

ASSESSMENT REPORT

Bengalla Continuation Project – Changes to the Main Overburden Emplacement Area (SSD 5170 MOD 2)

1. BACKGROUND

Bengalla Mine is located approximately 4 kilometres (km) west of Muswellbrook in the Upper Hunter Valley (see **Figure 1**). The mine is owned and operated by the Bengalla Mining Company Pty Limited (BMC), a joint venture between New Hope Corporation Limited, Wesfarmers Limited, Taiwan Power Company and Mitsui Coal Holdings Pty Limited.



Figure 1: Location of Bengalla Coal Mine

The mine was originally approved by the then Minister for Urban Affairs and Planning on 7 August 1995, following a Commission of Inquiry. Mining operations commenced under this consent (DA 211/93) in 1998 and are approved to continue until 2017. A State significant development (SSD) application was lodged in August 2013 to extend the mine life for a further 24 years. On 3 March 2015, the Secretary of the Department, as delegate for the Minister of Planning, granted development consent for the Bengalla Continuation Project (SSD 5170). DA 211/93 remains active; however, under a condition of consent for SSD 5170, BMC must surrender DA 211/93 by the end of December 2016.

In December 2015, SSD 5170 was modified to authorise certain changes to the mine's surface water management infrastructure. Under SSD 5170, as modified, BMC is currently approved to:

- extract and/or process up to 15 million tonnes per annum of run of mine coal until 2039;
- upgrade and augment existing infrastructure at the mine, including the Coal Handling and Preparation Plant (CHPP), stockpiles and rail loading facility;
- temporarily divert Dry Creek;
- realign the Bengalla Link Road; and
- progressively rehabilitate the site.

Bengalla Mine is an open cut, multi-seam operation that uses both dragline and truck and shovel mining methods to extract thermal coal for export. All coal is processed at the on-site CHPP and transported by rail to the Port of Newcastle using a private rail loading facility and rail loop that connects to the Ulan railway line.

The area surrounding Bengalla Mine is dominated by mining, agriculture and rural residential land uses. There are a number of operating and proposed coal mines nearby, including the existing Mt Arthur Coal Mine to the south across the Hunter River and Denman Road, and the proposed Mt Pleasant Coal Mine to the north across Wybong Road.

2. PROPOSED MODIFICATION

BMC is proposing to modify SSD 5170 a second time, under section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The purpose of the modification is to improve the visual amenity of the final landform, particularly from viewing locations in Muswellbrook and along Denman Road, and to construct a gravel access road to a site office located off Wybong Road.

The proposal involves:

- changing the maximum height of the approved Main Overburden Emplacement Area (Main OEA) in two selected locations; and
- constructing a new 500 metre (m) gravel access road (Homestead Access Road) from Wybong Road to the Dry Creek Diversion Project Construction Site Office.

The proposed modification is described further in the Statement of Environmental Effects (SEE) (see **Appendix A**), which accompanied the application.

There are no other changes proposed to any other aspect of the approved mining operations, including mining methods, mining areas, hours of operation and extraction quantities. No additional ground disturbance or vegetation clearing would be required as a result of the proposed modification.

2.1 Main OEA

In 2014, when preparing the Environmental Impact Statement (EIS) for its SSD application, BMC committed to investigate options to improve the level appearance of the Main OEA to better blend in with the surrounding natural landscape. Following completion of additional final landform and visual assessments and consultation with Muswellbrook Shire Council (Council), BMC identified a suitable re-design of the Main OEA to improve the visual amenity without significantly altering the approved operations and project layout.

The Main OEA is located east of the mining area, approximately 3.5 km from the centre of Muswellbrook. BMC currently has approval to construct the Main OEA to a height of 270 metres reduced level (m RL). The proposal involve adding two Visual Relief Areas on top of the Main OEA (see **Figure 2**). The Visual Relief Areas are macro topographic highs (or knolls) that mimic the surrounding natural undulating landscape, as follows:

- 30 m Northern Relief Area, constructed to a maximum height of 300 m RL; and
- 20 m Southern Relief Area, constructed to a maximum height of 290 m RL.

The construction of the Visual Relief Areas is expected to occur over a six year period, between mine plan years 4 to 9.

