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# Modification 9 of Springvale Water Treatment Project

State Significant Development Modification Assessment Report (SSD-7592-Mod-9)

December 2023





# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 9 of Springvale Water Treatment Project (SSD-7592-Mod-9)  
Assessment Report

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# Preface

This assessment report provides a record of the Department of Planning and Environment's (the Department) assessment and evaluation of modification 9 of the State significant development (SSD) application for the Springvale Water Treatment Project lodged by Springvale Coal Pty Limited (Springvale Coal). The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations;
- a demonstration of how matters raised by the community and other stakeholders have been considered;
- an explanation of any changes made to the modification during the assessment process;
- an assessment of the likely environmental, social and economic impacts of the modification;
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable; and
- an opinion on whether the modification is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether the consent for the project can be modified and any conditions that should be imposed.

# Executive Summary

The Springvale Water Treatment Project (WTP) is located approximately 15 km northwest of Lithgow, adjacent to the Mount Piper Power Station (MPPS).

The Springvale WTP is a joint venture between Springvale Coal Pty Limited (Springvale Coal) (the applicant), a subsidiary of Centennial Coal Company Limited (Centennial), and Energy Australia Pty Limited (Energy Australia) and is managed by Veolia Water Australia Pty Limited.

The Springvale WTP operates under State Significant Development (SSD) consent SSD 7592 granted by the then Planning Assessment Commission on 19 June 2017. The modified consent provides for the transfer and treatment of up to 42 ML per day of mine water from Angus Place and Springvale Coal Mine and the transfer of excess treated water to Thompsons Creek Reservoir using the existing Cox's River Water Supply Pipeline.

The consent permitted an interim strategy which included the transfer of up to 5,760 ML of partially treated (filtered) mine water to Thompsons Creek Reservoir until 31 October 2023. Springvale Coal proposes to modify consent SSD 7592 to extend an interim water management strategy at the Springvale WTP for an additional 3 years, until 31 October 2026.

The modification application was lodged under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Department is satisfied that the proposed modification is within the scope of section 4.55(1A) EP&A Act and can be assessed and determined under this section.

In accordance with Section 4.5(a) of the EP&A Act and clause 2.7(1) of the *State Environmental Planning Policy (Planning Systems) 2021*, the Commission is the consent authority for the modification application as Centennial has reported political donations.

The Department exhibited the modification report from 28 September until 12 October 2023 and received four public submissions, three in support and one objecting.

The Department's Biodiversity Conservation Division (BCD), Environment Protection Authority (EPA) Office of Energy and Climate Change (OECC), WaterNSW and Lithgow City Council did not raise significant concerns.

The Department's assessment has found that the proposed modification would have a negligible impact on the water quality in Thompsons Creek Reservoir and downstream catchment water quality. The EPA, BCD and WaterNSW agree with the assessment findings and support the proposal.

The transfer of water would be managed under the existing conditions of consent, which includes a total limit of up to 5,760 ML of partially treated water that can be transferred to Thompsons Creek Reservoir. The Department has recommended that the time period for this be extended until 31 October 2026.

The Department is satisfied that storage capacity can be managed to accommodate the proposed transfer volumes without compromising the storage capacity of Thompsons Creek Reservoir or increasing the risk of water overflows.

The proposed modification would assist in managing mine water inflows to Angus Place and Springvale mines and avoid unauthorised discharges of untreated mine water that could impact downstream catchment water quality.

The Department's assessment has concluded that the potential impacts of the modification are similar in nature and scale to those of the existing operations and can be appropriately managed through existing and proposed conditions of consent.

Consequently, the Department considers that the proposed modification is in the public interest and is approvable, subject to the recommended conditions.

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# 1 Introduction

1. The Springvale Water Treatment Project (Springvale WTP) is located approximately 15 km northwest of Lithgow, adjacent to the Mount Piper Power Station (MPPS) (see Figure 1).
2. The Springvale WTP is a joint venture between Springvale Coal Pty Limited (Springvale Coal) (the applicant), a subsidiary of Centennial Coal Company Limited (Centennial), and Energy Australia Pty Limited (EnergyAustralia) and is managed by Veolia Water Australia Pty Limited.
3. The Springvale WTP was developed as an industrial water reuse scheme to use mine water transferred from the nearby Angus Place Colliery and Springvale Coal Mine as cooling water at the MPPS (see Figure 2).
4. The Springvale WTP operates under State Significant Development (SSD) consent SSD 7592 granted by the then Planning Assessment Commission on 19 June 2017. The modified consent provides for the transfer and treatment of up to 42 ML per day of mine water from Angus Place and Springvale Coal Mine and the transfer of excess treated water to Thompsons Creek Reservoir using the existing Cox's River Water Supply Pipeline.
5. The consent has been modified on eight occasions, with Modifications 1 and 2 dealing with pipeline alignment works. Modifications 3, 4, 5, 7 and 8 relate to an interim water management strategy. Modification 6 relates to an alternative mine water management strategy for water that falls outside specification for the Springvale WTP.
6. The interim water management strategy approved under Modifications 3, 4, 5, 7 and 8 allows for up to 5,760 ML of partially treated (filtered) mine water to be stored in Thompsons Creek Reservoir until 31 October 2023. As of 20 September 2023, only 2,693 ML of the approved transfer volume (or 47%) of partially treated mine water had been pumped to Thompsons Creek Reservoir.

