

ATTACHMENT 1B - SUMMARY OF AGENCY COMMENTS ON DRAFT CONDITIONS

The Department has consulted with relevant agencies during the drafting of the recommended conditions. The following table provides a summary of the Department's considered of the key recommendations raised by agencies.

Council Recommendations (received on 21 March 2019)		Department's Consideration	Actions
1.	<p><u>Voluntary Planning Agreement</u> In principle agreement has been reached between the Council and the Applicant on a Voluntary Planning Agreement for the Project. The parties have agreed to a quantum and for the disbursement of the funds into the Singleton Community and Economic Development Fund.</p> <p><u>Final Land Use</u> Council considers the current final land use options do not provide for a high level of post mining land use certainty.....</p> <p>The current final land uses proposed do not consider this strategic alignment and do not provide long term certainty to the community of a sustainable post mining land use.....</p>	<p>Planning agreement condition and general terms of agreement included in draft conditions of consent.</p> <p>The Department made amendments to the rehabilitation strategy condition to provide Council with greater certainty. Council subsequently advised that these amendments addressed its concerns.</p>	<p>Refer to condition A17 and Appendix 8.</p> <p>Additional text added in Condition B72. <i>(e): align with strategic rehabilitation and mine closure objectives</i></p> <p>Condition B72 (m) amended to specific post-mining land-use requirements:</p> <ul style="list-style-type: none"> (i) align with regional and local strategic land use planning objectives and outcomes; (ii) support a sustainable future for the local community; (iii) utilise existing mining infrastructure, where practicable; and (iv) avoid disturbing self-sustaining native ecosystems, where practicable;
Dol Crown Lands Recommendations (received on 11 March 2019)		Department's Consideration	Actions
2.	<p>All Crown Land and Crown Roads within a Mining Lease must be subject to a Compensation Agreement issued under Section 265 of the <i>Mining Act 1992</i>, to be agreed and executed prior to any mining activity taking place and within 12 months of Project/ Modification Approval.</p>	<p>The Department supported these recommendations however its template conditions of consent do generally duplicate statutory requirements under other legislation (ie those of the <i>Mining Act 1992</i> in this case). Nonetheless, the Department recommended a condition requiring consultation with</p>	<p>Refer to condition A33.</p> <p>The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown land or Crown roads.</p>

	All Crown Land and Crown Roads located within an Exploration Licence, where subject to exploration activity, must be subject to an Access Arrangement issued under Section 141 of the <i>Mining Act 1992</i> , to be agreed and executed prior to any exploration activity taking place.	DPIE Crown Lands and referenced these other statutory requirements in notes to conditions, as is its standard practice.	
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EPA Recommendations (received on 11 March 2019)	Department's Consideration	Actions	
3.	Several draft conditions require the development of management plans to control impacts. Please note that the EPA encourages the development of such plans to ensure that proponents have determined how they will meet their statutory obligations and designated environmental objectives. However, the EPA does not review these documents.....	The Department is aware that the EPA does not review management plan documents. However, the inclusion of EPA as a consultation body is a part of the Department's template conditions of consent and ensures relevant plans are provided to each relevant agency, should they ever wish to make comments.	No changes required.

Heritage Council of NSW (received on 8 March 2019)	Department's Consideration	Actions	
4.	<p>It is noted that the Historic Heritage Management Plan required under Condition B59 now includes a greater number of matters to be addressed and in particular, requires a number of specific measures to be addressed and/or implemented for the significant Coke Ovens adjacent to the proposal. This is considered an improvement on the matters previously noted in the revised Response to Submissions Report. We note, however, that not all recommendations outlined in the letter from OEHL dated 15 December 2017 (which referred to our prior letter of 2 December 2015) have been incorporated within Conditions B59 (a) to (h).</p>	<p>In response to these comments, the Department consulted further with the Heritage Council and amended its draft conditions. Heritage Council subsequently confirmed these updates addressed its concerns.</p> <p>Heritage Council's advice is summarised below, and the relevant condition is identified in the Actions column.</p> <p><u>Heritage advice of 15 December 2017</u></p> <ul style="list-style-type: none"> • Recommended measures are to prepare a CMP to manage the Rix's Creek Coke Ovens & Associated Works. • The CMP would investigate ways to reduce the impacts from vibration impacts as well as exploring ways to preserve and maintain it. • It was also recommended that the placement of spoil piles in proximity to Granbalang Trig Station should be sympathetic to the outlook of the trig station. This would be managed through a Historic Heritage Management Plan. 	<ul style="list-style-type: none"> • See condition B59(f) • See condition B59(f)(i) • See Table 6 rehabilitation objectives (4th row). This requirement was included in the rehabilitation conditions as it primarily relates to landform design

