

Ms Sarah Clibborn
Department of Planning, Industry and Environment

Via: Major Projects Portal / Email

Dear Ms Clibborn,

Re. Ashton Coal Project – RUM Integration

I refer to your request of 22 November 2021 for advice regarding the Ashton Coal Project – RUM Integration. The Resources Regulator has reviewed the request and in relation to mine rehabilitation, the Resources Regulator requires further information to supplement the modification report as outlined below.

Provision of a revised life of mine rehabilitation strategy that includes an indicative project schedule and expected timeframes of rehabilitation progression and associated key assumptions (with a focus on rehabilitation of tailings/rejects storage facilities).

Please note that the timing of emplacement of the Void 4 tailings Storage Facility and the North Eastern Open Cut as described in the proposed activity is not consistent with the Tailings Emplacement Operations Management Plan. This plan will require updating if this modification is approved.

Also note that separate comments that relate to potential surface impacts from the proposed mining have been provided separately as part of the Resources Regulators submission for the Ravensworth Underground Mine Modification for Development Consent DA 104/96.

The Resources Regulator requests an opportunity to review any amended or additional documentation lodged by the proponent that affects rehabilitation outcomes. The Resources Regulator also requests the opportunity to review any draft conditions of development consent prior to them being finalised.

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)

Yours sincerely,



Garvin Burns
Executive Director
Resources Regulator

1 December 2020