



6 December 2013

Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: David Kitto - Director, Mining and Industry Projects

Dear David

**Re: RESPONSE TO SUBMISSIONS ON THE MODIFICATION NO. 2 OF BOGGABRI MINE –
PROCESSING TARRAWONGA COAL**

Boggabri Coal Pty Limited lodged an application for a modification to the Boggabri Coal Mine under Section 75W of the New South Wales (NSW) *Environmental Planning and Assessment Act 1979* on 15 May 2013 (project application number 09_0182 MOD 2). The project is known as Boggabri Coal Modification 2, and would enable the processing and loading onto trains of Run of Mine coal produced at the Tarrawonga Mine (a joint venture between Whitehaven Coal Mining Pty Ltd and Boggabri Coal Pty Limited) through the facilities of the Boggabri Mine.

The Boggabri Coal Modification 2 Environmental Assessment was publically exhibited from 30th July 2013 to 16th August 2013 and submissions subsequently received by the Department of Planning and Infrastructure were provided for review and response during August 2013.

Whitehaven and Boggabri Coal have reviewed and considered the submissions and have prepared the attached response to submissions document.

The current economic circumstances within the coal industry have had implications for the ongoing development of the expanded Tarrawonga Mine. The Tarrawonga Joint Venture (TJV) recognises the requirement to remove coal traffic from local roads in accordance with the Tarrawonga Project Approval PA 11_0047, however, under the current circumstances, it is no longer economically viable to process and load Tarrawonga coal via Boggabri Coal infrastructure. The TJV accept that should the economic circumstances of the operation improve in the future, the option of processing and loading coal on to rail through the Boggabri Coal facilities should continue to be available as originally planned. Consequently the TJV wish to proceed with the approval of this modification to enable the availability of this option into the future.

As has been outlined in recent discussions with the Department, the TJV will be submitting a Modification Application for the Tarrawonga Project Approval (PA 11_0047) to enable continued road haulage of Tarrawonga Run of Mine product once the commissioning of the Boggabri infrastructure is complete. It is expected that this modification will be submitted to the Department by the end of January 2014 following preliminary discussions to confirm the relevant matters to be addressed in the application. An economic rationale will be included to provide justification for continued road haulage against the option of processing coal through the Boggabri Mine.

Please do not hesitate to contact me if you would like to discuss the attached response to submissions document or proposed modification to the Tarrawonga approval.

Yours sincerely,
Whitehaven Coal Pty Ltd

A handwritten signature in black ink, appearing to read 'Danny Young', with a stylized flourish at the end.

Danny Young
Group Environmental Manager

ATTACHMENT A
RESPONSES TO SUBMISSIONS

COMMENT	RESPONSE
Office of Environment and Heritage (OEH) In relation to potential biodiversity impacts, the OEH submission stated that: <i>We are satisfied with the proponent's proposal (page 29 of the environmental assessment) that all potential surface disturbance impacts at the Boggabri Coal Mine (i.e. including the proposed modification) will be managed in accordance with the relevant management plans/strategies required as per the existing project approval (09_0182) including those relating to:</i> <i>The Leard Forest Mining Precinct Regional Biodiversity Strategy,</i> <i>The Biodiversity Management Plan, and</i> <i>The Rehabilitation Management Plan.</i>	Comment noted. Idemitsu will manage potential disturbance impacts, including those associated with the Modification, in accordance with the management plans and strategies required in accordance with Project Approval 09_0182.
In relation to Aboriginal cultural heritage, the OEH submission noted that the disturbance associated with the Modification will be managed in accordance with existing requirements of Project Approval 09_0182, including the Aboriginal Heritage Conservation Strategy and Heritage Management Plan. In addition, the OEH submission stated that the New South Wales (NSW) Department of Planning and Infrastructure (DP&I) should ensure that Idemitsu complies with the consultation obligations of the Cultural Heritage Management Plan (CHMP).	Comment noted. Idemitsu will manage potential impacts to Aboriginal heritage, including those associated with the Modification, in accordance with the management plans and strategies required in accordance with Project Approval 09_0182. In accordance with the CHMP, ongoing consultation with Aboriginal stakeholders regarding activities relevant to the Modification will be through the Aboriginal Stakeholder Community Forum as required.
Environment Protection Authority (EPA)	
The EPA submission stated that: <i>The EA considers the additional noise, air, reject disposal and run-off water impacts. The impacts are demonstrated to be minimal and can be managed within existing Environment Protection Licence (EPL) limits for both sites.</i> <i>On this basis the EPA does not object to the activities outlined in the document titled Boggabri Coal Project Modification Environmental Assessment dated July 2013 proceeding.</i>	Comment noted.
The EPA stated that Boggabri Coal Pty Ltd and Tarawonga Coal Pty Ltd will need to submit an application to have the conditions on the EPL for each mine site amended to accommodate the varied activities, premises descriptions and discharge points.	Comment noted.

