



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

Dear Mr Riley

**Boggabri Coal Project (09_0182 MOD 3)
Environmental Assessment Report**

I refer to your email of 8 November 2013 regarding Boggabri Coal Pty Ltd application to modify the consent for the Boggabri Mine to construct permanent access roads linking the Kamilaroi Highway to the Boggabri Coal Mine private haul road; temporary storage of overburden material at a former quarry and reuse of this material during construction of the rail spur to the Boggabri Coal Mine; continued use of an existing laydown compound for vehicle, equipment and material storage; and use of temporary in-pit fuel storage facilities.

NSW Trade & Investment, Regional Infrastructure & Services, Division of Resources & Energy (DRE) has reviewed the *Boggabri Coal Mine Project Approval Modification Environmental Assessment* (EA) dated November 2013 and provides the following comments which are directed at specific areas of DRE responsibility for this proposal.

DRE notes the proposed actives, excluding the fuel storage facilities, are not in the vicinity of the Boggabri mining leases nor do they relate to mineral extraction or beneficiation.

DRE has no power to direct rehabilitation activities or hold security for the rehabilitation liability on sites that do not have an authorisation under the Mining Act 1992. This includes the proposed quarry, laydown area ("Daisymede Compound") and the rail spur.

DRE has not commented upon rehabilitation works proposed for disturbance sites that are not located within a Mining Lease or Mining Purposes Lease.

RECOMMENDED CONDITIONS OF APPROVAL

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

Progressive Rehabilitation

The proponent shall carry out all surface disturbing activities (eg pre-stripping in advance of mining operations) in a manner that, as far 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 Director General of Department of Trade & Investment, Regional Infrastructure & Services.

Rehabilitation Plan

The Proponent must prepare and implement a **Rehabilitation Plan** to the satisfaction of the Director General of Department of Trade & Investment, Regional Infrastructure & Services. The Rehabilitation Plan must:

- a. be submitted and approved by the Director General of Department of Trade & Investment, Regional Infrastructure & Services prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Director General;
- b. be prepared in accordance with 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 be consistent with the rehabilitation objectives in the EA and the statement of commitments;
- 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.

It is the intention of DRE that the Rehabilitation Plan fulfil the requirements of the Mining Operation Plan (which will become the Rehabilitation and Environmental Management Plan (REMP) once the Mining Act Amendments have commenced).

DRE does not object to the approval of the proposed modification provided the above recommendations are taken into account and implemented.

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

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'Adrian Delany', written over the closing 'Yours sincerely'.

Adrian Delany
Acting Director
Industry Coordination

26.11.13