



Your ref: PAE-104753984 / DA305-11-01-Mod-9
Our ref: DOC26/41180-4, EF13/3223

Department of Planning, Housing and Infrastructure

Via Major Project Portal

Attention: Mr Jack Turner

9 February 2026

Dear Mr Turner

Liddell Coal Operations (DA305-11-01) – Modification 9

Thank you for your request for advice from the Public Authority Consultation (PAE-104753984), inviting the NSW Environment Protection Authority (EPA) to provide comments and recommended conditions of consent in respect of the proposed modification to the Liddell Coal Operations (DA305-11-01-Mod-9).

The EPA has reviewed the “Liddell Coal Operations Modification 9, Modification Report, Liddell Coal Operations Pty. Limited” prepared by Xenith, dated December 2025 (Modification Report). It is understood the proposed Modification includes the following key elements.

- Backfilling remnant underground workings with a grout to provide long term stability in two target areas that are within the Liddell Coal Operations’ dirty water catchment and within the final void catchments for South Pit and Entrance Pit.
- The grout will include a cementitious mix of either coal ash or blended coal ash (complying with The Coal Ash Exemption 2014), mixed with general purpose cement.
- Grout will be delivered into the targeted underground workings via a series of boreholes to be installed. The boreholes and other associated surface disturbance activities will occur within areas of existing and approved surface disturbance at the mine.
- The Modification does not seek any changes to mining operations or the mine’s approved Disturbance Area Boundary.

The EPA’s review has identified that the proposal is not predicted to result in any significant increases to environmental quality impacts (i.e., air, noise and water) activities at the premises.

Attachment A provides comments to assist the Department in its assessment of the Modification.

Liddell Coal Operations Pty. Limited (Licensee) holds Environment Protection Licence 2094 (Licence), issued under the *Protection of the Environment Operations Act 1997* (POEO Act), authorising current activities at the premises.

If the Modification is approved, prior to accepting coal ash at the premises, the Licensee will need to apply for, and be granted, a variation to the Licence to reflect the approval to accept the waste at the premises.

NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

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If you have any further questions about this issue, please contact Marshall Sing on (02) 4908 6827 or email info@epa.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Hamish Rutherford', is positioned above the printed name.

HAMISH RUTHERFORD
A/Unit Head – Operations
Environment Protection Authority

Attachment A – EPA Comments.

ATTACHMENT A

EPA Comments – Liddell Coal Operations (DA305-11-01) – Modification 9

The EPA has reviewed the Modification Report in respect of issues for which it is responsible. Comments relating to the proposal are provided below.

The Coal Ash Exemption 2014 (Exemption)

The EPA recommends the Department remind the Proponent of the requirement to use coal ash in accordance with The Coal Ash Exemption 2014 (Exemption). In particular, condition 7.4.3. of the Exemption explains that non-cementitious mixes cannot be applied in or beneath water including groundwater.

Greenhouse Gas Emissions

It is understood that the proposal does not intend to seek to increase existing processing limits or alter operations at the premises.

The EPA has started to adopt the principles in the NSW Guide for Large Emitters (Guide) at: <https://www.epa.nsw.gov.au/sites/default/files/2025-02/24p4574-nsw-guide-for-large-emitters.pdf>. For future applications or modifications which may increase greenhouse gas (GHG) emissions, the Proponent will be required to ensure consistency with the principles in the publicly available Guide and provide the following information:

- Estimation of the scope 1 and 2 greenhouse gas (GHG) emissions for the proposed modification.
- Confirmation if the project (or a modification to an existing operation) is likely to emit 25,000 tonnes CO₂-e or more of scope 1 and 2 emissions.

If GHG emission is estimated to be above 25,000 tonnes CO₂-e or more of scope 1 and 2 emissions, the Proponent may be required to prepare and submit a greenhouse gas assessment and a greenhouse mitigation plan. This approach is consistent with the principles in the Guide and the EPA Climate Change Assessment Requirements for Large Emitters (<https://hdp-au-prod-app-nswepa-yoursay-files.s3.ap-southeast-2.amazonaws.com/3317/1590/9116/24p4514-epa-climate-change-assessment-requirements-consultation-draft.pdf>).