

Correspondence with DNRM re
MLA 70454 on 27 Aug 2015.

Callum Lamont

From: Nui Harris
Sent: Friday, 28 August 2015 7:49 AM
To: MACDONALD Debbie-Jo (debbie-Jo.Macdonald@dnrm.qld.gov.au)
Cc: Callum Lamont
Subject: Waratah Coal - Progression of mining lease application 70454
Attachments: 20150827 Request for DNRM Extension DRAFT Ver02.pdf; Attachment 1 - 20150819 EMP 20150819 Pre-lodgement review comments EPML00571313 China First Coal Mine Waratah Coal Pty Ltd.pdf

Good morning Debbie-Jo,

I refer to the notice to Waratah Coal Pty Ltd (Waratah) pursuant to s.386L of the Mineral Resources Act 1989 (MRA) to progress Mining Lease 70454 (ML 70454) and allow the application to be decided.

Waratah Coal are currently working with the department of Environment Heritage and Protection to have approved a draft Environmental Authority, to progress ML 70454.

After four rounds of pre-lodgement, further requests for information and amendments are required by the department which go against the spirit of the Coordinator Generals Report for this Project.

Waratah Coal now endeavours to continue working with the department on these matters, cognisant of the fact the department have no legal basis for these requests.

Waratah Coal consequently and in accordance with Section 386L of the Mineral Resources Act 1989, requests a further extension to the period for complying with the Notice to Progress to 31 December 2015. This extension is necessary to allow sufficient time to address EHP's requirements for the EMP.

Please see the attached letter and accompanying Attachment 1, for further information.

Kind regards,

Nui Harris
Managing Director



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Waratah Coal

THE NEW ENERGY IN COAL

28 August 2015

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Dear Debbie-Jo

RE: Mining Lease 70454 – Request for extension to Notice to Progress under Section 386L of the Mineral Resources Act 1989

Thank you for your letter dated 20 May 2015 regarding a notice to Waratah Coal Pty Ltd (Waratah) pursuant to s.386L of the Mineral Resources Act 1989 (MRA) to progress Mining Lease 70454 (ML 70454) and allow the application to be decided.

Pursuant to section 391A(3) of the MRA, ML 70454 require a draft Environmental Authority (EA) under the Environmental Protection Act 1994 (EP Act). Waratah are currently working with Department of Environment and Heritage Protection (EHP), Emerald for approval of a draft EA for ML 70454. Upon receipt of an approved draft EA from EHP, Waratah will be in a position to progress ML 70454.

In order for Waratah comply with the Act and s386L, Waratah submits further information for your department's review and consideration.

Background

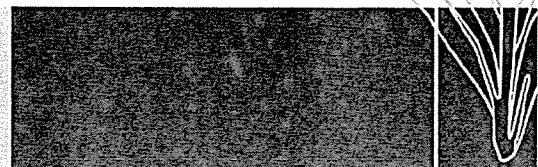
ML 70454 is a mining lease application supporting the future mining activities of the Galilee Coal Project (Northern Export Facility) (GCPNEF).

The GCPNEF is a vertically integrated project requiring coordination and approval of each of their mine, railway corridor and port/export facilities. Currently Waratah have mine and rail approvals and are seeking a port approval. This project involves developing a thermal coal mine combined with a heavy haul standard gauge railway corridor to transport the coal to a coal export facility at the Port of Abbot Point. The GCPNEF is expected to cost in the order of \$8.5 to \$10 billion to develop, and will involve up to 6,000 workers, and in operation will produce for export approximately 40 million tonnes of coal per year.

On 30 May 2011, Waratah lodged an application for Mining Lease 70454.

On 9 August 2013, Waratah received a State approval of the Environmental Impact Statement for the GCPNEF Mine and Rail.

On 19 December 2013, Waratah received a Commonwealth approval of the Environmental Impact Statement for the GCPNEF Mine and Rail.



Correspondence – Waratah and Department of Natural Resources and Mines and Department of Environment Heritage and Protection

On 16 March 2015, Waratah received a “Notice to progress” mining lease application 70454.

On 18 March 2015, Waratah communicated with the EHP, Emerald informing the department that a draft Environmental Management Plan (EMP) would be lodged with the department to obtain a draft EA for ML 70454. EHP informed Waratah the best approach would be to unofficially submit latest EMP version from EIS and obtain feedback as to any edits necessary to finalise EM Plan.

On 18 March 2015, Waratah submitted a draft EMP with EHP’s Wayne Boyde for their review.

On 18 March 2015, Waratah emailed DNRM indicating that an EMP would be lodged with EHP and that Waratah may require an extension of time to progress ML 70454.

On 19 March 2015, Waratah emailed EHP to track progress and set up proper communication lines between Waratah, their consultants (Hansen Baily) and EHP.

On 25 March 2015, EHP emailed Waratah indicating that a preliminary review of the EMP has identified areas requiring clarification and/or additional work. These areas included noise, biodiversity offsets, groundwater and general environmental protection conditions.

On 2 April 2015, Waratah sent a letter to DNRM, informing the department that an EMP had been submitted to EHP for consideration and review. It is anticipated that a revised EMP would be lodged subject to review requests around 15 April 2015. Waratah requested an extension from DNRM of thirty (30) days from the 15 April 2015, when it anticipates lodging a revised EMP.

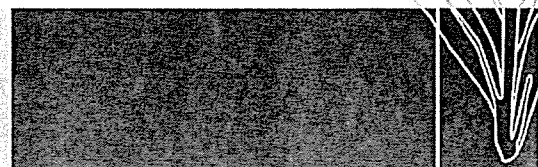
On 15 April 2015, Waratah formally lodged a revised draft EMP with EHP, accompanied by a detailed letter addressing each of EHPs specific requirements raised in its correspondence of 25 March 2015.

On 14 May 2015, Waratah received notice from EHP stating that the revised draft EMP did not meet the content requirements of the EP Act. EHP also issued a request for Waratah to provide further information on 28 specific issues including surface water, groundwater, creek diversions, construction phase noise and dust, biodiversity offsets, regulated structures, tailings management, environmentally relevant activities, notifiable activities, land rehabilitation, final voids, electricity generation, management plans and Waratah’s commitments and mitigation measures, and the Co-ordinator General’s stated EA conditions.

On 18 May 2015, Waratah emailed DNRM, informing the department that the content of the EMP for ML 70454 did not meet EHP’s requirements and the application would be suspended to 16 May 2016. Waratah then requested an extension of time to progress ML 70454 to 16 May 2016.

On 20 May 2015, Waratah received a “Notice to progress extension” from DNRM, informing Waratah that an extension of time to comply with notice 16 March 2015 had been extended to 12 June 2015.

On 21 July 2015, Waratah contacted EHP and was advised to submit a revised draft EMP and responses to EHP’s specific requirements for ‘pre-lodgement’ assessment in order to avoid the potential that EHP would find the EMP to be inadequate.



On 22 July 2015, Complying with EHP's advice, Waratah submitted a revised draft EMP and a detailed response to each of EHP's specific requirements for EHP's pre-lodgement assessment.

