



WHITEHAVEN COAL

ABN: 69 107 169 102

Werris Creek Coal Pty Limited

Response to Submissions

for the

Werris Creek Coal Mine Modification 2 (PA 10_0059)

Prepared by:

June 2015



R.W. CORKERY & CO. PTY. LIMITED





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(PA 10_0059)

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1. INTRODUCTION

This document provides a response to submissions of the Department of Planning and Environment (DPE) and consulted government agencies following the public exhibition of an *Environmental Assessment* supporting an application made by Werris Creek Coal Pty Limited (“the Applicant”) to modify PA 10_0059 for the Werris Creek Coal Mine (“the Mine”). The application to modify PA 10_0059 has been made under Section 75W of the *Environmental Planning & Assessment Act 1979* (EP&A Act), in accordance with the transitional arrangements of the EP&A Act associated with the repeal of Part 3A.

All submissions received by the DPE have been provided to the Applicant. Submissions were received from the DPE along with five government agencies or public authorities (see **Appendix 1**) and each is addressed individually in Sections 2 to 7. No submissions have been received from the general public, however, as documented in the *Environmental Assessment*, there has been little to no negative public sentiment towards the Proposed Modification has been relatively ambivalent at worst neutral or positive. Section 8 provides a consolidated Statement of Commitments following consideration of the government submissions and community feedback.

2. DEPARTMENT OF PLANNING AND ENVIRONMENT

In an email received on 29 May 2015, the DPE queried whether transport of coal between the Mine and the Coal Handling and Preparation Plant (CHPP) of Whitehaven Coal Ltd in Gunnedah was allowable under the existing conditions of PA 10_0059.

Representative Comment(s)

- *In accordance with the information provided in the Werris Creek Extension Project EA, coal is to be provided to ‘domestic markets’ and ‘local customers’. Justification is required as to whether the CHPP can be considered a domestic market and local customer noting that it is owned and operated by Whitehaven Coal.*
- *The EA and statement of commitments only reference product coal being transported off site by road. It can only be assumed that ROM coal is currently being transported to the CHPP for processing. Please clarify if this is the case and whether the transportation of ROM coal is permitted.*
- *Clarification is also required as to whether the CHPP consent allows coal to be received and processed from Werris Creek.*

Response

The Applicant has taken the decision to discontinue any plans to transport coal between the Mine and Gunnedah CHPP. As a consequence, the proposed modification to increase the hours of road transportation of coal is also withdrawn.

3. LIVERPOOL PLAINS SHIRE COUNCIL

3.1 INTRODUCTION

The submission provided by Liverpool Plains Shire Council (LPSC) referenced:

- the proposed alternate use of mine void water; and
- issues associated with the increased hours of road transportation.

Representative comments and a response to these are provided below.

3.2 ALTERNATE USE OF MINE VOID WATER

Representative Comment(s)

Alternate Beneficial Uses for Mine Void Water

The proposed alternate uses for void water for compatible agricultural activities are strongly supported by Council. It is recommended that the external distribution of water to third parties be undertaken within an appropriate legal framework. Such arrangements may be documented within a formal contractual 'Agreement' structure between the proponent and the landholder recipient, as alluded to in sub section 2.5.4.3 of the submitted EA documentation. It is considered that such an approach will assist in the management of community expectations.

Response

The Applicant confirms its commitment to managing any irrigation program as outlined in Section 2.5.4.3 of the *Environmental Assessment*.

Furthermore, and with reference to the submission of the Department of Primary Industries – NSW Office of Water (NOW) (refer to Section 5), the Applicant would ensure that appropriate Water Supply Work and Use Approvals are in place in accordance with the requirements of Section 89 and 90 the *Water Management Act 2000* (WM Act), or relevant exemptions under the Clauses 34 to 46 of the *Water Management Regulation 2011* (WM Reg) are confirmed.

3.3 INCREASED HOURS OF ROAD TRANSPORTATION

Representative Comment(s)

Increase of Hours of Road Transportation for Coal Products

...it is noted that there is minimal detail in the submitted EA in respect of potential implications of the amendments to road conditions and prospective impact on road infrastructure. Additionally, the following aspects of the EA, as referenced on pp. 34-35 require further clarification and explanation:...

...The EA is currently largely silent on the number of vehicle movements proposed as part of this modification as impacting Werris Creek Road and the township of Werris Creek. As a result, Council is concerned on the potential impacts on the local road network (particularly Werris Creek Road) from a road traffic safety and pavement maintenance perspective. The poor condition of this road was also acknowledged in the 2010 Constructive Solutions report:...

...Any impacts on the local road network resultant from the development are required to be the responsibility of the Proponent, not Council or Council's ratepayers. It is requested that details

of the quantities of materials to be hauled by road be furnished to Council to enable appropriate assessments to be made and any commensurate section 94 contribution payments to be coordinated.

Response

As noted in response to the DPE submission, the Applicant withdraws its application to modify the hours of road transportation and confirms that coal will not be transported between the Mine and the Gunnedah CHPP. As such, there will be no change to the proposed road transportation of coal from that already approved.

For the benefit of LPSC, the Applicant estimates that on the basis of the existing domestic customer base, the annual road transport of coal will be in the order to 3 000t to 5 000t per year. Indicatively, this would correspond to between 80 and 120 truck movements per year, the majority of which would continue to use Taylors Lane and the Kamilaroi Highway. As is current the situation, the small number of truck movements travelling north via Werris Creek Road through the town of Werris Creek will be minor (less than 1 truck every 3 days) and will not have any significant impact on road safety or condition.

4. ENVIRONMENT PROTECTION AUTHORITY

4.1 INTRODUCTION

The Environment Protection Authority (EPA) submission considered four separate aspects of the Proposal, namely: noise, air emissions, irrigation, and dirty water management (see **Appendix 1**). The following subsections summarise the comments included in the EPA submission and provides a response and further justification as required.

4.2 NOISE

Representative Comment(s)

- *... The EPA notes that there are no residential premises on properties 16, 64 and 97 and therefore does not consider that it is necessary to apply noise limits at these locations.*
- *The EPA notes that the proponent has negotiated noise agreements with the owners of R22 and R98 that require it to implement additional noise mitigation measures at the residence in the event that noise levels exceed 40dB and acquire the property if noise levels exceed 45dB. The EPA recommends that these agreed commitments are reflected in the noise limits established for the modification to ensure that the terms of this agreement are legally binding (i.e. apply limits of 40dB at each of these residences unless and until additional noise mitigation measures are applied at the relevant residence, in which case the limits should then increase to 45dB unless the residence is acquired by the Applicant.*
- *This leaves receptor R96, which the EPA recommends should be provided with noise mitigation rights within the modified project approval to be consistent with the way other receptors within the 5dB noise affectation zone have been treated in the past.*

Response

The Applicant accepts the recommendations of the EPA with respect to the establishment of modified noise criteria conditions. As R96 is currently identified in PA 10_0059 Schedule 3 Condition 3 for Additional Noise Mitigation Measures, no change to PA 10_0059 is required.