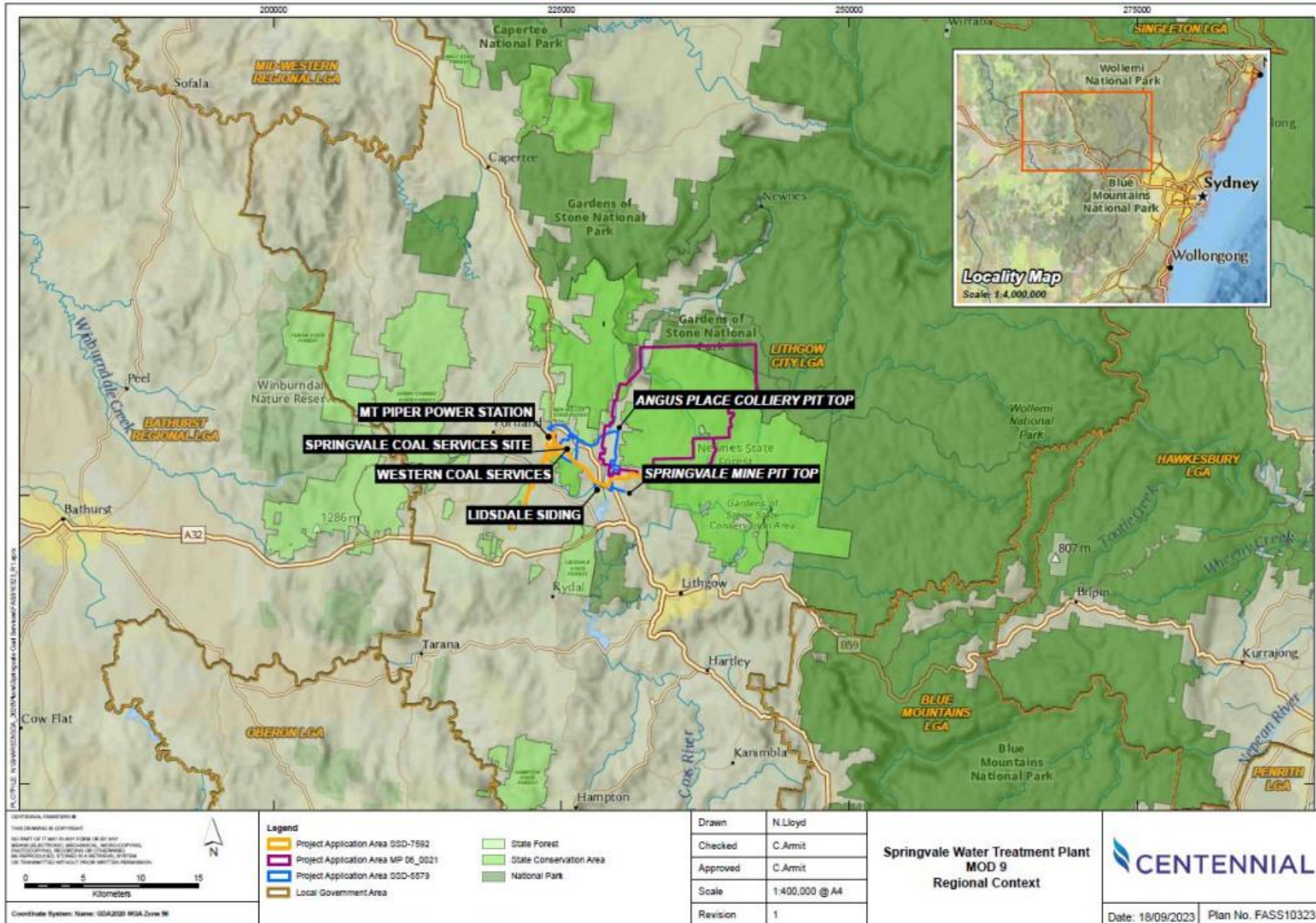
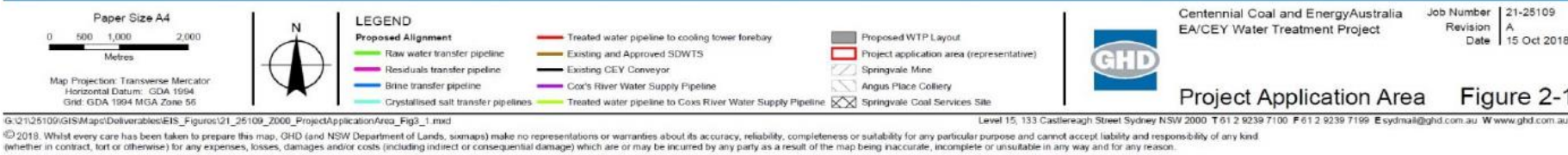
