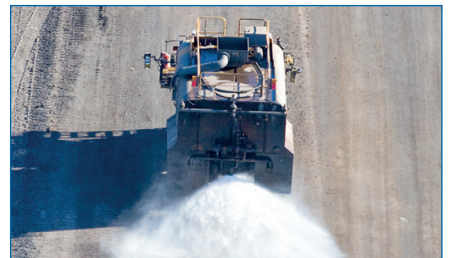




WILPINJONG COAL MINE MODIFICATION RESPONSE TO SUBMISSIONS



Modification 6 to Project Approval 05-0021

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1 INTRODUCTION

Wilpinjong Coal Pty Ltd (WCPL), a wholly owned subsidiary of Peabody Energy Australia (Peabody Energy), prepared the *Wilpinjong Modification Environmental Assessment* (EA) to modify Project Approval (05-0021) under section 75W of Part 3A of the New South Wales (NSW) *Environmental Planning and Assessment Act, 1979* (the Modification).

The EA was placed on public exhibition by the NSW Department of Planning and Environment (DP&E) from 27 June 2014 to 18 July 2014. During this period, government agencies, non-government organisations, businesses and members of the public were invited to provide submissions on the EA to the DP&E.

WCPL's responses to submissions have been structured as follows:

- Part A – Responses to submissions from members of the public that objected to the Modification.
- Part B – Responses to submissions from government agencies.
- Part C – Responses to submissions from businesses and non-government organisations.

2 PART A - RESPONSES TO PUBLIC SUBMISSIONS

Table 1 provides a reconciliation of the submissions received from members of the public and locality. The comments and issues raised by members of the public are addressed in Table 2.

Table 1
Reconciliation of Public Submissions

Submission ID No.	Name	Nature of Submission	Issue ID No.	Submitter Locality
101513	Bruce Hughes	Object	1, 3, 4.	Wollar, NSW
101341	Cher Schoenfelder	Object	Not Applicable.	The Junction, NSW
103200	Gae Mulvogue	Object	1, 2, 3, 4, 6.	Lane Cove, NSW
103001	Melissa Swanton	Object	Not Applicable.	Pimpama, QLD
103414	Patrick Trinder	Object	Not Applicable.	Gulgong, NSW
103396	Sheila Quonoey	Object	1, 3, 4, 5, 6, 8.	Springwood, NSW
103023	Simon Nicod	Object	1, 3, 4.	Wollar, NSW
102694	Theresa Audretsch	Object	1, 3, 5, 6.	Wollar, NSW
103065	Charlotte McCabe	Object	1, 3, 4, 6, 8, 9, 11.	Tighes Hill, NSW
101391	Name Withheld 1 (Kahibah)	Object	6.	Kahibah, NSW
101511	Name Withheld 2 (Wollar)	Object	1, 3, 4.	Wollar, NSW
101551	Name Withheld 3 (Ballina)	Object	Not Applicable.	Ballina, NSW
103138	Megan Benson	Object	1, 3, 4, 6, 8, 9, 11.	Bundeena, NSW
103572	Alison Schmidt	Object	1, 2, 4, 5.	Wollar, NSW
103516	Bruce Upton	Object	1, 3, 4, 6, 8, 9, 11.	Rylstone, NSW
103416	Imrie, J & C	Object	1, 3, 4, 5, 6, 9, 11, 13.	Ulan, NSW
103620	Carl Schmidt	Object	1, 3, 4.	Wollar, NSW
103518	Charles Schneider	Object	1, 3, 4, 5, 6, 8, 9.	Wollar, NSW
103510	Jan Davis	Object	1, 3, 4, 6, 8, 9, 10, 11.	East Maitland, NSW
103406	Jenny Brown	Object	1, 3, 6.	Kandos, NSW
103758	Krishna Portelli	Object	1, 3, 4.	Pimpama, QLD
103536	Lyn Coombe	Object	1, 3, 6, 11.	Lue, NSW
103498	Margaret Edwards	Object	1, 3, 4, 6, 9.	East Maitland, NSW
103520	Sharyn Munro	Object	1, 3, 4, 6, 8, 9, 10, 11.	Singleton, NSW
103752	Tamara Thompson	Object	Not Applicable.	Upper Coomera, QLD
103522	Zane Alcorn	Object	1, 3, 4, 6, 8, 9, 10, 11.	Waratah, NSW
103404	Name Withheld 4 (Mudgee)	Object	1, 3, 4, 6, 9, 10, 11.	Mudgee, NSW
103756	Name Withheld 5 (Pimpama)	Object	1, 3, 4.	Pimpama, QLD
103910	Amanda Chetcuti	Object	1, 2, 3, 5, 6.	Wollar, NSW
103816	Amanda Pahl	Object	1, 3, 4, 9, 11.	Mudgee, NSW
103798	Barbara Wakefield	Object	1, 2, 3, 4, 5, 6, 8.	Wentworth Falls, NSW
103822	Beverley Smiles	Object	1, 3, 4, 5, 9, 11, 13.	Wollar, NSW
103889	Bronwyn Gahan	Object	1, 2, 3, 4, 5, 6, 8.	Katoomba, NSW
103802	Elizabeth Blackburn	Object	1, 2, 3, 4, 5, 6, 8.	Wentworth Falls, NSW
103879	Graham Holland	Object	1, 3, 4, 9, 13.	Cooks Gap, NSW
103885	Janis O'Leary	Object	1, 2, 3, 4, 5, 6, 8.	Springwood, NSW
103840	John Beech	Object	Not Applicable.	Glenbrook, NSW
103904	John G Kaye	Object	1, 3, 4, 6, 8, 11.	Denman, NSW
104232	John Jakes	Object	4, 7, 9, 12.	Wollar, NSW
103854	Lucinda Fetch	Object	1, 3, 4, 5.	Wollar, NSW

Table 1 (Continued)
Reconciliation of Public Submissions

Submission ID No.	Name	Nature of Submission	Issue ID No.	Submitter Locality
104230	Mary Thirlwall	Object	1, 3, 4, 6, 8, 9, 10, 11.	Capertee Valley, NSW
103852	Michael Fetch	Object	1, 3, 4, 5, 6, 8.	Wollar, NSW
103877	Paul Vale	Object	2, 3, 4, 5, 6, 8.	Blackheath, NSW
103881	Ruth Herman	Object	1, 3, 4, 6, 8, 9, 10, 11.	Blackwall, NSW
103806	Tom Coley	Object	1, 2, 3, 4, 5, 6, 8.	Katoomba, NSW
104234	Wendy White	Object	1, 3, 4, 6, 9, 11.	East Maitland, NSW
103836	Name Withheld 6 (Wollar)	Object	1, 2, 3, 4, 5, 9.	Wollar, NSW
103760	Name Withheld 7 (Pimpama)	Object	1, 3, 4.	Pimpama, QLD
104244	Diane O'Mara	Object	1, 3, 4, 6, 9, 10, 11.	Gulgong, NSW
104238	E.P. Finnie	Object	1, 3, 4, 6, 8, 9, 10.	Merriwa, NSW
104246	Glen Merrett	Object	1, 3, 4, 6, 8, 9, 10, 11.	Killarney Vale, NSW
104236	Indigo Kriedemann	Object	6.	(Not Provided), NSW
104240	Lorraine Jakes	Object	1, 3, 4, 7, 9, 12.	Wollar, NSW
103400	Douglas Mitchell	Support	Not Applicable.	(Not Provided), NSW
102898	Hugh Sellers	Support	Not Applicable.	Mudgee, NSW
103100	Renee Cade	Support	Not Applicable.	Mudgee, NSW
101321	Russell Marsh	Support	Not Applicable.	Green Gully, NSW
103172	Name Withheld 8 (Mudgee)	Support	Not Applicable.	Mudgee, NSW
103119	Name Withheld 9 (Mudgee)	Support	Not Applicable.	Mudgee, NSW
103110	Name Withheld 10 (Mudgee)	Support	Not Applicable.	Mudgee, NSW
103108	Name Withheld 11 (Wollar)	Support	Not Applicable.	Wollar, NSW
103721	Daniel Keegan	Support	Not Applicable.	Mudgee, NSW
103408	Ken and Beryl Slade	Support	Not Applicable.	Christchurch, New Zealand
103444	Penny Slade	Support	Not Applicable.	Mudgee, NSW
103739	Name Withheld 12 (Mudgee)	Support	Not Applicable.	Mudgee, NSW
103731	Name Withheld 13 (Mudgee)	Support	Not Applicable.	Mudgee, NSW
104242	Lloyd Coleman	Support	Not Applicable.	(Not Provided), NSW