4.3 AIR

Representative Comment(s)

- *The review by SLR Consulting of the 2010 Air Quality Assessment by Heggies Pty Limited has not remodelled air quality impacts at surrounding receptor locations. It has instead relied on a comparison of estimated emissions from the proposal based on current best practice techniques against the three scenarios modelled by Heggies (for Years 3, 7 & 15 of the 2010 Life of Mine Project) as a quasi means of validating this past modelling...*
- *This approach however has not considered the different geographic locations of key emissions sources (e.g. the main overburden dump), nor the location of additional sources (e.g. the proposed additional haul trucks, or the dry separation plant) of the Heggies Year 3 scenario relative to the modification proposal. There is a risk therefore that the Heggies (2010) predictions that SLR assert are representative of impacts at the nearest receptors may be under-predicting impacts.*
- *The EPA therefore recommends that the impacts of the proposed modified operations are assessed by remodelling the site to accurately reflect the proposed operating scenario, to confirm that air quality impacts at the nearest receptor locations comply with the relevant assessment criteria, prior to the approval of the modification.*

Response

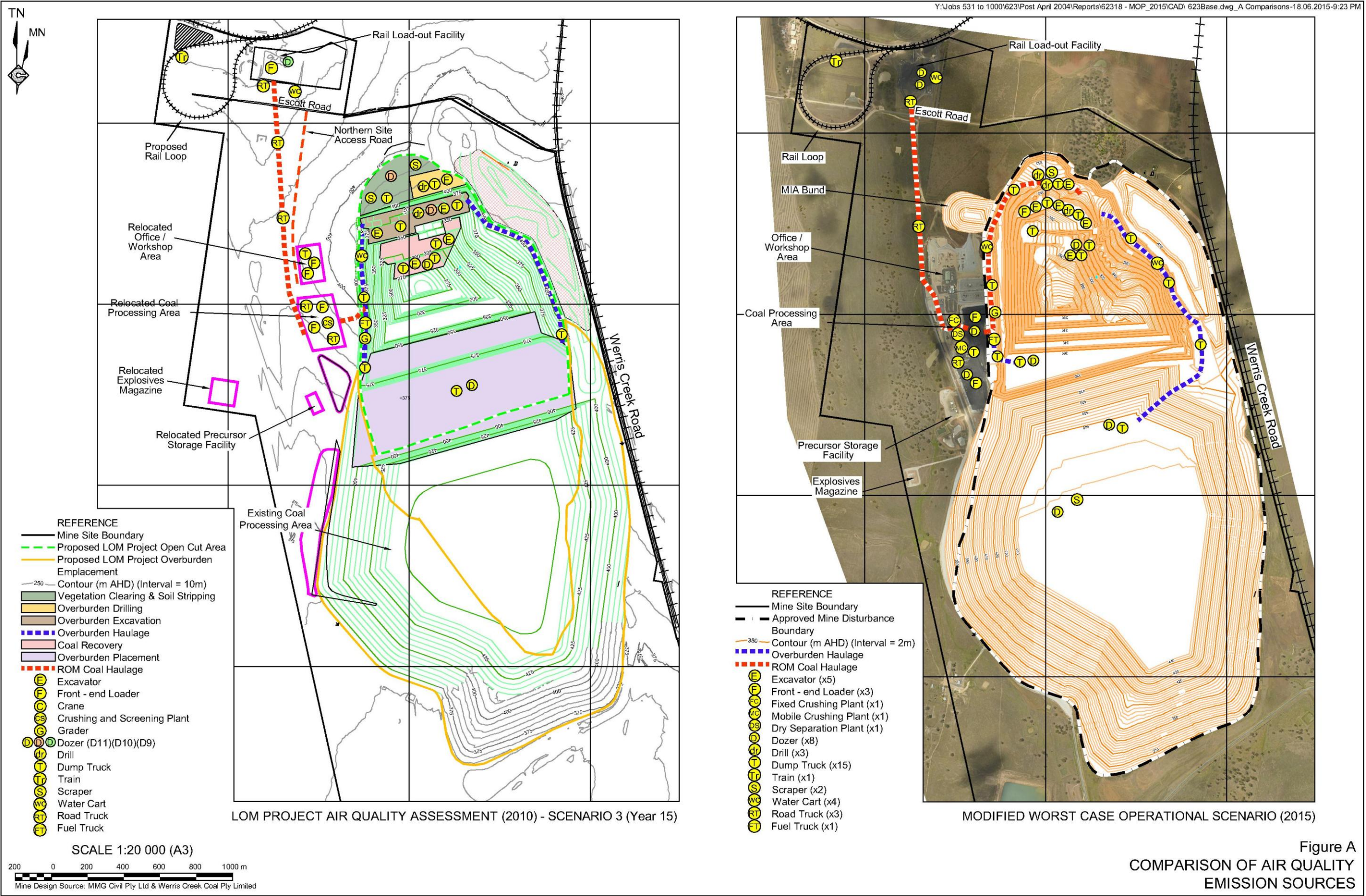
A teleconference including Mr Lindsay Fulloon (EPA), Mr Martin Doyle (SLR Consulting - author of the Air Quality Assessment), Mr Andrew Wright (representing the Applicant) and Mr Alex Irwin (RWC) was held on Thursday 21 May 2015 to discuss the EPA's request for remodelling of air emissions.

Prior to and during the teleconference, the EPA was supplied with a copy of the air quality modelling scenarios used in the 2010 Air Quality Assessment for the Mine LOM Project development application (Heggies, 2010). The EPA was referred to the similarity in air emission sources between Scenario 3 of Heggies (2010) (*Figure 18*) and the worst-case scenario of the modified operations (as considered by SLR, 2015). **Figure A** provides the two scenarios side by side for comparison.

The results of air quality monitoring completed since approval of PA 10_0059 was also discussed, with compliance against criteria achieved as predicted by the modelling of Heggies (2010).

The additional emission sources were then discussed.

- The EPA acknowledged that emissions from the Dry Separation Plant would be insignificant given the internal dust management system that would be applied.
- The EPA acknowledged that the haul trucks are relatively minor contributors to the overall emissions inventory due to the road watering that is undertaken.
- The use of additional haul trucks would occur when mining is undertaken through the lowest point of the open cut. Therefore, these emission sources would no longer be in operation when mining occurs at the northernmost point of the open cut and overburden is placed on the northernmost section of the overburden emplacement.



On the basis of the continued compliance against air quality criteria, and additional information provided on the source of emissions from the modified Mine operation, the EPA accepted that:

- the dispersion modelling of Heggies (2010) has provided an accurate prediction of air emissions (as evidenced by monitoring since 2010);
- the emissions inventory of the modified operation is equivalent to that of Scenario 3 of Heggies (2010); and
- the locations of emission sources are in equivalent positions to those modelled for Scenario 3 of Heggies (2010).

Therefore, on the basis that the emissions modelling of Heggies (2010) has been validated, and the worst-case scenario for the modified operations is equivalent to that modelled by Heggies (2010), the EPA has confirmed that no further air quality modelling is required.

4.4 IRRIGATION

Representative Comment(s)

- *The EPA is concerned that the proposal to allow the irrigation of void water has been presented as something that will only be pursued in the event that wet conditions are experienced. The water balance modelling presented in the EA indicates that insufficient out-of-pit void water storage is available to cater for a 90th percentile wet year. If irrigation is not pursued until wet conditions are experienced there is a risk that such intervention will be too late to prevent an uncontrolled discharge of void water from the site. Furthermore, in a wet year, irrigation is generally not required to supply the water requirements of any crop, and there may be a significant lead time required to install the necessary irrigation infrastructure and establish a suitable crop for irrigation purposes.*
- *It is considered unlikely that surrounding landholders would be interested in investing in appropriate irrigation infrastructure (which is generally quite expensive) for the relatively short period of the remaining mine life (6 years), which may only provide them with a secure water supply in a wet year when they may not need to irrigate to achieve suitable levels of crop production*
- *The EPA concedes however that it may be possible to irrigate the void water without causing soil degradation or water pollution, if appropriate safeguards and management measures are implemented. It is therefore recommended that the modified project approval requires the proponent to prepare an irrigation management plan in close consultation with the EPA, for approval by the DPE. This proponent should be required to prepare and submit this plan within a maximum period of 3 months. The plan should then be implemented within a further 3 months to ensure that stored void water volumes can be utilised without unnecessary delay in order to maximise available storage at all times in order to cater for a potential wet year during the remaining life of the mine. ...Alternatively, the proponent should be required to implement other means of ensuring it can contain the void water generated by the site (e.g. expanding out-of pit void water storage capacity, employing additional evaporators etc.).*

Response

In the teleconference of 21 May 2015, the Applicant explained to the EPA that the use off-site use of void water would not be restricted to the high rainfall scenario, rather this scenario of the water balance was referenced in the Irrigation Assessment and *Environmental Assessment* as it illustrates the likely maximum quantity of water which might require irrigation for assessment

of impacts on local lands. Furthermore, the water balance completed by Environ (2015) illustrates that even under dry conditions, void water would accumulate in the open cut and require transfer to the Void Water Dams, i.e. there would be significant volume of water available for off-site use. The Applicant confirmed that interest had been expressed by local landowners to access and use any excess void water. The EPA accepted this explanation.

