

Gabrielle Allan
Team Leader
Energy Resource Industry Assessments – Department of Planning and Environment

Via: Major Projects Portal

Dear Gabrielle

Re. Dendrobium Mine Extension Project

I refer to your request of 3 May 2022 for advice regarding the Dendrobium Mine Extension Project. The Resources Regulator has reviewed the request.

The 'Dendrobium Mine Extension Project, Environmental Impact Statement, 2022' has adequately addressed the Resources Regulator's environmental assessment requirements as set out in our correspondence to the Department of Planning and Environment (Ref: OUT17/2447, now MEG/OUT17/2447).

Reference is made to a letter by Gary Brassington, Approvals Manager, South 32 Illawarra Coal, dated 27 April 2022 and titled "Dendrobium Mine Extension Project (SSI-33143123) Environmental Impact Statement". As identified in the Environmental Impact Statement attached to the letter, there are a number of surface features that may pose hazardous conditions if these features are adversely affected by subsidence due to the extraction of the proposed Longwalls 501 to 510 in Dendrobium Area 5.

For the above-mentioned surface features, there have been established risk controls/procedures that can be implemented to control the risks to the safety and/or serviceability of these surface features when they are affected by subsidence. During the development of subsidence due to the extraction of the proposed Longwalls 501 to 510, the mine operator has obligations, under both WHS and Planning legislation, to implement effective risk controls/procedures that ensure the safety and/or serviceability of the surface features affected by subsidence.

The comments above do not include the Avon and Cordeaux Reservoirs and their associated structures, as these matters are covered by the Dams Safety NSW.

The Resources Regulator notes that although the revised project reduces the proposed mining footprint by 60%, the proposed mitigation, remediation and rehabilitation measures may not be able to satisfactorily remediate the following impacts which could feasibly occur as a result of mining in Areas 5 and 6:

1. long term viability of swamps, if impacted by a reduction in near surface groundwater levels; and
2. connectivity between near surface groundwater and deep groundwater due to strata cracking, which has the potential to result in ongoing loss of surface water from rivers and creeks into deep groundwater.

The Resource Regulator recommends that any approval include appropriate offsetting mechanisms where the potential impacts can't be avoided or successfully remediated.

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 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.

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*.

The Mine Safety Inspectorate will undertake assessments of the mine operators' proposed mining activities under clause 33 of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* as well as necessary regulatory actions in response to any identified non-compliances.

Note that work health and safety risks due to subsidence caused by the proposed Longwalls 501 to 510 will be regulated by the Resources Regulator under the relevant provisions of the WHS laws as defined by Section 5(1) of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

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,



Peter Day
Executive Director - Resources Regulator

17 June 2022