



Mr Alan Coutts
Chair of IPC Panel
Independent Planning Commission of NSW
GPO Box 3415
Sydney NSW 2001

Dear Mr Coutts

Mount Pleasant Coal Mine - Extension of Mine Life (DA 92/97 MOD 3)

I refer to your correspondence of 12 July 2018 requesting additional information following the Commission's meeting with Muswellbrook Shire Council (Council) on the Mount Pleasant Modification 3 assessment.

The Commission noted that Council expressed concerns over a reference to the *Thomas Mitchell Drive Contributions Study, May 2015* (TMD Study) in condition 41A of Schedule 3 of the recommended Notice of Modification. This study is also referenced in the Mangoola, Bengalla and Mount Arthur consents, and specifies the mines that are required to make proportional contributions towards the upgrade and maintenance of Thomas Mitchell Drive.

The Department considers the TMD Study to be an appropriate and equitable basis for allocating funding for the required work. However, it does not presently include reference to the Mount Pleasant mine. This is because, at the time of the TMD Study, four mines in the Muswellbrook local government area were seeking approvals that would directly impact on usage of Thomas Mitchell Drive. At that time, Mount Pleasant had not re-commenced construction and was not seeking to change its approved use of the local road network.

However, the TMD Study recognised that the funding allocated to mining proposals in 2015 may need to be adjusted to account for new or expanded mining operations in the future. This is reflected in the Department's recommended wording of condition 41A, sent to the Commission on 8 June 2018, which states that "the Applicant must contribute to the upgrade and maintenance of Thomas Mitchell Drive, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Contributions Study prepared by GHD titled, "Thomas Mitchell Drive Contributions Study, May 2015" (as amended from time to time)".

In early June 2018, the Department commissioned GHD to update the 2015 TMD Study. This update was commissioned to remove contributions allocated to Drayton Mine (to reflect the refusal of the Drayton South Coal Project) and include the traffic impacts associated with the proposed Mount Pleasant Modification 3. The Department understands that GHD is close to finalising this updated study and would support amending condition 41A to reflect the most recent publication date (see **Attachment A**).

The Commission also questioned whether the rehabilitation objectives in condition 53 of Schedule 3 of the existing consent should be updated to reflect the style of rehabilitation objectives included in recent development consents for mines in the Hunter Valley.

The Department has reviewed the rehabilitation objectives in the current consent and agrees that Modification 3 presents an opportunity to contemporise conditions for the rehabilitation of the site. Over recent years, the Department has continued to make improvements to the rehabilitation requirements imposed on State significant mining developments and has

refined the standard rehabilitation objectives to promote the delivery of improved social, environmental and post-mining land use outcomes.

Contemporary conditions require that rehabilitation activities must address the minimum requirements outlined in the conditions of consent, while remaining generally consistent with the activities and conceptual plans detailed in EISs or other environmental assessment reports. In the Department's experience, a combination of strong outcome focused requirements and some flexibility in how rehabilitation activities are undertaken is most likely to promote efficiency and inventiveness and to facilitate the delivery of approved outcomes. The Department also notes that many contemporary mining consents in the Hunter Valley include requirements for both a Rehabilitation Strategy and Rehabilitation Management Plan, which together provide for the effective management and control of rehabilitation activities undertaken during the operational phases of mining.

Accordingly, the Department supports strengthening the rehabilitation requirements in the Mount Pleasant consent and has updated its recommended conditions 53-56 to reflect contemporary requirements that are consistent with conditions recently imposed on other mining operations in the Hunter Valley and NSW (see **Attachment A**).

Should you have any enquiries, please contact Howard Reed, Director Resource Assessments on 9274 6308.

Yours sincerely

Handwritten signature of Oliver Holm and the date 24/7/18.

Oliver Holm
Executive Director
Resource Assessments and Compliance

Feature	Objective
Areas proposed for agricultural land	<ul style="list-style-type: none"> • Establish/restore grassland areas to support sustainable agricultural activities • Achieve the nominated land capability classification
Other land affected by the development	<ul style="list-style-type: none"> • Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of local native plant species (unless DRG agrees otherwise)
Final Landform	<ul style="list-style-type: none"> • Stable and sustainable for the intended post-mining land use/s • Integrated with surrounding natural landforms • Incorporate micro-relief and drainage lines that are consistent with surrounding topography, to the greatest extent practicable • Maximise surface water drainage to the natural environment (excluding final void catchment)
Final voids	<ul style="list-style-type: none"> • Designed as long term groundwater sinks to maximise ground water flows across back filled pits to the final void • Minimise to the greatest extent practicable: <ul style="list-style-type: none"> - the size and depth of final voids; - the drainage catchment of final voids; - any high wall instability risk; and - the risk of flood interaction
Surface infrastructure of the development	<ul style="list-style-type: none"> • To be decommissioned and removed, unless DRG agrees otherwise
Rehabilitation materials	<ul style="list-style-type: none"> • Materials from areas disturbed under this consent (including topsoils, substrates and seeds) are to be recovered, managed and used as rehabilitation resources, to the greatest extent practicable
Water quality	<ul style="list-style-type: none"> • Water retained on the site is fit for the intended post-mining land use/s • Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation
Community	<ul style="list-style-type: none"> • Ensure public safety • Minimise adverse socio-economic effects associated with mine closure

54. By the end of January 2019, unless otherwise agreed by the Secretary, the Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Secretary. This strategy must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
 - be prepared in consultation with DRG and Council;
 - build upon the Rehabilitation Objectives in Table 11 and the conceptual final landform depicted in Figure 4 in Appendix 2, including identification of opportunities for increasing the areas of woodland and habitat connectivity within the rehabilitated landscape;
 - include details of the canopy, sub-canopy, understorey and ground strata species to be established in the rehabilitation areas, with a particular focus on ensuring the achievement of an appropriate level of diversity and mix of functional groups within each target community; and
 - include an indicative schedule for the staged rehabilitation of the development.

The Applicant must implement the approved strategy as approved from time to time by the Secretary.

Progressive Rehabilitation

55. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.

Rehabilitation Management Plan

56. By the end of January 2019, unless otherwise agreed by the Secretary, the Applicant must prepare a Rehabilitation Management Plan for the development to the satisfaction of DRG. This plan must:
- be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
 - be prepared in consultation with the Department, DoI Water, OEH, DPI, and Council;

- (c) be prepared in accordance with any relevant DRG Guideline;
- (d) describe how the rehabilitation of the site would achieve the objectives identified in Table 11 and the outcomes described in the Rehabilitation Strategy referred to in condition 54;
- (e) include a detailed plan for the reinstatement and review of the proposed:
- (f) agricultural land capability of grassland areas in the final landform, including a protocol for periodic trials to demonstrate that the land capability is being achieved; and
- (g) rehabilitated woodland areas and fauna habitat, including a protocol for periodic trials to demonstrate that the target vegetation community is being achieved;
- (h) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and for triggering remedial action (if necessary);
- (i) describe the measures to be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform (including final voids), final land use/s and water management in the final landform;
- (j) include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise the area exposed for dust generation;
- (k) include a program to monitor, independently audit and report on the effectiveness of the measures in condition 56(g), and progress against the detailed performance and completion criteria in condition 56(f);
- (l) to the maximum extent practicable build on and integrate with the other management plans required under this consent; and
- (m) include detailed scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years.

The Applicant must implement the approved management plan as approved from time to time by DRG.