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Senior Environmental Assessment Officer
Department of Planning, Housing and Infrastructure

Via: NSW Major Projects Portal

**EPA Advice on Submissions Report
Mod 3 to Wilpinjong Coal Mine – SSD-6764-Mod-3**

Dear Cherie,

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to review the Submissions Report for the proposed Mod 3 to Wilpinjong Coal Mine for an extension to Pit 8 at 1676 Ulan-Wollar Road, Wilpinjong.

The EPA has reviewed the *Response to Submissions report* prepared by Peabody.

The EPA understands the modification seeks to extend open cut mining within the Pit 8 area, including:

- Extraction of an additional 14Mt of ROM coal from Pit 8,
- Adding six months of mining operations to 30 June 2034,
- Additional water management infrastructure,
- In-pit crushing of waste rock,
- Not proceeding with mining of 7Mt of ROM coal in approved areas of Cumbo Creek (Pit 4) and Rocky Hill (Pit 8),
- No proposed increases to discharges from Reverse Osmosis Plant (ROP).

The premises is regulated under environment protection licence (EPL) 12425 issued to Wilpinjong Coal Pty Ltd under the *Protection of the Environment Operations (POEO) Act 1997* for mining of coal and coal works.

The EPA has reviewed the Submissions Report and notes it has not fully addressed the EPA's submission on this project from 30 October 2025 (DOC25/838486-8).

The EPA advises that the revised greenhouse gas (GHG) assessment is still being reviewed in consultation with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Net Zero Emissions Modelling (NZEM) team. The EPA will provide further advice on the review of the GHG assessment once this has been completed.

The EPA has the following comments and recommendations:

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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Matters to be addressed prior to determination

1. Air Quality

Following review of the Submissions Report, the EPA recommends the Department of Planning, Housing and Infrastructure (DPHI) request that the air quality matters detailed in **Attachment A** are addressed prior to determination of the proposal.

This information is needed to ensure the proposal demonstrates it will not have any additional exceedances of the impact assessment criteria and implements appropriate mitigation and reactive measures.

Matters to be addressed by conditions

The EPA recommends DPHI consider addressing the matters listed below and detailed in **Attachment A** as part of preparing any draft conditions for the project.

- 1. Water quality**
- 2. Noise impacts**

The purpose of these recommended conditions is to ensure that appropriate limits, management measures and contingencies addressing potential impacts on the environment and sensitive receivers are included in any modified approval.

The EPA requests is be consulted further regarding this proposal subject to receipt of additional information addressing air quality (Item 1) as the EPA would potentially recommend matters to be considered as part of drafting any conditions for the proposal.

Please contact Carlos Ferguson at environmentprotection.planning@epa.nsw.gov.au if you have any further questions about this matter.

Yours sincerely,



CHRISTIE JACKSON
Unit Head – Environment Protection Planning
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APPENDIX A – Detailed comments on Submissions Report – Mod 3 to Wilpinjong Mine for extension to Pit 8 – SSD-6467-Mod-3

The EPA provides the detailed comments below for consideration by DPHI as part of its assessment and determination of the proposal.

Matters to be addressed prior to determination

The EPA provides recommendations under Items a. and b. below. Recommendations for item a. focus on the use of reactive measures, including the Air Quality Management Plan (AQMP) and the Trigger Action Response Plan (TARP). Recommendations under Item b. focus on the implementation of mitigation methods and controls.

The EPA advise that mitigation methods and controls should be prioritised over reactive measures, as mitigation represents a higher-order control option and is generally considered more effective in preventing air quality impacts than reliance on reactive responses.

1. Air Quality

a. Predicted 24-hour PM_{2.5} exceedances have not been adequately addressed

i. The AQMP does not include a trigger for PM_{2.5}

Section 4.2 of the AQMP states that the great majority of the mass of particles generated from Wilpinjong Coal Pty Limited (WCPL) are due to abrasion/crushing of rock and coal, and that the resultant particulates will generally be larger than 2.5µm. It was stated that *“since the commencement of monitoring for PM_{2.5} in the Village of Wollar, WCPL air quality specialist has reviewed and analysed the PM_{2.5} monitoring data (Appendix 5 of the AQMP). This review has concluded there is no correlation between the Mine’s activities and historical PM_{2.5} results in the Village of Wollar. As a result of this review, WCPL do not propose real-time response triggers for PM_{2.5} monitoring at this stage.”*

However, Appendix 5 of the AQMP suggests that PM_{2.5} data are measured at the TEOM 3 monitor and were only available for the 2018 period at the time of the review. Therefore, it is unclear if the period assessed is sufficient to demonstrate that there is no correlation between the activities of WCPL and PM_{2.5} concentrations in the surrounding area. Further, PM_{2.5} exceedances have been predicted under the Proposal; therefore, this suggests that further dust management controls and a PM_{2.5} TARP trigger is required to prevent additional exceedances of the PM_{2.5} criteria.

ii. Triggers under the AQMP are unclear:

Per figure 11 of the AQMP, one of the initial checks for real time data is a determination whether dust is likely to be attributable to WCPL, and to check section 6.7.1 of the AQMP for potential influences. Section 6.7.1 states that where monitoring indicates an exceedance of the Air Quality Criteria, it is necessary to establish if the exceedance was a non-compliance by assessing whether the monitoring data was influenced by either extreme events, irregular activities, or if the data is reasonable. It is further stated that a non-compliance is deemed to have occurred where an exceedance is solely caused by particulate matter being generated from the mine.