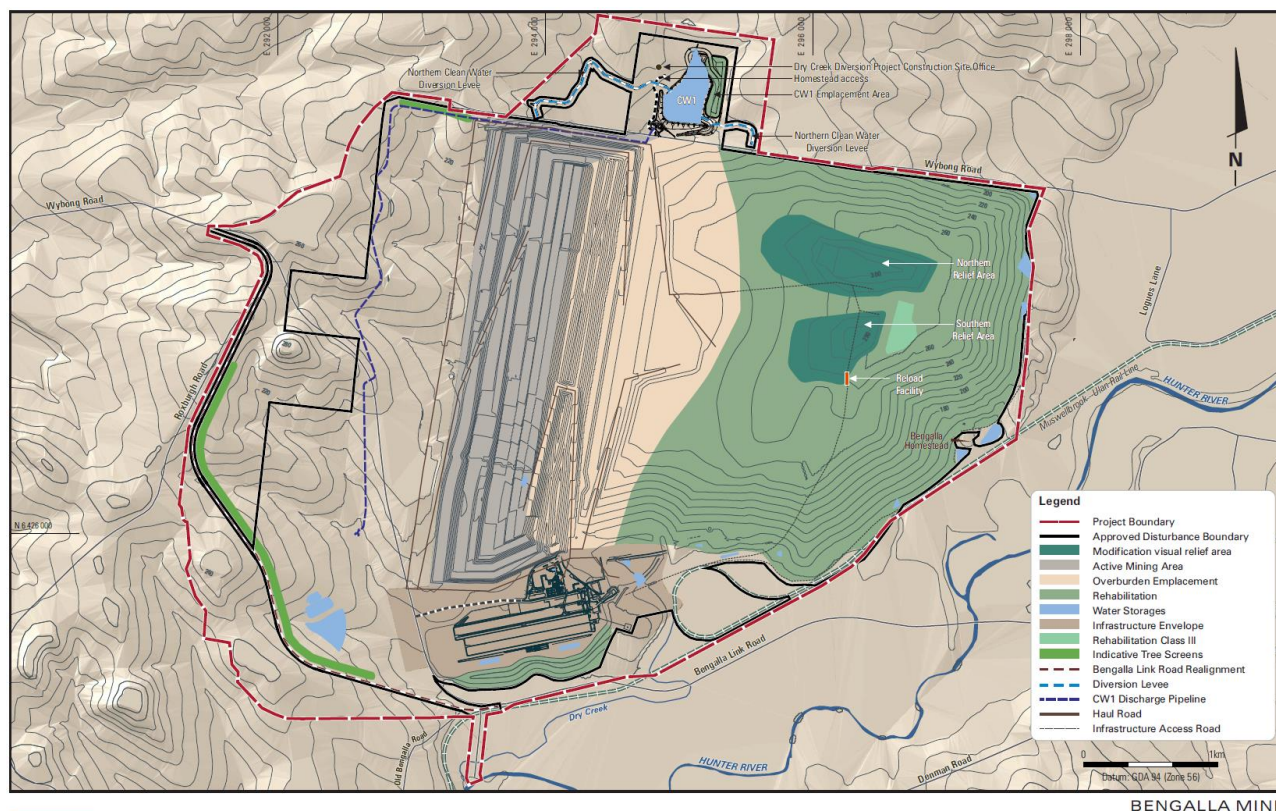


Figure 2: Project Layout and Proposed Modified Components

2.2 Homestead Access Road

A new gravel access road off Wybong Road, to the north of mine, is required to access BMC's Dry Creek Diversion Project Construction Site Office, located at the site of a previous homestead. The new road would also enable more direct access to Coal & Allied's proposed Mt Pleasant Coal Mine (DA 93/97). The existing site office access road will be mainly used by construction vehicles working on a clean water catchment dam (CW1) and associated infrastructure approved under MOD 1. A second access road, located immediately to the west of the existing access road, is necessary to bypass these construction activities.

