

Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001
Attn: Andrew Rode

Airly Mine (SSD 5581 MOD 3): Response to Submissions

Dear Andrew Rode,

I refer to the correspondence dated 24 January 2020 inviting the Resources Regulator to review the *Major Projects – New Request for Advice - Airly Mine MOD 3 - Production Rate, Workforce and Train Movement Increases - (SSD-5581-Mod-3)* for Project Airly Mine SSD 5581 MOD 3.

Development Details

The Airly Mine is located approximately 5km kilometres north east of Capertee, NSW.

Airly Coal Mine's consent SSD-5581 was granted on 15 December 2016 for the Airly Mine Extension Project (the Project) and will lapse on 31 January 2037. The consent has been modified two times previously.

The Airly Mine proposes to:

Modify Airly Coal Mine's consent SSD-5581 (MOD3) to allow for:

- an increase in the run-of-mine (ROM) production rate from the approved 1.8 million tonnes per annum (Mtpa) to 3.0 Mtpa
- an increase in workforce from the approved 155 full time equivalent (FTE) personnel to 200 FTE personnel
- an increase in the movement of laden coal trains and water trains leaving the site from the approved average of 2 trains per day to 3 trains per day over any calendar year but maintaining the approved maximum 5 trains per day leaving the site on any day
- underground blasting (or shot-firing) activities for the removal of geological structures in the event they are encountered within the mining areas
- an amendment to the approved 20-year mine schedule for the increased production rate.

The Resources Regulator has previously provided the following advice:

In our letter dated 27 November 2019 (Our Reference: DOC19/1034983), the Resource Regulator requested 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.

Environment and Rehabilitation

The Mining Act Inspectorate within the Resources Regulator has responsibility for providing strategic advice for environment 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 and Environment – Resources Assessments that SEARs for rehabilitation have been adequately addressed in the Major Projects – New Request for Advice - Airly Mine MOD 3 - Production Rate, Workforce and Train Movement Increases - (SSD-5581-Mod-3) for Project Airly Mine, dated 24 January 2020.

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 a review of the draft development consent conditions prior to finalisation and any granting of development consent.

Mine Safety

Mine Safety Operations within the Resource Regulator is responsible for ensuring that 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 this requires the effective management of risk associated with the principal hazards 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.

If you require additional information, please contact the Resources Regulator on 1300 814 609 (Option 2, then 5), or via email at nswresourcesregulator@service-now.com.

Yours sincerely,

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

19 February 2020