

30 October 2023

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Dear Jessie,

RE: DENDROBIUM MINE/APPIN MINE MODIFICATION – COAL TRANSPORT MODIFICATION REPORT

1 INTRODUCTION

Illawarra Coal Holdings Pty Ltd (Illawarra Metallurgical Coal [IMC]), a wholly owned subsidiary of South32 Limited (South32), is the owner and operator of the Dendrobium Mine and the Appin Mine (Figure 1).

The Dendrobium Mine currently extracts coal within Consolidated Coal Lease (CCL) 768 using underground longwall mining methods, within approved mining Areas 1, 2 and 3. Run-of-mine (ROM) coal from the Dendrobium Mine is transported to the Dendrobium Coal Preparation Plant (CPP) located within the BlueScope Port Kembla Steelworks (up to 5.2 million tonnes per annum [Mtpa]) (Figure 2).

Coal wash is approved for transport by road from the Dendrobium CPP to the West Cliff Coal Wash Emplacement Area and for beneficial use (Figure 3).

Wollongong Resources Pty Ltd (Wollongong Resources) and IMC are investigating options to wash Russell Vale Colliery ROM coal at the Dendrobium CPP, which is located within the BlueScope Port Kembla Steelworks.

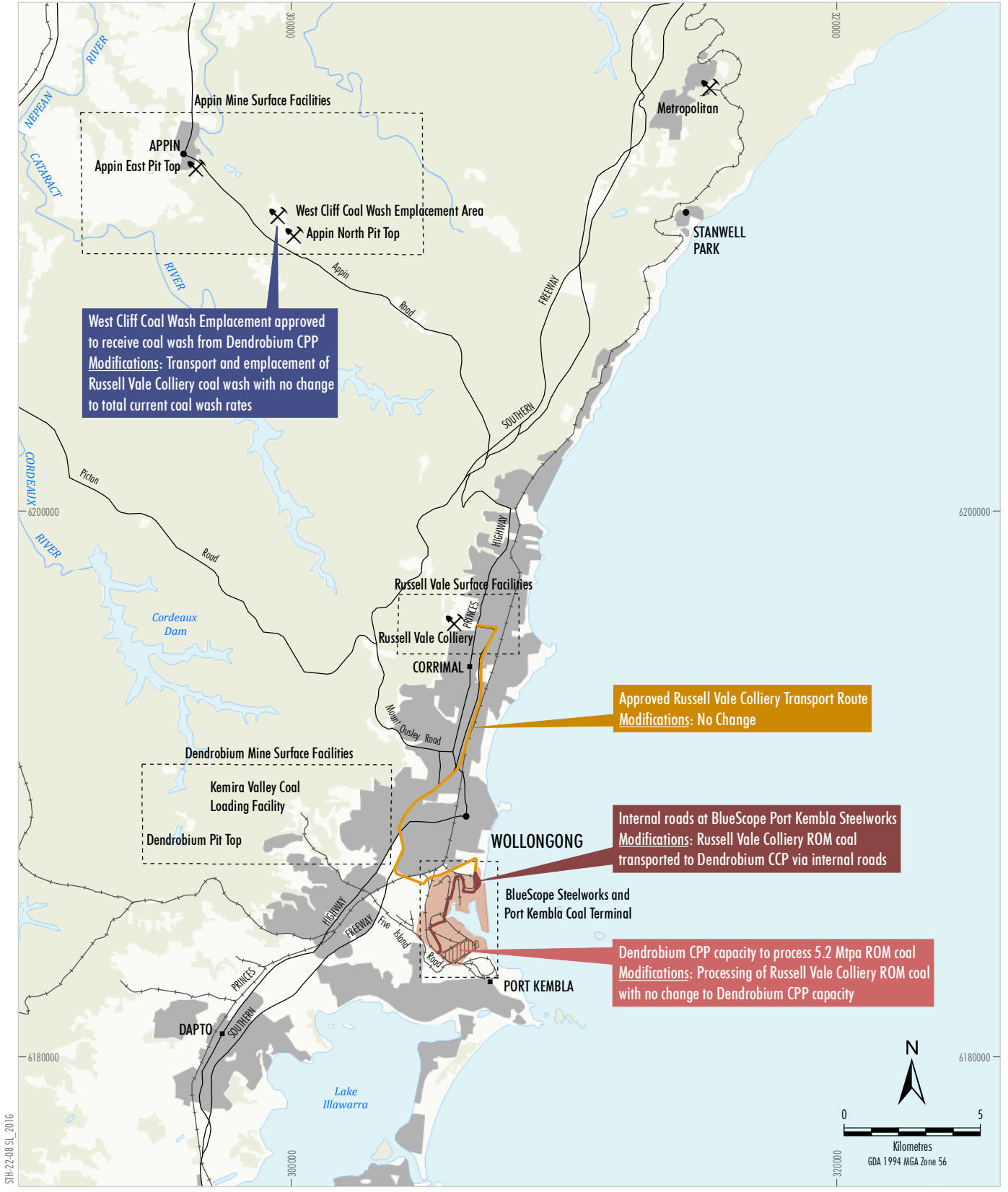
IMC is proposing modifications to the Dendrobium Mine Development Consent (DA 60-03-2001) and the Appin Mine Project Approval (PA 08_0150) to allow the receipt and processing of Russell Vale Colliery ROM Coal at the Dendrobium CPP and the transport of Russell Vale Colliery coal wash to the West Cliff Coal Wash Emplacement Area and for beneficial use (the Modifications) (Figure 1 to 3).

This Modification Report has been prepared to support applications to Dendrobium Mine Development Consent (DA 60-03-2001) and Appin Mine Project Approval (PA 08_0150).

