



Our ref: J212

15 July 2011

Director, Mining and Industry Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Naomi Nelson

Dear Naomi

Re: DA 177-8-2004 MOD 2 - Locomotive Refuelling Facility for QR National - Response to Submissions.

I advise that Wells Environmental Services act on behalf of the proponent Wambo Coal Pty Limited for MOD 2 of DA 177-8-2004 (as amended). MOD 2 facilitates the construction and operation of a locomotive refuelling station on the Wambo Coal rail loop, to be operated by QR National Pty Limited.

The application was placed on public exhibition from 13 May to 27 May 2011. The following submissions were made with respect to the application:

- NSW Office of Environment and Heritage (OEH).
- NSW Department of Trade & Investment, Regional Infrastructure & Services (DTIRIS).
- The NSW Dam Safety Committee (DSC).
- The Mine Subsidence Board (MSB).
- The United Mine Workers Federation of Australia.
- NSW Planning were advised by NSW Office of Water, Singleton Council, the Australian Rail Track Corporation and the Roads and Traffic Authority that no submission would be made.

A summary of the submissions and the proponent's response to the submissions is provided below.

NSW Office of Environment and Heritage.

The OEH had no objection to the proposed development and provided recommended conditions of approval. The OEH noted that the assessment provided limited details with respect to Aboriginal Cultural Heritage, however they acknowledged the area was previously disturbed by the construction of the Wambo Rail Loop. The conditions included:

- One condition relating to undertaking works in accordance with the information supplied.
- Four conditions relating to the storage of chemicals and maintaining bunding on chemical storage to 110% of the largest container.
- Two conditions on the erection and maintenance of erosion and sediment control structures.
- Two conditions relating to Aboriginal Cultural Heritage and actions required in the event that surface disturbance uncovers a new Aboriginal object, or human remains.

The proponent accepts the proposed conditions of approval provided by OEH, noting the DA 177-8-2004 (as amended) already includes some conditions relating to Aboriginal Heritage and soil and water management.

NSW Department of Trade & Investment, Regional Infrastructure & Services (DTIRIS)

The NSW DTIRIS had no objections to the proposal and made no specific recommendations for the locomotive refuelling station.

The NSW Dam Safety Committee (DSC).

The NSW DSC had no objections or further requirements in relation to the proposal.

The Mine Subsidence Board (MSB).

The MSB noted that proposal is within the Patricks Plains Mine Subsidence District and that the Wambo Rail spur was previously approved by the MSB. The following conditions apply to the proposal:

- Wambo Coal agrees to undertake mitigation work and monitoring to minimise damage caused by future mining.
- Structures are designed to enable mitigation works to be undertaken.
- Wambo Coal is responsible for monitoring of structural performance and control during mining.
- Final plans are submitted for approval by the MSB prior to the commencement of construction.

The proponent accepts the proposed conditions of an approval by the MSB and notes that Condition 7 of DA 177-8-2004 (as amended) already requires the approval of the MSB.

The United Mine Workers Federation of Australia.

The United Mine Workers Federation of Australia provided a detail review of the proposal and concluded that the proposed refuelling station is appropriately located, makes use of existing infrastructure and is within an existing disturbance footprint.

Conclusion

Wambo Coal Pty Limited has reviewed the submissions made in relation to the proposed locomotive refuelling facility and has no objection to the inclusion of recommended conditions within the modification of the DA 177-8-2004 (as amended).

Yours faithfully



Jonathan Berry
Wells Environmental Services