As identified in Section 2.5.4.3 of the *Environmental Assessment*, the Applicant has committed to undertaking site specific irrigation assessments following confirmation of contractual arrangements between the Applicant and user of the water. Each site specific *Pre-Agricultural Void Water Use Assessment* will outline the proposed irrigation method and detail the estimated water application rates. The Applicant is happy to consult with the EPA and the DPE in completing these assessments, and comfortable with the conditions on timing proposed by the EPA for updating the Site Water Management Plan to include the option of agricultural use of void water.

Noting that under high rainfall conditions, an excess of void water is predicted, the Applicant can confirm that other contingency measures remain in place in the event that no off-site users of void water are confirmed. Namely, the operation of additional evaporator units, or longer-term storage of the water within the open cut are viable contingencies. The Applicant confirms that the application of such contingency measures will be included in an updated Site Water Management Plan for the Mine. The EPA accepted this as an acceptable approach to management of Mine water.

4.5 DIRTY WATER MANAGEMENT

Representative Comment(s)

- *The EPA has previously advised the proponent that the existing dirty water management infrastructure for areas where stormwater can come into contact with coal (e.g. stockpile areas, ROM pad etc.) do not meet the accepted design criteria (capacity to capture and hold a 1 in 100 yr, 72 hour rainfall event, with a liner of 1m of compacted clay or equivalent with a permeability of less than $1 \times 10^{-9} \text{ ms}^{-1}$).*
- *The current environment protection licence does not provide the proponent with any protection from committing an offence under section 120 of the Protection of the Environment Operations Act 1997 (pollution of waters) in the event that an overflow were to occur from a coal contact catchment as a result of undersized sedimentation ponds. This could mean that in such an event the proponent would potentially breach the POEO Act and be exposed to regulatory action.*
- *The proponent has advised the EPA that it is undertaking a review of site water management infrastructure in an attempt to determine whether it can meet these requirements due to site constraints, or whether the same outcome (i.e. preventing discharges from coal contact catchments in all rainfall events up to and including the 1 in 100 yr 72 hour recurrence interval) can be delivered in some other way. The EPA is willing to consider alternative proposals that the proponent may wish to put forward as a means of meeting this environmental performance outcome.*
- *The EPA recommends that the modified project approval requires the proponent to review the current site water management plan in consultation with the EPA to reflect the proposed changes to drainage and to implement measures that enable it to capture and hold runoff from the required design rainfall event within any coal contact catchment areas.*

Response

As discussed in the teleconference of 21 May 2015, the Applicant has commenced investigations as to the feasibility of collection of coal contact water. The Applicant has no objection to the EPA's recommendation for a review, in consultation with the EPA, of the Site Water Management Plan following approval by DPE of PA10_0059 MOD2.

5. NSW OFFICE OF WATER

5.1 INTRODUCTION

The submission provided by the Department of Primary Industries – NSW Office of Water (NOW) identified:

- the requirement for any irrigation of water to be appropriately approved under the WM Act; and
- the need for consideration of potential contamination of groundwater and surface water.

Representative comments and a response to these are provided below.

5.2 WATER MANAGEMENT ACT 2000 APPROVALS

Representative Comment(s)

Irrigation of Void Water

There are a number of licencing implications regarding the provision of this void water to third parties. The irrigator may require a use approval under the Water Management Act 2000 to use the void water for irrigation, if they don't hold an existing combined or use approval.... The Office of Water would expect the extraction of the void water for irrigation to be metered to ensure water is not being extracted over the licenced volume. Existing licences may need to be amended to ensure appropriate monitoring and reporting.

The Office of Water suggests that when the details of this irrigation proposal are finalised WCC seeks to meet with Water Regulation staff from the Office of Water to determine the specific licencing requirements associated with this proposal.

Response

The Applicant understands that prior to supplying mine void water to a third party, Water Supply Work and Use Approvals will be required under Section 89 and 90 the *Water Management Act 2000* (WM Act), or relevant exemptions under the Clauses 34 to 46 of the *Water Management Regulation 2011* (WM Reg) correctly applied.

As nominated in Section 4.6.4 of the Environmental Assessment, a site specific *Pre-Agricultural Void Water Use Assessment* will require accurate measurement of water use. Hence, the Applicant will meter any water supplied to a third party as recommended by NOW.

The Applicant will certainly meet with Water Regulation staff from the Office of Water to determine the specific licencing requirements associated with specific irrigation campaigns as developed.

5.3 WATER QUALITY

Representative Comment(s)

Water Quality

The discharge of water from mining activities is administered by the Environmental Protection Authority (EPA) under the Protection of the Environment Operations Act 1995...

The Office of Water recommends appropriate monitoring of the underlying aquifer to ensure that the beneficial use is not altered should the water percolate to the groundwater affecting the quality. It is difficult for the Office of Water to provide detailed comments at this stage, however further comments may be provided on the potential impacts to water quality once the exact site for irrigation is known by the proponent. The Office of Water may also have specific management requirements in relation to this issue.

Response

As described in Section 2.5.4 of the *Environmental Assessment*, prior to the commencement of any irrigation a *Pre-Agricultural Void Water Use Assessment* will be undertaken. This assessment will consider the specific features of the land proposed to be irrigated (e.g. topography, soils), method of water application, and planned crop or pasture. The objective of the *Pre-Agricultural Void Water Use Assessment* will be to define the various parameters as to when water should be applied and at what rate to maximise the uptake of water by the crop or pasture and therefore minimise percolation through the soil or runoff, i.e. maintain a soil moisture deficit.

It is important to note that the water would be sold or transferred under a contract with a third party. While the supply of water and its application will be stipulated on the basis of the *Pre-Agricultural Void Water Use Assessment*, the Applicant may not be in a position to commission or undertake monitoring on land either owned or managed by a third party. It is also noted that water of equivalent quality is irrigated on agricultural properties across the state without the requirement for groundwater monitoring.

While it is acknowledged that some mining companies which irrigate mine water to land under their control undertake groundwater monitoring, this is a function of the fact that removal of water is the primary objective of this activity. In the case proposed by the Applicant, water would be supplied to third party water users whose sole purpose is for irrigation (in accordance with a Water Use Approval or appropriate exemption).

Routine void water quality monitoring, as proposed, would be adequate to determine potential impacts from irrigating void water.

6. NSW TRADE AND INVESTMENT

6.1 INTRODUCTION

The submission provided by the Division of Resources & Energy within the Department of Trade & Investment, Regional Infrastructure & Services (DRE) identifies:

- the requirement for a new Mining Operations Plan; and
- a request to consider revisions to the final landform.

