



Our reference: EF13/3016:DOC14/55120-05:PW
Contact: Paul Wearne (02) 4224 4100

Department of Planning and Environment
Development Assessment Systems and Approvals
(Attention: Howard Reed)
PO Box 39
SYDNEY NSW 2001

Dear Sir

**RUSSELL VALE COLLIERY MODIFICATION (MP 10_0046 MOD 2)
EXHIBITION OF ENVIRONMENTAL ASSESSMENT**

I am writing in reply to your letter dated 17 April 2014 seeking comment on the proposal by Wollongong Coal Pty Ltd to modify its existing project approval for the Russell Vale Colliery (MP10_0046).

The Environment Protection Authority (EPA) is advised the proponent is seeking approval to extract coal from the first 400 metres of Longwall 6 and extend the duration of the existing project approval until 30 June 2015. The Colliery has stated this will allow them to continue to operate until a determination of the 'Underground Expansion Project' by the NSW Planning Assessment Commission, expected by the end of 2014.

On the basis of a review of the information provided, the EPA provides the following comments:

1. There has been a trend for approval modifications to allow short term works to continue in the absence of the broader 'Underground Expansion Project' being finalised. The EPA does not support this trend as it delays the strategic assessment of Colliery operations. Many key environmental issues regarding continued operations are still subject to determination under the 'Underground Expansion Project'.
2. The EPA advises that the proposed modification should only be granted if a commitment is provided by the Colliery that no further modifications will be sought prior to determination of the 'Underground Expansion Project', and a "sunset provision" is attached to the amendment, that it expires on 30 June 2015. This would mean any continued operations at the Colliery post 30 June 2015 could only be carried out when the 'Underground Expansion Project' is approved.
3. The EPA regulates the existing activities at the Russell Vale Colliery under the *Protection of the Environment Operations (POEO) Act 1997* and Environment Protection Licence (EPL) 12040. If the modification is approved it must comply with the EPL, POEO Act and associated regulations. These requirements must be considered in the development of any approval conditions to ensure there is no inconsistency.

If you have questions regarding the above please contact Paul Wearne on telephone (02) 4224 4100.

Yours sincerely



13/5/14

PETER BLOEM
Manager Illawarra
Environment Protection Authority