

DETERMINATION REPORT

Moolarben Coal Project

Stage 1 Modification (MOD3 MP 05_0117) & Stage 2 (MP 08_0135)

1. Introduction

The Moolarben Coal Mine is an existing open cut coal mine (approved underground workings have not yet commenced), located 40 kilometres northeast of Mudgee in the Mid-Western local government area. The Moolarben Mine is part of a larger mining complex together with Ulan and Wilpinjong mines. The Goulburn River National Park is to the northeast of the mine complex and the Munghorn Gap Nature Reserve is south of the mines.

Most of the land in the vicinity of the complex is owned by one of these three operating mining companies. The Department's Environmental Assessment Report indicates there is one privately-owned residence remaining in Ulan village and 9 privately-owned residences in Wollar village.

2. Background to the proposals

In 2007 Stage 1 of the Moolarben Coal Mine project was approved for extraction of up to 12 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal from three open cut pits and one underground mining domain. The permitted extraction comprised of 8 Mtpa from the open cut operations and 4 Mtpa from the underground domain. The approval also allows processing of the ROM coal to produce 10 million tonnes of product coal per year and transport of the coal offsite by rail only, along the Gulgong to Sandy-Hollow line.

3. Current Applications

The Stage 2 Project is a proposal to expand the mining operation further to the east of the existing mine, it would develop two additional underground mining domains and one additional large open cut mining pit. The proposal involves the extraction of an additional 16 Mtpa of ROM coal for a period of 24 years.

The Stage 1 modification application (MOD3) is seeking an approval to use already approved infrastructure to receive, handle, process, store and load coal received from the Stage 2 mine as well. This involves increasing receipt of coal from the approved 12 Mtpa up to 17Mtpa capacity; an additional rail movement (4 trains per day to 5 trains per day); and an extension of the project life from 2028 to 2037. There is no increase in disturbance area proposed under MOD3.

4. Assessment Process

During the assessment of this proposal, the Commission was asked to review the merits of the Stage 2 Project and Stage 1 modification (MOD3) proposals, by the then Minister for Planning and Infrastructure. The Minister also requested that the Commission hold public hearings, and pay particular attention to the potential biodiversity impact of the proposed project. The Department also provided an assessment report for consideration in the review.

Department's February 2014 Assessment

In its assessment, dated February 2014, the Department highlighted the following key issues:

- The clearing of 1,534 hectares of land, including 123 ha of endangered ecological communities and a range of habitat for threatened fauna species;
- Potential moderate noise impacts to 5 rural residential properties;
- Potential impacts on local and regional groundwater and surface water resources;
- Increased traffic on the local road network; and
- Direct impact on 148 known Aboriginal sites.

The Department's Assessment Report concluded *that the project's benefits outweigh its potential impacts and it is therefore in the public interest, and should be approved subject to the recommended conditions of approval.*

PAC Review

As requested by the Minister, the Commission reviewed the application, and held a public hearing on 26 February 2014. A total of 51 presentations were made to the Commission at the hearing. The Commission issued its Review Report on Moolarben Coal Mine Stage 2 Project and Stage 1 modification (MOD3) on 28 May 2014. The Commission concluded that, *as a whole, the project has merit and is approvable, subject to resolving a number of outstanding matters.* In order to improve the project plans, the Commission recommended the following measures:

