

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	SSD-8445-Mod-3 Tahmoor South Coal Project-Mod-3
Applicant	Tahmoor Coal PTY LTD
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director Energy and Resource Assessments under delegation from the Minister for Planning and Public Spaces 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 at [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

26 May 2025

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;
- 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 would provide a range of benefits for the region and the State as a whole, including ongoing employment of the existing workforce for an additional 14 months, associated flow on benefits to the State, regional and local economies and would generate royalties for the State with an estimated value of \$40M;
- the modification is permissible with consent, and is consistent with NSW Government policies;
- 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 issues raised by the community during consultation and in submissions have been considered and adequately addressed through project design and the recommended conditions of consent; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 5 July 2024 to 18 July 2024 (14 days) and received 2 submissions objecting to the modification from special interest groups. Feedback commenting on the modification was received following the exhibition period from one further special interest group.

The key issues raised by special interest groups and considered in the Department's assessment report and by the decision maker include potential impacts on water resources, justification for the modification and concerns regarding greenhouse gas emissions and associated risks to human health. Matters outside the scope of the modification were also raised. Other issues are addressed in detail in the Department's assessment report.

Issue	Consideration
Water resources <ul style="list-style-type: none"> Concern regarding impacts on surface water flows and quality in Teatree Hollow; Concern regarding the duration of time for groundwater recovery to occur; Concern regarding impacts on water-dependent fauna associated with water loss in Hornes Creek and Bargo River. 	Assessment <ul style="list-style-type: none"> No impacts are predicted to Bargo River. The risk of impacts to Hornes Creek have been assessed as very low to negligible. Impacts including fracturing and flow diversion may occur within the upstream end of Teatree Hollow, an ephemeral drainage line within which streamflow is captured by farm dams. The nature and scale of predicted impacts are consistent with the approved project. Modelling indicates there would be no significant changes in creek baseflows and negligible impacts on groundwater dependent ecosystems. The modification complies with the minimal impact considerations of the NSW Aquifer Interference Policy. The Department is satisfied that impacts to water resources would be consistent with those of the approved project and able to be managed under the existing monitoring and management framework. Conditions <ul style="list-style-type: none"> Existing conditions of development consent are considered suitable to manage impacts on water resources associated with the modification.
Modification justification <ul style="list-style-type: none"> No justification for change to timeframe. 	Assessment <ul style="list-style-type: none"> The modification seeks an extension to the timeframe to undertake mining operations to enable extraction of longwall 7A. The Department considers the proposed extension of timeframe is justified in this context.
Greenhouse gas (GHG) emissions <ul style="list-style-type: none"> Coal mining and combustion poses an unacceptable health risk as its GHG emissions contribute to ongoing global heating. Tahmoor Coal needs to prioritise ventilation air methane abatement opportunities. 	Assessment <ul style="list-style-type: none"> The modification is estimated to result in an additional 1.14 Mt CO₂-e of Scope 1 and Scope 2 emissions, the majority of which (~80%) are associated with ventilation air methane. Tahmoor Coal implement a range of best practice GHG management measures at the mine and is actively investigating a number of additional measures for implementation. Additional measures being investigated include flare optimisation, increasing power generating capacity of the current combustion system and utilising regenerative thermal oxidiser (RTO) technology for the destruction of ventilation air methane. Progress on these investigations will be reported to the Department in early 2026. The regulation of GHG emissions in NSW is in a transitional state towards the EPA leading regulation under the <i>Protection of the Environment Operations Act 1997</i>. The Department considers that GHG emissions associated with the modification would be able to be effectively managed under current NSW GHG policy initiatives and the existing consent framework to ensure that NSW targets would not be compromised, including the overall purpose and guiding principles of the Net Zero Future Act. Conditions <ul style="list-style-type: none"> Inclusion of a requirement to prepare a Greenhouse Gas Mitigation Plan, in consultation with the EPA, within six months of the determination of the modification.
Matters outside the scope of the modification <ul style="list-style-type: none"> A condition requiring beneficial reuse of coal reject should be applied. Consideration should be given to NPA Macarthur Branch proposal for a Bargo-Nepean National Park 	Consideration <ul style="list-style-type: none"> The Department is unable to condition matters that are outside the scope of the modification application. The NPA's proposal is noted and does not change the Department's assessment outcomes.