On 29 July, Waratah held a telephone meeting with EHP in order to seek clarification from of EHP in relation to the adequacy of the EMP.

On 4 August and 13 August 2015, Waratah held further telephone meetings with EHP in order to provide EHP with additional clarification on its specific requirements.

On 19 August, EHP issued the findings of the pre-lodgement assessment. The assessment concluded that 17 of the 28 issues raised in the EHP response of 14 May 2015 had been satisfactorily addressed and had no further comment. However, the assessment found that the revised draft EMP did not meet the necessary content requirements in relation to the remaining 11 issues. The key issue to be resolved is EHP's indication that it may be unwilling to accept certain stated conditions within the Coordinator General's evaluation report on the EIS. In addition, the assessment findings included four additional issues that had not been raised in the two previous rounds of feedback from EHP. This means that the total number of issues raised by EHP has increased from 4 to 32 over the three rounds of assessment to date. Please refer to **Attachment 1** for details of EHPs requests.

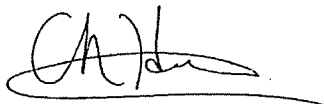
Waratah is currently gathering additional information to address EHP's further requirements in relation to the outstanding issues. It is our intent to submit a revised EMP at the earliest opportunity to ensure that we continue to progress towards obtaining EHP's approval of the EMP.

Request for Extension to the Notice to Progress

As indicated above, whilst we have diligently sought to clarify and address EHP's requirements for approval of the EMP, in close consultation with EHP and as expeditiously as possible, the delay to the EMP approval has occurred for reasons beyond Waratah Coals' control. Consequently, in accordance with Section 386L of the Mineral Resources Act 1989, Waratah requests a further extension to the period for complying with the Notice to Progress to 31 December 2015. This extension is necessary to allow sufficient time to address EHP's requirements for the EMP.

We would appreciate your consideration of this matter and if you have any queries regarding this matter please do not hesitate to call or email.

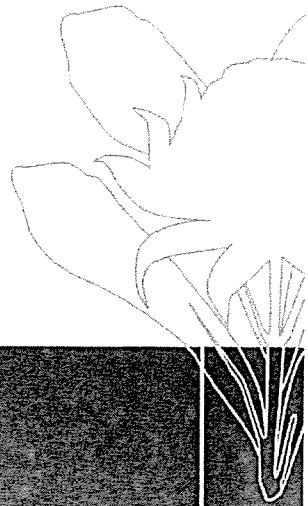
Kind regards



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Attachment 1 – Environment Heritage and Protect latest requests.



Waratah Coal –Galilee Project

Environment and Heritage Protection Pre-iodgement Comments and Recommendations (Column 1 highlights indicates actions required prior to EMP submission)

Issue	CG's Report	Waratah EMP	EHP Review: Required Content – letter dated 14 May 2015	Waratah Response – 22 July 2015	Subsequent EHP Review – 19 August 2015
<p>1</p> <p>a) Insufficient baseline data</p>	<p>Appendix 7: IESC comment 14 –Adequacy of sampling. Baseline water quality monitoring undertaken is inadequate to determine statistically significant temporal variation: a. A number of sites were only sampled once, and three of the sites sampled in 2012 were sampled twice; b. Given the ephemeral nature of receiving waterways, reporting of results according to flow conditions is needed to provide a comprehensive understanding of baseline conditions against which to set water quality objectives and discharge criteria; and.... IESC comment 14 (p257) DEHP has also advised the water quality monitoring program collected insufficient data to derive local water quality objectives (WQO) consistent with the requirements of the Queensland Water Quality Guidelines (2009). As an interim measure, Waratah has proposed adopting the WQO's from the adjacent Alpha Coal project until sufficient data has been collected to develop site specific objectives. DEHP has indicated general agreement with this proposal if Waratah also provide the relevant meta-data used to derive the WQO's for the Alpha Coal project. This information will need to be provided prior to consideration of the application for an Environmental Authority.</p>	<p>EMP (p183) s10.1.2.4 Given that baseline water quality monitoring program data collected thus far for the Project are broadly consistent with those collected by Hancock Prospecting (2011) from the reference sites used to derive their interim water quality objectives, it is proposed that those interim water quality objectives be adopted for the Project until such time as the baseline water quality data are sufficient to derive final water quality objectives for waterways within and adjacent to the Project. Details of the interim water quality objectives put forward by Hancock Prospecting (2011), and proposed for China First Project are given in Table 46 and Table 47. EMP Table 44 and Table 45 do not provide comparable supporting information to adequately compare baseline monitoring data collected by Waratah Coal with the equivalent Tables 46 and 47 that show interim local water quality objectives for physio-chemical parameters, metals, nutrients and major ion parameters put forward by Hancock Prospecting (2007). The Waratah data shows median calculations for physio-chemical parameters and 95th percentile for metals, nutrients and major ion parameters. The Hancock Prospecting (2011) data specifies calculation methods in the "comments" column, e.g. 20th percentile, 80th percentile, or "based on ANZECC & ARMCANZ (2000) guidelines.</p>	<p>The EMP Table 44 and Table 45 are required to be revised to show comparable calculations to support the proposed interim water quality objectives in Table 46 and Table 47. As Waratah has proposed adopting the WQO's from the adjacent Alpha Coal project until sufficient data has been collected to develop site specific objectives, Waratah must provide the relevant meta-data used to derive the WQO's for the Alpha Coal project as outlined in the CG's report (IESC comment 14, p257).</p>	<p>Data Comparison Tables Tables 44 and 45 (now numbered as Tables 46 and 47 in the amended EMP) have been amended in response to this issue. Tables 44 and 45 now provide the 20th, 50th, 80th percentile statistics from the project baseline data. Table 45 also provides the 95th percentile statistic for completeness, as this can be considered relevant to the assessment of the metal and metalloid parameters presented in this table. These project baseline statistics are consistent with those presented in Tables 40 to 43 (now numbered as Tables 42 to 45 in the amended EMP). Tables 44 and 45 now also provide the equivalent statistical ranges from the Alpha Coal Project SEIS Surface Water Quality Technical Report. EMP Section 11.1.2.3 has also been amended to describe the amended Tables 44 and 45. As discussed in EMP Section 11.1.2.3 of the EMP, these tables support the existing assessment that the project baseline water quality is broadly consistent with that reported in the Alpha Coal Project EIS. Meta-Data EMP Tables 46 and 47 (now numbered as Tables 48 and 49 in the amended EMP) and Section 11.1.2.4 have been amended to provide a detailed description of the data and methodology used to derive the interim water quality objectives. The information provided is consistent with the content and methodology provided in the Alpha Coal Project EIS Surface Water Technical Report.</p>	<p>The tables within the EMP have been updated to include the relevant meta-data used to derive the WQO's for the Alpha Coal project.</p>
<p>b) Proposed EA Conditions</p>	<p>Appendix 1: Stated conditions-mine environmental authority. Details to be supplied by proponent and</p>	<p>EMP section 10.9 Tables 10 to Table 21 not completed.</p>	<p>Waratah is required to complete Table 10 to Table 21 of the Stated Conditions in the EMP.</p>	<p>Tables 10 to 21 of the Stated Conditions in the EMP (now numbered as Tables C1 to C12 in the amended EMP) have</p>	<p>The tables C1 to C12 have been amended and provided within Appendix A of the EMP.</p>

