

APPENDIX 5

NSW Government Agency Correspondence



Vicki McBride
Approval Manager
Mount Owen Complex
PO Box 320
Singleton NSW 2330


Dear Ms McBride

Mount Owen Continued Operations Project – Proposed Modification

I refer to your email dated 5 April 2017, regarding Glencore's proposal to lodge an application to modify the Mount Owen Continued Operations Project (MOCO Project, SSD 5850) under Section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

I understand that the proposed modification follows Glencore's recent acquisition of mining leases associated with the Integra Underground Operations and would involve the expansion of the MOCO North Pit to the south east, a four year extension to the approved mine life and the recovery of approximately 41 million tonnes of additional run-of-mine coal.


I note that Glencore has sought legal advice on the assessment pathway for the proposed modification. This advice concludes that the proposed modification would remain substantially the same development as the approved MOCO Project (SSD 5850) and could therefore be assessed under section 96(2) of the EP&A Act.

The Department has considered the preliminary information provided in relation to the proposed modification, along with Glencore's legal advice on this matter, and agrees that Glencore can lodge the proposed modification for assessment under section 96(2) of the EP&A Act.

The Statement of Environmental Effects for the proposed modification should build upon the contemporary baseline data provided in the Environmental Impact Statement for the MOCO Project, to inform the assessment of the potential impacts of the modification, paying particular attention to the relative changes under the modification and any increase in potential impacts.

Glencore will also be required to update any relevant technical studies (including air quality, noise, biodiversity and water modelling/assessments) to meet contemporary assessment standards and ensure that any changes in impacts under the modification are clearly identified.

If you have any queries regarding the above, please contact Mr Matthew Sprott, Team Leader Resource Assessments, on 8217 2054.


Howard Reed 11.4.17
Director
Resource Assessments



Ms Vicki McBride
Approval Manager
Glencore Coal Australia Pty Ltd
PO Box 320
SINGLETON NSW 2330

Dear Ms McBride

I write in relation to the savings and transitional arrangements under the *Biodiversity Conservation Act 2016*. As you may be aware, on 25 August 2017 new biodiversity conservation laws came into effect. The *Biodiversity Conservation Act 2016* (the Act) is a culmination of extensive independent review and stakeholder input, and I believe it will deliver a strategic approach to conservation in NSW, while also supporting sustainable development.

The new legislation contains savings and transitional arrangements which ensure that projects which have commenced project planning in consultation with the Division of Resources and Geoscience, but have not yet taken a formal step under the *Environmental Planning and Assessment Act 1979*, may continue to make a development application in respect of those projects under the former legislative framework within specified timeframes.

Specifically, clause 27 (1) (g) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 provides that mining projects which have submitted a conceptual project development plan (CPDP) to the Department of Planning and Environment before the commencement of the *Biodiversity Conservation Act 2016* may make their development application under the former biodiversity regulatory framework within two years of the commencement of the Act, if a written determination of the receipt of their CPDP is made on or before 25 November 2017.

For the purpose of Clause 27 (1) (g) of the Regulation, I can confirm that a CPDP for the Mount Owen Continued Operations – Modification 2 Project in Singleton was received by the Department before the commencement of the Act.

The savings and transitional arrangements can be accessed on the NSW Legislation website at legislation.nsw.gov.au. If you have any questions about this matter, please contact Mr Adam Banister, Senior Advisory Officer, Division of Resources and Geoscience, at the Department on (02) 4931 6439.

Yours sincerely

K Hargreaves 24.11.17

Kylie Hargreaves
Deputy Secretary under delegation



Mr Brad Sneddon
Mount Owen Complex
Glencore Coal Assets Australia
PO Box 320
Singleton NSW 2330

Dear Mr Sneddon,

**Mount Owen Continued Operations Project
Modification 2 – Assessment Requirements**

I refer to your correspondence of 23 November 2017 regarding the Statement of Environmental Effects (SEE) currently being prepared for Mt Owen Continued Operations Project Modification 2 (SSD 5850 MOD 2). I note that the Department informally confirmed the assessment requirements and approval pathway for this modification on 11 April 2017. After this date, the Department released the *Social Impact Assessment Guideline for State Significant Mining, Petroleum Production and Extractive Industry Development* (SIA Guideline) on 8 September 2017 and the EPA released the *Noise Policy for Industry* (NPI) on 27 October 2017. Considering the transitional arrangements for this new policy and guideline, the Department clarifies the SEE requirements below.

In the absence of SEARs, paragraph three of the transitional arrangements of the NPI allow the Department to assess SSD 5850 MOD 2 based on the previous *Industrial Noise Policy* (INP), if Glencore can demonstrate that the environmental assessment substantially commenced prior to 27 October 2017 and the modification application is lodged within 12 months of this date. Upon review of the information provided, the Department accepts that the assessment has 'substantially commenced' and will accept and assess the noise component of the SEE in accordance with the INP.

