



WILPINJONG COAL PTY LTD

ABN: 87 104 594 694

1 March 2022

[REDACTED]
Manager Title Assessments
Assessments and Systems
Regional NSW – Mining, Exploration and Geoscience

Dear [REDACTED]

RE: WILPINJONG COAL MINE – APPLICATION FOR EXPLORATION LICENCE APPLICATION 6415 (ELA6415)

We refer to your letters of 8 to 25 February 2022, and the associated redacted copies of the public submissions on ELA6415 the Department has provided.

Wilpinjong Coal Pty Ltd (WCPL) thanks the Department for the opportunity to address the issues raised in public comments on ELA6415.

WCPL has reviewed all submissions provided by the Department. The concerns raised in the public submissions generally focus on environmental concerns with respect to a potential future expansion of operational mining activities or perceived environmental impacts of the existing approved Wilpinjong Coal Mine.

WCPL has summarised the key issues it has identified in the submissions on ELA6415 and provided succinct responses to each of the areas of public comment in Attachment 1. We have addressed the comments as they relate to exploration activities or to essential community services or infrastructure that may be impacted by WCPL's proposed exploration activities in ELA6415.. WCPL would be pleased to provide further, detailed information relating to our management of existing coal mining activities, in particular our environmental management processes and strong engagement with and support of local communities, if required.

WCPL notes that ELA6415 is an application for an exploration tenement. Should a licence to conduct exploration be granted by the NSW Government it would authorise exploration activities, it would not authorise the conduct of mining activities within the Exploration Licence area.

Exploration activities are by nature small in scale, transitory, and flexible in location, which minimises the potential for material environmental impacts to occur. Separate assessment and approval processes under the *Environmental Planning and Assessment Act 1979* and an application for a Mining Lease under the *Mining Act 1992* would need to be approved by the NSW Government prior to any operational mining occurring within the ELA6415 area.

The environmental assessment and approval process for major mines in NSW is a public participation process. Further information can be found at:

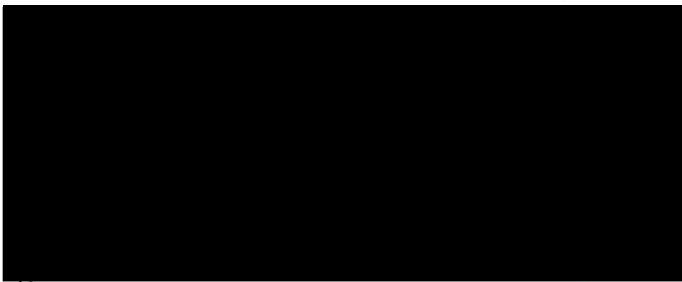
<https://mpweb.planningportal.nsw.gov.au/major-projects/assessment/state-significant-development/ssd-process>

WCPL also notes that the Wilpinjong Coal Mine is operated in accordance with a State Significant Development Consent (SSD-6764), and a comprehensive Environmental Management System, and compliance of the mine with the requirements of these documents is reported in Annual Reports that are provided on the WCPL website:

<https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wilpinjong-Mine/Approvals,-Plans-Reports>

WCPL's application for ELA6415 is consistent with the NSW Government's *Strategic Statement on Coal Exploration and Mining in NSW*. Should ELA6415 be granted, subsequent exploration would be conducted by WCPL in accordance with relevant NSW Government guidance documentation, including management of potential impacts for matters such as traffic, noise, air quality, flora and fauna, water resources, and the conduct of rehabilitation.

If the Department requires any further information on this matter, please contact the undersigned.