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	agreed with DEHP at the environmental authority application assessment stage.			This information must be supported in the body of the relevant section of the EMP.	Waratah Response – 22 July 2015 been completed in response to this comment. The Stated Conditions have been collated in EMP Appendix A – Proposed EA Conditions to rectify table numbering and text inconsistencies. EMP Section 11.1.3 has also been amended to provide supporting information in relation to these conditions.	Table C1 – Waratah are required to specify the Contaminant Source and Locations which are currently listed as "various" within Table C1. Additionally, it is recommended that monitoring points be referenced for easy identification such as MP1, MP2 etc. Please note that naming conventions are to be consistent throughout the tables. Table C4 – Condition C10 states that, "The release of mine affected water to receiving waters in accordance with condition C2 must not exceed the Electrical Conductivity and Sulphate release limits or the Maximum Release Rate (for all combined release points flows) for each receiving water flow criteria for discharge specified in Table C4: Mine Affected Water Release during Flow Events when measured at the monitoring points specified in Table C1: Mine Affected Water Release Points, Sources and Receiving Waters."
c)	Site water management	Section 5.4.2 of the CG's report states that a revised assessment was prepared to address a range of concerns raised through the EIS consultation process and to manage greater groundwater inflows predicted by new groundwater monitoring. The key features of the mine site water management system and mitigation methods identified in the report have not been updated in the EMP.	Waratah has not updated the EMP to include mitigation measures outlined in section 5.4.2 (p49) of the CG's report.	Waratah is required to update the EMP to include mitigation measures outlined in section 5.4.2 (p49) of the CG's report.	EMP Section 11.6.2 has been amended to include the proposed design features and mitigation measures outlined in Section 5.4.2 of the CG's evaluation report on the EIS.	Section 11.6.2.1 of the EMP has been updated to include mitigation measures outlined in section 5.4.2 of the CG's Report. Table C6 – Waratah are required to specify the particular Water Storages which are accessible to livestock and list these out within Table C6.
d)	Release Points, Sources and Receiving Waters	Section 5.4.3 of CG's report: Waratah will need to provide further details on locations of release points and trigger values of waters discharged from the site for the approval of DEHP prior to an application for a draft EA.	The EMP does not provide release point locations. EA Condition - Table 10: Mine Affected Water Release Points, Sources and Receiving Waters has not been completed	Waratah is required to provide release points, sources and receiving waters for the assessment and development of EA conditions as stated in the CG's report.	The Stated Conditions have been collated in EMP Appendix A – Proposed EA Conditions to rectify table numbering and text inconsistencies. The mine-affected water release point	Table C1 has been amended and provided within Appendix A of the EMP. Please refer to above item b).

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e) Cumulative impacts		<p>EMP (p204) Notes that due to likely access issues with regards to carrying out sampling within the Alpha Coal Project ML (ML 70426), the downstream extent of monitoring in Spring Creek and Lagoon Creek has been truncated such that the most downstream sites are at the northern boundary of the China First MLA boundary. A similar issue is likely to occur with respect to accessing potential reference sites on Tallarenha Creek within the SGCP MLA (EPC 1049) (see Figure 26).</p> <p>However, to assess cumulative impacts, sampling will be carried out in Sandy Creek and the Belyando River downstream of the Alpha Coal Project. Further, should the SGCP go ahead, the reaches of Tallarenha Creek between the SGCP boundary and the Project boundary could be impacted by activities associated with the SGCP. This could potentially result in water entering the Project MLA that is already degraded to an extent that it does not meet the conditions required to maintain local EVs. Nonetheless, monitoring of this reach of Tallarenha Creek is required to determine whether or not there has been any further degradation of water quality as it exits the Project MLA (via Lagoon Creek).</p> <p>EMP (p205) It is also recommended that a site be sampled at the junction of Sandy Creek and Belyando River in order to assess the cumulative impacts associated with this Project, the Alpha Coal Project and the SGCP, should it go ahead.</p>	<p>Waratah is required to update the EMP to:</p> <ol style="list-style-type: none"> 1. Associate cumulative impacts to environmental values; 2. Provide potential mitigation methods; 3. Develop monitoring requirements to address cumulative impacts. 	<p>locations, sources and receiving waters are presented in Table C1 of EMP Appendix A, Schedule C - Water.</p> <p>EMP Section 11.3.2 has been amended to include a description of the potential cumulative impacts on surface water users and environmental values.</p> <p>Control strategies and mitigation measures relating to predicted surface water impacts are described in EMP Section 11.6.</p> <p>The proposed surface water monitoring program is presented in EMP Section 11.7. This section has been amended to provide additional clarification on the relationship between the proposed monitoring measures and the potential for cumulative surface water impacts.</p>	<p>Section 11.3.2, page 196 of the draft EM Plan states that, "the mine is unlikely to contribute to any significant cumulative downstream impact on water users or environmental values as a result of minor changes to hydrology, erosion or sedimentation."</p> <p>Additional information must be provided to support the above statement, specifically:</p> <ul style="list-style-type: none"> • further information in relation to the modelling of flood behaviour including a description of the modelling undertaken and the associated findings.
2	a) Insufficient baseline data and Trigger levels	<p>Section 5.4.1 of CG's report: DNRM raised concern on the limited availability and reliability of water level base line data. IESC also raised this concern. DNRM indicated that insufficient monitoring bores were drilled initially for the EIS and were not continuously monitored until May 2012. The monitoring network was extended in late 2012 for the SEIS and equipped with vibrating</p>	<p>Waratah must provide details and supporting information on groundwater monitoring, quality trigger levels and limits to enable assessment of groundwater EA conditions.</p> <p>Waratah is required to provide trigger values for the assessment and development of EA conditions as stated in the CG's report.</p>	<p>As discussed in Section 5.4.1 of the Coordinator General's evaluation report on the Galilee Coal Project EIS, the proponent has committed to expand the groundwater monitoring network and monitoring program to provide a robust pre-mining groundwater baseline. The proponent has further committed to update the existing groundwater model using the long-term baseline data.</p>	<p>The department acknowledges that Waratah have committed to expanding the groundwater monitoring network and monitoring program.</p> <p>Table C13 within Appendix A of the EMP has been populated with proposed groundwater trigger levels and limits.</p>

