



~~8 July 2019~~
17 July 2019

Mr Howard Reed
Director Resource Assessments 2A
Department of Planning, Industry and Environment

By email: [REDACTED]

Dear Mr Reed,

**Rix's Creek South Continuation of Mining Project (SSD 6300)
Request for Additional Information**

The Independent Planning Commission (**Commission**) is in the process of considering the Rix's Creek South Continuation of Mining Project SSD 6300 (**the Project**).

As a basis for the discussion scheduled for 9 July 2019, the Commission is seeking further information from the Department set out below. This information will assist the Commission in considering the Project.

Clarification of matters in the Department's Assessment Report

- ~~1. The Commission would like an update on the additional information the Department requested from the Applicant during its assessment after the Commission's Review Report was released.~~
- ~~2. The Commission would like to understand why the response to the Commission's Review Recommendation 3 on page 15 is "subject to reasonable notice"?~~
- ~~3. What will be the rehabilitation status at the cessation of mining broken down by the following categories:
 - ~~I. active mining~~
 - ~~II. unshaped overburden~~
 - ~~III. shaped overburden~~
 - ~~IV. topsoiled~~
 - ~~V. seeded~~
 - ~~VI. successful rehabilitation?~~~~
4. The Commission seeks further information from the Department to understand whether the costs discussed in the Department's Assessment Report in response to Recommendation 16, page 28, for Option 1 and Option 2 are in net present value (NPV) terms? Are the anticipated costs over the life of the consent?
5. Could the Department please provide to the Commission a copy of Table 7, page 34, that includes Option 1?
- ~~6. The Department's Assessment Report states on page 50: "conditions ...reflect best practice in the regulating open cut coal mines in NSW". The Commission seeks further information in relation to who determines 'best practice', and where NSW best practice fits in relation to the world's best practice?~~
7. The Commission would like to understand what has not been modelled in the cost benefit analysis (CBA)? For example are the following included: the Scope 3

- Greenhouse gas emissions assessment, reasonable cost for mine closure, and the additional impact of achievable noise criteria (ANC)?
8. Could the Department please clarify for the Commission how the draft conditions of consent were modified in response to the responding agencies' concerns?
 9. Could the Department please provide to the Commission a 'track changes' version or table of the draft conditions of consent indicating where a condition has been modified in response to the Commission's Review Report?
 10. Could the Department please provide to the Commission a copy of the Statement of Commitments that was provided to the Department by the Applicant on 05 March 2019, as referenced on page 9 of the Department's Assessment Report?
 11. ~~The Commission seeks further information why some strategies, such as the rehabilitation strategy, final void and reuse of water, will be deferred until after determination?~~
 12. ~~The Commission understands the Central Hunter Valley Eucalypt Forest and Woodland was recently listed under the *Environmental Protection and Biodiversity Conservation (EPBC) Act*, however the Application was not a 'controlled activity' at the time of the listing. The Commission seeks further information about how the listing of the Central Hunter Valley Eucalypt Forest and Woodland was taken into account in the Department's Assessment Report?~~

Scope

13. ~~Has Modification 10 of DA 49/94 (**Modification 10**) been taken into account in the Department's Assessment Report?~~
14. ~~The Commission notes that the Assessment Report reads as though Modification 10 of DA 49/94 had not been approved, for example Table 1 page 1 states the mine life ends June 2019. Should the Assessment Report be modified to take into account Modification 10? If not, why not?~~
15. The Commission seeks clarification in relation to the end of mine life date proposed under SSD 6300. Is it 21 years from 24 June 2019 or from the Modification 10 extension date of 24 March 2020?

Public Interest

Objects of the Act

16. ~~Object (a) states: "*to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources*" Could the Department please provide to the Commission the number of people (FTE) employed at the mine and any secondary employment that will be generated by year over the life of the mine (21 years)~~
17. The Commission notes that NSW Health indicated concerns in relation to the Project on 21 December 2018. Could the Department please provide to the Commission information about how the concerns raised by NSW Health have been addressed?
18. Object (e) states: "*to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats*". The Commission notes that the Application has proposed two options in relation to overburden area emplacement. The Commission would like to understand the Department's preferred option, including which option would be the most desirable excluding economic considerations (i.e. considering only air quality, biodiversity, noise, post-mining optionality etc.)?

Ecologically Sustainable Development

19. The Commission would like to understand the likely greenhouse gas emissions associated with the Project. Could the Department please provide an estimate to the Commission of the Scope 3 emissions for the Project (in quantity and dollars)? The Commission would also like to understand if the Department has a view on whether

export destinations for this Application should be limited to countries that have signed the Paris Agreement?

Economic Guidelines for Mines plus Treasury Technical Notes

20. The Commission seeks the Department's view on what regard should be given to the economic scenario where a sudden closure of the mine is required, and rehabilitation and a mine closure plan has not been adequately completed?
- The Commission also seeks the Department's view on how successful rehabilitation outcomes can be integrated into conditions in a sudden closure of the mine scenario?
21. The Commission notes that on page 6 of the KPMG report (appendix J of the Applicant's Response Report) has not fully addressed the Commission's Review Recommendations 21-22, where the Commission recommended a comparison to other coal price forecasts in addition to MQG/World Bank and IMF. Is the Department able to provide further information on why only these forecasts were used, and not other available forecasts? The Commission seeks further information as to what has been included in the environmental externalities?

Draft Conditions

- ~~22. The Commission seeks the Department's confirmation that draft condition B24 in relation to Recommendation 3 of the Commission's Review Report is not restricted in any way, such as the termination right being limited to air quality concerns only?~~
- ~~23. The Commission seeks further information from the Department in relation to whether Condition A32 should be done prior to any mining commencing?~~
24. The Commission seeks further information from the Department in relation to whether Condition B70(m) should be undertaken in consultation with Council at least every five years and also whether Condition D6 should extend to CCC as well?
- ~~25. The Commission seeks further information from the Department in relation to whether the notes within the Conditions of Consent are enforceable.~~

The Commission would also like to clarify that where the Department's Assessment Report on page (iii) states "...[t]he Commission's Review Report concluded that the Project would have merit, subject to satisfactorily addressing...", the wording used by the Commission was that the Project *may* have merit.

The Commission would appreciate it if the Department could provide responses to the above questions either at the meeting Tuesday 09 July 2019 or in writing as soon as practicable.

If you have any questions, please contact Dennis Lee, Team Leader on [REDACTED] or dennis.lee@ipcn.nsw.gov.au.

Regards,



Sam McLean
Executive Director
Independent Planning Commission NSW Secretariat