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By email: andrew.ode@planning.nsw.gov.au

Charbon Colliery Modification 1 (MP 08_0211 MOD 1): Adequacy of the Statement of Environmental Effects (SEE) and Request for General Terms of Approval

Dear Andrew,

I refer to your email dated 29 April 2019 inviting the Resources Regulator to review the Statement of Environmental Effects (SEE) and the provision of General Terms of Approval for Project **Charbon Colliery Modification 1**.

Charbon Colliery Modification 1 has been classified as Integrated Development pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act) and therefore requires development consent under the EP&A Act.

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 Charbon Colliery Modification 1. 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

The Charbon Colliery is an underground and open cut operation currently under closure, located approximately 8 kilometres south of Kandos, NSW. The Charbon Colliery Modification 1 proposes:

- *a modification of the existing water pumping facilities at Charbon to allow train loading; and,*
- *the transfer of up to 170 ML/year of water by rail from Charbon Colliery to Airly Mine.*

The nearby operating Arlie Mine has a water deficit. Charbon Colliery is under closure but has adequate water storages. The proposed modification will allow the Airlie Mine to continue to operate at the approved level.

The Charbon Colliery Modification 1 will have little impact on the commitments found in the Charbon Colliery Mining Operations Plan (MOP), however there may be a minor modification to the MOP required to accommodate modification of existing water pumping facilities to allow train loading. The Charbon Colliery Modification 1 has not proposed to:

- *increase the approved life of the Charbon Coal Project;*
- *change the rehabilitation process, which will continue in accordance with the MOP;*
- *change the approved hours of operations; or*
- *significantly change the onsite water management at Charbon Colliery.*

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.

That Resources Regulator advises that the Charbon Colliery Modification 1 will not significantly affect the existing rehabilitation commitments at the Charbon Colliery. Minor modifications to the water pumping facilities may however require a MOP modification and a change in security. The environmental assessment requirements for rehabilitation have been adequately addressed in the SEE for Charbon Colliery Modification 1, dated April 2019.

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 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



Stephen Clipperton
Senior Inspector Environment

On behalf of
Matthew Newton
Director Compliance Operations
Resources Regulator
NSW Department of Planning and Environment

20 May 2019