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		piezometers, however some of these suffered stabilisation problems and produced questionable readings			The CG has reported that DNRMI is accepting of this approach. Accordingly, the CG has imposed conditions that require contaminant triggers and limits to be finalised and submitted prior to the commencement of mining activities. Groundwater trigger levels and limits have been provided in Table C13 of EMP Appendix A, Schedule C – Water. EMP Section 10.7.2 has also been amended to provide supporting information in relation to the EA groundwater conditions. EMP Section 10.7.1 has also been amended to provide further clarification of ongoing pre-mining groundwater monitoring and operations phase groundwater monitoring. The Stated Conditions have been collated in EMP Appendix A – Proposed EA Conditions to rectify table numbering and text inconsistencies. The groundwater quality triggers and limits are presented in Table C13 of EMP Appendix A, Schedule C - Water. EMP Section 10.3 has been amended to include a description of the potential cumulative impacts on groundwater resources and environmental values (based upon the SEIS Cumulative Impact Assessment Report). Control strategies and mitigation measures relating to predicted groundwater impacts are described in EMP Section 10.6. The proposed groundwater monitoring program is presented in EMP Section 10.7. This monitoring program will confirm the mine's impacts and contribution to any potential cumulative impacts on groundwater resources or values. The environmental impact of the proposed creek diversions is addressed in the SEIS Mine Site Creek Diversion and Flooding Report. The EMP Section 11.3.1.4 has been amended to provide a description of each proposed creek diversion, disturbance area and proposed mitigation and monitoring measures.	
c)	Proposed EA Conditions	Appendix 1: Stated conditions-mine environmental authority. Details to be supplied by proponent and agreed with DEHP at the environmental authority application assessment stage.	EMP section 10.9 Table 22 not completed.	Waratah is required to provide the details to complete Table 22 in the EA conditions of the EMP. This information must be supported in the body of the relevant section of the EMP.		Table C13 has been amended and provided within Appendix A of the EMP.
d)	Cumulative Impacts		The EMP does not describe the cumulative impacts of mining on groundwater.	The EMP is required to be updated showing the following information with regards to cumulative impacts of groundwater on environmental values to enable the development of EA conditions: 1. Associate cumulative impacts on groundwater to environmental values; 2. Provide potential mitigation methods; 3. Develop monitoring requirements to address cumulative impacts on groundwater.		Section 10.3 of the EMP has been updated to include a description of potential cumulative impacts on groundwater from mining activities.
3	Creek Diversions		Waratah EMP (s10.6.1.2, p200) has provided a brief description of the three creek diversions: Malcolm Creek, Lagoon Creek and Saltbush Creek. Section 10.7.4 provides a description of creek diversion that will be undertaken on site. Surface water impacts of water diversions are detailed in section	The following information is required to assess the environmental impact of the three individual creek diversions: 1. Detailed description of each creek diversion including location, potential disturbance to existing environmental values and mitigation methods for protecting the identified environmental values. 2. A map identifying location of each creek diversion, the mining activities		Section 11.3.1.4 of the EMP has been updated to provide a description of the proposed creek diversions. Potential impacts to biodiversity and land environmental values as a result of the creek diversions have not been discussed. In order to assess the

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		<p>10.3.1.4. Diversion control measures are detailed in section 10.6.1.2 (p200) of the EMP.</p>	<p>that will occur in this area, and sensitive environmental values that have the potential to be impacted by the creek diversions.</p>	<p>The EMP has also been amended to include Figure 30 (new figure) showing the existing creeks and proposed creek diversion alignments in relation to proposed mining areas.</p> <p>As shown on Figure 30, Lagoon Creek downstream of the proposed creek diversions flows through the approved Alpha Coal Mine and Kevin's Corner Coal Mine. Downstream cumulative surface water impacts are discussed in the amended EMP Section 11.3.2.</p>	<p>environmental impact of the creek diversions, additional information on the potential impacts to biodiversity and land environmental values must be provided. For example, the potential impact to land and biodiversity due to vegetation clearing, erosion, habitat loss etc.</p> <p>As discussed in the meeting held on 13 August 2015, in addition to Figure 30, a new figure is to be developed which details the proposed creek diversions in relation to environmental values, including Environmentally Sensitive Areas.</p>
4	Construction phase				
a) Noise	<p>Section 5.6.3. "Mine construction will be regulated by an EA and supported by an EMP containing measures to mitigate impacts to sensitive receptors and acoustic environmental values". "Waratah has committed to developing and implementing construction noise and vibration management plans to address potential impacts arising from the project.</p>	<p>Section 5.6.1 states that construction noise levels are not predicted to occur at sensitive receptors during construction; however Section 5.6.2 states that "adverse construction noise levels are predicted to occur at Hobartville, Kiaora and Monklands.</p> <p>Kiaora and Monklands will cease to be residential dwelling, and therefore no longer sensitive receptors once the mine is operational".</p> <p>Waratah does not satisfactorily detail how construction noise will be mitigated at the Hobartville, Kiaora and Monklands residents during the construction phase.</p> <p>The EMP (p37) section 5.6.2 states that "general control strategies established during construction will, where relevant continue to be implemented during operations".</p> <p>The updated EMP (s5.6.1) has included "Construction Noise Control Strategies" in Section 5.6.1.</p>	<p>It is considered that these control strategies are not adequate to address potential construction noise impacts on sensitive receptors during the construction phase.</p> <p>The definition of Mining Activities states "Mining activities are defined as prospecting, exploring or mining, processing minerals, a directly associated activity that may cause environmental harm, ..."</p> <p>Therefore construction activity is considered to be an associated mining activity that must comply with the environmental authority conditions.</p> <p>Waratah is required to update the EMP with more detailed description of construction activities, control strategies for minimising noise, and a monitoring plan that describes how Waratah will ensure that it meets its obligations under the environmental authority.</p>	<p>Residences located within the project site and surrounding area are shown on Figures 16 and 19.</p> <p>As noted in the EHP comments, the EMP identified potential for the project construction to generate elevated noise levels at three residences – Kia Ora, Monklands and Hobartville. The EMP also stated that there would be no significant construction noise impacts at sensitive receptors.</p> <p>The Queensland Mineral Resources Act 1989 states that a mining lease is not to be granted until compensation agreements are obtained with owners of land within the proposed mining lease. In addition, the EHP Guideline: Model Mining Conditions (EM944, Version 5) states that a sensitive place "does not include places that are within the boundaries of the mining lease, nor places that are owned or leased by the holder of the authority or its related companies."</p> <p>The Kia Ora and Monklands residences are located within the project site. The Hobartville Property is located within the Alpha Coal Mine site. These properties will therefore be subject to acquisition or relocation agreements prior to the issuing of the mining leases, and therefore prior to commencement of mine construction or operations activities associated with these mines. In addition, these residences are not sensitive places in relation to noise from</p>	<p>The department acknowledges Waratah's response and has no additional comments.</p>

