

Gabrielle Allan  
Department of Planning and Environment  
PO Box 39  
SYDNEY NSW 2001

Dear Ms Allan,

**SSI-33143123 - Dendrobium Mine Extension Project - Environmental Impact Statement (EIS)**

Thank you for the opportunity to comment on the EIS for the purpose of the subject State Significant Infrastructure (SSI) proposal (Project) lodged by Illawarra Coal Holdings Pty Ltd (Applicant).

TfNSW's key objective in making this submission is to ensure protection of the partially constructed rail corridor from Maldon to Dombarton (Rail Corridor). The partially constructed Rail Corridor includes railway embankments, earthworks and drainage culverts.

TfNSW requires that the Rail Corridor is in a state where construction is able to be completed with no significant additional costs as a result of the proposal and is able to be opened as an operational line. The Rail Corridor remains under consideration for completion and opening for the purpose of rail operation and is included in NSW Government strategic plans such as NSW Freights and Ports Plan 2018-2023 and Illawarra-Shoalhaven Regional Transport Plan.

Appendix A of the Environmental Impact Statement predicts a maximum total vertical subsidence of 1600mm in the Rail Corridor and provides modelling details of other subsidence parameters such as tilt.

The Applicant should demonstrate that the ground movement (such as subsidence) of the railway formation due to the proposed longwall mining activities will not have an adverse effect on the partially constructed railway corridor. This should include ensuring that measures are in place so that TfNSW would incur no additional costs to complete the rail project.

TfNSW requires further justification from the Applicant that the proposed mining activities will not cause unacceptable subsidence of the railway formation and requires this to be provided in the response to submissions for consideration before the application for SSI approval is determined.

If the Project is approved, TfNSW requires that conditions be included in the approval which requires the Applicant to carry out the Project in a manner which:

- a) does not cause any subsidence or any other impact which damages any earthworks, embankments, culverts or other railway infrastructure or prevents, inhibits or increases the costs of, completion of the installation or operation of infrastructure for the Maldon to Dombarton rail corridor;

- b) ensures that the Maldon to Dombarton rail corridor is able to be opened as an operational rail corridor and prevents any harm to existing or future TfNSW infrastructure.

As noted in Chapter 7 of the Environmental Impact Statement, the Applicant proposes to monitor the surface of the railway corridor during active subsidence and remediate larger surface cracking if this occurs. In addition, the Applicant proposes a management plan to be developed in consultation with TAHE to manage subsidence impacts if the railway were completed prior to active subsidence occurring as a result of the Project.

If the Project is approved, TfNSW requires the Applicant to:

- a) prepare an infrastructure management plan which must be approved by and TAHE / TfNSW prior to commencement of the Project (regardless of whether the railway has been constructed) in order to manage subsidence impacts on the Railway Corridor. It is essential that impacts to the Railway Corridor are minimised in order to ensure that the corridor is able to be constructed and opened for rail operations.
- b) enter into an access and compensation agreement with TAHE for mining activities on or under the Maldon to Dombarton rail corridor. Inclusion of this condition will ensure that the proper arrangements are in place for access to surface land owned by TAHE where required. In addition, this agreement will put in place the arrangements to manage any impacts to the Maldon to Dombarton rail corridor and TfNSW / TAHE assets and administer any compensation required in the event of damage to the rail corridor or assets.

If the development is to be approved, TfNSW have set out the minimum recommended conditions at Appendix A.

Additional comments and recommended conditions for the safe operation and management of Maldon to Dombarton rail corridor once it is open are provided in Appendix B.

TfNSW thanks Department of Planning and Environment for its assistance in this matter. For further clarification regarding this matter, please don't hesitate to contact Kumar Kuruppu, Senior Transport Planner via email at [kumar.kuruppu2@transport.nsw.gov.au](mailto:kumar.kuruppu2@transport.nsw.gov.au).

Yours sincerely



1/8/2022

**Mark Ozinga**

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CD22/03663

## **APPENDIX A – PROPOSED CONDITIONS OF APPROVAL**

### **Condition 1 – Protection of Rail Corridor**

a) The Applicant must ensure that there is no subsidence caused by the Project in the Rail Corridor or that the level of subsidence has been approved in writing by TfNSW and the Rail Corridor Owner in the Rail Infrastructure Management Plan and the Access and Compensation Agreement required under conditions 2 and 3.

b) The Applicant must carry out the Project in a manner which:

i) does not cause any subsidence or any other impact which either:

A) damages any existing or future earthworks, embankments, culverts or other railway infrastructure on the Rail Corridor; or

B) prevents or increases the costs of completion of the installation or operation of rail infrastructure on the Rail Corridor.

ii) ensures that the Rail Corridor is able to be opened as an operational rail corridor and prevents harm to existing or future infrastructure to be installed by TfNSW or the Rail Corridor Owner on the Rail Corridor.

iii) The Applicant must manage the Project in a manner which does not cause an impact to the corridor which would prevent, or increase the cost of, constructing and maintaining rail infrastructure in the Rail Corridor.