- A Regional Biodiversity Strategy be prepared to set out the long-term framework for consistent and coordinated planning, management and monitoring of offset areas that will add to and/or complement existing and proposed conservation areas and corridors, and that as part of the Strategy consideration be given to a Regional Biodiversity Conservation Fund and woodland bird recovery objectives. Related biodiversity management recommendations included protection of the Munghorn Gap Nature Reserve biodiversity offset areas and land management issues;
- The Water Management Performance Measures be reviewed and strengthened, water supply be appropriately addressed and a range of references and monitoring be included in the Water Management Plan;
- The adopted long term criteria for air quality should be reviewed against the World Health Organisation (WHO) goal of PM₁₀ annual average of 20 µg/m³;
- The commitment to work with NSW Education to deal with dust and noise impacts to the Ulan Public School:
- The acquisition criteria for 24 hour PM₁₀ criterion should be reviewed in consultation with NSW Health and the Environment Protection Authority (EPA);
- Modelled air quality impacts should be based on the use of the conveyor rather than any other means of transport;
- The air quality conditions for Stage 2 should be consistent with the existing conditions for Stage 1, wherever possible.
- There should be no more than two final voids in the final post mining landform for the complex and the out-of-pit emplacement area should be reconsidered; and
- Include a provision for ongoing monitoring for subsidence in addition to a Trigger Action Response Plan (TARP).

The Department's Addendum Report

The Department's Addendum Report, dated November 2014, has been prepared to consider the recommendations made in the Commission's May 2014 Review Report and additional information received from the Proponent and the OEH since the release of the Review.

The Addendum Report considered in more detail, the following issues raised by the Commission:

- Biodiversity Management including:
 - Regional Biodiversity Strategy and Conservation Fund;
 - Support for the recovery of Woodland Birds; and
 - Biodiversity Offset Areas Land Management Issues.

- Water management including:
 - Water Management Performance Measures; and
 - Water supply and Water Management Plan.

- Air Quality including:
 - Air quality criteria;
 - Modelling of conveyor; and
 - Ulan School.

- Mine Plan including:
 - Out-of-pit emplacement area; and
 - Final voids; and

- Subsidence.

The Addendum Report has also considered conditions of approval for Stage 1 (MOD9), determined by the Commission in June 2014. Specifically, concerns were raised in relation to policy on noise-related mitigation and land acquisition criteria.

The Department concluded that *the project is in the public interest and recommends that it be approved subject to the recommended conditions of consent* which are based on best practice and are equitable.

Delegation to the Commission

On 21 November 2014, after finalising its assessment of both applications, the Department of Planning and Environment referred the applications to the Commission for final determination under the existing Ministerial delegations.

Ms Lynelle Briggs AO, the Chairperson of the Planning Assessment Commission, nominated Mr Brian Gilligan (chair), Ms Annabelle Pegrum AM and herself to constitute the Commission to determine the applications.

5. Meetings and Comments

Briefing from the Department of Planning and Environment

On 16 December 2014 representatives from the Department of Planning and Environment briefed the Commission on the project. The Commission sought clarification on the status of the Drip, and this was discussed. The Commission also noted the recommendations of the review report and sought clarification on some of the conditions proposed by the Department, including in relation to the issues raised by the Environment Protection Authority. The issue of final voids was also discussed, along with the Government's new biodiversity offset policy. The Department agreed to provide updated draft conditions in

response to the discussion and the EPA correspondence. Amended conditions were provided on the same evening. Further details of the briefing are in Appendix 1.

Additional written comments received

The Commission invited those who made submissions, or spoke at the hearing on the proposal in February 2014 to provide any final comments on the application, by 11 December 2014. Comments were received from special interest groups, individuals, private businesses, the Proponent and government (Mid-Western Council and the Environment Protection Authority).

The key issues raised by the community are summarised as follows:

Objections and Issues

'The Drip' (Lot 45)

- Lack of consideration for cumulative impact of all current and intended mining activity;
- Opposition to any tunnelling under the Drip for fear of fracturing and leakage;
- The risk of subsidence damage to the cliff face and overhangs at the Drip from Underground 4 longwall operations;
- Desire to incorporate the Drip into the Goulburn River National Park for its protection;
- The invaluable landmark should be recognised as a long term tourism asset;

Catchment hydrology

- The mining operation is too large for available water sources;
- Converting 68 unit shares of aquifer access entitlement to unregulated river access entitlement is setting a poor precedent;
- Independent Expert Scientific Committee recommendation that treatment and sedimentation ponds should be designed to meet the 100 year Average Recurrence Interval flood event has not been met in the draft conditions;

