

6 September 2011

Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mr David Kitto

Dear Mr Kitto

RE: WAMBO – MONTROSE EAST UNDERGROUND MINE MODIFICATION – RESPONSE TO SUBMISSIONS

Please find enclosed Wambo Coal Pty Limited's response to submissions received to date on the Environmental Assessment for the Montrose East Underground Mine Modification for your review.

Please do not hesitate to contact the undersigned on (02) 6570 2206 if you have any queries regarding the modification.

Yours faithfully



LACHLAN CRAWFORD
Environment and Community Manager

Enclosure A. Response to Submissions on the Montrose East Underground Mine Environmental Assessment

ENCLOSURE A

RESPONSE TO SUBMISSIONS ON THE
MONTROSE EAST UNDERGROUND MINE
ENVIRONMENTAL ASSESSMENT

Table 1
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
1	Office of Environment and Heritage	<i>OEH considers that proposed development may impact or cause harm to these Aboriginal sites as a result of subsidence occurring within the project area following longwall mining. The proponent will therefore be required to manage the sites in accordance with the requirements of the <u>National Parks and Wildlife Act 1974</u> (NPW Act). This will involve the submission of an application to OEH for an Aboriginal Heritage Impact Permit (AHIP) following the determination of consent and prior to any ground disturbance or construction activities occurring.</i>	As described in Section 4.5.2 of the Montrose East Underground Mine Modification Environmental Assessment (EA), Wambo Coal Pty Ltd (WCPL) would, prior to disturbance, apply to obtain an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the <i>National Parks and Wildlife Act 1974</i> for the Modification longwall panel area.
2	Office of Environment and Heritage	<i>OEH also notes that the project application includes the establishment of Montrose East Underground Mine Surface Facilities (as identified in Figure 6 of the EA). The proponent has not provided evidence that an archaeological field assessment of this area has been undertaken to determine whether the proposed development is likely to impact on any previously unidentified Aboriginal cultural heritage values. It is therefore recommended that an additional field assessment of this area is undertaken to determine the nature, extent and scale of Aboriginal cultural heritage values and whether any Aboriginal cultural heritage values will be impacted by the development.</i>	As shown on Figure 6 of the EA, the Modification surface facilities would be located wholly within the approved and existing open cut (i.e. on the floor of the open cut, approximately 50 m below natural ground level). The open cut was subject to survey and assessment in 2002 by White (2003) in consultation with the Aboriginal community. WCPL currently holds Consent No. 2222 under section 90 of the <i>National Parks and Wildlife Act, 1974</i> for an area that includes the existing and approved open cut and the Modification surface facilities. Given the above, WCPL does not consider it necessary to conduct additional field assessments in the Modification surface facility area.
3	Office of Environment and Heritage	<i>The proposed longwall mining activities are likely to have a number of impacts on lands associated with rock outcrops on steep slopes and cliff lines. Proposed mining activities are predicted to impact areas immediately adjacent to the project area (at least 2km from the longwalls) as a result of associated subsidence processes.</i> ... <i>These areas contain landforms which have yielded a significant volume of evidence of Aboriginal occupation in the immediate local area. ... OEH considers that there is a likelihood of finding further evidence of Aboriginal occupation in those areas within the 2km greater area radius of the longwalls, in particular, in those areas immediately west and southwest of the project area (including within Wollemi National Park). ...</i> <i>OEH notes that those areas immediately west and southwest of the proposed longwall locations have not been surveyed to determine whether the proposed development is likely to impact on any previously unidentified Aboriginal cultural heritage values in these locations. The focus of the survey effort for this project occurred above and immediately adjacent to the three longwalls, although the predicted impacts of the longwall mining processes extend to at least 2km from the longwalls themselves.</i>	An Aboriginal Cultural Heritage Impact Assessment was prepared by RPS (2011) for the Modification. The Study Area used in the Aboriginal Cultural Heritage Impact Assessment (RPS, 2011) is based on the 26.5 degree angle of draw from the extent of the Modification longwall panels and represents the surface area that is likely to be affected by the subsidence from the mining of the Modification longwall panels. In relation to potential impacts to cliffs, Mine Subsidence Engineering Consultants (MSEC) (2011) state in Section 5.5.1 of the Subsidence Assessment <i>... the cliffs are predicted to experience less than 20 mm of vertical subsidence. While it is possible that the cliffs could experience subsidence slightly greater than 20 mm, as the result of far-field vertical movements, they would not be expected to experience any significant conventional tilts, curvatures or ground strains.</i> <i>The cliffs are likely to experience far-field horizontal movements, resulting from the extraction of the proposed longwalls, which were described in Sections 3.4 and 4.5. It can be seen from Fig. 4.3, that incremental far-field horizontal movements of 200 mm have been observed at distances of 200 metres from previously extracted longwalls, such as the case for these cliffs. These movements tend to be bodily movements, towards the extracted goaf area, and are accompanied by low levels of strain, which are generally less than the order of survey tolerance.</i> ...

