

Department of Planning, Housing and Infrastructure

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Bulli Seam Operations Modification 6

State Significant Development Modification Assessment Report (MP08_0150-Mod-6)

October 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of modification MP 08_0150 Mod 6 of the State significant development (SSD) application for the Bulli Seam Operations Project, lodged by Illawarra Coal Holdings Pty Ltd (Illawarra Coal Holdings). The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations;
- a demonstration of how matters raised by the community and other stakeholders have been considered;
- an explanation of any changes made to the modification during the assessment process;
- an assessment of the likely environmental, social and economic impacts of the modification;
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable; and
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the approval should be modified and any conditions that should be imposed.

Executive Summary

The Bulli Seam Operations (BSO) is a mining complex comprising the Appin Mine and West Cliff Colliery, which are two existing underground coal operations located approximately 25 km northwest of Wollongong. BSO is owned and operated by Illawarra Coal Holdings Pty Ltd (Illawarra Coal Holdings [ICH]). On 29 August 2024, ICH was sold to an entity owned by Golden Energy and Resources Pte Ltd (GEAR) and M Resources Pty Ltd.

In July 2024, ICH lodged a modification application seeking to modify the consent for the BSO Project (MP 08_0150) to:

- extend the construction blasting hours at the Appin Mine Ventilation and Access (AMVA) Site to Monday to Saturday 7 am to 10 pm and Sunday 8 am to 10 pm; and
- increase the construction blasting frequency to a maximum of two blasts per 24-hour period at each of the AMVA Site ventilation shafts.

ICH is also seeking to clarify the definition of blast misfire to incorporate technical misfires associated with electronic detonators.

The modification application was lodged under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Department is satisfied that the modification is within the scope of section 4.55(1A) and can be assessed and determined under this section. The Minister for Planning and Public Spaces is the consent authority under section 4.5(a) of the EP&A Act.

The Department made the modification application available on its website on 25 July 2024 and referred the application to the Environment Protection Authority (EPA), Department of Primary Industries and Regional Development – NSW Resources, Resources Regulator and Wollondilly Shire Council (Council). The Department of Primary Industries and Regional Development – NSW Resources and Resources Regulator raised no concerns regarding the proposed modification and Council did not provide any comments. EPA requested further information regarding the justification for the modification application and raised concerns regarding the potential impacts on the nearby receivers. Following review of the additional information provided from ICH and a site visit, EPA indicated that it had no further concerns with the modification application.

The Department understands that the underlying geological conditions encountered within the AMVA Site have resulted in the need to change the blasting method for the shaft sinking activities, or otherwise risk construction delays at the AMVA Site.

The Department considers that the proposed modification would reduce the duration of construction at the AMVA Site without exceeding the blasting noise and vibration limits approved by the existing development consent.

The Department's assessment has found that the impacts associated with the proposed modification would be minor and generally consistent with the previously approved operations. The Department considers that the existing and recommended conditions would be adequate to manage the impacts of the proposed modification.

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1 Introduction

1.1 Background

Bulli Seam Operations (BSO) is a mining complex comprising the Appin Mine and West Cliff Colliery, which are two existing underground coal mines located approximately 25 km northwest of Wollongong in the Wollondilly, Campbelltown and Wollongong LGAs (see Figure 1). The Appin Mine includes the Appin Mine Ventilation and Access (AMVA) Site, which is located above the approved main underground mine roadway workings associated with Appin Area 7, and within the South Campbelltown Mine Subsidence District (see Figure 2).