Enclosed: Attachment 1 – Summary of Public Issues Raised and WCPL's Response

Key Subject Raised in Objecting Submissions	Relevance to Proposed Exploration Activities	Key Assessment Requirements Should WCPL Subsequently Seek Planning Approval for a Mine
<p>Object to a coal exploration licence being granted within 500m of Wollar village over 1670 ha of grazing and cropping country, bushland and creeks.</p>	<p>Exploration activities are by nature small in scale, transitory and flexible. Should the Exploration Licence Application be granted, activities would be minor in scale relative to the extent of the Application Area.</p>	<p>Should the Exploration Licence Application be granted, there is no certainty that this will lead to development of an operational mine within the ELA area. If mine development is considered viable, any future operational extraction of coal would be subject to further environmental assessment and approval processes under the NSW <i>Environmental Planning and Assessment Act 1979</i>, and where relevant, the Commonwealth <i>Environment Protection Biodiversity Conservation Act, 2000</i>.</p>
<p>There are significant Aboriginal cultural heritage sites in the Wollar area particularly near creeks and rock overhangs, including artwork, ochre quarries, scar trees and artefact scatters.</p>	<p>Land disturbance associated with exploration activities would be limited and would conform with relevant guidance materials published by the NSW Government. This includes requirements to document any measures to prevent, control, abate or mitigate potential impacts</p>	<p>Should WCPL elect to apply for approval of a mining operation in the future, relevant assessments addressing the concerns raised would include evaluation of:</p>
<p>There are critically endangered ecological communities in the application area, including remnants of Box Gum Woodland and derived native grasses.</p>	<p>WCPL would implement a Ground Disturbance Protocol and apply progressive rehabilitation following completion of exploration activities.</p>	<ul style="list-style-type: none"> • potential impacts on strategic agricultural land and agricultural activities; • potential impacts on Aboriginal heritage and historic heritage; • potential impacts to threatened species, populations and ecological communities in accordance with the NSW Biodiversity Assessment Method and a strategy to offset any residual impacts accordance with the NSW Biodiversity Offsets Scheme;
<p>There is habitat for many endangered bird species including the critically endangered Regent Honeyeater and threatened bird species reliant on native grass seed.</p>	<p>In the first instance, due to the flexibility to adjust drill site and access track locations, limited mobile equipment and restricted hours, it is envisaged that impacts would be minimised. Hence, no material impacts upon the following environmental aspects would be anticipated to arise from the proposed activities within the Exploration Application Area:</p>	<ul style="list-style-type: none"> • water licensing requirements under the <i>Water Management Act 2000</i> and measures to control sediment run-off and avoid erosion; • potential impacts on the quantity and quality of existing surface and groundwater; and • potential impacts on aquifers, watercourses, riparian land, water-related infrastructure, and other water users, including consideration of the NSW <i>Aquifer Interference Policy, 2012</i>.
<p>There is habitat for Koala in the Wollar area.</p>	<ul style="list-style-type: none"> • agricultural production; • Aboriginal or historic heritage; • Endangered Ecological Communities; • native animal habitat (including habitat of Koalas and endangered bird species); 	<p>Other matters identified as relevant through site specific assessment and stakeholder engagement processes.</p>
<p>Wollar and Wilpinjong Creeks are within the application area with alluvial aquifers associated with surface flows. Many springs occur in the surrounding landscape.</p>	<ul style="list-style-type: none"> • hydrological systems (groundwater and surface water); and • Wollar village air quality and noise environment. 	

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<p>The northern section of the application area is adjacent to Goulburn River National Park.</p> <p>Wollar Village is the access point for visitors to the Goulburn River National Park. The exploration area within 500m of the village covers scenic landscape views.</p>	<p>Exploration activities are by nature small in scale, transitory and flexible. No material indirect impacts on the Goulburn River National Park or scenic or landscape views would be anticipated to arise from WCPL's proposed exploration activities within the Application Area. No direct impacts on the National Park estate would be proposed or approved.</p>	<p>Should the Exploration Licence Application be granted, there is no certainty that this will lead to development of an operational mine within the EL area. If mine development is considered viable any future operational extraction of coal would be subject to further environmental assessment and approval processes under the NSW <i>Environmental Planning and Assessment Act 1979</i>, and where relevant, the Commonwealth <i>Environment Protection Biodiversity Conservation Act, 2000</i>.</p> <p>Should WCPL elect to apply for approval of a mining operation in future, relevant assessments addressing the concerns raised would include evaluation of:</p> <ul style="list-style-type: none"> • the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain; and • potential impacts on the Goulburn River National Park, including consideration of <i>Developments adjacent to National Parks and Wildlife Service lands</i> (DPIE, 2020).
<p>Object to any new coal resources being released in NSW.</p>	<p>WCPL notes that the release of coal resources is highly regulated, and closely managed, by the NSW Government. WCPL is complying with the requirements of the NSW Government with respect to the Exploration Licence Application.</p> <p>Further, WCPL's application for ELA6415 is consistent with the NSW Government's <i>Strategic Statement on Coal Exploration and Mining in NSW</i>.</p> <p>WCPL notes that operational extraction of coal would be subject to further environmental assessment and approval processes under the NSW <i>Environmental Planning and Assessment Act 1979</i>, and where relevant, the Commonwealth <i>Environment Protection Biodiversity Conservation Act, 2000</i>.</p>	

