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Department of Planning, Industry and Environment
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By email: genevieve.seed@planning.nsw.gov.au

Mangoola Coal Continued Operations Project: Adequacy of the Environmental Impact Statement (EIS)

Dear Ms Seed,

I refer to the email dated 15 July 2019 inviting the Resources Regulator to provide advice regarding the adequacy of the *Mangoola Coal Continued Operations Project Environmental Impact Statement* (July 2019, **EIS**) for the Mangoola Coal Continued Operations Project.

Development Details

The Mangoola Coal Mine is an open cut operation located approximately 20 kilometres from Muswellbrook, NSW. The Mangoola Coal Continued Operations Project proposes to mine in an additional area to the north of the existing operation, whilst continuing to mine in the current area. It is estimated that the project, if approved, will extend mining operations at Mangoola Coal Mine for another eight years.

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.

That Resources Regulator advises the Department of Planning, Industry & Environment – Resources Assessments that the Secretary’s Environment Assessment Requirements (**SEARs**) for rehabilitation have not been adequately addressed in the EIS.

With regards to Rehabilitation and Final Landform, the EIS was to include *a description of final landform design objectives, having regard to achieving a natural landform that is safe, stable, non-polluting, fit for the nominated post-mining land use and sympathetic with the surrounding landforms* (refer to Table 4.3, page 100).

Section 6.17.2 outlines the proponent’s intention to:

- Modify the design of the void currently approved with the original project,
- To include an additional void in the new mining area to remain after the project, and that
- Both voids will retain highwalls.

The following concerns have been identified:

1. A description of the highwalls that adequately describes key attributes such as bench heights and slope angles is not provided.
2. The safety berm proposed along the top of each highwall may not be considered an adequate safety device to remain post closure as this device requires maintenance and possible human intervention into perpetuity.

The Resources Regulator believe that without an adequate description of the proposed highwalls and an improved methodology to ensure a safe environment post closure, it may not support the final landform design as proposed.

Additional information is required to demonstrate that sustainable rehabilitation outcomes can be achieved as a result of the project. The required additional information is as follows:

1. An adequate description of anticipated bench/highwall heights and angles.
2. A revised strategy that ensures that the area is left post closure safe, stable, non-polluting, fit for the nominated post-mining land use and sympathetic with the surrounding landforms.

It should be noted that this review does not represent the Resources Regulator's endorsement of the proposed rehabilitation methodologies as presented in the EIS. Under the conditions of a mining authority granted under the *Mining Act 1992*, the Resources Regulator, requires an authority 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 an authority holder. This risk assessment should be used to not only establish a basis for managing risk when planning an activity, but it should also be used and updated (as required) to continuously evaluate risk and the effectiveness of controls used to prevent or minimise impacts. An authority 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 that Mangoola Coal Operations Pty Limited provide information responding to the comments above.

Mine Safety

Mine Safety Operations within the Resource Regulator is responsible for ensuring mine operators manage the risk to worker health and safety through compliance with the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the subordinate mining legislation. In particular the effective management of risk associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

Mine Safety Operations have not identified any risk that would require comment in relation to this matter.

For enquiries regarding this matter please contact me on 4063 6669 or minres.environment@planning.nsw.gov.au.

Yours sincerely



Jeremy Arriott
Inspector Environment

On behalf of
Matthew Newton
Director Compliance Operations
Resources Regulator
NSW Department of Planning, Industry & Environment

16 August 2019