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SYDNEY NSW 2001

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Dear Ms Evans

Wallarah 2 Coal Project – Amended Development Application (SSD 4974)  
Notice of Exhibition

I refer to your email of 20 July 2016 requesting comments from the Division of Resources & Energy (the Division) to an amended development application and revised Environmental Impact Statement (EIS) for the Wallarah 2 Project (the Project) proposed by Wyong Areas Joint Venture (the Proponent).

The purpose of the review is to determine whether the applicant has provided sufficient information in the Environmental Assessment (EA) to assess the potential impacts of the modifications. Specifically, the Division’s assessment has been undertaken to determine whether economic, social and environmental outcomes can be sustainably achieved as a result of the project and that any identified risks or opportunities can be effectively regulated through the conditions of mining titles issued under the Mining Act 1992.

It should be noted that this review does not represent the Division’s endorsement of the proposed rehabilitation methodologies as presented in the EIS.

Under the conditions of a Mining Lease (ML), the Division’s requires a title holder to adopt a risk-based approach to achieving the required rehabilitation outcomes. The applicability of the controls to achieve effective and sustainable rehabilitation is to be determined based on the site specific risk assessments conducted by a title holder. This risk assessment should be used to not only establish a basis for managing risk when planning an activity, but it should also be used and updated (as required) to continuously evaluate risk and the effectiveness of controls used to prevent or minimise impacts. A title holder may also be directed by the Division to implement further measures, where it is considered that a risk assessment and associated controls are unlikely to result in effective rehabilitation outcomes.
The Division has reviewed the Wallarah 2 Coal Project Amendment to Development for Wyong Areas Coal Joint Venture July 2016 (Application SSD-4974) and advises the following:

- The effects of subsidence have not been considered in this assessment. Department of Planning and Environment (DPE) should refer to the Department’s Resource Regulator for separate advice.
- As coal is a prescribed mineral under the Mining Act 1992, the proponent is required to hold appropriate mining titles from the Division in order to mine this mineral.
- The Division notes the proposed mining activities are within existing Authorisation 405 and EL 4911 held by the Proponent and MLA 342, 343, 346, 350, 462 and 522 submitted by the Proponent.
- The Division recommends that sustainable rehabilitation outcomes can be achieved as a result of the project.
- The recommended draft conditions of approval have been reviewed for consistency and standardisation with other project assessments and the draft Development Consent Conditions for SSD4974 (as originally proposed in 2013).

Pending grant of the Development Consent, the Division recommends that the following conditions be incorporated:

1. **Rehabilitation Objectives and Commitments**

Rehabilitation must be substantially consistent with the Rehabilitation Objectives as described in the EIS and the Statement of Commitments outlined below.

<table>
<thead>
<tr>
<th>Rehabilitation Feature</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mine site (as a whole of the disturbed land and water)</td>
<td>Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s). Final landforms designed to incorporate natural micro-relief and natural drainage lines, which, where reasonable and feasible, further avoid straight run drainage drop structures, to integrate with surrounding landforms.</td>
</tr>
<tr>
<td>Surface Infrastructure</td>
<td>To be decommissioned and removed. Sites to be made safe, and hydraulically and geotechnically stable. Site to be revegetated with suitable local native plant species, and a landform consistent with the surrounding environment.</td>
</tr>
<tr>
<td>Rehabilitation materials</td>
<td>Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation.</td>
</tr>
<tr>
<td>All watercourses subject to subsidence impacts</td>
<td>Hydraulically and geomorphologically stable, with riparian vegetation that is the same or better than prior to mining</td>
</tr>
<tr>
<td>Water Quality</td>
<td>Water retained on site is fit for the intended land use(s) for the post-mining domain(s). Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance. Water management is consistent with the regional catchment management strategy.</td>
</tr>
<tr>
<td>Steep slopes and rock face features subject to subsidence impacts</td>
<td>No additional risk to public safety compared to prior to mining.</td>
</tr>
<tr>
<td>Built features damaged by mining operations</td>
<td>Repair to pre-mining condition or as nearly practicable unless the owner agrees otherwise, or the damage is fully restored, repaired or compensated for under the <em>Mine Subsidence Compensation Act 1961</em>.</td>
</tr>
<tr>
<td>Community</td>
<td>Ensure public safety with regard to the effects of mining activity</td>
</tr>
<tr>
<td>Rehabilitation of Native flora and fauna habitat</td>
<td>Size, locations and species of native tree lots and corridors are established to sustain biodiversity habitats. Species are selected that re-establish and complement regional and local biodiversity.</td>
</tr>
<tr>
<td>Post-mining agricultural pursuits</td>
<td>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.)</td>
</tr>
</tbody>
</table>

2. **Progressive Rehabilitation**

The Proponent shall carry out all surface disturbing activities 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.

3. **Rehabilitation Plan**

The Proponent must prepare and implement a Rehabilitation Plan.

The Rehabilitation Plan must:

- be prepared in accordance with Division guidelines and in consultation with the Division, Office of Environment & Heritage, Environmental Protection Authority, Department of Primary Industry - Water, Wyong Council and the Community Consultation Committee
• be approved by the Division prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Secretary, DPE.
• incorporate and be consistent with the rehabilitation objectives in the EA, the statement of commitments and the above table.
• integrate and build on, to the maximum extent practicable, the other management plans required under this approval.
• address all aspects of mine closure and rehabilitation, including post mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.

Should you have any enquires regarding this matter please contact Steve Cozens, Senior Project Officer, Royalty and Advisory Services on telephone (02) 9842 8573.

Yours sincerely,

K Hargreaves 15.9.16
Kylie Hargreaves
Deputy Secretary
Resources & Energy