

Ms Melissa Anderson  
Department of Planning, Industry and Environment

Via: Major Projects Portal / Email

Dear Ms Anderson,

**Re. Newstan Mine Extension Project**

I refer to your request of 22 September 2021, for advice regarding the Newstan Mine Extension Project. The Resources Regulator has reviewed the request.

**Assessment**

Based on the review of the EIS, the Resources Regulator has the following comments:

1. Whilst it is acknowledged that the infrastructure associated with the site may be incorporated into an alternative land use post closure, subject to future re-zoning development consent approvals, there is a lack of certainty in the EIS in regards to the base-case rehabilitation scenario. As such, further information is required in relation to the base case final land use for the site, including rehabilitation objectives (i.e. return to pre-mining conditions) and a conceptual final landform and rehabilitation plan that shows final contours and surface water management features.
2. The Resource Regulator notes the inclusion of the preliminary completion criteria in Appendix B. However, please note that the Resources Regulator will require the submission of detailed rehabilitation objectives and completion criteria in accordance with the Mining Amendment (Standard Conditions of Mining Leases - Rehabilitation) Regulation 2021. These will need to be consistent with the proposed final land use as requested in point 1 above.

From a Subsidence Engineering perspective, the team reviewed the EIS with a focus on potential issues of feasibility to manage subsidence risks and/or the compatibility with existing important surface and/or sub-surface features.

The EIS identifies a range of features that may be subject to the effects of subsidence due to the proposed mining. Of these we have identified features at the site which can be classified as state significant infrastructure, these being:

- The Main Northern Railway (i.e. Sydney to Brisbane Railway)
- Eraring Power Station and associated structures and servicing infrastructure
- The dam structures of Eraring Power Station Ash Dam

The EIS indicates that mining is not proposed directly under the power station or ash dam embankment, although some first workings encroach on the boundary of the power station main structures. Additionally, there are some first workings proposed under the Main Northern Railway and other workings that encroach on the railway.

In view of the existence of the overlying old Awaba Workings and highly complicated site conditions, it is our view that the abovementioned critical infrastructure be protected by applying strict outcome requirements in the planning approval. It is suggested that the following be considered in the planning approval:

- A. a performance measure for no subsidence of the abovementioned critical infrastructure;
- B. a requirement for only essential first workings, for purposes of ventilation, transportation of man or materials, etc., to be permitted under the railway;
- C. a requirement for adequate coal protection barriers between proposed workings (other than any essential first workings) and the abovementioned critical infrastructure to ensure the Proponent's delivery of the performance measure suggested in Point A above.

In addition, we suggest that DPIE consult with the ONRSR (i.e. Office of the National Rail Safety Regulator) in relation to the section of Main Northern Railway that may potentially be affected by the proposed Newstan Mine Extension Project.

### **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 the commencement of the works associated with the proposal.

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. To ensure consistency, the Regulator requests the opportunity to review a copy of the draft development consent prior to any approval of the project.

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](mailto:ED.ResourcesRegulator@planning.nsw.gov.au))

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Burns', written in a cursive style.

**Garvin Burns**  
**Executive Director**  
**NSW Resources Regulator**

5 November 2021