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Vickery Mine Extension (SSD-7480): Response to Submissions

Dear Ms Duncan,

I refer to the Department of Planning, Industry and Environment request dated 27 September 2019 inviting the Resources Regulator to review the Response to Submissions for the Vickery Mine Extension (SSD-7480).

Development Details

The Vickery Coal Project is a yet to be constructed, open cut coal mine located in the Gunnedah Coalfield, approximately 25 kilometres north of Gunnedah.

The Vickery Extension Project proposes:

- Open cut mining of the coal reserves associated with the Vickery Coal Project and a physical extension to the footprint to gain access to additional run of mine (ROM) coal.
- An increase in ROM coal mining rate to an average of 7.2 Mtpa over the mine life, with a peak production of approximately 10 Mtpa.
- An increase in the footprint of waste rock emplacement areas.
- Construction and operation of the Project CHPP, train load-out facility and rail spur for the handling, processing and transport of mine coal, as well as coal from other Whitehaven mines.

Environment and Rehabilitation

Compliance Operations within the Resources Regulator has responsibility for providing strategic advice for environmental issues pertaining to the proposed project in so far as they relate to or affect rehabilitation.

The review of the *Vickery Extension Project Submissions Report* (Whitehaven Coal, August 2019) noted that with respect to the final landform, the proponent made the following commitments:

To maximise opportunities for micro-relief in the Project landform and to minimise the need for bench drains on the outer batters of the Western Emplacement, Whitehaven commits to landform review using GeoFluv™ software or similar during the life of the Project.

Whitehaven commits to establishing a waste rock emplacement that incorporates natural landform design features that reflect characteristics of the topography found in the adjacent Vickery State Forest (e.g. elevated landforms with steeper slopes in some areas relative to the surrounding plains).

The Regulator supports the intent of this commitment, however does not endorse specific methodologies to achieve this outcome. As such it should be noted that under the conditions of a mining lease granted under the *Mining Act 1992*, the Resources Regulator, requires a mining lease holder (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 the site specific risk assessments conducted by a holder.

The risk assessment should be used to establish a basis for managing risk when planning an activity. It should also be used and updated (as required) to continuously evaluate the effectiveness of controls used to prevent or minimise impacts. A holder may also be directed by the Resources Regulator to implement further measures, where it is considered that a risk assessment and associated controls are unlikely to result in effective rehabilitation outcomes.

The Resources Regulator requests a review of the draft development consent conditions prior to finalisation and any granting of development consent to ensure that rehabilitation obligations are clear and enforceable, particularly in relation to achieving landforms that are sustainable and commensurate with surrounding areas.

For enquiries regarding this matter please contact me on 4063 6444 or nswresourcesregulator@service-now.com.

Yours sincerely

Peter Ainsworth
Manager Environmental Operations
Resources Regulator
NSW Department of Planning, Industry & Environment

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