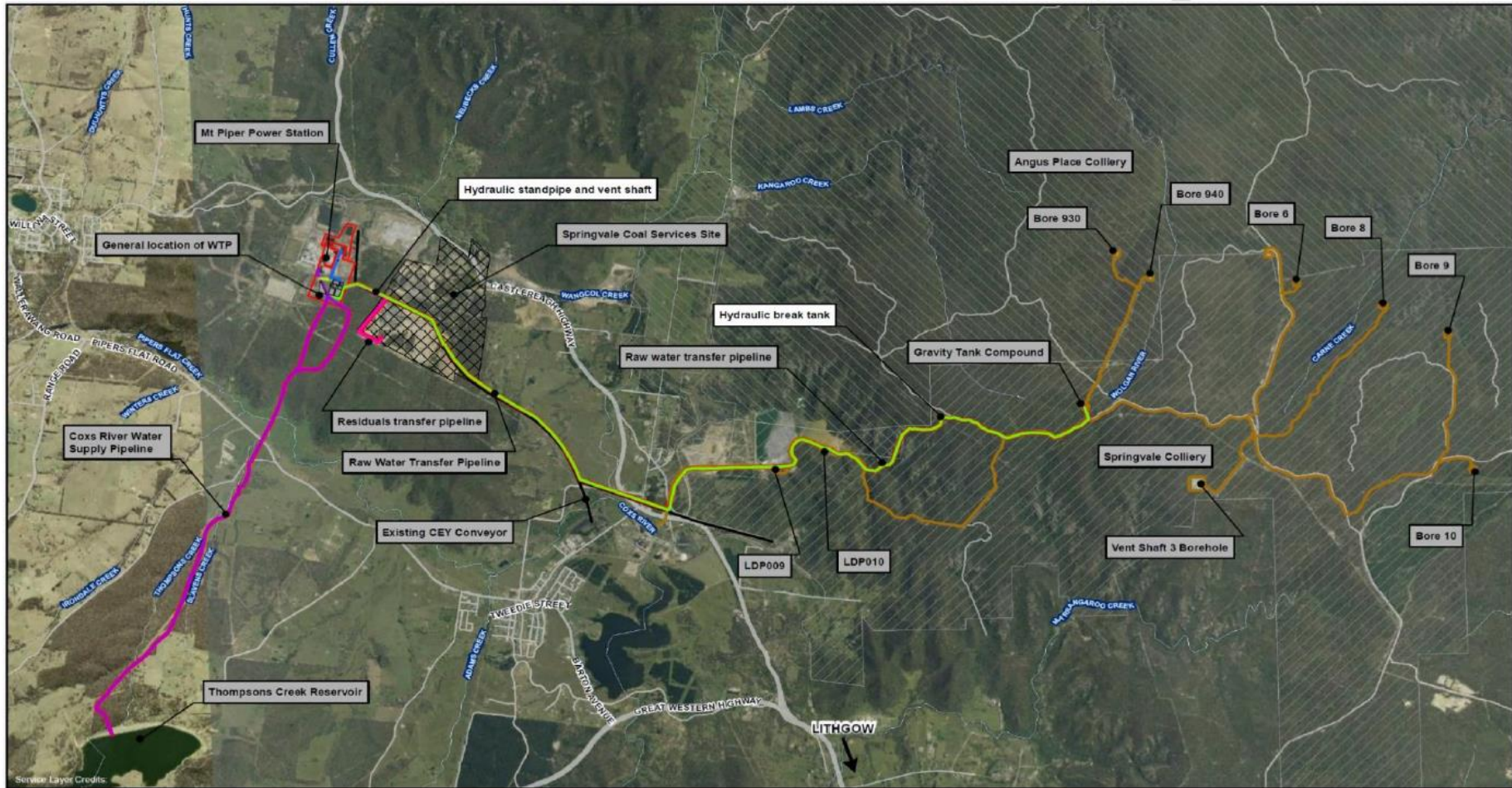