Biodiversity

- Inadequate biodiversity offset strategy which does not satisfy the 'like for like' principle in the NSW Biodiversity Offsets Policy for Major Projects (distant Dun Dun properties);
- Significant cumulative loss of biodiversity;
- Loss of habitat (902ha) for the critically endangered Regent Honeyeater;
- Offset arrangements should be finalised before the approval;

Landform

- Objection to leaving any voids after operations cease;
- The area of the out-of-pit emplacement be reduced;
- Pit 4 final void should not be approved;

Noise and air quality

- Noise, air quality and blasting impacts on surrounding properties, including traffic noise.
- Concerns that the noise and dust assessment has been altered to meet the draft Voluntary Land Acquisition and Mitigation Policy before it went out for public consultation or had been gazetted.

Other

- Assessment of Aboriginal Cultural Heritage impacts should be conducted prior to approval not after (Schedule 3, Condition 39);
- There are no conditions that would limit annual coal production or the number of daily train movements through the village of Wollar.

- In the current down turn in coal demand/prices economic benefits of the project are over inflated. There is no genuine economic justification that the public benefit is greater than the environmental cost.
- The identification of properties with legal rights to access voluntary acquisition and mitigation rights based on uncertainty of predictive modelling is unfair.

In support

Socioeconomic

- Mining companies contribute greatly to State and local economies;
- Mining companies support the community through volunteers, sponsorships and scholarships.
- The project will add to local economic diversity; create more jobs and opportunities.

In relation to the correspondence received from Mid-Western Regional Council, the Environment Protection Authority NSW (EPA) and the Proponent:

- Mid-Western Council confirmed its support for the long term protection and conservation of the Drip and expressed the opinion that the proposed developers' contribution of \$515 per employee per annum is inadequate. Council's preference is for upfront payments in four annual instalments. Council also supports the incorporation of conditions 44 *Ulan Road Strategy*, 45 *Ulan-Wollar Site Access* and 46 *Cope Road Maintenance*.
- The EPA acknowledged the new Voluntary Land Acquisition and Mitigation Policy and noted some discrepancies between the recommended conditions and the Department's Addendum Report and Policy, in particular that receiver 30 and 32 qualified for acquisition due to the predicted noise impacts. The EPA also requested amendments to clarify the meteorological conditions where exemptions would apply.
- The Proponent accepted all of the Department's recommended conditions except the proposed timing requirement for lodgement of various environmental management plans for Stage 1 (31 January 2015) and operation of the Community Consultative Committee (**end of June 2013**) in Condition 6 of Schedule 6 Stage 2 Project.

6. Commission's Consideration

The Drip

The Drip is a natural feature in the vicinity of the Stage 1 underground mining area (approved by the then Minister for Planning in 2007) and at the time of writing the Proponent owns the Drip and surrounding land. The Commission received many objections to the current land tenure arrangements and concern about potential impacts to the Drip, during the review of this Stage 2 and Stage 1 modification, as well as at a public meeting held in relation to the Stage 1 Modification 9 application which was determined in mid 2014. The significance of the Drip and consideration of potential impacts of mining in the area on the Drip, are set out in the Commission's Review and determination report for those applications.

The Commission has now received further written concerns about the need to protect the Drip. The Commission acknowledges these concerns and notes that, in the approval of Stage 1 Modification 9, conditions were added to require the Drip to be protected to the satisfaction of the Secretary and OEH, prior to any coal being extracted from the expanded coal mine area. In its briefing from the Department the Commission was advised that this condition appears to be effective - with discussion continuing. The Commission understands

that the tenure of the Drip will need to be appropriately secured prior to any expansion of mining into the areas approved in Modification 9.

The Department has recommended replacing a number of conditions relating to the management of subsidence and water impacts, presumably to make them consistent with the conditions it proposed to apply to the Stage 2 mining project. Management of subsidence and water impacts are critical to ensuring the Drip is protected from any potential adverse impacts from mining. Consequently the Commission has decided to retain the existing conditions as well as adding the Department's recommended conditions, as they are generally compatible with each other.

