



Mount Owen Continued Operations Project Modification 3

Schedule of Land Amendment
State Significant Development Modification
Assessment (SSD 5850 MOD 3)

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Cover image: *View of North Pit, Mount Owen Complex*

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Executive Summary

The Mount Owen Complex is an open cut coal mining complex located approximately 20 kilometres northwest of Singleton which includes the Mount Owen, Ravensworth East and Glendell coal mines.

Mt Owen Pty Ltd, a subsidiary of Glencore Coal Pty Ltd, proposes to modify the development consent for the Mount Owen Continued Operations Project (SSD 5850). The proposed modification involves:

- addition of one parcel of land (Lot 13 DP 6830) to the Schedule of Land (Appendix 1 of the development consent); and
- updating Figure 3 in Appendix 3 of the development consent with the most recent land ownership data for Lot 11 DP 873459.

The application is considered a minor modification under section 4.55(1) of the *Environmental Planning and Assessment Act 1979* to correct an administrative error and consequently, the application was not publicly exhibited.

The Department's assessment has concluded that the modification would not increase the environmental or amenity impacts of the project beyond those that were already assessed and approved. As such, the Department considers that the proposed modification should be approved.

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1 Introduction

1.1 Background

The Mount Owen Complex (the Complex) is a large multi-pit open cut coal mining operation located approximately 20 kilometres northwest of Singleton in the Hunter Valley (see **Figure 1**). The Complex is owned by Mount Owen Pty Ltd (Mt Owen), a subsidiary of Glencore Coal Pty Ltd (Glencore). The Complex comprises three open cut mining operations, being the Mount Owen Complex (including the North Pit), the Ravensworth East Mine (including the Bayswater North and West Pits) and the Glendell Mine (including the Barrett Pit).

