

OUT15/10797

Mr Matthew Riley
Planning Officer
Mining Projects
Department of Planning and Infrastructure
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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>

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


William Hughes
Director Mineral Operations

14/5/15