Table 1 (Continued)
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
3 (Cont.)	Office of Environment and Heritage (Cont.)	<i>OEH requests that the proponent complete additional field assessments to determine the nature, extent and scale of Aboriginal cultural heritage values in this greater area and whether any additional Aboriginal cultural heritage values will be impacted by the development. The proponent should also consider mechanisms to avoid or mitigate any potential impacts to Aboriginal heritage in these areas.</i>	<i>Based on the experience of mining close to, but not directly beneath cliffs in the NSW Coalfields, it is possible that small isolated rock falls could occur as a result of the extraction of the proposed longwalls. It is not expected, however, that any large cliff instabilities would occur as a result of the extraction of the longwalls, as the longwalls are not proposed to be extracted directly beneath the cliffs, and are set back from the mapped bases using 26.5 degree angle of draw lines.</i> In addition, Section 5.6 of the Subsidence Assessment (MSEC, 2011) states the following in relation to impacts on rock outcrops: <i>The magnitudes of the predicted mine subsidence movements are likely to be sufficient to result in some fracturing of the rock outcrops and, where the rock is marginally stable, could then result in an instability. Previous experience in the NSW Coalfields indicates that the percentage of rock outcrops that are likely to be impacted by mining is very small.</i> During the preparation of the Subsidence Assessment, MSEC and WCPL personnel mapped the cliffs along the steep landform south of the Modification area. No rock overhangs were identified. In addition, during the cultural heritage surveys, Aboriginal groups were offered an opportunity to inspect areas associated with the cliffs (i.e. outside of the Study Area) that may have been potential Aboriginal heritage sites. The Aboriginal groups did not take up this offer although archaeologist's inspected several rock outcrops that appeared from a distance to potentially contain rock overhangs. These areas were found to contain steep sloping floors, little shelter opportunity, no deposition on the sloped floor and were not considered to represent potential archaeological sites. The proposed mitigation measures, management and monitoring for the cliffs associated with the Wollemi National Park escarpment are described in Section 4.2.2 of the EA: <i>The Modification longwall panels would be set back from the Wollemi National Park escarpment by an equivalent to a 26.5 degree angle of draw from the Whybrow seam (Section 3.1.1).</i> <i>The condition of cliffs associated with the Wollemi National Park escarpment would be documented prior to the commencement of longwall mining and periodic monitoring of the cliffs would be undertaken during longwall mining at the Modification.</i> <i>The detailed planning of the interaction of the Modification with the Wollemi National Park escarpment would be presented in the relevant Extraction Plan for consideration and approval by the relevant authorities, and would be consistent with the requirements of Development Consent DA 305-7-2003.</i> In regard to impacts beyond the 26.5 degree angle of draw, Section 4.5 of the Subsidence Assessment (MSEC, 2011) states the following: <i>The predicted far-field horizontal movements resulting from the extraction of the proposed longwalls are very small and could only be detected by precise surveys.</i>