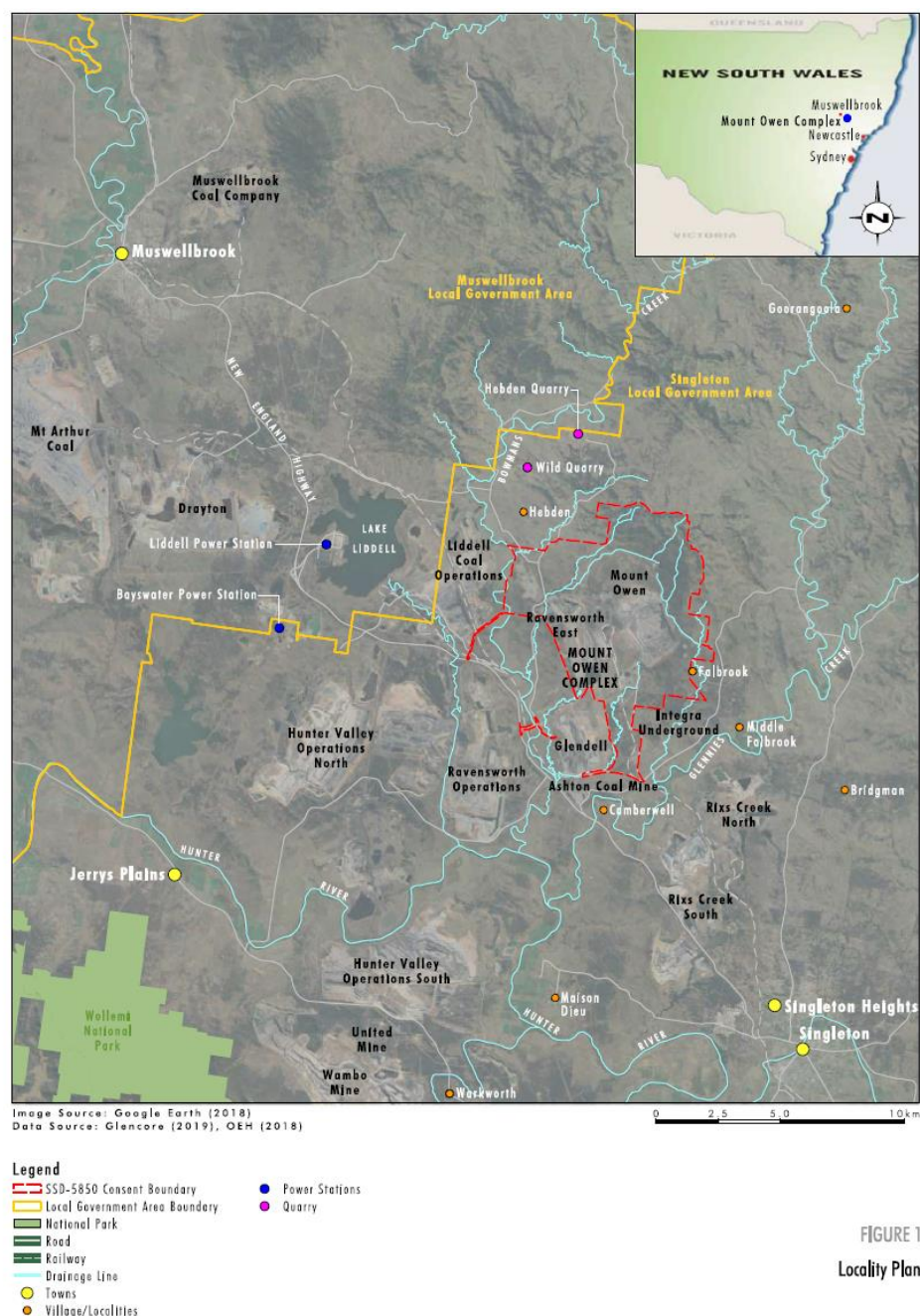


Figure 1 | Regional context map

1.2 Approval history

On 3 November 2016, the Planning Assessment Commission, as delegate for the Minister for Planning, granted development consent SSD 5850 for the Mount Owen Continued Operations Project to consolidate operations at the Mount Owen Mine and Ravensworth East Mine under a single consent and extend the scope and operational lifespan of the two mines. The consent permitted the following activities:

- extracting up to 14 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal until the end of 2031;
- processing up to 17 Mtpa of coal at the Mount Owen Coal Handling and Processing Plant (CHPP);
- extending the North Pit by an additional 381 hectares (ha);
- constructing a private rail line;
- extending and upgrading the Mount Owen CHPP and stockpiling facilities; and
- changing the previously proposed final landforms.

The development consent has been modified on two previous occasions. Modification 1 was determined in September 2017, permitting the construction of a new water pipeline to the Complex from the Integra Underground Mine. Modification 2 was determined in September 2019 and permits:

- extending the size and depth of the North Pit to extract an additional 35 million tonnes of ROM coal over the life of the mine;
- extending the life of the mine by six years until 2037;
- extending the approved disturbance area by approximately 46 ha; and
- minor changes to existing conditions of consent.

The Glendell Mine operates under a separate development consent (DA 80/952).

2 Proposed modification

The application seeks approval for a minor administrative modification to amend the Schedule of Land in Appendix 1 of the consent to include Lot 13 DP 6830 and update land ownership data on Figure 3 in Appendix 3. The application was supported by a brief Statement of Environmental Effects (see **Appendix A**).

The approved project boundary and disturbance area run partly inside the northern boundary of Lot 13 DP 6830 (see **Figure 2**). However, when the Schedule of Land was prepared by Glencore it was applied to the lot boundaries, mistakenly omitting Lot 13 DP 6830. However, the disturbance area relates to approved operations at the North Pit and applies to approximately 1.5 ha of this 130 ha lot.

Additionally, Figure 3 of Appendix 3 displays incorrect land ownership details for Lot 11 DP 873459 situated within the approved development footprint (see **Figures 3 and 4**). The lot is shown as being private land, however, it is owned by Glencore. The ownership details are listed correctly in the current Schedule of Land.

The addition of the lot and correction of the land ownership details would be consistent with the previous project assessments and would ensure that Mt Owen's mining lease application can be finalised, allowing the approved development to proceed.