Table 2
Responses to Public Submissions

Issue ID No.	Subject	Issues Raised	Response
1	Operational Noise	Noise levels are currently unacceptable, are affecting amenity and would worsen with the Modification.	<p>Wilpinjong Coal Mine is a large industrial facility, and hence (depending on weather conditions) members of the community in the proximity of the mine will at times be able to hear the operations of the mine.</p> <p>As described in the EA, recent attended noise monitoring shows that Wilpinjong Coal Mine operations are in compliance with relevant Project Approval noise criteria. WCPL understands that NSW Environmental Protection Authority (EPA) conducted its own independent operational noise monitoring in the Wollar area in June 2014 and did not raise any operational noise compliance issues with WCPL following the completion of this monitoring.</p> <p>The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Modification is therefore unlikely to lead to any material change in noise amenity at private residences in the vicinity of the mine.</p> <p>It is noted that the EPA provides the following conclusion to its submission (Section 3.1):</p> <p><i>The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...</i></p> <p>WCPL would continue to implement real-time noise monitoring and associated controls for the Wilpinjong Coal Mine incorporating the Modification such that operational noise from the Mine would comply with the relevant Project Approval and Environment Protection Licence (EPL) 12425 noise criteria.</p> <p>Additionally WCPL will continue to work with proximal private landholders to consider reasonable and feasible management options to address operational noise concerns in a proactive manner.</p>
2	Operational Noise	Concerns regarding the suitability of the Industrial Noise Policy for assessing operational noise impacts.	<p>WCPL is required to assess operational noise in accordance with the <i>NSW Industrial Noise Policy</i> (INP) (EPA, 2000) and associated application notes prepared by the EPA.</p>

Issue ID No.	Subject	Issues Raised	Response
3	Air Quality	Dust levels are unacceptable, are affecting amenity and would worsen with the Modification.	<p>As described in the EA, monitoring of Particulate Matter 10 micrometres or less in diameter (PM₁₀) shows that annual average PM₁₀ concentrations have been below the annual average criteria for all monitoring years (i.e. since 2004), and while there have been isolated instances where 24-hour average PM₁₀ concentrations have been above the criterion of 50 micrograms per cubic metre (µg/m³), these instances have generally coincided with widespread dust events (e.g. the 2013 bushfires) or other local non-mining dust generating activities.</p> <p>The Air Quality Impact Assessment completed by Todoroski Air Sciences (2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. The Modification is therefore unlikely to lead to any material change in air quality amenity at private residences in the vicinity of the mine.</p> <p>It is noted that the EPA provides the following conclusion to its submission (Section 3.1):</p> <p><i>The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...</i></p> <p>The real-time air quality monitoring system and response protocols detailed in the Air Quality Management Plan would continue to be implemented at the Wilpinjong Coal Mine incorporating the Modification.</p>
4	Spontaneous Combustion	Impacts from spontaneous combustion are currently unacceptable, are affecting amenity and would worsen for the Modification.	<p>As described in the EA, the Modification would not significantly alter the potential for spontaneous combustion events to occur at the Wilpinjong Coal Mine, as the open cut extent would be unchanged.</p> <p>It is acknowledged that spontaneous combustion events at the Wilpinjong Coal Mine, which have historically been associated with both run-of-mine (ROM) coal stockpiles and carbonaceous material located in temporary waste rock emplacements, have occurred. While these events have been managed in accordance with the Spontaneous Combustion Management Plan, they have at times resulted in perceptible odour and/or associated environmental complaints from nearby private receivers and/or users of Ulan-Wollar Road. Hydrogen sulphide odour can be easily detected at concentrations much lower than are harmful to health, with its smell being easily perceptible at concentrations well below 1 part per million in air (Pacific Environment Limited, 2013).</p> <p>As a result of improved management practices no spontaneous combustion events on ROM coal stockpiles have occurred since late 2012. As a risk management measure, WCPL is also implementing further spontaneous combustion propensity testwork on coal and this programme is described in the EA.</p> <p>A comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015. It is anticipated that there will be further periodic and short term spontaneous combustion events associated with the implementation of the remediation strategy. These events would be managed in accordance with approved spontaneous combustion management procedures.</p>

Issue ID No.	Subject	Issues Raised	Response
4 (Cont.)	Spontaneous Combustion	Impacts from spontaneous combustion are currently unacceptable, are affecting amenity and would worsen for the Modification.	<p>WCPL maintains monitoring of selected gases, volatile organic compounds and polycyclic aromatic hydrocarbons in the Village of Wollar. Pacific Environment Limited (2013) reviewed the monitoring data, and concluded that while it is difficult to determine pollutant sources the Wilpinjong Coal Mine was not indicated as the primary source of any pollutant, and low concentrations were measured for all pollutants. Preliminary analysis of data collected in Wollar from July 2013 to June 2014 also indicates low concentrations were measured for all pollutants.</p> <p>WCPL has detailed measures that are implemented to prevent and manage spontaneous combustion as a component of the Wilpinjong Coal Mine Waste Management Plan. The Waste Management Plan is a new plan required by Condition 57, Schedule 3 of the Wilpinjong Coal Mine Project Approval following approval of Modification 5 that was submitted to DP&E for approval in July 2014.</p> <p>It is noted that the EPA provides the following conclusion to its submission (Section 3.1):</p> <p><i>The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...</i></p>
5	Traffic	Speed of existing traffic through the village of Wollar.	<p>It is noted that the Road Transport Assessment for Modification 5 (GTA Consultants, 2013) identified that the bulk of Wilpinjong Coal Mine generated traffic travels west from the mine site, and hence does not pass through Wollar.</p> <p>As described in the EA, the Modification would not generate any additional traffic as no material new construction is required, the operational workforce of approximately 550 WCPL employees and full-time equivalent on-site contractors would not require augmentation and there would be no material variation to existing delivery movements.</p> <p>It is noted that the Mid-Western Regional Council (MWRC) (24 July 2014) states (Section 3.6):</p> <p><i>Council does not raise any concerns in relation to the proposed modification on any traffic related issues.</i></p> <p>WCPL takes dangerous driving incidents seriously and operates a joint program with the adjoining Ulan Mine Complex and Moolarben Coal Complex to follow up on any driving related complaints.</p> <p>Appropriate disciplinary measures would be applied to any mine employee or contractor that is confirmed to be driving dangerously on local roads. Should any such driving incidents occur they can be reported through to the WCPL Community Hotline (phone 1300 606 625).</p> <p>In addition, WCPL encourages any observer of a dangerous driving incident on a public road to report this directly to the Police.</p>

Issue ID No.	Subject	Issues Raised	Response
6	Social	Concerns regarding existing negative social impacts on Wollar (and the surrounding area), including impacts of land purchases on social cohesion.	<p>The approved Wilpinjong Coal Mine operates in accordance with the relevant noise, blasting and air quality assessment criteria specified in Project Approval 05-0021 and EPL 12425.</p> <p>The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. Relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at private receptors or to significantly alter the potential for spontaneous combustion events to occur.</p> <p>The Modification is therefore unlikely to lead to any material change in amenity at private residences in the vicinity of the mine and consequently no material change to social impacts as compared to the existing approved mining operation.</p> <p>The existing Wilpinjong Coal Mine operational workforce would not require any augmentation for the Modification and WCPL would continue financial contributions to the MWRC in accordance with existing Wilpinjong Coal Mine Planning Agreements. Additionally, WCPL has an ongoing sponsorship and donation programme that provides in kind and financial support to various education, community development, health, environmental, arts, culture and youth services causes in the region.</p> <p>Houses owned by Peabody Energy in Wollar and in the general area around Wollar that are in a suitable condition are either leased or licensed to WCPL employees, the property's former private owners, or general members of the community. Some 41 residences in Wollar and surrounds that are under the control of WCPL are currently leased or licensed in this way, which provides ongoing use of the houses. In addition, many landholdings that have been purchased by Peabody Energy (and residual pastoral land around residences) have been consolidated and are now leased or licensed to local land managers, who remain in the local community and maintain active agricultural use of these lands. Through the consolidation of these land holdings and investment made by Peabody Energy in infrastructure upgrades and land management improvements, agricultural viability has been sustained.</p>
7	Social	Issues with the Wollar General Store no longer offering mechanical servicing and other services.	<p>Peabody Energy has maintained the operation of the Wollar General Store as a convenience store to supply the necessary essentials for the local community. The store is run as a commercial business and items are stocked if they provide a commercial return for the store. The current lessee does not have the skill set to provide mechanical services nor is it commercially viable. However, mobile mechanical services are available in the Mudgee area.</p>
8	Fire Fighting	Concern that the development of Wilpinjong Coal Mine has affected the viability of the local Rural Fire Service.	<p>Wilpinjong Coal Mine actively encourages staff to volunteer with the Rural Fire Service and has worked with the NSW Rural Fire Service to address concerns about volunteer numbers in the local area. In addition WCPL supports the Rural Fire Service through financial contributions for purchase of fire fighting equipment.</p> <p>WCPL also maintains its own fire truck and suitably Rural Fire Service trained staff to assist in primary response or support in the event of a bushfire emergency.</p>

