

Exploration Licence Application 6442 and ELA6443 (Act 1992)

Summary and response to public comments

Departmental consideration of public comments received

The Department of Regional NSW, Mining Exploration and Geoscience (MEG) is responsible for assessing applications for exploration licences (ELAs) under the *Mining Act 1992*.

The assessment process for ELAs for Group 9 (coal) minerals made under the Operational Allocation Framework considers relevant provisions of the *Mining Act 1992* (and associated Regulations) and the Operational Allocation Guidelines, this incorporates an assessment of geological, environmental, fit and proper person requirements, potential resource and mine design consideration, and community matters.

Exploration Licence Applications 6442 and 6443 (Act 1992)

Narrabri Coal Pty Ltd, J-Power Australia Pty Ltd, Kores Narrabri Pty Limited, Narrabri Coal Australia Pty Ltd, Posco International Narrabri Investment Pty Ltd and Upper Horn Investments (Australia) Pty Ltd made two applications for exploration licences for Group 9 (coal) minerals for operational allocation purposes (ELA6442 and ELA6443) on 24 February 2022.

These applications were advertised in the *Sydney Morning Herald* on 22 March 2022 and *The Courier* on 24 March 2022.

The public was invited to provide comments on the application for consideration of the decision-maker to inform their determination and any conditions to be applied to the licences (should they be granted). The public comment process for coal and petroleum exploration titles is explained in further detail at this [link](#).

Nine (9) public comments were received during the submission period. All public comments addressed both ELA6442 and ELA6443. In accordance with the operational allocation guidelines, the applicant was given the opportunity to respond to the issues raised.

The public comments received focused on the potential impact on the local community, environmental and ecological concerns, Aboriginal cultural heritage, concerns regarding emissions and climate change, the suitability of the applicant and the appropriateness of the Operational Allocation process rather than the Strategic Release Framework.

The public comment process for the exploration of coal and petroleum, including coal seam gas, stipulates that MEG may publish a summary of issues raised and its response to public submissions received for exploration licence applications. MEG may also publish the Applicants response to submissions.

MEG and applicant response

A summary of issues raised in public submissions is set out at Table 1 below.

The applicant’s response to the public submissions is now publicly available at [this link](#).

In consideration of issues raised in public submissions and the resultant recommendation to the decision maker, MEG applied greater weight to issues raised regarding the impacts of exploration activities rather than the impacts of mining. The grant of an exploration licence does not give approval for mining and, should the applicant progress to a mining proposal in the future, further approvals and public consultation is required under Planning approval regimes.

The assessment by MEG found that the matters raised by the public in relation to exploration activities will be adequately addressed by:

- the requirement for further activity approvals from the NSW Resources Regulator before surface disturbing activities. These approvals will consider and manage environmental and rehabilitation issues
- the requirement for consent from the Minister before operations may be conducted in an “exempted area” (as defined in the dictionary of the *Mining Act 1992*), which includes state forests
- the standard exploration licence conditions that include conditions to protect the environment
- the holding of a security deposit and the requirement for rehabilitation of any disturbance
- the legislated requirement for any holder to have a land access agreement with all landholders (including native title holders) before entering their land
- the imposition of the standard native title condition and obligations under other legislation ensures that Aboriginal sites and rights are protected
- the consideration of the compliance history of all applicants and related entities and office holders did not warrant refusal of the applications
- the Operational Allocation Framework forms part of the legislative and strategic framework for the release of areas for coal exploration. All legislative requirements and guideline criteria were met for these applications to be considered under the Operational Allocation Framework
- the provisions of the *Mining Act 1992* and other relevant legislation.

The public comments and the applicant’s response were considered by the decision-maker before determining to grant ELA6442 and ELA6443 on 6 September 2022, with standard exploration licence conditions and special conditions for operational allocation exploration licences applied. ELA6442 was granted as Exploration Licence 9456 (EL9456) and the Instrument of Grant can be found [here](#). ELA6443 was granted as Exploration Licence 9455 (EL9455) and the Instrument of Grant can be found [here](#).

Table 1: Summary of issues raised in public submission on ELA6442 and ELA6443

	Comment theme	Specific matters raised
1	The impact on locals and their way of life	The proximity of potential future mines to homes
		The applications create uncertainty for local’s lifestyle and business investment choices
		Visibility impact on views for locals and visiting tourists
		Having a potential new coal mine hanging over their land will impede local investment, create division and increase

		uncertainty for the business community as locals consider whether or not they will stay and invest in the area
2	The impact on the environment including water, forests, wildlife	Potential impacts on the Namoi River
		Potential impacts to Pilliga State Forest and wildlife
		Risks to groundwater and biodiversity
3	The impact on Aboriginal cultural sites and ensuring the correct consent process for Traditional Owners	Risks to cultural sites
		Failure to conduct a PRIA will result in a flawed process that will prevent Gomerioi Traditional Owners from having adequate informed consent processes available to them
4	Concerns about climate change and emissions	Concerns about the potential impact on global warming
		The need to end the extraction and burning of fossil fuels
		Claims that new coal exploration should not be allowed in areas likely to result in very high GHG emissions intensity per tonne of ROM coal mined
5	Compliance history of Whitehaven Coal Mining Limited (as parent company to Narrabri Coal Pty Ltd) and their fitness to hold a licence	Claims that the company is not a fit and proper entity considering their compliance history
6	Concerns about the public comment process	Whether comments relating to mining (rather than exploration) will be considered or given any weight
7	Requests for the area to go through the Strategic Release Framework to allow a Preliminary Regional Issues Assessment (PRIA) to be undertaken	A PRIA would allow an assessment of environmental, economic and social impacts and a full opportunity for public comment prior to a decision about releasing land for coal exploration
		Claims that these applications are an attempt to bypass the Strategic Release Framework
8	Concerns that the Operational Allocation process will allow the applicant to continue to expand operations into the Gorman North area without a PRIA being undertaken	The coal industry may, in future, be able to access the whole Gorman North through a simpler approvals process as expansions on the existing mines
		If the applicants are allowed to continue to expand their operations, there is potential impact on heavily populated area where homeowners rely on bore water

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