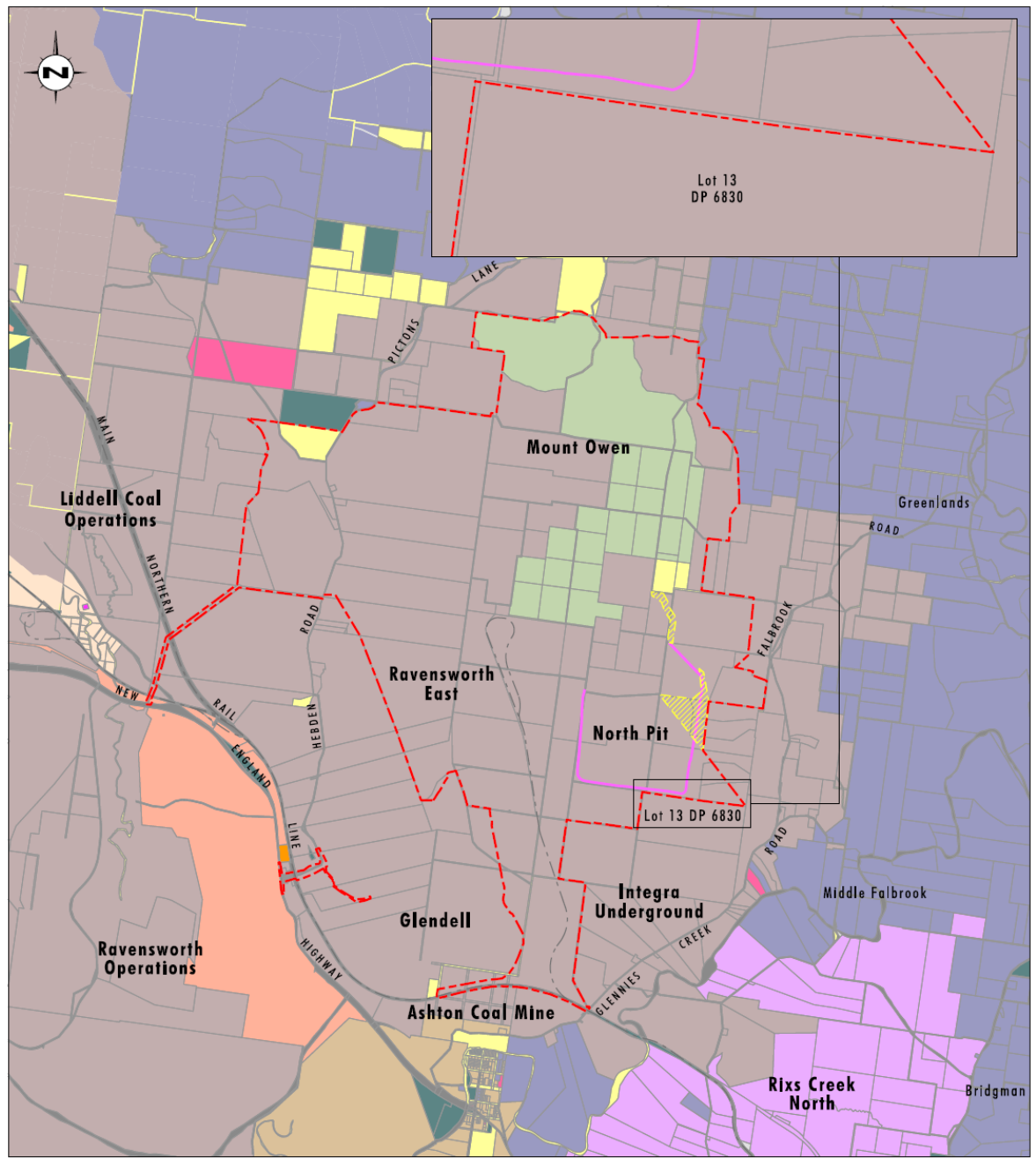


FIGURE 2
Land Ownership

Figure 2 | Mount Owen Continued Operations