Issue ID No.	Subject	Issues Raised	Response
9	Blasting	Concerns regarding with blasting – including amenity impacts and impacts to livestock at significant distances from the blast.	<p>As described in the EA, the Modification does not involve any proposed change to the current blasting parameters or the blasting frequency limits described in the Project Approval. The Modification is therefore unlikely to lead to any material change in blasting related amenity at private residences in the vicinity of the mine.</p> <p>The Noise and Blasting Impact Assessment for Modification 5 (SLR Consulting, 2013) predicted that with a maximum instantaneous charge of 3,000 kilograms, the vibration and overpressure livestock comfort criteria would be met at a distance of approximately 204 metres from the blast, which is significantly closer than the nearest private receivers.</p> <p>SLR Consulting (2014) conducted a review of the recent blast compliance of the Wilpinjong Coal Mine and concluded:</p> <p><i>... there were no exceedances of the relevant ground vibration and airblast limits at the respective blast emission monitoring sites during the 2013 reporting period.</i></p> <p>Open cut blasting would continue to be undertaken in accordance with the existing blast management conditions of the Project Approval.</p>
10	Greenhouse Gas Emissions	Concerns regarding greenhouse gas emissions associated with the Wilpinjong Coal Mine.	<p>As the Modification does not involve any expansion of the approved footprint of mining or the extraction of additional coal at the Wilpinjong Coal Mine (when measured over the life of the mine), there would be no material change to the total greenhouse gas emissions of the Wilpinjong Coal Mine. The only change to emissions would be in regard to the timing of emissions (i.e. greenhouse gas emission rates are expected to rise or fall in any given year with changes in the annual production, however annual average emissions over the life of the mine would be unchanged).</p> <p>Scope 1 and 2 greenhouse gas emissions from the Wilpinjong Coal Mine would continue to be reported annually in accordance with the National Greenhouse Gas and Energy Report System.</p>
11	Environmental Management Plans	Concerns regarding the status of the update of environmental management plans following approval of Modification 5.	<p>In consultation with relevant NSW regulatory authorities WCPL has revised and amended a range of environmental management plans since the approval of Modification 5, and has been progressively submitting the revised plans to DP&E for approval since May 2014.</p> <p>The new management plans that were added to the Project Approval as a result of the approval of Modification 5 are also being progressively prepared in consultation with the relevant NSW regulatory authorities.</p> <p>Once relevant plans are approved by DP&E, they will be made publicly available on the Wilpinjong Coal Mine website.</p>
12	Barigan Valley	Concerns that the development of Wilpinjong Coal Mine has affected land values in Barigan Valley, due to isolation.	<p>It is noted that the location of Barigan Valley is approximately 20 kilometres south of the Wilpinjong Coal Mine. The Barigan Valley area is geographically isolated due to topography and road infrastructure and this is unrelated to the Wilpinjong Coal Mine and the proposed Modification.</p> <p>Land that is owned by Peabody Energy in the Barigan Valley area continues to be used for agricultural activities under a long term lease arrangement and significant investments in infrastructure have been undertaken to maintain and improve the agricultural sustainability of these landholdings.</p>

Issue ID No.	Subject	Issues Raised	Response
13	General	Concerns regarding the need for the Modification and its justification in the context of the approved mine.	<p>ROM coal and product coal stockpiles vary over the course of a year. Optimal stockpile levels are maintained throughout the year to minimise the risk that an interruption to mining or processing impacts on the ability of the Wilpinjong Coal Mine to meet shipping or domestic supply contracts (i.e. maintaining suitable inventory levels reduces risks of failure to meet contract requirements). Product coal stockpiles at the end of 2013 were lower than optimum levels, and higher rates of production in 2014 would allow product stocks to be increased to optimal stockpile management levels (i.e. in the order of 300,000 to 400,000 tonnes) at the commencement of 2015.</p> <p>As WCPL continues to mine and conduct ongoing exploration, more detailed data becomes available including coal quality testwork. Based on updated geological modelling and coal quality data the proportion of reject in ROM coal is higher than initially anticipated in some areas yet to be mined. When accessing low to mid ash export markets (typically Japan), this results in decreasing product yields per tonne of ROM coal mined. Therefore additional ROM coal is required to be mined to meet these contractual commitments and address changing market conditions.</p> <p>The Modification would not alter the approved open cut and contained infrastructure area or the life of the approved Wilpinjong Coal Mine and would not result in offsite saleable coal transport above existing approved maximum annual levels. The Modification would not significantly increase potential environmental impacts in comparison to the approved Wilpinjong Coal Mine (refer responses above). It would however, improve the efficiency of extraction of existing approved ROM coal reserves and hence the productivity of the current workforce and return on capital associated with the existing fixed plant and mobile fleet and provide improved operational flexibility to maintain WCPL's competitive advantage as a low cost thermal coal producer.</p> <p>This would be achieved by implementation of the WCPL continuous improvement programme for materials handling/mining which has identified opportunities to improve mining efficiency with measures such as optimisation of bucket capacity on excavators, relocated crib huts, optimisation of dozer push waste rock handling, improvements to blast design and execution and optimisation of haul paths for haulage of waste material. These efficiencies indicate that a higher ROM coal production rate (from 15 million tonnes per annum [Mtpa] up to approximately 16 Mtpa) could be achieved with only minor augmentations to the existing mining operation.</p> <p>Based on current mine planning in the years when ROM coal production is proposed to be above 15 Mtpa (i.e. 2014-16), the difference in revenue to WCPL would be measured in the millions of dollars per annum. It is anticipated that the Modification would also increase royalty payments to NSW in these years by increasing saleable coal production above levels that could be achieved with the current ROM coal production limit. The bringing forward of some ROM coal production would correspondingly reduce total ROM coal production in the latter years of the approved mine life. However, in the current coal market downturn, the difference in annual revenue would be of material benefit to WCPL, and the employees, contractors and local businesses that benefit from the mine's continued significant positive contribution to the regional economy.</p>

3 PART B - RESPONSES TO GOVERNMENT SUBMISSIONS

Responses to issues raised by Government stakeholders are provided in the subsections below.

3.1 NSW Environment Protection Authority

Each of the comments/issues raised by the EPA (reproduced in bold) is addressed below.

EPA (10 July 2014) states:

The EPA has reviewed the EA and understands that the primary objective of the Project is to increase the run-of-mine coal production from 15 Mtpa to 16 Mtpa and that this increase will be achieved through a range of operational efficiencies rather than an expansion of the mining footprint.

Noted.

EPA (10 July 2014) states:

Noise

The EA states that there will be an augmentation of the mobile fleet with the addition of three D-11 dozers and day time only contractor equipment (e.g. water carts). The noise assessment states that this equipment will raise the total site sound power levels by up to 0.6 dBA in the daytime and 0.3 dBA during the evening and night time periods - levels that would not be noticeable to residential receivers. The EPA notes that the EA predicts that there will be no exceedances of the current noise criteria with the exception of three private residences already identified as being within the Noise Management Zone.

Noted.

EPA (10 July 2014) states:

Air Quality

The EPA notes that the air assessment similarly concluded that private residential receivers would not experience increased impacts as a result of the Project.

Noted.

EPA (10 July 2014) states:

Spontaneous Combustion

The EA states that the project would not significantly alter the potential for spontaneous combustion events based on there being no change to the extent of mining and that the material handling methodology employed on site will not change significantly. The potential for the increased duration of the stockpiling of run-of-mine coal between the years 2014 to 2016 was also identified.

Mitigation measures identified in the EA include the ongoing implementation of the Spontaneous Combustion Management Plan, reworking of existing dumps of problematic carbonaceous waste rock material by the end of 2015 and the commencement of a detailed spontaneous combustion coal and partings testwork program commencing in mid-2014 the results of which will be fed back in to the management of coal stockpiles on site where appropriate.

The EPA recommends that the Department of Planning and Environment require that Wilpinjong Coal Pty Limited review the existing Spontaneous Combustion Management Plan within 6 months of any approval being granted for this project. The review should include the assessment of the suitability of the existing management techniques versus current industry best practice (including thermal imaging where appropriate) that could be reasonably and feasibly applied at the Wilpinjong Mine. ...

WCPL has detailed measures that are implemented to prevent and manage spontaneous combustion as a component of the Wilpinjong Coal Mine Waste Management Plan. The Waste Management Plan is a new plan required by Condition 57, Schedule 3 of the Wilpinjong Coal Mine Project Approval following approval of Modification 5 that was submitted to DP&E for approval in July 2014.

Notwithstanding, WCPL would accept a Project Approval condition requiring a separate Spontaneous Combustion Management Plan that incorporates the key aspects outlined by the EPA in its submission.

In addition, WCPL is currently conducting a site trial of a drone aircraft that potentially has the capability for potential use in periodic thermal imaging of site ROM coal and temporary waste rock emplacement stockpiles.

EPA (10 July 2014) states:

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. No variations will be required to the licence should the modification be approved.

Noted.

3.2 NSW Office of Environment and Heritage

Each of the comments/issues raised by Office of Environment and Heritage (OEH) (reproduced in bold) is addressed below.

OEH (10 July 2014) states:

OEH understands that the proposed modification is to increase the upper rate of run-of-mine coal production from 15 million tonnes per annum to approximately 16 million tonnes per annum, increase the upper rate of waste rock production from 33.3 million bank cubic metres to approximately 34.1 million bank cubic metres and revision of mine sequencing associated with geological modelling mine planning.

There will be no changes to the existing surface infrastructure or operations at Wilpinjong Mine. No change is proposed to the approved mining footprint and mining zones.

Based on the information provided, the OEH has no specific comments to make on the proposed modification at this stage. ...

Noted.

3.3 NSW Transport – Roads and Maritime Services

Each of the comments/issues raised by NSW Transport – Roads and Maritime Services (reproduced in bold) is addressed below.

