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Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

18 May 2017

Attention: melanie.hollis@planning.nsw.gov.au

Dear Ms Hollis

**UNITED WAMBO OPEN CUT COAL MINE SSD 7142 DA 305-7-2003 MOD 16
AND DA 177-8 MOD 3
RESPONSE TO SUBMISSIONS NOISE**

I refer to your email dated 5 April 2017 regarding United Wambo's Open Cut Coal Mine Project Partial Response to Submissions ("RTS") and the document titled *"United Wambo Open Cut Coal Mine Project Response to Submissions Part A"* prepared by Umwelt dated March 2017.

The Environment Protection Authority ("EPA") provided the Department of Planning and Environment ("DPE") with a review of the Environmental Assessment titled *"United Wambo Open Cut Coal Mine Project – Environmental Impact Statement"* prepared by Umwelt dated August 2016 ("EIS") on 28 September 2016. This review identified additional information required by the EPA to undertake an appropriate assessment of the development.

We reviewed the RTS and provided EPA's comments and Recommended Conditions of Approval without Noise on 28 April 2017.

Recommended Conditions of Approval

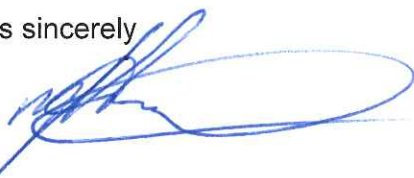
We have now reviewed the Noise component of the RTS and advise DPE that we cannot provide recommended conditions of approval in relation to noise at this time as the proponent has not addressed the issues raised by the EPA in our submission.

We advise DPE that should consent be granted for this project the EPA would be unable to include any noise limits or noise monitoring conditions on United Wambo's Environment Protection Licence at this time.

We have reviewed the RTS and provide comments as Attachment 1. We advise DPE that EPA requires more information in order to assessment noise impacts and provide recommended conditions of approval

If you require any further information regarding this matter please contact Natasha Ryan on (02) 4908 6833.

Yours sincerely



MARK HARTWELL
Head Regional Operations Unit - Hunter
Environment Protection Authority

Contact officer: NATASHA RYAN
(02) 4908 6833
hunter.region@epa.nsw.gov.au

Encl: Attachment 1: EPA's review of Noise RTS

ATTACHMENT 1

**ENVIRONMENT PROTECTION AUTHORITY
 REVIEW OF RESPONSE TO SUBMISSIONS – NOISE
 UNITED WAMBO OPEN CUT COAL MINE SSD 7142 DA 305-7-2003 MOD 16
 AND DA 177-8 MOD 3**

The Environment Protection Authority ("EPA") has undertaken an assessment of the document titled *"United Wambo Open Cut Coal Mine Project Response to Submissions Part A"* prepared by Umwelt dated March 2017 ("RTS")

The following comments are provided to Department of Planning and Environment ("DPE"). We advise DPE that EPA requires more information in order to assessment noise impacts and provide recommended conditions of approval.

Individual Licensee Noise Contributions

The RTS states that the results in Table 6.1 and 6.2, and Appendix F Table F.1 of the Environmental Impact Statement ("EIS") Noise Impact Assessment ("NIA") are only for the United and Wambo Open Cut components under United Wambo's management, with the Wambo CHPP and Wambo Train Loading Facility being excluded. This appears contrary to the information in Appendix E of the NIA, which states in the introduction that the modelled scenarios include both mining activities and:

- raw coal handling facilities for United and Wambo mines;
- the Wambo CHPP;
- Wambo Underground Operations;
- clean coal handling system and rail load-out facility; and
- the rail loop.

Figures E1 to E4 of the NIA also show CHPP and rail related noise sources in the modelled scenarios for Years 2, 6, 11 and 16.

To assist in resolving this inconsistency, the NIA must:

- clearly explain which noise sources and project components are included in each of the modelling scenarios; and
- clearly show modelling scenarios and noise contributions that facilitate setting noise limits for the activities under United Wambo's management and those under Wambo's management.

Assessing Noise Compliance and Identifying Sources of Complaints

The RTS has outlined an approach for assessing compliance and managing complaints in Section 3.1.3 of the RTS. This involves using a validated noise model for the Wambo surface facilities and CHPP, and an area-based complaints management protocol to be developed in a post-approval Noise Management Plan. The area-based protocol would initially assign responsibility for an exceedance to a licensee depending upon which receiver area the complaint originated from, but then potentially change depending upon the outcome of a review process that is yet to be documented.

The EPA advises DPE that there remains an unsatisfactory level of uncertainty about how each licensee's compliance with their respective licence conditions would be measured and assessed. The detail proposed to be included in the post-approval Noise Management Plan needs to be included at

the EIS stage, setting out a clear, robust compliance assessment methodology for the project. This detail must include, at a minimum:

- Specific locations and equipment to be used for noise monitoring;
- The specific and detailed methodologies to be used to determine the respective contributed noise levels of the activities under United's management, and those under Wambo's management;
- Which licensee will be held responsible for any exceedances at each given surrounding sensitive receiver;
- The specific details of the review process that might change the responsible licensee above;
- How any non-compliances will be addressed and rectified by the responsible licensee; and
- How the responsible licensee will confirm compliance with noise limits following the implementation of any measures taken above.

Environment Protection Authority
17 May 2017