

Notice of decision – Dargues Gold Mine (10_0054 MOD 4)

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	Dargues Gold Mine (10_0054 MOD 4)
Proponent	Big Island Mining Pty Ltd
Approving Authority	Minister for Planning and Public Spaces

Decision

The Executive Director of Resource Assessments and Business Systems under delegation from the Minister for Planning and Public Spaces has, under 4.56 of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the approval subject to the recommended conditions.

A copy of the instrument of modification and conditions as modified is available [here](#).

A copy of the Department of Planning & Environment's assessment report is available [here](#).

Date of decision

23 May 2019

Reasons for decision

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

- the relevant matters listed in Section 4.15 and Section 4.56 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*;
- all information submitted to the Department during the assessment of the modification application;
- the findings and recommendations in the Department's Assessment Report; 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 authorised by the consent (as last modified under section 75W).

The key reasons for granting approval to the modification application are as follows:

- the consent authority considers that the project approval, as modified, remains generally consistent with the project as approved;
- the modification would improve the efficiency and operation of the approved Dargues Gold Mine and reduce its associated biodiversity, air quality and noise impacts;
- the modification is permissible with consent, and is consistent with NSW Government policies, including Section 4.56 of the Act;
- 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, including biodiversity and Aboriginal heritage impacts;
- the issues raised by the community during consultation related largely to the approved project and any residual impacts are adequately protected by the existing conditions of approval; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from Wednesday 5 December 2018 until Wednesday 19 December 2018 (14 days) and received 9 public submissions, including 7 objections, and 2 in support of the project.

<i>Issue</i>	<i>Consideration</i>
<p><i>Visual impact</i></p> <ul style="list-style-type: none"> Impacts of the new crossing over the Spring Creek on the neighbouring properties and village of Majors Creek. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The project site is visible from residences to the south-east, south and south-west and from the users of Majors Creek Road. The approved project is subject to conditions requiring Big Island Mining Pty Ltd to minimise and mitigate any visual impacts of the project, including the implementation of vegetation screening. Notwithstanding the anticipated minor visual impacts from the proposed modification, the existing approval also requires Big Island Mining Pty Ltd to limit the visibility of operational areas from nearby residences and Majors Creek Road. This includes considering any reasonable request by a potentially affected resident to mitigate the visual impacts of any project related operations during the life of the project. With the implementation of appropriate mitigation measures in accordance with the existing project approval, the Department considers that the visual impacts of the proposed modification activities on surrounding residences or road users would not be significant. <p><i>Conditions/Response</i></p> <p>Comply with the existing conditions and no additional conditions are required.</p>
<p><i>Applicant's commitments</i></p> <ul style="list-style-type: none"> Concerns around Applicant's commitments from the existing approval. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The project approval is subject to a comprehensive range of strict conditions, relating to the environment, heritage and community consultation. The existing conditions require the Applicant to carry out the project generally in accordance with the statement of commitments and in accordance with the conditions of the project approval, with the conditions prevailing over the statement of commitments. The modification application does not seek to change the Applicant's statement of commitments. <p><i>Conditions/Response</i></p> <p>Comply with the existing conditions and no additional conditions are required.</p>
<p><i>Overall merits of mining developments</i></p> <ul style="list-style-type: none"> Impacts on climate change and merits of mining developments in general. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The merits of the project, including its economic, social and environmental impacts, were fully considered in accordance with the Act when the project was approved by the NSW Land and Environment Court in 2012. The modification does not change any aspects of mining (including mining area, rates and methods). The Applicant is already required to implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site. <p><i>Conditions/Response</i></p> <p>No additional conditions are required.</p>