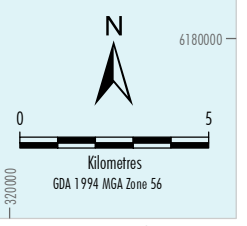
The Applicant for the Modifications are:

Illawarra Coal Holdings Pty Ltd
PO Box 514
UNANDERRA NSW 2526

Wollongong Resources is preparing a separate modification to allow the transport of Russell Vale Colliery ROM coal to the Dendrobium CPP.



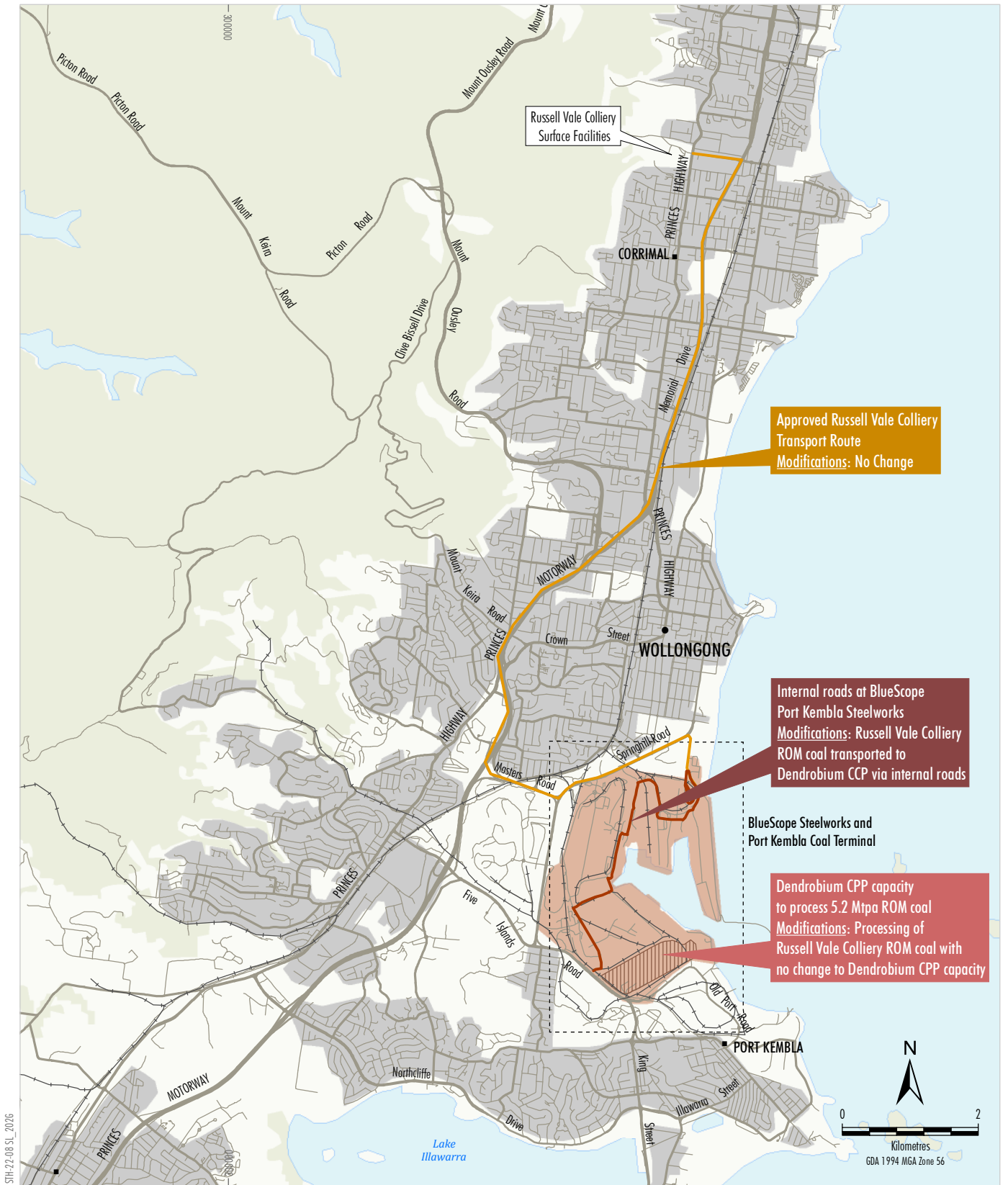
- LEGEND**
- Road
 - +— Railway
 - Urban Area
 - Russell Vale Colliery - Approved Transport Haulage Route
 - Proposed Modification - Private Roads Only
 - Private Industrial Facility
 - Modification to PA 08-0135
 - Modification to MP 09-0013
 - Modification to DA 60-03-2001



Source: NSW Spatial Services (2023)