RMS (July 2014) states:

As the modification will not result in changes to transportation of product coal or traffic impacts, Roads and Maritime makes no submission on the modification.

Noted.

3.4 NSW Department of Primary Industries – NSW Office of Water

Each of the comments/issues raised by NSW Department of Primary Industries - NSW Office of Water (DPI-NOW) (reproduced in bold) is addressed below.

DPI-NOW states (July 2014):

The Office of Water notes that if the period of mining coincides with a wet sequence, the water balance indicates that the groundwater inflows as well as the licensed discharge to Wilpinjong Creek may increase slightly with modification 6 compared with modification 5. The proponent needs to be aware of this and should ensure that it does not exceed its licensed limits for inflow or discharge.

According to the NSW Office of Water records, the proponent holds access licences from the Wollar Creek Water Source and from the Alluvial Water Source under the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009 and licences under part 5 of the *Water Act 1912* to extract water from hard rock aquifers.

The proponent should liaise with the Office of Water to ensure that its water access licences nominate the appropriate works.

Based on the information provided by the proponent, the Modification is unlikely to have any adverse impact on groundwater sources or their dependant ecosystems, beyond the effects of approved mining.

Noted.

DPI-NOW (July 2014) states:

Recommended Conditions of Approval NSW Office of Water

- 1. Proponent is required to estimate to the satisfaction of the NSW Office of Water the volumes of water taken from both the surface water and groundwater from the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources, and maintain sufficient licensed entitlement to account for take from all water sources managed under the Water Management Act 2000.**

(Note: Actual allocation may vary time to time due to changes in available water determination.)

- 2. The proponent is required to obtain all necessary licences under the *Water Act 1912*.**
- 3. The proponent is required to hold proportion of the access licence shares required to cover the perpetual take of water flowing into the final void (and out of the evaporative sink) at the cessation of mining.**

WCPL would generally accept conditions similar to the above replacing relevant conditions in Schedule 3 of NSW Project Approval 05-0021. WCPL will consult with DP&E regarding potential updates and amendments to Project Approval conditions should the Modification be recommended for approval.

3.5 NSW Department of Primary Industries – Crown Lands, Fisheries NSW and Agriculture NSW

DPI (July 2014) states:

Crown Lands, Fisheries NSW and Agriculture NSW advise no issues.

Noted.

3.6 Mid-Western Regional Council

Each of the comments/issues raised by the MWRC (reproduced in bold) is addressed below.

MWRC (24 July 2014) states:

Council does not raise any concerns in relation to the proposed modification on any traffic related issues.

Noted.

MWRC (24 July 2014) states:

Operational Noise

The Noise Assessment Report submitted with the application acknowledges that three (3) privately owned residences in the vicinity of the mine (outside the village of Wollar) have the potential to experience an exceedence of project specific noise criteria. This is down on the previous modification which identified four (4) dwellings having the potential to experience an exceedence of these criteria.

Noise associated with mining activities is assessed in accordance with the NSW Industrial Noise Policy and is regulated by the NSW Environmental Protection Authority (EPA).

Comment:

Several community members have raised specific concerns regarding noise and the adequacy of the testing being undertaken. Residences in the village of Wollar together with two properties on Barigan Road have highlighted that the current noise monitoring undertaken by the proponent and the results provided are flawed and not indicative of levels being experienced. Furthermore, the residents have indicated that the apparent solution put forward from the proponent is to purchase property rather than mitigate the impacts.

Subsequently, Council is concerned that existing monitoring by the proponent and the results produced are inadequate and do not clearly reflect the impacts felt. Council requests that independent monitoring by the Environmental Protection Authority (EPA) is undertaken and the modelling on which the Environmental Assessment is based is adjusted to reflect the actual impacts. Once the modelling is adjusted it is requested that suitable mitigation measures be identified to ensure that the operation complies with the conditions of the approval.

In addition, Council is also concerned regarding the current non-compliance with existing approvals in relation to noise as reported by the local residents including residents in the village of Wollar. Noise exceedences are currently being experienced by residents requiring ongoing complaints by residents to seek compliance.

The unacceptable level of impact from noise on residential amenity is consistent with previous objections raised by Mid-Western Regional Council highlighting the Industrial Noise Policy is an inappropriate standard to apply to noise generation by mines in a rural context. Council strongly urges the Department to review the reliance on this policy in the assessment of mine projects.

MWRC recognises in its submission that the Noise and Blasting Impact Assessment completed for the Modification by SLR Consulting (2014) indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Modification is therefore unlikely to lead to any material change in noise amenity at private residences in the vicinity of the mine.

As described in the EA, recent attended noise monitoring shows that Wilpinjong Coal Mine operations are in compliance with relevant Project Approval noise criteria.

WCPL also understands that EPA conducted its own independent operational noise monitoring in the Wollar area in June 2014 and did not raise any operational noise compliance issues with WCPL following the completion of this monitoring.

MWRC has highlighted that some members of the community can hear mine noise, and can perceive this as an indicator of non-compliance. Wilpinjong Coal Mine is a large industrial facility, and hence (depending on weather conditions) members of the community in the proximity of the mine will at times be able to hear the operations of the mine. WCPL is required to assess operational noise in accordance with the INP (EPA, 2000) and associated application notes prepared by the EPA.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

WCPL would continue to implement real-time noise monitoring and associated controls for the Wilpinjong Coal Mine incorporating the Modification such that operational noise from the Wilpinjong Coal Mine would comply with the relevant Project Approval and EPL 12425 noise criteria.

Additionally WCPL will continue to work with proximal private landholders to consider reasonable and feasible management options to address operational noise concerns in a proactive manner.

MWRC (24 July 2014) states:

Council does not raise any concerns to the modification with regards to any water related issues, so long as all the relevant water management systems continue to be implemented in accordance with current approvals.

Noted.

MWRC (24 July 2014) states:

Air Quality

An Air Quality Impact Assessment was undertaken. No exceedences of the applicable annual dust deposition or suspended particulate matter air quality assessment criteria were predicted at the nearest private receivers.

Comment:

Specific concerns have been raised that coal dust events are still being experienced within the village of Wollar and inside dwellings themselves. It was highlighted that the proponent's response to such complaints was that there was no evidence to indicate where the coal dust originated from.

Council requests independent monitoring by the Environmental Protection Authority (EPA) is undertaken and, if required, revised measures being committed to.

WCPL has a comprehensive air quality monitoring programme in place. Monitoring is undertaken in accordance with an Air Quality Management Plan that is prepared in consultation with the EPA and approved by the DP&E.

As described in the EA, monitoring of PM₁₀ shows that annual average PM₁₀ concentrations have been below the annual average criteria for all monitoring years (i.e. since 2004), and while there have been isolated instances where 24-hour average PM₁₀ concentrations have been above the criterion of 50 µg/m³, these instances have generally coincided with widespread dust events (e.g. the 2013 bushfires) or other local non-mining dust generating activities.

In addition, dust deposition monitoring conducted between the mine and Wollar (DG5) shows generally low levels of deposited dust, which are below the dust deposition criteria.

The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. The Modification is therefore unlikely to lead to any material change in air quality amenity at private residences in the vicinity of the mine.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

The real-time air quality monitoring system and response protocols detailed in the Air Quality Management Plan would continue to be implemented at the Wilpinjong Coal Mine incorporating the Modification.

MWRC (24 July 2014) states:

Spontaneous Combustion

The Environmental Assessment indicates that the modification would not significantly alter the potential for spontaneous combustion events to occur, as the open cut extent would be unchanged. There would be some potential for an increased duration of the stockpiling of ROM coal due to increased production in the period 2014 to 2016. The proponent has indicated that a detailed spontaneous combustion coal and parting testwork programme will be undertaken in the future.

Comment:

Specific concerns from the community have been raised regarding the strength of the odours given off from the spontaneous combustion events. Council requests that no further increase in the potential for spontaneous combustion should occur until the testwork programme proposed by the proponent has actually been undertaken to ascertain the risks.

As described in the EA, the Modification would not significantly alter the potential for spontaneous combustion events to occur at the Wilpinjong Coal Mine, as the open cut extent would be unchanged.

It is acknowledged that spontaneous combustion events at the Wilpinjong Coal Mine, which have historically been associated with both ROM coal stockpiles and carbonaceous material located in temporary waste rock emplacements, have occurred. While these events have been managed in accordance with the Spontaneous Combustion Management Plan, they have at times resulted in perceptible odour and/or associated environmental complaints from nearby private receivers and/or users of Ulan-Wollar Road. Hydrogen sulphide odour can be easily detected at concentrations much lower than are harmful to health, with its smell being easily perceptible at concentrations well below 1 part per million in air (Pacific Environment Limited, 2013).

As a result of improved management practices no spontaneous combustion events on ROM coal stockpiles have occurred since late 2012. As a risk management measure, WCPL is also implementing further spontaneous combustion propensity testwork on coal and this programme is described in the EA. However, this test programme is not related to spontaneous combustion events that occur on existing temporary waste rock emplacements. The testwork results will be used to update the mine's existing dataset on spontaneous combustion propensity and inform ongoing coal stockpile management practices.

A comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015. It is anticipated that there will be further periodic and short term spontaneous combustion events associated with the implementation of the remediation strategy. These events would be managed in accordance with approved spontaneous combustion management procedures.

WCPL maintains monitoring of selected gases, volatile organic compounds and polycyclic aromatic hydrocarbons in the Village of Wollar. Pacific Environment Limited (2013) reviewed the monitoring data, and concluded that while it is difficult to determine pollutant sources the Wilpinjong Coal Mine was not indicated as the primary source of any pollutant, and low concentrations were measured for all pollutants. Preliminary analysis of data collected in Wollar from July 2013 to June 2014 also indicates low concentrations were measured for all pollutants.

WCPL has detailed measures that are implemented to prevent and manage spontaneous combustion as a component of the Wilpinjong Coal Mine Waste Management Plan. The Waste Management Plan is a new plan required by Condition 57, Schedule 3 of the Wilpinjong Coal Mine Project Approval following approval of Modification 5 that was submitted to DP&E for approval in July 2014.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

MWRC (24 July 2014) states:

Cumulative Impacts

The Wilpinjong Coal project has been subject to 6 modification applications since the original approval. Council is concerned that the cumulative impacts of the project have not been fully assessed in the gradual change of the project. The village of Wollar has been significantly impacted by the operation of the mine with a significant reduction in the number of privately owned dwellings in the village and therefore a reduction in the number of residents. That has impacted on the community of Wollar to the extent that real concerns are held regarding its future existence. The reduction in residents are the direct result of the aggressive purchasing strategy of the mine to provide buffers or reduce the number of receptors in the area of the offsite impacts of the operation such as noise and odour. The reduction in resident numbers has resulted in the demise of the Wollar Bushfire Brigade as well as other community based groups. In addition, the amenity and land use conflicts in the area have resulted in the inability of larger landowners in the area to secure property sales.

The existing Wilpinjong Coal Mine and nearby other existing, approved and proposed mining operations have been considered in the EA, including potential environmental impacts of Moolarben Coal Mines (including Stage 1 and Stage 2), Ulan Coal Mines (including Ulan Coal Continued Operations Project), Cobbora Coal Project and the Bowdens Silver Project. Potential cumulative impacts associated with operational noise and air quality were particularly considered for the Moolarben Coal Mines and/or Ulan Coal Mines and no significant negative cumulative impacts have been identified as arising from the Modification.

The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. In addition, the Modification would not significantly alter the potential for spontaneous combustion events to occur, as the open cut extent would be unchanged. The Modification is therefore unlikely to lead to any material change in amenity at private residences in the vicinity of the mine and consequently no material change to social impacts as compared to the existing approved mining operation.

The approved Wilpinjong Coal Mine operates in accordance with the relevant noise, blasting and air quality assessment criteria specified in Project Approval 05-0021 and EPL 12425.

The existing Wilpinjong Coal Mine operational workforce would not require any augmentation for the Modification and WCPL would continue financial contributions to the MWRC in accordance with existing Wilpinjong Coal Mine Planning Agreements. Additionally, WCPL has an ongoing sponsorship and donation programme that provides in kind and financial support to various education, community development, health, environmental, arts, culture and youth services causes in the region.

Houses owned by Peabody Energy in Wollar and in the general area around Wollar that are in a suitable condition are either leased or licensed to WCPL employees, the property's former private owners, or general members of the community. Some 41 residences in Wollar and surrounds that are under the control of WCPL are currently leased or licensed in this way, which provides ongoing use of the houses. In addition, many landholdings that have been purchased by Peabody Energy (and residual pastoral land around residences) have been consolidated and are now leased or licensed to local land managers, who remain in the local community and maintain active agricultural use of these lands. Through the consolidation of these land holdings and investment made by Peabody Energy in infrastructure upgrades and land management improvements, agricultural viability has been sustained.

Wilpinjong Coal Mine actively encourages staff to volunteer with the Rural Fire Service and has worked with the NSW Rural Fire Service to address concerns about volunteer numbers in the local area. In addition WCPL supports the Rural Fire Service through financial contributions for purchase of fire fighting equipment. WCPL also maintains its own fire truck and suitably Rural Fire Service trained staff to assist in primary response or support in the event of a bushfire emergency.

MWRC (24 July 2014) states:

Council requests that the Department take into account the concerns raised in this letter in the assessment of the application but does not object to the approval of the modification.

Noted.

4 PART C - RESPONSES TO BUSINESSES AND NON-GOVERNMENT ORGANISATIONS

Responses to issues raised by businesses and non-government organisations are provided in the subsections below.

4.1 Strait Up Services

Each of the comments/issues raised by Richard Gooley/Strait Up Services (reproduced in bold) is addressed below.

Strait Up Services states:

I am submitting this support for Modification 6 at Wilpinjong Coal on behalf of both myself and Strait Up Services.

I have personally been involved with the mine from its construction phase, and our company has been involved there since 2010.

The mine has always shown a very high standard since the construction phase with all regards to WHS, EPA and community relations. It supports a wide range of community based activities, and I've not known of any negative impact to either the community or the environment.

Any upgrade or improvement done to any mine in the area, done though the correct planning and approvals are also very beneficial to the surrounding towns with added money coming in.

Noted.

4.2 Australian Coal Alliance Wyong

Each of the comments/issues raised by Michael Campbell on behalf of Australian Coal Alliance Wyong (reproduced in bold) is addressed below.

Australian Coal Alliance Wyong (16 July 2014) states:

Firstly the noise and spontaneous combustion impacts at the mine are not currently properly managed or regulated.

As described in the EA, recent attended noise monitoring shows that Wilpinjong Coal Mine operations are in compliance with relevant Project Approval noise criteria.

The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. WCPL would continue to implement real-time noise monitoring and associated controls for the Wilpinjong Coal Mine incorporating the Modification such that operational noise from the Wilpinjong Coal Mine would comply with relevant Project Approval noise criteria. The Modification is therefore unlikely to lead to any material change in noise amenity at private residences in the vicinity of the mine.

As a result of improved management practices no spontaneous combustion events on ROM coal stockpiles have occurred since late 2012. As a risk management measure, WCPL is also implementing further spontaneous combustion propensity testwork on coal and this programme is described in the EA.

A comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015.

As described in the EA, the Modification would not significantly alter the potential for spontaneous combustion events to occur at the Wilpinjong Coal Mine, as the open cut extent would be unchanged.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

Australian Coal Alliance Wyong (16 July 2014) states:

Secondly the assessment we believe does not address cumulative social impacts on the Wollar community.

The approved Wilpinjong Coal Mine operates in accordance with the relevant noise, blasting and air quality assessment criteria specified in Project Approval 05-0021 and EPL 12425.

The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. In addition, the Modification would not significantly alter the potential for spontaneous combustion events to occur, as the open cut extent would be unchanged. The Modification is therefore unlikely to lead to any material change in amenity at private residences in the vicinity of the mine and consequently no material change to social impacts as compared to the existing approved mining operation.

The existing Wilpinjong Coal Mine operational workforce would not require any augmentation for the Modification and WCPL would continue financial contributions to the MWRC in accordance with existing Wilpinjong Coal Mine Planning Agreements. Additionally, WCPL has an ongoing sponsorship and donation programme that provides in kind and financial support to various education, community development, health, environmental, arts, culture and youth services causes in the region.

Houses owned by Peabody Energy in Wollar and in the general area around Wollar that are in a suitable condition are either leased or licensed to WCPL employees, the property's former private owners, or general members of the community. Some 41 residences in Wollar and surrounds that are under the control of WCPL are currently leased or licensed in this way, which provides ongoing use of the houses. In addition, many landholdings that have been purchased by Peabody Energy (and residual pastoral land around residences) have been consolidated and are now leased or licensed to local land managers, who remain in the local community and maintain active agricultural use of these lands. Through the consolidation of these land holdings and investment made by Peabody Energy in infrastructure upgrades and land management improvements, agricultural viability has been sustained.

4.3 Stop Coal Seam Gas Blue Mountains

Each of the comments/issues raised by Jan O'Leary for Stop Coal Seam Gas Blue Mountains (reproduced in bold) is addressed below.

Stop Coal Seam Gas Blue Mountains (17 July 2014) states:

The assessment does not consider cumulative social impacts on the Wollar community:

- **Ongoing acquisition of properties. Peabody Energy is now the largest landholder.**
- **Loss of Wollar Bushfire Brigade - increased vulnerability to emergencies.**
- **Reduction in numbers of children attending the local school.**
- **Distortion of property market.**

The approved Wilpinjong Coal Mine operates in accordance with the relevant noise, blasting and air quality assessment criteria specified in Project Approval 05-0021 and EPL 12425.

The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. In addition, the Modification would not significantly alter the potential for spontaneous combustion events to occur, as the open cut extent would be unchanged. The Modification is therefore unlikely to lead to any material change in amenity at private residences in the vicinity of the mine and consequently no material change to social impacts as compared to the existing approved mining operation.

The existing Wilpinjong Coal Mine operational workforce would not require any augmentation for the Modification and WCPL would continue financial contributions to the MWRC in accordance with existing Wilpinjong Coal Mine Planning Agreements. Additionally, WCPL has an ongoing sponsorship and donation programme that provides in kind and financial support to various education, community development, health, environmental, arts, culture and youth services causes in the region.