### **Condition 2 - Rail Infrastructure Management Plan**

Prior to commencing any mining activities in Area 5, the Applicant must prepare a Rail Infrastructure Management Plan for the Project in consultation with TfNSW and the Rail Corridor Owner and submit this plan to TfNSW and the Rail Corridor Owner for approval. This Plan must:

- a) Identify in detail the predicted subsidence from the mining activities which will achieve the requirements in condition 1;
- b) describe the measures which will be implemented to ensure that the development complies with condition 1;
- c) include a program for repair, pre mining strengthening, replacement and monitoring (at the applicant's cost) of the Rail Corridor and associated infrastructure; and
- d) include reporting and notification procedures.

The Applicant must implement the Rail Infrastructure Management Plan in consultation with TfNSW and the Rail Corridor Owner.

The Applicant must not commence any mining activities in Area 5 unless and until the Rail Infrastructure Management Plan is approved by TfNSW and the Rail Corridor Owner.

### **Condition 3 Access and Compensation Agreement**

Prior to commencing mining activities in Area 5, the Applicant must enter into an Access and Compensation Agreement with TfNSW and the Rail Corridor Owner.

This Agreement must:

- a) cover arrangements for any access to surface land owned by TfNSW and/or the Rail Corridor Owner where required;
- b) require implementation of the Rail Infrastructure Management Plan; and
- c) provide for the assessment and payment of compensation by the applicant in the event of damage to any existing or future infrastructure in the Rail Corridor or other TfNSW or Rail Corridor Owner assets or any increase in costs which arise, or are likely to arise, from the mining activities in relation to the installation of future infrastructure on the Rail Corridor.

## **APPENDIX B – COMMENTS AND ADDITIONAL CONDITIONS OF APPROVAL – OPERATION AND MANAGEMENT OF MALDON TO DOMBATON RAIL CORRIDOR**

### **Underground Roadways**

#### Comment

The EIS includes a proposal for development of underground roadways from existing Dendrobium Mine underground areas (namely Area 3) to Area 5. However, the EIS does not identify the location of underground roadways.

#### Recommendation

The RtS should outline the location of the underground roadways from Area 3 to Area 5 to determine whether or not such roadways will require access to the rail corridor or impact on the Rail Corridor.

### **Procedures for blasting operation in close proximity to the CRN Infrastructure**

UGLRL recommends a condition that an individual blasting operation must be assessed and approved by UGLRL in accordance with UGLRL's Blasting Guidelines, a copy of which can be obtained by contacting UGLRL.

#### Reason for condition

The EIS states the following:

*Blasting for the Dendrobium Mine underground operations is typically only required for minor activities and therefore only utilises a small maximum instantaneous charge (MIC). Any blasting within the mining area is confined to the deep coal seams, greater than 300 m underground. Some small blasts may also be required during project construction activities or demolition, which would include potential blasting for the construction of the proposed ventilation shaft site, however, this is subject to detailed design, local geotechnical conditions, and the feasibility of the proposed construction methods.*

It is noted that blasting activities would be temporary in nature and due to the location of the proposed ventilation shaft site, would be isolated from receivers.

Although the EIS indicates that blasting operations are permitted in accordance with Condition 4 of the development consent (2004/LDA00003 and condition L4 of the EPL (3596), UGLRL will be required to assess an individual blasting operation if it is to occur within 600m from the rail corridor to ensure that it has no long-term detrimental impacts on the assets, the future and current rail operations and safety in accordance with UGLRL's Blasting Guidelines. As such, UGLRL advises the following: -

- a) The Proponent is required to submit an application to UGLRL for Approval In Principle (AIP) for UGLRL's endorsement and for TfNSW's approval with condition/no conditions or non-approval.
- b) Once an AIP is obtained, a Blasting Risk Management Workshop would need to be held between representatives of UGLRL and the Proponent to develop and agree with a Risk Management Plan.
- c) Once a Risk Management Plan is agreed, a UGLRL Maintenance Superintendent will sign it off prior to a blasting operation.
- d) The relevant Maintenance Superintendent must be notified at least 7 days prior to the blasting operation.
- e) Once the blasting operation is performed, the Proponent is required to carry out a post-blasting inspection of the rail corridor and to prepare an inspection report confirming that the rail track and the relevant rail infrastructure remain fit for traffic.
- f) Prior to a post-blasting inspection, the Proponent is also required to submit an application to UGLRL for its endorsement and if endorsed, for TfNSW's approval in order to access the rail corridor for the post-blasting inspection. Once it is approved by TfNSW, the Proponent is further required to enter a licence on terms suitable to TfNSW in relation to the access to the rail corridor. Terms of the licence may include provisions which allow TfNSW to terminate the licence at any time, will require the licensee to pay an annual licence fee, obligates the licensee to comply with certain safety requirements specifically in relation to accessing the rail corridor to perform maintenance on the rail infrastructure (e.g., engaging rail protection officers) etc. The licence would require the applicant to hold relevant levels of insurance, bank guarantees etc. The applicant is advised to contact UGLRL's Third party works team via [thirdpartyworks@uglregionallinx.com.au](mailto:thirdpartyworks@uglregionallinx.com.au) for more information in this regard.
- g) Any changes/damage to the rail infrastructure must be reported immediately to the relevant Maintenance Superintendent. Any costs associated with repairs should be fully borne by the Proponent.
- h) Each blasting operation must be assessed in accordance with UGLRL's Blasting Guidelines on a case-by-case basis.