

Philip Nevill
Senior Environmental Assessment Officer
Energy Resource Assessment

Via: Major Projects Portal

Dear Mr Nevill

Re. Maules Creek Coal Mine – MOD 7 – Modification report

I refer to your request of 16 February 2021 for advice regarding Maules Creek Coal Mine's Modification 7 report. The Resources Regulator has reviewed the request.

Assessment

Based on the review of the modification report, the Resources Regulator advises that it has no specific comments regarding mine safety at this time.

In relation to mine rehabilitation matters the Resources Regulator seeks additional information on the following matters:

1	<p>Provide details of key assumptions that may affect the rate of progressive rehabilitation (for example, production milestones vs area of land available for rehabilitation) as shown in Figures 2-1 to 2-3 in the main report.</p> <p>The Regulator notes that Section 2-1 of the main report indicates that the mining layout and sequence may vary in response to market demand. This information is needed to provide further transparency around when rehabilitation may commence (ie. as soon as reasonably practicable) following mining, particularly in the case where the production rate varies significantly from the maximum approved rate.</p>
2	<p>Provide further justification for increasing the size of the final void, including information on other alternatives that may have been evaluated.</p>

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 authorisation(s) 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.

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,



Alex Tutt-Branco
Executive Officer
Office of the Executive Director, Resources Regulator

3 March 2021