The Department has also recommended additional performance measures, including "negligible impact or environmental consequences" to the Drip that are not regarded as adequate by many in the community. The Commission acknowledges the intent of the use of 'negligible', rather than 'nil', and in most circumstances has accepted this approach. However, the Commission considers that the Drip's special significance to the community would make the use of this definition problematic, particularly as impacts that might normally be agreed to be 'small and unimportant, such as to be not worth considering' (eg. hairline cracks) could be argued convincingly to be important to some visitors to the Drip. The Commission also notes the Department's usual conditions, requiring offsets where a performance measure has been exceeded, could not appropriately be applied to the Drip - as there is no conceivable offset available for this unique natural feature. Consequently the Commission has added a note to the condition, confirming offsets are not available for this feature.

The conditions imposed by the Commission are not without precedent, as they have been adapted from conditions that already apply to the nearby Ulan coal mine.

Biodiversity

The Commission notes that a new Biodiversity Offset Policy for Major Projects has been adopted by the NSW Government since the Review Report was completed in May 2014. The Department of Planning and Environment has assessed the biodiversity issues having regard to this new policy and has recommended conditions to ensure biodiversity impacts are managed in accordance with the new policy. The Department has also indicated that the Office of Environment and Heritage is satisfied with the proposed conditions.

Given the update to policy in this area, the Commission accepts that the new policy should be applied to the project, rather than reverting to the Review Report recommendations which were made prior to the policy taking effect.

Noise

The Department has recommended reducing the acquisition and mitigation options that would be available to impacted residents, to bring the project into line with the *Voluntary Land Acquisition and Mitigation Policy For State Significant Mining, Petroleum and Extractive Industries* gazetted on 19 December 2014. Some members of the community raised concerns about the new policy including the short timeframe during which the policy was made available for comment, and that in their view the community was not notified about the opportunity to comment. Whilst noting such comments, the Commission applies gazetted policy and has no remit in this determination to consider the suitability of the policy or of the associated processes.

The Commission notes that in this instance, the existing mine (Stage 1) already has noise controls and acquisition and mitigation criteria. Consequently it could be argued that these controls should not be changed. However, because the new mine will add to the noise impacts at surrounding privately owned properties, the Commission agrees with the

Department's approach, to consider the mine complex as a whole, rather than applying two different criteria to the same property. This is particularly important in a practical sense as it would be difficult, if not impossible, to determine which of the two sites the noise is coming from for compliance monitoring purposes. Consequently the Commission agrees with the Department's approach, to apply noise controls to the Moolarben Mine Complex as a whole. This means that the Stage 1 conditions need to be updated accordingly. The Commission has therefore applied the new acquisition and mitigation criteria specified in the *Voluntary Land Acquisition and Mitigation Policy For State Significant Mining, Petroleum and Extractive Industries*.

Because this policy could be seen to provide less protection to surrounding residents, as compared to the previous Stage 1 conditions, there could be some landowners who would lose their (former) acquisition and mitigation options with the determination of this application. The Commission has considered the implications of this change for these landowners. The Commission has concluded that it would be appropriate to include some transitional provisions, to ensure that if an eligible landowner had already made a written request for acquisition or mitigation, prior to the determination of this application, the request should be dealt with in accordance with the conditions that applied at the time of the request (instead of under the new conditions). Any new request however would be considered under the new conditions.

Consistent with the new policy, the Commission has also made some other minor amendments to the noise conditions to include acquisition criteria for the Day, Evening and Night (rather than just the night time period).

