

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	DA60-03-2001-Mod-11 Dendrobium Mine Modification 11
<b>Applicant</b>	ILLAWARRA COAL HOLDINGS PTY LTD
<b>Consent Authority</b>	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 4.55(2) of the *Environmental Planning and Assessment Act 1979 (the Act)*, modified the consent subject to the recommended conditions.

A copy of the instrument 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

5 February 2026

### 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 reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report;
- the submissions made concerning the modification; 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 Department's assessment report also identifies additional reasons for making the decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification represent an efficient use of existing infrastructure and facilities, without the need to amend any limits approved by the existing development consent
- the modification is permissible with 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; 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 recommended conditions of consent. Engagement on the project is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The department exhibited the modification for a period of 15 days from 8 August 2025 until 22 August 2025 and received 24 submissions, including 18 objections. Wollongong City Council provided a submission 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 impacts to European heritage, noise and other issues such as the use of helicopters. Other issues are addressed in detail in the department’s assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>European Heritage</i> potential impacts on the heritage values of the Mount Kembla area, including the Kemira Valley Rail line corridor</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Potential impacts to relics (including relics which may yet be discovered and associated with the previously cleared kerosene works or state heritage significance values) have been appropriately considered during site survey and within the relevant Statement of Heritage Impact.</li> <li>Should any relics related to these works be discovered during clearing or demolition activities they can be appropriately managed in accordance with the proposed unexpected finds protocols and stop work procedures.</li> </ul> <p><i>Conditions require</i></p> <ul style="list-style-type: none"> <li>the completion of photographic archival recording of the Bulk Warehouse prior to demolition</li> <li>on-site supervision of demolition activities by a suitably qualified archaeologist; and</li> <li>the implementation of an unexpected finds protocol including provisions to stop work until the significance of any relics can be ascertained and the relevant requirements of the Heritage Act 1977 are satisfied.</li> </ul>
<p><i>Noise</i></p> <ul style="list-style-type: none"> <li>Potential noise impacts resulting from slope stabilisation works and demolition</li> <li>Insufficient mitigation measures and monitoring commitments</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>all construction noise impacts are below the highly noise affected limit;</li> <li>modelled exceedances of the noise management level as a result of construction activities are limited to a single private residence and would be temporary in nature being related to construction activities;</li> <li>the applicant has proposed appropriate construction noise mitigation measures including community consultation, respite periods and planning activities to minimise noise</li> </ul> <p><i>Conditions require:</i></p> <ul style="list-style-type: none"> <li>the applicant to take all reasonable steps to minimise noise from construction, mining operations and mine closure activities associated with the development and to implement measures consistent with the modification report</li> </ul>
<p><i>Visual impact</i></p> <ul style="list-style-type: none"> <li>visual impacts associated with vegetation clearing required for the proposed additional disturbance footprint</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Visual impacts would be appropriately minimised where possible and are acceptable on balance as the clearing and slope stabilisation works are necessary to ensure site safety considering historic land slip and stability issues following rainfall;</li> <li>clearing would be limited to areas required for slope stabilisation works</li> </ul> <p><i>Conditions require:</i></p> <ul style="list-style-type: none"> <li>promote staged vegetation clearing which considers the timing of rehabilitation activities to minimise erosion potential and visual impacts;</li> <li>avoids clearing vegetation where it performs a screening function unless necessary to ensure site safety or slope stability; and</li> <li>ensure the prompt rehabilitation of cleared areas using native species following completion of the works.</li> </ul>
<p><i>Biodiversity impacts</i></p> <ul style="list-style-type: none"> <li>clearing of the extended disturbance footprint</li> <li>adequacy of ecosystem credits</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>clearing of the remaining area is justified and necessary given the steep slope nature of the site and previous efforts to rectify slope instability in accordance with special conditions of EPL 3241;</li> <li>27 ecosystem credits would be retired prior to vegetation clearing works to offset the impact of clearing</li> </ul>

	<p><i>Conditions require</i></p> <ul style="list-style-type: none"> <li>• additional biodiversity ecosystem credits to be retired prior to commencing vegetation clearing associated with the modification</li> </ul>
<p><i>Traffic</i></p> <ul style="list-style-type: none"> <li>• potential impacts to the local road network as a result of the modification</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• the number of trips generated (20 to 28 per day) would be well within the day-to-day variations in traffic on nearby public roads (typically well above 3000 per day)</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• No additional traffic conditions were considered necessary</li> </ul>
<p><i>Use of Helicopters</i></p> <ul style="list-style-type: none"> <li>• potential noise and amenity impacts resulting from the use of helicopters</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• the nearest private receivers are located in excess of 2 km of any flight path</li> <li>• the use of helicopters is justified given the remote nature of the site, difficulties in access and infrequent nature of movements</li> <li>• the proposed flight path is likely to result in noise which is limited in intensity and duration.</li> </ul> <p><i>Conditions require:</i></p> <ul style="list-style-type: none"> <li>• The applicant to notify the catchment authority (WaterNSW) prior to aircraft operations.</li> </ul>