

Notice of decision

Bulli Seam Operations Project – Modification 3

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	MP 08_0150 Mod 3 Bulli Seam Operations Project Mod 3
Applicant	Illawarra Coal Holdings Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director, Resource Assessments under delegation from the Minister for Planning has, under section 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 Department of Planning and Environment's assessment report, notice of modification and consolidated consent is available [here](#).

Date of decision

12 April 2022

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;
- 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;
- public submissions/ representations received on the modification application; and
- agency and expert advice concerning the modification.

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development authorised by the consent (as last modified under section 75W).

The key reasons for approving the modification are as follows:

- The modification would facilitate the construction of infrastructure that is necessary to ensure a safe and efficient underground working environment and ensure the ongoing operation of the mine.
- The modification would support the continued employment of the mine workforce and a significant number of jobs in local and regional industries that rely on coal from the southern coal fields. The modification would also ensure the ongoing payment of royalties and taxes to the State of NSW over the life of the mine.
- 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.
- Engagement on the proposed modification is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects* (DPIE 2021), 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 application from 21 July 2021 until 3 August 2021 and previous submitters and neighbouring landowners adjacent to the site were notified and invited to make a submission. The modification application was also referred to Wollondilly Shire Council and relevant State government agencies for advice. The Department received 17 submissions from the community during the exhibition, including two from special interest groups (one in support and one commenting) and 15 from members of the general public (two in support and 11 objecting). The table below summarises how the key issues raised in submissions were taken into consideration. Other issues are addressed in detail in the Department’s assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Visual Impacts</i></p> <ul style="list-style-type: none"> • Lighting impacts • Reduced visual amenity 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Two residences would have direct views to the site that would constitute a significant component of their existing viewshed. • Visual impacts from most other properties and nearby roads would be minor. • The applicant has planted vegetation screens along the site boundary and at the two residences to filter and shield the views of the site and has an agreement in place with one residence in relation to visual impacts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The conditions have been amended to require: <ul style="list-style-type: none"> ○ the visual appearance of structures to blend as far as possible with the surrounding landscape; and ○ vegetation screening to be installed and maintained at the two most affected local residences (unless there is an agreement in place).
<p><i>Noise and Blasting</i></p> <ul style="list-style-type: none"> • Noise impacts on residences near the mine site • Damage to properties from blasting 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Noise generated by early construction activities, including the upgrade of the site entrance, bulk earthworks and shaft sinking prior to the construction of acoustic sheds would comply with the Noise Management Levels set out in the <i>Interim Construction Noise Guideline</i>. • Once acoustic barriers/sheds are installed, noise from the modified project would be reduced and is predicted to comply with the lower noise criteria set out in the <i>Noise Policy for Industry</i> at all nearby residences. • Blasts would be designed to ensure overpressure and vibration do not exceed the amenity criteria <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The conditions have been amended to: <ul style="list-style-type: none"> ○ limit construction hours for the noisier early construction activities to standard construction hours only; ○ limit noise from later construction activities to levels consistent with the <i>Noise Policy for Industry</i> (i.e. noise that is deemed acceptable for operation of an industrial facility) ○ require real-time and attended noise monitoring and management during construction; ○ limit blasting to one per day, with no blasting at night unless the applicant demonstrates it would meet sleep disturbance criteria as well as overpressure and ground vibration limits for blasting; ○ require a blast management plan; and ○ require property inspections of privately owned properties within 1 km of the vent shafts upon request, and repair any damage caused by blasting
<p><i>Air Quality and Dust</i></p> <ul style="list-style-type: none"> • Air pollution and health impacts of emission from vents. • Odour from vents and the sewage treatment plant • Contamination of rainwater tanks 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Air emissions from the vent shaft site are predicted to be below the limits for dust and particulate matter during construction and operations. • Concentrations of oxides of nitrogen, sulphur dioxide, carbon monoxide, carbon dioxide and volatile organic compounds would be well below the relevant air quality standards. • Airborne respirable crystalline silica would be below the applicable criterion. • Greenhouse gas emissions generated from construction of the site would be the equivalent of around 0.007% of the total NSW emissions, and during operations, Scope 2 emissions would be equivalent to around 0.008% of NSW’ emissions. • The applicant would be required to continue to implement its Air Quality and Greenhouse Gas Mitigation and Management Plan. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The conditions have been amended to include:

Issue	Consideration
	<ul style="list-style-type: none"> ○ limits for PM_{2.5} at the vent shaft site (existing limits for PM₁₀ and dust will also apply); ○ a requirement for real time monitoring of air quality at the vent shaft site during construction to ensure air emissions comply with the consent limits; ○ a requirement for air quality monitoring and proactive and reactive air quality mitigation measures to be implemented at the vent shaft site during operations; ○ a requirement for an odour management plan and gaseous emissions monitoring program during operation of the ventilation shafts
<p>Traffic and Roads</p> <ul style="list-style-type: none"> ● Increased traffic volumes on the road network and consequent impacts on intersection performance and road safety, particularly along Menangle Road adjacent to the site 	<p>Assessment</p> <ul style="list-style-type: none"> ● Operation of the vent shaft site would result in a relatively minor increase in the number of vehicle movements on Menangle Road. ● During peak construction there would be up to 44 heavy vehicles per day making deliveries to the site. ● However, key roads and intersections are predicted to remain operating at an acceptable level of service, and the applicant has committed to upgrading the site entrance and its intersection with Menangle Road with a left turn auxiliary lane and a right turn bay on Menangle Road for right turns into the site. <p>Conditions</p> <ul style="list-style-type: none"> ● The conditions have been amended to: <ul style="list-style-type: none"> ○ require the site entrance and its intersection with Menangle Road to be upgraded to the satisfaction of Wollondilly Shire Council and Transport for NSW. ○ require the existing traffic management plan to be updated to include management of traffic to and from the vent shaft site and a driver's code of conduct, and a separate traffic management plan to be developed for construction traffic for the vent shaft site.
<p>Groundwater</p> <ul style="list-style-type: none"> ● Groundwater impacts from shaft sinking ● Impacts on private bores and dams 	<p>Assessment</p> <ul style="list-style-type: none"> ● Groundwater inflows into the shafts during construction would be approximately 30.4 megalitres and 59.8 megalitres in 2023 and 2024 respectively. ● The applicant has confirmed it has sufficient licensed entitlement to account for this water, and has also committed to implementing measures to reduce and control groundwater inflows, including grouting of fracture zones and high permeability horizons. ● Based on these inflow rates, drawdown at most registered bores would be negligible, although minor drawdown is predicted at three registered bores. ● During operations, inflows are expected to decline as the shafts would be fully lined and rock strata would be depressurised by mining. ● The conditions of consent already require the applicant to provide a compensatory water supply to any owner of privately owned land whose water supply is adversely impacted by the project. <p>Conditions</p> <ul style="list-style-type: none"> ● The conditions have been amended to require: <ul style="list-style-type: none"> ○ Monitoring and management of groundwater inflows and impacts to groundwater resources as a result of shaft construction.
<p>Surface Water</p> <ul style="list-style-type: none"> ● Impacts on surface water quality from runoff from the irrigation area 	<p>Assessment</p> <ul style="list-style-type: none"> ● During construction, waste water/effluent would be collected and disposed of at a licensed discharge facility. ● During operations the applicant would irrigate in accordance with an EPL that would set out conditions for this activity. ● The applicant has committed to manage potential surface water impacts in accordance with the mine's surface water management plan. <p>Conditions</p> <ul style="list-style-type: none"> ● The conditions have been amended to require: <ul style="list-style-type: none"> ○ the Surface Water Management Plan to be updated to include management of on-site sewage systems and trigger levels for investigating any potentially adverse impacts on water resource or water quality; and ○ one-site sewage treatment and disposal to be in accordance with the requirements of the EPA and Wollondilly Shire Council.