



Our ref: DOC25/1004627-10

15 December 2025

Mr Jack Turner  
Department of Planning, Housing and Infrastructure  
PARRAMATTA NSW 2124

Via Major Projects Portal

**EPA Advice on Additional Information to Amendment Report – HVO North and HVO South Continuation Projects – SSD 11826681 & SSD 11826621**

Dear Mr Turner

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to review the additional information provided in response to the EPA's comments on the Amendment Report for the proposed Hunter Valley Operations Continuation Project North and South Open Cut Coal Continuation Projects (the Project) (SSD-11826681 and SSD-11826621).

The EPA has reviewed the following documents:

- Letter to the Department of Planning, Housing and Industry (DPHI) Subject: *EPA Advice on Amendment Report – HVO North and HVO South Continuation Projects – SSD 11826681 & SSD 11826621*, Hunter Valley Operations, 8 October 2025.
- Air Quality Letter Report, *Request for additional information from the Environment Protection Authority*, Airen Consulting, 3 November 2025.
- *Hunter Valley Operations Continuation Project Amendment Submissions Report (Version V3)*, EMM Consulting, 21 November 2025.

The EPA has reviewed the information and provides comments on noise, air quality and water in **Attachment A**. The EPA will provide comments on the greenhouse gas assessment in a supplementary letter.

If you have any questions about this request, please contact Darren Wallett via email at [environmentprotection.planning@epa.nsw.gov.au](mailto:environmentprotection.planning@epa.nsw.gov.au).

Yours sincerely

**Darren Wallett**  
**Manager Environment Protection Planning**  
**NSW Environment Protection Authority**

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NSW Environment Protection Authority

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## **Attachment A – EPA comments on additional information – HVO North and HVO South Continuation Projects Amendment Report (SSD 11826681 & SSD 11826621)**

### **Air quality**

#### **Matters to be addressed with conditions**

The EPA previously requested the Applicant provide additional information on the measures to address additional 24 hour PM<sub>10</sub> exceedances, revised background air quality data and appropriate contour plots (DOC25/735725-12).

The Air Quality Letter Report has provided details on the reactive management measures and modelled them to demonstrate that compliance with PM<sub>10</sub> criteria can be achieved with the modelled triggers and responses.

The Air Quality Letter Report has provided contour plots for PM<sub>10</sub> and PM<sub>2.5</sub> that have a larger domain for understanding the extent of impacts.

The Air Quality Letter Report did not revise the modelled background air quality data as previously requested by the EPA (DOC25/735725-12). Although the Air Quality Letter Report may show some good agreement between the measured and modelled particulate matter concentrations using the modelling methodology, and was done to avoid double counting, the approach is not supported by the Approved Methods.

However, as the project requires a Trigger Action Response Plan that must use actual measured PM<sub>10</sub> concentrations to manage impacts for compliance, the EPA considers this issue can be resolved through including conditions in an Environment Protection Licence (EPL), should the project be approved.

**Attachment B** provides the EPA's proposed draft operating conditions to control PM<sub>10</sub> exceedances and address background air quality data that would be included in an EPL, if the project is approved. The conditions would apply to the HVO North and HVO South projects regulated under a single EPL.

**The EPA recommends that DPHI note the proposed draft licence conditions in Attachment B and consider them when developing conditions of consent, if the project is approved.**

### **Noise**

#### **Matters to be addressed with conditions**

##### **1. Determination of appropriate noise conditions**

The EPA notes that the Applicant has not provided the information requested by the EPA in the previous correspondence (DOC25/735725-12) regarding the predicted achievable noise levels at all receivers, in addition to the noise levels predicted at the Noise Assessment Group's (NAG) representative receivers provided in the noise assessment. The EPA notes that the difference between noise levels at a NAG representative receiver and other receivers in a NAG cannot be determined.

