

MINING, EXPLORATION & GEOSCIENCE ADVICE RESPONSE

Melissa Anderson
Energy, Resources & Compliance Division
Department of Planning, Industry and Environment
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Dear Melissa

Project: Chain Valley Colliery - Modification 4
Stage: Advice on Statement of Environmental Effects and provide Resource and Economic Assessment – Request for information
Development Application: SSD 5465-MOD4

I refer to your recent correspondence inviting the Department of Regional NSW – Mining, Exploration & Geoscience (MEG) to provide comments on the Chain Valley Colliery - Modification 4 (the Modification) submitted by Great Southern Energy Pty Limited trading as Delta Coal (Delta Coal or the Proponent).

The relevant units internal to MEG have been consulted in generating this advice. The Department of Planning, Industry and Environment – Energy, Resources & Compliance Division and the Proponent should be aware that matters concerning subsidence, subsidence management, mine operator, safety, rehabilitation and environmental impacts of final landform design are not assessed by MEG and advice should be sought from the Resources Regulator.

Prior to finalising advice to the Department on the Statement of Environmental Effects and Resource and Economic Assessment, MEG requests clarification on the following issue.

Application of section 380AA of the *Mining Act 1992* – restrictions on planning applications for coal mining and titles required to undertake mining

Coal is a prescribed mineral under the Act and the Proponent is required to hold appropriate mining titles from MEG to undertake mining.

Section 380AA states:

(1) An application for development consent, or for the modification of a development consent, to mine for coal cannot be made or determined unless (at the time it is made or determined) the applicant is the holder of an authority that is in force in respect of coal and the land where mining for coal is proposed to be carried out, or the applicant has the written consent of the holder of such an authority to make the application.

(2) For that purpose, an authority in respect of coal need not be in force in respect of the whole of the land to which the application for development consent relates but must be in force for the land where mining for coal is proposed.

Based on current title information MEG advises that this Modification is located within the Mining Lease 1632 (Act 1992) currently held by Centennial Myuna Pty Ltd.

Centennial Myuna Pty Ltd has made application to MEG to transfer the appropriate titles to Delta Coal. At time of writing this application for transfer is under assessment.

For further enquiries on this matter, please contact Scott Anson, Manager Assessment Coordination – Resource Assessments on 02 4063 6972 or assessment.coordination@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Leanne' followed by a stylized surname.

Leanne O'Brien

A/Director Resource Assessment

Department of Regional NSW – Mining, Exploration & Geoscience

8 December 2020