

Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 29  
SYDNEY NSW 2001

1 December 2016

Dear Ms McNally

**Determination of Modification Request  
Glendell Open Cut Mine – Transmission Line Relocation (DA80/952 MOD 3)**

Thank you for the Department's letter received on 22 November 2016 referring the above modification request to the Planning Assessment Commission (Commission) for determination under Ministerial delegation of 14 September 2011. I constituted the Commission to determine the request.

Mt Owen Pty Limited (Applicant) seeks to relocate a 2.7 kilometre section of an Ausgrid 132 kilovolt electricity transmission line outside the approved disturbance boundary for the Glendell Coal Mine. The relocation would facilitate the safe and efficient continuation of approved mining activities, while protecting public utility infrastructure. Once completed, the new transmission line would become a public asset under the *Electricity Supply Act 1995* and it would be managed by Ausgrid, a State owned corporation, under Ausgrid's Environmental Management System.

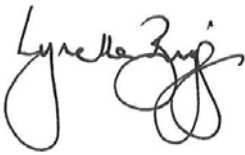
I have considered carefully the Department's environmental assessment report, all of the information provided by the Applicant, recommendations from government agencies and section 75W of the *Environmental Planning and Assessment Act 1979*. I agree that it is necessary for mining operations to move the electricity transmission line as proposed.

Key matters for this modification request include site management for the realignment, biodiversity, water, and heritage. I have reviewed the Department's assessment of these matters and I am satisfied with the Department's recommendations, which include:

- the Applicant must liaise with Ausgrid on the site management for the transmission line. A condition of consent is in place to ensure pole location in relation to creeks, access tracks and rights of way are to the satisfaction of Ausgrid;
- approximately 2.83 hectares of additional vegetation disturbance must be offset by 4 hectares of additional conservation area. In addition there will be compensatory planting for the loss of mature river oak trees and compensatory nest box installation for the loss of tree hollows. The Office of Environment and Heritage (OEH) is satisfied with this approach;
- potential impacts to riparian zones and water resources would be mitigated by avoiding the use of heavy machinery for construction works in the vicinity of creeks. In addition, the Department has included a condition requiring the Applicant to comply with OEH's *Managing Urban Stormwater: Soils and Construction - Volume 1 and Volume 2* *Mines and Quarries*, and Department of Primary Industries' *Guidelines for Controlled Activities on Waterfront Land*;

- the Aboriginal Cultural Heritage Management Plan must be updated to include six 'potential archaeologically sensitive areas' identified near the proposed realignment. The sensitivity of these sites must be further investigated and resolved before any disturbances. The OEH is satisfied with the approach in the Department recommended conditions;
- residual impacts relating to traffic, visual amenity and socio-economic matters can be managed under the existing conditions of consent; and
- there is opportunity to update a number of existing conditions in relation to noise and air quality, and to contemporise the definitions and administrative conditions in the existing consent.

For the reasons set out above, I accept the Department's recommendation that this proposal be approved. Consequently, the Commission has determined to grant consent to the development application subject to the conditions set out in the development consent.



Lynelle Briggs AO  
Chair  
NSW Planning Assessment Commission

cc.                   The Hon. Rob Stokes, MP  
Minister for Planning  
GPO Box 5341  
SYDNEY NSW 2001