

Director Energy and Resource Assessments
Development and Assessment
The NSW Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

12TH December 2023

Dear Sir/Madam

**SUBMISSION ON MODIFICATION APPLICATIONS DA60-03-2001-MOD-10, MP08_0150-MOD-5
AND MP09_0013-MOD-1**

Thank you for the opportunity to provide comment on the above Modifications to the Bulli Seam Project. This submission provides comments on the three exhibited Modification Applications concurrently given the identical nature of components applicable to the Wollondilly Local Government Area (LGA).

The public exhibition of a Modification Application is recognised as not being a statutory requirement. However, the Department of Planning and Environment (DPE) is requested to note that the timing of the public exhibition over a short two-week period in December is not considered reasonable given the environmental implications identified by this submission.

This submission provides comments on potential impacts associated with the transport of the coal wash waste and disposal of coal wash waste at the Westcliff Emplacement Area given their relevance to the Wollondilly LGA. The comments are also consistent with issues raised in previous Council submissions as well as Council's Sustainability Policy and Integrated Water Management Policy.

(i) Transportation of processed coal wash waste

The transport of the coal wash waste is acknowledged as occurring on Transport NSW owned Bulli Appin Road and privately-owned colliery roads. **However, the DPE is requested to require the inclusion of the number of truck movements and volume of transported coal wash waste in the Application and that this information be made publicly available for transparency purposes.**

(ii) Disposal of the transported coal wash waste at the West Cliff Colliery

There are potential environmental impacts associated with the emplacement of the transported coal wash as a consequence of the proposal. **The DPE is requested to note the complete absence of any consideration of these potential impacts by the**

Modification Application. The following provides comments and requested response by DPE as part of its review of this Application in relation to these matters.

Potential water quality impacts

The Appin Mine Annual Review for the 2022/23 Financial Year is noted to state “*considerable work continues to be carried out on the alternative uses of coal wash, including ongoing monitoring of potential contaminants when coal wash is used for landfill or emplacement or for beneficial reuse*”. There is concern over the potential for contaminants within the transported coal wash waste entering Brennans Creek and potentially the Georges River either through licenced discharges or overflows during high rainfall events.

Council staff have been involved in a working group established by the NSW Environment Protection Authority (EPA) to strengthen its licence for discharges from the Brennan’s Creek Emplacement Area. The Pollution Reduction Programs issued by the EPA, and welcomed involvement by South 32 (Illawarra Metallurgical Coal), has been noted to have produced a positive effect on the condition of downstream watercourses based on data available to staff. There is strong concern that the emplacement of the transported coal wash waste could compromise the positive effects of existing site water management measures implemented by South 32.

The DPE is requested to require the amendment of the Modification Application to include an assessment of potential impacts on the ecological health of downstream watercourses based on the above concerns. The DPE is further requested to apply the Precautionary Principle and refuse the Application in the event of the potential for more than “minimal environmental impact” being identified.

Potential biodiversity impacts

Please note, a view has been expressed to Council staff by a community member with extensive knowledge of the Westcliff Colliery that clearance of bushland will be required to achieve the required capacity related to the Modification. The DPE is requested to require the amendment of the Application to provide a description of any required vegetation clearance for this purpose in the form of an appropriate site specific Ecological Assessment prior to any consideration of Determination. **The DPE is further requested to apply the Precautionary Principle and refuse the Application in the event of the potential for more than “minimal environmental impact” being identified, as above.**

Please contact Councils Environmental Assessment Planner, David Henry, on (02) 4677 9687 or via e-mail David.henry@wollondilly.nsw.gov.au for enquiries regarding this submission.

Yours faithfully,



Corey McArdle

Manager Waste and Environmental Services