Houses owned by Peabody Energy in Wollar and in the general area around Wollar that are in a suitable condition are either leased or licensed to WCPL employees, the property's former private owners, or general members of the community. Some 41 residences in Wollar and surrounds that are under the control of WCPL are currently leased or licensed in this way, which provides ongoing use of the houses. In addition, many landholdings that have been purchased by Peabody Energy (and residual pastoral land around residences) have been consolidated and are now leased or licensed to local land managers, who remain in the local community and maintain active agricultural use of these lands. Through the consolidation of these land holdings and investment made by Peabody Energy in infrastructure upgrades and land management improvements, agricultural viability has been sustained.

Wilpinjong Coal Mine actively encourages staff to volunteer with the Rural Fire Service and has worked with the NSW Rural Fire Service to address concerns about volunteer numbers in the local area. In addition WCPL supports the Rural Fire Service through financial contributions for purchase of fire fighting equipment. WCPL also maintains its own fire truck and suitably Rural Fire Service trained staff to assist in primary response or support in the event of a bushfire emergency.

Stop Coal Seam Gas Blue Mountains (17 July 2014) states:

The operation of the mine is not managing spontaneous combustion under current approvals (Schedule 3 Condition 16). Offensive odour emissions from the mine are interfering with the comfort of the local community.

As described in the EA, the Modification would not significantly alter the potential for spontaneous combustion events to occur at the Wilpinjong Coal Mine, as the open cut extent would be unchanged.

It is acknowledged that spontaneous combustion events at the Wilpinjong Coal Mine, which have historically been associated with both ROM coal stockpiles and carbonaceous material located in temporary waste rock emplacements, have occurred. While these events have been managed in accordance with the Spontaneous Combustion Management Plan, they have at times resulted in perceptible odour and/or associated environmental complaints from nearby private receivers and/or users of Ulan-Wollar Road. Hydrogen sulphide odour can be easily detected at concentrations much lower than are harmful to health, with its smell being easily perceptible at concentrations well below 1 part per million in air (Pacific Environment Limited, 2013).

As a result of improved management practices no spontaneous combustion events on ROM coal stockpiles have occurred since late 2012. As a risk management measure, WCPL is also implementing further spontaneous combustion propensity testwork on coal and this programme is described in the EA.

A comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015. It is anticipated that there will be further periodic and short term spontaneous combustion events associated with the implementation of the remediation strategy. These events would be managed in accordance with approved spontaneous combustion management procedures.

WCPL maintains monitoring of selected gases, volatile organic compounds and polycyclic aromatic hydrocarbons in the Village of Wollar. Pacific Environment Limited (2013) reviewed the monitoring data, and concluded that while it is difficult to determine pollutant sources the Wilpinjong Coal Mine was not indicated as the primary source of any pollutant, and low concentrations were measured for all pollutants. Preliminary analysis of data collected in Wollar from July 2013 to June 2014 also indicates low concentrations were measured for all pollutants.

WCPL has detailed measures that are implemented to prevent and manage spontaneous combustion as a component of the Wilpinjong Coal Mine Waste Management Plan. The Waste Management Plan is a new plan required by Condition 57, Schedule 3 of the Wilpinjong Coal Mine Project Approval following approval of Modification 5 that was submitted to DP&E for approval in July 2014.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

Stop Coal Seam Gas Blue Mountains (17 July 2014) states:

The proposal will cause greater noise impacts through the addition of 3 more D11 dozers to the mining fleet. The simultaneous operation of four full mining fleets 24 hours, 7 days per week is already causing sleep disturbance and annoyance.

Wilpinjong Coal Mine is a large industrial facility, and hence (depending on weather conditions) members of the community in the proximity of the mine will at times be able to hear the operations of the mine.

As described in Section 4.2.1 of the EA, recent attended noise monitoring shows that Wilpinjong Coal Mine operations are in compliance with relevant Project Approval noise criteria.

The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Modification is therefore unlikely to lead to any material change in noise amenity at private residences in the vicinity of the mine.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

WCPL would continue to implement real-time noise monitoring and associated controls for the Wilpinjong Coal Mine incorporating the Modification such that operational noise from the Wilpinjong Coal Mine would comply with the relevant Project Approval and EPL 12425 noise criteria.

Additionally WCPL will continue to work with proximal private landholders to consider reasonable and feasible management options to address operational noise concerns in a proactive manner.

Stop Coal Seam Gas Blue Mountains (17 July 2014) states:

The Industrial Noise Policy does not protect the health of the Wollar community.

WCPL is required to assess operational noise in accordance with the INP (EPA, 2000) and associated application notes prepared by the EPA.

Stop Coal Seam Gas Blue Mountains (17 July 2014) states:

The extraction of 16 million tonnes per year of coal and increased movement of overburden will generate more dust. Residences in Wollar have coal dust coating internal surfaces.

The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. The Modification is therefore unlikely to lead to any material change in air quality amenity at private residences in the vicinity of the mine.

WCPL has a comprehensive air quality monitoring programme in place. Monitoring is undertaken in accordance with an Air Quality Management Plan that is prepared in consultation with the EPA and approved by the DP&E.

As described in the EA, monitoring of PM₁₀ shows that annual average PM₁₀ concentrations have been below the annual average criteria for all monitoring years (i.e. since 2004), and while there have been isolated instances where 24-hour average PM₁₀ concentrations have been above the criterion of 50 µg/m³, these instances have generally coincided with widespread dust events (e.g. the 2013 bushfires) or other local non-mining dust generating activities.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

The real-time air quality monitoring system and response protocols detailed in the Air Quality Management Plan would continue to be implemented at the Wilpinjong Coal Mine incorporating the Modification.

Stop Coal Seam Gas Blue Mountains (17 July 2014) states:

The assessment does not consider impacts of speeding mine traffic through the district threatening safety of local drivers and children in the village.

It is noted that the Road Transport Assessment for Modification 5 (GTA Consultants, 2013) identified that the bulk of Wilpinjong Coal Mine generated traffic travels west from the mine site, and hence does not pass through Wollar.

As described in the EA, the Modification would not generate any additional traffic as no material new construction is required, the operational workforce of approximately 550 WCPL employees and full-time equivalent on-site contractors would not require augmentation and there would be no material variation to existing delivery movements.

It is noted that the MWRC (24 July 2014) states (Section 3.6):

Council does not raise any concerns in relation to the proposed modification on any traffic related issues.

WCPL takes dangerous driving incidents seriously and operates a joint program with the adjoining Ulan Mine Complex and Moolarben Coal Complex to follow up on any driving related complaints.

Appropriate disciplinary measures would be applied to any mine employee or contractor that is confirmed to be driving dangerously on local roads. Should any such driving incidents occur they can be reported through to the WCPL Community Hotline (phone 1300 606 625).

In addition, WCPL encourages any observer of a dangerous driving incident on a public road to report this directly to the Police.

4.4 Hunter Communities Network

Each of the comments/issues raised by Ted Finnie on behalf of the Hunter Communities Network (HCN) (reproduced in bold) is addressed below.

Hunter Communities Network (17 July 2014) states:

HCN considers that the scale of the mining operation and the number of mining vehicles operating at Wilpinjong Mine is significant. The addition of 3 more bulldozers to shift a further 800,000 Mbcm of overburden will add to the noise impacts of this operation.

Noise has been a significant issue for the Wollar community and has caused much greater impacts than predicted. The operation of the Wilpinjong Mine is a prime example of the failure of the Industrial Noise Policy to protect remote rural communities from intrusive noise impacts that cause sleep disturbance and loss of amenity.

Wilpinjong Coal Mine is a large industrial facility, and hence (depending on weather conditions) members of the community in the proximity of the mine will at times be able to hear the operations of the mine.

As described in the EA, recent attended noise monitoring shows that Wilpinjong Coal Mine operations are in compliance with relevant Project Approval noise criteria.

The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Modification is therefore unlikely to lead to any material change in noise amenity at private residences in the vicinity of the mine.

WCPL is required to assess operational noise in accordance with the INP (EPA, 2000) and associated application notes prepared by the EPA.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

WCPL would continue to implement real-time noise monitoring and associated controls for the Wilpinjong Coal Mine incorporating the Modification such that operational noise from the Wilpinjong Coal Mine would comply with the relevant Project Approval and EPL 12425 noise criteria.

Additionally WCPL will continue to work with proximal private landholders to consider reasonable and feasible management options to address operational noise concerns in a proactive manner.

Hunter Communities Network (17 July 2014) states:

HCN does not accept the current criteria for blasting impacts applied through conditions of approval for open cut mining operations. Residents on rural properties with farming enterprises should not be subject to blast impacts that affect animal handling and rattle their houses.

SLR Consulting (2014) conducted a review of the recent blast compliance of the Wilpinjong Coal Mine and concluded:

... there were no exceedances of the relevant ground vibration and airblast limits at the respective blast emission monitoring sites during the 2013 reporting period.

Open cut blasting would continue to be undertaken in accordance with the existing blast management conditions of the Project Approval.

Hunter Communities Network (17 July 2014) states:

HCN considers that the regulation of spontaneous combustion events at the Wilpinjong Mine has been very poor and has not been managed to the conditions of approval.