Representative comments and a response to these are provided below.

6.2 MINING OPERATIONS PLAN

Representative Comment(s)

MINING TITLE

...DRE requires that Proponent submit a revised MOP to include this modification if approved...

Response

The Applicant has prepared and submitted a MOP to the DRE. An updated Rehabilitation Cost Estimate (RCE) has been submitted along with the MOP.

6.3 FINAL LANDFORM

Representative Comment(s)

REHABILITATION

In correspondence to the proponent dated 9 March 2015 DRE advised the following:

The Department encourages mine operators to design and construct overburden emplacements that have a landform which is sympathetic to the local topography. Such a landform will typically exhibit apparent relief in height and limit the extent of large 'plateau' areas (unless such features are typical of the local topography). Werris Creek Coal Pty Ltd should endeavour to take into account landform design under this philosophy as far as is practical in its proposed modification. '

DRE considers the proposed modification will result in a final landform formation that is not consistent with current rehabilitation objectives, as table tops are not sympathetic with local topography. However, DRE notes the Proponent's statement in the EA that to construct a more distinct "hill top" would require an increase in overburden emplacement height which would contradict commitments made in the 2010 EA for the Werris Creek Mine (RWC, 2010) and on which the current consent was granted...

DRE requires that:

- The applicant should, if the application is successful, provide DRE with a new Mining Operations Plan (MOP) which addresses the modified consent elements;*
- The MOP should provide detail on the proposed 'minor rises and swales' referenced in Section 2.10.4 of the EA and undulating landform profiles referred to within Section 2.10.6.3; and*
- A Rehabilitation Cost Estimate (RCE) should accompany the new MOP application. The tool to prepare the RCE ('ESB26 Rehabilitation Cost Calculation Tool') is available on the DRE website at <http://www.resourcesandenergy.nsw.gov.au/minersand-explorers/rules-and-forms/pgf>.*

Response

The planned final landform for the Mine conforms with that previously approved by PA 10_0059. Critical features of this final landform are as follows.

- Removal of all infrastructure, unless required for an approved alternative final land use.
- Partial backfilling of the final void area to an elevation higher than the surrounding groundwater. This will prevent the accumulation of saline groundwater within the final

void. The internal slopes of the final void, at $<18^\circ$, will be able to be revegetated (with some limitations) with native woodland and grassland species.

- Creation of a single above ground overburden emplacement with outer slopes of $<10^\circ$. The relatively shallow outer slopes are amenable to rapid revegetation with grasses and woodland vegetation and are sympathetic to slopes within the Werris Creek district and Quipolly Creek valley.

The Applicant notes the DRE's position that the plateau section of the overburden emplacement does not represent a landform which is 'sympathetic to the local topography'. While the Applicant acknowledges that the 'table top' feature of the overburden emplacement is not one which occurs in the surrounding locality, however, does consider that the design of this feature is sympathetic to the surrounding setting based on the following.

- The upper surface of the overburden emplacement will be separated into five separate sub-catchments, with minor rises and falls within each sub-catchment incorporated into the final design. Rather than being table flat, an average fall of 1% to 2% from a central location to the outer edges of the upper surface will be created.
- The upper surface of the overburden emplacement will only be visible from elevated vantage points surrounding the Mine Site, with the reduced slope outer batters the most dominant visual feature. These are certainly constructed in sympathy with local topography.
- The final landform as approved and under construction provides shallow to moderate slopes which become flat and undulating. This topography is ideal for the establishment and long-term sustainability of grassy woodland vegetation communities. Conversely, steeper slopes, which would be required to create a hill-top structure, would be more conducive to the establishment of a shrubby woodland or forest vegetation. The establishment of White Box-Yellow Box-Blakely's Red Gum Woodland EEC on the final landform is a key rehabilitation objective of PA 10_0059 (*Table 13 of Condition 3[41]*)

Furthermore, significant variation to the final landform (as acknowledged by DRE), is constrained in elevation and lateral extent by restrictions imposed by PA 10_0059. Both the vertical height and lateral extent of the overburden emplacement would require modification to achieve a landform, considering the upper plateau is already 25% to 30% constructed, which creates a more typical hilltop feature. The disadvantages of a steeper hilltop landform, considered against the rehabilitation objectives of PA 10_0059, are discussed in the bullet point above.

It is also noted that the MOP submitted to the DRE provides further detail on the minor rises and swales and undulating landform profiles. As noted in Section 6.2, an RCE accompanies the MOP submitted to the DRE.

7. ROADS AND MARITIME SERVICES

7.1 INTRODUCTION

The submission provided by NSW Roads & Maritime Services (RMS) requests:

- further consider the impact of the modified road transport operations;
- further information on cartage of water; and
- consideration of RMS standards should further road works be required.

Representative comments and a response to these are provided below.

7.2 MODIFIED ROAD TRANSPORT OPERATIONS

Representative Comment(s)

2. *The EA identifies that the abovementioned extension of hours will enable transport movements to be condensed to reduce haulage costs... It should be noted that this may result in an increase in the total number of daily haulage movements on public roads. Consideration should be given to likely impacts on affected residential areas along the haulage route.*
3. *The State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 enables the consent authority to request the preparation and adoption of a Code of Conduct relating to the transport of materials on public roads. It is suggested that such a code may address, but not be limited to the following; A map of the primary haulage routes highlighting critical locations Procedures / safety initiatives for truck travelling through residential areas and school zones An induction process for new operators / subcontractors Format of regular briefings / toolbox meetings A complaints resolution and disciplinary procedure Detail of any community consultation measures to address busy haulage periods.*
5. *The Kamilaroi Highway intersections with Taylors Lane and the CHPP access road should be capable of safely accommodating deceleration and turning movements for the largest design vehicle used for transport in accordance with the current Austroads Guidelines, Australian Standards and relevant Roads and Maritime Supplements.*

Response

As noted in Section 2, the Applicant has withdrawn the proposed modification to road transportation. As there will be no changes to operations as approved, which in fact generate road transport (3 000tpa to 5 000tpa) far less than the maximum approved (50 000tpa), no modifications to PA 10_0059 are considered necessary.

7.3 WATER TRANSPORT

Representative Comment(s)

4. *The EA proposes the transport of water from the mine site to external locations for agricultural purposes. The number, distribution and frequency of deliveries have not been identified in the EA and consideration should be given to addressing any likely impacts arising from transport on public roads.*

Response

The *Environmental Assessment* raised the possibility of water cartage as a possible method of transfer of mine water to properties located a distance from the Mine Site not practical to be supplied by a pipeline. Without an agreed supply contract it is difficult to provide the assessment required. However, it is noted that PA 10_0059 already approves road transport of up to 50 000t of coal from the Mine per year. As noted in Section 2, less than 10% of this approved transport is likely and it is considered reasonable that the balance could be made up by water cartage without requiring further assessment.

7.4 FUTURE ROAD WORKS

Representative Comment(s)

6. *Should the Consent Authority require road works on a classified road, then all works are to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements...*

Response

On the basis of the Applicant's decision to withdraw the proposed modification to road transportation, no road or intersection upgrades will be necessary.

8. STATEMENT OF COMMITMENTS

Table 8.1 provides a consolidated Statement of Commitments, updating that presented in the Environmental Assessment following consideration of the submissions received. On advice of its suitability by the DPE, the Statement of Commitments will be issued as 'Final' for appending to PA 10_0059.