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	Dust	<p>Section 5.7.1 of the CG's report (p62) states that "During the initial construction phase of the mine, pre-stripping of tertiary materials and construction of access portals to the underground mines will likely generate dust and potentially impact air quality.</p> <p>Appendix 5: Waratah Commitments- (p211)</p> <p>"Waratah will meet air quality objectives by managing short term dust emission during the construction phase through a comprehensive EMP".</p> <p>Section 5.7.2 of the CG's report states "In order to avoid significant impacts, Waratah has proposed to acquire or relocate the following sensitive receptors:</p> <ul style="list-style-type: none"> • Kia Ora • Monklands • Spring Creek • Glenn Innes. <p>Nearby sensitive receptors that do not meet acquisition criteria for predicted air quality impacts are Lambton Meadows, Hobartville and Cavendish. Continuous air quality monitoring at sensitive receptors will be conducted as part of an air quality monitoring plan. Landowners may request Waratah purchase the land if pollutant concentrations are above the EPP (Air) guideline.</p>	<p>EMP section 4.2.1 (p16) states construction emissions will be minor in comparison with emission from the operation of the mine.</p> <p>This is in conflict with the CG's findings with respect to information supplied during the EIS and SEIS process.</p>	<p>As the definition of "Mining Activity" includes "... a directly associated activity that may cause environmental harm..." then the construction phase of the project is considered an associated and related mining activity.</p> <p>The CG's report has identified that potentially impacted dust sensitive residences are proposed to be acquired by Waratah.</p> <p>EHP recommends that during the period of construction and mining activity until the identified sensitive properties are acquired, continuous air quality monitoring at sensitive receptors will be conducted as part of an air quality monitoring plan.</p>	<p>mining activities (construction or operations) under the EHP Guideline.</p> <p>The EMP therefore adequately addresses the potential for construction noise impacts at Kia Ora, Monklands and Hobartville, and confirms that no impacts or further management measures are required in relation to the remaining residences (i.e. sensitive noise receptors). The proponent will develop a complaints handling procedure that will require the proponent to investigate any noise complaints, including monitoring and identification of control measures, as necessary.</p> <p>EMP Section 5.1 has been amended to clarify that Kia Ora, Hobartville and Monklands are not sensitive noise receptors.</p> <p>As stated in the Queensland Mineral Resources Act 1989, a mining lease will not be granted until compensation agreements are obtained with owners of land within the proposed mining lease.</p> <p>The properties identified in the EMP that will be subject to acquisition or relocation due to air quality exceedences generated by the project (i.e., Kia Ora, Monklands, Spring Creek and Glenn Innes – refer to Figure 17 of the mine EMP) will therefore have been reached prior to the issuing of the mining lease, and therefore prior to any construction or mining activities taking place on the project site.</p> <p>It is therefore unnecessary to amend the air quality monitoring plan, as provided in the current mine EMP (refer to Section 4.8), to assess any impacts of construction prior to acquisition of these properties, given a mining lease will not be granted for the project until compensation agreements are in place.</p> <p>The proposed air quality monitoring program is comprehensive and sufficient to inform regulators should any issues with air quality associated with the project become apparent. The proponent will also develop a complaints handling procedure that will require the proponent to investigate any air quality complaints, including monitoring and</p>	<p>The department acknowledges Waratah's response and has no additional comments.</p>

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5. Biodiversity Offsets	Section 7.3.3 of the CG's report (p104) states "I have imposed a condition at Appendix 3, Part A, Schedule 1, requiring Waratah to submit an offset plan, consistent with the proposal submitted to me in June 2013 and including the results of the ecological equivalence assessments and taking into account outcomes of the Commonwealth MINES assessment for my assessment and final approval on State offsets".	EMP has been updated in Section 8.2.1 to include reference to the Biodiversity Offsets Proposal. The EMP must be updated to reference the biodiversity offset plan (not the proposal).	Waratah is required to submit a biodiversity offset plan to enable EHP to assess and prepare relevant and appropriate conditions. The EMP must be updated to reference the biodiversity offset plan (not the biodiversity offset proposal).	Identification of control measures, as necessary. The Offset Plan (rev4) for both Commonwealth and State offsets was submitted to the Office of the Coordinator General on 24 June 2014. Section 8.2.1 has been updated to reference the Offset Plan (rev4). The CG's report provides imposed offset conditions under section 54B of the State Development and Public Works Organisation Act 1971 (SDPWO Act) as there is no relevant approval applicable under other legislation (please note that the EO Act does not apply retrospectively to the project). The CG has nominated itself as having jurisdiction for the offsets condition. Therefore, offset conditions are the responsibility of the CG, not EHP, and no offset conditions should be included in the EA.	Section 8.2.1 of the EMP has been updated to include reference to the Offset Plan (rev4). As previously discussed, although the CG's Office has jurisdiction over Biodiversity Offset conditions, the department (EHP) is responsible for ensuring that the conditions are applied. Therefore, Biodiversity Offset conditions will be inserted into the EA. Additional discussions will be held between the proponent and the department in relation to this matter.
b) Commitments	Appendix 5 of the CG's report (p204) Terrestrial Ecology outlines Waratah's commitments to Biodiversity Offset Strategy and Management.	The EMP has a brief statement (p95) noting that a Biodiversity Offset Proposal has been developed for the project, however the commitments outlined in the CG's report (p204) have not been included in the EMP.	Waratah is required to update the EMP to include commitments to Terrestrial Ecology outlined in Appendix 5 of the CG's report.	Section 8.8 of the EMP has been updated to incorporate commitments relating to biodiversity offsets. Note that these commitments have been revised from those contained within the CG's report to reflect the additional offsets work undertaken by the proponent to date. The commitments presented in the EMP are therefore consistent with those presented in the Offset Plan (rev4) submitted to the Office of the Coordinator General on 24 June 2014.	Commitments relating to Terrestrial Ecology have been incorporated in section 8.8 of the EMP. The department acknowledges that some of the commitments relating to biodiversity offsets have been revised to reflect the additional offsets work undertaken. The department would require evidence of the CG's acceptance of the Offset Plan (rev4) in order to progress the EMP.
6. Regulated Structures	The CG has provided conditions in Appendix 1 of the CG's report, schedule G: Regulated Structures.	The EMP does not: 1. Identify environmental values through a detailed site investigation; 2. Identify potential impacts on environmental values identified; 3. Develop environmental protection objectives to minimise potential impacts.	Waratah must update the EMP section on regulated structures with the following details: 1. Identify environmental values through a detailed site investigation; 2. Identify potential impacts on environmental values identified; 3. Develop environmental protection objectives to minimise potential impacts. <u>CG Notification of Changed Stated Conditions</u> The CG's conditions relate to a Code of environmental compliance for environmental authorities for high hazard dams containing hazardous waste that are no longer in effect.	The proponent is obligated to comply with the approved EA conditions as provided by the CG. However, the proponent acknowledges that the Guideline Structures which are dams or levees constructed as part of environmentally relevant activities has been implemented subsequent to the CG approval of the project and the Stated EA Conditions presented in EMP Appendix A. The proponent will therefore apply for an amendment to the approved EA conditions following grant of the EA and prior to commencement of mining or construction of any potentially regulated	The department recommend requesting a "change request" to the Coordinator Generals Office to update the regulated structures stated conditions to the current model conditions. The department will supply the Office of the CG upon request with the required changes.

