

Illawarra Coal Holdings Pty Ltd
C/- NSW Department of Planning, Housing and
Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

REFERENCE

DE-2025/78

Date

22 August 2025

Dear Sir/Madam

DA60-03-2001-Mod-11

Development	State Significant Development - Dendrobium Mine - Modification 11 (DA60-03-2001-Mod-11) Request to Provide Advice on Modification Application and Report
Location	Dendrobium Colliery, 1/44334 1/60361 1/164689 1/221602 12/250762 2-6,14/255285 1/560813 1/615178 275/751278 22/1076092 & other, Dendrobium Colliery, 1/44334 1/60361 1/164689 1/221602 12/250762 2-6,14/255285 1/560813 1/615178 275/751278 22/1076092 & other, Dendrobium Colliery, Dendrobium Colliery 4 Stones Road MOUNT KEMBLA NSW 2526

Thank you for providing Council with the opportunity to comment on this proposal.

The submitted documentation from the proponent responding to the Department's Modification Guidelines has been reviewed. It is understood GM3 has undertaken a review of key surface facilities at the Dendrobium Mine and identified a requirement to improve current land management practices at the Dendrobium Pit Top and other ancillary works required to maintain safe and effective surface operations.

Whilst the underground mining areas are located within the catchments of the Avon and Cordeaux Rivers, which are part of the Sydney drinking water catchment, the proponent has identified the Modification as requested is not a controlled action under the Environment Protection Biodiversity Conservation Act 1999.

The Modification would also not change most elements of the approved Dendrobium Mine, including mine tenements underground mining, maximum annual coal extraction rate, product transport method and approved rail movements, the majority of existing surface facilities and associated activities, environmental monitoring and management and mine life.

The Modification does, however, request a minor extension of the Dendrobium Pit Top disturbance footprint to facilitate access and the continuation of land management activities, decommissioning and demolition of the Bulk Warehouse (including an adjacent transformer and its covered compound, and the modern motor bike parking area addition to the south of the warehouse) at the Dendrobium Pit Top, installation of a replacement transformer, and construction of a concrete slab used for materials laydown, landing of helicopters within already disturbed areas of the existing Dendrobium Gas Management Plant to satisfy safety requirements when road access is restricted by catchment closures, cumulative assessment of the use of helicopters for approved mining support activities (i.e. environmental monitoring, site remediation and redundant infrastructure demolition) (noting operation of helicopters occurs in compliance with the Civil Aviation Safety Authority), transportation of rehabilitation waste materials on the Kemira Valley Rail Line (to avoid heavy vehicle movements on public roads),

incorporation of Cordeaux Colliery operations (including Corrimal No 3 Shaft and Coal Bins) into Development Consent (DA 60-03-2001) and associated surrender of D74/134 granted by Wollongong City Council in 1974, removal of Conditions 3 to 7, Schedule 5 and Appendix 3 of Development Consent (DA 60-03-2001) relating to the West Cliff Coal Wash Emplacement Area (such that this is regulated under Bulli Seam Operations Project Approval [MP08_0150] only) and update of the Schedule of Lands in Development Consent (DA 60-03-2001).

Appropriately, the proponent and the Department have undertaken extensive consultation with relevant government agencies and key stakeholders with the likely key assessment issues being hazardous materials removal and disposal from the decommissioned warehouse, amenity impacts from helicopter movements, potential archaeological heritage finds, both European and Aboriginal and transfer of responsibility for the Emplacement Area to an alternate Major Project Approval.

Comments from relevant sections of Council as follows:

Traffic and Transport

The Dendrobium Pit Top Access is off Cordeaux Road. This is the main site access used by employees, contractors, visitors and delivery vehicles associated with the Dendrobium Mine activity.

The Traffic Report has outlined the expected traffic generation as a result of the proposed modification and found the traffic volumes would be negligible in the context of the background traffic conditions. It is also noted that there is a 'Dendrobium Drivers Code of Conduct'. All vehicle activity would be undertaken in accordance with this Code. In view of the above, no significant traffic or car parking implications are anticipated as a result of the proposal.

Environment

The modification for changes to the surface facilities will involve clearing of 1.71ha of vegetation for slope stabilisation works. A BDAR (Niche Environment and Heritage, 25 July 2025) has been submitted and there are no significant concerns.

With respect to noise review, it states that there are sensitive receivers that will be affected by construction noise - yet only provides generic solutions that are only suggestions and of no real substance and only need to be implemented if they are thought to be needed. With regard to the helicopter noise, it complies according to the noise review. It would be prudent that all noise abatement measures should be site specific and implemented accordingly, rather than a suggestion.

Heritage

Council's Heritage Staff met with Niche Environment in December 2024 to discuss the demolition of the Bulk Warehouse Facility at the Dendrobium Pit Top, which has been included in the modification application.