Regional Location

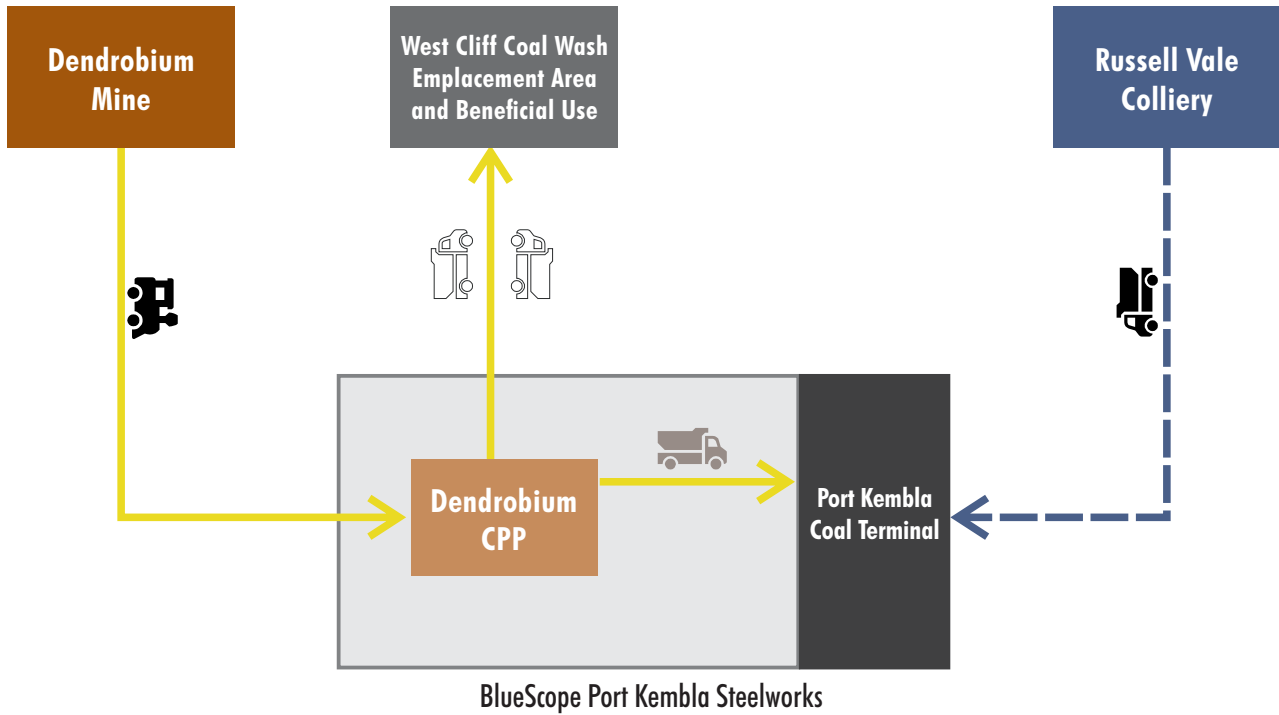
Figure 1



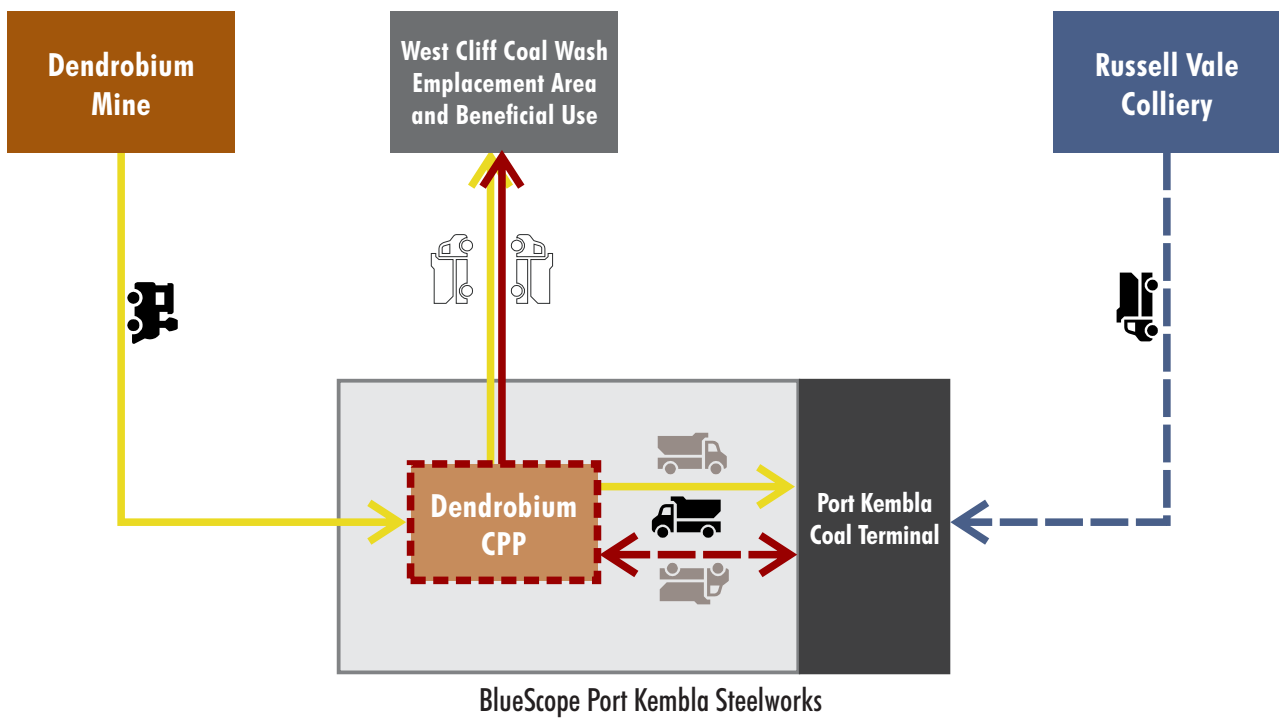
Proposed Modification

Figure 2

APPROVED



MODIFIED



STH-22-08 DAMR_004A

LEGEND

- Approved Dendrobium Mine and Appin Mine Transport Routes (DA 60-03-2001 and PA 08_0150)
- - - Approved Russell Vale Colliery Transport Route (MPO9_0013)
- Modification to DA 60-03-2001
- Modification to MPO9_0013
- Modification to PA 08_0150
- Private Industrial Facility
- Coal Wash
- ROM Coal
- Product Coal

Material Handling Schematic
(Approved and Modified operations)

Figure 3

2 STRATEGIC CONTEXT AND OVERVIEW OF MODIFICATIONS

The Illawarra region has a strong history of mining and extraction activity, dating back 200 years when coal deposits were first discovered around Coalcliff. These natural resources continue to make an economic and cultural contribution to the region and to Sydney (New South Wales Government, 2021).

The Dendrobium CPP is located within the BlueScope Port Kembla Steelworks and is integrated with its operations. The BlueScope Port Kembla Steelworks is located on approximately 742 hectares of land adjacent to Port Kembla Harbour (Figures 1 and 2).

