

19 December 2019

NSW Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Mr David Kitto, Executive Director

Dear David,

RE: STRATFORD COAL MINE (SSD-4966) – MCC WATER ACCESS MODIFICATION

Yancoal requests that the Minister for Planning and Public Works modify Development Consent (SSD-4966) under section 4.55(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to permit water stored at its Stratford Coal Mine to be made available to MidCoast Council (as a public authority) for the benefit of local services and other potential public purpose water needs.

Background

Stratford Coal Pty Ltd (SCPL), a wholly owned subsidiary of Yancoal Australia Limited (Yancoal), has the benefit of a development consent (SSD-4966) for the Stratford Coal Mine, which is located in the MidCoast Council (MCC) Local Government Area (LGA).

MCC has approached Yancoal regarding critical water shortages in the Manning Catchment and the potential for Yancoal to provide additional water sources during the ongoing drought and current fire emergency. Yancoal acknowledges that water stored in the Stratford Coal Mine water management system offers an additional water source that could be made available to MCC for its use as a public authority. However, Yancoal has identified that Development Consent (SSD-4966) does not contemplate this activity.

Proposed Modification

Yancoal proposes to make water stored in the Stratford Coal Mine water management system available to MCC as a public authority for public purpose water needs (the Modification).

The water would be made available to road registered water haulage trucks at a rate of up to 25 trips per day (i.e. 50 truck movements). The trucks would access the mine site and truck fill point via an existing access shown on Figure 1. Access to the water would be limited to daytime hours (7 am to 6 pm) Monday to Saturday, as defined in the NSW Environment Protection Authority's (2017) *Noise Policy for Industry*.

A water supply/holding tank(s) would be established to provide operational flexibility and supply water to a water fill point. The proposed water tanks and any necessary supporting infrastructure, to facilitate water truck filling (e.g. pumps, pipes, standpipe), would be located within approved surface development areas (and disturbed area water management extents) at the Stratford Coal Mine (Figure 1).

The Modification would involve no change to mining operations at the Stratford Coal Mine. The mine life, mining rate, hours of operation, surface disturbance footprint and workforce would all remain unchanged. Accordingly, the Stratford Coal Mine would remain substantially the same development as originally approved.

Justification for the Modification

With the ongoing drought and current fire emergency, MCC has a critical need to access additional water resources.

The Modification would enable MCC (as a public authority) to access water stored at the Stratford Coal Mine for public purpose water needs.

Yancoal has discussed the proposed modification with the EPA, which is generally supportive of the proposal. MCC is also supportive of the proposal.

Environmental Review

The Modification would involve no change to mining operations at the Stratford Coal Mine. Therefore, there would be no material alteration to the approved impacts of the Stratford Coal Mine on the following environmental aspects:

- land resources, rehabilitation and final landforms;
- waste rock management and geochemistry;
- terrestrial and aquatic flora and fauna;
- surface water resources;
- groundwater resources;
- non-Aboriginal heritage;
- Aboriginal heritage; and
- population.

Table 1 provides a review of the potential environmental impacts of the Modification.

Table 1
Environmental Review

Environmental Aspect	Environmental Review
Surface Water	<ul style="list-style-type: none"> • Water would be supplied to a public authority (MCC) for a public purpose. • The use of water supplied to MCC is not the subject of this Modification.
Road Transport	<ul style="list-style-type: none"> • The MCC water trucks would use the existing road network within the LGA regardless of the Modification. Accordingly, the Modification would not result in an increase in traffic on public roads in the LGA. • The Modification would involve 25 water truck trips per day (i.e. 50 truck movements), between the hours of 7 am and 6 pm, Monday to Saturday. • The trucks would access the Stratford Coal Mine via Bowens Road to the west of the Stratford Coal Mine.
Noise	<ul style="list-style-type: none"> • Noise would be managed by limiting water trucking activities to daytime hours as defined in the NSW <i>Noise Policy for Industry</i> (EPA, 2019).
Air Quality	<ul style="list-style-type: none"> • Water trucks would use existing roads within the Stratford Coal Mine. • All roads and trafficked areas required to enable water truck filling within the Stratford Coal Mine will be regularly maintained and watered to minimise the generation of dust in accordance with the Stratford Coal Mine Air Quality Management Plan.

Approval Pathway

Approval for the Modification is sought as a modification to the Development Consent (SSD-4966) under section 4.55(1A) of the EP&A Act. Section 4.55(1A) relevantly provides:

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

In consideration of the Environmental Review above, Yancoal considers the Modification would not change the approved environmental impacts of the Stratford Coal Mine and would result in social benefits by assisting MCC meet its community-based water needs.

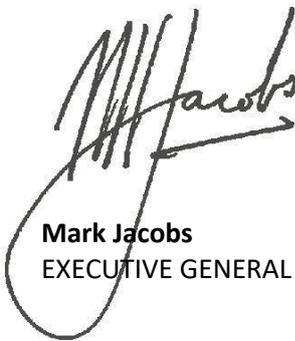
Development Consent (SSD-4966) has not been previously modified. The Modification would involve no change to mining operations at the Stratford Coal Mine.

Accordingly, Yancoal requests that the Minister for Planning and Public Works (or delegate) modify Development Consent (SSD-4966) under section 4.55(1A) of the EP&A Act by including a condition that permits water stored at the Stratford Coal Mine to be made available to a public authority for public purpose water needs.

Please do not hesitate to contact the undersigned should you wish to discuss.

Yours sincerely

YANCOAL AUSTRALIA LTD

A handwritten signature in black ink, appearing to read 'Mark Jacobs', with a large, stylized flourish underneath.

Mark Jacobs

EXECUTIVE GENERAL MANAGER - ENVIRONMENT & COMMUNITY