Air Quality

The community raised some concerns about air quality impacts. The Review Report indicated that the air quality modelling it considered seemed to assume the use of a conveyor (proposed to be built by the Proponent), rather than other transport methods which would produce more dust. Consequently the review recommended that the approval should be for use of a conveyor, rather than other transport options. The Proponent responded to the Review Report indicating its modelling did consider the dust impacts associated with the use of haul roads, rather than the conveyor, and indicated that the haul road is essential as it would be used prior to commissioning of the conveyor and during conveyor maintenance periods. The Commission accepts that there may be times when the conveyor is not available during maintenance. The Commission notes that the conditions require the Proponent to implement best practice to minimise the dust emissions of the project, and is satisfied that this condition will require use of the conveyor in all but exceptional circumstances.

The Review Report also noted potential for impacts to the Ulan School. For the existing mine, the Proponent has included the following commitment:

(5) Noise in School Rooms

Moolarben in consultation with the Ulan Public School and the Department of Education will undertake agreed works to ameliorate potential noise and dust impacts associated with the Moolarben Coal Project upon classrooms and general school operations.

OR

Moolarben will, should the Department of Education request, on a reasonable basis relating to the effect of noise and dust from the Moolarben Coal Project, negotiate to contribute to or meet reasonable costs toward relocating the school.

The Review recommended incorporating this commitment into the conditions for both stages. The Department duly added the commitment as a recommended condition to the

Stage 2 project and Stage 1 mine. The Commission has made some minor amendments to the condition to improve enforceability (by removing the word negotiate) and has also added it to the conditions for the Stage 1 mine.

Water

Surface Water Management System

Some comments received by the Commission noted that the Commonwealth's Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development had indicated *"that current flood mitigation strategies in the proposal which are based on a 1 in 20 and 1 in 50 year event are inadequate and treatment and sedimentation ponds need to be designed to meet at least a 1 in 100 year Average Recurrence Interval flood event"*. The Department assessed this issue, noting the advice from its independent expert, Mr Gilbert, which suggests that the proposed 50 year Average Recurrence Interval 72 hour storm event design capacity should be sufficient to prevent uncontrolled discharges, based on the 130 year daily rainfall records from Gulgong. In its review of the project, the PAC recommended performance measures *"should require mine water storage to be designed to prevent offsite discharges of mine (dirty) water, including adequate freeboard to account for potential intensification of extreme events as a result of climate change."* While the Commission accepts that based on historical records the design would be sufficient to contain mine water, there does not appear to be any capacity to contain more severe events which may occur as a result of climate change.

Based on the NSW Government's Floodplain Risk Management Guidelines, indicative changes to extreme rainfall events due to climate change, could range between -10% to +12% for the Hunter and Central Rivers in the period to 2030¹. Nonetheless the Bureau of Meteorology website states that:

"Climate change research is not yet sufficiently developed to provide the advice necessary to develop Intensity–Frequency–Duration (IFD) estimates, or other components of design floods, for possible future climates in Australia. Although some relevant research has been undertaken by CSIRO and other organisations, this work is not easily applied to IFD estimates.

*Research is being undertaken through Engineers Australia to specifically assess the impact of projected climate change on the new IFDs [Intensity Frequency Duration]. This research is focused on the Greater Sydney Region and southeast Queensland in the first instance. The outcomes of this work are expected in 2015 and will be included in Phase 2 of the IFD revision project."*²

The Commission accepts that further work is needed to determine what additional storage capacity would be required to manage more severe weather events associated with climate change. Nonetheless, the Commission notes that it is relatively common to require proposals to be designed to capture the 1 in 100 year rainfall event, as suggested by the Commonwealth's Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development. The Commission acknowledges that in some tropical climates it is not practical to design controls for 1 in 100 year events in all circumstances, but understands that in this area the additional rainfall depth associated with a 100 year ARI 72 hour storm event is approximately 30 mm more than that associated with a 50 year ARI 72 hour storm³. The Commission considers that it is reasonable to require mine water storage dams to be designed to contain the rainfall and runoff associated with a 1 in 100 year weather event in this area. As the water management system for Stage 1 is already in place,

¹<http://www.environment.nsw.gov.au/resources/floodplains/FRMGuidelinePracticalConsiderationClimateChange.pdf>

² <http://www.bom.gov.au/water/designRainfalls/ifd/ifd-faq.shtml#sec1q4>

³ Using the Bureau of Meteorology's Rainfall IFD Data System, 2013.

