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Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001
Attention: Melanie Hollis

By email: melanie.hollis@planning.nsw.gov.au

12 June 2018

Dear Ms Hollis

**EPA Comments – Bengalla Coal Mine Modification 4 (SSD 5170 MOD 4)
Response to Submissions**

I refer to your email of 28 May 2018 to the Environment Protection Authority (EPA) providing a copy of the Response to Submissions (RTS) report in respect of Bengalla Coal Mine Modification 4, reference SSD 5170 Mod 4.

The RTS provides responses to the recommended conditions of approval previously provided by the EPA on 1 February 2018.

The EPA has reviewed the comments in the RTS and notes that the majority of recommended conditions are accepted as proposed. There a few further edits and responses provided in the RTS and these are discussed further below. For ease of reference the naming system used in the RTS is referred to below.

Issue 3 - L6.3

The proponent provides a further amendment to the proposed condition L6.3 and notes the wording provided in the RTS is consistent with the existing Environment Protection Licence (EPL) 6538 condition L4.4. The EPA considers this reasonable and accepts the existing licence wording as:

The noise emission limits identified in this licence apply under all meteorological conditions except for the following:

- a) wind speeds greater than 3 m/s measured at 10 m above ground level; or
- b) temperature inversion conditions between 1.5 degrees Celsius and 3 degrees Celsius/100 m and wind speeds greater than 2 m/s at 10 m above ground level; or
- c) temperature inversion conditions greater than 3 degrees Celsius/100 m.

Issue 4 – L6.4

The EPA accepts the proponent's submission on the meteorological station condition and proposes to maintain the existing wording on EPL 6538.

Issue 5 - L6.5

The proponent has indicated that on occasions it not be reasonably possible to measure at the prescribed locations and requested the wording be varied to allow for variance with the agreement of the EPA. The EPA considers that this approach is reasonable and amends the conditions as follows:

To determine compliance:

- a) with the $L_{eq(15 \text{ minute})}$ noise limits in condition L6.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the $L_{A1(1 \text{ minute})}$ noise limits in condition L6.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c) with the noise limits in condition L6.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L6.5(a) or L6.5(b).

Where it can be demonstrated that direct measurement of noise from the premises is impractical, with prior approval the EPA may accept an alternative location or means of determining compliance

The response to all other EPA recommended conditions in the RTS appears to be noted and accepted.

If you have any questions about this matter, please contact Michael Howat on (02) 4908 6819.

Yours sincerely



MITCHELL BENNETT
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Environment Protection Authority