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By email: phillip.nevill@planning.nsw.gov.au

Clarence Colliery Modification 4: Adequacy of the Statement of Environmental Effects (SEE) and Request for General Terms of Approval

Dear Mr Nevill,

I refer to your email dated 2 May 2019 inviting the Resources Regulator to review the Statement of Environmental Effects (SEE) and the provision of General Terms of Approval for Clarence Colliery Modification 4.

Clarence Colliery Modification 4 has been classified as Integrated Development pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act) and therefore requires both development consent under the EP&A Act as well as the granting of a Mining Lease under the *Mining Act 1992*.

The Resources Regulator has undertaken this review to determine whether the applicant has provided sufficient information in the SEE to assess the potential impacts of Clarence Colliery Modification 4. Specifically, the review has been undertaken to determine whether sustainable rehabilitation outcomes can be achieved as a result of the project and that any identified risks or opportunities can be effectively regulated through the conditions of mining authorities issued under the *Mining Act 1992*.

Development Details

Clarence Colliery is an underground operation located approximately 10 kilometres east of Lithgow, NSW. The Clarence Colliery Modification 4 proposes the following:

Centennial Coal is seeking to modify Condition 7 Schedule 2 of DA 504-00 pursuant to Section 4.55(2) of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) to allow for:

- *increase total allowable coal haulage off-site by road from 200,000 tonnes (t) to 300,000 t for a limited period of time up to 31 December 2020; and*
- *increase total allowable coal haulage off-site to the west by road from 100,000 t to 200,000 t for a limited period of time up to 31 December 2020.*
- *The proposed increase of total coal haulage by road will increase the total number of trucks which transport coal from Clarence Colliery from 25 trucks per day (ie 50 truck movements) to 40 trucks per day (ie 80 truck movements).*

Environment and Rehabilitation

Compliance Operations within the Resources Regulator has responsibility for providing strategic advice for environmental issues pertaining to the proposed project in so far as they relate to or affect rehabilitation.

The Resources Regulator advises that the Clarence Colliery Modification 4 is unlikely to significantly affect existing rehabilitation commitments associated with the site as no specific changes to existing mining or exploration infrastructure facilities are proposed as part of this application.

Therefore, the Resource Regulator has determined that sustainable rehabilitation outcomes can be achieved as a result of the project and that any identified risks or opportunities can be effectively regulated through the conditions of mining authorities issued under the *Mining Act 1992*.

The Resources Regulator requests that DPE – Planning Assessments notify the proponent of the following general terms of approval associated with the granting of a mining lease pursuant to the *Mining Act 1992*.

- Any disturbance resulting from the activities carried out under the mining lease will need to be rehabilitated to the satisfaction of the Minister.
- The lease holder must apply to the Minister for approval of a Mining Operations Plan (MOP) prepared in accordance with the relevant Resources Regulator guidelines. An approved MOP must be in place prior to commencement of any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The MOP must identify the post mining land use and set out a detailed rehabilitation strategy.
- The lease holder will be required to prepare an Annual Rehabilitation Report to the satisfaction of the Minister. The report must be prepared in accordance with the relevant Resources Regulator guidelines and must provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP.
- The lease holder will be required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all and any kind under the mining lease, including obligations of any kind under the mining lease that may arise in the future.

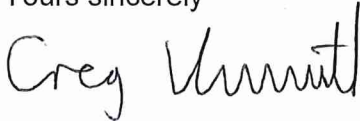
It should be noted that this review does not represent the Resources Regulator's endorsement of the proposed rehabilitation methodologies as presented in the SEE. Under the conditions of a mining lease granted under the *Mining Act 1992*, the Resources Regulator, requires a mining lease holder (holder) 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 the site specific risk assessments conducted by a holder. This risk assessment should be used to not only establish a basis for managing risk when planning an activity, but it should also be used and updated (as required) to continuously evaluate risk and the effectiveness of controls used to prevent or minimise impacts. A holder may also be directed by the Resources Regulator to implement further measures, where it is considered that a risk assessment and associated controls are unlikely to result in effective rehabilitation outcomes.

Mine Safety

Mine Safety Operations within the Resource Regulator is responsible for ensuring mine operators manage the risk to worker health and safety through compliance with the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the subordinate mining legislation. In particular the effective management of risk associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

For enquiries regarding this matter please contact minres.environment@planning.nsw.gov.au

Yours sincerely



Greg Kininmonth

Manager Environmental Operations (Southern)

On behalf of

Matthew Newton

Director Compliance Operations

Resources Regulator

NSW Department of Planning and Environment

16 May 2019