The potential consequence of this is the achievable noise level (ANL) proposed by the Applicant may not represent the practically achievable noise level for all receivers in a NAG. However, if the ANL is achieved at the worst affected location, the EPA considers this will result in the practically achievable noise level also being achieved at other locations in the NAG. Whilst there will not be an associated limit on what that noise level is, applying the Applicant's proposed ANLs to all receivers in a NAG is considered acceptable in this case and would not result in a reduction of the feasible and reasonable noise mitigation that is required and committed to by the Applicant.

The EPA acknowledges that the Applicant has assessed and applied feasible and reasonable mitigation measures to the project. Even with the adoption of these measures, it is predicted that during some noise enhancing meteorological conditions the Project Noise Trigger Levels (PNTLs) will be exceeded and there will be a requirement to shut down and/or modify certain operations and equipment to further manage noise emissions. The Applicant has nominated ANLs that align with shutdowns and operational modifications that are within project viability.

The Applicant has committed to achieving these ANLs under all meteorological conditions. The EPA notes that this exceeds the requirements under the Noise Policy for Industry (NPfI – EPA 2017), which provides concessions on noise limits under extreme noise enhancing meteorological conditions. Since the approved project was previously assessed under the superseded Industrial Noise Policy (INP - EPA, 2000), the provisions of the NPfI's Implementation and transitional arrangements (EPA, 2017) must be considered when determining appropriate noise limits. This is relevant for daytime and sleep disturbance noise limits as they can be higher when using the NPfI compared with the INP. The transitional arrangements state that where it can be demonstrated that existing (lower) levels can be achieved, this should be considered when determining appropriate noise limits.

Whilst the EPA supports the use of the ANLs, the EPA has modified the Applicant's ANLs when determining the potential noise limits for an EPL (if the project is approved) to meet the requirements of the transitional arrangements considering that lower levels have been demonstrated to be achievable.

The limits have been modified from the Applicant's proposed sleep disturbance ANLs at all NAGs and ANLs for daytime  $L_{Aeq,15\text{minute}}$  limits for NAGs 1C, 2 and 4. The limits which have modified proposed ANLs are consistent with existing limits with the following minor exceptions:

- For NAG 3 the daytime and evening ANL is 1 dB higher
- For NAG 4, the day, evening and night ANL is 2 dB higher
- Under no circumstances do the ANLs exceed the PNTLs by more than 5dB.

The EPA notes that a NAG is an area of land where sensitive receivers are grouped based on similar background noise levels (and hence assessment criteria) and exposure to the developments noise. The ANLs are based on the worst-case noise predictions to the most exposed receiver in the NAG. The EIS and its supporting NIA propose eight NAGs.

**Attachment B** provides the EPA's proposed draft noise limits and conditions that would be considered when updating the project's Environment Protection Licence (EPL), if the project is approved. The noise limits would apply to the combined noise from both HVO North and South projects.

**The EPA recommends that if the project is approved, DPHI consider the noise limits and conditions in Attachment B to inform the conditions applied to the project, noting the noise assessment groups and the meteorological conditions under which the noise limits apply.**

## **2. Operability of Environment Protection Licence and Conditions of Consent**

The EPA notes that HVO North and South are regulated under one EPL (EPL No. 640), however have separate State Significant Development Applications.

**If the project is approved, the EPA recommends that the mechanism for applying HVO North and South noise limits via two (2) planning approvals be carefully considered by DPHI, and the EPA is consulted on the conditions and mechanism to ensure consistency between the EPL and conditions of consent.**

### **3. Considerations for receivers qualifying for mitigation under the Voluntary Land Acquisition and Mitigation Policy**

The noise assessment provided predicted noise levels for HVO North and South separately. These levels have been used to inform responsibilities under the Voluntary Land Acquisition and Mitigation Policy (VLAMP, Department of Planning and Environment, 2018). The Applicant has requested that both HVO North and HVO South be regulated as a single entity using ANLs, however the VLAMP responsibilities have been assigned based on an assessment of HVO North and South separately.

