

9 October 2020

Department of Planning, Industry and Environment  
Green and Resilient Places Division  
Locked Bag 5022, Parramatta NSW 2124

[REDACTED]

## DRAFT CUMBERLAND PLAIN CONSERVATION PLAN

### Submission by [REDACTED]

[REDACTED] appreciates the opportunity to provide a response to the NSW Government's consultation on the Draft Cumberland Plain Conservation Plan (the Draft Plan). IMC recognise the importance of biodiversity conservation, the need for properly designated and managed systems of protected areas, and integrated land use planning.

### Introduction to [REDACTED]

[REDACTED] operation is located in the Southern Coalfield of New South Wales. It produces high-quality metallurgical coal, which is used in the Australian steel industry and exported around the world. IMC supports the employment of 1,800 people directly, and more than 10,000 people indirectly, and its unique product sustains the manufacturing industry within the Illawarra Region.

IMC has operations in the Illawarra and Wollondilly regions with the Appin Colliery located near Douglas Park and Appin, as well as the Dendrobium Mine which is located near Mount Kembla. The company also has two coal preparation plants – one located on Wedderburn Road in Appin and the other, the Dendrobium Coal Preparation Plant, located at Port Kembla.

IMC holds mining and exploration leases in the Wollondilly region with plans to continue mining into the future. These long-term plans give IMC, government and the community certainty in mine planning and clearly establish a future for mining in the Southern Coalfield.

### Response to Consultation

Much of the Plan Area lies directly in the path of future extraction for the Appin Mine and includes current and future operational surface infrastructure required to support the Appin Mine. To that end, IMC has a number of concerns with the Draft Plan outlined below.

### Mining Tenure

IMC supports the Draft Plan's intent to create biodiversity stewardship sites across the region, to ensure long-term protection of biodiversity.

Significant areas proposed as suitable for biodiversity stewardship sites coincide with mining and exploration leases held by IMC. IMC notes that under section 5.9 of the *Biodiversity Conservation Act 2016*, a stewardship site agreement cannot be entered into without written consent of the leaseholder if it coincides with a mining lease or mineral claim, and without consultation between the Minister and the leaseholder if it coincides with a mining authority.

IMC will continue to consider biodiversity stewardship site proposals on a site by site basis, in consideration of the potential land use conflicts that may arise between stewardship sites and our authorised activities undertaken within the lease areas.

## Surface infrastructure

IMC holds freehold and leased land for key surface infrastructure required to support mining operations, such as pit tops and ventilation shafts. Operational activities, including management of vegetation, are undertaken in accordance with the Bulli Seam Operations Project Approval (08\_0150) under the Environmental Planning and Assessment Act 1979 and BSO Expansion Approval (EPBC 2010/5350) under the Environment Protection and Biodiversity Conservation Act 1999.

Sections of operational land, including part of the Appin West Colliery pit top, have been identified as '*strategic conservation area*' and as such are proposed to be subject to revised planning controls. Operational land including the entire Appin East Colliery pit top, have been identified as '*non-certified-avoided for biodiversity purposes*' and as such are proposed for rezoning for environmental conservation (E2).

The Draft Plan also notes a proposed SEPP will require that asset protection zones identified in any of the nominated areas are located wholly within the certified—urban capable land, and not in 'avoided land' identified by the Draft Plan (such as '*non-certified-avoided for biodiversity purposes*'). This appears it would include the "West Appin precinct", which includes the Appin East Colliery. Appropriate asset protection zones (cleared areas) around operational sites are critical to ensure safety of mining operations, and as such, rezoning of this operational land is not suitable.

As noted above, IMC's operations are governed by State and Federal environmental approvals. IMC understands existing use rights will apply to land proposed for E2 zoning under the Plan, which will allow existing land uses to continue (while preventing further extension of those same uses). As such, IMC considers that the planning controls and rezoning proposed for these operational sites are not congruent with the current approved use, and further, may affect its ability to meet future infrastructure and post mining land use requirements.

## Major Infrastructure Corridors

The Draft Plan identifies Major Transport Corridors that will receive their biodiversity approvals through the Draft Plan, including the Outer Sydney Orbital (OSO) corridor. IMC has previously made submissions and is actively engaging with Transport for NSW in relation to the location of the proposed OSO corridor and its potential impact on mining operations and property tenure.

It is noted in the Draft Plan that the biodiversity approval proposed under the Draft Plan is for the 'general alignments' shown, as alignments are yet to be preserved by the NSW Government under relevant planning legislation and instruments. As the proposed OSO is only proposed for investigation in 10-20 years, IMC supports a biodiversity approval approach that enables flexibility of the corridor location, as land use conflicts are likely to continue to arise over the next two decades.

## Conclusion

IMC supports the need for long-term protection of biodiversity, alongside urban and infrastructure development in the region and NSW. IMC have programs in place to protect and manage a number of sensitive vegetation communities and nationally listed species, including establishment of conservation areas, within and adjacent to our operations. However, it is essential that the proposed controls under the Draft Plan do not diminish the value of other highly valuable natural resource assets in the Wollondilly region, which could result in the loss of considerable economic and social benefits that mining brings to the region and the State.

Accordingly, IMC believes that further investigation and discussions between IMC and the NSW Government are required to understand the interaction between mining operations and the proposed planning controls. We welcome the opportunity to meet with government on [REDACTED] submission, and can be contacted at [REDACTED]

Regards,

[REDACTED]  
[REDACTED]  
Manager Mining Approvals  
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