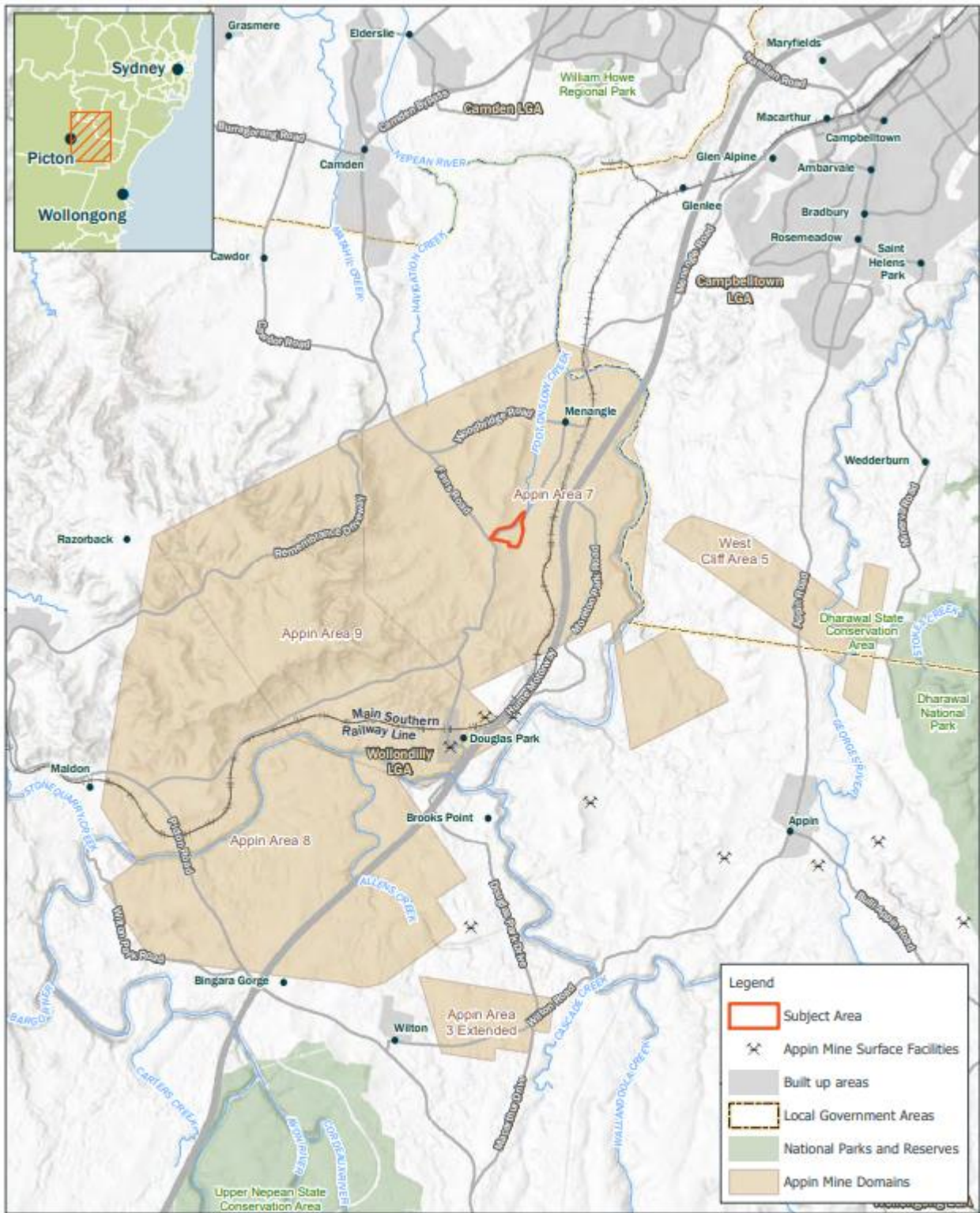
BSO is owned and operated by Illawarra Coal Holdings Pty Ltd (Illawarra Coal Holdings [ICH]). On 29 August 2024, ICH was sold to an entity owned by Golden Energy and Resources Pte Ltd (GEAR) and M Resources Pty Ltd. The mine has been operating since 1960s and primarily produces metallurgical coal used for steelmaking.

1.2 Approval history

The development consent for the BSO Project (MP 08_0150) was granted by the Planning Assessment Commission (now the Independent Planning Commission of NSW) on 22 December 2011. The consent has subsequently been modified on four occasions. The Department understands that ICH is currently in the process of preparing a further modification (MOD 4).