Table 1 (Continued)
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
3 (Cont.)			In addition, the “Impacts of Potential Underground Mining in the Wyong Local Government Area Strategic Review” (DoP, 2008) reports the following regarding far field movements: <i>Far field horizontal movements involve the en masse movement of the rock mass of the order of tens of millimetres over distances of 1.5km or more. These movements give rise to induced tensile strains that are typically less than 0.01mm/m. As such, they are immeasurable and their associated impacts are of little significance.</i>
4	Office of Environment and Heritage	<i>... the EA and the cultural heritage assessment report have not detailed the consultation process with the local Aboriginal community following the preparation of the draft cultural heritage report for this proposed development modification. The absence of comments of final support from a majority of the registered Aboriginal stakeholders means that OEH is unable to comment on the appropriateness of the proposed Aboriginal heritage management strategies or the overall Aboriginal cultural heritage assessment process.</i> <i>In order to progress this issue, the proponent should seek the views or opinions of the local Aboriginal community regarding their views on the results of the cultural heritage assessment to complete the cultural heritage assessment process. In particular, the proponent will need to document the community's views of the proposed impact management strategies and final recommendations.</i>	As described in Section 2 of the Aboriginal Cultural Heritage Impact Assessment (RPS, 2011), a draft of the Aboriginal Cultural Heritage Impact Assessment (including proposed management strategies) was provided to each of the 32 registered stakeholders on 10 December 2010 for review and comment. Comments on the draft Aboriginal Cultural Heritage Impact Assessment were requested by 13 January 2011 and the offer was made for comments to be provided either verbally or in writing. In addition, proposed Aboriginal heritage management strategies were discussed with stakeholders involved in field work for the Modification and as at 15 August 2011, comment had been received from Won 1 Contracting and Wanaruah Local Aboriginal Land Council. Won 1 Contracting provided verbal comment on 10 January 2011 that they agreed with the content of the draft Aboriginal Cultural Heritage Impact Assessment including the survey and assessment findings. Wanaruah Local Aboriginal Land Council provided written comment on the 24 January 2011 indicating general agreement with the assessment. Records of this correspondence are provided in Appendix 2 of the Aboriginal Cultural Heritage Impact Assessment (RPS, 2011). No additional comments (either verbal or written) on the draft Aboriginal Cultural Heritage Impact Assessment have since been received from the Aboriginal community.
5	Office of Environment and Heritage	<i>... any adverse impacts on alluvium and surface water flows, Aboriginal cultural heritage sites, native flora and native fauna within the Park as a result of impacts arising from this project must be avoided. OEH requests that the proponent provides details of mitigation measures to ensure that there will be no impacts to Wollemi National Park.</i>	No adverse impacts are predicted to occur on the alluvium, surface water flows, Aboriginal cultural heritage sites or flora and fauna within the Wollemi National Park. As described in Section 4.2.2 of the EA, the Modification longwall panels would be set back from the Wollemi National Park escarpment by an equivalent to a 26.5 degree angle of draw from the Whybrow seam longwall mining extent. The detailed planning of the interaction of the Modification with the Wollemi National Park escarpment would be presented in the relevant Extraction Plan for consideration and approval by the relevant authorities, and would be consistent with the requirements of Development Consent DA 305-7-2003. Condition 22 of Development Consent DA 305-7-2003 states : <i>The Applicant shall ensure that the development does not cause any exceedances of the performance measures in Table 14A, to the satisfaction of the Director-General</i> Table 14A requires that “<i>nil impact</i>” occurs to the Wollemi National Park.