- A Statement of Heritage Impact for Mod 11 Pit Top has been prepared by Niche dated 20 May 2025; and
- Statement of Heritage Impact Dendrobium Pit Top Bulk Warehouse dated 30 Jul 2025

At the 2024 meeting Niche was requested to consider the Archaeological potential of the impact area, particularly potential for evidence related to the Pioneer Kerosene works, which is a mapped archaeological site on the LEP #6411 partially covering the disturbance area and with Bulk Warehouse is within the listed area. Council is aware that the LEP mapping may not capture the whole extent of areas of archaeological potential. It is noted archaeological relics and resources are protected under the NSW Heritage Act provisions, regardless of any LEP heritage affectation. Any evidence related to the Pioneer Kerosene works, which is the earliest mining operation in Mount Kembla would likely have state heritage value as previously assessed in the 2001 Rogers Report and would require management in situ or a Section 140 Permit for impacts issued by Heritage NSW.

Since the 2024 meeting a State Heritage listing has also been progressed for the Mount Kembla Mine Disaster Site, which is in close proximity to the mine area. It is noted the final SHR Area was much reduced in curtilage largely due to land owner objection from the mine and this the mine owned land was excluded on this basis, not based on any assessment that the site does not meet the criteria for state significant cultural heritage values.

An archaeological survey was undertaken on the Pit Top disturbance site.

A number of sites including identified bottle deposits, building materials (bricks, corrugated iron) and other items were identified at the survey points within the disturbance area. These artefacts were assessed as not meeting the criteria for the definition of a 'relic' under the Heritage Act. However Council has had several meetings with NSW NPWS regarding bottle collecting of 'relics' in this area, and note the bottles, ceramic as well as parts of mining clothing and handmade bricks are relating to the Kembla Heights Village and the location of 'baches' where single mining men lived many of whom may have perished in the mine disaster, linking these relics to the state heritage listing.

A number of people have been investigated for bottle collecting in breach of the NSW Heritage Act provisions and NSW NPWS provided Council with several regulatory signs to place in strategic areas around the village to inform and deter bottle collectors.

Therefore, there is no evidence to suggest all relics identified are part of 20th century waste disposal and have no value. This conclusion of the Reporting is not supported.

The potential for these relics to be associated with the Pioneer Kerosene Works has also not been investigated as no data relating to the relics identified has been included in the SOHI. There also is very little discussion of the Kerosene works location, evidence and whether any archaeological potential relating to areas that may have been cleared for the establishment of the pit top (as noted by Niche page 16) is provided.

- *There are no known works or improvements associated with the Pioneer Kerosene works within the activity area although it **may have been cleared** as part of the establishment of this industrial site (Page 16).*

Additionally in the separate Bulk Warehouse SOHI, (Table 5 to Table 10 lists significant items identified in the Nebo pit top area prior to the 2002 Dendrobium Mine approval and associated development. The Rogers Report (2001) identifies levels of significance of elements and likely impact on individual items within the site for the establishment of the pit top. This Table includes reference to a 'Pioneer Kerosene Soil Heap' assessed as Very High significance and Relics Archaeological evidence associated with the Pioneer Kerosene Works exposed during pipeline construction, 2000.

- *Possible relics and archaeological evidence of 1865- 1878 Pioneer Kerosene Works Fleming 1976. Rogers 2000 Very High These items were buried deeply under deposited spoil from the new mine, and any archaeological evidence they contain will be preserved beneath this deposit.*
- *Kerosene works spoil heap Archaeological evidence exposed during pipeline construction, 2000 Very High*

These items are not addressed in the May SOHI relating to the Pit Top and Council is not aware of their location, or what impacts occurred in 2002. A Search of the Wollongong Library found Excavation Permit was issued by Heritage NSW in 2000 (2000/S140/009) for monitoring relating to the pipeline, due to the State Heritage significance of the Kerosene Pioneer Works Archaeology. It is concerning that the two SOHI's provided appear to be utilising difference information and research and are not consistent. The historic reports identified in the Bulk Warehouse SOHI should be properly considered in the SOHI for the Pit Top including maps of their location in relation to the proposed disturbance area, any archaeological testing and monitoring and outcomes that occurred in 2001 to inform updated archaeological potential mapping, inclusion of the previous Reports as appendixes and consideration of the implications of these findings in the recommendations

The impacts in the area of disturbance are also very vague, and no management is recommended when disturbance is required or tree removal due to land slippage or other identified impacts. Slope stabilisation, access tracks and drainage would have significant impacts on sub surface archaeology and artefacts clearly present. Whilst there may be some areas of low archaeological potential it is recommended that further investigation, survey to inform management recommendations for the site, including obtaining a Section 140 Permit for salvage and artefact storage where impacts cannot be avoided.

In this regard, it is unlikely all future works can be undertaken under a Section 39 Exception to the NSW Heritage Act Permit. Comment from Heritage NSW on the required approvals under the NSW Heritage Act 1977 is recommended.

