

Your reference:
Our reference: DOC12/39437 LIC08/510-07
Contact: Karen Gallagher 02 4908 6822

Mr Colin Phillips
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Phillips

NEWSTAN COLLIERY MODIFICATION DA 73-11-98 MOD 5

Reference is made to your email dated 18 September 2012 to the Environment Protection Authority ("the EPA") requesting comments on the attached *Newstan Colliery (Mod 5) Environmental Assessment* ("the EA") dated September 2012.

It is understood that Newstan Colliery proposes to:

- 1) Receive, handle and process up to 4Mtpa of coal from the Mandalong Mine at the Newstan Colliery surface site via private haul roads; and
- 2) Transport excavated material produced from the construction of the two already approved shafts at Awaba Colliery to the Newstan Colliery reject emplacement area or the Coal Preparation Plant (CPP) for processing via private haul roads.

The EPA has considered the proposal and is of the opinion that further information is required regarding the *transport (of) excavated material produced from the construction of the two already approved shafts at Awaba Colliery to the Newstan Colliery reject emplacement area or the Coal Preparation Plant (CPP) for processing via private haul roads.*

It is noted that Awaba Colliery does have development consent to transport up to 880,000 tpa of coal to the Newstan Colliery CCP. However, given that the EA states that the excavated material will consist of both coal and stone material and will be placed in the reject emplacement area, the EPA has concerns that this activity may trigger waste scheduling under the *Protection of the Environment Operations Act*.

The proponent is encouraged to go to the **Waste and Resource Recovery** section of the EPA's website at <http://www.environment.nsw.gov.au/waste/index.htm> to determine their position as a possible waste operator. The information and guidelines in this section may further highlight possible resource recovery exemptions for the types of waste material that is being accepted on site.

Should the proponent determine they are operating as a waste facility they would need to provide further details than contained in the EA in the form of a detailed waste proposal to allow the EPA to assess the proposal before recommended conditions of consent or the EPL could be varied to include the necessary waste conditions for the premises to accept any waste for land filling.

Should you have any questions regarding this matter please contact Karen Gallagher on (02) 49086822.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Mark Hartwell', with a long horizontal flourish extending to the right.

24 OCT 2012

MARK HARTWELL
Head Regional Operations Unit – Hunter
Environment Protection Authority