Table 8.1
Statement of Commitments for Site Operations and Management

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Desired Outcome	Action	Timing
1. Environmental Management System		
A systematic set of documents are in place to guide the planning and implementation of all environmental management strategies.	1.1 Incorporate the environmental procedures in an on-site management system.	As required
	1.2 Implement the following management plans; • Mining Operations Plan (Rehabilitation Management Plan) • Heritage Management Plan • Site Water Management Plan • Noise Management Plan • Blast Management Plan • Air Quality and Greenhouse Gas Management Plan • Biodiversity and Offset Management Plan • Waste and Hydrocarbon Management Plan	Ongoing
	1.3 Incorporate relevant environmental data / information in Annual Environmental Management Reports.	Annually

Table 8.1 (Cont'd)
Draft Statement of Commitments for Site Operations and Management

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Desired Outcome	Action	Timing
2. Groundwater		
Effective management of the potential contamination and/or reduction in availability of groundwater resources.	2.1 Implement impact mitigation measures in accordance with an approved Site Water Management Plan.	As defined by the Site Water Management Plan
	2.2 Undertake groundwater monitoring in accordance an approved Site Water Management Plan.	As defined by the Site Water Management Plan
	2.3 Implement additional assessment, land owner notification and contingency or compensatory measures in accordance with an approved Site Water Management Plan.	As defined by the approved Site Water management Plan
Prevent Accumulation of void water within the final landform which may impact on final land form and land use.	2.4 Backfill overburden into the final void above the equilibrium water level.	Following the cessation of mining
3. Surface Water		
Effective management of the potential contamination and/or reduction in availability of surface water resources.	3.1 Construct and maintain surface water management infrastructure of the Mine in accordance with an approved <i>Site Water Management Plan</i> .	Ongoing
	3.2 Implement impact mitigation measures in accordance with an approved <i>Site Water Management Plan</i> .	As defined by the Site Water Management Plan
	3.3 Undertake surface water monitoring in accordance an approved Site Water Management Plan.	As defined by the Site Water Management Plan
Prevention of void water discharge off site.	3.4 Operate void water dams with sufficient freeboard to prevent discharge during high rainfall events.	Ongoing
	3.5 Complete an irrigation assessment for specific irrigation campaigns in accordance with EPA requirements.	Prior to commencement of off-site irrigation
	3.6 Provide each irrigation assessment to the EPA for review and approval.	Prior to commencement of off-site irrigation

Table 8.1 (Cont'd)
Draft Statement of Commitments for Site Operations and Management

Page 3 of 6

Desired Outcome	Action	Timing
4. Biodiversity		
Avoid, minimise, mitigate or offset impacts (in that hierarchical order) on native vegetation (including the two identified EECs), native fauna (including threatened species) and their habitat.	4.1 Implement the impact avoidance, minimisation, mitigation and offset measures of an approved Biodiversity Offset Strategy and Biodiversity and Offset Management Plan (BOMP) for the Mine in consultation with the OEH, DPE and DoE.	Ongoing
	4.2 Include detail on the following activities in the BOMP. • Identification and demarcation of areas to be cleared. • Retention of felled trees for subsequent use during rehabilitation activities • Identification of biological resources within the disturbance area including habitat resources such as hollows, stag trees and coarse woody debris, and the availability of endemic seed. • Seed collection. • Monitoring and inspection programs. • Noxious weed management.	As defined within the BOMP
Rehabilitate disturbed areas to create a final landform that maintains or improves biodiversity values of the Mine Site.	4.3 Complete rehabilitation in accordance with an approved Rehabilitation Management Plan (RMP) or Mining Operations Plan (MOP).	Ongoing
5. Heritage		
Maintain Aboriginal heritage values on site.	5.1 Implement the Heritage Management Plan for the Mine in consultation with OEH and DPE.	Ongoing
	5.2 Relocate the Narrawolga Axe Grinding Grooves to the Willow Tree Visitor Information Centre (at Willow Tree), as nominated in the Mine Heritage Management Plan, and in accordance with a care agreement transferring the responsibility from Werris Creek Coal to Nungaroo LALC.	Completed 15 April 2015.
6. Transport Aspects		
Product haulage by public road is conducted in an appropriate and safe manner.	6.1 Adhere to the restricted hours of operation.	Ongoing
	6.2 Prevent spillage from the trucks through the continuation of a 'covered load' policy.	Ongoing
	6.3 Consult with DPE prior to undertaking any haulage of coal to the Gunnedah CHPP (to confirm compliance with PA 10_0059)	Prior to commencement of haulage to the Gunnedah CHPP

Table 8.1 (Cont'd)
Draft Statement of Commitments for Site Operations and Management

Page 4 of 6

Desired Outcome	Action	Timing
7. Noise		
Attenuate mining noise sources to ensure compliance with Project Specific Noise Criteria.	7.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Prior to mining through the “Old Colliery” Hill
	7.2 Implement noise mitigation and management measures in accordance with an approved Noise Management Plan (NMP).	Ongoing
	7.3 Employ a dedicated Noise Control Operator (NCO) to continually monitor real time noise levels and inform the Open Cut Examiner (OCE) if the dominant noise source is mining.	Ongoing
	7.4 Modify or partially suspend mining operations to achieve the nominated noise criteria when elevated noise levels a result of mining noise.	On advice from NCO of elevated mining noise
Monitor and manage noise generated by the LOM Project	7.5 Implement noise monitoring in accordance with an approved NMP for the Mine.	As defined within the NMP
8. Blasting		
Minimise impacts from blasting on surrounding receptors and infrastructure.	8.1 Undertake blasting in accordance with an approved Blast Management Plan (BMP).	Ongoing
	8.2 Continue to monitor blasting impacts in accordance with BMP.	All blasts
9. Air Quality		
Minimise impacts to air quality relating to the Project.	9.1 Undertake all surface disturbance, mining, processing, transportation and other air emissions activities in accordance with an approved Air Quality and Greenhouse Gas Management Plan (AQGHGMP) for the Mine.	Ongoing
Monitor and manage dust emissions generated by the LOM Project.	9.2 Undertake air quality monitoring in accordance with an approved AQGHGMP for the Mine.	As defined within the AQGHGMP

Table 8.1 (Cont'd)
Draft Statement of Commitments for Site Operations and Management

Page 5 of 6

Desired Outcome	Action	Timing
10. Visibility		
Screen the operation visually from the surrounding local area.	10.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Prior to mining through the “Old Colliery” Hill
	10.2 Maintain screening vegetation and constructed landforms in accordance with an approved RMP (or MOP).	Ongoing
	10.3 Continue to position and direct floodlights visible offsite to not shine above horizontal and generally orientated in a westerly direction away from Werris Creek Road and adjacent communities.	During night-time operations
	10.4 Ensure fixed lights visible from offsite locations will comply with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting	During night-time operations
	10.5 Maintain a lighting camera located adjacent to R62 on southern edge of Werris Creek orientated towards the Mine.	Ongoing (or until advised by resident)
	10.6 Maintain the Mine Site in a clean and tidy condition at all times.	Ongoing
11. Soils, Land Capability and Agricultural Suitability		
Create a final landform that is safe, stable and is amenable to a combination of agricultural and native flora/fauna conservation activities.	11.1 Undertake final landform construction and rehabilitation in accordance with an approved RMP or MOP.	Ongoing
12. Waste		
Manage waste appropriately on site.	12.1 Prepare and implement waste management activities in accordance with an approved Waste and Hydrocarbon Management Plan (WHMP).	Ongoing
13. Hazards		
Manage bushfire hazards appropriately.	13.1 Prepare and implement fire prevention, management and suppression measures in accordance with a Fire Management Strategy which forms part of an approved BOMP.	Ongoing.
The storage and handling of hazardous materials is appropriately managed.	13.2 Prepare and implement hydrocarbon management activities in accordance with an approved WHMP.	Ongoing