Heritage Council of NSW (received on 8 March 2019)	Department's Consideration	Actions
	<p data-bbox="1003 395 1397 419"><i>Heritage advice of 2 December 2015</i></p> <ul data-bbox="1003 427 1554 1315" style="list-style-type: none"> <li data-bbox="1003 427 1554 612">• Additional historical research specific to the 'Linear Embankment and Mound with Historic Material' and its potential association with the "Rixs Creek Coke Ovens and Associated Works" shall be undertaken to better understand and inform the significance of the Linear Embankment and Mound'. <li data-bbox="1003 651 1554 810">• A detailed Condition Report of the Coke Ovens and Associated Works site prepared by suitably qualified structural engineer, including detailing existing location and extent of cracks and other defects that may be susceptible from damage caused by vibration. <li data-bbox="1003 849 1554 954">• A monitoring timetable should be prepared for regular monitoring of the coke ovens site during and up to one (1) year after blasting activity has been completed. <li data-bbox="1003 992 1554 1098">• Detailed mitigation options in the event damage caused by vibration activity is identified including remediation options involving the inclusion of new fabric. <li data-bbox="1003 1136 1554 1315">• A final report shall be prepared within one (1) year of completion of blasting works outlining the results of both visual and vibration monitoring and any repair work completed on the site and shall be submitted for the information of the Department of Planning and Environment and the Heritage Council of NSW. 	<p data-bbox="1621 256 1984 304">and the visual impacts of the final landform.</p> <ul data-bbox="1581 395 1973 1155" style="list-style-type: none"> <li data-bbox="1581 395 1868 419">• See condition B59(f)(ii) <li data-bbox="1581 619 1973 667">• See condition B19(i) pre-blasting dilapidation survey <li data-bbox="1581 817 1854 841">• See conditions B19(j) <li data-bbox="1581 944 1962 992">• See conditions B19(i) and E4(f) contingency plan <li data-bbox="1581 1104 1939 1152">• Addressed in condition E9 for Annual Review requirements

Biodiversity Conservation Trust (formerly Office of Environment and Heritage) (received on 27 March 2019)		Department's Consideration	Actions
<p>5.</p> <ol style="list-style-type: none"> 1. OEH recommends that the objective for rehabilitation of areas proposed for native ecosystem re-establishment is for the creation of recognisable local plant community types 2. The Heritage Sites figure referred to in Appendix 7 should be included in the Conditions of Consent. 3. OEH recommends that the ACHMP includes a mechanism to ensure that any Aboriginal sites within the project boundary are registered on the Aboriginal Heritage Information Management System (AHIMS) database. 4. The artefact scatter sites Rix's Creek AS15 and Rix's Creek AS16 listed in Commitment 38 in Appendix 3 (Statement of Commitments) should be registered on the AHIMS database and their locations should be included in the Heritage Sites figure in Appendix 7 of the consent. <p><u>23 May 2019</u></p> <ol style="list-style-type: none"> 5. OEH recommends that the wording in draft Consent Condition B54 is amended by replacing the word "or" with the word "and" to avoid ambiguity as to authorisation of harm to Aboriginal objects or sites associated with the cut and cover tunnel area. 	<p>The Department amended the conditions to reflect these recommendations. Note that the condition numbers have been updated since this advice.</p>	<ol style="list-style-type: none"> 1. Rehabilitation objectives table updated to align with this recommendation. 2. New figure included in Appendix 6. 3. See condition B56. The Applicant has now registered all known Aboriginal sites on the AHIMS database. 4. Sites shown on figure in Appendix 6. 5. The Department considers this matter is covered in condition B57 (iii) 	

Roads and Maritime Services (received on 18 March 2019)		Department's Consideration	Actions
<p>6.</p> <p>Under Part C, Cut and Cover Tunnel, include the following additional point:</p> <ul style="list-style-type: none"> • The applicant must enter into any other access agreement(s) with RMS or Council considered necessary in respect to the on-going use and maintenance of the tunnel and related infrastructure within the road corridor. 	<p>The Department added a condition to reflect this recommendation.</p>	<p>See condition C6.</p>	