

REHABILITATION INFORMATION RELEASE

DATE: 27 APRIL 2020

Completion of rehabilitation at Kempsey Clay Mine

Overview

The NSW Resources Regulator is a stand-alone regulator within Regional NSW and is responsible for compliance and enforcement activities across the mining and exploration industry. The Regulator undertakes risk-based compliance and enforcement activities in relation to obligations under the *Mining Act 1992*. This includes:

- conducting assessments and compliance activities to ensure the rehabilitation of mines is undertaken in accordance with the conditions of mining leases and the requirements of the *Mining Act 1992*
- ensuring that rehabilitation security deposits held by the department cover the full costs in undertaking rehabilitation in the event of default by the mining company.

This information release provides information about the successful completion of rehabilitation on Mining Lease 1445 (ML 1445) held over the former Kempsey Clay Mine in Kempsey, NSW.

The mine

The Kempsey Clay Mine operated from 1976 until its closure in 2009. In 2014, the 77 hectare parcel of land was bought by the Fishers Property Group Pty Ltd (FGP) and ML 1445 was also transferred to FGP. FGP was subsequently granted development consent to operate an asphalt batching plant and create a four-lot industrial subdivision in the north eastern corner of the site.

All brickmaking infrastructure was subsequently removed from the operational part of the land, with the remaining land comprising the disused mine void and woodland.

Figure 1 Former Kempsey Clay Mine and the boundary of ML 1445



Required rehabilitation outcomes

The former mine is on land zoned *IN1- General Industrial* in accordance with the Kempsey Local Environmental Plan. The surrounding area is characterised by open woodland and industrial areas.

Rehabilitation of ML 1445 has been undertaken progressively in accordance with the obligations set out in the mining operations plan (MOP) approved by the Regulator. The approved MOP required FGP to achieve the approved rehabilitation objectives, rehabilitation completion criteria and final landform.

The approved rehabilitation objectives include establishing a safe and stable landform to provide a suitable location for an industrial subdivision.

The approved rehabilitation completion criteria include:

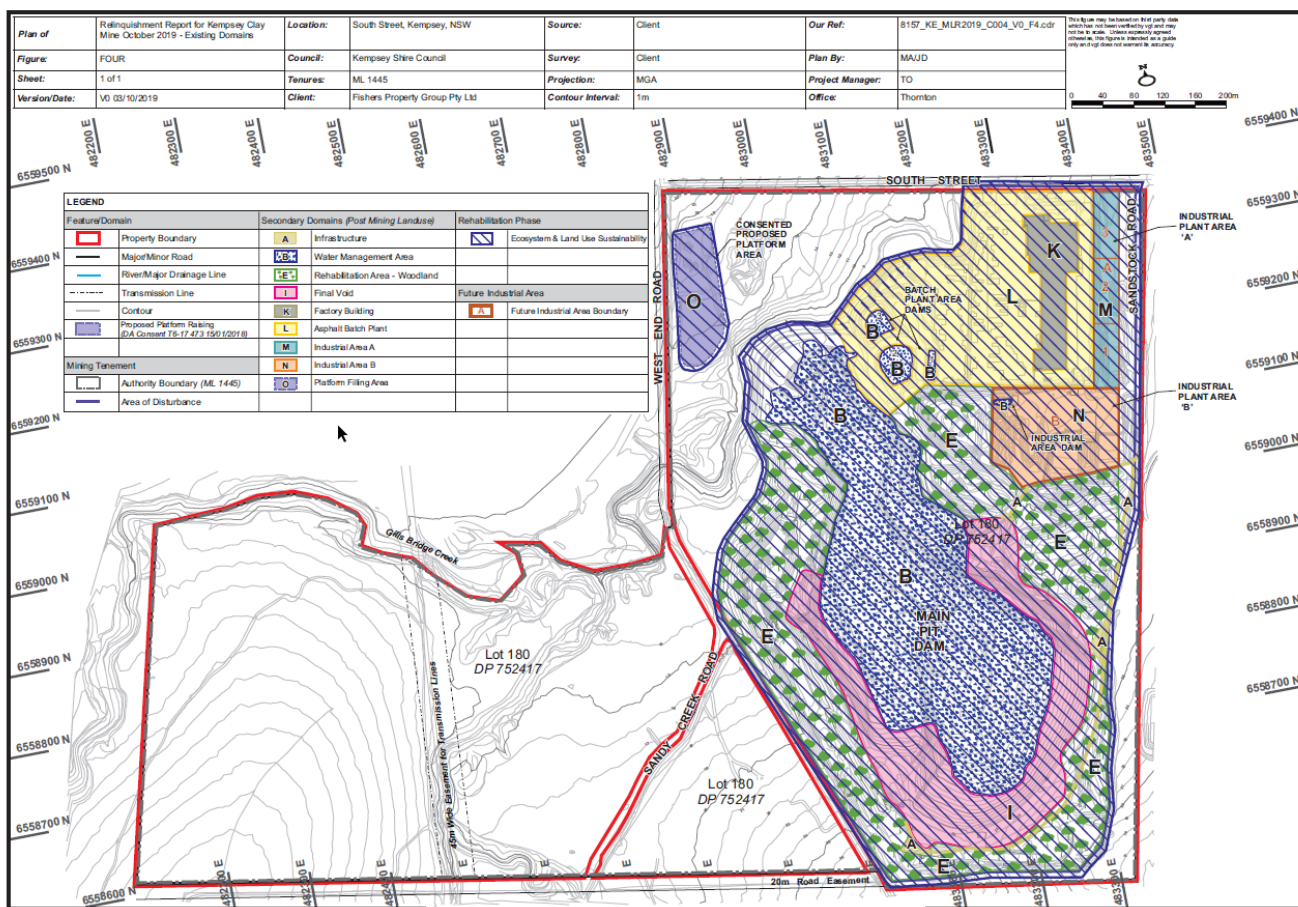
- retaining the final void dam with the construction of a spillway to allow clean water to be discharged into Gills Bridge Creek once water quality has been confirmed, as within quality parameters
- retaining other sedimentation ponds on site to collect run off from the new land use catchment areas