The difference between VLAMP being determined either based on a complex (HVO North and South combined) or separately may have implications for VLAMP liabilities. Additionally, the Applicant has proposed that triggered VLAMP liabilities (based on HVO North and South predictions separately in the noise assessment) should not result in additional VLAMP conditions being imposed for receivers at Jerry's Plain.

The EPA notes that the VLAMP is administered by DPHI and DPHI should carefully consider the application of the VLAMP for these projects.

### **4. Construction noise and vibration**

The EPA recommends that if the project is approved, DPHI consider requiring a management plan to address construction noise and vibration to be prepared and implemented prior to commencement of construction which should include, but not be limited to:

- (a) identification of each work area, site compound and access route (both private and public)
- (b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes,
- (c) identification of all potentially affected sensitive receivers,
- (d) the construction noise and vibration objectives identified in the Environmental Assessment documents,
- (e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the Environmental Assessment documents,
- (f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts,
- (g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of any operational noise control barriers,
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity,
- (i) measures to monitor noise performance and respond to complaints.

### **5. Road traffic noise management strategy**

The EPA recommends that if the project is approved, DPHI consider requiring a management plan to address traffic noise to be prepared and implemented prior to the commencement of construction and operational activities to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not limited to the following;

- (a) driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- (b) best noise practice in the selection and maintenance of vehicle fleets,
- (c) movement scheduling where practicable to reduce impacts during sensitive times of the day,

- (d) communication and management strategies for non-licensee/proponent owned and operated vehicles to ensure the provision of the Traffic Noise Management Strategy (TNMS) are implemented,
- (e) a system of audited management practices that identifies non-conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS,
- (f) specific procedures for drivers to minimise impacts at identified sensitive receivers,
- (g) clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

## **Water**

### **Matters to be addressed with conditions**

The Submissions Report considered that the Hunter River upstream of HVO North and South aligns more with the conductivity trigger range for Lowland rivers (125 to 2,200  $\mu\text{S}/\text{cm}$ ), as observed in the site specific data provided in the first three rows of Table 2.6 of the Surface Water Impact Assessment (Engeny 2025). As site specific data is available, the ANZG default guideline values are only included to provide context to the water quality observed adjacent to the HVO North and South projects.

It is unclear if the Hunter River upstream of the HVO North and South projects is a suitable reference site for deriving discharge criteria. The Hunter River upstream site may be affected by other pollutant sources in the catchment as well as mining activities. Data from minimally impacted reference sites should be used when developing site specific trigger values that are to be used as a basis for controlled discharge criteria as the upstream monitoring site may only be monitoring differences in upstream and downstream water quality. As a result, the EPA considers that appropriate electrical conductivity trigger values should be developed for offsite discharges.

If the project is approved, the EPA recommends that DPHI consider requiring the Applicant to update the Water Management Plan to include, but not be limited to:

- (a) ongoing monitoring of the existing and new sediment basins, including all pollutants present in discharges that pose a risk of non-trivial harm to human health or the environment, including but not limited to salinity, major ions, bicarbonate, pH, nutrients and a suite of metals,
- (b) mitigation measures to ensure that only sediment free of contaminants is released in controlled discharges offsite,
- (c) management of any pollutants in sediment basins other than sediment, e.g. any analytes that are above ANZG (2018) and ANZECC (2000) guidelines in controlled discharges which may include reuse or diversion to the mine water system or resizing basins to larger than that required by the Blue Book,
- (d) Development of appropriate electrical conductivity values to assess salinity monitoring data for offsite discharges. This should include the identification of a minimally impacted reference site.

## **Attachment B - Proposed Draft Environment Protection Licence Conditions**

The following presents the EPA's proposed draft Environment Protection Licence conditions for air quality and noise to address the matters raised in this letter, if the project is approved. These conditions are indicative only and do not represent a complete set of conditions, and do not represent any approval nor issue of an Environment Protection Licence.

