

Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

17 January 2017

Dear Ms McNally

**Determination of Modification Application  
Bulga Optimisation Project Eastern Emplacement Area and Tailings Storage (SSD-4960 MOD 1)**

Thank you for your Department's letter received on 9 January 2017 referring the above modification application to the Planning Assessment Commission (Commission) for determination under Ministerial delegation of 14 September 2011. I constituted the Commission to determine the modification.

Bulga Coal Management Pty Limited (Applicant) seeks to optimise the design of the approved eastern emplacement area that will result in an area increase from approximately 4672 to 4879 hectares, and to resolve operational constraints in relation to the storage of tailings. The modification includes:

- extending the approved eastern emplacement area onto additional land purchased from the Mushroom Composting Facility east of the project;
- removing the northern section of the approved eastern emplacement area;
- removing construction of a haul road bridge over the Mushroom Composting Facility's access road off Broke Road;
- developing a new tailings storage facility of up to 7.5 gigalitres in the Main Pit; and
- associated ancillary works.

I have considered carefully the Department's environmental assessment report, all of the information provided by the Applicant, recommendations from government agencies and section 96(2) of the *Environmental Planning and Assessment Act 1979*.

Key matters for this modification application include air quality, noise, biodiversity, Aboriginal cultural heritage, surface water, rehabilitation and final landform. I have reviewed the Department's assessment of these matters and I am satisfied with its recommendations, which include:

- updated air quality modelling indicates that the modified project can continue to meet the relevant air quality criteria, including that established by the Technical Review Committee for the Mushroom Composting Facility;
- it is appropriate to remove the relevant land acquisition requirements from the consent as the Mushroom Composting Facility has agreed to sell some of its unused land to the Applicant for the eastern emplacement area and the remaining property would no longer require compulsory acquisition rights;
- although noise emissions are expected to increase for some receivers, the resulting levels will still be within the approved noise assessment criteria and will be subject to the mitigation measures outlined in the original consent;
- the area of vegetation disturbance will decrease by approximately 4 hectares and no threatened ecosystem-credit species, endangered populations, threatened species and

ecological communities will be significantly impacted. The Office of Environment and Heritage (OEH) advised that the existing Biodiversity Management Plan requirement will be sufficient to mitigate and manage potential impacts;

- The tables in Appendix 10 of the consent, listing Aboriginal sites impacted and not impacted by the development, must be updated to include the three identified sites of low archaeological significance, including previous sites that were collected under the Applicant's 2015 salvage program. The OEH is satisfied with the approach in the Department's recommendation;
- the modification will not result in additional surface water or ground water impacts. The surface water run-off would continue to be managed in accordance with the complex's water management system and plan, including OEH's relevant publications. The Site water and Surface water requirements have been revised to include details of the water licenses held for the project, details of drainage works for erosion and sediment structures, and objectives for the final landform, to minimise long-term groundwater seepage; and
- the revised final landform of the eastern emplacement and the tailings storage facility would be consistent with the currently approved conceptual final landform. Rehabilitation objectives have been strengthened to require a final landform that is compatible with surrounding land and incorporates native vegetation.

For the reasons set out above, I accept the Department's recommendation that this proposal be approved. Consequently, I have determined to grant consent to the modification application subject to the conditions set out in the Notice of Modification.



David Johnson  
**Member of the Commission (Chair)**

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