The EPA notes it is unclear what type of assessment would be conducted to determine whether dust measured (as part of the mine’s ambient network) is attributed/ solely attributed to the Wilpinjong Coal Mine.

Under the exceedance scenarios assessed for 2030 and 2032, it was raised by the Proponent that the Wilpinjong Coal Mine’s contribution to total PM_{2.5} was limited to approximately 7.2 to 7.9% at the former Wollar Public School, suggesting that the total

result was driven primarily by elevated background levels. Per the Approved Methods, when dealing with elevated background levels, the Licensee must demonstrate that no additional exceedances of the impact assessment criteria will occur as a result of the proposed activity, and that best management practices will be implemented to minimise emissions of air pollutants as far as is practical.

The EPA advise that the AQMP lacks clarity regarding the following:

- The adopted methodology for how measured dust is attributed to either the Wilpinjong Coal Mine, or external sources and,
 - If the above methodology is consistent with demonstrating that no additional exceedances of the impact assessment criteria will occur as a result of the proposed activity.
- iii. The AQMP does not include adequate definitions for adverse weather conditions:

Table 12 of the AQMP (Real-Time Response Triggers) includes a trigger for adverse weather conditions which is defined as “average wind speed > 8m/s and no rain”. However, TA-Air note that this definition is somewhat unclear regarding “no rain” and whether this includes a time period after rain has occurred. The Proponent must ensure that air quality triggers are sufficiently clear to allow appropriate actions to be deployed when necessary.

Recommendation: The Proponent must demonstrate that no additional exceedances will occur due to the Proposal. The Proponent may consider refining their trigger action response plan / AQMP to demonstrate that no additional exceedances will occur due to the Proposal. The Proponent may consider (but are not limited to) the following measures regarding additional refinement of their AQMP:

- The Proponent may consider updating the AQMP to include a trigger action response plan (TARP) into the AQMP for PM_{2.5}.
 - The Proponent should:
 - o Clearly describe the method used to attribute measured dust to either Wilpinjong Coal Mine or other external sources.
 - o Demonstrate how the proposed methodology (under ii a.) is consistent with the requirements outlined in the Approved Methods i.e. demonstration that no additional exceedances of the impact assessment criteria will occur as a result of the proposed activity.
 - The Proponent should clarify triggers under the AQMP to ensure that they are sufficiently clear to allow for prompt activation during a dust event. This may include further defining “adverse weather conditions”.
- b. Update information provided in cumulative assessment

The Submission Report has included potential air quality impacts from the proposed Moolarben Coal Complex OC3 Extension Project, which is yet to be approved. Maximum incremental pollutant concentrations and dust deposition levels were derived from the predicted impacts of the Moolarben Coal Mine at receptor 418. The impacts at receptor 901 were then estimated by extrapolating these results to account for the additional 5.5 km separation distance.

Per Figure 15 of the AQIA, the 25 µg/m³ annual PM₁₀ (compliance) contour is predicted to extend to the northern fringe of Wollar in 2032 (i.e. several hundred meters from sensitive receptors), despite the adoption of an annual PM₁₀ background concentration of 9.7 µg/m³. TA-Air note that the background concentration of 9.7 µg/m³ is derived from FY 2022–2023 data and is significantly lower than longer-term averages for the period 2018–2023

(approximately 16 µg/m³). Even when excluding the significant bushfire years from this period (2019-2020), the adjusted annual average PM₁₀ concentration remains higher, at approximately 12.5 µg/m³. Further, table 2 of the RtS, estimates an additional 0.3 µg/m³ of PM₁₀ is predicted on an annual basis at sensitive receptor 901 under an assessed cumulative scenario i.e. should the Moolarben Coal Complex OC3 Extension Project be approved.

The EPA raise concerns that, should annual background PM₁₀ concentrations increase marginally above the FY 2022–2023 level of 9.7 µg/m³, the annual PM₁₀ impact assessment criterion may be exceeded at sensitive receptors in Wollar under future operational scenarios. The EPA note that this risk is heightened by the potential for cumulative emissions and by the significantly higher background PM₁₀ levels observed over the broader 2018–2023 period compared with FY 2022–2023.

Per section 11 of the Approved Methods, in cases where additional exceedances might be predicted at a receptor, the applicant should either:

- Review site selection and/or apply more effective mitigation measures or emission controls that reduce emissions to a greater extent, and revise the impact assessment, or
- If emissions and impacts have been reduced as far as they can, consider whether there are opportunities to mitigate impacts through other measures such as negotiated agreements and/or acquisition of sensitive receptors.