Demolition of the Bulk Warehouse

Niche has prepared a separate SOHI for the bulk warehouse demolition dated August 2025. The Bulk Storage Warehouse was assessed as high significance in 2001 (Rogers) and again it is unclear whether any changes occurred as part of this approval or during operation of the Mine. The SOHI references a 2001 Report "Catalogue of European Cultural Heritage" which may include a recording of the Warehouse form this time, which is not provided.

This SOHI recommends that the ground disturbing demolition work of the slab and transfer requires an archaeological Research Design specific to the demolition works, however the Report also notes there is no archaeological potential as the structure has been in continual use since 1951. The Report therefore is contradictory and does not properly consider archaeological potential related to earlier phases of the site such as the Pioneer Kerosene Works, which Niche suggests in the Pit Top SOHI (page 16) may be retained underneath the bulk warehouse slab. These reports are somewhat contradictory and do not speak to each other's recommendations.

The SOHI states the Bulk Warehouse is in poor condition and no longer services its purpose of bulk storage and therefore is required for demolition. However as discussed at the meeting, there is no proposal to replace the structure under this modification approval or build a new storage facility - so this rationale is questioned. The Condition Report is also not provided (Appendix B is missing).

There is also no justification for the removal of the concrete slab, which could be retained as an interpretive element to show the scale and location of the bulk warehouse.

Archival recording of the Bulk Warehouse building prior to demolition is recommended and this is supported if its removal is supported.

However, additional assessment of the options for retention of significant elements, slab, and archaeological matters to be considered prior to demolition is required.

Aboriginal Heritage

Niche has prepared a Due Diligence Assessment (DDA) for the mine expansion disturbance area. This report does not consider the demolition of bulk warehouse and therefore does not consider the potential impacts of the proposal. Therefore, all potential impacts have not been considered,

The DDA also does not include any consultation with the local Aboriginal Community. It is noted that the area in close proximity to the Mine Site (including some active Mining lots) has been nominated as a Deerja Aboriginal Place and Heritage NSW and NPWS have had ongoing consultation and engagement with the Aboriginal Community regarding the Mountain Biking Strategy and the progression of the Aboriginal Place. It is not appropriate to not engage with the Aboriginal Community on this site given the cultural values identified in the area.

Therefore, it is recommended an Aboriginal Cultural heritage Assessment Report is prepared for the proposal that considers all potential ground disturbance works.

Consultation should occur with all parties related to the Aboriginal Place Nomination, any Registered Aboriginal Parties relating to the Mountain Biking Strategy and Illawarra Local Aboriginal Land Council (ILALC), as well as seeking comment from Heritage NSW.

The following additional information is requested: from the proponent:

1. Historic Archaeological Report and Archaeological Research Design for whole impacts area including site of Bulk Warehouse relating to archaeological potential of Pioneer Kerosene Works and other phases of the site. This Report should include:
 - i. Archaeological survey of whole study area including Bulk Warehouse Area;
 - ii. Consideration of Flemming 1976, 2000 Pipeline Report and Rogers Report 2001 and attachment of these reports as an Appendix
 - iii. Consideration and mapping of location of relics identified associated with Pioneer Kerosene Works and Soil Heap
 - iv. Updated Assessment of significance for relics and objects identified during survey that considers the Baches, Pioneer Kerosene Works and considers the values of the Mine Disaster State Heritage listing
 - v. Updated recommendations under the NSW Heritage Act 1977 for management of areas of site based on the updated archaeological survey and potential mapping
2. Comment from Heritage NSW on the archaeological significance of relic deposits, and potential impacts from the application;
3. Updated SOHI that details interpretive options for the Bulk Warehouse Site including retention of the concrete slab and transformer and discusses whether construction of new structure to replace functionality of bulk storage is proposed and where on the site is appropriate, or why this is not required when rationale of demolition is that the Bulk Warehouse is not meeting functionality requirements.
4. Appendix B Condition and Structural Report for Bulk Warehouse Structure and Transformer (Not attached to Report).
5. Aboriginal Cultural Heritage Assessment Report for disturbance area and includes assessment of proposed demolition of the bulk warehouse and associated concrete slab, that includes consultation with the local Aboriginal Community and Heritage NSW.

Geotechnical

It is noted that the proposed development includes the extension of the disturbance footprint of the Dendrobium Pit Top and construction of a new concrete slab. It is understood that the extension of the disturbance footprint may be required to allow for stabilisation works to prevent slope failures. The new concrete slab will be constructed at the current site of the Bulk Warehouse, which is to be decommissioned and demolished.

The proposed modification is considered appropriate for the site and a minor amendment to the approved development consent from a geotechnical perspective. The Modification does not require supporting geotechnical advice to be submitted in support of this application. However, geotechnical advice may be required for the design of the concrete slab and stabilisation works.

Stormwater and Flooding

It is recommended that any works be undertaken consistent with the requirements of Wollongong DCP 2009 Chapters E13 Floodplain management and E14 Stormwater management.

If you have any questions regarding the above, please contact me on the telephone number below.

This letter is authorised by

John Wood

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