

Ms Nicola Curtis
Principal – Mining Approvals
Illawarra Metallurgical Coal, South32
PO Box 514
UNANDERRA NSW 2526
29/10/2020

Dear Ms Curtis

**Bulli Seam Operations (MP08_0150)
Proposed Modification 3 (PMA-9229197)**

I refer to your letter dated 8 October 2020 regarding a proposed modification to the Bulli Seam Operations (MP08_0150).

The Department can confirm that the appropriate approval pathway for the modification application would be under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Department is generally satisfied with the proposed matters to be addressed in the Modification Report. However, the Department also requests you include:

- consideration of the agricultural impacts of the modification;
- the statutory context for the modification, including the relevant matters for consideration under Section 4.15 of the EP&A Act and the relevant objects of the Act; and
- an evaluation of the modified project as a whole.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Commonwealth Department of the Environment to determine if an approval under the EPBC Act is required (<http://www.environment.gov.au> or 6274 1111).

Your next step will be to lodge your Modification Report through your dashboard on the Department's major projects website (<http://www.planningportal.nsw.gov.au/major-projects>).

If you have any questions, please contact Rose-Anne Hawkeswood on 02 9274 6324.

Yours sincerely,



Stephen O'Donoghue
Director
Resource Assessments