

1148-3# 1351 AS

Energy, Resources & Compliance Division
Planning & Assessment Group
Department of Planning, Industry & Environment
c/o Andrew.Rode@planning.nsw.gov.au

18 August 2020

Dear Sir,

SUBMISSION REGARDING THE IMPACT OF TAHMOOR SOUTH PROPOSAL ON THE BARGO WASTE MANAGEMENT CENTRE

The purpose of this letter is to put the Department on notice of Council's objection to the mine extension with respect to the impacts on the Bargo Waste Management Centre (BWMC), in the strongest terms. A further detailed submission from Council's solicitors will be provided shortly.

The BWMC is a Council managed landfill facility, which services the local community, predominately the southern townships of Wollondilly including Bargo, Tahmoor, Thirlmere and Picton. The facility has been in operation since 1966 and is nearing the end of its landfill operational life. The landfill operation commenced prior to the declaration of mines subsidence in the district and; therefore, was not designed to consider mining subsidence impacts. Council is proposing that a waste transfer station will be commissioned at this site under its current EPA licence.

The potential impacts associated with mining operations on the condition of surface and subsurface BWMC infrastructure is of strong concern. The concerns are both operationally and from a licence compliance perspective, even after the eventual closure of the landfill.

In the Response to the Council submission on Tahmoor South proposal and EIS, SIMEC, in regards to BWMC, suggested that subsidence impacts on the facility were considered to be low, even though the impacts potentially result in slope instability and disruption to surface water and waste water treatment. Council believes that the potential resulting breaches of its EPA licence have not been considered in this assessment and, in part, leaves uncertainty regarding environmental risks as well as a question over permissibility with the proposal and its impacts on an existing facility.

Whilst Council appreciates that damage to assets can be engineered to reduce impacts and can be rectified if damaged by subsidence, Council's main concern is that the impacts may cause a breach its EPA Licence by causing discharge and in turn pollution of waters or air in contrary to the *Protection of the Environment Operations Act 1997*.

Therefore Council would like to understand how a consent under the Environmental Planning & Assessment Act 1979, could be issued when it surmises that there would be probably damage to a licenced facility and in turn cause a potential breach of the *Protection of the Environment Operations Act 1997*.

Council would like to raise with the consent authority a concern that to grant consent for the revised mining proposal under our operational licenced waste facility may not be permissible under the EP&A Act. Essentially, Council requests that the DPIE impose conditions which eliminate or mitigate the adverse impacts on BWMC and; therefore, the extent of mining may need to be adapted to avoid and minimise impacts. If modification of the mining plan is not immediately possible, to insist that the consent authority refuse to grant development consent to the mine extension until appropriate and agreed mitigation measures are developed.

We wish the matter to be reviewed fully and that a satisfactory resolution of the matter be proposed by the proponent.

Please contact Council's Manager of Environmental Outcomes, Alexandra Stengl on 4677 9577 or via e-mail alexandra.stengl@wollondilly.nsw.gov.au to arrange a meeting and/or to discuss aspects of this submission.

Yours faithfully



Michael Malone
DIRECTOR
INFRASTRUCTURE & ENVIRONMENT