Figure 1 | Regional context map





**Figure 2 | Springvale WTP location and components**

## 2 Proposed modification

7. Springvale Coal is seeking to extend the timeframe for the interim water management strategy from 31 October 2023 to 31 October 2026.
8. This extension would allow for the continued transfer of partially treated mine water to Thompsons Creek Reservoir using the Cox's River Water Supply Pipeline (see Figure 2) and time for finalisation of ongoing investigations on medium to long-term strategies for the management of mine inflows at Springvale and Angus Place.
9. The transfer of partially treated mine water to Thompsons Creek Reservoir would utilise available capacity within the previously assessed and approved limit of 5,760 ML at a rate of up to 42 ML per day.
10. No new infrastructure or other amendments to the consent are proposed as part of MOD 9.
11. The key aspects of the modification are provided in detail in the modification report (see Appendix A).

## 3 Strategic Context

### 3.1 Energy security

12. The Lithgow region is a strategically important coal mining centre that is important for cost effective generation of electricity for Sydney and NSW. Springvale Mine is the main local supplier of coal to the MPPS, which provides up to 15% of NSW's electricity. Springvale Mine typically provides between 80% and 100% of all coal supplied to the power station. In the broader context of NSW energy supply, it is important that the power station has a reliable source of coal to enable it to operate continuously, particularly during periods of increased demand.
13. MPPS was commissioned in 1992. It is one of four operational coal-fired power station in NSW. It is the newest and also expected to be the last operating coal-fired power station in the State, with an expected closure date of 2040.
14. Coal supply to MPPS is limited by a lack of rail access from the Hunter Valley coal supply chain. MPPS has alternative coal supply but not at an adequate volume without impacts on regional communities or additional Government intervention (such as for coal trucking). In the future it may be feasible to supply coal via rail from other existing mines located further afield in the Mudgee area, however this is not currently a commercially viable or approved option.

Such an option is also further complicated by the current loader/unloader infrastructure at used by Centennial.

15. Operation of the Springvale Mine relies on effective water management infrastructure, including the Springvale WTP and Western Coal Services Project to manage mine inflows, create a safer mining environment for workers and support ongoing coal supply to MPPS.
16. The current water management issues and water levels at Springvale mine threaten medium term coal supply to MPPS. If Springvale operations cease or are impacted significantly there are significant and prolonged electricity reliability risks from winter 2024, potentially until replacement electricity generation is built. While there are no immediate risks if Springvale mine temporarily ceases production, there are significant risks in the medium term.

### 3.2 Environmental context

17. Mining has been undertaken in the area for over 70 years within a series of underground mine workings and open cut pits. The Springvale WTP is located within the Coxs River catchment. The Coxs River flows south toward Lake Wallace, Lake Lyell and ultimately Lake Burragorang (approximately 100 km downstream). The catchment has been exposed to impacts from mining and other industries for an extended period. Historical mining activities have included the direct discharge of mine water into the surface water environment. The commissioning of the SWTP in 2019 has dramatically reduced the volumes of mine water discharge into the catchment.

### 3.3 Sydney drinking water catchment

18. The Springvale WTP is located within the Coxs River catchment, which forms part of Sydney's drinking water catchment. Under Section 6.61(1) and 6.63 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP), the consent authority must “*not grant consent to carrying out of development*” in the drinking water catchment unless it would have a ‘neutral or beneficial effect’ on water quality (NorBE).
19. Although the NorBE test does not strictly apply to modification application<sup>1</sup>, it is clear that the intent behind Section 6.61(1) and 6.63 of the Biodiversity and Conservation SEPP is to protect Sydney's drinking water catchment, and the Department considers that this should be taken into account for these modification applications.

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<sup>1</sup> Sections 4.55(4) and 4.56(1C) of the EP&A Act each provide that a modification of a development consent is “*not taken to be granting of development consent*”.



20. Consideration of NorBE test is presented in Section 6.2 of this report.

## 4 Statutory context

### 4.1 Scope of modification

21. The modification application was lodged under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

22. The Department considers that the modification application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved;
- is substantially the same development as approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

23. The Department is therefore satisfied that the proposed modification application is within the scope of section 4.55(1A) of the EP&A Act and can be assessed and determined under this section.

