



Mr David Mooney  
Senior Planner  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Mooney

**Drayton South Coal Project (11-002)  
Environmental Assessment Review**

I refer to your email of 7 November 2012 regarding the Anglo Coal (Drayton South) Pty Ltd proposal to develop the Drayton South Coal Project which involves the establishment of open-cut and high-wall mining operations to extract up to 7 million tonnes per year of Run-Of-Mine coal and the continued use of the existing Drayton Mine Coal Handling and Preparation Plant and the Antienne Rail Spur.

NSW Trade & Investment, Regional Infrastructure & Services, Division of Resources & Energy (DRE) has reviewed the *Drayton South Coal Project Environmental Assessment* (EA) dated November 2012 and provides the following comments which are directed at specific areas of DRE's responsibility for this proposal.

**MINING TITLES**

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 requires that all mining activities are contained within mining leases held by the Proponent for this project.

DRE understands that as indicated in Table 17 of the EA the Proponent will lodge a Mining Lease Application (MLA) which is wholly within EL 5460.

Under the *Mining Act 1992*, rehabilitation is regulated by conditions included in mining leases, including requirements for the submission of a Mining Operations Plan (MOP) prior to the commencement of operations, and subsequent Annual Environmental Management Reports (AEMR).

The Proponent should be aware that the mining lease cannot be granted until planning approval has been received for the project.

### **SUBSIDENCE**

DRE has not undertaken a subsidence assessment of the proposed highwall mining however it is noted from page 44 of the EA that:

“The highwall mining design will be consistent with the guidelines outlined in the Australian Coal Association Research Program report *Optimal Design and Monitoring for Highwall Mining* (CSIRO, 2001). The design of the pillars between the entries ensures that the mining technique results in no noticeable subsidence or surface disturbance as defined by NSW Department of Mineral Resources *Guidelines for Applications for Subsidence Management Approvals*.”

The Proponent should be aware that the granting of any mining lease will include a condition that a Subsidence Management Plan (SMP) be prepared prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.

### **REHABILITATION**

DRE supports the rehabilitation objectives prescribed in the EA.

DRE has assessed the project in respect of the rehabilitation proposals detailed in the EA and determined that the report sufficiently addresses the rehabilitation requirement of the project, noting that progressive rehabilitation will be undertaken across the site throughout the life of the mine, subject to further management plans and approvals. DRE will establish and condition rehabilitation requirements through future Mining Operation Plan (MOP) and rehabilitation management plans for the site, if development approval is granted. These conditions may include appropriate rehabilitated ecosystem monitoring and use of analogue comparison sites, however these matters will be determined at the MOP and other management plan stages, if approval is granted.

DRE recommends that the following conditions be incorporated into the planning approval, if granted:

#### **Rehabilitation Plan**

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

- a. be prepared in accordance with DRE guidelines and in consultation with relevant agencies and stakeholders;
- b. be submitted and approved by the Director General of NSW Trade & Investment, Regional Infrastructure & Services prior to the commencement of construction;

- c. address all aspects of rehabilitation and mine closure, including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring.

**Annual Environmental Management Report (AEMR)**

The proponent must prepare an Annual Environmental Management Report on performance of the mine against requirements of regulatory environmental approvals – planning approval, mining lease, environmental protection license. The report must be prepared according to current guidelines and presented annually to agencies.

As previously discussed with NSW Department of Planning and Infrastructure, any planning approval should not include separate plans such as Mine Closure Plans, Landscape Management Plans and Rehabilitation Management Plans, but rather be replaced by a single plan called Rehabilitation Plan. The Rehabilitation Plan should address all rehabilitation aspects, including landscape, final void management and mine closure. There should be no further requirement to develop management plans if this section is addressed adequately. DRE requests that all references to Mine Closure Plans, Landscape Management Plans and Rehabilitation Management Plans referred to in the EA and previous Development Consents be replaced by the Rehabilitation Plan required by the Rehabilitation and Environmental Management Plan (REMP) process under the *Mining Act 1992*.

DRE would be pleased to meet with the Proponent to assist in developing the above documents for their operation.

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

Yours sincerely

  
**WILLIAM HUGHES**  
**ACTING DIRECTOR**  
**MINERALS OPERATIONS**

18/12/12