The proposed access road is located entirely on freehold land, Lot 4 DP801249, owned by Coal & Allied and part of the proposed Mt Pleasant Coal Mine site. MACH Energy is currently in the process of purchasing Mt Pleasant, including all relevant leases and landholdings; however this transaction is yet to be finalised. The Department understands that BMC has an agreement in place with Coal & Allied to use the land for the Dry Creek Diversion Project, including the construction of the proposed new access road.

3. STATUTORY CONTEXT

3.1 Section 96(2)

SSD 5170 was granted in March 2015 under Part 4, Division 4.1 of the EP&A Act. Section 96 of the EP&A Act allows for a development consent to be modified by the consent authority that granted the original consent. Given the application would involve a level of environmental impact that is not minor, the modification must be considered in accordance with section 96(2) of the EP&A Act. Section 96(2) requires the consent authority to be satisfied that the following matters are addressed:

Table 1: Section 96(2) Mandatory Considerations

Section 96(2) Matters for Consideration	Comment
The modified development must be substantially the same as that originally approved	The modified project would require an increase to the height of the Main OEA and construction of a new gravel access road. The modification occurs entirely within the currently approved disturbance boundary. The modification would not change any of the core elements of the project such as mining, processing or transportation

Section 96(2) Matters for Consideration	Comment
	methods, total resource, production rates, operational hours, pit dimensions, employee numbers or overall intensity. The Department considers that the modified development would be substantially the same as originally approved.
Notified the application in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation)	See Section 4 – Consultation
Consideration of any submissions made	See Sections 5 and 6 – Submissions and Assessment
Consideration of relevant environmental planning instruments	The relevant provisions of the applicable environmental planning instruments have been considered as part of the assessment and separately in the SEE.

3.2 Other Licences

Mining activities at Bengalla Mine are also regulated under an Environmental Protection Licence (EPL 6538) granted under the *Protection of the Environment Operations Act 1997* and six Mining Leases (MLs) and three mining sub-leases from Mt Pleasant's ML 1645 granted under the *Mining Act 1992*. If required, BMC would seek separate variations to its EPL and one or more MLs to accommodate the proposed modification.

3.3 Commonwealth Approval

The mine has an existing approval (2012/6378) under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). BMC did not refer the modification to the Commonwealth Department of Environment as it considers that it would not significantly impact on matters of national environmental significance.

3.4 Approval Authority

The Minister for Planning is the approval authority for the application. However, under the Minister's delegation of 16 February 2015, the Director Resource Assessments may determine the application, as no public objections were received, Council did not object to the proposal and BMC reported no political donations.

3.5 Environmental Planning Instruments

A number of environmental planning instruments (EPIs) apply to the modification, including the:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Mining, Petroleum and Extractive Industries)*;
- *Muswellbrook Local Environmental Plan 2009*; and
- *Hunter Regional Environmental Plan 1989*.

The Department has considered the modification against the relevant provisions of these EPIs, as well as BMC's consideration of these matters. Based on this assessment, the Department considers that the proposed development can be undertaken in a manner that is generally consistent with the aims, objectives and provisions of the EPIs.

4. CONSULTATION

Under clause 118 of the EP&A Regulation, the Secretary is required to make the modification application publicly available. Consequently, the Department:

- placed a public exhibition notice in the Muswellbrook Chronicle and Hunter Valley News;
- made the application and accompanying SEE publicly available at its Information Centre, Muswellbrook Council and the Nature Conservation Council from Friday 29 April until Friday 13 May 2016; and
- placed the application and SEE on its website.

The Department is satisfied that the notification process met the requirements of the EP&A Act and the EP&A Regulation.

The Department notes that BMC also conducted its own consultation with the local community and key stakeholders prior to submitting the modification application. As summarised in the SEE, BMC held meetings with key government agencies and its Community Consultative Committee to both inform and seek advice on the proposed modification. In addition to these meetings, BMC distributed newsletters to the local community to provide information on the proposed modification.

5. SUBMISSIONS

The Department received eight submissions from government agencies and one submission from a special interest group (see **Appendix B**). No individual community submissions were received, perhaps because of the minor nature of the proposal and BMC's pre-lodgement community engagement program (see **Section 4**).

BMC provided a Response to Submissions (RTS) document to address concerns raised in these nine submissions (see **Appendix C**). A summary of the issues raised and BMC's response is provided below.