### 4.2 Consent authority

24. Centennial, the parent company to Springvale Coal (the applicant for the modification application), disclosed a reportable political donation under section 10.4 of the EP&A Act.

25. As such, in accordance with Section 4.5(a) of the EP&A Act and clause 2.7(1) of the *State Environmental Planning Policy (Planning Systems) 2021*, the Independent Planning Commission of NSW (the Commission) is the consent authority for the application.

### 4.3 Other approvals and authorisations

26. Activities associated with the Springvale WTP are also regulated under Environment Protection Licence (EPL) 2607, issued in accordance with the *Protection of the Environment Operations Act 1997*. Should the modification be approved, the EPL would not require variation.

## 4.4 Mandatory matters for consideration

27. In determining the modification, the consent authority must take into consideration the relevant matters referred to in section 4.15(1) and 4.55(3) of the EP&A Act, including the objects of the Act, applicable environmental planning instruments, the likely impacts of the modification application, site suitability and the public interest.
28. The Department has considered these matters carefully and has summarised its findings in Section 6 and Appendix B.

# 5 Engagement

## 5.1 Exhibition of the modification

### 5.1.1 Public exhibition of the modification application

29. After accepting the modification request and report, the Department publicly exhibited the modification for a period of 14 days from 28 September 2023 until 12 October 2023 on the NSW planning portal and notified each person who made a submission in relation to the original development application as well as relevant government agencies and Lithgow City Council (Council).

### 5.1.2 Summary of agency advice

30. The Department received advice from six government agencies and Council in response to the exhibition of the proposed modification. A summary of this is provided in **Table 1**. A copy of all agency advice is provided in **Appendix A**. Further consideration of agency advice is provided in Section 6.

**Table 1** | Summary of agency advice

Agency	Advice summary
EPA	EPA did not raise specific concerns during exhibition of the modification, however provided recommended conditions on review of the submissions report. These recommended conditions are considered in Section 6 and are reflected in the proposed instrument of modification.
WaterNSW	WaterNSW generally agreed with the interpretation of water quality impacts and reiterated that any water quality monitoring results that exceed predictions or any spills from Thompsons Creek Reservoir should be reported immediately to WaterNSW.



Agency	Advice summary
<b>Biodiversity Conservation Division (BCD) and the Department's Water Group</b>	No concerns raised.
<b>Lithgow City Council</b>	No objection to the proposed modification raised.
<b>The Office of Energy and Climate Change (OECC)</b>	OECC advised that the Springvale Mine is significant for NSW electricity supply and noted that the current water management issues threaten mining operations and therefore subsequently threaten coal supply and electricity generation. OECC emphasised that the proposed modification would assist with continuation of mining operations at Springvale mine and hence help alleviate the risk of an energy emergency.

### 5.1.3 Summary of public submissions

31. A total of four public submissions were received in response to the exhibition of the proposed modification.
32. These submissions comprised:
  - three submissions expressing support for the proposed modification, including two from special interest groups and one from an individual; and
  - one submission objecting to the proposed modification from an interest group.
33. All four submissions were considered unique. One submission (support) was from between five and 100 km from the project while the remaining three submissions (two in support and one objection) came from greater than 100 km from the project.
34. A link to all submissions in full is provided in Appendix A.
35. The issues raised in support relate to social benefits and energy security.
36. The issues raised in objection relate to compliance, water quality and water related biodiversity impacts. Water quality and water related biodiversity impacts have been addressed further in Section 6.

## 5.2 Response to submissions

37. Following the public exhibition period, the Department requested Springvale Coal to respond to the issues raised in submissions and the advice received from government agencies.

Springvale Coal provided a submissions report to the Department on 12 December 2023 (see Appendix A).

38. The Department published the submissions report on the NSW planning portal and forwarded the submissions report to relevant government agencies and local council for comment on 12 December 2023.

## 6 Assessment

39. The proposed modification is for an extension of time to continue operating the previously assessed and approved interim water management strategy until 31 October 2026. The modification does not seek to change the volume, rate or quality of water transferred to Thompsons Creek Reservoir. The potential for environmental impacts greater than those previously assessed and approved is therefore minimal.
40. Nevertheless, potential impacts to water quality and water related biodiversity impacts were raised as the issue of most concern from the objecting community member.

