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Ms Gabrielle Allan
Department of Planning & Environment
GPO BOX 39
SYDNEY NSW 2001

APPLICATION

DE-2022/48

Date

15 June 2022

Dear Ms Allan

Development	Dendrobium Mine Extension Project (SSI-33143123)
Location	4 Stones Road, MOUNT KEMBLA NSW 2526

Thank you for providing Council with the opportunity to make comment on the Dendrobium Mine Extension Project.

Council recognises the importance of the project to the local Illawarra economy and to local steel production in supplying high quality metallurgical coal from the Bulli Seam in revised Area 5 of the existing Mining Tenement. The project, if approved, would facilitate a mine life extension to 2041 and continued employment of the existing mine workforce as well as 50 additional operational and 100 additional construction personnel.

Council has reviewed the project EIS specialist reports and considers the Department and State Agencies are well placed to assess the key issues. This includes public interest matters such as:

- potential impacts and risks of water security and biodiversity associated with longwall mining in and under water catchment areas,
- the relationship of the mining activities to climate change mitigation strategies at all levels of Government, and
- matters intrinsic to the subject site to which Council has previously sought further information via our submission responses to the Department regarding SSD-8194.

In undertaking your assessment, I draw your attention to “Our Wollongong 2028 Community Strategic Plan” goals which are based on the principles of sustainability and include our Climate Change Adaptation Plan and Reconciliation Action Plan.

It is acknowledged that in response to the refusal of the former SSD-8194 proposal by the Independent Planning Commission in February 2021, Illawarra Coal Holdings Pty Ltd (Illawarra Metallurgical Coal [IMC]) has submitted a revised project plan to address and reduce environmental impacts. The revised plan is informed by predictive modelling and other assessment tools incorporating a risk-based assessment process to inform the revised project area.

Specifically, the following reductions have been noted:

- Mining area – approximately 60% reduction in longwall mining area and avoidance of key streams and swamps.
- Surface water losses – approximately 78% reduction in peak annual surface water losses.
- Height of fracturing – no predicted connective fracturing from the seam-to-surface when calculated using the Tammetta Equation.
- Named watercourses and dams – longwall mining distance of at least 400 m from the Avon River, Cordeaux River and Donalds Castle Creek and at least 1,000m from dam walls.

- Drainage lines – no direct mining beneath 3rd order streams (>50 m setback distance) and approximately 50% reduction in the length of 1st and 2nd order streams longwall mined beneath.
- Upland swamps – approximately 40% reduction in the number of swamps (listed as threatened) longwall mined beneath.
- Aboriginal heritage sites – reduction in the number of previously identified Aboriginal heritage sites directly mined beneath from 22 sites to six sites, including no longwall mining beneath previously identified high archaeological significance Aboriginal heritage sites.

Whilst the above changes have been made, the matters raised for consideration in the assessment of the previous application generally remain relevant to the assessment of the current application. To assist with your assessment process, an overview of matters highlighted for detailed assessment is attached. These matters include development engineering; heritage; visual impact; Aboriginal heritage; environment and Geotech.

Council looks forward to the opportunity of a further detailed review upon the Department's receipt of the proponent's Response to Submissions.

Yours faithfully



Linda Davis
Director Planning & Environment
Wollongong City Council
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ATTACHMENT

OVERVIEW OF MATTERS HIGHLIGHTED FOR DETAILED ASSESSMENT

Development Engineering

Surface infrastructure required to support the expansion project appears to be primarily confined to a carpark extension and embellishment of exiting fire trails, electricity transmission line, gas drainage and venting and a temporary water pipeline. Construction access for gas drainage and ventilation is primarily facilitated by existing arrangements. Separately it is understood that there is no proposed change to the current approved extraction limit of 5.2 Mtpa, no additional truck movement impacts on the road network with coal loading and transport via the existing the Kemira Valley Coal Loading Facility and mine wastewater discharge via existing licence agreement into Port Kembla Harbour.

In relation to the proposed carpark extension, no detailed plans for the extension of the existing car park or the proposed temporary car park and access roadway have been submitted. Council requests that future design be undertaken in accordance with Wollongong Development Control Plan (WDGP) 2009 and that stormwater disposal should also have regard to the relevant sections of the plan.

Heritage

The proposal is within the Illawarra Escarpment Conservation Area, in the vicinity of the Mt Kembla Colliery #7105 and the Nebo Colliery #7104 as well as falling within the Kembla Heights Conservation Area. The proposal is also in the vicinity of both Cordeaux and Avon Dams which are not located within the Wollongong LGA, but are State Heritage listed items.

Historic Heritage

The proposal is supported by a Historical Heritage Assessment (HHA) prepared by Niche dated March 2022. The justification document is silent on non-Aboriginal heritage impacts and no mitigation measures appear to have been implemented to reduce impacts on historic heritage on the subject site.