Department of Primary Industries (DPI), Dams Safety Committee (DSC) and Roads and Maritime Services (RMS) had no objections or comments on the proposed modification.

The Office of Environment and Heritage (OEH) commented that the likely impacts on Aboriginal cultural heritage, threatened biodiversity and flooding are negligible and do not trigger the need for additional comment from OEH.

NSW Environment Protection Authority (EPA) had no objections to the proposal and is satisfied that proposal's air, noise and water quality impacts can be managed under the mine's existing EPL.

Australian Rail Track Corporation (ARTC) had no objection to the proposal. However, ARTC reminded BMC of the mine's proximity to the Ulan rail corridor and its responsibility to adhere to relevant conditions of ARTC's EPL 3142. ARTC also requested BMC to assess any additional train movements on ARTC's rail network in accordance with the EPA's *Rail Infrastructure Noise Guideline*.

BMC addressed these comments in the RTS by confirming that there would be no change to the currently approved project boundary or production rates. Following review of the RTS, ARTC made no further comment on these matters.

DPI, DSC, RMS, OEH, EPA and ARTC did not provide any recommended conditions of consent.

Council had no objections to the proposed modification. Council is supportive of the proposed changes to the Main OEA because they would provide an improved visual profile when viewed from a number of points around Muswellbrook. Council acknowledges that the added construction of the Visual Relief Areas could be concerning to nearby residents; however it notes that predicted noise and air quality impacts would remain below currently approved criteria. With regards to the proposed Homestead Access Road, Council reminded BMC that its consent under section 138 of the *Roads Act 1993* would also be required.

Council also commented on the conditions of consent related to the maintenance of Bengalla Link Road. Specifically, Council requested that condition 32 of Schedule 3 of DA 211/93 be reflected in SSD 5170. In the RTS, BMC clarified the extent of its road maintenance obligations under SSD 5170 and provided evidence to demonstrate that the requirements of condition 32 are already met under SSD 5170. Following review of the RTS, Council made no further comment on this matter. The Department's consideration of the road maintenance contributions is set out in **Section 6.6**.

The **Division of Resources and Energy (DRE)** of the NSW Department of Industry did not object to the proposal and noted that the proposed final landform is consistent with and complements the topography of the surrounding region. DRE requested further information on surface water management in rehabilitation areas.

BMC provided additional information in the RTS and following review, DRE made no further comment on these matters. The Department's consideration of this matter is set out in **Section 6.5** below. DRE also recommended conditions of consent relating to rehabilitation objectives and a rehabilitation plan.

The **Muswellbrook Chamber of Commerce & Industry (MCCI)** is supportive of the application and agreed with the SEE's conclusions. MCCI reiterated the importance of rehabilitated mined land to the long-term success of the local economy. MCCI is satisfied that the revised final landform is in keeping with the goal of using the land for commercial purposes without detracting from the predominantly rural nature of the district.

6. ASSESSMENT

The Department assessed the merits of the proposed modification in accordance with the relevant objects and requirements of the EP&A Act. In assessing the merits of the proposal, the Department has considered the:

- modification application and accompanying SEE;
- relevant content of previous SEE's, current environmental management plans and monitoring results;

- submissions received and the RTS;
- existing conditions of consent; and
- relevant environmental planning instruments, policies and guidelines.

The Department considers the key issues associated with the proposed modification to be final landform and rehabilitation, visual amenity, air quality, noise, surface water and traffic.

6.1 Final Landform and Rehabilitation

BMC is proposing to re-design the conceptual final landform of the Main OEA to add two Visual Relief Areas to its otherwise level appearance. The Visual Relief Areas have been generally designed to:

- mimic natural macro relief structures to better blend in with the surrounding landscape;
- maximise the visual benefits for the surrounding community, particularly for views from Muswellbrook and Denman Road;
- provide no additional air quality or noise impacts at private receivers;
- integrate with the existing mine plan; and
- meet safe and stable design criteria.

Additional design constraints included consideration of the available land area at the top of the Main OEA and the existing established Class III Land Capability rehabilitated land on the eastern side of the Main OEA.