Table 1 (Continued)
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
5 (Cont.)			Furthermore, the condition of cliffs associated with the Wollemi National Park escarpment would be documented prior to the commencement of longwall mining and periodic monitoring of the cliffs would be undertaken before, during and after longwall mining to validate that the above performance measure has been achieved.
6	Office of Environment and Heritage	<i>... OEH intends to recommend conditions which will require the proponent to monitor the impact of mine subsidence on threatened biodiversity. OEH will also recommend that adaptive management is implemented if any harm from mine subsidence is found to occur to threatened biodiversity and that any such harm is offset according to OEH's biodiversity offsetting principles (OEH 2011a) or the implementation of BioBanking (OEH 2011b).</i>	WCPL would accept a condition that requires the monitoring of threatened biodiversity above the Modification longwalls before, during and after mining of the Modification longwall panels. WCPL proposes to conduct subsidence monitoring similar to that currently conducted in the Remnant Woodland Enhancement Programme (RWEP) areas in accordance with the existing <i>Flora and Fauna Management Plan</i> (WCPL, 2010), viz.: <i>... areas overlying existing underground workings or proposed underground mining areas are subject to annual subsidence monitoring inspections. These inspections:</i> <i>identify any isolated surface disturbances;</i> <i>assess the level of disturbance to native vegetation and the condition of the vegetation (e.g. health and vigour of species and communities); and</i> <i>assess any changes in drainage lines or watercourses (that may be attributable to subsidence).</i> In the event that monitoring indicates any harm to threatened biodiversity, WCPL would implement adaptive management to achieve continued compliance with the performance measures in Development Consent DA 305-7-2003.
7	Office of Environment and Heritage	<i>... OEH recommends that the proponent monitor the Wollemi escarpment during the mining operations. If any harm is found to occur to threatened biodiversity on the escarpment, then they must implement adaptive management to prevent any further harm and that all harm caused must be appropriately offset.</i>	As described in Section 4.2.2 of the EA: <i>The condition of cliffs associated with the Wollemi National Park escarpment would be documented prior to the commencement of longwall mining and periodic monitoring of the cliffs would be undertaken during longwall mining at the Modification.</i> In the event that monitoring identifies any subsidence impacts on the Wollemi National Park escarpment, WCPL would inspect surrounding threatened biodiversity for potential impacts. If required, adaptive management would be developed to prevent any further harm and any harm would be appropriately offset in consultation with the Department of Planning and Infrastructure. In addition, Condition 22 of Development Consent DA 305-7-2003 states : <i>The Applicant shall ensure that the development does not cause any exceedances of the performance measures in Table 14A, to the satisfaction of the Director-General</i> Table 14A requires that “nil impact” occurs to the Wollemi National Park.

Table 1 (Continued)
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
8	Department of Trade and Investment, Regional Infrastructure and Services (Resources and Energy)	<i>DTIRIS as [sic] no objections to the granting of development consent modification and recommends approval with the inclusion of the conditional requirements for a Mining Operations Plan, a Subsidence Management Plan and an Annual Environmental Management Report to the satisfaction of the Director General of the Division of Resources and Energy. The granting of any development consent modification should be subject to the following provisions:</i> <i>The Applicant shall amend the Mining Operations Plan, to include the proposed modification, to the satisfaction of the Division of Resources and Energy.</i> <i>The Applicant shall review the proposed modification activities in the Annual Environmental Management Report to the satisfaction of the Division of Resources and Energy.</i> <i>Integrated rehabilitation and environmental management reporting is to be captured in the existing Mining Operations Plan and Annual Environmental Management Report to the satisfaction of the Division of Resources and Energy's Director Environmental Sustainability.</i> <i>The proponent should ensure that the impact of the proposed activities on the functioning of the North Wambo Creek Diversion and various drainage lines in the area are minimal.</i>	WCPL notes that Development Consent DA 305-7-2003 requires the preparation of an Extraction Plan (Schedule 4, Condition 22C) rather than a Subsidence Management Plan and an Annual Review (Schedule 6, Condition 5) rather than an Annual Environmental Management Report. Notwithstanding, WCPL acknowledges the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) recommendations and in consideration of the above would: • Prepare an Extraction Plan for the Modification. • Revise the Mining Operations Plan to include the Modification. • Include a review of the Modification activities in the Annual Review. • Include integrated rehabilitation and environmental management reporting associated with the Modification in the revised Mining Operations Plan and in the Annual Review. The Groundwater Review (Heritage Computing, 2011) concluded that that with the implementation of the proposed mitigation measures there would be negligible loss of flow reporting to the North Wambo Creek Diversion and no observable reduction in alluvial flows to the lower section of North Wambo Creek and the Wollombi Brook.
9	Dam Safety Committee	<i>The DSC has received the Environmental Assessment Report for DA 305-7-2003 MOD 10, Wambo Coal Pty Ltd. The report has been reviewed and no prescribed dams are impacted. Consequently the Dams Safety Committee has no further comments at this stage.</i>	Acknowledged.
10	Mine Subsidence Board	<i>The Mine Subsidence Board has no objections to the modification.</i> <i>The site is located within the Patrick Plains Mine Subsidence District. It is therefore a requirement of Section 15 of the Mine Subsidence Compensation Act that any surface improvements and relocation of surface improvements are approved by the Mine Subsidence Board.</i>	Acknowledged.
11	The United Mineworkers' Federation of Australia	<i>The Union therefore supports the Modification No: DA 305-7-203 MOD 10 and ask for the modification consent to be approved.</i>	Acknowledged.