The modified project approval permits:

- extraction of up to 10.5 Mtpa of ROM coal from the Appin and West Cliff underground mining domains, using longwall mining methods until 2041;
- operation of a range of ancillary mining and mine ventilation facilities at the Appin Mine and West Cliff Colliery pit top sites;
- processing of coal at the West Cliff Coal Handling and Preparation Plant;
- operation of a mine gas drainage system at the Appin Mine pit top;
- transportation of up to 9.3 Mtpa of ROM coal by road to Port Kembla for domestic customers or export;
- transportation and emplacement of coal rejects at the West Cliff Coal Wash Emplacement; and
- development and operation of the AMVA Site.



SOUTH32

FIGURE 1

Regional Location
Appin Mine Ventilation and Access Project

Legend

- Subject Area
- Appin Mine Surface Facilities
- Built up areas
- Local Government Areas
- National Parks and Reserves
- Appin Mine Domains

0 1 2
km
GDA 1994 MGA Zone 56

Figure 1 | Regional location

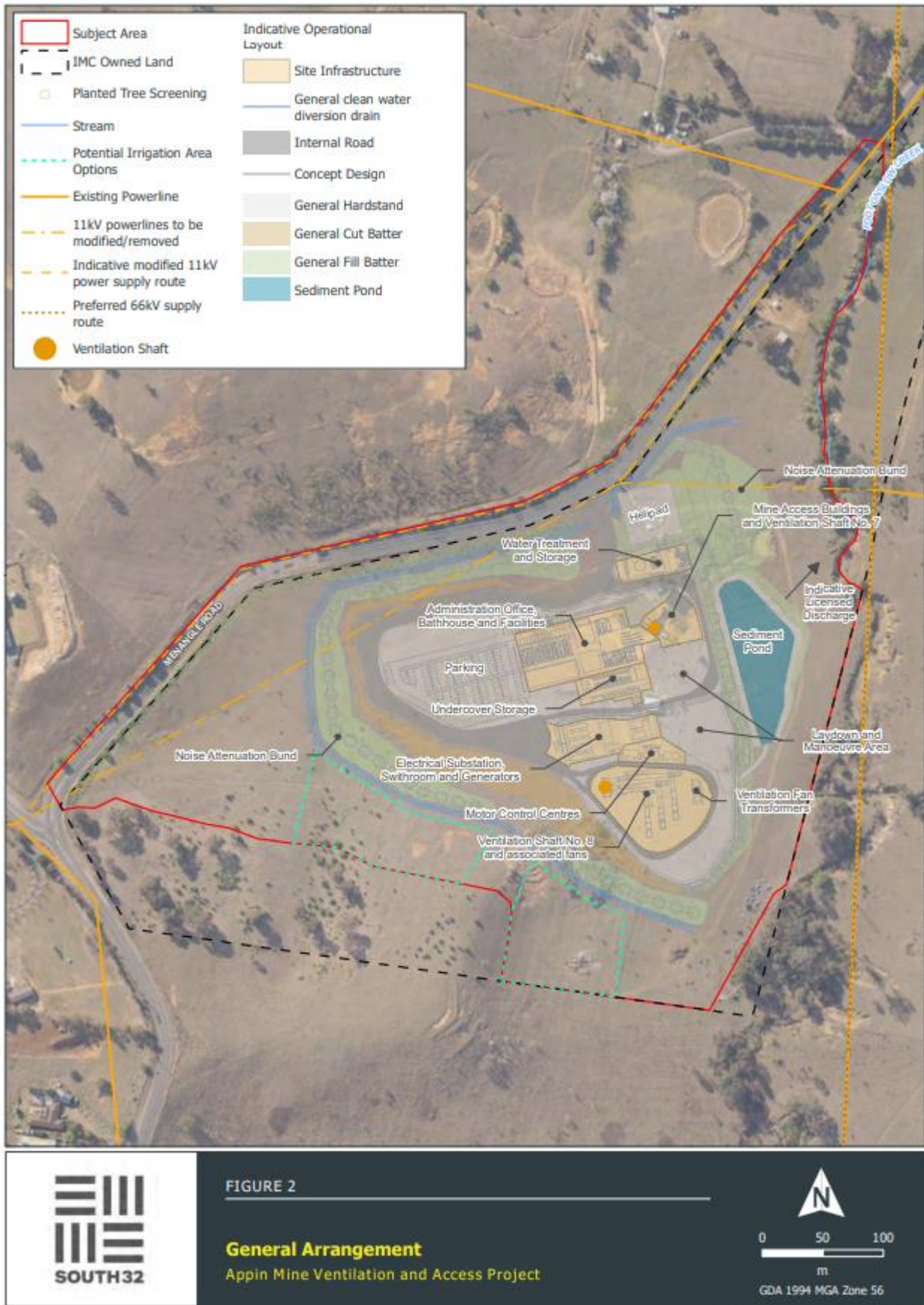


Figure 2 | AMVA Site

ICH is approved to carry out a maximum of one blast per 24-hour period at each of the AMVA Site ventilation shafts, between Monday to Friday 9 am to 5 pm and Saturday 9 am to 1 pm. Shaft sinking activities prior to the construction of acoustic sheds/mitigation over the ventilation shaft construction areas are limited to Monday to Friday 7 am to 6 pm and Saturday 8 am to 1 pm.

Following the construction of acoustic sheds/mitigations, shaft sinking activities are approved to be undertaken 24 hours per day, 7 days per week.

2 Proposed modification

In July 2024, ICH lodged a modification application and supporting Modification Report (see **Appendix A**), seeking to modify the consent for the BSO Project (MP 08_0150).

ICH is seeking approval to:

- extend the construction blasting hours at the AMVA Site to Monday to Saturday 7 am to 10 pm and Sunday 8 am to 10 pm; and
- increase the construction blasting frequency to maximum of two blasts per 24-hour period at each of the AMVA Site ventilation shafts.

The increased blasting hours and frequency would be applied during the main sink activities at Vent Shaft 7 (VS7) and Vent Shaft 8 (VS8) to support a bench blasting method proposed for these activities.

ICH is also seeking to clarify the definition of blast misfire to incorporate technical misfires associated with electronic detonators.

The modification application is not seeking to change any other aspects of the approved development, including the approved mine life, mining and disturbance area, mining, coal handling and processing method or rates, employee numbers or coal productions rates.

3 Strategic context

The Illawarra region has a long history of coal mining and steel making activities dating back over 200 years. These industries continue to contribute significantly to the regional and Australian economies and provide important employment opportunities in the region.

