

RDOC22/239625
13 December 2022

Clay Preshaw
Executive Director Energy and Resource Assessments
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2124

ADVICE RESPONSE: Bringelly Quarry/Brickworks – Extension Project - Modification 2 (SSD-5684-Mod-2) - Advice on Modification Report

Dear Clay,

I refer to Department of Planning and Environment correspondence dated 10 November 2022 inviting the Department of Regional NSW – Mining, Exploration and Geoscience (MEG) to provide comments on the Bringelly Quarry/Brickworks – Extension (the Modification) submitted by PGH Bricks & Pavers Pty Ltd (the Proponent).

Request for further information.

MEG requires the following information to undertake a complete review and assessment of the Modification, including that it is an efficient use of resources and that it will provide an appropriate return to the NSW Government.

Life of mine schedule

- The proponent must supply a life-of-mine production schedule for each year of operation of the mine and for the life of the project. The production schedule is to include:
 - year by year production schedule detailing, mineable reserves extracted, ROM tonnages and product tonnes produced
 - in terms of text, plans or charts, show the proposed extent and sequence of the development
 - a comparison of the life-of-mine production schedule of the approved operation against the proposed modification in excel format – this must clearly show the impact on the operation should the project not be approved.

Economics, royalty and target market

- The proponent is to supply an assessment of project economics including:
 - price forecasts by product type used by the proponent. MEG requires these forecasts to analyse the proponent's calculations of royalty value and export value
 - CAPEX & OPEX necessary for the project broken down into the various sub-categories and equipment types. Include any changes that the project will have on existing mine infrastructure and broader mine infrastructure - rail, processing plant etc
 - estimates of employment generation broken down into direct & indirect, ongoing & construction and operator & contract workers as full-time equivalent (FTE) roles
 - total royalty generated annually and over the life of the project.

A request was sent to the Proponent on 23 November 2022 requesting the information above, however, there has been no response to date.

The requirement for a mining authority

The requirement for a mining lease

As Clay/Shale are prescribed minerals under the *Mining Act 1992*, the Proponent is required to hold appropriate mining title(s) allowing for mineral extraction, such as a mining lease, to undertake mining.

For ancillary mining activities as, in so far as the ancillary activities are to be carried out in connection with and in the immediate vicinity of a mining lease in respect of a mineral, the proponent is required to hold a Mining Lease for ancillary mining activities or an 'off title' designated ancillary mining activity as defined by clause 7 of the Mining Regulation 2016 (the Regulation).

The EIS for a project should clearly identify existing mineral titles, mineral title applications and the final proposed mining lease area(s) for the project site and areas surrounding the proposed project area and address the environmental impacts and management measures for the mining and mining purpose activities as licensed under the *Mining Act 1992*.

Where a proposal includes Crown Land the proponent is required to comply with the *Commonwealth Native Title Act 1993* and undertake the right to negotiate process for the Crown Lands within the current exploration licence area(s) if proof of extinguishment cannot be determined.

Application of section 65 of the *Mining Act 1992* – development consents under the *Environmental Planning and Assessment Act 1979*

A development application under the *Environmental Planning and Assessment Act 1979* must be approved before a mining lease can be granted. A mining lease will only be granted for activities specified in the development consent.

Section 65 states:

The Minister must not grant a mining lease over land if development consent is required for activities to be carried out under the lease unless an appropriate development consent is in force in respect of the carrying out of those activities on the land.

Biodiversity offset assessment

MEG requests that the Proponent consider potential resource sterilisation should any future biodiversity offset areas be considered. The Proponent must consult with MEG and any holders of existing mining or exploration authorities that could be potentially affected by the proposed creation of any such biodiversity offsets, prior to creation occurring. This will ensure there is no consequent

reduction in access to prospective land for mineral exploration or potential for the sterilisation of mineral and extractive resources.

Summary of review

MEG requests that it be provided with an opportunity to undertake a complete review and assessment of the project once the required additional information is received.

For enquiries and further information on this matter, please contact Elisa Paull, Project Officer Industry Advisory & Mining Concierge Unit within the Industry Development Branch on 02 4063 6860 or mining.concierge@regional.nsw.gov.au.

Yours sincerely,



Adam W. Banister

Manager Industry Advisory & Mining Concierge (acting until 16/12/2022)
Industry Development
Department of Regional NSW - Mining, Exploration and Geoscience

Attachment A - Resources Regulator Advice

28th November 2022

Carl Dumpleton
Department of Planning and Environment
Carl.dumpleton@planning.nsw.gov.au

Via: Major Projects Portal

Dear Carl,

I refer to the Bringelly Quarry/Brickworks MOD 2 – Extraction and Production Increase Report submitted to the Resources Regulator on 15th November 2022 (SSD 5684).

Based on the review of the modification report the Resources Regulator advises that it has no specific comments regarding Mine safety or Mine rehabilitation matters in relation to the proposal.

LIMITATIONS

It should be noted that the Resources Regulator does not provide any endorsement of the proposed rehabilitation methodologies presented in the plans provided. Under the conditions of a mining authorisation granted under the *Mining Act 1992*, the Resources Regulator requires the holder to adopt a risk-based approach to achieving the required rehabilitation outcomes.

The applicability of the controls to achieve effective and sustainable rehabilitation is to be determined based on site-specific risk assessments conducted by the authorisation holder. An authorisation holder may also be directed by the Resources Regulator to implement further risk control measures required to achieve effective rehabilitation outcomes during the life of the mine.

REGULATORY REQUIREMENTS IF APPROVED

The proponent will be required to comply with rehabilitation requirements under the mining authorisations prior to the commencement of the works associated with the proposal.

The Resources Regulator may undertake assessments of the mine operators' proposed mining activities under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and Regulation as well as other WHS regulatory obligations.

BACKGROUND

The Mining Act Inspectorate within the Resources Regulator undertake risk-based compliance and enforcement activities in relation to obligations under the *Mining Act 1992*. This includes undertaking assessment and compliance activities in relation to mine rehabilitation activities and determination of security deposits.

The Mine Safety Inspectorate within the Resources Regulator is responsible for ensuring the mine operators' compliance with the Work Health and Safety (WHS) legislation, in particular the effective management of risks associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

CONTACT

Should you require any further information or clarification, please contact the Regulator on 1300 814 609 (Press Option 2 Press Option 5) or email nswresourcesregulator@service-now.com.

Yours sincerely,



Garvin Burns

Chief Inspector of Mines
Resources Regulator