**Table 1 (Continued)
Response to Submissions**

Number	Individual/ Organisation	Submission	WCPL Response
12	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding potential subsidence impacts on the Wollemi Escarpment.	As described in Section 4.2.2 of the EA, the Modification longwall panels would be set back from the Wollemi National Park escarpment by an equivalent to a 26.5 degree angle of draw. Section 2.4.5 of the Subsidence Assessment (MSEC, 2011) describes the mapping of the Wollemi Escarpment: <i>The extent of the escarpment was determined from site investigations by MSEC and WCPL, as well as from the orthophotograph and the surface level contours which were generated from an aerial laser scan of the area.</i> MSEC (2011) concluded: <i>The cliffs are predicted to experience less than 20 mm of vertical subsidence...they would not be expected to experience any significant conventional tilts, curvatures or ground strains.</i> Furthermore, Section 4.2.2 of the EA states: <i>The condition of cliffs associated with the Wollemi National Park escarpment would be documented prior to the commencement of longwall mining and periodic monitoring of the cliffs would be undertaken during longwall mining at the Modification.</i> In the event that monitoring identifies any subsidence impacts on the Wollemi National Park escarpment, WCPL would inspect surrounding threatened biodiversity for potential impacts. If required, adaptive management would be developed to prevent any further harm and any harm would be appropriately offset in consultation with the Department of Planning and Infrastructure. In addition, Condition 22 of Development Consent DA 305-7-2003 states : <i>The Applicant shall ensure that the development does not cause any exceedances of the performance measures in Table 14A, to the satisfaction of the Director-General</i> Table 14A requires that “nil impact” occurs to the Wollemi National Park.
13	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding potential subsidence impacts on the alluvium of North Wambo Creek.	A Groundwater Review was conducted for the Modification by Heritage Computing (2011). In relation to potential impacts on North Wambo Creek alluvium Heritage Computing (2011) concluded: <i>The application of a 26.5 degree line of draw offset, ... would provide protection of the diversion from direct connection with the fractured zone that would develop above the mined seam. ... it is expected that there would not be any observable loss of flow from the North Wambo Creek Diversion...</i> <i>With the proposed mitigation measure (i.e. modification of existing contour bunds to direct flow around areas where hydraulic connection has occurred), it is expected that there would be negligible loss of flow reporting to the North Wambo Creek Diversion...</i>

Table 1 (Continued)
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
13 (Cont.)	Mr and Mrs Fenwick		In relation to groundwater contingency offset measures, Section 4.3.2 of the EA states: <i>Consistent with the Surface and Groundwater Response Plan (WCPL, 2010h), in the event that monitoring identifies a groundwater quality or level trigger level exceedance specified in the Groundwater Monitoring Program (WCPL, 2010e), an investigation would be conducted.</i> <i>Management measures that may be implemented as a result of the investigation described above could include relinquishment of an equivalent portion of water access licences for three WCPL-owned bores in the lower reaches of North Wambo Creek (20BL 132753, 20 BL 167737 and 20BL 167738) as a direct offset for potential groundwater inflows into the underground operations.</i> Furthermore, Section 4.3.2 of the EA states the following in relation to impacts of the Modification on alluvial aquifers: <i>The Modification would reduce the extent of the approved open cut ... This would allow a larger portion of the North Wambo Creek Diversion to be located within the existing North Wambo Creek alluvium which would allow for the improved transfer of alluvial flows along the North Wambo Creek Diversion to the alluvium in the lower section of North Wambo Creek and the Wollombi Brook.</i> In addition, Heritage Computing (2011) concluded that: <i>... the reduction in North Wambo Creek alluvium that would have otherwise been open cut mined (under the existing approval), it is expected that the Modification would in fact result in a reduced impact on the alluvial aquifers than the currently approved extent of the open cut.</i>
14	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding potential subsidence impacts on stream flows in nearby watercourses.	A Groundwater Review was prepared by Heritage Computing (2011) for the Modification. Heritage Computing (2011) concluded: <i>With the proposed mitigation measure (i.e. modification of existing contour bunds to direct flow around areas where hydraulic connection has occurred), it is expected that there would be negligible loss of flow reporting to the North Wambo Creek Diversion and therefore there would be a negligible reduction in alluvial flows to the lower section of North Wambo creek and the Wollombi Brook.</i>

