

ADVICE RESPONSE DIVISION OF RESOURCES & GEOSCIENCE

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Dear Andrew

Re: Tahmoor South Coal Project – review of Environmental Impact Statement Dev Ref: SSD 8445

I refer to your email dated 9 January 2019 inviting the Division of Resources & Geoscience (the Division) to provide comments on the *Tahmoor South Coal Project* (the Project) Environmental Impact Statement (EIS) submitted by Tahmoor Coal Pty Ltd (the Proponent).

The relevant units of the Division have been consulted in generating this advice. Further, the Department of Planning and Environment - Planning Services Division and the Proponent should be aware that matters pertaining to rehabilitation, final landform, environmental impacts of subsidence, subsidence management, mine operator and safety are not assessed by the Division. Reference should be made to the Resources Regulator on these matters and I understand that you have sought a response from them.

Resource and Economic Assessment

The Division has reviewed and assessed the information supplied in relation to the Project. In view of the constraints outlined in the Proponent's EIS, the Division considers the Project meets the section 3A objects of the *Mining Act 1992* (NSW) (the Act) and the requirements of cl 15 of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 to be an efficient development and utilisation of coal resources which will foster significant social and economic benefits. The Division is satisfied that, given the Proponent's mine design and mining method submissions, the Project adequately recovers coal resources and provides an appropriate return to the state.

A resource and economic assessment was undertaken by the Division which details the resource utilisation and economic benefits of the Project and is appended as Attachment A.

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

As coal is a prescribed mineral under the Act, the proponent is required to hold appropriate mining titles from the Division to undertake mining.

In addition, section 380AA provides that an application for development consent (or modification to consent) to mine for coal cannot be made or determined unless the applicant is also the holder of a title under the Act or has the written consent of the holder of a title, where the parties are different.

NSW Department of Planning and Environment

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Section 380AA(1) states:

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.

Based on current title information the Division advises that the Proponent holds the appropriate titles as required for mining operations as relating to the Project and satisfies the requirements of section 380AA.

Further Mining Titles required to undertake the Project

Expansion of Reject Emplacement Area

In order to undertake these activities specified in the EIS, the Division advises that the Proponent is required to hold an additional Mining Lease for ancillary mining activities or an 'off title' designated ancillary mining activity as defined by clause 7 of the Mining Regulation 2016 (the Regulation).

Additional upcast and downcast ventilation shafts

In order to undertake these works, as specified in the EIS, the Division will consider the use of section 81 of the Act, subject to satisfying its requirements, allowing for surface activities to be undertaken by the holders of subsurface leases (drainage of gas and ventilation) as prescribed by clause 27 of the Regulation.

Summary of Review

The Division has determined that identified risks or opportunities can be effectively regulated through the conditions of mining authorities issued under the Mining Act 1992. The Division requests to review the draft conditions of approval before finalisation and any granting of development consent.

For further enquiries regarding this matter, please contact Mr Adam W. Banister, Senior Advisor, Assessment Coordination Unit on 02 4063 6534 or assessment.coordination@planning.nsw.gov.au.

Yours sincerely



Dr. David Blackmore
A/Executive Director Resource Operations
Division of Resources & Geoscience
5 March 2019

Encl.

Attachment A – Tahmoor South Coal Project - Resource and Economic Assessment (DOC19/81966)