Since the 2019 Heritage Impact Assessment (HIA), the Wollongong LEP has been amended to reflect correct locations of various heritage items including Pioneer Kerosene Works #6411. This new mapping should be reflected in the updated HIA and the archaeological potential of the proposed car park upgrade relating to this heritage item should be addressed. Further, a preliminary historic archaeological assessment should be undertaken.

The HIA also notes that the Dendrobium Pit Top, which is located within the curtilage of both Mount Kembla and Nebo Colliery is to be upgraded, expanded and parts decommissioned. A conceptual design appears to have been prepared to support the HIA, however this has not been provided. The concept plans for the Pit Top should be provided for heritage comment and supported by a Heritage Impact Statement in future responses to submissions including:

- Identifying which buildings have heritage significance.
- How the expansion and re-development will impact on these heritage values and any archaeological potential.
- If there is or has been an updated assessment to the 2003 Archaeological Assessment.
- Identify which infrastructure is planned to be decommissioned and removed.
- Indicate how the potential impacts on the values and significance of the Colliery and Kembla Heights Conservation Area minimise by the design.

The HIA recommends that a Conservation Management Plan (CMP) be developed prior to the commencement of any works. The report should be prepared as part of the SSI assessment process for heritage impacts to be adequately considered to ensure that any approval granted is consistent with the recommendations of the CMP. Further investigations and monitoring for the potential for subsidence impacts at the Cordeaux and Avon Dams should also be integrated into the CMP.

Visual Impact Analysis

Condition 12 of the SEAR's for the project required *An assessment of the likely visual impacts of the development from key public and private vantage points, and methods to minimise the lighting impacts of the development.*

The Environmental Assessment provides a brief visual character assessment which notes minimal changes are proposed to existing surface facilities. There may be additional surface impacts from the proposed ventilation shafts and the carpark extension which should also be considered. The visual analysis should clarify where views are measured from and include assessment of impacts to the Illawarra Escarpment and Kembla Heights Heritage Conservation Areas.

Aboriginal Heritage

The following mitigation measures have been identified in the revised proposal to reduce potential impacts on Aboriginal Heritage sites namely:

- *Reduction in number of Aboriginal heritage sites directly mined beneath from 22 to six sites (with the likelihood of any direct impacts to these six sites expected to be approximately 1 in 10 based on extensive monitoring of subsidence-related impacts to heritage sites);*
- *No longwall mining beneath previously identified moderate and high archaeological (scientific) significance Aboriginal heritage sites;*
- *Additional surface infrastructure for the Project has also been designed to avoid all previously identified Aboriginal heritage sites*

The reduction in long wall mining beneath sites of moderate-high scientific potential is supported, however, it is noted that this does not appear to be based on the cultural significance of the site to the local Aboriginal community, rather from an archaeological perspective only.

Council suggests that an Aboriginal Cultural Heritage Management Plan be developed for the project as part of the assessment process that details mitigation and management measures. This plan should be prepared prior to any approval to ensure that the Registered Aboriginal Parties (RAP) have a chance to negotiate important outcomes such as access to cultural sites. The Aboriginal Cultural Heritage Report notes that the RAP's requested access for the Aboriginal community onto the subject areas to visit cultural sites for education and teaching purposes and to maintain connection to Country.

The opportunity for social use of the site, raised by several of the RAPs in the ACHAR consultation does not appear to have been considered in the social impact assessment. The issue of access to cultural sites for the traditional owners and indigenous groups should be addressed.

Environment

The adequacy of the prepared reports, impact assessment and offset strategy will be determined by the relevant sections of the Department, specialist Agencies, expert Panels and the Commonwealth Department of Agriculture, Water and the Environment.

Some level of environmental impact from the proposal is acknowledged and the significance of that impact, if supported, may trigger the requirement for offsetting.

The proximity to sensitive water environs and drinking water catchments of the proposal has an inherent risk that needs to be robustly addressed through the assessment process. Consideration should be given to:

- the potential for a significant failure of the natural environmental water flow/regime affecting the surrounding water table and recharge capacity of the system;
- the potential for subsidence associated leakages that may cause irreversible changes to water storage infrastructure within the drinking water catchment; and
- potential changes in the water system, geological and environmental structures of the area that may not be fully realised until after the cessation of mining operations.

Geotechnical

The application states that the assumptions in the overall site assessment are conservative; that it is not economic to avoid mining under all ephemeral streams; and that the longwall geometry and pillar width can be modified as required to better manage subsidence.

Natural drainage lines are expected to be impacted by the full range of subsidence impacts but at an extent that these impacts are minor and localised noting the longwall layout avoids key stream features.

The assessment for South 32 also recommends subsidence be continuously monitored and the field observations compared to predictions with a Trigger Action Response Plan for mining operations developed if observations exceed predictions.