COMMENT	RESPONSE
Department of Primary Industries (DPI) – NSW Office of Water (NOW) The NOW submission noted that both mining companies will need to ensure that they have appropriate licences to cover any water shortfall associated with the proposed Modification, and if needed acquire additional licences to ensure they have the allocation required for the operations.	Comment noted. This is consistent with the existing requirements of Project Approvals 09_0182 (Boggabri) and 11_0047 (Tarrawonga).
The NOW submission stated that it is important that use of water from sediment dams is appropriate and in accordance with the Harvestable Rights Order published under section 54 of the <i>Water Management Act, 2000</i>.	Comment noted. Water used from sediment dams would only be used in accordance with Boggabri Coal Pty Ltd's harvestable rights.
The NOW submission stated that additional water will be abstracted from groundwater licences already owned by the companies.	As noted by the NOW, existing groundwater licenses would be used, and accordingly, no additional assessment has been conducted. As required by the NOW, additional (surface water and/groundwater) licences would be acquired, as required, to meet the allocation required for the operation of the Boggabri Coal Mine (incorporating the Modification).
Department of Trade & Investment, Regional Infrastructure & Services - Division of Resources and Energy (DRE)	
The DRE submission stated that the proponent should initiate early discussions with DRE regarding the titles issue surrounding the adjustments between Coal Lease (CL) 368 held by Boggabri Coal Pty Ltd and Mining Lease (ML) 1579 held by Tarrawonga Coal Pty Ltd.	The adjustments to ML 1579 and CL 368 were described in the Tarrawonga Environmental Assessment (EA). Tarrawonga Coal Pty Ltd has been granted ML 1693 for MLAs 1, 2 and 4 (as shown in the Tarrawonga Coal Project EA and Preferred Project Report). An application for the partial transfer of CL 368 (i.e. for MLA 3) has been lodged and Tarrawonga Coal Pty Ltd is currently awaiting a response from the DRE.
The DRE submission stated that the EA fails to demonstrate how the Tarrawonga and Boggabri waste rock emplacements would be integrated, and that the EA provides limited detail on the rehabilitation objectives of the integrated landform.	The integration of the Tarrawonga and Boggabri waste rock emplacements was described in the Tarrawonga EA, and subsequently approved in accordance with Project Approval 11_0047 for the Tarrawonga Coal Project. The Modification does not seek any changes to the integrated waste rock emplacements approved via the Tarrawonga EA.
The DRE submission recommended conditions of approval relating to rehabilitation, mine closure, final landforms, and the integrated waste rock emplacements.	As above, the Modification does not seek any changes to the integrated waste rock emplacements approved via the Tarrawonga EA. Notwithstanding, Project Approval 11_0047 for the Tarrawonga Coal Project includes requirements to prepare a Rehabilitation Management Plan and a Final Void and Mine Closure Plan. These plans would describe the integrated waste rock emplacements. Project Approval 09_0182 for the Boggabri Coal Project also includes requirements to prepare a Rehabilitation Management Plan and a Final Void and Mine Closure Plan.
Department of Primary Industries – Fisheries NSW	
The DPI - Fisheries NSW submission stated that it had no issues with the Modification.	Comment noted.

