



OUT15/19395

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Dear Mr Freeman

**Moolarben Coal Project  
MP 05\_0117 Mod 12 and 08\_0135 Mod2**

I refer to your email dated 1 July 2015 regarding the Moolarben Coal Operations Pty Limited application to modify the consent for its Moolarben Mine to optimise the UG1 underground mining domain; modify the approved mine support facilities and change the approved production and transportation limits.

NSW Department of Industry, Skills and Regional Development, Division of Resources & Energy (DRE) has reviewed the *Moolarben Coal Complex UG1 Optimisation Modification Environmental Assessment* 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 1605, 1606, 1628 and 1691 and Mining Lease Applications, 319, 327, 331, and 458 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 a subsequent Annual Environmental Management Reports (AEMR). DRE requires that the 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>

## REHABILITATION

The DRE recommends that the following conditions be incorporated into the modification Development Consent, if granted:

### Rehabilitation Objectives and Commitments

The Proponent must rehabilitate the site to the satisfaction of the Secretary of NSW Department of Industry, Skills and Regional Development (NSW Department of Industry).

Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EA, the Statement of Commitments and the following objectives in Table 1:

Table 1

Rehabilitation Feature	Objective
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	<p>Final landforms sustain the intended land use for the post-mining domain(s).</p> <p>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.</p> <p>Final landforms incorporate design relief patterns and principles for consistent with natural drainage.</p>
Water Quality	<p>Water retained on site is fit for the intended land use(s) for the post-mining domain(s).</p> <p>Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance.</p> <p>Water management is consistent with the regional catchment management strategy.</p>
Native flora and fauna habitat and corridors	<p>Size, locations and species of native tree lots 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 Vegetation Belt / Fauna Corridor links with the existing vegetation along existing Creeks and biodiversity offsets areas.</p>
Post-mining agricultural pursuits	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.)

### **Progressive Rehabilitation**

The proponent must carry out all surface disturbing activities in a manner that, as far as is reasonably practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the Secretary, NSW Department of Industry.

### **Rehabilitation Plan**

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Secretary, NSW Department of Industry.
2. Rehabilitation Plan must:
  - a) be submitted and approved by the Secretary, NSW Department of Industry prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Secretary;
  - b) be prepared in accordance with the DRE guidelines; and in consultation with the Department, Office of Environment and Heritage, Environmental Protection Authority, Office of Water, Council and the mine Community Consultative Committee;
  - c) incorporate and not be inconsistent with the rehabilitation objectives in the EIS 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.

### **SUBSIDENCE**

DRE note the proposed changes to the mine layout of UG1 encroach on the Ulan-Wollar Road and the Sandy Hollow-Gulgong Railway. Specific consideration needs to be made to potential risks to these infrastructure items due to subsidence. However, DRE considers that this can be addressed in the operational stages of the proposal.

Overall, DRE considers that there are no feasibility issues affecting the proposed mine layout arising from health and safety risks due to subsidence.

Health and safety risks due to subsidence generally will be regulated post Planning approval under relevant Work Health and Safety laws.

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

Yours sincerely



**Adrian Delany**  
**A/Director Industry Coordination**

31.7.15