

Jack Turner
Senior Environmental Assessment Officer
Energy Resource Assessment

Via: Major Projects Portal

Dear Mr Turner

Re. New Cobar Complex Project (SSD-10419) – Comments on EIS

I refer to your request of 19 February 2021 for advice regarding the New Cobar Complex Project's Environmental Impact Statement. The Resources Regulator has reviewed the request.

Assessment

Based on the review of the EIS documents, the Resources Regulator provide the following comments in relation to the proposal.

Mine Safety

The Regulator has no specific concerns regarding mine safety at this time however it notes that a High-Risk Activity notification will be required for any new mine entry(s). The mine operator must also ensure at least two means of egress from all parts of the mine, at all times and from all mine levels during stope mining operations and ensure that these egress paths are suitable for the passage of rescue personnel and rescue equipment.

Mine Rehabilitation

The Regulator has previously provided advice on the SEARs to be applied to the SSD10419 project (15 January 2020, MAAG0005589, LETT0003487). It should be noted that the Resources Regulator has also provided comments on the concurrent development application for the Tailings Storage Facility (Stages 5, 6 & 7) and Ancillary Activities, which is currently being considered by Cobar Shire Council.

The Regulator notes that the Proponent is seeking to consolidate all existing development approvals applying to the New Cobar Complex (SSD10419) into a single modern consent issued by the Department of Planning, Industry and Environment (DPIE). However, this excludes the remainder of activities (e.g. tailings dam, processing plant) at the Peak Gold Complex, which will continue to be regulated under the Cobar Shire Council consent.

Therefore, if the New Cobar Complex SSD project proceeds to the approval phase, it is recommended that DPIE undertake further consultation with both the Resources Regulator and Cobar Shire Council to ensure rehabilitation obligations that may be imposed are consistent between the various consents.

There are a number of interrelationships between the proposed New Cobar Complex SSD and the Peak Gold Complex including:

- harvesting of waste rock from the Waste Rock Emplacement area and immediately transporting the material underground for use in stope backfilling operations;
- transportation of non-acid forming material to the surface for use across the complexes in construction/rehabilitation works (e.g. tailings dam lifts); and
- deposition of Potentially Acid Forming waste rock brought to the surface and stored within the waste rock emplacements (WRE) where at end of mine life it would be capped, or progressively returned underground for disposal.

A key focus of the Regulator is to ensure that any changes to landforms as a result of the New Cobar Project are adequately considered in the context of sustainable rehabilitation outcomes.

Based on the review of the New Cobar Complex EIS, specifically *Appendix N - Rehabilitation and Landscape Management Strategy*, the Resources Regulator seeks further information to address the matters associated with the following SEARs:

Post Mining Land Use	The nominated final land use of 'modified ecosystem' is unclear. Further detail is required to clarify what ecosystem(s) will comprise the post mining landscape and to what extent these ecosystems will be modified. The target rehabilitation outcomes, including vegetation types, are required to be nominated in the EIS (consistent with the approved Mining Operations Plan).
Conceptual Final Landform Design	<p>Table 1.2 of Appendix N states that no new landforms will be constructed as part of the proposal however, both Sections 1.4 and 4.2.5 of Appendix N outline that a substantial portion of the WRE material from the project area will be removed for use in underground operations.</p> <p>Further information is required in relation to the extent of change to the final landform of the WRE, including strategies to ensure that exposed Potentially Acid Forming material will be encapsulated to ensure that the landform is stable in the long term.</p> <p>Development of a conceptual final landform plan may not be feasible at this stage given the unknowns about the quantity of material to be removed. A commitment is required that geomorphic landform design principles will be considered and implemented where practicable as part of the final landform to achieve long term stability.</p> <p>It is noted that the Proponent has commitment to undertake additional waste rock and soil characterisation studies and that a Landform Evolution Model will be used to scope the degree of re-work required on both the northern and eastern batters of the existing WRE to address erosion and vegetation failure issues that have occurred.</p> <p>The commitment that geomorphic landform design principles be considered and implemented where practicable is also required in relation to these areas.</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 commencement of and during 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. A High-Risk Activity notification will be required for construction of any new mine entry.

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,



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Executive Officer
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23 March 2021