

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
Application number and project name	MP08_0150 Mod 4 MOD 4 - VAM Abatement Project
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 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application with the modifications outlined in the instrument of consent subject to conditions.

A copy of the notice of modification and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

24 November 2025

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;
- all information submitted to the Department during the assessment of the modification application;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the modification (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. Additional reasons for making the decision are also recorded in the Department's assessment report.

The key reasons for granting consent to the modification application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including the oxidisation of methane into carbon dioxide and water. It is estimated that implementation of the project would abate approximately 36,000 tonnes of carbon dioxide equivalent per year (t CO₂-e/year), which is equivalent to approximately 8,500 petroleum-powered passenger vehicles driven for one year;
- the project is permissible with development consent, and is consistent with NSW Government policies including *Australia's Long-Term Emissions Reduction Plan 2022*, *NSW Climate Change Policy 2023* and *Climate Change Action Plan 2023-26*
- 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. Compliance was predicted at all sensitive receptor locations for key air quality pollutants including particulate matter, nitrogen dioxide, and carbon monoxide. Conditions are recommended which require emissions to be managed to acceptable levels; and
- 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 project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

Once the modification report was submitted to the Department it was placed on exhibition from 13 August 2025 until 27 August 2025 (15 days). Three submissions were received, including one objection and one in support of the project.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include air quality and noise. Other issues are addressed in detail in the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Environmental Impacts</i></p> <ul style="list-style-type: none"> Concern was raised regarding the sensitivity of the local environment and that the applicant has already caused pollution to local creeks and waterways. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Impacts during construction are predicted to be generally minor and short term in nature. Compliance was predicted at all sensitive receptor locations for key air quality pollutants including particulate matter, nitrogen dioxide, and carbon monoxide The Department is satisfied the impacts of the modification remain consistent with the terms of the existing approval. <p><i>Conditions</i></p> <p>Conditions require:</p> <ul style="list-style-type: none"> the preparation of a Construction Environmental Management Plan to mitigate potential impacts during construction amendment of the existing Air Quality Management Plan to include a management system that uses monitoring and implements both proactive and reactive air quality mitigation measures for the Regenerative Thermal Oxidiser Plant
<p><i>Noise</i></p> <ul style="list-style-type: none"> The Environmental Protection Agency (EPA) recommended revised construction hours to maintain consistency with the EPA's Interim Construction Noise Guidelines. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In response to advice from the EPA the applicant agreed to standard construction hours as described in the EPA's Interim Construction Noise Guidelines. The Department considers that the modification would not result in unacceptable impacts on local amenity as a change of 3 dB is typically the threshold at which a noticeable difference in noise level is first observed and the noise is predicted to be short term and limited in duration <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> conditions which require the preparation of a Construction Environmental Management Plan.