Therefore, the Proponent must consider additional dust management practices to ensure compliance with the impact assessment criteria at all sensitive receptors over the full duration of the Proposal.

Further, it is unclear if the most impacted sensitive receptors have been included in the assessment. Per the Approved Methods, sensitive receptors include recreational areas, therefore the Proponent must ensure that the Wollar Recreational Ground is included as a sensitive receptor in the assessment.

Recommendation: The Proposal be revised to include:

- Identification of best management practices relevant to dust mitigation for the Proposal, including consideration of chemical suppressants.
- Benchmarking of all current/proposed dust mitigation measures against the identified best management practices.
- Revised dispersion modelling to demonstrate that dust impacts are minimised as far as practical with the inclusion of best management dust practices.
- Demonstration that all relevant sensitive receptors have been assessed as part of the proposal, including (but not limited to) the Wollar Recreational Ground.

Matters to be addressed by conditions

The EPA recommends DPHI consider addressing the matters below as part of preparing any draft conditions for the proposal.

2. Water Quality

The Submissions Report clarifies that this modification does not propose any additional water discharges from the Reverse Osmosis Plant (ROP). The EPA also notes a recent application to vary EPL 12425 to increase ROP discharges from 6.5ML/day to 20ML/day has been withdrawn.

The EPA is not aware of any other applications in the planning system relating to increases to ROP discharges for the site. While the Surface Water Assessment (SWA) proposes Clean Water Diversion dams as part of the Pit 8 extension, the SWA indicates the proposed Pit 8 extension will contribute to the amount of water stored in the existing on-site storages.

The SWA states the site has been experiencing large inventory since 2022. While modelling does not predict any likely spills from extreme wet weather conditions, it does indicate storage in Pit 2W may exceed its maximum operating volume.

EPL 12425 currently limits ROP discharge to a maximum of 6.5ML/day. The current consent (SSD-6764-Mod-4) does not appear to impose any limits on ROP discharge, except as provided by in an EPL in accordance with Section 120 of the POEO Act (Condition 25).

Given the volumes involved, any increase to ROP discharges above the existing EPL limit has the potential for impacts on the downstream environment of Wilpinjong Creek. The EPA recommends that comprehensive assessment of potential environmental impacts of any future proposed discharge increase should be undertaken as part of the planning process, and not as part of any variations to EPL 12425 under the POEO Act.

We also would like to note that in response to the EPA's previous submission, the Submissions Report states that Pit 6 is an active mining area and extensions are not proposed. The EPA would like to clarify the intent was to identify that the Pit 6 boundary appears to reach beyond (i.e. upstream of) monitoring points WILU2 and WILGSU.

Recommendation: The EPA recommends that DPHI consider:

- Imposing a limit on ROP discharges as part of any modified approval.
- While modelling does not predict any spillages, the proposal should update the Water Management Plan to provide contingencies to address the risk and potential impacts associated with excess water storage on-site and ensure it is managed in a manner that does not result in increased discharges to the environment.
- As part of the post-approval process, further information is provided regarding the design of the clean water diversion system, including the discharge point and practical measures considered to prevent, control, abate and/or mitigate impacts from the discharge.
- The clean water diversion system should be considered in the surface water quality monitoring program. It is recommended that the surface water quality monitoring program is reviewed and updated to reflect current operations and the proposed modification.

3. Noise

Noise Limits

- a. Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
All privately owned residential receivers	35	35	35	45
Wollar School	35 (internal),			

	45 (external) when in use			
St Luke's Anglican Church & St Laurence O'Toole Catholic Church	40 (internal) when in use			

Note: The above noise limits do not apply at properties where the licensee has a written agreement with the landowner to exceed the noise limits.

For the purposes of the above condition:

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

Noise-enhancing meteorological conditions

The noise limits set out in the above condition apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 0.5m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L6.1 plus 5dB.

Blasting

- b. The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- c. The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- d. Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- e. Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total

number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

- f. Blasting at the premises may only take place between 9:00am-5:00pm Monday to Saturday. Blasting is not permitted on public holidays.
- g. The airblast overpressure and ground vibration levels in conditions L7.1 to L7.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and landowner.
- h. Blasting at the premises is limited to a maximum of two blasts per day and a maximum of five blasts per week, averaged over a calendar year.

Note: This condition does not apply to blasts that generate ground vibration of 0.5mm/s or less at any residence on privately owned land, blast misfires or blasts required to ensure the safety of the mine or its workers.

- i. The Blasting/Vibration Management Plan should be reviewed prior to blasting to demonstrate the protocol to comply with the above conditions. The Protocol should include details about:
 - Compliance standards,
 - Measures to ensure compliance with licence limits,
 - Remedial and reporting action plan,
 - Monitoring methods and program,
 - Notification of procedures for neighbours prior to detonation of each blast.