

DIVISION OF RESOURCES & GEOSCIENCE ADVICE RESPONSE

Phillipa Duncan
Energy & Resource Assessments – Planning & Assessment Division
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

phillipa.duncan@planning.nsw.gov.au

Dear Phillipa

Project: Vickery Mine Extension
Stage: Response to Submissions
Development Application: SSD-7480

I refer to your correspondence dated 3 September 2019 inviting the Division of Resources & Geoscience (the Division) to provide comments on the Response to Submissions (RTS) document in relation to the *Vickery Mine Extension Project* (the Project). The submission being made by Vickery Coal Pty Ltd, a subsidiary of Whitehaven Coal Limited (the Proponent).

The relevant units internal to the Division have been consulted in generating this advice. Further, the Department of Planning, Industry and Environment – Planning & Assessment Division and the Proponent should be aware that matters pertaining to rehabilitation, environmental impacts of final landform design, mine operator and safety are not assessed by the Division and advice should be sought from the NSW Resources Regulator.

The Division notes the reduction in extraction area advised on page 8 of the RTS in order to comply with the requirements of section 380AA of the *Mining Act 1992*. This section requires an authority be held that authorises prospecting or mining for coal in order to make or determine an application for development consent.

Should the Project be approved, the Division supports the option of the Proponents securing a mining lease that includes the extraction of coal. This is in order to efficiently develop and utilise the coal resources in satisfaction of section 3A objects of the Act and the requirements of clause 15 of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. A mining lease for extraction will result in the recovery of approximately 11 million tonnes of run-of-mine coal, that would otherwise be sterilised, while further contributing to the social and economic benefits of the Project.

An application to the Division for an exploration licence for operational allocation will be required in order to allow an application for a mining lease, that includes coal, to be made.

The Division requests that the Proponent consider potential resource sterilisation in relation to any further biodiversity offset areas that may be considered. Biodiversity offsets have the potential to preclude access for future resource discovery and extraction and could also potentially permanently sterilise access to mineral resources. The Division requests consultation with both the Geological Survey of NSW – Land Use Assessment team and holders of existing mining and exploration authorities affected by planned biodiversity offsets.

The Division requests to review the draft conditions of approval prior to finalisation and any granting of development consent. The Division has determined that, should the Project be approved,

identified risks or opportunities can be effectively regulated through the conditions of mining authorities issued under the Act and has no further comment at this time.

For further enquiries and advice in relation to this matter, please contact Mr. Adam W. Banister, Senior Advisor – Assessment Coordination Unit, Resource Assessments on 02 4063 6534 or assessment.coordination@planning.nsw.gov.au.

Yours sincerely

Approved in CM9

Dr David P.T. Blackmore
Director Resource Assessments
Division of Resources & Geoscience
16 September 2019