

## **DIVISION OF RESOURCES & GEOSCIENCE ADVICE RESPONSE**

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Dear Lauren

**Project: Marulan South Limestone Mine - Continued Operations Project**  
**Stage: Environmental Impact Statement review**  
**Development Application: SSD 7009**

I refer to your email dated 1 April 2019 inviting the Division of Resources & Geoscience (Division) to provide comments on the *Marulan South Limestone Mine - Continued Operations Project* (Project) submitted by Boral Cement Limited (Proponent).

The relevant units of the Division have been consulted in generating this advice. Further, the Department of Planning and Environment - Planning Services Division and the Proponent should be aware that matters pertaining to rehabilitation, final landform, environmental impacts of subsidence, subsidence management, mine operator and safety are not assessed by the Division. Reference should be made to the Resources Regulator on these matters and I understand that you have sought a response from them.

### **Resource and Economic Assessment**

The Division has reviewed and assessed the information supplied in relation to the Project. The Division considers the Project meets the objects of the *Mining Act 1992* (NSW) (the Act) and the requirements of clause 15 of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 leading to an efficient development and utilisation of mineral resources which will foster significant social and economic benefits. The Division is satisfied that the Proponent's mine design and mining method submission for the Project adequately recovers mineral resources and provides an appropriate return to the state.

A resource and economic assessment was undertaken by the Division which details the resource utilisation and economic benefits of the Project and is appended as Attachment A.

### **Mining Titles**

Prescribed minerals under the Act include clay/shale, iron minerals, limestone, marble and structural clay. The Proponent must obtain the appropriate mining title(s), such as a mining lease, from the Division allowing for mineral extraction under the Act over the project extension area.

The Division notes that this Project is located within the existing operations area of Consolidated Mining Lease 16 (Act 1992) (CML 16) and Mining Lease 1716 (Act 1992) (ML 1716). The project extension area to the northwest of current operations is not currently held under title.

#### **NSW Department of Planning and Environment**

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## **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.*

### **Further Mining Titles required to undertake the Project**

#### *Opportunity for rationalisation of titles*

Applying for additional mining title(s) provides an opportunity to rationalise the complex title areas within the freehold land of CML 16. The complexity of surface exceptions and depth restrictions associated with CML 16 (consolidating historic titles) may be reduced as part of the new mining lease application.

#### *Marulan Creek Dam*

The EIS proposes adjustments to the existing Marulan Creek Dam. The Division's preliminary view is that these activities will not trigger section 6 requirements of the Act. As such, the Proponent would not be required to hold an additional Mining Lease for ancillary mining activities or an 'off title' designated ancillary mining activity as prescribed by clause 7 of the Mining Regulation 2016. The Proponent is encouraged to seek independent advice to form a view as to the most appropriate way forward.

### **Biodiversity Offsets**

The Division requests that the Proponent consider potential resource sterilisation in relation to any proposed biodiversity offsets areas. The Division requests consultation with both the Geological Survey of NSW and holders of existing mining and exploration authorities affected by planned biodiversity offsets.

### **Summary of review**

The Division has determined that should the Project be approved, sustainable, efficient and optimised resource outcomes can be achieved. Further, any identified risks or opportunities can be effectively regulated through the conditions of mining authorities issued under the Act.

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

For further enquiries regarding this matter please contact the Assessment Coordination Unit on 02 4063 6534 or [assessment.coordination@planning.nsw.gov.au](mailto:assessment.coordination@planning.nsw.gov.au).

Yours sincerely



Dr. David P.T. Blackmore  
**A/Executive Director Resource Operations**  
**Division of Resources & Geoscience**  
6 May 2019

Encl.

Attachment A – Marulan South Limestone Mine – Continued Operations Project - Resource and Economic Assessment (DOC19/281246)