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Dear Mr O'Donoghue

**Drayton South Coal Project (SSD 14-6875)  
Response to Submissions**

Thank you for your email of 27 July 2015 concerning the Response to Submissions (RTS) for the Drayton South Coal Project.

NSW Department of Industry, Skills and Regional Development, Division of Resources & Energy (the Division) has reviewed the Drayton South Coal Project RTS dated July 2015.

In reviewing the RTS, the Division is of the view that that the Proponent has not provided sufficient detail to adequately assess the rehabilitation options across the Drayton Complex to ensure the highest level of rehabilitation outcomes are achieved.

However the Division recognises the complexity of the Drayton site rehabilitation options in relation to the agreement between the proponent and AGL Macquarie which gives AGL Macquarie the right to take the East (South) void and possibly the South void for ash disposal with appropriate approvals. It is understood that AGL Macquarie is required to make its decision prior to 1 January 2023.

**DRAFT RECOMMENDED CONDITIONS OF APPROVAL**

Given the constraints the AGL Macquarie agreement adds and in order to achieve optimum rehabilitation outcomes and maximise opportunities for the elimination of final voids across the integrated Drayton Complex the Division recommends that the following conditions be incorporated into the Development Consent should the project be approved.

### **Review of Rehabilitation Options**

The Proponent shall undertake a detailed Review of the Rehabilitation Options for the whole of the Drayton Complex. The Review will be undertaken every 3 years to the satisfaction of DP&E and the Division and include:

- Constraints and opportunities analysis of final void options across the mining complex. The analysis should include as a minimum various mine plan configurations and backfilling arrangements for the existing voids, to justify that the proposed design is the most feasible and environmentally sustainable option to minimise the sterilisation of land post-mining.
- Maximizing opportunities for the elimination of final voids across the existing and proposed mining complex (i.e. integration of operations).

### **Rehabilitation Objectives and Commitments**

The Proponent shall rehabilitate the site to the satisfaction of the Director, Environmental Sustainability in the Division of Resources & Energy (DRE).

Rehabilitation must be substantially consistent with the Rehabilitation Commitments described in the EIS, the Response to Submissions, the Statement of Commitments and the following objectives in Table 1.

**Table 1 Rehabilitation Objectives**

| <b>Rehabilitation Feature</b>                          | <b>Objective</b>                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mine site (as a whole of the disturbed land and water) | Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).                                                                                                                                                                                                                                                                                      |
| Rehabilitation materials                               | Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation.                                                                                                                                                                                                         |
| Landforms                                              | Final landforms sustain the intended land use for the post-mining domain(s).<br><br>Final landforms are consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape.<br><br>Final landforms incorporate design relief patterns and principles consistent with natural drainage. |
| Water Quality                                          | Water retained on site is fit for the intended land use(s) for the post-mining domain(s).<br><br>Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance.<br><br>Water management is consistent with the regional catchment management strategy.                                  |

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Native flora and fauna habitat and corridors | <p>Size, locations and species of vegetation communities and corridors are established to sustain biodiversity habitats.</p> <p>Species are selected that re-establishes and complements regional and local biodiversity.</p> <p>The native rehabilitation works are to increase the linkage with both on site and off site conservation areas / offsets within the region.</p> <p>Rehabilitation of the mined area with Central Hunter Box-ironbark Woodland and Narrabeen Footslopes Slaty Box Woodland.</p> <p>Retention and improvement of 20 ha of Hunter Floodplain Red Gum Woodland along Saddlers Creek.</p> |
| Post-mining agricultural pursuits            | <p>The land capability classification for the relevant nominated agricultural pursuit for each domain is established and self-sustaining within 5 years of land use establishment (first planting of vegetation.)</p>                                                                                                                                                                                                                                                                                                                                                                                                |

### ***Progressive Rehabilitation***

The proponent shall carry out all surface disturbing activities (e.g. pre-stripping in advance of mining operations) in a manner that, as far is reasonably practicable, minimises potential rehabilitation liability and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the DRE.

### ***Rehabilitation Plan***

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of DRE.
2. Rehabilitation Plan must:
  - a. be submitted and approved by the Director Environmental Sustainability, DRE prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Secretary;
  - b. be prepared in accordance with DRE guidelines and in consultation with the Department, OEH, EPA, NOW, Council and the CCC;
  - c. incorporate and be consistent with the rehabilitation commitments in the EIS, the statement of commitments and Table 1;
  - d. integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and,
  - e. address all aspects of mine closure and rehabilitation, including post mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.

*Note: The approved Mining Operation Plan (which will become the REMP once the Mining Act Amendments have commenced), required as a condition of the Mining Lease(s) issued in relation to this project, will satisfy the requirements of this condition for a Rehabilitation Plan.*

Should the project be approved, the Division will require the Proponent to provide specific, measurable, achievable, realistic and time-bound (SMART) rehabilitation completion criteria in the Mining Operations Plan (MOP) for the project.

The Division is available to meet with the Proponent to assist in developing the above documents for their operation.

Should you have any enquires regarding this matter please contact Adrian Delany, Acting Director Industry Coordination on (02) 4931 6437.

Yours sincerely



**Kylie Hargreaves**  
**Deputy Secretary**  
**Resources & Energy**

6.8.2015

cc: Mr Michael Young Department of Planning & Environment  
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