



ENVIRONMENT PROTECTION AUTHORITY

Our reference: SF13/2945 DOC13/64879  
Contact: Brad Tanswell 02 6883 5367

Mr Howard Reed  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Stephen O'Donoghue

Dear Mr Reed,

Thank you for the opportunity to comment on the documentation received by the Environment Protection Authority (EPA) on 14 August 2013 provided as additional information to the Submission Report (SR) associated with the proposed Cobbora Coal Mine (ref 10\_0001).

Additionally I refer to:

- The EPA's initial response letter on the SR dated 8 March 2013;
- The EPA's comments dated 10 September 2013 on documentation received by the EPA on 14 August 2013; and
- A phone conversation between Stephen O'donoghue and me on 23 September 2013 in relation to the Department of Planning and Infrastructure's (DoPI) proposed draft noise limits for the proposed Cobbora Coal Mine.

As discussed on 23 September 2013 (and with reference to documentation submitted to the EPA on 14 August 2013), the EPA supports DoPI's proposal of applying a noise limit of 35dB(A) at all non-project related receptors for project/mining related operations (excluding rail spur line operations). This is supported in light of a lack of information in relation to consideration of all feasible and reasonable noise mitigation measures.

The EPA is of the opinion the proposed noise limit outlined above is achievable with the application of additional feasible and reasonable noise mitigation measures. If the proponent disagrees with the proposed amendments to the noise limits outlined above the EPA recommends that the proponent be required to provide additional information to demonstrate all feasible and reasonable noise mitigation measures have been considered and that the EPA is provided with a further opportunity to review this new information before the project proceeds to the determination stage.

It is the EPA's understanding DoPI intend on preparing the draft Director-General's Environmental Assessment report for this proposal which will include the proposed amendments to noise limits outlined above and this will be provided for the proponent's consideration.

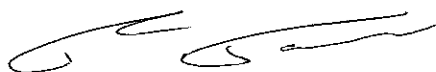
PO Box 2111 Dubbo NSW 2830  
48-52 Wingewarra Street Dubbo NSW  
Tel: (02) 6883 5312 Fax: (02) 6884 8675  
ABN 30 841 387 271 [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

It is expected that the EPA will be given an opportunity to review the draft Director-General's Environmental Assessment report for this proposal prior to finalisation to ensure conditions have been included to the satisfaction of the EPA.

The EPA notes that the proposal will require an Environment Protection Licence (EPL) pursuant to the *Protection of the Environment Operations Act 1997* to commence construction activities and to operate. The proponent will need to make a separate application to the EPA to obtain this licence once development project approval is granted.

Should you have any queries regarding the EPA's submission, please contact myself at the Dubbo Office of the EPA on (02) 6883 5367.

Yours sincerely

 23/09/13

**BRAD TANSWELL**  
A/Head Far West Operations  
Environment Protection Authority NSW