### **Air Quality Operating Conditions**

**O.1** ROM coal must maintain a minimum 8% moisture content during handling, loading, transferring and stockpiling.

**O.2** Product coal must maintain a minimum moisture content of 10%.

**O3.1** The licensee must maintain and implement a Trigger Action Response Plan (TARP) when adverse meteorological and PM<sub>10</sub> conditions occur.

**O3.2** For the purposes of Condition O3.1, adverse meteorological conditions are defined as:

- a) Wind speed greater than 8 m/s at HVO Corporate (EPL Point 19) or HVO Chestnut (EPL Point 22) meteorological stations, or,
- b) Wind directions 0 to 120 degrees and 260 to 350 degrees.

**O3.3** For the purposes of Condition O3.1, adverse PM<sub>10</sub> conditions are defined as:

- a) 1-hour PM<sub>10</sub> concentrations > 50 µg/m<sup>3</sup> for two consecutive hours, or,
- b) A rolling 24-hour average PM<sub>10</sub> concentrations > 50 µg/m<sup>3</sup> for one hour, and,
- c) Measured at any of the following monitoring stations: Maison Dieu (DCCEEW), Knodlers Lane (EPL Point 16), Warkworth (DCCEEW) or Wandewoi (EPL Point 15).

**O3.4** The implementation of required shutdown of dust generating activities must be completed within 1 hour of the triggered alarm.

**O3.5** The licensee must record all alarms triggered, the meteorological and PM<sub>10</sub> conditions at the time, and all actions implemented in response. The licensee must produce the records to any authorised officer of the EPA upon request.

## **Noise**

**L6.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated by Hunter Valley Operations (HVO) Continuation Project: HVO North Open Cut Coal Continuation Project (HVO North) (SSD-11826681) & HVO South Open Cut Coal Project (HVO South) (SSD-11826621), Noise Impact Assessments at Appendix I to each SSD application.

Location (Noise Assessment Group – NAG - and property number)	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>AFmax</sub>
NAG 1A – Property Numbers: 160, 161, 162, 163, 256, 258, 260, 261, & 497.	41	41	41	46
NAG 1B – Property Numbers: 120, 121, 122 & 123.	40	40	40	46
NAG 1C – Property Numbers: 244, 245, 246, 247 & 498.	39	39	39	46
NAG 2 – Property Numbers: 126, 127, 128, 130, 134, 139, 141, 156, 157, 167, 169, 170, 173, 174, 175, 176, 178, 179, 248, 249, 250, 251, 262, 843, 846, 847, 852, 855 & 856.	37	35	35	46
NAG 3 – Property Numbers: 308, 311, 317, 318, 321, 322, 324, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436, 440, 464, 481 & 952.	41	41	40	46
NAG 4 – Property Numbers: 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 462, 477, and 478.	37	37	37	46
NAG 5A – Property Numbers: 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 355, 356, 357, 358, 359, 360, 361, 362, 363, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 380, 381, 383, 384, 385, 389, 390, 392, 393, 394, 395, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 413, 414, 415, 417, 418, 419, 420, 421, 422, 423, 482, 484, 835, 836, 837, 838, 839 & 840.	40	40	40	46
NAG 5B – Property Numbers: 326, 327, 328, 330, 437, 438, 466, 487, 488 & 489.	40	40	40	46
All other privately owned residence	40	35	35	45

**L6.2** For the purposes of condition L6.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- b) Evening means the period from 6pm to 10pm.
- c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

**L6.3** The noise limits set out in condition L6.1 apply under **all** meteorological conditions.

**L6.4** To assess compliance:

- a) with the  $L_{Aeq(15 \text{ minutes})}$  or the  $L_{AFmax}$  noise limits in condition L6.1, the noise measurement equipment must be located:
  - (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
  - (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - (iv) at any other location identified in condition L6.1
- b) with the  $L_{Aeq(15 \text{ minutes})}$  or the  $L_{AFmax}$  noise limits in condition L6.1, the noise measurement equipment must be located:
  - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
  - (ii) at the reasonably most affected point within an area at a location prescribed by condition L6.4 (a).