COMMENT	RESPONSE
Department of Primary Industries – Crown Lands	
The DPI – Crown Lands submission stated that it had no issues with the Modification.	Comment noted.
Department of Primary Industries – Office of Agricultural Sustainability and Food Security (OAS&FS)	
The OAS&SF submission requested consideration of potential impacts on agricultural production that may arise as a result of external water being used by the mine.	External water requirements will be sourced only in accordance with relevant surface water or groundwater licences. Consistent with the requirements of Project Approvals 09_0182 (Boggabri) and 11_0047 (Tarrawonga), Boggabri Coal Pty and/or Tarrawonga Coal Pty Ltd will adjust the scale of mining operations as necessary to match the available water supply.
The OAS&SF submission recommend an assessment of the possible impacts that additional coal train traffic associated with the Modification may have on the line availability for grain transport out of the north-west region of NSW.	The Boggabri EA and Tarrawonga EA described the number of coal trains required for the Boggabri Coal Project and Tarrawonga Coal Project, respectively. The Modification would not increase the number coal trains required, in comparison to what has been previously described in the Boggabri EA and Tarrawonga EA.
NSW Health	
The NSW Health submission queried whether air dispersion modelling presented in the Air Quality Assessment was based on complete meteorological data from around the Tarrawonga and Boggabri mines.	The emission sources relevant to the Modification were included in the air dispersion modelling conducted by PAEHolmes (now PEL) (2012) for the Tarrawonga Coal Project air quality impacts assessment. For consistency with PAEHolmes (2012), the air dispersion modelling conducted for the Modification used the same meteorological data as used for the Tarrawonga Coal Project.
The NSW Health submission queried whether the air and noise modelling accounted for the total approved coal processing volume at the Boggabri site over lifetime of the project.	The air quality and noise assessments prepared for the Modification considered the maximum potential impacts associated with the mining and processing of 8.6 million tonnes per annum (Mtpa) run-of-mine (ROM) coal at the Boggabri Coal Mine in addition to the processing of up to 3.0 Mtpa of ROM coal from the Tarrawonga Coal Mine.
The NSW Health submission stated that additional (i.e. beyond those already predicted) noise and air quality exceedances should be carefully assessed and if necessary mitigated. In addition, NSW Health stated that real-time air quality and noise monitoring should be conducted around the Boggabri Coal Mine.	A number of privately owned receivers were predicted to exceed noise and/or air quality criteria in the Boggabri EA. These impacts were approved subject the Boggabri Coal Mine operating in accordance with the conditions of Project Approval 09_0186. The Modification would not increase the number of receivers previously predicted to exceed relevant noise and/or air quality criteria. Noise and air quality management measures required in accordance with Project Approval 09_0186 will continue to be implemented for the Modification. A Noise Management Plan (NMP) has been prepared for the Boggabri Coal Project in accordance with Condition 13 of Schedule 3 of Project Approval (09_0182). The NMP includes a monitoring program that uses a combination of real-time and attended monitoring to evaluate the effectiveness of the noise management measures. The NMP also includes a protocol for identifying noise enhancing meteorological conditions, and responding accordingly (i.e. by implementing additional mitigation measures).