Approximately 10 million bank cubic metres (Mbcm) of material would be required to construct the two Visual Relief Areas over a 6 year period. In comparison, 1,200 Mbcm of overburden material is expected to be moved over the life of the mine. To meet the material requirements of the proposed modification, the area east of Dry Creek would receive less overburden emplacement and the final landform in this area would decrease in elevation by approximately 1.5 m. As described in the RTS, this change in the final landform to the east of Dry Creek is negligible and there would be no measureable change to runoff or other characteristics of the final landform.

BMC also investigated an alternate option of lowering the height of the Main OEA to improve the visual amenity of the final landform. The assessment concluded that this option of removing material (instead of adding) to create macro relief was economically unfeasible due to the additional material that would need to be removed and emplaced elsewhere, and that the subsequent environmental impacts would be far more significant.

The Department is satisfied that BMC has adequately considered the existing physical environment and economic constraints when re-designing the Main OEA. The Department is also satisfied that the proposed conceptual final landform is a better outcome than the currently approved landform.

BMC is proposing no change to the existing rehabilitation plans and objectives for the Main OEA. BMC would continue to be required to progressively rehabilitate the Main OEA, including the Visual Relief Areas, with high density woody vegetation. As such, the Department considers that the existing conditions of consent remain adequate and no changes are necessary. The Department also considered the rehabilitation objectives and plan conditions recommended by DRE for inclusion in the consent and notes that they either already exist as rehabilitation objectives and rehabilitation management plan conditions, are managed under other management plans required by the consent or that the intent is covered by existing conditions. The Department is therefore satisfied that no additional rehabilitation conditions or amendments to the consent are necessary.

6.2 Visual Impacts and Visual Amenity

The SEE included a landscape and visual assessment, undertaken by VPA Visual Planning and Assessment. This assessment included a comparison of six representative viewpoints from four view sectors to determine the likely scale and significance of the proposed changes to the Main OEA (see **Figure 3** below).

The assessment identified that the visual impacts on the eastern view sector would be generally low to moderate due to the close proximity of sensitive residential receivers in and around the township of Muswellbrook. Impacts on the southern view sector would be low due to the lower visual sensitivity of the area from more rural land uses along Denman Road and the Hunter River Floodplain. Impacts on the northern and western view sectors would be minimal due to longer viewing distances, intermittent screening associated with existing topography and vegetation, and lower density of development in the foothill areas. The assessment concluded that, despite remaining a dominant feature in the skyline, the modified Main OEA would improve the overall visual integration of the mine with the surrounding landscape.

