

Mr Andrew Rode  
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Via email: [andrew.ode@planning.nsw.gov.au](mailto:andrew.ode@planning.nsw.gov.au)

Dear Mr Rode

**RE: Charbon Colliery & Clarence Colliery Modification Report for Modifications to DA 504-00 and SSD 08\_0211**

I refer to the Department of Planning, Industry & Environment's (DPIE) request for advice dated 6 October 2020 requesting advice from the Resources Regulator (Regulator) in regard to the Charbon Colliery & Clarence Colliery Modification Report for Modifications to DA 504-00 and SSD 08\_0211 (Modification Report).

**Development Details**

The proposed modification seeks consent to allow the use of coarse coal reject (CCR) material from Centennial Coal Company Limited's (Centennial Coal) Clarence Colliery (Clarence) to enhance rehabilitation at Centennial Coal's Charbon Colliery. Charbon Coal proposes to import CCR from Clarence by train to backfill historical mining areas requiring rehabilitation.

Charbon Coal is seeking to modify SSD 08\_0211, pursuant to Section 4.55(2) of the EP&A Act, to allow for the transfer of CCR from Clarence to Charbon and the use of this material on-site during rehabilitation activities. To facilitate the transfer of CCR from Clarence to Charbon, Centennial is also seeking to modify Clarence's development consent (DA 504-00), pursuant to Section 4.55(2) of the EP&A Act, to allow for the exportation of CCR from Clarence to Charbon by rail.

**Environment and Rehabilitation**

The Mining Act Inspectorate (MAI) within the Resources Regulator has responsibility for providing strategic advice on environmental issues pertaining to the proposed project in so far as they relate to or affect rehabilitation. Based on the review of the Modification Report, the MAI requests further information to confirm the final land use(s) and rehabilitation strategy associated with the rail loop at Charbon Colliery given the additional hardstand area that is being constructed as part of the modification.

It should be noted that the Resources Regulator's does not provide any endorsement of the proposed rehabilitation methodologies presented in the EIS. 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. An authority holder may also be directed by the Resources Regulator to implement further risk control measures that may be required to achieve effective rehabilitation outcomes.

To this end both Charbon Colliery and Clarence Colliery will be required to have a revised Mining Operations Plan (MOP) in place prior to the commencement of the activities nominated in the modification. As part of the submission of the MOP, the Regulator will seek clarification on the specific aspects nominated below for each mine.

#### Charbon Colliery

- Details of the rehabilitation strategy associated with any residual overburden stockpiles that were not utilised as part of the infilling and remediation of voids on site.
- Details of the potential acid forming material management strategy associated with the emplacement of CCR, including capping design.
- A revised progressive rehabilitation schedule to account for the timing for import of CCR material on site from Clarence Colliery.

#### Clarence Colliery

- Noting that the CCR material removed from REA6, a revised progressive rehabilitation schedule for the REAs across the mine.

#### Mine Safety

The Mine Safety Inspectorate is responsible for ensuring mine operators manage risks to health and safety at mining workplaces in NSW.

Given the substantially conventional activity identified in the proposed modification (placement of coarse reject into surface mining voids) and the well-understood risk controls associated with this type of activity, the Mine Safety Inspectorate has no significant concerns with regard to the WHS risks associated with the proposed modifications. In any case, the activity will be subject to further assessment arising from the submission of High Risk Activity notifications by the mine operator relating to the modification of the emplacement area.

Should you require any further information or clarification, please contact the Office of the Executive Director ([ED.ResourcesRegulator@planning.nsw.gov.au](mailto:ED.ResourcesRegulator@planning.nsw.gov.au))

Yours sincerely,



**Anthony Keon**  
**Executive Director**  
**Resources Regulator**

12 November 2020