approved project layout

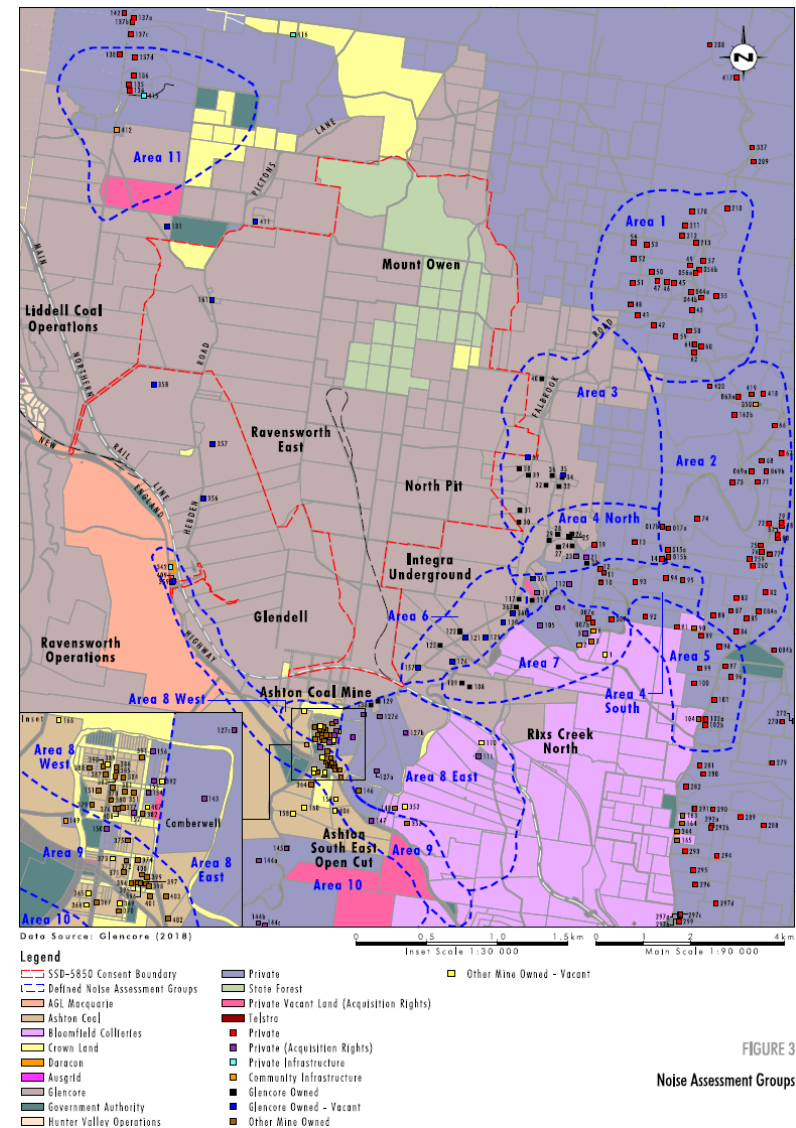
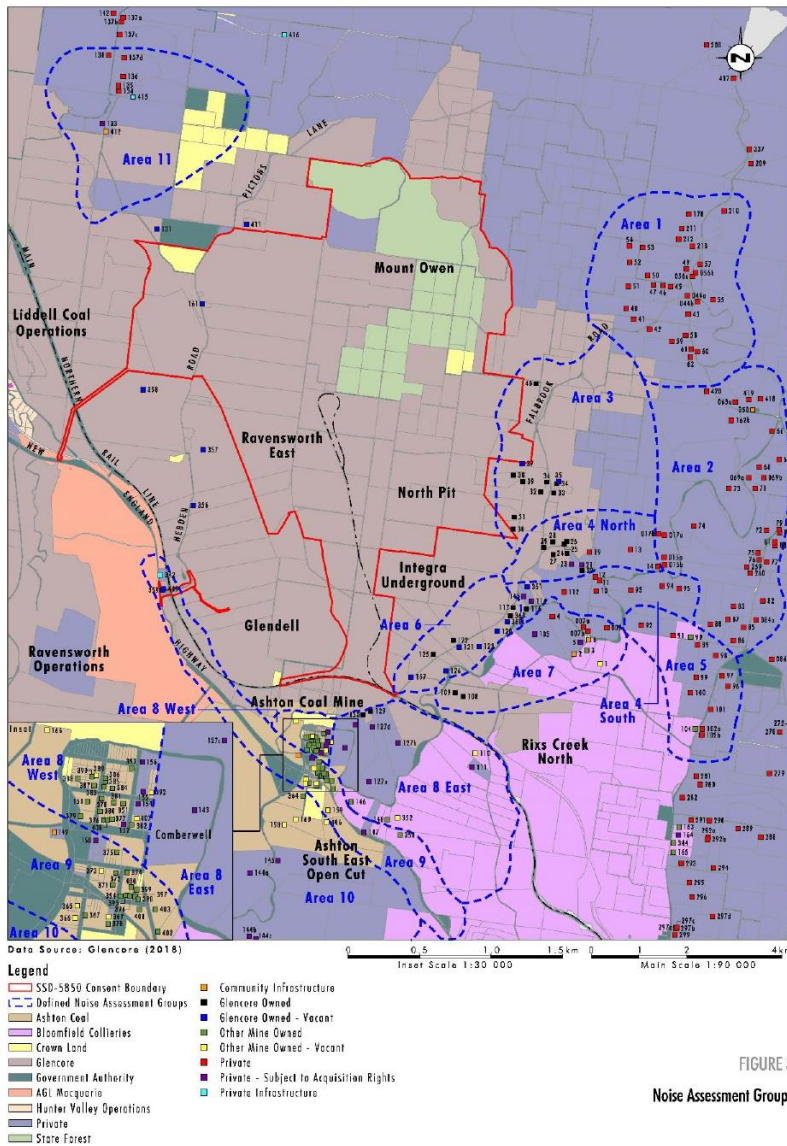