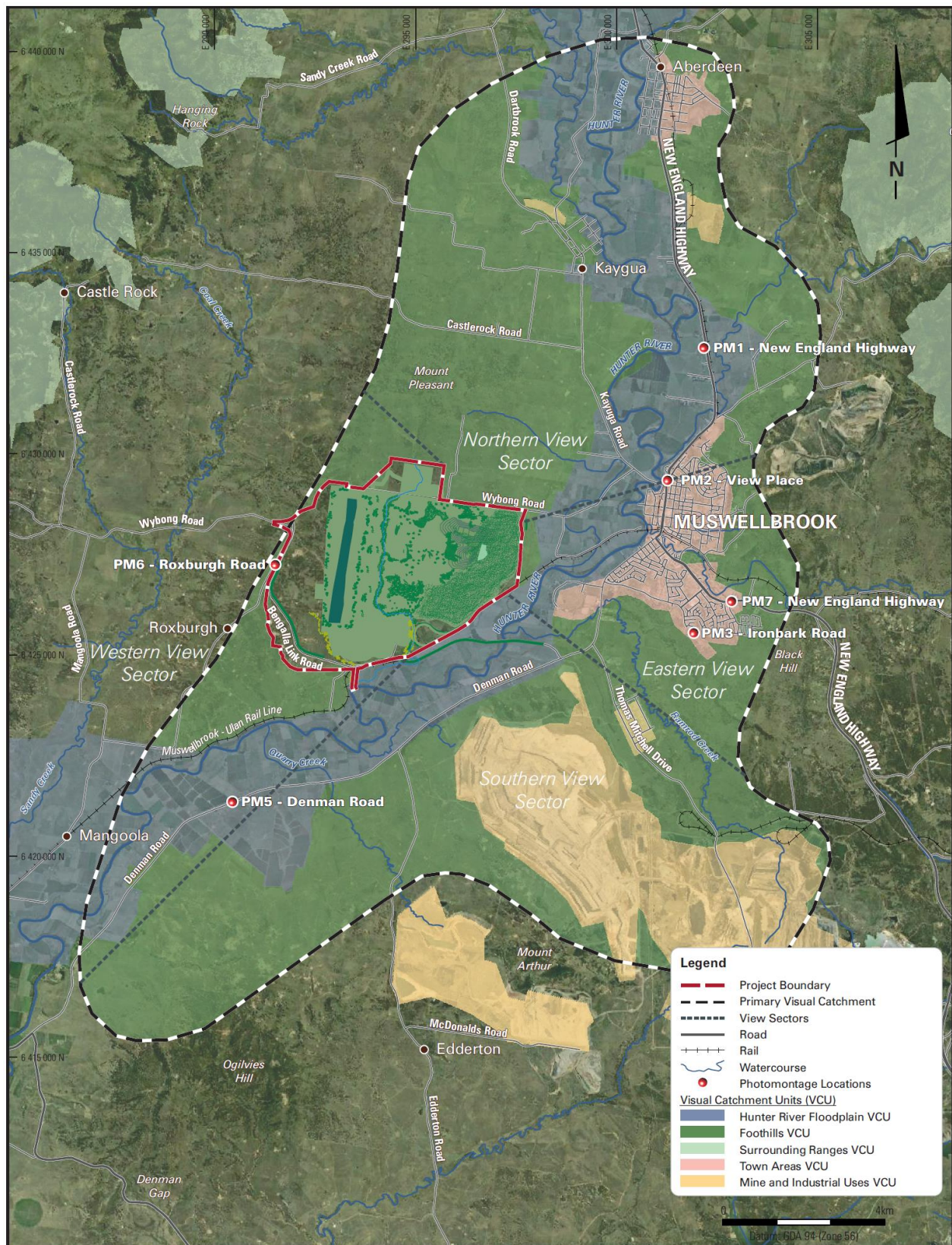


Figure 3: Visual Assessment Locations

The Main OEA is the most elevated and visible feature of the mine; therefore its visual appearance is a critical component of the amenity of surrounding residences. Compared to the level design proposed in the EIS, the modified design with Visual Relief Areas better blends in with the surrounding vista by presenting a more natural undulating surface. The Department also notes that visual amenity will continue to improve as the Main OEA is progressively rehabilitated and covered with vegetation. As such, effective and timely rehabilitation of the exposed surfaces will continue to be a vital rehabilitation objective for the mine.

The Department is satisfied with the conclusion drawn in the assessment that the Visual Relief Areas would generally improve the visual amenity of the Main OEA, particularly from elevated viewing locations in Muswellbrook and along Denman Road. The Department is also satisfied that BMC considered all view sectors, but appropriately focused the re-design on improving the visual amenity for the most sensitive eastern sector, which includes Muswellbrook.

The Department considers that there are no visual impacts from the proposed Homestead Access Road.

The Department considers that no additional visual impact or amenity conditions are necessary, and that the existing condition requiring BMC to implement all reasonable and feasible measures to mitigate the visual and off-site lighting impacts of the development remains relevant and adequate. Additionally, the consent would continue to require BMC to maintain visual impact mitigation measures for 18 receivers from the western and southern view sectors due to their direct and prolonged views of the mine extraction area. The 18 receivers would continue to be entitled to site-specific visual impact assessments and mitigation measures, such as vegetation screening, as part of the mine's Visual Impact Mitigation Plan.

6.3 Air Quality

The SEE included a specialist air quality impact assessment, undertaken by Todoroski Air Sciences. Air dispersion modelling was used to assess potential changes in air quality impacts from the proposal.