The Dendrobium Mine is approved to produce up to 5.2 Mtpa of ROM coal until 31 December 2030. ROM coal from the Dendrobium Mine is processed at the Dendrobium CPP, which has sufficient capacity to process 5.2 Mtpa of ROM coal. The Dendrobium CPP currently produces up to approximately 1.1 Mtpa of coal wash, which is approved for transport by road from the Dendrobium CPP to the West Cliff Coal Wash Emplacement Area and to third parties for beneficial use.

South32 and Wollongong Resources have identified the opportunity to wash up to 1 Mtpa of Russell Vale Colliery ROM coal within the current processing capacity at the Dendrobium CPP (5.2 Mtpa of ROM coal). Due to the previous and current diversion of coal wash to beneficial use and exploration identifying geological constraints impacting resource at the Dendrobium Mine and Appin Mine, the West Cliff Coal Wash Emplacement Area has sufficient capacity to emplace coal wash from the Dendrobium CPP, including with the acceptance of Russell Vale Colliery ROM coal.

Coal wash produced from washing Russell Vale Colliery ROM coal at Dendrobium CPP therefore can be managed in accordance with the current Dendrobium Mine Development Consent (DA 60-03-2001) and Appin Mine Project Approval (PA 08_0150), within the current Dendrobium CPP capacity and within the current coal wash transport rate of 1.1 Mtpa and approved capacity of the West Cliff Coal Wash Emplacement Area.

The Modifications would enable the improvement of product coal quality from the Russell Vale Colliery via washing at the Dendrobium CPP to meet customer requirements, and can be implemented with no change to currently approved processing limits.

This Modification Report considers the proposed modifications for the Dendrobium Mine Development Consent (DA 60-03-2001) and Appin Mine Project Approval (PA 08_0150) (Section 3).

A separate Modification Report has been prepared by Wollongong Resources for the Russell Vale Underground Expansion Development Consent MP09_0013.

3 DESCRIPTION OF THE MODIFICATIONS

Overview

The Modifications would involve (Figures 1 and 2):

- Receipt and processing of Russell Vale Colliery ROM coal at the Dendrobium CPP (modification to Dendrobium Mine Development Consent [DA 60-03-2001]) within the current capacity of the Dendrobium CPP (5.2 Mtpa of ROM coal).
- Transport of Russell Vale Colliery coal wash from the Dendrobium CPP to the West Cliff Coal Wash Emplacement Area or to beneficial use in the local area (modification to Appin Mine Project Approval [PA 08_0150]) within the current coal wash transport rate from the Dendrobium CPP (1.1. Mtpa).
- Receipt of Russell Vale Colliery coal wash from the Dendrobium CPP at the West Cliff Coal Wash Emplacement Area or to beneficial use in the local area (modification to Appin Mine Project Approval [PA 08_0150]) within approved capacity of the West Cliff Coal Wash Emplacement Area.

A materials handling schematic for the Modifications, showing the approved and modified handling of ROM coal, product coal and coal wash is shown on Figure 3.

The Modifications would involve no change to:

- Mining operations at the approved Dendrobium Mine and Appin Mine.
- Surface disturbance at the approved Dendrobium Mine and Appin Mine (e.g. to facilitate transport or stockpiling of ROM coal, product coal or coal wash).
- Mine life(s), employment numbers, mining activities or other surface activities associated with the approved Dendrobium Mine and Appin Mine.
- Product coal transport route(s) from the Dendrobium CPP to the BlueScope Port Kembla Steelworks, Port Kembla Coal Terminal (PKCT) or existing domestic customers (approved under Dendrobium Mine Development Consent [DA 60-03-2001]).
- Coal wash transport route(s) from the Dendrobium CPP to the West Cliff Coal Wash Emplacement Area or beneficial use (approved under Appin Mine Project Approval [PA 08_0150]).
- Maximum capacity of the West Cliff Coal Wash Emplacement Area (i.e. the West Cliff Coal Wash Emplacement Area has sufficient approved capacity to accommodate coal wash from the processing of Russell Vale Colliery ROM coal).

A comparative summary of the existing/approved Dendrobium Mine and Appin Mine operations and proposed Modifications for the Dendrobium Mine and Appin Mine are provided in Tables 1 and 2.

Based on a review of the proposed changes, IMC considers that the Dendrobium Mine and Appin Mine incorporating the Modifications would be substantially the same as the approved Dendrobium Mine and Appin Mine (Section 4).