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7	Tailings Management	The IESC (CG report, p47) also raised concern over the 7 per cent of overburden samples that have the potential to be acid forming and the need for a static and kinetic testing program and tailings management plan. Concern was also raised over the possibility for tailings seepage into groundwater and implications of this for final void management.	Section 7.2.4.1 of the EMP states how the outlines tailings storage facilities, tailings emplacement strategy, design criteria and acid generating material are managed on site. Section 7.3 to 7.7 outlines environmental values, potential impacts, objectives, performance criteria and control strategies.	<p>EP Act Guideline – Structures which are dams or levees constructed as part of environmentally relevant activities – EM634 (09 April 2014) conditions will be applied to the environmental authority.</p> <p>Waratah will be required to seek permission from the Coordinator General's office to update the regulated structures stated conditions to the current EP Act Guideline – Structures which are dams or levees constructed as part of environmentally relevant activities – EM634 (09 April 2014).</p> <p>Waratah is required to update their EMP to include a drawing of the mine infrastructure, mining activities and tailings waste in relation to environmentally sensitive areas and potential environmental impacts.</p>	<p>Waratah Response – 22 July 2015</p> <p>In the meantime, preliminary assessments of the potential for failure or breach of the proposed water storages and mine waste storages are presented in the SEIS, in accordance with the principles of EM634 and EM635. These preliminary assessments determined six of the 45 proposed water storage dams to be regulated structures. The proposed tailings storage facilities and levees were also determined to be regulated structures. Stated EA Conditions in EMP Appendix A – Schedule G have been completed on this basis.</p> <p>These preliminary assessments are based upon the detailed assessments of environmental values, potential mine and cumulative impacts, and mitigation measures presented in the EIS and SEIS and EMP.</p> <p>Standard practice is to provide EHP with a consequence category assessment for all dams and other potentially regulated structures at the time of undertaking detailed engineering design and prior to the construction of any dams or levees. This approach is consistent with the model conditions X1-X6 presented in the Guideline Structures which are dams or levees constructed as part of environmentally relevant activities which require that the consequence category of all structures must be assessed 'prior to the design and construction'. The proposed approach will therefore achieve the same level of environmental protection as the model conditions, until such time as the EA is granted and an EA amendment is approved.</p> <p>Figure 22 of the mine EMP has been amended to include the environmentally sensitive areas within the project site, and the text has been amended make reference of this figure, in Section 7.2.4.1.</p>	<p>Subsequent EHP Review – 19 August 2015</p> <p>Figure 22 Tailings Storage Facility - concept design has been provided at page 266 of the EMP and amended to include Environmentally Sensitive Areas on the project site.</p>
		These risks are acknowledged by Waratah which has committed to dispose of tailings by a dry paste process rather than by way				

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8	<p>of a conventional wet tailings storage facility</p> <p>Tailings are to be dewatered using Phoenix filter press conveyors and the tailings paste and rejects trucked to impervious clay lined containment cells in the spoil piles and compacted by bulldozers to reduce permeability and risk of oxidation. Once full, containment cells are to be capped with a clay blanket. The approach is designed to contain harmful materials and greatly reduce the risk of seepage from the containment cells into the groundwater. Waratah has also committed to prepare a final void management plan as part of its rehabilitation plan and to monitor surrounding groundwater and containment cell embankment stability.</p> <p>No comment</p>	<p>The EMP lists ERA's for likely activities that may occur on site at the time that the EIS and SEIS were prepared. The identified ERA's must be updated to reflect all environmentally relevant activities that will be undertaken on site.</p> <p>Schedule 2A ERA13 Black Coal Mining has not been included in section 2.5 of the EMP.</p> <p>The EMP does not provide any details on notifiable activities that are undertaken on site</p>	<p>Waratah is required to update the EMP with all environmentally relevant activities that will occur on site, including:</p> <p>Schedule 2A ERA13 Black Coal Mining.</p>	<p>Section 2.5 of the mine EMP has been updated to include all ERAs that are likely to occur on the project site.</p>	<p>Section 2.5 of the EMP has been updated to include this information.</p>
9	<p>Waratah's commitments listed in Appendix 5 of the CG's report state that "any Notifiable Activities that are required for the project will be implemented and managed under relevant legislation and guidelines once construction commences and also during the operational phase".</p> <p>Land rehabilitation commitments are outlined in Appendix 5 (p203) of the CG's report and describe how Waratah is committed to minimising the risks associated with rehabilitation.</p>	<p>Waratah is required to update the EMP to include a list and description of all notifiable activities that are likely to be undertaken on site.</p>	<p>Waratah is required to update the EMP to include a list and description of all notifiable activities that are likely to be undertaken on site.</p>	<p>A new section, Section 2.6, has been included in the mine EMP which lists the proposed notifiable activities that are likely to be undertaken on the project site.</p>	<p>Notifiable activities have been included in section 2.6 of the EMP.</p>
10	<p>Land Rehabilitation</p>	<p>The EMP is required to include all land and rehabilitation commitments that are outlined in Appendix 5 of the CG's report.</p>	<p>Waratah is required to update the EMP to include the commitments and mitigation methods for land rehabilitation outlined in the CG's report.</p>	<p>Section 9 of the mine EMP discusses the project's objectives and commitments in relation to the management and rehabilitation of land.</p> <p>It should be noted that the rehabilitation commitments listed on page 203 of the CG's report comprise the commitments for the rail line. The land rehabilitation commitments for the mine are provided on pages 198 to 200 of the CG's report.</p> <p>In response to this issue (10), and issue 14 (below), Section 9 of the mine EMP has been updated to incorporate the mine rehabilitation commitments contained on pages 198 to 200 of the CG's report.</p>	<p>Section 9 of the EMP has been updated to include the land and rehabilitation commitments.</p> <p>Waratah are required to add the below commitment from page 201 of the CG's Report to the "Land Use and Tenure section" on page 155 of the EMP, which has been previously omitted:</p> <p><i>"implementing the requirements of the Environmental Management Plan (EM Plan) throughout the life of the project."</i></p>
11	<p>Final Voids</p>	<p>The EMP references final void gradient in Table 30 of the EMP.</p> <p>It is proposed to rehabilitate the land with</p>	<p>A Final Void Management Plan is required for the assessment of potential impact to receiving environments.</p>	<p>The proponent is committed to preparing a Final Void Management Plan (FVMP) as part of Rehabilitation Management Plan (RMP). In</p>	<p>The department acknowledges that the Final Void Management Plan is only required to be developed and implemented prior to the</p>