The SIA Guideline applies to modifications, where relevant, particularly those where the social impacts associated with the proposed modification are new or different (in terms of scale and/or intensity) to those approved under the original consent. Following review of your proposed SIA scope, the Department considers that it appears appropriately scaled for this modification.

With regards to consideration of acquisition and mitigation rights under the *Voluntary Land Acquisition and Mitigation Policy 2014*, all privately-owned residences/land that may potentially be impacted by the proposal should be assessed by Glencore even if they are subject to acquisition or mitigation by another mine. The Department will determine appropriate acquisition and mitigation responsibilities during assessment of the modification.

Should you have any questions about this letter, please contact Megan Dawson at the details listed above.

Yours sincerely,

Howard Reed
Director Resource Assessments

B-12-17



Brad Snedden
GLENCORE
Private Mail Bag 8
SINGLETON NSW 2300

OUT17/49997

By email: bradly.snedden@glencore.com.au

cc: megan.dawson@planning.nsw.gov.au

22 December 2017

Dear Brad

**Proposed Mt Owen Continued Operations – Modification 2
Early consultation regarding final landform**

I refer to a meeting between Glencore and the Division of Resources and Geoscience, Environmental Sustainability Unit (ESU) held on 30 November 2017 to discuss the final landform options for the proposed Mount Owen Continued Operations (MOCO) – Modification 2.

ESU would like to acknowledge the proactive and early engagement approach that Glencore have adopted by liaising with ESU early in the planning process.

Based on the preliminary information available to date, ESU provides the following comments for consideration in the development of the final land form and land use options.

- Treatment of voids is a critical issue for MOCO, particularly given the issues identified during the assessment process for SSD 5850. It is recommended that the applicant address each of the concerns surrounding final landform raised by the Planning Assessment Commission.
- ESU has concerns regarding the steepness of slopes (approximately 18 degrees) presented in the final landform options 2a, 2b, 2c and 3. Steep slopes can result in long-term stability and erosion issues, impacting on long-term beneficial land use.
- ESU has concerns regarding the geometric shape of the final voids presented in the final landform options 2a, 2b, 2c and 3. Where practicable, the final landform should be designed to minimise visual impact, be in keeping with natural terrain features, incorporate micro-relief and maximise the area available for beneficial re-use (i.e. useable land).

- Further review of the options with regard to potential impacts on groundwater including:
 - post mining ground water equilibration, and
 - potential interactions between Bettys and Main Creek and the final void.
- The application should consider and assessment of the risk of combustion of exposed coal seams in the highwall and proposed treatment measures.
- Further justification, including economic assessment and beneficial re-use assessment of the proposed final landform options is required (for example, certain final landforms may take longer to achieve but may provide a more beneficial final land use).

Should you require additional information on this matter please contact the undersigned on 4931 6603.



Catherine Lewis
A/Manager & Principal Inspector Environment
Environmental Sustainability Unit
Division of Resources and Geoscience
NSW Department of Planning and Environment

22 Dec 2017

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Mr Tim Crosdale
Group Manager
Umwelt (Australia) Pty Limited
tcrosdale@umwelt.com.au

Dear Mr Crosdale

Mount Owen Continued Operations Modification 2 (SSD_5850 MOD 2) Project - Biodiversity Assessment of Offset Lands

I refer to your letter dated 22 December 2017 in which Umwelt (Australia) Pty Limited (Umwelt) asked about the environmental assessment of the offset lands for the Mount Owen Continued Operations Modification 2 Project.

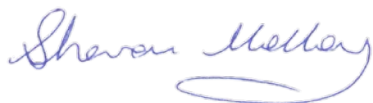
Umwelt asked whether OEH can confirm that the Office of Environment and Heritage (OEH) will accept the offset site surveys and assessments being undertaken using the BioBanking Assessment Methodology (BBAM). Umwelt also asked whether OEH could confirm that the BBAM offset surveys will be accepted for up to 18 months from the start of the *Biodiversity Conservation Act 2016*.

OEH notes that the Department of Planning and Environment has acknowledged receipt of a conceptual project development plan for this project on 24 November 2017. Under clause 27 (1) (g) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* proponents with a conceptual project development plan submitted before 25 November 2017 may use the NSW Biodiversity Offsets for Major Projects Policy for Major Projects and the Framework for Biodiversity Assessment (FBA) for the biodiversity assessment until 25 August 2019.

OEH can confirm that the biodiversity values of the offset lands for this project should be calculated using the BBAM. OEH can also confirm that the results of the BBAM surveys of the offset lands will be accepted up until 25 August 2019 (two years, not the 18 months suggested).

If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140.

Yours sincerely



5th March 2018

SHARON MOLLOY
Director Hunter Central Coast Branch
Regional Operations Division

5 March 2018

CONTACT OFFICER: Steven Cox
02 4927 3140