Table 1
Comparison of the Approved Dendrobium Mine and Modified Dendrobium Mine

Component	Approved Dendrobium Mine	Dendrobium Mine Incorporating the Modification
Mine Life	Until 31 December 2030.	No change.
Mining Method	Underground extraction using longwall mining methods.	No change.
Mining Area	Mining within CCL 768.	No change.
Annual Production	Mining of up to 5.2 Mtpa of ROM coal (with associated transport and processing).	No change.
Coal Handling and Processing	Transport of coal from underground workings to the Kemira Valley Coal Loading Facility via an underground conveyor network.	No change.
	Sizing and stockpiling of coal at the Kemira Valley Coal Loading Facility prior to transport to the Dendrobium CPP via the Kemira Valley Rail Line, in accordance with the approved hours of operation.	No change.
	Processing of ROM coal at the Dendrobium CPP.	Processing of Dendrobium and Russell Vale Colliery ROM coal within current Dendrobium CPP capacity of 5.2 Mtpa.
Management of Mining Waste	Transportation of coal wash by road from the Dendrobium CPP to the West Cliff Coal Wash Emplacement Area.	Receipt and processing of Russell Vale Colliery ROM coal at the Dendrobium CPP. No change to coal wash transport rate (1.1 Mtpa).
	Supply of coal wash to customers for engineering purposes (e.g. civil construction fill) or for other beneficial uses.	No change.
General Surface Infrastructure	<ul style="list-style-type: none"> • Dendrobium Pit Top. • Kemira Valley Coal Loading Facility. • Kemira Valley Rail Line. • Dendrobium CPP. • Dendrobium Shafts Nos 1, 2 and 3. 	No change.
Product Transport	Delivery of product coal from the Dendrobium CPP to the BlueScope Port Kembla Steelworks (BlueScope Steelworks) or to PKCT for transport to Liberty Primary Steel Whyalla Steelworks or for export.	No change.
Water Management	Water management infrastructure to separate clean, oily and dirty water.	No change.
	Use of a combination of recycled treated mine water and potable water purchased from Sydney Water in underground and surface operations.	No change.
	Release of water in accordance with the conditions of Environment Protection License (EPL) 3241.	No change.
Workforce	Current workforce of approximately 650 operational personnel.	No change.
Hours of Operation	Operated on a continuous basis, 24 hours per day, 7 days per week.	No change.
	Trains do not travel on the Kemira Valley Rail Line between 11.00 pm and 6.00 am, unless written approval is obtained from the NSW Environment Protection Authority for emergency use of the rail line.	No change.

Table 2
Comparison of the Approved Appin Mine and Modification

Component	Approved Appin Mine	Appin Mine Incorporating the Modifications
Mine Life	31 December 2041.	No change.
Mining Method	Conventional longwall mining techniques.	No change.
Mining Area	Mining within CCL 724, CCL 767, Coal Lease (CL) 381 and CL 388.	No change.
Annual Production	Up to 10.5 million tonnes of ROM coal in a financial year.	No change.
Coal Handling and Processing	Up to 9.3 million tonnes of product coal in a financial year.	No change.
	ROM coal delivered to West Cliff CCP directly via conveyor from Appin North or via truck from Appin East.	No change.
Management of Mining Waste	Coal wash material from the West Cliff Washery and the Dendrobium CPP is emplaced at the West Cliff Coal Wash Emplacement Area.	Russell Vale Colliery coal wash produced from the Dendrobium CPP would also be transported and placed at the West Cliff Coal Wash Emplacement Area.
		No change to the West Cliff Coal Wash Emplacement Area capacity or footprint.
General Surface Infrastructure	Existing general surface facilities include administration buildings, coal handling infrastructure, bath house, workshops, equipment service facilities, car park, washdown and fuel storage facilities.	No change.
Product Transport	Product coal from the West Cliff Washery is transported by road to the PKCT or to the BlueScope Port Kembla Steelworks.	No change.
Water Management	Groundwater inflows to the mine are stored and utilised for underground workings and surface facilities.	No change.
	A network of water storages is utilised to manage surface water that accumulates on-site at the surface facilities.	No change.
Workforce	1,170 employees and contractors.	No change.
Hours of Operation	24 hours per day, 7 days per week.	No change.

4 STATUTORY CONTEXT

This section outlines the statutory requirements relevant to the assessment of the Modifications. Attachment 1 provides statutory compliance tables for the Dendrobium Mine and Appin Mine incorporating the Modifications that identifies statutory requirements and the relevant sections in this Modification Report that address these requirements.

Environmental Planning and Assessment Act 1979

IMC is seeking to modify Dendrobium Mine Development Consent (DA 60-03-2001) and Appin Mine Project Approval (PA 08_0150) under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Section 4.55(1A) relevantly provides.

- (1A) ***Modifications involving minimal environmental impact*** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
 - (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

...

Comparative analyses that outline the approved Dendrobium Mine and Appin Mine components and the key components of the Modifications are provided in Tables 1 and 2, respectively.

This Modification Report includes an assessment of potential impacts associated with the Modifications. The assessment concludes that the Modifications are of “minimal environmental impact”.

Accordingly, the consent authority can be satisfied that the Dendrobium Mine and Appin Mine incorporating the Modifications would remain “substantially the same” and that the Modifications are of “minimal environmental impact”.

Objects of the NSW Environmental Planning and Assessment Act 1979

Section 1.3 of the EP&A Act describes the objects of the EP&A Act. The Modifications are considered to be generally consistent with the objects of the EP&A Act, as they:

- would continue to involve the orderly economic use and development of land at the Dendrobium Mine and Appin Mine;
- would facilitate ecologically sustainable development, in that there would be no change to the currently accepted environmental impacts;
- would not require new surface development areas and therefore potential impacts on biodiversity and cultural heritage items as a result of the Modifications would be avoided; and
- would be developed in a manner that incorporates community engagement, with a range of stakeholders consulted through the preparation of this Modification Report.

Evaluation under section 4.15(1) of the Environmental Planning and Assessment Act 1979

In evaluating the Modifications, under section 4.15(1) of the EP&A Act, the consent authority is required to take into consideration a range of matters as they are of relevance to the subject of the application. While this is a requirement of the consent authority, this Modification Report has been prepared to generally address the requirements of section 4.15(1) of the EP&A Act to assist the consent authority as follows:

- Detail on potential modification requirements under the key environmental planning instruments is included in the statutory compliance tables provided in Attachment 1.
- Clause 2.10 of the *State Environmental Planning Policy (Planning Systems) 2021* states that development control plans do not apply to State Significant Developments, such as the Modifications.
- IMC will continue to make contributions for community enhancement in accordance with the requirements of the Dendrobium Mine Development Consent (DA 60-03-2001) and Appin Mine Project Approval (PA 08_0150).
- This Modification Report has been prepared in consideration of the prescribed matters in the EP&A Regulation.
- A description of the existing environment, an assessment of the potential environmental impacts associated with the Modifications, and a description of the potential measures to avoid, mitigate, rehabilitate, remediate, monitor and/or offset the potential impacts of the Modifications are described in this Modification Report.
- The suitability of the Modifications sites has previously been considered and approved, and would not change for the Modifications.
- Consideration of whether, on evaluation, the Modifications are considered to be in the public interest is provided in this Modification Report.

