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MAAG0004906

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**Airly Coal Expansion - Airly Mine MOD 3 (SSD 5581-MOD 3)(Lithgow City): Adequacy of the Statement of Environmental Effects (SEE)**

Dear Mr Rode,

I refer to the email dated 31 October 2019 inviting the Resources Regulator to review the Statement of Environmental Effects (SEE) for Airly Coal Expansion - Airly Mine MOD 3 (SSD 5581-MOD 3)

**Development Details**

Airly Coal Mine is underground operation located approximately 5km north east of Capertee, NSW. The Airly Mine – Mod 3 proposes the following:

*A modification to Airly Mine's consent SSD 5581 to primarily increase the coal production rate from 1.8 million tonne per annum (Mtpa) to 3.0Mtpa, increase its workforce and increase the number of train movements.*

*The SSD 5581 Project Application Area boundary will remain unchanged and no changes to the site infrastructure will be required. The existing water management system will not change.*

**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 the Department of Planning, Industry & Environment Resource Assessments that the Airly Mine - Mod 3 is unlikely to significantly affect existing rehabilitation commitments associated with the site as no specific changes to existing 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 DPIE - Resource Assessments notify the proponent of the following general terms related to the *Mining Act*, should the Modification Application be approved:

- The lease holder must apply to the Minister to amend the current Airly Coal Mine Mining Operations Plan (MOP) to reflect proposed Modification 3 changes.

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 authority granted under the *Mining Act 1992*, the Resources Regulator, 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 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*.

Mine Safety Operations have not identified any risk that would require comment in relation to this matter.

For enquiries regarding this matter please contact me on (02) 4063 6444 or [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com)

Yours sincerely



Greg Kininmonth  
Manager Environmental Operations  
**Mining Act Inspectorate**  
**Resources Regulator**  
**NSW Department of Planning, Industry & Environment**

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