

7 February 2020

Andrew Rode
Department of Planning, Industry & Environment

Dear Sir

SSD5581- Airly Mine MOD 3- Production rate, Workforce and train Movement Increase

I refer to Council's previous submission dated 22 November 2019 regarding the undersized Onsite Wastewater Management System with respect to the proposed modification to increase Full Time Equivalent staff from 150 to 200.

The applicant's response to submission under 4.1.1, proposing lodgement of a Section 68 Application post approval of MOD 3, does not adequately address Council's concerns in this regard.

This proposal would not afford Council with any opportunity to consider the extent of required upgrading work, and/or to control interim management measures associated with the undersized Onsite Wastewater Management System prior to the required upgrading works being carried out.

Therefore, it is requested that a condition be imposed on MOD 3, requiring that a Section 68 Application made under the provisions of the *Local Government Act 1993* be submitted to and approved by Council prior the staff increase commencing. Note: this would not require the physical upgrading work to be completed immediately.

This provides Council with surety that the Onsite Wastewater Management System is capable of being upgraded to handle the additional wastewater loads and can comply with all relevant wastewater requirements. It would also allow Council to prescribe 'interim measures' such as monitoring and pump out of the undersized wastewater system, and specify timeframes within which the physical upgrading works would need to be completed.

Therefore, it is suggested that the following condition of consent be imposed on the modification to alleviate Council's concerns:

- Prior to the increase of staff more than 150FTE, an application pursuant to Section 68 of the *Local Government Act 1993*, must be submitted to and approved by Lithgow City Council to facilitate the upgrade of the undersized Onsite Wastewater Management System. Such application must demonstrate that wastewater can be treated and disposed of within the confines of the property boundaries, and in accordance with the relevant requirements of AS1547:2012, the NSW Department of Health, and the Environmental and Health protection guidelines.

Please do not hesitate to contact Mrs Jessica Ramsden who is available Thursday to Friday on (02) 63549999, in Council's Economic Development & Environment Department should you have any queries in relation to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A C Muir', followed by a horizontal line.

A C Muir

DIRECTOR ECONOMIC DEVELOPMENT AND ENVIRONMENT