Other Relevant NSW Legislation

Other NSW legislation that may be applicable to the Dendrobium Mine and Appin Mine were described in the relevant environmental approval documentation (i.e. relevant Environmental Impact Statements and subsequent modifications). IMC would continue to obtain relevant licences or approvals required under this NSW legislation for the Dendrobium Mine and Appin Mine, incorporating the Modifications.

Environment Protection and Biodiversity Conservation Act 1999

The Dendrobium Mine and Appin Mine are approved under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

- Dendrobium Mine on 20 December 2001 (EPBC 2001/214).
- Appin Mine on 15 May 2012 (EPBC 2010/5350) and 1 April 2011 (EPBC 2010/5722).

It is concluded that the Modifications would not have significant impacts on Matters of National Environmental Significance for the following reasons:

- The Modifications would not have a significant impact on listed threatened species and ecological communities and/or migratory species as there would be no additional surface development area.
- The Modifications would not have a significant impact on wetlands of international importance.
- The Modifications would not have a significant impact on World Heritage properties or national heritage places.
- The Modifications would not impact the Great Barrier Reef Marine Park and/or Commonwealth marine areas.
- The Modifications is not a nuclear action.
- The Modifications would not have a significant impact on water resources as there would be no change to coal mining activities due to the Modifications.

IMC has undertaken self-assessment, and is not referring the Modifications to the Commonwealth Minister.

5 ENGAGEMENT

IMC has consulted with government agencies and relevant stakeholders during the preparation of this Modification Report. A summary of this consultation is provided below.

NSW Department of Planning and Environment

IMC commenced consultation with the NSW Department of Planning and Environment (DPE) regarding the proposed Modifications on 20 September 2023. IMC provided a scoping letter to the DPE on 20 September 2023 to provide an overview of the Modifications, proposed approval pathway and the proposed scope of the environmental assessment.

Government Agencies

IMC provided a briefing letter to the following agencies in October 2023 to provide an overview of the Modifications and the supporting environmental assessments to be undertaken:

- Wollongong City Council;
- Wollondilly Shire Council;
- Wingecarribee Shire Council;
- NSW Environment Protection Authority; and
- Transport for NSW.

At the time of writing, none of these government agencies had requested any further information regarding the Modifications.

Community Consultative Committees

IMC briefed the Dendrobium Mine and Appin Mine Community Consultative Committees (CCCs) in October 2023. No comments requiring amendment in the Modification Report were provided by the CCCs. IMC will provide an update on the Modifications assessment status to the CCCs.

6 ASSESSMENT OF IMPACTS

The Modifications would not change approved limits at the Dendrobium Mine and Appin Mine (Section 3).

The Dendrobium Mine (as modified) and Appin Mine (as modified) can be implemented with no change to existing criteria, performance measures and limits described in the Dendrobium Mine Development Consent (DA 60-03-2001) and the Appin Mine Project Approval (PA 08_0150).

Notwithstanding the above, IMC has undertaken a review of potential environmental impacts of the Modifications to identify key potential environmental issues requiring consideration, as follows:

- road transport;
- road traffic noise; and
- greenhouse gas emissions.

Further detail on each of these aspects are summarised below.

Road Transport

Coal wash from the Dendrobium CPP is transported to the West Cliff Coal Wash Emplacement by backloading coal haulage trucks under the Appin Mine Project Approval (08_0150). These trucks use private roads within the Port Kembla industrial precinct and join the public road network on Springhill Road between Masters Road and Five Islands Road. Coal wash is then transported to the West Cliff Coal Wash Emplacement using the regional public road network (via Springhill Road, Masters Road, Princes Motorway to Appin Road), or transported to other destinations for beneficial use (Figures 1 and 2).

Transport of Russell Vale Colliery coal wash would be undertaken without the requirement for any change to the approved road haulage route(s), haulage vehicle type or haulage vehicle frequency, or increase in the current coal wash transport rate (1.1 Mtpa coal wash). The only change would be that the approved haulage vehicles would transport Russell Vale Colliery coal wash (in addition to Dendrobium Mine and Appin Mine coal wash) at a transport rate that would not exceed 1.1 Mtpa of coal wash.

No additional road transport impacts are therefore expected as a result of the Modifications, beyond what has been previously assessed and approved.

All coal/coal wash haulage routes have been authorised, with the requisite permits issued by the National Heavy Vehicle Regulator. IMC would also continue to implement traffic management strategies as a component of the Dendrobium Mine and Appin Mine Traffic Management Plans for the Modifications.

Road Traffic Noise

As the Modifications would not change the approved road haulage route(s), haulage vehicle type or haulage vehicle frequency, there would be no additional road traffic noise impacts as a result of the Modifications.

Greenhouse Gas Emissions

Scope 2 GHG Emissions

While the Modifications would not increase the processing capacity of the Dendrobium CPP above 5.2 Mtpa of ROM coal, the washing of Russell Vale Colliery ROM coal at the Dendrobium CPP proposed for the Modifications would result in a corresponding increase in Scope 2 greenhouse gas emissions associated with electricity use (i.e. relative to a “no Modifications” scenario).

Notwithstanding, there would be no incremental increase in electricity use for the Modifications when compared to the maximum production of the currently approved operations at the Dendrobium Mine.

It is estimated the Scope 2 greenhouse gas emissions from the processing of Russell Vale Colliery ROM coal at the Dendrobium CPP would be up to 4,411 tonnes of carbon dioxide equivalent per year, based on washing 1 Mtpa of Russell Vale Colliery ROM coal at the Dendrobium CPP. The estimate is based on historic electricity use at the Dendrobium CPP and the *Australian National Greenhouse Accounts Factors* (Department of Climate Change, Energy, the Environment and Water, 2023).