**L6.5** A non-compliance of conditions L6.1 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L6.4 (a) or L6.4 (b).

**NOTE to L6.4 and L6.5:** The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

**L6.6** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L6.7** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

## **Construction Noise**

### **Hours of Construction**

**L6.9** All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays.

**L6.10** All feasible and reasonable noise mitigation measures shall be applied to construction activities that exceed the noise affected noise management level of  $L_{Aeq(15 \text{ minutes})}$  45 dBA during standard construction hours outlined in L6.9.

**NOTE:** The *Interim Construction Noise Guideline* (DECC, 2009) defines feasible and reasonable.

### **Exceptions to construction hours**

**L6.11** The following construction activities may be carried out outside the construction hours identified in L6.9:

- a) for the delivery of materials required by the police or other authorities for safety reasons; or
- b) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or

- c) where the construction noise in combination with operational noise from the premises does not exceed the noise limits in L6.1; or,
- d) as approved through the process outlined in L6.12.

### Variation of construction hours

**L6.12** The hours of construction activities specified under L6.11 d) above may be varied with the prior written approval of the EPA. Any request to alter the hours of construction shall be:

- a) considered on a case-by-case or activity-specific basis
- b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours
- c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of relevant Council(s) (and other relevant agencies) has been and will be undertaken
- d) all feasible and reasonable noise mitigation measures have been put in place
- e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009).

### Monitoring conditions

The following conditions are indicative only and would be subject to review following considerations for appropriate and practical monitoring points for each representative receiver. Blast monitoring locations reflect the requirements from the existing EPL No. 640.

**P1.4** The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or determining compliance with noise limits in L6.1.

#### **Noise/Weather**

<b>EPA identification no.</b>	<b>Type of monitoring point</b>	<b>Location description (Easting / Northing GDA94)</b>
NAG 1A	Noise monitoring	Residence 261 – Easting 318030; Northing 6399106.
NAG 1B	Noise monitoring	Residence 120 – Easting 318504; Northing 6398457.
NAG 1C	Noise monitoring	Residence 246 – Easting 318795; Northing 6399314.
NAG 2	Noise monitoring	Residence 127 – Easting 320624; Northing 6396932.
NAG 3	Noise monitoring	Residence 308 – Easting 305926; Northing 6400011 and Residence 434 Easting 305124; Northing 6401584.
NAG 4	Noise monitoring	Residence 452 – Easting 304734; Northing 6399141.
NAG 5A	Noise monitoring	Residence 377 – Easting 303359; Northing 6402968.
NAG 5B	Noise Monitoring	Residence 328 – Easting 302773; Northing 6404013.
XX	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at co-ordinates 303675 6402725 (Easting, Northing)
XX	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at co-ordinates 314317 6394906 (Easting, Northing)
XX	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at co-ordinates 305930 6399599 (Easting, Northing)
XX	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at co-ordinates 317913 6399741 (Easting, Northing)

**P1.5** The datum for grid references in this Licence is the Geodetic Datum of Australia 1994 (GDA94), Zone 56.

### **M8 Requirement to Monitor Noise**

The frequency and duration of monitoring are to be considered by the EPA as part of any EPL variation, if the project is approved.

**M8.1** Attended noise monitoring must be undertaken in accordance with Condition L6.4 and must:

- a) occur at each location specified in Condition P1.4;
- b) occur [frequency of monitoring to be determined] in a reporting period;
- c) occur during each day, evening and night period as defined in the Noise Policy for Industry for a minimum of:
  - (i) [duration to be determined]
  - (ii) occur for [number of consecutive days to be determined].

Subject to any express provision to the contrary in this licence, measurement and analysis of noise required by this licence must be done in accordance with the *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW* (NSW EPA, 2022).

### **Reporting Conditions**

#### **R4 Noise Monitoring Report**

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the [frequency of monitoring to be determined] monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L6.1; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in Condition L6.1.