

Notice of Decision – Rix’s Creek North Coal Mine (MP 08_0102 MOD 9)

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	Rix’s Creek North Coal Mine (MP 08_102 MOD 9)
Applicant	Bloomfield Collieries Pty Limited
Consent Authority	Minister for Planning & Public Spaces

Decision

The Director, Resource Assessments under delegation from the Minister for Planning & Public Spaces has, under section 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 instrument of modification and the consolidated conditions of consent, as modified, are available here: <https://www.planningportal.nsw.gov.au/major-projects/project/27121>.

A copy of the Department of Planning, Industry & Environment’s assessment report is available here: <https://www.planningportal.nsw.gov.au/major-projects/project/27121>

Date of decision

16 / 02 / 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;
- all information submitted to the Department during the assessment of the modification application;
- the findings and recommendations in the Department’s Assessment Report; 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.

The key reasons for granting the modification are as follows:

- the modification would facilitate the incorporation of micro-relief into the overburden emplacement design and allow Bloomfield to improve operational efficiency by undertaking blasting when the environmental conditions are most favourable;
- the modification is permissible with consent, and is consistent with NSW Government policies including *State Environmental Planning Policy (State and Regional Development) 2011* and *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*;
- the modification is unlikely to significantly increase the impacts of the approved project on the community and the environment, and these impacts can continue to be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards, including the *Voluntary Land Acquisition and Mitigation Policy For State Significant Mining, Petroleum and Extractive Industry Developments (September 2018)* and the *NSW Biodiversity Offsets Policy for Major Projects*;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through existing and 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 23 July 2020 until 5 August 2020 (14 days) and received 14 community submissions, including 1 objection, and 13 in support of the project.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include increased dust impacts on nearby receivers, noise and vibration impacts on surrounding receivers, and potential impacts of exploration and future mining expansion.

The existing conditions of consent provide a robust framework for the management of environmental and social impacts, in accordance with best practice and a comprehensive suite of management plans. The Department has taken the opportunity to update these conditions to reflect its current standards. The modified conditions also require the preparation of an updated suite of management plans following approval of Modification 9.

<i>Issue</i>	<i>Consideration</i>
<i>Dust impacts on nearby receivers</i>	<i>Assessment</i> - The Department has carefully reviewed the Air Quality Impact Assessment (AQIA), in consultation with the Environment Protection Authority (EPA) and Singleton Council. - The AQIA indicates that the proposed modification is unlikely to significantly increase the air quality impacts of the approved project. The Department also considers that Bloomfield's existing mitigation and monitoring strategies are reasonable and appropriate. - Nonetheless, the Department recognises that there are existing cumulative air quality issues in the locality, due to the combined impacts of multiple mining operations and other sources in the region. Therefore, the Department considers that further safeguards are needed for the protection of local residents, including more stringent air quality criteria and updated operating conditions. - The EPA confirmed it was satisfied that the modification is not expected to result in a material change to air quality impacts. <i>Recommended Conditions</i> - Updated air quality performance criteria to reflect the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales 2016</i>. - Review and update of the <i>Air Quality and Greenhouse Gas Management Plan</i> to include further detail regarding proactive and reactive mitigation measures.
<i>Noise and vibration impacts on nearby receivers</i>	<i>Assessment</i> - The Noise and Blasting Impact Assessment (NBIA) indicates that the modified development can continue to operate in compliance with existing noise criteria, subject to the implementation of mitigation measures as required (e.g. partial/complete equipment shutdowns). - The Department considers that the noise and blasting impacts of the proposed modification have been appropriately assessed. - The EPA did not raise any concerns regarding the NBIA. <i>Recommended Conditions</i> - Review and update of the <i>Noise Management Plan</i> and <i>Blast Management Plan</i> to incorporate the modification.
<i>Exploration and future mine expansion</i>	<i>Assessment</i> - Bloomfield has committed to continued engagement with surrounding landowners and the Community Consultative Committee in relation to its exploration activities and future mining plans as they are developed. <i>Recommended Conditions</i> - The Department recommends Bloomfield prepare an <i>Exploration Activities and Minor Surface Infrastructure Management Plan</i> prior to conducting any exploration activities