Table 8.1 (Cont'd)
Draft Statement of Commitments for Site Operations and Management

Page 6 of 6

Desired Outcome	Action	Timing
14. Community Contributions		
Provide for ongoing support to the Werris Creek local community and Liverpool Plains Shire Council.	14.1 Maintain the Community Consultative Committee or similar and include local community representatives.	Ongoing
	14.2 Complete and distribute regular newsletters regarding project progress and operations.	Ongoing
	14.3 Continue to provide funding towards maintenance of Taylors Lane through Section 94 contributions.	Ongoing
	14.4 Implement the Community Enhancement Fund with the Liverpool Plains Shire Council and Community Consultative Committee.	Ongoing

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Appendix 1

Submissions

- (a) Department of Planning & Environment (29 May 2015)
- (b) Liverpool Plains Shire Council (25 May 2015)
- (c) Environment Protection Authority (undated – supplied 18 May 2015)
- (d) NSW Office of Water (12 June 2015)
- (e) Trade & Investment – Division of Resources & Energy (14 May 2015)
- (f) Roads and Maritime Services (18 May 2015)

(Total No. of pages including blank pages = 14)

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(a) Department of Planning & Environment (29 May 2015)

Alex Irwin

From: Matt Riley <Matthew.Riley@planning.nsw.gov.au>
Sent: 29 May 2015 11:29 AM
To: Alex Irwin
Subject: Werris Creek MOD 2

Alex,

The Department requests additional information concerning the haulage of coal to the Whitehaven CHPP. Please address the following as part of the response to submissions for the modification:

- In accordance with the information provided in the Werris Creek Extension Project EA, coal is to be provided to 'domestic markets' and 'local customers'. Justification is required as to whether the CHPP can be considered a domestic market and local customer noting that it is owned and operated by Whitehaven Coal.
- The EA and statement of commitments only reference product coal being transported off site by road. It can only be assumed that ROM coal is currently being transported to the CHPP for processing. Please clarify if this is the case and whether the transportation of ROM coal is permitted.
- Clarification is also required as to whether the CHPP consent allows coal to be received and processed from Werris Creek.

Kind regards

Matthew Riley

Planning Officer

Mining Projects

Department of Planning & Environment | GPO Box 39 | SYDNEY NSW 2001

P 9228 6339 | E matthew.riley@planning.nsw.gov.au



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Environment**

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(b) Liverpool Plains Shire Council (25 May 2015)



Reference: dla:DLA 15/0355

Contact: Donna Ausling

25 May 2015

Attention: Mr Matthew Riley

NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Email: Matthew.Riley@planning.nsw.gov.au

Dear Sir,

**Proposed Modification to Werris Creek Coal Mine
Amendment No.2 (Project No. PA 10 0059)**

Thank you for your invitation to comment on the abovementioned project modification. Council sincerely apologises for the delay in providing a written response.

As requested, the following feedback is provided:

Proposed Increase of Storage Capacity of the Overburden Emplacement Area

No objections are raised to the amendments as proposed.

Inclusion of a Dry Processing Plant

No objections are raised to the incorporation of a dry processing plant on the basis of the following being achieved:

- Equipment is operated in such a manner to ensure compliance with the current overarching approvals framework, with particular regard to air quality and noise levels as prescribed under the current terms of the development consent.
- The operation of such equipment should not result in a deterioration of current air quality levels nor increased noise levels at potential receptors.

Alternate Beneficial Uses for Mine Void Water

The proposed alternate uses for void water for compatible agricultural activities are strongly supported by Council. It is recommended that the external distribution of water to third parties be undertaken within an appropriate legal framework. Such arrangements may be documented within a formal contractual 'Agreement' structure between the proponent and the landholder recipient, as alluded to in sub section 2.5.4.3 of the submitted EA documentation. It is considered that such an approach will assist in the management of community expectations.

LIVERPOOL PLAINS SHIRE COUNCIL
60 Station Street PO Box 152 QUIRINDI NSW 2343
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WEBSITE www.lpsc.nsw.gov.au ABN 97 810 717 370



-2-

Modification of Drainage from Acoustic and Visual Amenity Bund

No objections are raised to the works as proposed.

Increase of Hours of Road Transportation for Coal Products

Maintaining local road conditions and the current condition of road assets, is a key consideration for Council. In this regard, it is noted that there is minimal detail in the submitted EA in respect of potential implications of the amendments to road conditions and prospective impact on road infrastructure. Additionally, the following aspects of the EA, as referenced on pp. 34-35 require further clarification and explanation:

- The approved 50,000 tpa transportation limit is the upper threshold of materials to be hauled by road. This tonnage limit is inclusive of any materials delivered to the Whitehaven Coal Handling and Processing Plant in Gunnedah.
- S.4.4.2 of the Life of Mine (LoM) Traffic Study for the 2010 Environmental Assessment Report, as prepared by Constructive Solutions states, inter alia:

"There are only expected to be an additional 8 return heavy vehicle movements per day on Werris Creek Road."

The EA is currently largely silent on the number of vehicle movements proposed as part of this modification as impacting Werris Creek Road and the township of Werris Creek. As a result, Council is concerned on the potential impacts on the local road network (particularly Werris Creek Road) from a road traffic safety and pavement maintenance perspective. The poor condition of this road was also acknowledged in the 2010 Constructive Solutions report:

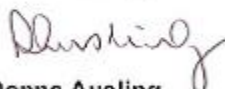
"Werris Creek Road varies significantly in condition. Significant sections of the road have been 'heavy patched' and others are displaying some initial signs of failure."

- With regard to the above point, no detail has been provided in respect of the payment of section 94 contributions. At present, these are currently only levied in respect of Taylor's Lane.

Any impacts on the local road network resultant from the development are required to be the responsibility of the Proponent, not Council or Council's ratepayers. It is requested that details of the quantities of materials to be hauled by road be furnished to Council to enable appropriate assessments to be made and any commensurate section 94 contribution payments to be coordinated.

I trust that the contents of this correspondence provide the necessary clarification. Should you have any questions or require further information regarding this issue, please contact the undersigned on (02) 6746 1755 or email lpssc@lpssc.nsw.gov.au.

Yours faithfully,



Donna Ausling
A / DIRECTOR OF ENVIRONMENTAL
SERVICES

(c) Environment Protection Authority (undated – supplied 18 May 2015)

I refer to the modification application for Werris Creek Coal Mine (PA10_0059 MOD 2) referred to the NSW Environment Protection Authority (EPA) on 23 April 2015 for its review and comment further to the public exhibition of the environmental assessment (EA). The EPA has reviewed the EPA and provides the following comments for DPE's consideration in determining this matter:

Noise

- The noise assessment by Spectrum Acoustics (2015) predicts exceedance of the applicable night time noise criteria at 6 locations (R22 by 1 dB, R96 by 1 dB, properties 16, 64 & 97 by 3dB and R98 by 2 dB)
- The EPA notes that there are no residential premises on properties 16, 64 and 97 and therefore does not consider that it is necessary to apply noise limits at these locations.
- The EPA notes that the proponent has negotiated noise agreements with the owners of R22 and R98 that require it to implement additional noise mitigation measures at the residence in the event that noise levels exceed 40dB and acquire the property if noise levels exceed 45dB. The EPA recommends that these agreed commitments are reflected in the noise limits established for the modification to ensure that the terms of this agreement are legally binding (i.e. apply limits of 40dB at each of these residences unless and until additional noise mitigation measures are applied at the relevant residence, in which case the limits should then increase to 45dB unless the residence is acquired by the Applicant.
- This leaves receptor R96, which the EPA recommends should be provided with noise mitigation rights within the modified project approval to be consistent with the way other receptors within the 5dB noise affectation zone have been treated in the past.

