

DOC17/468340-01, File No. EF13/3816

Department of Planning and Environment  
GPO BOX 39  
SYDNEY NSW 2001

27 September 2017

Attention: melanie.hollis@planning.nsw.gov.au

Dear Ms Hollis

**WAMBO COAL MINE MODIFICATION 17 (DA 305-7-2003)  
SOUTH BATES EXTENSION – RESPONSE TO SUBMISSIONS**

I refer to your email dated 12 September 2017 and the documents titled "*Wambo Coal Pty Limited South Bates Extension Modification Response to Submissions Part A for the Modification of DA 305-7-2003 (Mod 17)*" dated June 2017 and "*Wambo Coal Pty Limited South Bates Extension Modification Response to Submissions Part B for the Modification of DA 305-7-2003 (Mod 17)*" dated September 2017.

The Environment Protection Authority ("EPA") has previously provided comments to the Department of Planning and Environment ("DPE") dated 3 May 2017 and 11 May 2017 on the Environmental Assessment which included Recommended Conditions of Approval.

We have reviewed the RTS part A and B and provide DPE with comments at Attachment 1.

We advise DPE that EPA has only one additional Recommended Condition of Approval in relation to surface water monitoring provided at Attachment 1.

**Recommended Conditions of Approval Without Noise Conditions**

We have reviewed the information provided, and have determined that, should development consent be granted, the EPA would be able to issue a notice of variation to Environment Protection Licence 529 ("the Licence") in accordance with Section 58 of the *Protection of Environment Operations Act 1997* ("POEO Act") to include the revised recommended conditions of approval and upgrade the Licence.

If DPE grant consent for this proposal the Recommended Conditions of Approval previously provided by the EPA should be incorporated in the consent. The Recommended Conditions of Approval are relevant for the development as proposed in the documents titled:

- *Wambo Coal Pty Limited South Bates Extension Modification Environmental Assessment for the Modification of DA 305-7-2003 (Mod 17) Extension of the Approved South Bates Underground Mine* dated March 2017 ("EIS");
- *Wambo Coal Pty Limited South Bates Extension Modification Response to Submissions Part A for the Modification of DA 305-7-2003 (Mod 17)* dated June 2017; and

- *“Wambo Coal Pty Limited South Bates Extension Modification Response to Submissions Part B for the Modification of DA 305-7-2003 (Mod 17) dated September 2017.*

In the event that the development is modified either by the applicant prior to the granting of consent or as a result of a condition proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before consent is issued. This will enable the EPA to determine whether a recommended condition of approval needs to be modified in the light of the changes.

If you require any further information regarding this matter please contact Natasha Ryan on (02) 4908 6833.

Yours sincerely



**MARK HARTWELL**  
**A/Director- Hunter**  
**Environment Protection Authority**

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Encl: Attachment 1: EPA's review of RTS and Recommended Condition of Approval

**ATTACHMENT 1**

**ENVIRONMENT PROTECTION AUTHORITY  
REVIEW OF RESPONSE TO SUBMISSION  
WAMBO MINE SOUTH BATES EXTENSION MODIFICATION 17 (DA 305-7-2003)**

The Environment Protection Authority ("EPA") has undertaken an assessment of the documents titled "*Wambo Coal Pty Limited South Bates Extension Modification Response to Submissions Part A for the Modification of DA 305-7-2003 (Mod 17)*" dated June 2017 and "*Wambo Coal Pty Limited South Bates Extension Modification Response to Submissions Part B for the Modification of DA 305-7-2003 (Mod 17)*" dated September 2017 ("RTS").

The following comments are provided to Department of Planning and Environment ("DPE") in determination of the project proposal.

**Surface Water Management**

The RTS identifies that 6 ML per year will be discharged from the premises via sediment dam discharge. However the proponent has not provided any detail about the likely concentrations of pollutants or type of water that may be discharged. The proponent has not provided an environmental impact assessment of these discharges on receiving waters.

We advise the Department of Planning and Environment ("DPE") that the RTS has not addressed all the concerns raised by the EPA in our submission dated 3 May 2017. The EPA expects that where there is a likelihood that electrical conductivity may exceed 400µs/cm in sediment dams that the dams are sized and constructed to a size better than the blue book guideline to avoid discharge of saline waters and ensure that the proponent meets Section 120 of the *Protection of the Environment Operations Act 1997* and clause 19 of the Protection of the Environment Operations (Hunter River Salinity Trading Scheme Regulation) 2002.

As the proponent has not addressed EPA's concerns or provided adequate information, or environmental assessment of discharges to waters from sediment dams we recommend that water quality monitoring be undertaken during sediment dam discharge in order to verify that discharge complies with s120 of the POEO Act and its regulations.

This is consistent with s45 of the POEO Act, matters that must be considered in the EPA's licensing functions.

Furthermore the proponent identified in its RTS that it would comply with s120 of the POEO Act.

**Recommended Condition of Approval**

The proponent must implement within a water quality monitoring program monitoring that includes all dam discharges for electrical conductivity, turbidity, total suspended solids, pH, total dissolved solids, total and dissolved individual metals.

Environment Protection Authority  
27 September 2017

