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Dear Paul

**Tahmoor Colliery Modification 4 (DA67/98 MOD 4)
Review of Environmental Assessment**

I refer to your email dated 6 November 2017, received 21 November 2017, inviting the Division of Resources & Geoscience (the Division) to provide comments on the Tahmoor Colliery Modification 4 (DA67/98 MOD 4) (the Project) Environmental Assessment submitted by Tahmoor Coal Pty Limited (the Proponent).

The Division has reviewed the information supplied in relation to the abovementioned Project and provides the following advice:

As previously advised, the reference in the Executive Summary, paragraphs 1.0 and 2.3.2 of the Environmental Assessment (EA) to the Subsidence Management Plan (SMP) approval being granted for secondary extraction of longwalls (LW) 31-37 (there may be other references) is incorrect. This oversight is reflected in Figures 1.3 and 1.4 which refers to 'LW31-37 SMP Mine Plan'.

The Division also notes the misleading information provided in the EA which describes the SMP for LW30-37 as being approved (paragraph 1.0). An application was lodged for approval of an SMP for LWs 31-37 however, an approval was only granted with respect to LW31. As drafted, a reader of the EA may have an impression that the Division has approved secondary extraction for LWs 32-37.

A public exhibition of the EA containing the reference to secondary extraction approval to LW 37, in the absence of further consideration, creates the impression that the LW layout is approved without regard to the proper consideration of the impacts especially so far as relate to LWs 33-37 which are adjacent to a sensitive watercourse. This may cause submissions to be focused away from the subject area and pertinent issues.

It is recommended that the current secondary extraction approval process remains unchanged and, if consideration is given to changing, further consultation takes place with the Division. In this regard, it should be noted that the SMP approval process for Tahmoor Colliery is governed by the Lease Instrument and the approval being subject to 'transition provisions' imposed by reason of the WHS Law in 2014.

With respect to subsidence advice, it is recommended that the Department of Planning and Environment – Planning Services Division confer with the Mine Safety Unit of the Resource Regulator to verify the statements in the EA that subsidence impacts will be ‘nil/negligible’.

The Division 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 Division requests a review of the draft development consent conditions prior to finalisation and any granting of development consent.

It should be noted that this review does not represent the Division’s endorsement of the proposed rehabilitation methodologies as presented in the EA. Under the conditions of a mining authority granted under the *Mining Act 1992*, the Division requires an authority 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 an authority 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. An authority holder may also be directed by the Division to implement further measures, where it is considered that a risk assessment and associated controls are unlikely to result in effective rehabilitation outcomes.

Further enquiries regarding this matter please contact:

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Yours sincerely



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