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	rehabilitation plan and to monitor surrounding groundwater and containment cell embankment stability”.	final voids and void water may exceed 2000 us/cm if an ecological assessment shows the long term ecological stability and groundwater quality is not adversely affected (p137 & 142. There is limited information and description on the final voids including size, quantity and location.	The plan must include a figure showing the location and size of each final void with respect to final landform design and land usage category.	accordance with Stated EA condition F3, the RMP (including the FVMP) will be developed and implemented prior to commencement of mining activities other than mineral development maintenance activities. The environmental impact of the proposed final voids is addressed in the SEIS Groundwater Report, SEIS Mine Site Water Impact Assessment and SEIS Mine Site Creek Diversion and Flooding Report. The EMP Section 9.6.3.9 has been amended to provide a description of the final void size, quantity and location. EMP Figure 3 shows the conceptual final void arrangement. This FVMP commitment was made in the context of IESC concerns in relation to tailings seepage to the final void. This commitment includes targeted groundwater monitoring in the vicinity of the of the tailings storage facilities. EMP Section 7.8.2 has been amended to provide a description of this targeted groundwater monitoring program.	Waratah are required to confirm whether the EMP includes details of the environmental impacts of the proposed final voids, particularly in relation to the potential impacts to the receiving environment. If so, Waratah are to indicate where this information has been provided. Additionally, Waratah must provide further information in relation to the management/mitigation measures which are to be developed and implemented for instances of flood events and final void overflow.	
12	Electricity Generation	Electricity for mine construction and initial operation is proposed to be supplied by Powerlink Queensland to a substation near Surbiton Hill to service both the GC project and South Galilee Coal Project. Waratah sees this supply as a temporary supply, pending construction of the Galilee Basin Power Station. A 132-kilovolt feed line from the proposed substation to the northern boundary of the Waratah lease is also required. Waratah reports that applications for an unregulated electricity supply to both mines have been lodged with Powerlink by both proponents.	There is no mention of electricity generation in the EMP.	Waratah are required to update the EMP with the following information with regards to the construction and operation of an electricity generation plant on site: 1. Identify environmental values through a detailed site investigation; 2. Identify potential impacts on environmental values identified; 3. Develop environmental protection objectives to minimise potential impacts; 4. Develop environmental commitments including control measures to achieve the stated objectives; and 5. Develop proposed environmental authority conditions.	As noted on page 8 of the CG's report, the project is planning to initially source electricity via a new feeder line from the existing substation at Surbiton Hill which is owned and operated by Powerlink Queensland. The construction of this new feeder line will be the responsibility of the owner and operator of this infrastructure, i.e. Powerlink Queensland, and any environmental approvals that may be required to be obtained for this feeder line is therefore also the responsibility of Powerlink Queensland. The project will also require the construction of substations on the project site, but note that a substation does not generate electricity. The proponent considers the information contained in the EIS, SEIS and EMP regarding electricity supply and connection to be sufficient, and no amendment to the EMP is therefore required to address electricity supply or connection.	Discussed previously with no additional comments from the department.

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				<p>At the time the EIS (and SEIS) for the project was produced, the project had planned to obtain a future electricity supply from the then planned Galilee Basin Power Station (GBPS). At that time, the GBPS project was a separate, coordinated project under the SDFWO Act, and a terms of reference document for an EIS for the GBPS project was issued to the proponent in 2013. The GBPS would therefore have been the subject of a separate environmental approvals process, and it was therefore not relevant to include in the EIS, SEIS or EMP for this project. The GBPS project has since lapsed (in April 2015), and is no longer relevant to the project.</p> <p>The proponent is pursuing alternative supplies and will update the EMP with any additional details, pending the approval of these alternatives.</p> <p>Any future electricity source (i.e. not supplied by the Powerlink Queensland feeder line) deemed to be required for the project will likely be subject to a separate environmental approvals process, and is therefore not relevant to incorporate into the EMP for the project.</p> <p>No amendment to the EMP is therefore proposed in response to this comment.</p>	
13					
a)	Required.	<p>Environmental values have been outlined in the EMP but site specific details showing location of sediment dams, water storages, clean and disturbed water flows and drainage lines, wash down areas, bunding, water diversions and sediment control devices.</p> <p>The water management figure should also show mine site infrastructure and location of activities such as pits, buildings, mechanical workshop, wash down area, triple oil water separator, sewage treatment plant(s), equipment lay down areas, waste storage areas, irrigation sprinklers, spoil dumps and tailings areas.</p>	<p>A Water Management and Monitoring Plan is required for assessment of the EMP which needs to include location of sediment dams, water storages, clean and disturbed water flows and drainage lines, wash down areas, bunding, water diversions and sediment control devices.</p> <p>The water management figure should also show mine site infrastructure and location of activities such as pits, buildings, mechanical workshop, wash down area, triple oil water separator, sewage treatment plant(s), equipment lay down areas, waste storage areas, irrigation sprinklers, spoil dumps and tailings areas..</p>	<p><u>Water Management Plan</u> A Water Management Plan will be developed and implemented prior to the commencement of mining activities, in accordance with the requirements of proposed EA conditions C34 to C39.</p> <p>Standard practice is to provide EHP with a Water Management Plan for the mine at the time of undertaking detailed engineering design and prior to the commencement of mine construction activities. This timing is necessary to ensure that water management plan reflects the detailed engineering design of the initial mining activities, rather than the conceptual design presented in the EIS/SEIS. This approach is also consistent with the equivalent approach for erosion and sediment control and mine water management and dam design.</p>	<p>The department acknowledges that the Water Management Plan is only required to be developed prior to the commencement of activities.</p> <p>Section 11.6.2.3 has been amended to provide an outline of the proposed Water Management Plan.</p> <p>Additionally, Figures 31 to 35 have been included within the EMP which details the conceptual staged layout of water infrastructure in relation to mining areas/infrastructure.</p>

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	Receiving Environment	Required.	Section 10.7.5 states that Waratah will develop and implement a receiving environment management plan prior to the commencement of operations.	A Receiving Environment Management Plan (REMP) or a REMF Design Report must be included in the EMP.	<p>Surface Water Monitoring Details of surface water monitoring to be undertaken are provided in EMP Section 11.7.</p> <p>A Receiving Environment Monitoring Program (REMP) will be developed prior to commencement of mine construction. The REMF will incorporate the surface water monitoring principles described within EMP Section 11.7 and the commitments provided in EMP Section 11.8.</p> <p>EMP Section 11.6 has been amended to provide details of the scope of design of the REMF.</p>	The department acknowledges that the Receiving Environment Monitoring Program (REMP) is only required to be developed prior to the commencement of activities. Section 11.6.2.3 of the EMP has been amended and includes details of the scope of design of the REMF.
	Groundwater	Not mentioned.	The EMP does not include a groundwater figure showing bore locations including monitoring bores, landholder bores and water supply bores.	Waratah must include a figure showing the location of ground water monitoring bores and potentially impacted landholder or water supply bores.	<p>Table 54 of the EMP (now numbered as Table 34 in the amended EMP) has been amended to include coordinates of the groundwater monitoring bores, and a new Figure 27 has been produced which shows the locations of these bores.</p> <p>Monitoring of landholder bores is subject to agreement for access with the affected landholders and will be a requirement under the Water Act 2000.</p>	Waratah have provided a new Figure 27 which shows the locations of groundwater monitoring bores. Additionally, Table 34 has been amended and now includes coordinates of the groundwater monitoring bores.
	Groundwater Management Plan		The EMP does not include a Ground Water Management Plan or detailed Ground Water Monitoring Plan. Section 10.7.3 states that "The range of groundwater analytes and the corresponding detection limits will be discussed and agreed with DEHP".	Waratah is required to include a Ground Water Management and Monitoring Plan to enable the assessment and preparation of EA conditions. The EMP must propose analytes and corresponding detection limits to be assessed by EHP.	Preparation of either a Groundwater Management Plan (GMP) or Groundwater Management and Monitoring Plan (GMMP) is not a requirement under the CG's Stated Conditions. Nonetheless, the proponent will produce a GMP prior to commencement of mine construction. This commitment has been inserted into EMP Section 10.6.1.	The department acknowledges the commitment at Section 10.6.1 of the EMP that Waratah will develop and implement a Groundwater Management Plan prior to the commencement of activities.

