow Airly Mine to maintain production during dry periods;
- the modification is permissible with consent, and is consistent with NSW Government policies;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. This includes managing acid mine drainage through the design and installation of a suitable capping layer over coarse coal reject emplacement areas and limiting the hours of rail movements and rehabilitation activities to minimise potential noise impacts;
- the issues raised during consultation have been considered and adequately addressed through recommended conditions of consent; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 8 to 21 October 2020 (14 days) and received no submissions from the public and organisations.