- establishing grassland on the former void slopes leading to the main water body that will not preclude any further industrial development
- retaining and restoring the native woodland behind the previous extraction area to connect with the adjoining woodland areas.

The approved final landform is shown in Figure 2 and consists of:

- one single water management storage system composed of the final void pond and three sediment dams with a discharge point into Gills Bridge Creek
- the former brick-making facility and other associated hard stand areas including the Fishers asphalt batch plant, associated car parks and roads
- rehabilitated non-hardstand areas including vegetated final void faces battered at 3:1 and sawdust stockpile areas around the final void
- future industrial areas (A & B).

Figure 2 Approved final landform



Rehabilitation completion

In October 2019, FGP lodged an application with the Regulator (using [Form ESF2 Rehabilitation Completion and/or Review of rehabilitation cost estimate](#)) to obtain formal sign off on completed rehabilitation works and returning the rehabilitation security deposit.

The Regulator completed an assessment that determined the rehabilitation obligations had been fulfilled to a satisfactory extent and that the security deposit should be returned to the title holder. In particular:

- all areas of the void batters were observed to be mulched and planted with native tube stock (tree and shrub species and riparian grasses and sedges at the waterline)
- there was no evidence of significant weed issues or erosion
- access roads had been ripped and revegetated where not required. The retained access track was in good repair.
- surface water catch drains and clean water diversions were in good condition and effective
- there was no evidence of hazardous material or contamination for any retained infrastructure outside of the asphalt batching plant area.

The photos below provide an overview of the progressive rehabilitation undertaken across ML 1445.

Figure 4 Native species around the final void



Figure 5 Access road remaining on the site



Figure 6 Woodland areas in 2005



Figure 7 Woodland areas in 2013



Figure 8 Woodland areas in 2019



Figure 9 Rehabilitation progression – east face of final void from 2015 to 2019



Figure 10 Rehabilitation progression – south west face of final void from 2014 to 2019



Figure 11 Rehabilitation progression – final void from 2015 to 2019



Recommendations

The Regulator expects title holders to comply with their obligations under the *Mining Act 1992*. This includes:

- complying with all mining lease conditions including annual environmental reporting and any requirements to operate in accordance with an approved MOP
- complying with all statutory obligations to protect the environment
- undertaking rehabilitation progressively in a timely manner
- maintaining rehabilitation records
- seeking the approval of the Regulator when rehabilitation is completed by submitting the form ESF2: *Rehabilitation completion*.

Further information

- [Fact sheet: Exploration and mining rehabilitation](#)
- [Form ESF2: Rehabilitation completion](#)
- [NSW Resources Regulator mining operations plan guidelines](#)
- [Rehabilitation compliance and reporting reforms](#)
- [Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program in the Mining Industry – Mine Rehabilitation](#)
- [Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Risk Management](#)

About this information release

Visit www.resourcesregulator.nsw.gov.au to:

- learn more about mine rehabilitation
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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (April 2020). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of Regional NSW or the user's independent advisor

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