Dust generated from constructing the Homestead Access Road is expected to be negligible due to the small quantity of predicted dust emissions and the short duration of construction activities (a few weeks). However, dust generated from creation of the Visual Relief Areas would result in a small (2 - 2.5%) increase in existing total annual dust levels for mine plan Years 4 and 8, following application of the short-term dust mitigation strategy approved as part of the original development. The increase is due to additional handling, transport and shaping of overburden material required to create the Visual Relief Areas. The Department notes that Years 4 and 8 were selected as representative since the Visual Relief Areas would be constructed between Years 4 and 9 and they align with modelled years in the EIS, allowing for direct comparison of impacts.

Despite the small increase in dust emissions, predicted dust levels at all privately-owned receivers would not exceed the consent's air quality criteria. Further, the cumulative impact assessment, which includes background and dust emissions from nearby mines, found that the changes to the Main OEA would have no discernible influence on cumulative annual average PM₁₀ levels.

The Department is satisfied that the proposed modification would not significantly increase air quality impacts for any nearby resident, beyond those already approved. As such, no additional conditions or amendments to the consent are necessary. The Department is also satisfied that current air quality mitigation and land acquisition entitlements under the consent for nearby residents (which are in line with the *NSW Voluntary Land Acquisition and Mitigation Policy*) remain adequate and no changes are required. BMC would still be required to implement all reasonable and feasible mitigation and management measures, as set out in its existing Air Quality Management Plan.

6.4 Noise

The SEE included a specialist acoustic impact assessment, undertaken by Bridges Acoustics. To account for the proposed landform changes to the Main OEA and the subsequent revised equipment locations, predicted operational noise levels for mine plan Years 4 and 8 were remodelled for the eastern receivers who were identified as potentially impacted due to their proximity to the Main OEA. Compared to previous EIS predictions, noise levels during prevailing weather conditions do not appreciably change. However, noise levels under daytime neutral weather conditions would increase by up to 5 dBA_{L_{Aeq} 15min} at some receivers. Nevertheless, the increased noise predictions remain more than 10 dBA below the approved noise criteria in the consent. Consequently, the increased noise levels are unlikely to be discernible from current noise levels.

Noise impacts from the construction of the Homestead Access Road would be managed under the *Interim Construction Noise Guideline* (ICNG). The construction works are likely to include small earthmoving equipment over a period of a few weeks, therefore the noise emissions are expected to be minor in comparison to the surrounding operational activities currently approved for the Dry Creek Diversion Project.

The Department is satisfied that the proposed modification would not significantly increase noise emissions from the mine, therefore no additional conditions or amendments to the consent are necessary. The existing condition requiring a Noise Management Plan is sufficient to ensure that the approved noise criteria are met, even during adverse weather conditions. The Department is also satisfied that the current voluntary noise mitigation and land acquisition entitlements remain adequate and no changes are required.

6.5 Surface Water

As described in the SEE and RTS, the proposal is not likely result in any additional surface water impacts when compared to the impacts already identified in the EIS and the SEE supporting MOD 1 and subsequently approved.

The Visual Relief Areas have been designed to meet the water management performance measures set out in the consent and fit within the existing approved water management system. As such, there are no proposed changes to water catchment areas or water management structures. Surface water runoff from the Main OEA would continue to be directed away from the mine's low-wall via diversion drains, contour drains and drop structures into sedimentation dams or westwards into the mine's water management system. The use of water management structures minimises impacts on existing adjacent rehabilitation areas and maximises diversion of clean water away from the active mining area.

The Department is satisfied that the proposal would not significantly increase surface water impacts. The existing condition requiring a Water Management Plan is sufficient to ensure that BMC effectively manages its water impacts. Therefore no additional conditions or amendments to the consent are necessary.

6.6 Traffic and Transport

The proposal is unlikely to have any additional impacts on traffic and transport when compared to the impacts already identified in the EIS and subsequently approved. With production and employment levels remaining the same, there would be no increase in vehicle movements.

Further, the SEE states that the proposed Homestead Access Road would not attract additional vehicle movements. Rather, vehicles would merely change their entrance point off Wybong Road. Vehicles involved in constructing the access road would also be low in number due to nature of the works. This number would generally be inconsequential when compared to other vehicle movements associated with the Dry Creek Diversion Project. The Department is therefore satisfied that the proposed modification would not significantly increase traffic impacts, therefore no additional conditions or amendments to the consent are necessary.

