



Director Resources & Energy
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Sir / Madam,

Wallarrah 2 Coal Project (W2CP)
Application No. SSD-4974
Public Exhibition: Environment Assessment Report

I refer to the Wallarrah 2 Coal Project and note the *Department of Planning & Environment* (DPE) is inviting comment on the environment assessment report accompanying the amended development proposal. I understand this;

- Includes changes to proposed infrastructure including the secondary rail track, loading facility, conveyor system, roadways, and sewer pipeline.
- Doesn't involve changes to other proposed infrastructure, or the mining layout / methods.

As the proposed development is located in the Hue Hue and Wyong Mine Subsidence Districts, in accordance with S15 of the *Mine Subsidence Compensation Act, 1961* (MSC Act) the MSB's approval is required to subdivide, erect or alter any improvements on land within a Mine Subsidence District.

The Mine Subsidence Compensation Act 1961 has recently been reviewed. In light of this review, the Mine Subsidence Board proposes that a clear condition of consent requires the Colliery to accept responsibility for any damaged to existing surface improvements by mine subsidence and the associated cost to repair, due to its extractive works. This requirement is in consideration of;

- This proposed development, including recent changes.
- The large number of existing structures not owned by the Colliery, which are located within the project area and expected to be damaged by mine subsidence
- The reliability of predicting the impacts and damage caused by mine subsidence
- Imminent changes to MSC Act;

Where the Colliery proposes to relocate surface improvements such as telecommunication, transmission or pipelines, to eliminate the risk of mine subsidence the MSB's approval is required under S15 of the MSC Act. In consideration of this, it would be necessary to demonstrate the relocation would eliminate the risk of mine subsidence.

Please note the consent condition requirements in this letter supersede those previously advised in the MSB's letter dated 21 June 2013.

If you require clarification or would like more information, please contact me, telephone 49084391.

Yours sincerely

Peter Evans
Manager Technical, Mine Subsidence Board
25 August 2016