Figure 3 | Existing Figure 3 from Appendix 3 displaying incorrect ownership details

Figure 4 | Proposed Figure 3 from Appendix 3 with correct landownership details

3 Statutory context

3.1 Scope of modification

The Department is satisfied that the proposal falls within the scope of section 4.55(1) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) as it is solely to correct minor errors that would not increase the project's environmental impacts.

3.2 Consent authority

Although the Minister for Planning and Public Spaces is the consent authority for the application, the Director, Resource Assessments, may determine the application under the Minister's delegation dated 11 October 2017.

In accordance with section 4.55(1) and (3) of the EP&A Act, the matters for consideration set out in section 4.15(1) of the Act are not required to be considered.

4 Engagement

4.1 Department's engagement

The Department made the modification application and modification report publicly available on its website from 16 January 2020. Given the minor administrative nature of the modification, the Department did not exhibit the proposal or refer it to agencies. The EP&A Act does not require exhibition or notification of an application to modify a consent under section 4.55(1).

5 Assessment

In assessing the merits of the proposed modification, the Department has considered the existing conditions of consent, the modification application, and the applicable requirements of the EP&A Act.

Glencore's Schedule of Land currently included in Appendix 1 of the development consent incorrectly excluded Lot 13 DP 6830, which partly encompasses the approved mining footprint. The correction of this error would allow for finalisation of Mt Owen's mining lease application.

The modification does not involve any physical changes to the project and would not change the approved mining footprint or production rate. Consequently, it would not result in any additional environmental, social or economic impacts beyond those already assessed and approved.

6 Evaluation

The Department has assessed the modification application in accordance with the relevant statutory requirements, having regard to the approved project, Modifications 1 and 2, and documentation provided for the application.

The proposed modification comprises two minor administrative amendments involving errors or misdescriptions in the development consent and is otherwise consistent with the current assessed and approved project.

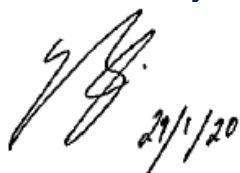
The Department is satisfied that the proposed modification is in the public interest. As such, the Department considers that the modification application should be approved.

7 Recommendation

It is recommended that the Director, Resource Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application Mount Owen Continued Operations Project Modification 3 falls within the scope of section 4.55(1) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- **modifies** the consent (SSD 5850); and
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

Handwritten signature of Caleb Ferry, dated 29/1/20.

Caleb Ferry
Student Para Planner
Energy and Resource Assessments

Handwritten signature of Lauren Evans, dated 30/1/19.

Lauren Evans
Team Leader
Energy and Resource Assessments

8 Determination

The recommendation is **Adopted** / Not adopted by:


30/d/2020

Matthew Sprott

Director

Resource Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Statement of Environmental Effects

Modification Report titled *Statement of Environmental Effects, Mount Owen Continued Operations (SSD-5850) Modification 3*, dated 16 December 2019, see <https://www.planningportal.nsw.gov.au/major-projects/project/26151>

Appendix B – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/26151>