<http://www.bom.gov.au/water/designRainfalls/revised-ifd/>

the Commission has only added this more stringent requirement to the conditions for Stage 2.

Mine Plan and Voids

The Review Report sought refinements to the mine design to reduce the impacts of out of pit emplacement and mine voids. The Proponent's response suggests it would be difficult to make changes to the current design and that a complete change to the mine design would be required, potentially sterilising some coal. Further the backfilling of final voids would be costly. The Commission notes the Department's advice that it does not believe it is reasonable or feasible to require the proponent to backfill the final voids. The Department has highlighted the improvements that were made by the Proponent in the Preferred Project Report and accepts the current mine design.

The Commission acknowledges that mines need to be designed to avoid final voids from the very beginning of the process, as backfilling is usually prohibitively expensive. This Commission's review and determination functions come late in the assessment process at a stage when the Proponent claims that the mine design is 'fixed'. It is difficult to accept these claims given mining companies often submit applications for significant changes to the mine plan. Nonetheless, in this instance, the Department's recommended rehabilitation objectives will go some way to ensuring that the impacts of final landform and voids are minimised in the context of any future policy developments and practice improvements in these areas.

The Commission has added an additional requirement to the Rehabilitation Management Plan condition, to provide for periodic review and updating of the rehabilitation plans and management strategies to ensure best practice landform design and establishment strategies are employed.

Timing Requirements in Conditions

As highlighted by the Proponent, the Stage 2 condition for a Community Consultative Committee appears to have a typographical error as it requires the Committee to be operating by the end of June 2013. The Commission has amended the condition to require the Committee to be operational by March 2015, and notes that it is likely the existing Moolarben CCC would be extended to cover the Stage 2 area.

Many of the existing Stage 1 conditions requiring management plans did not include clear timeframes for the submission and approval of those documents. The Department has added timeframes to most of these and the Commission has made some minor amendments to ensure consistency and clarity. The exception is the Heritage Management Plan which was required to be submitted within six months of the approval of Modification 9. As that date has now passed, the Commission has not altered the condition, as the plan is already required to have been submitted.

Community Enhancements

Council raised concerns about the level of community enhancement contribution proposed – suggesting that the contribution of \$515 per employee per annum is inadequate and will make it difficult to achieve real outcomes on the ground. The Commission acknowledges the Council's concern. Similar concerns about the quantum of contribution payable have been raised on a number of other large employment generating developments which do not fit into the standard developer contribution plans generally in place in each local government area. The Commission notes that policy clarification on this issue would be helpful for all stakeholders.

The Department has considered the contributions paid by the existing mining operations in the area (Ulan, Wilpinjong and Moolarben Stage 1) and has indicated the Proponent has agreed to match the highest of these in this instance and this equates to \$515 per employee

per annum. The Council noted that if the rate is to remain unchanged its preference is for lump sum instalments, paid upfront, to facilitate the delivery of services required by the incoming population. The Commission notes the terms requested by the Council are largely consistent with the approach described in the Department's assessment report (summarising the terms of the Proponent's Voluntary Planning Agreement offer) and is satisfied the conditions allow for this payment option if both parties are agreed.

The Commission acknowledges the Council's concern about the value of the contribution, but does not have any clear policy or alternative precedent it could reasonably use to justify an alternative contribution amount. Consequently the Commission has accepted the levels included in the Department's recommended conditions of approval.

Laden Train Movement Limits

Correspondence to the Commission highlighted a discrepancy between the conditions that apply to the neighbouring mines, both of which have limits on the number of laden trains that are permitted to leave the site each day, compared to Moolarben that does not currently have a specific limit on train movements.

