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Department of Planning and Environment  
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By email: melanie.hollis@planning.nsw.gov.au

**Russell Vale Colliery – Modification 4 (MP 10\_0046 MOD 4): Response to Submissions**

Dear Melanie,

I refer to the Department of Planning and Environment – Resources Assessments (DPE – Resources & Assessment) email dated 21 December 2018 inviting the Resources Regulator to provide advice on the Response to Submissions for Project Russell Vale Colliery – Modification 4 (MP 10\_0046 MOD 4).

**Development Details**

The Russell Vale Colliery is an underground operation located approximately 8 kilometres north of Wollongong, NSW.

The current Project Approval (MP 10\_0046 - Appendix 3 – Statement of Commitments) commits to replacing the underground pipe section of Bellambi Gully Creek with a suitably designed and engineered open bypass channel constructed on the southern side of the coal stockpile area, including a dissipation pond, upgrades to the existing channel and regular maintenance.

The Russell Vale Colliery – Modification 4 (MP 10\_0046 MOD 4) proposes to:

- amend the soil and water management commitments of the Project approval (MP 10\_0046) in order to maintain the existing Bellambi Gully diversion pipe as the method to divert upslope runoff from the Bellambi Gully catchment through the site to the downstream creek.
- Implement recommended management and monitoring measures, as documented in Section 7.0 of the Response to Submissions.

The Resources Regulator has previously provided the following advice:

*The Resources Regulator requests that consent authority notify the proponent of the following general terms of approval associated with the granting of a mining lease pursuant to the Mining Act 1992:*

- *Any disturbance resulting from the activities carried out under the mining lease will need to be rehabilitated to the satisfaction of the Minister.*

- *The lease holder must apply to the Minister for approval to amend the current Care and Maintenance Mining Operations Plan (MOP) to reflect the "alternate mitigation measures identified through Bellambi Gully Flood Study undertaken by Cardno, 2015 and the works schedule identified in the Bellambi Creek Diversion Pipeline Assessment undertaken by Engeny, 2017".*
- *The lease holder should amend or update the 2015 Rehabilitation Management Plan to address the "short, medium and long term" rehabilitation of the Bellambi Gully Diversion Pipeline and Bellambi Gully Floodplain Management at the Mine site.*
- *The lease holder will be required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all and any kind under the mining lease, including obligations of any kind under the mining lease that may arise in the future.*

## **Environment and Rehabilitation**

The Compliance Operations unit 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 and Environment – Resource Assessments that the information provided in the Response to Submissions document "*Response to Submissions, Russell Vale Colliery Preliminary Works Project Modification 4, Final, December 2018*" dated 21 December 2018, adequately addresses the issues raised in the submission from the Resources Regulator (incorporated in the Division of Resources and Geoscience response letter) dated 3 April 2018 (Reference OUT18/4335).

The Resources 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*.

## **Mine Safety**

It is relevant to note that the Resource Regulator Mine Safety Operations 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. The Resource Regulator 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 [minres.environment@planning.nsw.gov.au](mailto:minres.environment@planning.nsw.gov.au)

Yours sincerely



**Greg Kininmonth**

Manager Environmental Operations (Southern)

On behalf of

Matthew Newton

**Director Compliance Operations**

**Resources Regulator**

**NSW Department of Planning and Environment**

11 January 2019