Council raised the matter of road maintenance in its submission (see **Section 5**). The Department notes that BMC has a range of obligations regarding the upgrade and maintenance of the local road network under its existing consent and associated Voluntary Planning Agreement (VPA) with Council. These commitments currently include:

- responsibility for maintenance costs of Bengalla Link Road from the Denman Road intersection to the Bengalla Mine Access Road for the life of the project;
- funding of \$125,000 per annum for road maintenance requirements within the Muswellbrook LGA according to the VPA;
- contributing to the upgrade and maintenance of Thomas Mitchell Drive and its intersections with Denman Road and the New England Highway; and
- funding and construction of the re-aligned Bengalla Link Road.

With regards to Council's request to replicate condition 32 of Schedule 3 of DA 211/93 in SSD 5170, the Department is satisfied with BMC's response in the RTS and agrees that the change is unnecessary as BMC has already committed to the obligations stipulated in condition 32. Considering BMC's existing commitments, the Department is satisfied that no additional conditions or amendments to the consent are necessary.

6.7 Other impacts

As the proposed modification is located entirely within the mine's approved disturbance boundary, the Department considers that there would be no change to biodiversity and heritage impacts. Additionally, BMC has not proposed changes to its mining operations other than the height of overburden emplacement; therefore the Department considers there to be no assessable change to blasting impacts.

In terms of economic benefits, the primary intention of the Main OEA re-design is to improve the visual amenity of the mine site rather than to seek direct economic benefits. The proposal would not result in any immediate quantifiable economic or employment opportunities. However, by making the Main OEA more visually sympathetic with the surrounding landscape, BMC has potentially provided some longer term regional and community benefits. In considering post-mining impacts, particularly the influence of rehabilitation and final landform on the wider visual landscape, BMC has acknowledged the importance of the rehabilitated landscape to non-mining industries such as tourism and viticulture.

Due to the minor nature of the Homestead Access Road, the economic and social benefits were not considered.

7. CONCLUSION

The Department has completed its assessment of the proposal, including consideration of the potential environmental, social and economic impacts and the relevant requirements of the EP&A Act.

BMC is seeking to increase the height of the Main OEA in two specific areas to improve visual amenity from Muswellbrook and Denman Road. One other minor modification is being sought for constructing a new gravel access road off Wybong Road.

The Department considers the proposal would not significantly change the scale or environmental impacts of approved activities at Bengalla Coal Mine. The proposed changes to the Main OEA are a reasonable and effective re-design that improves visual amenity without significantly interrupting approved mining operations or significantly altering the approved project layout and final landform. The Department also considers the proposed access road to be appropriate in allowing vehicles travelling to the site office or Mt Pleasant to safely bypass construction activities associated with the Dry Creek Diversion Project.

The Department is satisfied that, with the existing management measures in place, the proposed modification would result in:

- no material change to currently approved operations at Bengalla Coal Mine;
- no material change to approved environmental impacts; and
- long-term socio-economic benefits through improved visual amenity of the rehabilitated Main OEA.

The Department is satisfied that the proposed modification is in the public interest, and should be approved, subject to minor administrative changes to existing conditions of consent.

8. CONDITIONS

The Department has prepared a Notice of Modification (see **Appendix D**) to the existing development consent to incorporate the proposed modification and to provide updated conditions of consent. It has also prepared a consolidated development consent which reflects the overall consent as it is proposed to be changed by the Notice of Modification (see **Appendix E**).

BMC has reviewed and accepted the recommended conditions of consent.

9. RECOMMENDATION

It is RECOMMENDED that the Director Resource Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the modification request falls within the scope of section 96(2) of the EP&A Act;
- **approves** the modification application under section 96(2) of the EP&A Act, subject to conditions; and
- **signs** the attached notice of modification (**Appendix D**).


1/7/16

Megan Dawson
Planning Officer
Resource Assessments


1.7.16

Howard Reed
Director
Resource Assessments

APPENDIX A: STATEMENT OF ENVIRONMENTAL EFFECTS

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX B: SUBMISSIONS

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX C: RESPONSE TO SUBMISSIONS

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX D: NOTICE OF MODIFICATION

APPENDIX E: CONSOLIDATED CONSENT