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d) Erosion and Sediment	Required.	Section 10.6.1.1 states that "an erosion and sediment control plan will be prepared prior to the commencement of construction activities. The plan will be prepared in accordance with the International Erosion Control Association Best Practice Erosion and Sediment Control Guidelines.	An Erosion and Sediment Control Plan is required for the assessment of potential impact to environmental values. This must include a figure showing the potential locations where erosion and sediment control devices are located.	<p>has been developed by a suitably qualified person and is appropriate for detecting significant change in groundwater quality and standing water levels due to the project.</p> <p>EMP Section 10.7 has been amended to provide further explanation of the proposed groundwater monitoring program in relation to the wider groundwater regime. The amendments also provide a clear explanation of the collection and review of monitoring data, the reconciliation of the monitoring data against model predictions, and the further investigations triggered in the event that significant departures from the model predictions are observed. The amendments to EMP Section 10.7 also provide proposed water quality analytes and corresponding limits of detection.</p> <p>EMP Appendix A has also been amended to include any site-specific conditions necessary to complete the Stated EA Conditions for groundwater.</p> <p>The potential impacts on environmental values arising from erosion and sediment mobilisation have been assessed in the EIS/EIS/SEIS. EMP Sections 9.3 and 11.3.1 provide an overview of the findings of the SEIS/EIS impact assessment in so far as they relate to the approved commitments to erosion and sediment control measures.</p> <p>The SEIS also includes commitments to implement any necessary sediment controls, undertake all works in accordance with the requirements of an Erosion and Sediment Control Plan (ESCP), and undertake any necessary remediation to mitigate erosion and sediment impacts. The potential impacts and appropriate management measures relating to water quality impacts of these activities have been established in the EIS/SEIS.</p> <p>An ESCP will be developed and implemented for all stages of the mine, in accordance with Stated EA Conditions C42 to C44.</p> <p>Standard practice is to provide EHP with an ESCP for the mine at the time of undertaking detailed engineering design and prior to the commencement of mine</p>	<p>The department acknowledges that the Erosion and Sediment Control Plan is only required to be developed prior to the commencement of activities.</p> <p>Section 11.6.2.3 of the EMP has been amended and includes details of the proposed ESCP and erosion and sediment control measures to be implemented under the ESCP.</p> <p>Waratah have provided Figures 31 to 35 which show the conceptual staged layout of sediment dams.</p>

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					clearing or construction activities. This timing is necessary to ensure that engineered erosion and sediment control measures reflect the detailed engineering design of the initial mining activities, rather than the conceptual design presented in the SEIS. This approach is also consistent with the equivalent approach for mine water management and dam design. EMP Section 11.6.2 has been amended to provide an outline of the proposed ESSCP and details of specific erosion and sediment control measures to be implemented under the ESSCP. Additional details are provided in EMP Section 9.6.2 and relevant sub-sections of the EMP. EMP Figures 31 to 35 have also been inserted to show the conceptual staged layout of sediment dams.	
14	Waratah's Commitments	Appendix 5 provides a summary of the commitments Waratah Coal has made throughout the EIS and SEIS.	The EMP is required to be updated to include all of Waratah's environmental commitments outlined in Appendix 5 of the CG's report.	Waratah is required to update the EMP to include environmental commitments as outlined in Appendix 5 of the CG's report.	Each section of the EMP has been updated to incorporate the commitments as listed in the CG's report at Appendix 5, to the extent that they are relevant to the Mine EMP.	The commitments detailed within Appendix 5 of the CG's Report have been provided throughout the relevant sections of the EMP.
a)	Mitigation measures	The CG's report lists strategies and management measures to address impacts to environmental values that were agreed to during the EIS, SEIS and the EMP assessment period. E.g. section 5.1.2 (p31).	The EMP is required to be updated to include all mitigation measures that are noted in the CG's report.	Waratah is required to update the EMP to include mitigation measures to protect environmental values that are stated throughout the CG's report.	Each section of the EMP has been updated to incorporate the mitigation measures as listed in the CG's report at Section 5, to the extent that they are relevant to the Mine EMP.	The mitigation measures detailed within the CG's Report have been included in the relevant sections of the EMP.
15	EA Stated Conditions	CG's report Appendix 1 Stated Conditions –mine environmental authority.	Stated EA condition tables have not been completed in the EMP. The note in the tables states "Details to be supplied by proponent and agreed with DEHP at the environmental authority application assessment stage.	Waratah must complete all Tables for Stated EA conditions in the EMP to enable environmental authority assessment and the preparation of EA conditions.	The Stated Conditions in the EMP have been completed in response to this comment. These conditions are supported by three new figures (Figures C1 to C3).	The Stated Conditions have been collated within Appendix A of the draft EM Plan. Please refer to additional issues 17, 18 and 19 detailed below.
	Additional Issues discussed on Thursday 13 August 2015				The Stated Conditions have been collated in EMP Appendix A – Proposed EA Conditions to rectify table numbering and text inconsistencies.	
16	Creek Diversion Rehabilitation Plan					Page 56 of the CG's Report references a Creek Diversion Rehabilitation Plan which is to be developed under the EMP. Waratah are required to investigate this requirement and determine if changes need to be made to the

	Issue	CG's Report	Waratah EMP	EHP Review: Required Content – letter dated 14 May 2015	Waratah Response – 22 July 2015	Subsequent EHP Review – 19 August 2015
17	Omitted Schedules					<p>Creek Diversion section of the EMP in order to comply with the CG's requirement.</p> <p>In order to assess the EMP, all Stated Conditions detailed within the CG's Report must be included.</p> <p>Prior to formal submission, Waratah are required to insert Stated Conditions Schedules E Waste, F Land and H Sewage Treatment into the EMP.</p>
18	Condition A2 and Table A1					<p>In order to assess the EMP all Tables and Figures required through a CG's Stated Condition must be included within the EMP.</p> <p>Prior to formal submission, Waratah are required to populate Table A1 Mining Domains of Schedule A.</p> <p>Additionally, figures must be included in accordance with condition A2 which detail the location and layout of each domain.</p>
19	Rehabilitation Requirements					<p>In order to assess the EMP, Attachment A Rehabilitation Requirements Tables A1 to A5 on page 176 - 177 of the CG's Report, must be fully populated and included within the EM Plan. The department is willing to advise further in this respect should it be required.</p>

