

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	09_0161 Wongawilli Colliery - Modification 2
Applicant	Wollongong Coal Limited
Consent Authority	Minister for Planning

Decision

The Executive Director under delegation from the Minister for Planning 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 & Environment's Assessment Report is available at [here](#).

Date of decision

13 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 2000*;
- 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 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 is permissible with consent, and is consistent with NSW Government policies including the NSW Government's *Strategic Statement on Coal Exploration and Mining in NSW*;
- 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 Department accepts that the proposed first workings have been designed to be long-term stable and would result in negligible subsidence or subsidence related impacts to natural or built features.
- 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.
- the modification would provide a range of benefits for the region and the State as a whole, including
 - Wollongong Coal's commitment to no longer undertake longwall mining would avoid impacts associated with approved longwall mining under this consent;
 - employment of 150 workers for five years;
 - generation of \$3.7 million in total additional royalties;
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 11 February 2021 until 3 March 2021 (21 days) and received 33 submissions, including 30 objections.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include subsidence related impacts to Lake Avon and the Sydney drinking water catchment and greenhouse gas impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Subsidence related impacts to Lake Avon and the Sydney drinking water catchment</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department accepts that the proposed first workings mining method would result in negligible subsidence or subsidence related impacts to natural or built features. • The Department considers that Wollongong Coal has demonstrated there is a low risk of impact to Lake Avon and the Metropolitan Special area, including impacts to surface water or groundwater. WaterNSW, Dams Safety NSW and the Department's Water Group noted their initial concerns have been addressed through the assessment process and Wollongong Coal has committed to the recommendations of the relevant agencies, including precautionary measures to identify the presence of water ahead of mining, monitoring measures and contingency measures in the unlikely event there are greater than negligible impacts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Preparation of a Dam Safety Management Plan (prior to mining within 150 metres of Lake Avon) and a revised Water Management Plan, both in consultation with the relevant agencies
<i>Greenhouse gas impacts</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposed modification would result in direct and indirect greenhouse gas emissions, primarily from the mining of coal. • With the recommended conditions, the Department considers that the proposed modification would not significantly increase greenhouse gas emissions in NSW or constrain the ability to achieve the target of a 50% reduction in emissions by 2030. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Preparation of a Sustainability and Emission Reduction Strategy, which includes the requirement to reduce or offset emissions by 4% each year over the extended life of the project.