The Department understands that the underlying geological conditions encountered within the AMVA Site have made the implementation of the conventional full floor blasting method less suitable. ICH has identified a bench blasting method to be a more appropriate blasting method for the site, which only blasts approximately half of the floor when compared to the full floor blasting method. ICH identified that with the current approved blasting limits, the construction period for AMVA Site would likely extend for a longer period of time as a result of the altered blasting method.

ICH identified that the increased blasting hours and frequency would expedite the construction of the AMVA Site by several months.

4 Statutory context

4.1 Scope of modification

The modification application was lodged under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Under section 4.55(1A), a development consent can only be modified if the consent authority is satisfied that the proposed modification is of minimal environmental impact and that the development would remain substantially the same as the originally approved development.

The Department has reviewed the scope of the modification application and considers that the application can be characterised as modification involving minimal environmental impact as the proposed would:

- not involve any changes to project lifespan, production rates, disturbance footprints, operating hours, infrastructure or mining operations;
- not increase the environmental impacts of the approved development; and
- be substantially the same development as originally approved.

The Department is therefore satisfied that the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and may be determined accordingly.

4.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the modification application under section 4.5(a) of the EP&A Act. However, as less than 15 public submissions by way of objection were received, ICH did not report any political donations, and Council did not object to the proposal, the modification application may be determined by the Director, Energy and Resource Assessments, under the Minister's delegation of 9 March 2022.

4.3 Mandatory matters for considerations

The Department has considered the relevant considerations for the modification applications under sections 4.15(1) and 4.55(3) of the EP&A Act, and summarised the findings in Sections 5, 6 and **Appendix B**. The Department has assessed the modifications against the objects found in section 1.3 of the EP&A Act and this assessment is provided in **Appendix B**.

4.4 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act), the Department is satisfied that a Biodiversity Development Assessment Report (BDAR) is not required to be submitted for the proposed modifications as the applications would not increase impacts on biodiversity values.

