

Appendix 1

Correspondence from Department of Planning and Environment

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From: Stephen O'Donoghue <Stephen.O'Donoghue@planning.nsw.gov.au>
Sent: Wednesday, 17 September 2014 12:13 PM
To: Alex Irwin
Cc: Mike Young
Subject: RE: 623 - Proposed Modification (S75W) to Werris Creek Coal Mine (PA 10_0059)

Alex – response as follows.

1. Application under s75W is the appropriate planning pathway
 2. Formal SEARs are not required in this instance. Following a review of the preliminary environmental assessment, adding to what is proposed, the following key areas will need to be included in the assessment.
- Further and detailed justification for the proposed modifications will be required for the Department to consider the requested changes, in particular:
 - apart from reasons provided, further details and quantitative information on why the additional overburden volume is being generated – were the EA estimates on swell factors different to what is occurring in practice;
 - the reduction in the visual and amenity bund – the arguments for reducing this appear to be largely based on negotiations/ preferences of the previous “Cintra” landowner – if there are increased impacts on other receptors as a result of the decrease in the amenity bund length then there is unlikely to be reasonable justification for the proposed modification;
 - has additional water balance modelling been completed identifying that the approved mine water dams are likely to exceed capacity – under what sequence of events are they likely to discharge, what are the implications for retaining excess water in-pit. What assumptions have changed from the EA water balance to require additional measures for reducing water; what other options are there for managing excess water (see comments below);
 - extending hours of domestic truck movements – this is unlikely to be accepted by the Department without strong justification provided, given there is no increase in domestic coal supply rates by truck;
 - de-shaling plant – further advice is needed on why it is required and quantitative data – what % of coal is likely to require de-shaling, is the coal of poorer quality than assessed in the EA, do only some seams require de-shaling?
 - Demonstrated consultation of the proposed modification, and consideration of issues raised, with:
 - Liverpool Plains Shire Council
 - EPA (regarding issues related to the EPL)
 - DPI – NSW Ag (regarding irrigation on agricultural land) and NOW regarding use of water for purposes of irrigation
 - DRE
 - Werris Creek CCC
 - General community consultation
 - Given history of complaints and concerns in the Werris Creek township community, it is the Department’s view that air and noise modelling will need to be undertaken – this should include detailed review of air and noise monitoring results, complaints history and validation of the predictions from the EA;
 - Comprehensive visual and lighting assessment including new montages from key viewpoints where there may be increased visibility / lighting impacts;
 - Irrigation of mine water:
 - Clearly define where it is proposed to irrigate including comprehensive soil and groundwater data for reuse area;
 - Assess as per EPA Use of Effluent by Irrigation Guidelines – particularly consider salt loads, SAR, heavy metals, other potential pollutants based on groundwater/ geology/ coal contact and soil structure, whether runoff controls are appropriate, water balance will be required of water management system. This should also further consider concerns discussed between EPA, DP&E and

Whitehaven regarding management of ‘contaminated water’ incorporating areas in contact with coal stockpiles (rail load out area, ROM stockpile & crusher areas, coal haul roads) – these areas need to be managed to a higher design standard than required for dirty water areas (sediment being the main pollutant) as defined in Managing Urban Stormwater: Volume 2E - Mines and Quarries . Alternatives to managing water other than irrigation should also be considered in the water balance assessment – eg. temporary storage in-pit sumps; additional water storages; irrigation on rehab areas within the existing controlled drainage area of the mine; maximising water used in dust suppression.

- While likely to be in highly disturbed (cultivated) areas, you need to demonstrate that Aboriginal heritage and biodiversity issues have been considered;
- Decision to not proceed with the main entry being the northern access route with associated road/ intersection upgrades – you will need to outline the assessment from the original EA and reasons why the northern access and upgrade was proposed and spell out clearly why it is no longer required – in particular you will need to consult with Liverpool Plains Shire Council on this issue. Given the northern access/ upgrade has not occurred what is the current/ proposed route used by domestic coal trucks – will they leave the site via the existing haul road and then by the existing main access road or directly by Esccott Road to the Werris Creek/ Qurindi Road , it is not clear based on the information provided.
- Other – noting that there are substantive number of blast complaints, the EA will need to clearly state that blast activities are not affected by the proposed modification – some discussion in the EA will be needed;
- Assess alternatives including the no modification option for each component - what are the operational / cost issues vs. benefits;

Please call to discuss as needed.

Regards

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From: Alex Irwin [mailto:alex@rwcorkery.com]
Sent: Monday, 15 September 2014 15:11
To: Stephen O'Donoghue
Cc: Chris Dickson; Andrew Wright (623)
Subject: 623 - Proposed Modification (S75W) to Werris Creek Coal Mine (PA 10_0059)

Stephen,

We discussed a little over a week ago the proposed modification to PA 10_0059 (Werris Creek Coal Mine) operated by Werris Creek Coal Pty Limited. RWC has been commissioned to manage and prepare the relevant environmental documentation to accompany an application to modify PA 10_0059.

Attached is a Project Overview which outlines the proposed modifications, provides an initial assessment of likely impact and describes the approach to be taken to assessing these. On the basis of the Project Overview, it is requested that the Department:

1. confirm that application under S75W of the EP&A Act (under transitional arrangements for the repealed Part 3A); and
2. indicate whether Secretary's Environmental Assessment Requirements (EARs) will be sought and issued.

ENVIRONMENTAL ASSESSMENT

Report No. 623/17

Appendix 1

WERRIS CREEK COAL PTY LIMITED

Werris Creek Coal Mine – Modification 2

On the basis of the advice provided by the Department, an application will be lodged via the appropriate portal of the Department’s website and an Environmental Assessment completed.

I look forward to hearing back from you and please do not hesitate to contact me if you require any further information.

Regards,

Alex Irwin

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