As described in the EA, the Modification would not significantly alter the potential for spontaneous combustion events to occur at the Wilpinjong Coal Mine, as the open cut extent would be unchanged.

It is acknowledged that spontaneous combustion events at the Wilpinjong Coal Mine, which have historically been associated with both ROM coal stockpiles and carbonaceous material located in temporary waste rock emplacements, have occurred. While these events have been managed in accordance with the Spontaneous Combustion Management Plan, they have at times resulted in perceptible odour and/or associated environmental complaints from nearby private receivers and/or users of Ulan-Wollar Road. Hydrogen sulphide odour can be easily detected at concentrations much lower than are harmful to health, with its smell being easily perceptible at concentrations well below 1 part per million in air (Pacific Environment Limited, 2013).

As a result of improved management practices no spontaneous combustion events on ROM coal stockpiles have occurred since late 2012. A comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015. It is anticipated that there will be further periodic and short term spontaneous combustion events associated with the implementation of the remediation strategy. These events would be managed in accordance with approved spontaneous combustion management procedures.

WCPL maintains monitoring of selected gases, volatile organic compounds and polycyclic aromatic hydrocarbons in the Village of Wollar. Pacific Environment Limited (2013) reviewed the monitoring data, and concluded that while it is difficult to determine pollutant sources the Wilpinjong Coal Mine was not indicated as the primary source of any pollutant, and low concentrations were measured for all pollutants. Preliminary analysis of data collected in Wollar from July 2013 to June 2014 also indicates low concentrations were measured for all pollutants.

WCPL has detailed measures that are implemented to prevent and manage spontaneous combustion as a component of the Wilpinjong Coal Mine Waste Management Plan. The Waste Management Plan is a new plan required by Condition 57, Schedule 3 of the Wilpinjong Coal Mine Project Approval following approval of Modification 5 that was submitted to DP&E for approval in July 2014.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

Hunter Communities Network (17 July 2014) states:

This modification should not be considered until all testing for spontaneous combustion potential is finalised and a dedicated plan for spontaneous combustion management is developed and approved.

As a risk management measure, WCPL is implementing further spontaneous combustion propensity testwork on coal and this programme is described in the EA.

A comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

Hunter Communities Network (17 July 2014) states:

The current conditions of approval to manage dust emissions from the mine have not prevented coal dust from entering people's homes in the district. This is a serious issue that has not been appropriately addressed through the planning process.

The health impacts of increased dust emissions from 24 hour/day, 7 days/week open cut mining operations have been raised across the Hunter region. The rapid growth of large open cut mining operations in the Mudgee area has caused a significant increase in dust levels that are visible at great distances from the areas of operation. The management of dust emissions from mining has been a failure of the regulatory system in NSW.

The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. The Modification is therefore unlikely to lead to any material change in air quality amenity at private residences in the vicinity of the mine.

WCPL has a comprehensive air quality monitoring programme in place. Monitoring is undertaken in accordance with an Air Quality Management Plan that is prepared in consultation with the EPA and approved by the DP&E.

As described in the EA, monitoring of PM₁₀ shows that annual average PM₁₀ concentrations have been below the annual average criteria for all monitoring years (i.e. since 2004), and while there have been isolated instances where 24-hour average PM₁₀ concentrations have been above the criterion of 50 µg/m³, these instances have generally coincided with widespread dust events (e.g. the 2013 bushfires) or other local non-mining dust generating activities.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

4.5 Nature Conservation Council of NSW

Each of the comments/issues raised by the Nature Conservation Council of NSW (NCC) (reproduced in bold) is addressed below.

Nature Conservation Council of NSW (18 July 2014) states:

NCC considers that the regulation of offensive odours emitted from the Wilpinjong Mine has not met the conditions of approval. The proposal to increase extraction of coal and overburden is likely to increase the problem of spontaneous combustion on the site and therefore should not be approved.

As described in the EA, the Modification would not significantly alter the potential for spontaneous combustion events to occur at the Wilpinjong Coal Mine, as the open cut extent would be unchanged.

It is acknowledged that spontaneous combustion events at the Wilpinjong Coal Mine, which have historically been associated with both ROM coal stockpiles and carbonaceous material located in temporary waste rock emplacements, have occurred. While these events have been managed in accordance with the Spontaneous Combustion Management Plan, they have at times resulted in perceptible odour and/or associated environmental complaints from nearby private receivers and/or users of Ulan-Wollar Road. Hydrogen sulphide odour can be easily detected at concentrations much lower than are harmful to health, with its smell being easily perceptible at concentrations well below 1 part per million in air (Pacific Environment Limited, 2013).

As a result of improved management practices no spontaneous combustion events on ROM coal stockpiles have occurred since late 2012. A comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015. It is anticipated that there will be further periodic and short term spontaneous combustion events associated with the implementation of the remediation strategy. These events would be managed in accordance with approved spontaneous combustion management procedures.

WCPL maintains monitoring of selected gases, volatile organic compounds and polycyclic aromatic hydrocarbons in the Village of Wollar. Pacific Environment Limited (2013) reviewed the monitoring data, and concluded that while it is difficult to determine pollutant sources the Wilpinjong Coal Mine was not indicated as the primary source of any pollutant, and low concentrations were measured for all pollutants. Preliminary analysis of data collected in Wollar from July 2013 to June 2014 also indicates low concentrations were measured for all pollutants.

WCPL has detailed measures that are implemented to prevent and manage spontaneous combustion as a component of the Wilpinjong Coal Mine Waste Management Plan. The Waste Management Plan is a new plan required by Condition 57, Schedule 3 of the Wilpinjong Coal Mine Project Approval following approval of Modification 5 that was submitted to DP&E for approval in July 2014.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

Nature Conservation Council of NSW (18 July 2014) states:

Modification 5 for this project was only approved in February 2014. This allowed an increase in the area of mining activity and in the bank cubic metres of overburden produced. The required plans of management to mitigate environmental impacts of modification 5 have not yet been produced. The ongoing need to change the size of the impacts of this mine is a major concern.

In consultation with relevant NSW regulatory authorities WCPL has revised and amended a range of environmental management plans since the approval of Modification 5, and has been progressively submitting the revised plans to DP&E for approval since May 2014. The new management plans that were added to the Project Approval as a result of the approval of Modification 5 are also progressively being prepared in consultation with the relevant NSW regulatory authorities.

Once relevant plans are approved by DP&E, they will be made publicly available on the Wilpinjong Coal Mine website.

Nature Conservation Council of NSW (18 July 2014) states:

This proposal is requesting a greater trade off of social and environmental impacts to maintain the viability of a very marginal operation. There has been no socio-economic analysis provided with this proposal and no clear costs benefits analysis.

The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. In addition, the Modification would not significantly alter the potential for spontaneous combustion events to occur, as the open cut extent would be unchanged. The Modification would not generate any additional traffic as no material new construction is required, the operational workforce of approximately 550 WCPL employees and full-time equivalent on-site contractors would not require augmentation, and there would be no material variation to existing delivery movements.

The Modification is therefore unlikely to lead to any material change in amenity at private residences in the vicinity of the mine and consequently no material change to social impacts as compared to the existing approved mining operation.

The Modification would not significantly increase potential environmental impacts in comparison to the approved Wilpinjong Coal Mine. It would however, improve the efficiency of extraction of existing approved ROM coal reserves and hence the productivity of the current workforce and return on capital associated with the existing fixed plant and mobile fleet and provide improved operational flexibility to maintain WCPL's competitive advantage as a low cost thermal coal producer.

Based on current mine planning in the years when ROM coal production is proposed to be above 15 Mtpa (i.e. 2014-16), the difference in revenue to WCPL would be measured in the millions of dollars per annum. The bringing forward of some ROM coal production would correspondingly reduce total ROM coal production in the latter years of the approved mine life. However, in the current coal market downturn, the difference in annual revenue would be of material benefit to WCPL, and the employees, contractors and local businesses that benefit from the mine's continued significant positive contribution to the regional economy.

4.6 Wollar Progress Association

Each of the comments/issues raised by Bev Smiles on behalf of the Wollar Progress Association (reproduced in bold) is addressed below.

Wollar Progress Association (18 July 2014) states:

The Association considers that the further application to expand the volume of ROM coal, the number of mining vehicles and the volume of overburden to be moved is entirely unacceptable when the environmental plans of management for Modification 5 are yet to be completed and approved.

In consultation with relevant NSW regulatory authorities WCPL has revised and amended a range of environmental management plans since the approval of Modification 5, and has been progressively submitting the revised plans to DP&E for approval since May 2014. The new management plans that were added to the Project Approval as a result of the approval of Modification 5 are also being progressively prepared in consultation with the relevant NSW regulatory authorities.

Once relevant plans are approved by DP&E, they will be made publicly available on the Wilpinjong Coal Mine website.

Wollar Progress Association (18 July 2014) states:

The Association considers that any increase in the operational scale of the project will have an ongoing detrimental impact on the Wollar community. The justification to shore up Peabody Energy financial position at the expense of the remaining population in the Wollar district is unacceptable and has not been clearly identified or assessed.