Table 1 (Continued)
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
15	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding the adequacy of the Aboriginal cultural heritage consultation process.	As described in Section 4.5.2 of the EA, the Aboriginal Cultural Heritage Impact Assessment (RPS, 2011) has been undertaken in accordance with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> (NSW Department of Environment, Climate Change and Water [DECCW], 2010a) and the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW, 2010b). A detailed description of the consultation process is also included in Section 2 of the Aboriginal Cultural Heritage Impact Assessment (RPS, 2011). Key steps in the consultation process included: • Open channels for dialogue between WCPL, RPS and the Aboriginal community throughout the assessment process and beyond. • A series of letters and a public notice inviting Aboriginal stakeholders to register. • Provision of a Draft Methodology, including copies of site cards relevant to the study area, to each of the 32 registered stakeholders for review and comment. • Participation by members of the Aboriginal community in the field surveys, in accordance with WCPL's established roster system. • Discussions with the Aboriginal community during field work regarding cultural significance and context of the study area and sites within the study area. • Discussions during field work regarding proposed management measures. • Provision of a draft Aboriginal Cultural Heritage Assessment to each of the 32 registered stakeholders for review and comment. • Finalisation of the Aboriginal Cultural Heritage Assessment including a copy of comments received and consideration of these comments.
16	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding the proximity of an Aboriginal Bora Ground to the Modification area.	As described in Appendix 2 of the Aboriginal Cultural Heritage Impact Assessment (RPS, 2011), the Bora Ground is located some 8km from the Modification and would not be impacted.
17	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding the adequacy of weed surveys conducted as part of the Flora Assessment.	A Flora Assessment was prepared by FloraSearch (2011) (including surveys) in accordance with the <i>Draft Guidelines for Threatened Species Assessment</i> (NSW Department of Environment and Conservation [DEC] and NSW Department of Primary Industries [DPI], 2005). As described in Section 4.3 of the Flora Assessment (FloraSearch, 2011), 50 introduced species were identified within the Modification area. In addition, several species regarded as noxious weeds in the Local Government area were identified as occurring outside of the Modification area including Mother-of-Million, Prickly Pear and African Boxthorn.

**Table 1 (Continued)
Response to Submissions**

Number	Individual/ Organisation	Submission	WCPL Response
18	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding a number of specific fauna species that were not identified during the fauna survey for the Modification.	The Fauna Assessment (Biosphere Environmental Consultants, 2011) has been prepared in accordance with the <i>Draft Guidelines for Threatened Species Assessment</i> (DEC and DPI, 2005) and <i>Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities</i> (DEC, 2004). Table 1 of the Fauna Assessment lists the threatened fauna species considered possible to occur in the Study area and surrounds and as stated in Section 4.3 of the Fauna Assessment: <i>...potential impacts of the project on all 46 threatened species listen in Table 1 ...have been considered as part of this assessment.</i> This approach results in the assessment of more species than have been recorded by this and all previous surveys. In this way, the list of species assessed is considered to be conservative.
19	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding the reliability of meteorological data used in the Flora and Fauna Assessments.	Long-term meteorological data referenced in the Fauna and Flora Assessments is derived from the nearest Commonwealth Bureau of Meteorology weather station (i.e. at Jerrys Plains Post Office, 10 km north-west of the Wambo Coal Mine). The Wambo meteorological station was not used for this purpose as its period of record is relatively short (i.e. less than 10 years) and therefore does not provide reliable long term data. The meteorological data reported in Table 2 of the Fauna Assessment is provided to describe the meteorological conditions present during the fauna surveys. The data from the Wambo meteorological station which is closer to the Modification was therefore used.
20	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding noise impacts from the Modification (including ROM coal transport and preparation).	Section 3.5 of the EA states the following in relation to impacts of the Modification on site operations: <i>The Modification would not alter approved coal handling, CHPP or product coal transport operations.</i> In addition a Noise Review was prepared by SLR Heggies (2011) for the Modification, SLR Heggies (2011) concluded: <i>The introduction of the Modification would result in no variation to the existing fixed and mobile Wambo SWL. Also, the Modification surface facilities would be located well within the approved Wambo open cut limit. It is reasonable to conclude that the proposed Modification has minimal potential to increase the intrusive noise levels at the nearest private receivers and potential noise impacts would therefore be consistent with those described in the EIS.</i>