5 Engagement

5.1 Department's engagement

The EP&A does not require exhibition or notification of an application to modify a consent under section 4.55(1A). Nonetheless, the Department made the modification application publicly available on its website from 25 July 2024 and referred the application to the Environment Protection Authority (EPA), Department of Primary Industries and Regional Development – NSW Resources, Resource Regulators and Wollondilly Shire Council (Council).

Council did not provide any comments on the modification. The Department of Primary Industries and Regional Development – NSW Resources and Resource Regulators did not raise any concerns with the modification.

A summary of EPA's advice is provided in **Table 1**. Further consideration of this advice is provided in **Section 6** and copies are provided in **Appendix A**.

Table 1 | Summary of agency and agency advice

Issue	Findings and conclusions
EPA	<ul style="list-style-type: none">• Indicated that the assessment of the predicted noise and vibration levels from the modification is adequate and provided no technical comments regarding these.• Requested further information on the justification for the modification application and raised concerns regarding the potential impacts on the nearby receivers.• Following review of the additional information provided from ICH and a site visit, indicated that it had no further concerns with the modification application.• Noted that the noise mitigation measures including cladding of the main headframe buildings are nearly complete and that any blasting impacts are expected to decrease further with the implementation of noise mitigation measures.• Also noted that the reduced construction timeframe would benefit both the duration of blasting, and the overall amenity impacts from other construction activities.

6 Assessment

The Department considers that the key issue for the proposed modification relates to potential blasting impacts associated with the increased blasting frequency and hours.

The Department's assessment of this issue is provided in Section 6.1. The Department's assessment of other issues associated with the proposed modification is provided in Section 0.

6.1 Blasting

Potential blasting impacts from the modification were modelled by Waves Acoustic Consulting and included an assessment of the potential noise, airblast overpressure and ground vibration impacts associated with the modification.

The modelling was undertaken for the proposed construction blast activities at VS 7 and VS8, based on the previously recorded values from blasting at the AMVA Site.

6.1.1 Noise

Potential blast noise impacts associated with the modification were assessed against the stringent nighttime sleep disturbance criteria (L_{FAmax} of 54 dB) as defined in the development consent.

The modelling demonstrated that the modification would comply with the criteria at all residential receivers. Maximum predicted noise levels from the modification are predicted to vary between 49 - 53 dB at the five receivers closest to VS7 and VS8.

Noise impact predictions assumed that the noise mitigation measures (i.e. collar doors, headframe and ventilation shaft being closed) had been implemented. In its advice, EPA noted that the construction of the noise mitigation infrastructure at the AMVA Site are nearly complete.

The Department accepts that any residual noise impacts would continue to attenuate with blasting depth as the shaft sinking activities progress and can be adequately managed in accordance with the *Appin Mine Ventilation and Access Project Construction Environmental Management Plan*.

6.1.2 Airblast overpressure and ground vibration

ICH demonstrated that the blasting activities at the AMVA Site to date have been compliant with the relevant airblast overpressure and ground vibration criteria in the development consent at all residential receivers.

The Department notes that the modification does not propose to change the Maximum Instantaneous Charge (MIC) for the blasting activities. The Department also notes that the blast overpressure would continue to attenuate with blasting depth.

On this basis, the Department considers that the airblast overpressure and ground vibration levels would continue to comply with the relevant criteria in the development consent.

6.1.3 Summary

EPA advised that appropriate models have been used to predict potential blasting impacts from the modification and did not raise any technical issues with the assessment of potential blasting impacts.

The Department notes that ICH has committed to implementing several management measures to mitigate any residual blasting impacts from the modification, including real-time and targeted blast monitoring and further consultation with potentially affected neighbouring residents and other stakeholders. ICH confirmed that no community complaints in relation to blasting at the AMVA Site have been received to date.

The Department accepts the findings of the blast impact assessment for the proposed modification and considers that any residual blast impacts would continue to be adequately managed in accordance with the *Appin Mine Ventilation and Access Project Construction Environmental Management Plan*.