Actual Scope 2 emissions from electricity use for the Dendrobium Mine operations are currently quantified annually and reported under the *National Greenhouse and Energy Reporting Scheme*, and this would continue for the Modifications. It is noted that the Safeguard Mechanism was introduced in 2023, however Scope 2 greenhouse gas emissions are not captured by the Safeguard Mechanism.

It is expected that Commonwealth and State-level legislation and policies to reduce greenhouse gas emissions are likely to reduce the emissions intensity of purchased electricity, and reduce Scope 2 emissions accordingly.

It is also noted that the NSW Government’s *Net Zero Plan Stage 1: 2020-2030* states:

New South Wales’ \$36 billion mining sector is one of our biggest economic contributors, supplying both domestic and export markets with high quality, competitive resources. Mining will continue to be an important part of the economy into the future and it is important that the State’s action on climate change does not undermine those businesses and the jobs and communities they support.

In addition, the *Net Zero Plan Stage 1: 2020–2030 Implementation Update* relevantly states that:

... NSW Government policy is that the NSW Government’s objective set out in this Plan, to reduce emissions by 50% below 2005 levels by 2030, is not to be considered in the assessment or determination of development and infrastructure applications under the Environmental Planning and Assessment Act 1979.

Scope 1 GHG Emissions

As described above, the Modifications are not expected to increase coal wash truck movements, as coal wash is transported to the West Cliff Coal Wash Emplacement via backloaded Appin Mine product coal trucks (and noting the quantity of Appin Mine product coal transport is greater than the quantity of coal wash, including with the Modifications).

Accordingly, no incremental increase in Scope 1 greenhouse gas emissions is expected due to the Modifications.

Cumulative Impacts with Russell Vale Underground Expansion Modification

The separate modification for the Russell Vale Underground Expansion Development Consent MP09_0013 would involve no change to the approved public road haulage route(s), haulage vehicle type or haulage vehicle frequency.

Therefore, no additional cumulative impacts of the Modifications with the modification for the Russell Vale Underground Expansion are expected.

7 EVALUATION OF MERITS

Wollongong Resources and IMC are investigating options to wash Russell Vale Colliery ROM coal at the Dendrobium CPP to enable the improvement of product coal quality from the Russell Vale Colliery to meet customer requirements with no change to the current processing capacity of the Dendrobium CPP, current rate of coal wash production or coal wash transport routes.

The Modifications would enable the improvement of product coal quality from the Russell Vale Colliery via washing at the Dendrobium CPP to meet customer requirements.

The Modifications to the Dendrobium Mine Development Consent (DA 60-03-2001) and Appin Mine Project Approval (PA 08_0150) covered by this Modification Report would allow the receipt and processing of Russell Vale Colliery ROM coal at the Dendrobium CPP and the transport of Russell Vale Colliery coal wash to the West Cliff Coal Wash Emplacement Area or for beneficial use. The modified Dendrobium Mine and Appin Mine would be substantially the same as the existing/approved Dendrobium Mine and Appin Mine.

The Dendrobium Mine (as modified) and Appin Mine (as modified) would continue to comply with existing criteria, performance measures and limits described in the Dendrobium Mine Development Consent (DA 60-03-2001) and the Appin Mine Project Approval (PA 08_0150). IMC would operate the modified Dendrobium Mine and Appin Mine in accordance with the existing environmental management plans and environmental monitoring programs, with minor revisions as necessary to incorporate the Modifications.

This Modification Report concludes that the Modifications are of minimal environmental impact (Section 6).

In weighing up the main environmental impacts (costs and benefits) associated with the proposal as assessed and described in this Modification Report, the Modifications are, on balance, considered to be in the public interest of the State of NSW.

If you have any queries please don't hesitate to contact the undersigned on 0438 042 897.

Yours sincerely



Gary Brassington
Manager Approvals
Illawarra Metallurgical Coal – South32

8 REFERENCES

Commonwealth Department of Climate Change, Energy, the Environment and Water (2023).
Australian National Greenhouse Accounts Factors.

Department of Planning, Industry and Environment (2021). *State Significant Development Guidelines
– Preparing a Modification Report.*

New South Wales Government (2021). *Illawarra Shoalhaven Regional Plan 2041.*

ATTACHMENT 1
STATUTORY COMPLIANCE SUMMARY

**Table A1-1
Summary Statutory Compliance for State Legislation**

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in Modification Report	Modified Dendrobium Mine and Appin Mine Compliance Status
<i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i>			
section 1.3	Relevant objects of the EP&A Act: <ul style="list-style-type: none"> • Promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources. • Facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment. • Promote the orderly and economic use and development of land. • Protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats. • Promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage). • Promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State. • Provide increased opportunity for community participation in environmental planning and assessment. 	Section 4 provides an overview of the statutory requirements relevant to the assessment of the Modifications.	✓
section 4.15	Relevant environmental planning instruments: <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021.</i> • <i>State Environmental Planning Policy (Resources and Energy) 2021.</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021.</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021.</i> • <i>Wollongong Local Environmental Plan 2009.</i> • Any planning agreement or draft planning agreement that a developer has entered into under section 7.4 of the EP&A Act. • The NSW <i>Environmental Planning and Assessment Regulation 2021.</i> The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality; the suitability of the site for the development; any submissions made in accordance with the EP&A Act or the EP&A Regulation; the public interest.	Table A1-2 provides a summary of the environmental planning instruments relevant to the Modifications.	✓

