

Mr Paul Freeman
Senior Planner
Mining Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Freeman

**Rocky Hill Coal Project (SSD 5156)
Environmental Impact Statement**

I refer to your email of 23 August 2013 regarding the Gloucester Resources Limited (GRL) application to develop the Rocky Hill Coal Project.

NSW Trade & Investment, Regional Infrastructure & Services, Division of Resources & Energy (DRE) has reviewed the *Environmental Impact Statement for the Rocky Hill Coal Project* (EIS) dated August 2013 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 understand the proposed mining activities for the Rocky Hill project are within Exploration Licence 6523 and Mining Lease application 446 and that GRL will submit a mining lease application for the whole of the Rocky Hill Project Area, as shown on Figure 1.3 in the EIS.

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).

REHABILITATION AND MINE CLOSURE

DRE considers the following issues require additional information or clarification:

Rehabilitation domains

DRE considers that rehabilitation domains have not been clearly identified or documented in the EIS. To understand the secondary domains the reader is required to compare and interpret the information contained in Figure 2.24 Indicative Final

Landform and Figures 2.18 and 2.19 which show the sequence of mine development.

The phases associated with the rehabilitation of the mine (e.g. decommissioning, landform establishment, growth medium development etc) have not been defined.

This may be addressed subsequently in the MOP.

The Proponent should be aware that as part of the MOP, DRE will require rehabilitation domains to be clearly identified and documented as well as further information on final landform design, with specific reference to topographic relief and drainage.

Final landform and post mining land use

The EIS indicates the southern most Native Vegetation Belt / Fauna Corridor terminates at cleared pasture land. DRE recommends that it be extended to the mine area boundary, or if possible to Waukivory Creek to enhance the movement of fauna onto and off the site.

The EIS states that the project has the potential to adversely impact on the Squirrel Glider and the Grey-Crowned Babbler and possibly also the Brush-Tailed Phascogale. While the proposed native tree areas would serve as habitat for native fauna, the distance between the tree lots may reduce its effectiveness for the above species. DRE recommends the spacing between the native tree lots be reviewed and adjusted to provide usable habitat for the above species.

DRE recommends the Proponent also commit to a minimum size and number of Native Tree Lot locations as part of the approval process.

DRE supports the application's final landform of having no final void, however does not support the final overall conceptual final landform as the landform does not appear to have any synergies with the surrounding topography. DRE recommends that the Proponent review the conceptual final landform design with the objective of further minimising the visual prominence of the final landform in the post mining landscape with specific reference to vertical relief and drainage.

Water quality

The conceptual post-mining land use proposes retention of water on site for agricultural purposes. The quality of this water should be suitable and accessible for the intended purpose of watering stock.

Should the offsite discharge of water be required, DRE recommends that the surface water monitoring and management program incorporate the following principles and requirements:

- Establish the baseline ecological, hydrological and geomorphical conditions of the creeks that could be affected by the Project prior to mining disturbance.
- Document the flow release protocols for various flow conditions.
- Detail the stream health criteria (chemical, physical and biological), including trigger levels for investigating any potential adverse water impacts.
- Details of the monitoring program to be undertaken.
- The monitoring program should review the effectiveness of the on site water quality controls and assess the impact that any discharged water is having on the receiving creek system.

RECOMMENDED CONDITIONS OF APPROVAL

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

Rehabilitation Objectives and Commitments

The Proponent must rehabilitate the site to the satisfaction of the Director General of Department of Trade & Investment, Regional Infrastructure & Services.

Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EIS, the Statement of Commitments in Section 5 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 Waukivory 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 (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

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Director General of Department of Trade & Investment, Regional Infrastructure & Services.
2. 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 Minister;
 - 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 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.

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 Rocky Hill Project 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



**ADRIAN DELANY
ACTING DIRECTOR
INDUSTRY COORDINATION**

29.10.13