

Philip Nevill
Senior Environmental Assessment Officer
Energy Resource Assessment

Via: Major Projects Portal

Dear Mr Nevill

Re. Werris Creek Coal Mine – MOD4 – Report for comment

I refer to your request of 8 March 2021 for advice regarding Werris Creek Coal Mine's Modification 4 report. The Resources Regulator has reviewed the request.

Assessment

Based on the review of the modification report, the Resources Regulator advises that it has no specific comments regarding mine safety in relation to the Modification.

In relation to mine rehabilitation the following should be included in the proposal.

1	Waste Management Plan	A commitment that the waste management plan is updated to include the changed management of waste tyre disposal.
2	Placement location in emplacement area	Details of the location parameters for where tyres will be disposed of within the emplacement should be identified (eg. away from emplacement edges or outer edges and depth of burial). The height of placement within the Overburden Emplacement Area should be determined to ensure there is no loss of structural integrity within the area during or following rehabilitation. Management controls addressing risks related to placement locations should be developed.
3	Placement volume limits	Details of the volume of tyres to be placed at each location have not been identified (eg. cell size and volume limits).

In addition, the Regulator notes references to Environment Protection Authority advice regarding waste tyre disposal at the Tarrawonga Coal Mine contained in Section 1.5 and Table 2 of the report. The proponent should clarify that the Modification report relates only to Werris Creek Coal Mine and that EPA requirements relevant to Tarrawonga will be used by the proponent at Werris Creek as well.

Limitations

It should be noted that the Resources Regulator does not provide any endorsement of the proposed rehabilitation methodologies presented in the plans provided. Under the conditions of a mining authorisation granted under the *Mining Act 1992*, the Resources Regulator

requires the holder to adopt a risk-based approach to achieving the required rehabilitation outcomes.

The applicability of the controls to achieve effective and sustainable rehabilitation is to be determined based on site-specific risk assessments conducted by the authorisation holder. An authorisation holder may also be directed by the Resources Regulator to implement further risk control measures required to achieve effective rehabilitation outcomes during the life of the mine.

Regulatory requirements if approved

The proponent will be required to comply with rehabilitation requirements under the mining authorisations prior to undertaking the works associated with the proposed Modification.

The Resources Regulator may undertake assessments of the mine operators' proposed mining activities under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and Regulation as well as other WHS regulatory obligations.

Background

The Mining Act Inspectorate within the Resources Regulator undertake risk-based compliance and enforcement activities in relation to obligations under the *Mining Act 1992*. This includes undertaking assessment and compliance activities in relation to mine rehabilitation activities and determination of security deposits.

The Mine Safety Inspectorate within the Resources Regulator is responsible for ensuring the mine operators' compliance with the Work Health and Safety (WHS) legislation, in particular the effective management of risks associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

Contact

Should you require any further information or clarification, please contact the Office of the Executive Director (ED.ResourcesRegulator@planning.nsw.gov.au)

Yours sincerely,



Alex Tutt-Branco
Executive Officer
Office of the Executive Director, Resources Regulator

18 March 2021