Table A1-1 (continued)
Summary Statutory Compliance for State Legislation

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in Modification Report	Modified Dendrobium Mine and Appin Mine Compliance Status
<i>Environmental Planning and Assessment Regulation 2021</i>			
clause 99	1) A modification application must— <ol style="list-style-type: none"> a) be in the approved form, and b) contain all the information and documents required by— <ol style="list-style-type: none"> i. the approved form, and ii. the Act or this Regulation, and c) be submitted on the NSW planning portal. 2) If the modification application is for State significant development— <ol style="list-style-type: none"> a) the application must also include particulars of the nature of the modification, and b) the applicant must consider the <i>State Significant Development Guidelines</i> in preparing the application. 	Sections 1 to 7 of this Modifications Report has been prepared in consideration of clause 99 of the EP&A Regulation.	✓
<i>Biodiversity Conservation Act 2016</i>			
section 7.16(3)	If the consent authority is of the opinion that the Modifications are likely to have serious and irreversible impacts on biodiversity values, the consent authority is required to: <ul style="list-style-type: none"> • take those impacts into consideration; and • determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is to be granted. 	No change to biodiversity impacts for the Dendrobium Mine or Appin Mine is required for the Modifications.	✓
<i>Protection of the Environment Operations Act 1997 (PoEO Act)</i>			
section 43	Operations at the Dendrobium Mine and Appin Mine are currently undertaken in accordance with existing EPL 21007, 12314, 12799 and 12264 issued under the PoEO Act. The Dendrobium Mine and Appin Mine EPLs contains conditions that relate to emission and discharge limits, environmental monitoring and reporting. It is not anticipated that any changes to the Dendrobium Mine and Appin Mine EPLs would be required as a result of the Modifications.	No change to existing EPLs for the Dendrobium Mine and Appin Mine is required for the Modifications.	✓
<i>Water Management Act 2000</i>			
sections 89, 90 and 91	The Modifications would not change peak water licensing, supply sources and storage requirements for the Dendrobium Mine and Appin Mine. IMC would continue to obtain and hold licences required under the <i>Water Management Act 2000</i> for licensable take.	No change to water management is required at the Dendrobium Mine and Appin Mine for the Modifications.	✓

Table A1-2
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in Modification Report	Modified Dendrobium Mine and Appin Mine Compliance Status
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>			
clause 2.17	<p>Before determining an application for consent for the purposes of mining the consent authority must:</p> <p>(a) consider –</p> <p>(i) the existing uses and approved uses of land in the vicinity of the development, and</p> <p>(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and</p> <p>(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and</p> <p>(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and</p> <p>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</p>	No change to existing uses and approved uses of land in the vicinity of the Dendrobium Mine and Appin Mine.	✓
clause 2.18	<p>Before determining an application for consent for the purposes of mining the consent authority must consider relevant provisions of the <i>Voluntary Land Acquisition and Mitigation Policy</i> (NSW Government, 2018).</p>	No change to noise or particulate matter impacts would occur as a result of the Modifications.	✓

Table A1-2 (continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in Modification Report	Modified Dendrobium Mine and Appin Mine Compliance Status
clause 2.19	Before determining an application for development in the vicinity of mining, petroleum or extractive industry, the consent authority must (among other things) consider whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery.	No change.	✓
clause 2.20	Before determining an application for consent for the purposes of mining the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner (including conditions to ensure that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable, that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable, and that greenhouse gas emissions are minimised to the greatest extent practicable). This includes considering an assessment of greenhouse gas emissions (including downstream emissions) having regard to any applicable State or National policies, programs of guidelines concerning greenhouse gas emissions.	No change to conditions of relevant consents is required to support the Modifications. Section 6 describes an assessment of the potential impacts (i.e. greenhouse gas emissions) of the Modifications.	✓
clause 2.21	Before determining an application for consent for the purposes of mining the consent authority must consider the efficiency of the development in terms of resource recovery and whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resources recovery and the reuse or recycling of material.	No change to resource recovery would occur as a result of the Modifications.	✓

Table A1-2 (continued)
Summary Statutory Compliance for Environmental Planning Instruments

Relevant Legislation or Instrument	Mandatory Consideration	Relevant Section in Modification Report	Modified Dendrobium Mine and Appin Mine Compliance Status
<i>State Environmental Planning Policy (Resources and Energy) 2021 (continued)</i>			
clause 2.22	Before determining an application for consent for the purposes of mining the consent authority must consider whether or not the consent should be issued subject to conditions regarding transport of materials.	Section 6 describes the potential impacts of transportation of materials as a result of the Modifications.	✓
clause 23	Before determining an application for consent for the purposes of mining the consent authority must consider whether or not the consent should be issued subject to conditions regarding rehabilitation, including the particular considerations set out in clause 17(2).	No change to rehabilitation would occur as a result of the Modifications.	✓
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>			
clause 3.12	A consent authority must consider current circulars or guidelines published by the DPE relating to hazardous or offensive development, whether to consult with relevant public authorities regarding any environmental or land use safety requirements, a preliminary hazard analysis prepared by the applicant, feasible alternatives to the development and likely future use of surrounding land.	No change to potentially hazardous or offensive activities.	✓
clause 4.6	A consent authority must consider whether the land is contaminated and be satisfied that, if the land is contaminated, the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose of the Dendrobium Mine and Appin Mine.		
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>			
clause 6.64	As the Modifications has the same or lesser impact on water quality than that of the existing development, the Modifications will have a neutral effect to water quality in accordance with clause 6.64.	No potential water impacts would occur as a result of the Modifications.	✓
<i>Wollongong Local Environmental Plan 2009</i>			
clause 1.2	<p>The Modifications has regard to the aims of the <i>Wollongong Local Environmental Plan 2009</i>, as:</p> <ul style="list-style-type: none"> • The Modifications have been developed in a manner that considers the impacts, mitigation measures and management measures required for effective land use and rehabilitation activities. • The Modifications would facilitate local and regional employment and economic development opportunities. 	This attachment describes how the Modifications consider the relevant standard environmental planning instruments.	✓