Table 1 (Continued)
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
21	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding WCPL's noise monitoring.	WCPL conducts monitoring in accordance with the approved Noise Monitoring Program (WCPL, 2007). Section 2.4 of the Noise Review (SLR Heggies, 2011) states the following in regard to onsite noise monitoring: <i>Attended environmental noise monitoring has been undertaken on a quarterly basis at six locations around Wambo (see Attachment C1). Operator-attended noise monitoring undertaken by independent acoustic consultants since 2004 (i.e. commencement of Development Consent DA 305-7-2003) has demonstrated ongoing compliance with the noise impact assessment criteria.</i> <i>In addition to the daily review of the real-time noise monitoring summary and response undertaken by Wambo staff, in accordance with the NMP, independent acoustic consultants undertake a quarterly review of the real-time noise monitoring data in order to assess the noise management performance of Wambo.</i> <i>Review of the real-time unattended noise monitoring has been undertaken by independent acoustic consultants since 2006 (Advitech, 2006 to 2010). An evaluation of these reviews indicates that the real-time noise monitoring and response procedures have been an effective noise management tool.</i> In addition Section 2.5 of the Noise Review (SLR Heggies 2011) states the following in relation to noise related complaints received by WCPL: <i>WCPL maintains a complaints register in accordance with the Complaint Response Protocol included in the NMP. Noise-related complaints received at Wambo generally relate to short-term construction activities, coal handling and preparation plant (CHPP) operation and general mine noise associated with atypical activities or the commencement of mining activities in new areas.</i> <i>Complaints regarding noise were responded to in accordance with the NMP Complaint Response Protocol. Following each complaint, noise levels were determined and potential noise sources were investigated. In all cases where noise emissions were attributed to Wambo activities, the noise levels were found to be below the noise impact assessment criteria. Consequently, there have not been any reportable environmental incidents arising from noise-related complaints since mining commenced...</i> <i>Generally, most complaints relate to mine noise being audible/discernible; however, in all instances further investigation has found Wambo noise contribution to be below the respective noise impact assessment criteria.</i>
22	Mr and Mrs Fenwick	Mr and Mrs Fenwick raise concerns regarding blasting related impacts.	Section 4.8.2 of the EA states the following in relation to blasting: <i>No blasting would be required for the development and operation of the Modification. The modification would not result in any incremental blasting impacts at Wambo.</i>

Table 1 (Continued)
Response to Submissions

Number	Individual/ Organisation	Submission	WCPL Response
23	United Collieries	<i>The EA does not contemplate the existence of the Exploration Authorisation or any impacts that may arise through the establishment of infrastructure and/or mining of the Proposal on A444 or its joint holders.</i>	United and WCPL have engaged in consultation over a number of years regarding development of their respective interests in the A444 area. Based on information (including indicative mine plans) provided by United to date, there is minimal (if any) impact of infrastructure and/or mining of the Modification on A444. The Modification proposes to mine the Whybrow Seam which is one of the shallowest seams in the area and therefore the Modification should have minimal impact on United Collieries interests in lower coal seams.
24	United Collieries	<i>United requests the Wambo and The Department of Planning and Infrastructure (the Department) continue to liaise with United throughout the assessment period as to the extent of any impacts the Proposal may have on United's interest in A444 ...</i>	WCPL will continue to liaise with United throughout the Modification approval process in accordance with the terms of the existing commercial arrangements between the parties. In addition, the Modification proposes to mine the Whybrow Seam which is one of the shallowest seams in the area and therefore the Modification should have minimal impact on United Collieries interests in lower coal seams.
25	United Collieries	<i>The EA does not contemplate the existence of CCL775 or any impacts that may arise through the mining of the Proposal on CCL775 or its holders.</i>	Consolidated Coal Lease (CCL) 775 will not be impacted by the Modification.
26	United Collieries	<i>United requests that Wambo and The Department continue to liaise with United throughout the assessment period as to the extent of any impacts the Proposal may have on United's interest in CCL775 ...</i>	Consolidated Coal Lease (CCL) 775 will not be impacted by the Modification.
27	United Collieries	<i>Wambo need to ensure that the rights of United's access to A444 and CCL775 as defined in existing commercial arrangements are protected, and as such United request that a limit be set for the timing of the completion of the Proposal consistent with the schedule contained within the EA.</i>	WCPL will continue to act in accordance with its obligations under the existing commercial arrangements between the parties in relation to United's access. The final mine scheduling for the Modification longwall panels will be subject to detailed mine planning, Extraction Plan approval, operational requirements and market conditions. WCPL therefore believes it is not reasonable or necessary to place a condition on the Modification restricting the mine life of the Modification longwall panels.
28	United Collieries	<i>United request that any approval of the Proposal be conditioned that appropriate commercial arrangements are in place regarding the management, timing and interaction of both companies interests in the stratified tenement areas.</i>	There are existing commercial arrangements in place between the parties in relation to interaction management and other matters relating to the stratified tenements in the area. WCPL will continue to comply with those arrangements. As stated above, the Modification proposes to mine the Whybrow Seam which is one of the shallowest seams in the area. The Modification should have minimal impacts on United's interests in lower coal seams in the area. WCPL believes it is not reasonable or necessary for the Modification to be conditioned in the manner proposed by United. The finalisation of any further necessary commercial arrangements between WCPL and United relevant to management, timing and interaction for the Modification are a matter for the parties.