COMMENT	RESPONSE
	Similarly, an Air Quality and Greenhouse Gas Management Plan for the Boggabri Coal Project, in accordance with Condition 31 of Schedule 3 of Project Approval (09_0182) has been submitted to the DP&I. The Air Quality and Greenhouse Gas Management Plan includes a network of real-time monitors to extend the existing monitoring network, as well as a protocol for determining any potential exceedances of the air quality assessment criteria, and responding accordingly (i.e. by implementing additional mitigation measures). The monitoring network (both noise and air quality) for the Boggabri Coal Project will form part of a shared monitoring network in collaboration with the Tarrawonga Coal Project and Maules Creek Coal Project.
NSW Health requested that rehabilitation strategies be fully implemented to minimise potential visual impacts.	The Modification would not change progressive rehabilitation of the Boggabri Coal Mine, or Tarrawonga Coal Mine. Notwithstanding, the rehabilitation strategy for the Boggabri Coal Mine will be implemented, as required by Project Approval 09_0182.
NSW Health noted that socio-economic disadvantage is more prominent where there is a higher Aboriginal population, public housing and lower levels of employment, and also noted that the mining sector can plan an integral part in providing employment opportunities.	Comment noted.
The NSW Health submission requested the Boggabri Coal Pty Ltd to consider the gradual extension of dust emission sources due to ongoing development when installing real-time monitoring receivers.	Comment noted.
Namoi Catchment Management Authority (CMA)	
The Namoi CMA stated: <i>Namoi CMA has reviewed the modifications proposed and it appears there will be negligible additional impacts on the Namoi CMA Catchment Action Plan's thresholds and biodiversity target.</i>	Comment noted.
The Namoi CMA submission noted that the local flows in Nagero Creek may change and may impact on landholders sourcing water downstream from the mine.	These potential impacts are associated with the integration of the Tarrawonga and Boggabri waste rock emplacements. The integration of the Tarrawonga and Boggabri waste rock emplacements does not form part of the Modification (i.e. it was approved for the Tarrawonga Coal Project in accordance with the conditions of Project Approval 11_0047).
Narrabri Shire Council	
The Narrabri Shire Council submission expressed support regarding ROM coal transport infrastructure.	Comment noted.
The Narrabri Shire Council submission requested that the proponent describes maximum values of raw water use for the Boggabri Coal Handling and Preparation Plant (CHPP) and improvements to current Water Management Plan(s) to reduce the raw water demand in the CHPP.	External water demand would be minimised through the recycling of CHPP process water, and the preferential use of water collected by on-site water management infrastructure (e.g. sediment dams). The maximum expected external water requirements (i.e. net of water source recycled/collected on-site) for the Boggabri Coal Mine incorporating the Modification are provided in Table 3-3 of the Modification EA. Estimated gross water demands are provided in Table 5-9 of Appendix A to the Modification EA.

COMMENT	RESPONSE
	The Site Water Balance (required as part of Water Management) for the Boggabri Coal Project will be revised to include the details of the sources and security of water supply associated with the increased water demand for the processing of Tarrawonga coal. Boggabri Coal and Whitehaven/Tarrawonga Coal Pty Ltd (TCPL) will use surface water and groundwater licences to meet external water requirements, with Whitehaven licences used to account for the water required to process Tarrawonga coal (i.e. approximately 509 mega litres per annum). In the event that the existing water entitlements held by Boggabri Coal and Whitehaven/TCPL are not adequate to meet external water demands under drier conditions, additional licences could be obtained through the open water trading market (either temporarily or permanently) (Appendix A). Alternatively, and consistent with the requirements of Project Approvals 09_0182 (Boggabri) and 11_0047 (Tarrawonga), Boggabri Coal Pty and/or Tarrawonga Coal Pty Ltd will adjust the scale of mining operations as necessary to match the available water supply.
The Narrabri Shire Council submission requested that a Regional Air Quality Monitoring Network be established in the Gunnedah Basin, following concerns for health and loss of amenity due to dust emissions.	In accordance with Project Approval 09_0182 for the Boggabri Coal Mine, Idemitsu and Whitehaven will prepare a Leard Forest Mining Precinct Air Quality Management Strategy, which will include a shared air quality monitoring network.
Construction Forestry Mining and Energy Union	
The Construction, Forestry, Mining and Energy Union stated its support for the Modification.	Comment noted.
Public – Robert McGregor	
Mr McGregor (owner of the "Tarrawonga" and "Callandar" properties) objected to the Modification on the basis of noise and dust associated with the Boggabri Coal Project and Tarrawonga Coal Project.	In accordance with Project Approval 09_0182, the "Tarrawonga" property is subject to acquisition upon request and mitigation upon request for both noise and air quality.
Public – Kaye Monro	
Ms Monro objected to the Modification on the basis of potential impacts to air, water, the climate and oceans, and the associated impacts to insurance costs, the fishing industry and agriculture.	Comment noted. The Modification EA describes potential environmental impacts and management measures that would be used to minimise them.