Air

- The review by SLR Consulting of the 2010 Air Quality Assessment by Heggies Pty Limited has not remodelled air quality impacts at surrounding receptor locations. It has instead relied on a comparison of estimated emissions from the proposal based on current best practice techniques against the three scenarios modelled by Heggies (for Years 3, 7 & 15 of the 2010 Life of Mine Project) as a quasi means of validating this past modelling. On the basis of this approach, SLR have chosen to use the Year 3 scenario as they assert it is most representative of the post modification operations.
- This approach however has not considered the different geographic locations of key emissions sources (e.g. the main overburden dump), nor the location of additional sources (e.g. the proposed additional haul trucks, or the dry separation plant) of the Heggies Year 3 scenario relative to the modification proposal. There is a risk therefore that the Heggies (2010) predictions that SLR assert are representative of impacts at the nearest receptors may be under-predicting impacts.
- The EPA therefore recommends that the impacts of the proposed modified operations are assessed by remodelling the site to accurately reflect the proposed operating scenario, to confirm that air quality impacts at the nearest receptor locations comply with the relevant assessment criteria, prior to the approval of the modification.

Irrigation

- The EPA is concerned that the proposal to allow the irrigation of void water has been presented as something that will only be pursued in the event that wet conditions are experienced. The water balance modelling presented in the EA indicates that insufficient out-of-pit void water storage is available to cater for a 90th

percentile wet year. If irrigation is not pursued until wet conditions are experienced there is a risk that such intervention will be too late to prevent an uncontrolled discharge of void water from the site. Furthermore, in a wet year, irrigation is generally not required to supply the water requirements of any crop, and there may be a significant lead time required to install the necessary irrigation infrastructure and establish a suitable crop for irrigation purposes.

- It is considered unlikely that surrounding landholders would be interested in investing in appropriate irrigation infrastructure (which is generally quite expensive) for the relatively short period of the remaining mine life (6 years), which may only provide them with a secure water supply in a wet year when they may not need to irrigate to achieve suitable levels of crop production
- The EPA concedes however that it may be possible to irrigate the void water without causing soil degradation or water pollution, if appropriate safeguards and management measures are implemented. It is therefore recommended that the modified project approval requires the proponent to prepare an irrigation management plan in close consultation with the EPA, for approval by the DPE. This proponent should be required to prepare and submit this plan within a maximum period of 3 months. The plan should then be implemented within a further 3 months to ensure that stored void water volumes can be utilised without unnecessary delay in order to maximise available storage at all times in order to cater for a potential wet year during the remaining life of the mine. This will significantly reduce the potential risk of uncontrolled void water discharges from the site. Alternatively, the proponent should be required to implement other means of ensuring it can contain the void water generated by the site (e.g. expanding out-of-pit void water storage capacity, employing additional evaporators etc.).

Dirty Water Management

- The EPA has previously advised the proponent that the existing dirty water management infrastructure for areas where stormwater can come into contact with coal (e.g. stockpile areas, ROM pad etc.) do not meet the accepted design criteria (capacity to capture and hold a 1 in 100 yr, 72 hour rainfall event, with a liner of 1m of compacted clay or equivalent with a permeability of less than $1 \times 10^{-9} \text{ ms}^{-1}$).
- The current environment protection licence does not provide the proponent with any protection from committing an offence under section 120 of the *Protection of the Environment Operations Act 1997* (pollution of waters) in the event that an overflow were to occur from a coal contact catchment as a result of undersized sedimentation ponds. This could mean that in such an event the proponent would potentially breach the POEO Act and be exposed to regulatory action.
- The proponent has advised the EPA that it is undertaking a review of site water management infrastructure in an attempt to determine whether it can meet these requirements due to site constraints, or whether the same outcome (i.e. preventing discharges from coal contact catchments in all rainfall events up to and including the 1 in 100 yr 72 hour recurrence interval) can be delivered in some other way. The EPA is willing to consider alternative proposals that the proponent may wish to put forward as a means of meeting this environmental performance outcome.
- The EPA recommends that the modified project approval requires the proponent to review the current site water management plan in consultation with the EPA to reflect the proposed changes to drainage and to implement measures that enable it to capture and hold runoff from the required design rainfall event within any coal contact catchment areas.

Please do not hesitate to call if you wish to discuss any of the above.

Kind regards

Lindsay

Lindsay Fulloon | Acting Head Regional Operations - Armidale | Environment Protection Authority

(d) NSW Office of Water (12 June 2015)



Department of
Primary Industries

OUT15/12520

Mr Matthew Riley
Mining Projects
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Matthew.Riley@planning.nsw.gov.au

Dear Mr Riley,

**Werris Creek Coal Mine (PA10_0059 Mod 2)
Proposed Modification**

I refer to your email dated 23 April 2015 requesting advice from the Department of Primary Industries (DPI) in respect to the above matter.

Comment by NSW Office of Water

The NSW Office of Water (Office of Water) has reviewed the modification for the Werris Creek Coal Mine and provides the following comments.

Irrigation of Void Water

The Office of Water understands Werris Creek Coal (WCC) will reach storage capacity of the existing void water dams on the mine site in the near future, and propose to provide surplus void water for agricultural purposes to neighbouring properties. The void water is currently pumped to the void water dams on site and used for on-site purposes such as dust suppression or allowed to evaporate. The water balance model included in the environmental assessment (EA) predicts the volume of void water generated could exceed the capacity of the void water dams (714 ML) under median and high rainfall scenarios.

WCC have been approached by adjoining landholders with respect to obtaining the water from the mine site for agricultural purposes. It is understood at this stage, no specified location has been identified for this purpose.

The EA outlines a contract would be reached between the irrigator and WCC, however all responsibilities associated with irrigating the void water would lie with the irrigator, including obtaining the relevant licences or approvals.

There are a number of licencing implications regarding the provision of this void water to third parties. The irrigator may require a use approval under the *Water*

NSW Department of Primary Industries
Level 48 MLC Centre, 19 Martin Place Sydney NSW 2000
GPO Box 5477, SYDNEY NSW 2001
Tel: 02 9338 6666 Fax: 02 9338 6970 www.dpi.nsw.gov.au ABN: 72 189 919 072



Management Act 2000 to use the void water for irrigation, if they don't hold an existing combined or use approval. WCC hold a groundwater water access licence with a volume of 211 ML. The Office of Water would expect the extraction of the void water for irrigation to be metered to ensure water is not being extracted over the licenced volume. Existing licences may need to be amended to ensure appropriate monitoring and reporting.

The Office of Water suggests that when the details of this irrigation proposal are finalised WCC seeks to meet with Water Regulation staff from the Office of Water to determine the specific licensing requirements associated with this proposal.

Water Quality

The discharge of water from mining activities is administered by the Environmental Protection Authority (EPA) under the *Protection of the Environment Operations Act 1995*. Any approval to discharge effluent water (mine void water) would be granted by the EPA.

The Office of Water seeks to ensure that potential for pollution by mine void water of groundwater and surface water is minimised.

The Office of Water recommends appropriate monitoring of the underlying aquifer to ensure that the beneficial use is not altered should the water percolate to the groundwater affecting the quality. It is difficult for the Office of Water to provide detailed comments at this stage, however further comments may be provided on the potential impacts to water quality once the exact site for irrigation is known by the proponent. The Office of Water may also have specific management requirements in relation to this issue.

