

Notice of decision

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	DA 60-03-2001-Mod-10 & MP 08_0150-Mod-5 Dendrobium Mine Modification 10 and Bulli Seam Operations Modification 5
Applicant	Illawarra Coal Holdings Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director, Energy and Resource Assessments, under delegation from the Minister for Planning and Public Spaces has, under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modifications and conditions are available [here](#) (for Dendrobium Mine Modification 10) and [here](#) (for Bulli Seam Operations Modification 5).

A copy of the Department of Planning, Housing and Infrastructure's Assessment Report is available [here](#) (for Dendrobium Mine Modification 10) and [here](#) (for Bulli Seam Operations Modification 5).

Date of decision

9 August 2024

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 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 2021*;
- the objects of the Act;
- the considerations under s 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the modification application and any additional information considered in the Department's Assessment Report;
- 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 key reasons for granting consent to the development applications are as follows:

- the modifications represent an efficient use of existing infrastructure and facilities, without the need to amend any limits approved by the existing development consents;
- the project is permissible with development consent, and is consistent with NSW Government policies;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the projects is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines, and
- weighing all relevant considerations, the projects are in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modifications from 29 November 2023 to 12 December 2023 (14 Days) and received eight community submissions, including six from individuals and two from special interest groups. These submissions comprised two commenting, four objecting and two supporting submissions. Additionally, late feedback was received from one individual following the conclusion of the exhibition period.

Wollongong City Council, Campbelltown City Council and Wollondilly Shire Council provided submissions in the form of comments.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include the management of coal wash at the West Cliff Coal Wash Emplacement Area and potential impacts associated with road transport of coal wash. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p>Management of coal wash at the West Cliff Coal Wash Emplacement Area, including potential impacts on biodiversity, surface water quality and Aboriginal heritage.</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Coal wash is proposed to be emplaced at the West Cliff Coal Wash Emplacement Area within the approved capacity of the emplacement area. No additional land disturbance is proposed. • The modifications do not propose any activities which would materially impact on biodiversity, water resources, Aboriginal heritage, historic heritage, or soils. • The Department's assessment found that the modifications would not result in any additional impacts to the natural environment or amenity of nearby receivers beyond what is already approved. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The existing conditions of Bulli Seam Operations consent require IMC to prepare and implement the West Cliff Coal Wash Emplacement Area Management Plan, which includes a framework to reduce, avoid and/or manage impacts on Aboriginal heritage sites, biodiversity and water at the West Cliff Coal Wash Emplacement Area.
<p>Potential impacts associated with road transport of coal wash.</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • All processing, transport and emplacement activities proposed by the modifications would be managed within the existing approved limits established under the Dendrobium Mine and Bulli Seam Operations development consents. • No changes to the currently approved road transport routes, coal wash transport rate, haulage vehicle type or haulage frequency is proposed by the modifications. • The Department accepts that there would be no additional traffic, road noise or traffic-related air quality impacts beyond what is currently approved under the existing consents. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The existing conditions of Dendrobium Mine and Bulli Seam Operations development consents require IMC to prepare and implement traffic management plans, which include measures to minimise any potential traffic related impacts associated with the projects.