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<p>Concerns regarding the potential environmental impacts of an operational mine within the Exploration Licence Application area. Including health concerns for the residents of Wollar, should mining occur.</p>	<p>Concerns regarding the potential direct and indirect impacts of operational coal mines are not directly applicable to the Exploration Licence Application and WCPL's proposed exploration activities.</p> <p>Should exploration indicate that a viable coal resource is present, WCPL will be required to subsequently apply for Planning Approval of a mine (refer column 3) at that time under the NSW <i>Environmental Planning and Assessment Act 1979</i>, and where relevant, the Commonwealth <i>Environment Protection Biodiversity Conservation Act, 2000</i>.</p>	<p>Any operational extraction of coal would be subject to further environmental assessment and approval processes under the NSW <i>Environmental Planning and Assessment Act 1979</i>, and where relevant, the Commonwealth <i>Environment Protection Biodiversity Conservation Act, 2000</i>.</p> <p>Should WCPL elect to apply for approval of a mining operation in the future, relevant assessments addressing the concerns raised would include evaluation of:</p> <ul style="list-style-type: none"> • potential air quality impacts in accordance with the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i>, and with a particular focus on particulate matter emissions; • potential construction and operational noise impacts in accordance with the <i>NSW Noise Policy for Industry</i>; and • consideration of the <i>Voluntary Land Acquisition and Mitigation Policy</i>.
<p>Concerns regarding the contribution to climate change of global fossil fuel consumption.</p>		<p>Any operational extraction of coal would be subject to further environmental assessment and approval processes under the NSW <i>Environmental Planning and Assessment Act 1979</i>, and where relevant, the Commonwealth <i>Environment Protection Biodiversity Conservation Act, 2000</i>.</p>
<p>Concerns regarding Australia's exposure to policy shifts in coal customer countries and associated changes in international fossil fuel demand.</p>		<p>Should WCPL elect to apply for approval of a mining operation in future, relevant assessments addressing the concerns raised would include evaluation of:</p>
<p>Concerns that coal mine expansion does not align with Australia's obligations under the Paris Agreement, or the Glasgow Climate Pact.</p>		<ul style="list-style-type: none"> • the likely greenhouse gas emissions of the development; • how the development's greenhouse gas emissions would affect State and national greenhouse gas emission reduction targets; • details of proposed greenhouse gas emissions avoidance, mitigation and/or offset measures; and • relevant matters for consideration under the <i>Environmental Planning and Assessment Act 1979</i>, including the principles of Ecologically Sustainable Development.
<p>Concerns that coal mining proposals are not consistent with Environmentally Sustainable Development.</p>		

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<p>Concerns regarding potential cumulative impacts of proposed ELA6415 exploration activities with Wollar Solar Farm construction and Transgrid Substation upgrades (e.g. on local traffic movements in the context of the current Wollar Road closure).</p>	<p>WCPL notes that the upgrade of Wollar Road is jointly funded by Mid-Western Regional Council and the NSW Government and is currently affecting local traffic movements due to the closure of the Munghorn Gap Nature Reserve section (nominally between 13 January and 21 March, 2022).</p> <p>Exploration activities are by nature small in scale and transitory. The number of active mobile plant items and associated vehicle movements on the public road network would be minor in the context of peak local traffic movements for other approved developments. Due to the small scale and transitory nature of the proposed exploration activities, no material adverse socio-economic effects would be anticipated to occur.</p>	<p>Any operational extraction of coal would be subject to further environmental assessment and approval processes under the NSW <i>Environmental Planning and Assessment Act 1979</i>, and where relevant, the Commonwealth <i>Environment Protection Biodiversity Conservation Act, 2000</i>.</p> <p>Should WCPL elect to apply for approval of a mining operation in future, relevant assessments addressing the concerns raised would include evaluation of:</p> <ul style="list-style-type: none"> • the likely transport impacts of the development on the capacity, condition, safety and efficiency of the surrounding transport network in accordance with the <i>Guide to Traffic Generating Developments</i>; • any required upgrades or operational measures to minimise transport impacts; and • preparation of a Social Impact Assessment prepared in accordance with the <i>Social Impact Assessment Guideline</i>.