The Commission has considered the issue and the different conditions that apply to Ulan and Wilpinjong. The Commission acknowledges that constraints on the rail line can make it difficult to restrict train movements during certain periods, such as at night, as this has flow on capacity implications across the wider rail network. A daily cap on laden train departures should not have any significant rail network capacity constraint implications and the Commission considers it is reasonable to apply limits to train movements consistently at all three mines. The Commission confirmed maximum train numbers with the Proponent and has added a condition limiting the number of laden trains that can leave the site, consistent with conditions imposed on the nearby Ulan and Wilpinjong mines.

7. Commission's Determination

The Commission has carefully considered the information available including the Secretary's Environmental Assessment Report and associated documents, the previous PAC Review Report of the Project dated 28 May 2014, the Department's Addendum Report and additional written comments received from the community, Council and the EPA.

The Commission is satisfied that the project has significant economic benefits, both in terms of regional employment and royalties to the State of NSW. Nonetheless, the proposal will have some adverse impacts on the local community living in the vicinity of the mine site. Conditions limiting noise and air quality impacts and providing acquisition and mitigation rights in accordance with the Government's new *Voluntary Land Acquisition and Mitigation Policy For State Significant Mining, Petroleum and Extractive Industries* will go some way to mitigating these. The site also has significant biodiversity values that are proposed to be offset and the Commission is satisfied that these will be managed to comply with NSW Government's current offset requirements.

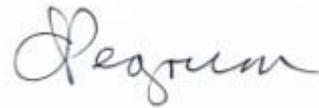
The Commission has strengthened some of the conditions controlling the management of water and the protection of the Drip and has approved the proposal, subject to conditions.



Brian Gilligan
Member of the Commission



Lynelle Briggs AO
Member of the Commission



Annabelle Pegrum AM
Member of the Commission

Appendix 1 Summary of Meetings

MEETING WITH THE DEPARTMENT OF PLANNING AND ENVIRONMENT

Meeting note taken by Megan Webb	Date: Tuesday, 16 December 2014	Time: 11:40am
Project: Moolarben Coal Project Stage 2 and Stage 1 Modification 3		
Meeting place: NSW Planning Assessment Commission Offices, Level 13 301 George St, Sydney		
Attendees: Commission Members: Mr Brian Gilligan, Ms Lynelle Briggs AO* and Ms Annabelle Pegrum AM PAC Secretariat: Megan Webb and Tatjana Djuric-Simovic Department of Planning and Environment: David Kitto, Sara Wilson and Jeff Parnell		
The purpose of the meeting is brief the Commission on the project		
<p>The Commission sought an update on the status of the Drip. The Department confirmed that the issue had been dealt with through a condition imposed on the Modification 9 to Stage 1, which was approved earlier in 2014. The Department indicated that negotiations to finalise the arrangements are ongoing, and that the proponent cannot access the additional coal resource in the modification 9 application until this is resolved.</p> <p>The Commission noted it had some difficulty identifying where some of the Review Report recommendations had been included in the conditions and the Department agreed to provide a version highlighting the changes.</p> <p>The Commission noted the EPA had provided correspondence regarding some of the noise conditions. The Department agreed to look at this and update the conditions accordingly.</p> <p>The Commission noted some inconsistencies in the wording of the condition setting air quality criteria, noting some potential confusion between cumulative and incremental levels, the Department agreed to provide an update to the conditions to address the potential issue.</p> <p>The issue of final voids was discussed, the Department reiterated the position outlined in its addendum report, confirming Stage 1 would have 2 final voids and Stage 2 would have 1 final void.</p> <p>In relation to biodiversity, the Department acknowledged that the deferral of the offset calculation is not ideal – but that in this instance it appears the proponent has genuinely attempted to comply with the calculator – and it was an error in the calculator that has caused the problem.</p>		
Documents to be provided: amended draft conditions		
Meeting closed at 12:15pm		

* Ms Briggs AO attended the meeting via teleconference