

Notice of decision

Maules Creek Coal Mine – Modification 7 (10_0138 Mod 7)

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	MP10_0138 Mod-7 Maules Creek Coal Mine Modification 7 - Landform
Applicant	Maules Creek Coal Pty Ltd
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 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the Department of Planning, Industry & Environment's assessment report and instrument of modification is available at <https://www.planningportal.nsw.gov.au/major-projects/project/39656>

Date of decision

24 August 2021

Reasons for decision

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

- the relevant matters listed in section 4.15 and section 4.55(3) 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 objects of the Act;
- the considerations under section 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; 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 the modification are as follows:

- the modification is unlikely to significantly increase impacts than those already assessed and approved, subject to adoption of assessment recommendations and revised conditions of consent;
- the modification would improve project rehabilitation outcomes;
- 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;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through existing and the 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 18 February 2021 until 3 March 2021 and received 12 submissions from the general public (6 in support and 6 in objection) and 1 submission from a special interest group (objection). Of the general public objections received, 3 were local, 1 was regional and 2 were from more than 100 km away from the mine.

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

<i>Issue</i>	<i>Consideration</i>
<p>Visual impacts</p> <ul style="list-style-type: none"> Visual impacts associated with the increased height of the Northern Emplacement 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The increased height of the Northern Emplacement would be visible within the eastern view in 2023. However, this is generally consistent with the existing approved views and once rehabilitation is completed, the visual impacts associated with the height increase are considered negligible. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Existing conditions require the implementation of visual impact mitigation measures and the mine's Rehabilitation Management Plan is required to be reviewed and updated to reflect the modification.
<p>Air quality impacts</p> <ul style="list-style-type: none"> Increase in air quality impacts 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The mine has committed to continue operating the existing approved air quality management system to minimise dust emissions during the emplacement operations associated with the proposed modification. The modification would not change the approved production capacities, mining methods or waste rock extraction rates and is therefore unlikely to result in significant change to particulate matter emissions. Cumulative analysis of modelled air emissions from the existing mining operations together with the proposed modification and other nearby mines would not result in any additional exceedances of the 24-hour average PM₁₀ or PM_{2.5} concentrations. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Existing conditions require best management practice to minimise air pollutants from the mine. The Department has included additional conditions requiring a trigger response/reactive management protocol to be used in combination with real time monitoring sites and the meteorological station.
<p>Water resources</p> <ul style="list-style-type: none"> Potential impacts on water resources, including reduced water table and long-term impacts on groundwater resources Risk that the final landform cannot be rehabilitated Concerns regarding increased volume and surface area of the final void, and views that a final void should not be allowed in the final landform 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Predicted impacts confirm that long-term groundwater drawdown would not exceed 1 metre within the alluvial aquifers that are 6 km from the mining area. The proposed final landform and final void is generally consistent with the approved final landform. The final void location (south-east extent of the mine) has not changed. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Existing conditions require the ongoing monitoring of groundwater and surface water in accordance with the mine's Water Management Plan, and the implementation of a Final Void Design and Closure Plan, both of which are required to be reviewed and updated to reflect the modification. Existing conditions require the ongoing verification of the groundwater model, including independent review every 3 years.
<p>Social impacts and benefits</p> <ul style="list-style-type: none"> Impacts on the community and other industries Submissions in support cited the employment, economic and social benefits of the project 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The modification would ensure the continued employment for the mine's workforce of over 650 people and would not result in any significant incremental adverse social or economic impacts in the region. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Impacts to the community would not increase from the approved project and can be managed under the existing conditions, which remain appropriate for the proposed modification.