

Notice of decision

Mandalong Southern Extension Project – Modification 10 (SSD-5144-Mod-10)

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-5144-Mod-10 Mandalong Southern Extension Project Modification 10 Additional Longwall
Applicant	Centennial Mandalong Pty Limited
Consent Authority	Minister for Planning

Decision

The Director, Resource Assessments, under delegation from the Minister for Planning 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 and Environment's assessment report, instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/42336>.

Date of decision

11 March 2022

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 7.17(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 for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region and the State as a whole, including the continuation of community contributions for the life of the mine, ongoing local employment and broader economic and social benefits to the people of NSW through the payment of an additional \$8.3 million in mining royalties to the State;
- 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; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through existing and recommended conditions of consent.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 25 October to 8 November 2021 (15 days) and received five submissions from the community, four in objection and one in support.

Both Lake Macquarie City Council (LMCC) and Central Coast Council (CCC) provided submissions on the modification.

The key issues raised in the community submissions and considered in the Department's Assessment Report and by the decision maker include bushfire risk, biodiversity impacts and subsidence impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Bushfire Increased bushfire risk due to exploration activities being undertaken on total fire ban days.	Assessment - The Department sought advice from NSW Rural Fire Service (RFS) and the NSW Resources Regulator, neither of which objected to the proposed modification provided additional bushfire risk assessment and controls were implemented, consistent with RFS requirements. Conditions - The Department has recommended a condition requiring the Exploration Activities Management Plan to include measures to assess and manage bushfire risk in accordance with RFS requirements. - The mine's Exploration Activities Management Plan is required to be reviewed and updated to reflect the modification, in consultation with applicable authorities.
Biodiversity impacts - LMCC recommended a condition requiring the Biodiversity Conservation and Sciences Division (BCD) within the Department approve annual subsidence monitoring statements and any associated offset liability reports. - LMCC recommended a condition to indemnify it for any impacts to Olney State forest. - CCC requested that biodiversity impacts be considered with respect to the impacts of the originally approved mine layout.	Assessment - The proposed modification has the potential to impact on less than 0.01 ha of native vegetation through subsidence-induced ponding. Centennial have committed to monitoring biodiversity impacts in accordance with the existing Biodiversity Management Plan (BMP) and satisfying any required biodiversity offsets if impacts are detected. Conditions - The existing conditions specify 'negligible environmental consequences' as the performance measure for subsidence impacts to threatened species, threatened populations and endangered ecological communities. The existing conditions require Centennial to provide suitable offsets to compensate for any impact that exceeds this performance measure. - The existing conditions require Centennial to prepare a Land Management Plan in consultation with any affected public authorities, including LMCC, through which, impacts to Olney State Forest will be appropriately managed. - The mine's Biodiversity Management Plan is required to be reviewed and updated to reflect the modification, in consultation with applicable authorities.
Subsidence CCC requested that the potential subsidence impacts of the proposed modification be considered, including any impacts to Buttonderry Creek, CCC's road and drainage infrastructure and Buttonderry Waste Management Facility.	Assessment - The predicted subsidence effects for the proposed modification, including potential impacts to watercourses and roads, are generally consistent with those of the previously approved mine plan. - Buttonderry Waste Management Facility is located over 2 km to the south east of the proposed LW34 and would not be impacted by the proposed modification Conditions - The existing conditions require Centennial to assess the potential subsidence impacts on natural and built features through the Extraction Plan process and manage them according to strict subsidence performance measures. The Department considers that the existing conditions and performance measures remain appropriate and provide adequate protection to all significant surface features in the modification area.