**Table 1 (Continued)
Response to Submissions**

Number	Individual/ Organisation	Submission	WCPL Response
29	United Collieries	<i>On numerous occasions United have offered and advised that a joint cumulative subsidence impact assessment should be undertaken by both companies prior to either company submitting a planning application for approval for underground extraction concerning the A444/ML1572 area.</i> <i>United find it unfortunate that Wambo have chosen not to join United in this study and instead submitted a planning application without detailed consultation and formally notifying United. As such, United request that any approval of the Proposal be conditioned that prior to the commencement of the Proposed development such a study is required to assess the potential impacts (environmental and resource recovery) of cumulative subsidence on the A444/ML1572 area and that appropriate management plans and commercial arrangements are in place to manage those impacts and interactions.</i>	United and WCPL have engaged in regular consultation over a number of years regarding development of their respective interests in this area. WCPL will continue to consult with United in relation to these matters, including subsidence impacts arising from the Modification. While indicative mine plans have been exchanged by the parties, the mine plans provided by United are not sufficiently certain to enable a meaningful cumulative subsidence impact assessment to be undertaken. The cumulative impact of subsidence will not be realised until such time as lower seams are extracted. At the time United has finalised its mine plans and is ready to put forward an application for its development WCPL will participate and assist United with the cumulative subsidence assessment. In addition, the Modification proposes to mine the Whybrow Seam which is one of the shallowest seams in the area and therefore the Modification should have minimal impact on United Collieries interests in lower coal seams. WCPL considers that a condition requiring a cumulative subsidence assessment is not required.
30	United Collieries	<i>United would expect and require a commitment from Wambo to consult with United during all phases of the design, construction, operation and monitoring of the Proposal.</i>	WCPL will continue to consult with United regarding the Modification in accordance with the terms of the commercial arrangements between the parties.
31	United Collieries	<i>United also require a commitment from Wambo to include United in all Risk Assessments for the Proposal and a commitment from Wambo to establish controls to eliminate any risks to United identified by this process.</i>	WCPL will include United in relevant Modification risk assessments in accordance with the commercial arrangements between the parties.
32	United Collieries	<i>... United requests that any approval of the Proposal by the Department be conditioned that prior to Wambo commencing the development proposed in DA 305-7-2003 MOD 10, Wambo will enter into appropriate commercial arrangements with United in regards to management and interaction of both entities interests within the stratified tenement areas that are held by or on behalf of the United Joint Venture.</i>	There are existing commercial arrangements in place between the parties, which WCPL will continue to comply with. It is not reasonable or necessary for the Modification to be conditioned in the manner proposed by United. The finalisation of any further necessary commercial arrangements between WCPL and United relevant to management and interaction arising from the Modification are a matter for the parties.