The Noise and Blasting Impact Assessment completed for the Modification indicates that with applicable real-time controls no additional private residences would experience operational noise impacts above applicable noise criteria, when compared to the approved mine. The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. In addition, the Modification would not significantly alter the potential for spontaneous combustion events to occur, as the open cut extent would be unchanged.

The Modification is therefore unlikely to lead to any material change in amenity at private residences in the vicinity of the mine and consequently no material change to social impacts as compared to the existing approved mining operation.

Wollar Progress Association (18 July 2014) states:

Modification 5 had identified that 3 additional private properties would be impacted by excessive noise under the Industrial Noise Policy (INP). Peabody Energy has now purchased two of those properties, thus adding to the hollowing out of the Wollar community.

While the assessment report shows, with the noise contours in Fig 7 and Fig 8 (p 28, 29) for this proposal, that these 3 properties are within the 35 dBA contours, the conditions of approval for Modification 5 have allowed the dBA_{L_{Aeq} (15 min)} for these properties to be raised to 37 and 38 dBA. This is a clear indication that planning decisions favour the mining operation over the ongoing impact on the community.

The consultation with the remaining property owner in relation to these impacts and rights under the noise management zone conditions has been very unsatisfactory.

The Wollar community is impacted by intrusive noise at much lower levels than those provided by the INP. There is no confidence that the operation will not continue to cause sleep deprivation and loss of amenity. The proposal to increase noise creation at the project site will cause an increase in these impacts.

If the operation will have to constantly stand down machinery to achieve compliance with the current unsatisfactory approved noise levels, there appears to be no clear justification for the proposal.

Wilpinjong Coal Mine is a large industrial facility, and hence (depending on weather conditions) members of the community in the proximity of the mine will at times be able to hear the operations of the mine. WCPL is required to assess operational noise in accordance with the INP (EPA, 2000) and associated application notes prepared by the EPA.

As described in the EA, recent attended noise monitoring shows that Wilpinjong Coal Mine operations are in compliance with relevant Project Approval noise criteria.

WCPL incorporates allowances for environmental downtime in its forward mine planning and budgeting. The operational cost associated with the stand-down of equipment during relevant adverse weather conditions to achieve compliance with the noise limits specified in Project Approval 05-0021 is feasible and is considered to be reasonable to WCPL.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

WCPL would continue to implement real-time noise monitoring and associated controls in accordance with its approved Noise Management Plan for the Wilpinjong Coal Mine incorporating the Modification such that operational noise from the mine would comply with the relevant Project Approval and EPL 12425 noise criteria. The Modification is therefore unlikely to lead to any material change in noise amenity at private residences in the vicinity of the mine.

Additionally WCPL will continue to work with proximal private landholders to consider reasonable and feasible management options to address operational noise concerns in a proactive manner.

Wollar Progress Association (18 July 2014) states:

The assessment report identifies no further increase in dust emissions although the proposal is to increase the volume of overburden extracted and stockpiled.

The current requirements for dust monitoring and the conditions of approval do not protect community health. Nor do they prevent coal dust from entering houses in the area.

Attached is an analysis report of swabs taken by the EPA from the roof and an internal appliance at a residence in Wollar village in 2011 (Att 1). This report provides evidence that coal dust is leaving the mine and entering homes. There is a continued problem of black layers of dust entering homes and coating rooves in the Wollar district.

The assessment and regulation of open cut mine dust is entirely inadequate and does not protect the health of the community.

WCPL has a comprehensive air quality monitoring programme in place. Monitoring is undertaken in accordance with an Air Quality Management Plan that is prepared in consultation with the EPA and approved by the DP&E.

As described in the EA, monitoring of PM₁₀ shows that annual average PM₁₀ concentrations have been below the annual average criteria for all monitoring years (i.e. since 2004), and while there have been isolated instances where 24-hour average PM₁₀ concentrations have been above the criterion of 50 µg/m³, these instances have generally coincided with widespread dust events (e.g. the 2013 bushfires) or other local non-mining dust generating activities.

In addition, dust deposition monitoring conducted between the mine and Wollar (DG5) shows generally low levels of deposited dust, which are below the dust deposition criteria. The Air Quality Impact Assessment (Todoroski Air Sciences, 2014) indicates that relative to the existing operations, the Modification is unlikely to lead to any significant change in dust levels at receptors. The Modification is therefore unlikely to lead to any material change in air quality amenity at private residences in the vicinity of the mine.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

In addition, in late 2012 and early 2013 in response to some concerns, WCPL sampled four local rainwater tanks for analysis by ALS Laboratories. The results of this water sampling indicated compliance with the Australian Drinking Water Guidelines (NHMRC, NRMM, 2011) for the analytes tested, with the exception of some samples that failed the aesthetic (i.e. taste) criterion for iron and/or zinc. Corrugated iron and galvanised rooves, corroding pipework and storage of water in galvanised tanks may contribute to elevated levels of these analytes, and the observed results for iron and zinc were not inconsistent with the range of values observed in Australian drinking water and galvanised tanks as described in the Australian Drinking Water Guidelines (NHMRC, NRMM, 2011).

Wollar Progress Association (18 July 2014) states:

The ongoing impact of offensive odours from spontaneous combustion events at the project site has been very poorly managed and not adequately regulated in accordance with the condition of approval relating to this impact.

As described in the EA, the Modification would not significantly alter the potential for spontaneous combustion events to occur at the Wilpinjong Coal Mine, as the open cut extent would be unchanged.

It is acknowledged that spontaneous combustion events at the Wilpinjong Coal Mine, which have historically been associated with both ROM coal stockpiles and carbonaceous material located in temporary waste rock emplacements, have occurred. While these events have been managed in accordance with the Spontaneous Combustion Management Plan, they have at times resulted in perceptible odour and/or associated environmental complaints from nearby private receivers and/or users of Ulan-Wollar Road. Hydrogen sulphide odour can be easily detected at concentrations much lower than are harmful to health, with its smell being easily perceptible at concentrations well below 1 part per million in air (Pacific Environment Limited, 2013).

As a result of improved management practices no spontaneous combustion events on ROM coal stockpiles have occurred since late 2012. A comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015. It is anticipated that there will be further periodic and short term spontaneous combustion events associated with the implementation of the remediation strategy. These events would be managed in accordance with approved spontaneous combustion management procedures.

WCPL maintains monitoring of selected gases, volatile organic compounds and polycyclic aromatic hydrocarbons in the Village of Wollar. Pacific Environment Limited (2013) reviewed the monitoring data, and concluded that while it is difficult to determine pollutant sources the Wilpinjong Coal Mine was not indicated as the primary source of any pollutant, and low concentrations were measured for all pollutants. Preliminary analysis of data collected in Wollar from July 2013 to June 2014 also indicates low concentrations were measured for all pollutants.

WCPL has detailed measures that are implemented to prevent and manage spontaneous combustion as a component of the Wilpinjong Coal Mine Waste Management Plan. The Waste Management Plan is a new plan required by Condition 57, Schedule 3 of the Wilpinjong Coal Mine Project Approval following approval of Modification 5 that was submitted to DP&E for approval in July 2014.

It is noted that the EPA provides the following conclusion to its submission (Section 3.1):

The EPA is satisfied that the activities proposed under the Project can be managed under the conditions of the existing Environment Protection Licence No. 12425 (the licence) in such a way as to have negligible impacts on the existing environment with respect to air, noise and surface water quality. ...

Wollar Progress Association (18 July 2014) states:

The Association recommends that this proposal not be further considered until such time as all testing for spontaneous combustion propensity has been conducted and a detailed management plan developed and approved.

As a result of improved management practices no spontaneous combustion events on ROM coal stockpiles have occurred since late 2012. As a risk management measure, WCPL is implementing further spontaneous combustion propensity testwork on coal and this programme is described in the EA.

For the management of carbonaceous waste rock material on-site a comprehensive remediation strategy is being applied to existing temporary waste rock emplacements that would see the spontaneous combustion high risk materials in these landforms managed by re-mining and deposition of the material at depth in mine voids, or encapsulation, by the end of 2015.

WCPL has detailed measures that are implemented to prevent and manage spontaneous combustion as a component of the Wilpinjong Coal Mine Waste Management Plan. The Waste Management Plan is a new plan required by Condition 57, Schedule 3 of the Wilpinjong Coal Mine Project Approval following approval of Modification 5 that was submitted to DP&E for approval in July 2014.

5 REFERENCES

GTA Consultants (2013) *Wilpinjong Mine Modification Road Transport Assessment*.

National Health and Medical Research Council, National Resource Management Ministerial Council, (2011) *Australian Drinking Water Guidelines - Paper 6 National Water Quality Management Strategy*. Commonwealth of Australia, Canberra.

NSW Environment Protection Authority (2000) *NSW Industrial Noise Policy*.

Pacific Environment Limited (2013) *Wilpinjong Gases Review*.

SLR Consulting Australia Pty Ltd (2013) *Wilpinjong Coal Mine Modification Noise and Blasting Impact Assessment*.

SLR Consulting Australia Pty Ltd (2014) *Wilpinjong Coal Mine Modification 6 Noise and Blasting Impact Assessment*.

Todoroski Air Sciences Pty Ltd (2014) *Air Quality Impact Assessment Wilpinjong Coal Mine Modification 6*.