For further information please contact Christie Jackson, Water Regulation Officer, (Tamworth office) on (02) 6701 9652 or at christie.jackson@water.nsw.gov.au.

Comment by Office of Agricultural Sustainability & Food Security

In accordance with procedures for mining projects that affect agricultural lands the Office of Agricultural Sustainability & Food Security will respond direct to your Department.

For further information please contact Rob Williamson, Leader Land Use Planning (Orange office) on 6391 3166, or at rob.williamson@dpi.nsw.gov.au.

Yours sincerely



Kristian Holz
Director Policy, Legislation and Innovation

(e) Trade & Investment – Division of Resources & Energy (14 May 2015)



OUT15/10797

Mr Matthew Riley
Planning Officer
Mining Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Email: Matthew.Riley@planning.nsw.gov.au

Dear Mr Riley

**Werris Creek Coal Mine – Modification 2 (10_0059 MOD 2)
Review of Environmental Assessment**

I refer to your email of 23 April 2015 regarding the Werris Creek Coal Pty Limited application to modify the development consent for the Werris Creek Mine to development a small lateral extension of the Out-of-Pit Overburden Emplacement; a northerly extension of the Overburden Emplacement; incorporation of a new Dry Separation Plant; supply of surplus void water for beneficial agricultural uses and increase hours of road transportation for coal products.

NSW Trade & Investment, Regional Infrastructure & Services, Division of Resources & Energy (DRE) has reviewed the *Environmental Assessment for the Werris Creek Coal Modification 2 (PA 10_0059)* (EA) dated April 2015 and provides the following comments which are directed at specific areas of DRE responsibility for this proposal.

MINING TITLE

As coal is a prescribed mineral under the *Mining Act 1992*, the proponent is required to hold appropriate mining titles from DRE in order to mine this mineral. DRE understands that the modification area is wholly within existing Mining Leases 1563, 1671 and 1672 held by the Proponent.

Under the *Mining Act 1992*, mining and rehabilitation are regulated by conditions included in the mining lease, including requirements for the submission of a Mining Operations Plan (MOP) prior to the commencement of operations, and subsequent Annual Environmental Management Reports (AEMR). DRE requires that proponent submit a revised MOP to include this modification if approved.

The proponent should be aware that ESG3: Mining Operations Plan (MOP) Guidelines dated September 2013 are available on the DRE website at:
<http://www.resources.nsw.gov.au/environment/pgf>

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Level 49 MLC Centre, 19 Martin Place, Sydney NSW 2000, Australia,
Tel: +612 9338 6600 Fax: +612 9338 6860 www.trade.nsw.gov.au ABN: 72 189 919 072

REHABILITATION

DRE notes that the EA has identified general rehabilitation strategies and objectives.

In correspondence to the proponent dated 9 March 2015 DRE advised the following:

The Department encourages mine operators to design and construct overburden emplacements that have a landform which is sympathetic to the local topography. Such a landform will typically exhibit apparent relief in height and limit the extent of large 'plateau' areas (unless such features are typical of the local topography). Werris Creek Coal Pty Ltd should endeavour to take into account landform design under this philosophy as far as is practical in its proposed modification.'

DRE considers the proposed modification will result in a final landform formation that is not consistent with current rehabilitation objectives, as table tops are not sympathetic with local topography. However, DRE notes the Proponent's statement in the EA that to construct a more distinct "hill top" would require an increase in overburden emplacement height which would contradict commitments made in the 2010 EA for the Werris Creek Mine (RWC, 2010) and on which the current consent was granted. DRE expect the design of the final landform formation could be improved as part of the development of the MOP.

DRE requires that:

- The applicant should, if the application is successful, provide DRE with a new Mining Operations Plan (MOP) which addresses the modified consent elements;
- The MOP should provide detail on the proposed 'minor rises and swales' referenced in Section 2.10.4 of the EA and undulating landform profiles referred to within Section 2.10.6.3; and
- A Rehabilitation Cost Estimate (RCE) should accompany the new MOP application. The tool to prepare the RCE ('ESB26 Rehabilitation Cost Calculation Tool') is available on the DRE website at <http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/rules-and-forms/pgf>.

Should you have any enquires regarding this matter please contact Julie Moloney, Principal Adviser, Industry Coordination on (02) 4931 6549.

Yours sincerely


14/5/15
William Hughes
Director Mineral Operations

(f) Roads and Maritime Services (18 May 2015)



File No: NTH10/00117
Your Ref: 10_0058 MOD2

The Director
Mining Projects
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Matthew Riley – Planning Officer

Dear Sir / Madam,

Proposed Modification to Werris Creek Coal Mine Project Approval 10_0059 (MOD_2)

I refer to your email of 23 April 2015 regarding the above proposal referred to Roads and Maritime Services for consideration.

Roles & Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

The Kamilaroi Highway (HW29) is a classified (state) road and Werris Creek Road (MR130) is a classified (regional) road. Liverpool Plains Shire Council is the 'Roads Authority' for these roads and all other public roads in the subject area. Roads and Maritime's concurrence is required prior to Council's approval of works on a classified road under Section 138 of the *Roads Act 1993*.

In accordance with Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, Roads and Maritime is given the opportunity to review and provide comment on any development application involving the transport of extracted materials on a public road.

Roads and Maritime Response

Roads and Maritime has reviewed the referred Environmental Assessment (EA) and provides the following comments to assist the consent authority in making a determination;

1. The proposed extension of hours in which extracted materials can be transported on public roads would result in additional truck movements through residential areas along the identified haul route between 7pm to 10pm Monday to Friday and 2pm to 6pm on Saturday.

Roads & Maritime Services

76 Victoria Street, Grafton NSW 2460 | PO Box 576 Grafton NSW 2460
T 02 6640 1362 | F 02 6640 1304 | E development.northern@rms.nsw.gov.au

www.rms.nsw.gov.au | 13 22 13

2. The EA identifies that the abovementioned extension of hours will enable transport movements to be condensed to reduce haulage costs. It is stated that this will also reduce the duration of campaign periods when trucks would operate between the mine and the Whitehaven Coal Handling Processing Plant (CHPP) at Gunnedah. It should be noted that this may result in an increase in the total number of daily haulage movements on public roads. Consideration should be given to likely impacts on affected residential areas along the haulage route.
3. The *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* enables the consent authority to request the preparation and adoption of a Code of Conduct relating to the transport of materials on public roads. It is suggested that such a code may address, but not be limited to the following:
 - A map of the primary haulage routes highlighting critical locations
 - Procedures / safety initiatives for truck travelling through residential areas and school zones
 - An induction process for new operators / subcontractors
 - Format of regular briefings / toolbox meetings
 - A complaints resolution and disciplinary procedure
 - Detail of any community consultation measures to address busy haulage periods
4. The EA proposes the transport of water from the mine site to external locations for agricultural purposes. The number, distribution and frequency of deliveries have not been identified in the EA and consideration should be given to addressing any likely impacts arising from transport on public roads.
5. The Kamilaroi Highway intersections with Taylors Lane and the CHPP access road should be capable of safely accommodating deceleration and turning movements for the largest design vehicle used for transport in accordance with the current Austroads Guidelines, Australian Standards and relevant Roads and Maritime Supplements.
6. Should the Consent Authority require road works on a classified road, then all works are to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements. Please note that any works required on the Kamilaroi Highway, which is a classified (state) road, would be subject to Roads and Maritime's 'Works Authorisation Deed' (WAD) process, further information on the WAD process can be obtained online at:
<http://www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf>

Advice to the Consent Authority

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au.

Yours faithfully



18 May 2015

for Monica Sirol
Network & Safety Manager, Northern Region

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