6.2 Other issues

The modification does not propose any activities which would materially impact on biodiversity, Aboriginal heritage, historic heritage, water or soil. The Department considers that any residual issues associated with the modification would be adequately managed under the existing development consent.

The Department has recommended an amendment to the development consent to allow for an out of hour blast if it is required to ensure the safety of the mine or its workers. No changes to the development consent have been recommended to clarify the definition of misfire, as the Department considers that this can be adequately dealt with within the *Appin Mine Ventilation and Access Project Construction Environmental Management Plan*.

Minor administrative amendments to the development consent have also been recommended to contemporise compliance reporting conditions.

7 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (Sections Error! Reference source not found. & 6), advice from government agencies (Section 5), and strategic government policies and plans (Section Error! Reference source not found.).

The Department understands that the underlying geological conditions encountered within the AMVA Site have resulted in the need to change the blasting method for the shaft sinking activities, which would likely result in construction delays at the AMVA Site should the works continue within the approved blasting limits.

The Department understands that the underlying geological conditions encountered within the AMVA Site have resulted in the need to change the blasting method for the shaft sinking activities, or otherwise risk construction delays at the AMVA Site.

The Department's assessment has found that the impacts associated with the proposed modification would be minor and generally consistent with the previously approved operations. The Department considers that the existing and recommended conditions would be adequate to manage the impacts of the proposed modification.

Consequently, the Department considers that the proposed modification is in the public interest and are approvable, subject to the recommended conditions set out in the notice of modification (see **Appendix C**). A consolidated development consent incorporating the recommended changes is provided in **Appendix D**.

8 Recommendation

It is recommended that the Director, Energy and Resource assessments, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report;
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- agrees with the key reasons for approval listed in the notice of decision;
- modifies the consent; and
- signs the attached instrument of modification (**Appendix C**).

Recommended by:



Polina Golberg
Senior Planning Officer
Resource and Energy Assessments

9 Determination

The recommendation is adopted by:



Jessie Evans
Director, Energy and Resource Assessments
Energy Resource and Industry

Appendices

Appendix A – List of referenced documents

Refer to the following tabs on the Department’s website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-6-blasting-limits>

A1 – Modification Report: Refer to the “Modification Application” tab on the Department’s website

A2 – Agency Advice: Refer to the ‘Agency Advice’ tab on the Department’s website

Appendix B – Statutory considerations

Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table 2 below.

Table 2 | Consideration of the proposed modification against the relevant objects of the EP&A Act

Object	Consideration
(a) to 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,	<p>The Department considers that the modification application meets this object due to the following:</p> <ul style="list-style-type: none">• the modification would expedite the AMVA Site construction period and therefore reduce the duration of the construction-related amenity impacts on the nearby receivers; and• any residual minor impacts associated with the application (i.e. blast noise and vibration) can be appropriately managed under the existing and recommended conditions (see Section 6).
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The Department’s assessment has sought to integrate all significant environmental, social and economic considerations. The Department considers that the modification can be carried out in a manner that is consistent with the principles of ecologically sustainable development.</p>

Object	Consideration
(c) to promote the orderly and economic use and development of land,	The modification involves a permissible land use and would be carried out within existing project boundaries, without the need for any additional land disturbance or clearing. The Department considers this represent an orderly an economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	The modification would have no impact on the approved project boundaries.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The proposal does not require any land clearing or disturbance and avoids any impact on threatened species and communities, and key habitats.</p> <p>The Department considers that the proposal has been designed to minimise potential environmental impacts.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The modification would not directly impact Aboriginal cultural heritage or historic heritage.
(g) to promote good design and amenity of the built environment,	The modification would not require any changes to the existing built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The modification does not require the construction of any buildings.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	The Department has assessed the modification application in consultation with EPA, Department of Primary Industries and Regional Development – NSW Resources, Resource Regulators and Wollondilly Shire Council. The Department has considered the comments provided by these agencies in its assessment.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department made the modification application available on its website.

Appendix C – Notice of modification

Refer to the NSW Planning portal at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-6-blasting-limits>

Appendix D – Consolidated development consent

Refer to the NSW Planning portal at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-6-blasting-limits>