### 6.1 Water Quality

41. Mine water would be partially treated using filtration to remove solids before bypassing the reverse osmosis unit and being transferred to Thompsons Creek Reservoir.
42. The Water Quality Assessment (GHD, 2023) presented a statistical analysis of water quality data to identify how the addition of the partially treated mine water undertaken to date has influenced the water quality within Thompsons Creek Reservoir. The assessment also validated modelling undertaken for Modification 3 and Modification 4. The validation found that the modelling undertaken for Modification 3 was the most appropriate for comparing observed and predicted changes in water quality to date due to a closer correlation between modelled transfer volumes and the water transfers completed to date.
43. The analysis included a comparison of the observed and predicted change in water quality values against default guideline values (DGVs) from the *Australia and New Zealand Water Quality Guidelines* (ANZG 2018) for 95% species protection of aquatic ecosystems. Whilst some parameters have been above the corresponding DGVs, only the measured EC results have been identified as statistically different to the water quality recorded within the reservoir before transfers commenced.
44. The observed EC after partially treated mine water transfers (749  $\mu\text{S}/\text{cm}$ ) was approximately 150  $\mu\text{S}/\text{cm}$  higher than the concentration before partially treated mine water transfers. The Department notes that the Modification 3 predictions were based on 50<sup>th</sup> percentile (median)

values. When median observed values are compared with median predictions, observed EC (656 uS/cm) is lower than the modelled EC (681 uS/cm).

45. In response to the submissions report, EPA noted that the proposed modification would result in water with a higher EC value (maximum 1244 uS/cm) being transferred to Thompsons Creek Reservoir. As of July 2023, Thompsons Creek Reservoir had an EC of 500 uS/cm.
46. The Department and EPA consider that Centennial should be aiming for lower EC values to continue to build on the improvements in EC at Thompsons Creek Reservoir. The Department has therefore adopted EPA's recommended limits.
47. EPA considers, and the Department agrees, that any risks of an increase to EC can be managed via conditions requiring:
  - installation and maintenance (in consultation with EnergyAustralia) of real-time water quality monitoring system capable of assessing water quality in the Thompsons Creek Reservoir;
  - management of water quality to ensure EC does not exceed 650 uS/cm at any time; and
  - notification to EPA and WaterNSW when EC in the Thompsons Creek Reservoir exceeds 550 uS/cm.
48. Information provided as part of the response to submissions stated there is no evidence of cumulative impacts from the Springvale WTP operations on aquatic ecosystem health of the Upper Cocks River Catchment.
49. Water quality monitoring would continue weekly within Thompsons Creek Reservoir and quarterly in downstream creeks. This would be in addition to the real-time monitoring requirement mentioned above.
50. The volume of discharge from Springvale WTP to Thompsons Creek Reservoir would continue to be monitored daily.
51. EPA also provided several recommendations directed to Springvale Coal, including:
  - Development of a strategy to account for the potential increase to storage volumes in Thompsons Creek Reservoir in the event of excess volumes of mine water; and
  - Investigation of options for an EPA licensed water discharge point associated with the SWTP.
52. The Department understands that Springvale Coal has already commenced work on the development of several water management strategies associated with its operations in the area. It is further understood that EPA is and will continue to be involved in the development of such strategies.

## 6.2 Other issues

53. The Department’s consideration of other issues is summarised in Table 2 below.

**Table 2 | Assessment of other issues**

Issue	Findings and conclusions
<b>Reservoir capacity</b>	<ul style="list-style-type: none"> <li>Thompsons Creek Reservoir has a total capacity of 27,500 ML. The full supply level (FSL) at the reservoir is set at 1,033 m AHD, which is 0.3 m below the invert level of the spillway to allow the reservoir to hold any catchment run-off without spilling.</li> <li>During operation of the Springvale WTP the water level is typically managed between the high and low operating levels which is between 0.4 m and 1.4 m below the FSL (i.e. between 1,032.6 m AHD and 1,031.6 m AHD).</li> <li>The extension of time proposed to transfer treated water to Thompsons Creek Reservoir would not change management of water levels. The existing provisions for circumstances where the reservoir approaches the high operating level would continue in accordance with the <i>Dam Safety Act 2015</i> and <i>Dam Safety Regulations 2019</i> and relevant EPL.</li> <li>The Department is satisfied that storage capacity can be managed to accommodate the proposed transfer volumes without compromising the storage capacity of Thompsons Creek Reservoir or increasing the risk of water overflows.</li> <li>Springvale Coal has developed appropriate emergency spill protocols in consultation with EPA and WaterNSW and incorporated this into its existing Water Management Plan.</li> </ul>
<b>Sydney drinking water catchment</b>	<ul style="list-style-type: none"> <li>The neutral or beneficial effect test in <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> does not strictly apply to modification applications.</li> <li>The catchment has been exposed to impacts from mining and other industries for an extended period. Historical mining activities have included the direct discharge of mine water into the surface water environment. The commissioning of the SWTP in 2019 has dramatically reduced the volumes of mine water discharge into the catchment.</li> <li>The assessment has demonstrated that the modification is unlikely to result in any additional impacts on water quality or quantity beyond those of the approved project. The continuation of the interim water management strategy, as proposed, would minimise the risk of uncontrolled and untreated discharges of mine water into the catchment, as has occurred historically.</li> </ul>

