

Mr. Joe Fittell
Department of Planning and Environment
joe.fittell@planning.nsw.gov.au
Via: Major Projects Portal

ADVICE RESPONSE: HVO North and South Open Cut Coal Continuation Project

Stage: Response on Response to Submissions

Development Applications: SSD-11826681 and SSD-11826621

Dear Mr. Fittell

I refer to your correspondence dated 14 November 2023 inviting the Department of Regional NSW – Mining, Exploration & Geoscience (MEG) to provide comments on the HVO North and South Open Cut Coal Continuation Project (the Project) submitted by HV Operations Pty Ltd (the Proponent).

MEG has reviewed the information supplied in relation to the abovementioned Project and based on the review has no further comments in relation to *Mining Act 1992* considerations regarding the Project at this stage.

Please refer to NSW Resources Regulator advice at Attachment A.

For further advice on this matter, please contact Giselle Carney, Senior Advisory Officer, Industry Advisory & Mining Concierge unit - Industry Development branch on 02 4063 6860 or mining.concierge@regional.nsw.gov.au.

Sincerely



Scott Anson

Manager Industry Advisory & Mining Concierge
Industry Development
Department of Regional NSW – Mining, Exploration & Geoscience
for

Tony Linnane

Executive Director Strategy, Performance & Industry Development
Department of Regional NSW – Mining, Exploration & Geoscience

Friday, 15 December 2023

Joe Fittell
Department of Planning and Environment
joe.fittell@planning.nsw.gov.au

Via: Major Projects Portal

Dear Joe,

I refer to the HVO North & South Open Cut Coal Continuation Project (SSD-11826621) and the response to the Resources Regulator submission provided in the EMM letter dated 5 December 2023. Based on the review, the Regulator provides the comments outlined below.

- Matters 1 to 4 have been satisfactorily addressed by the information provided.
- In regards to matter 5 (slope stability design criteria), a range of Factor of Safety (FoS) values of between 1.2 and 1.5 have been specified in the response. It should be noted that the Regulator is not aware of any literature that supports a FoS of 1.2 as a criterion being acceptable for a permanent stable landform (slope) for passive closure. As such, based on ongoing monitoring and data collection as well as geotechnical modelling that has been committed to by the proponent, it is the expectation that appropriate long term stable landform stability criterion will need to be developed. This will need to be acceptable to the Regulator as part of the approval of rehabilitation completion criteria under Schedule 8A of the Mining Regulation.
- In regards to matter 6 (use of void for pumped hydro), it is acknowledged that this option is not considered as part of the modification. However, to be practical and viable as an alternative post-mining land use, the Regulator recommends that the risks associated with pit-lake rapid draw down should be considered in the landform design and implementation phase, not "post cessation of mining" as suggested in the response. In other words, the adoption of this post-mining land use option (subject to a potential further modification) may need to be considered well in advance of mine closure.

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 Regulator on 1300 814 609 (Press Option 2 Press Option 5) or email nswresourcesregulator@service-now.com.

Yours sincerely,



Matthew Newton

Principal Inspector Environment & Rehabilitation
Resources Regulator