Issue	Findings and conclusions
<b>Operational efficiency / Economic</b>	<ul style="list-style-type: none"> <li>• Over recent years, the Springvale WTP has experienced periods of non-operation or reduced flows that have resulted in mine water not being treated and therefore accumulating in the underground workings of Springvale and Angus Place mines.</li> <li>• The interim water management strategy approved and modified under SSD 7592 was designed to provide an alternative storage solution during these periods of reduced or non-operation to avoid accumulated mine water impacting mine infrastructure and operations or resulting in unauthorised discharges from the mine.</li> <li>• Springvale Mine’s current southern longwall block workings require dewatering to ensure the safety of the mine personnel and the continued extraction of coal for supply to MPPS.</li> <li>• Angus Place Colliery is in care and maintenance, however, requires ongoing dewatering to maintain ventilation and access within the mine workings, prevent flooding of infrastructure and sterilisation of future coal reserves.</li> <li>• It is the view of the OECC, and the Department agrees, that without measures such as this modification the current situation presents a real risk of an energy emergency in the medium term.</li> <li>• The Department also considers that the proposed modification could assist in preventing flooding of workings and potential repressurisation and discharge via adits into the environment which could have significant economic and environmental impacts.</li> </ul>

## 7 Evaluation

54. The Department has assessed the merits of the proposed modification and has considered the relevant matters and objects of the EP&A Act, advice from government agencies, local councils and public submissions (Section 5), and strategic government policies and plans (Appendix A).
55. The Department’s assessment has found that the proposed modification would have a negligible impact on the water quality in Thompsons Creek Reservoir and downstream catchment water quality. The EPA, BCD and WaterNSW agree with the assessment findings and support the proposal.



56. It is the view of the OECC, and the Department agrees, that without measures such as this modification the current situation presents a real risk of an energy emergency in the medium term.
57. The transfer of water would be managed under the existing conditions of consent, which includes a total limit of up to 5,760 ML of partially treated water that can be transferred to Thompsons Creek Reservoir. The Department has recommended that the time period for this be extended until 31 October 2026.
58. The Department is satisfied that storage capacity can be managed to accommodate the proposed transfer volumes without compromising the storage capacity of Thompsons Creek Reservoir or increasing the risk of water overflows.
59. The proposed modification would assist in managing mine water inflows to Angus Place and Springvale mines and avoid unauthorised discharges of untreated mine water that could impact downstream catchment water quality.
60. The Department considers that the extension of time for the interim water management strategy would enable continued production for Springvale and Angus place mines for supply to MPPS and provide time for finalisation of ongoing investigations on medium to long-term strategies for the management of mine inflows at Springvale and Angus Place.
61. The Department's assessment has concluded that the potential impacts of the modifications are similar in nature and scale to those of the existing operations and can be appropriately managed through existing and proposed conditions of consent.
62. Consequently, the Department considers that the proposed modification is in the public interest and is approvable, subject to the recommended conditions set out in the notice of modification (see **Appendix C**). A consolidated development consent incorporating the recommended changes is provided in **Appendix D**.
63. This Modification Assessment Report is hereby presented to the Commission to determine the application.

# Appendices

## Appendix A – List of referenced documents

**A1 – Modification Report:** Refer to the ‘Modification Application’ folder under the ‘Assessment’ tab on the Department’s website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-extend-interim-water-management-strategy-timeframe>

**A2 – Submissions:** Refer to the ‘Submissions’ tab on the Department’s website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-extend-interim-water-management-strategy-timeframe>

**A3 – Submissions Report:** Refer to the ‘Response to Submissions’ folder under the ‘Assessment’ tab on the Department’s website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-extend-interim-water-management-strategy-timeframe>

**A4 – Agency Advice:** Summarised in Table A1. Refer to the ‘Agency Advice’ folder under the ‘Assessment’ tab on the Department’s website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-extend-interim-water-management-strategy-timeframe>

**Table A1** | Agency advice

Agency	Advice
<b>Environment Protection Authority (EPA)</b>	EPA advice on Mod 5
<b>BCD</b>	BCD advice on Mod 5
<b>WaterNSW</b>	WaterNSW advice on Mod 5
<b>Lithgow City Council</b>	Lithgow City Council advice on Mod 5

## Appendix B – Statutory considerations

### Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Error! Reference source not found.

**Table 3 |** Objects of the EP&A Act and how they have been considered

Object	Consideration
<p><b>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</b></p>	<p>The modification meets this objective because it would:</p> <ul style="list-style-type: none"> <li>• allow efficient extraction of coal and maintain coal supply; and</li> <li>• provide ongoing dewatering of Springvale and Angus Place mines to enable safe production and avoid sterilisation of these resources.</li> </ul> <p>Overall, the Department considers that any minor impacts can be appropriately managed under existing and recommended conditions</p>
<p><b>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</b></p>	<p>The Department considers that the modification is minor and can be carried out in a manner that is consistent with the principles of ecologically sustainable development as it would:</p> <ul style="list-style-type: none"> <li>• not require clearing of any native vegetation;</li> <li>• have no impact on Aboriginal cultural heritage or historic heritage;</li> <li>• have minimal environmental impact beyond what is already approved; and</li> <li>• provide ongoing employment in the region and result in associated economic benefits</li> </ul>
<p><b>(c) to promote the orderly and economic use and development of land,</b></p>	<p>The modification represents a continuation of land use which is permissible on the subject land.</p> <p>The modification would not require any additional land clearing and would result in no additional impacts to built or natural features beyond what is already approved. The Department considers this represents an orderly and economic use of the land.</p>
<p><b>(d) to promote the delivery and maintenance of affordable housing,</b></p>	<p>The modification would have no impact on the existing approved project boundary.</p>

Object	Consideration
<b>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</b>	The modification does not require any land clearing and avoids any impacts on threatened species and communities and key habitats.
<b>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</b>	The modification would not directly impact Aboriginal cultural heritage or historic heritage.
<b>(g) to promote good design and amenity of the built environment,</b>	The modification would not require any changes to the existing built environment.
<b>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</b>	The modification does not require the construction of any buildings.
<b>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,</b>	The Department has assessed the modification application in consultation with Lithgow City Council and other relevant NSW government authorities and given consideration to the issues raised by these agencies in its assessment.
<b>(j) to provide increased opportunity for community participation in environmental planning and assessment.</b>	The Department publicly exhibited the Modification Report and application and considered all submissions in its assessment.

## Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the following considers the relevant provisions of the EPIs that govern the carrying out of this project and have been taken into consideration in the Department's environmental assessment.

### *Lithgow Local Environmental Plan 2014 (Lithgow LEP 2014)*

The Springvale WTP is located within the Lithgow City local government area. Under the *Lithgow Local Environmental Plan 2014 (Lithgow LEP 2014)*, the proposed development area includes land zoned as:

- RU1 - Primary Production;
- RU2 - Rural Landscape;

- RU3 - Forestry; and
- SP2 – Infrastructure.

Water supply systems are permissible with consent in the RU1 and RU2 zones. Non-forestry land uses in State Forests are permitted in accordance with the *Forestry Act 2012* and are subsequently permissible without consent in the RU3 zone. Development that is ancillary to the operation of the Mount Piper Power Station is permissible with consent in the SP2 zone.

Consequently, the project is permissible with development consent.

### ***State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)***

The proposed modification is for the purposes of coal mining which is identified as State Significant Development through Clause 5 of Schedule 1 of the Planning Systems SEPP.

As Centennial Coal has disclosed a reportable political donation, under Section 2.7(1)(c) of the Planning System SEPP and in accordance with Section 4.5(a) of the EP&A Act the Independent Planning Commission is the consent authority.

### ***State Environmental Planning Policy (Resilience and Hazards) 2021***

Hazardous and offensive development (chapter 3) Chapter 3 of this SEPP requires persons proposing to carry out development for the purposes of potentially hazardous industry to prepare a Preliminary Hazard Analysis and to submit this with the development application.

The proposed modification is not considered a “potentially hazardous industry” or “potentially offensive industry” as described in this SEPP. Consequently, Springvale Coal did not prepare a preliminary hazard analysis, and the Department considers that Part 3.11 of the SEPP does not apply to determination of the modification application.

## **Appendix C – Instrument of modification**

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-extend-interim-water-management-strategy-timeframe>

## **Appendix D – Consolidated development consent**

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-9-extend-interim-water-management-strategy-timeframe>