

Melissa Anderson
Senior Planning Officer
Energy Resource Assessment

Via: Major Projects Portal

Dear Ms Anderson

Re. Chain Valley Colliery – Modification 4 - Response to Submissions report

I refer to your request of 12 April 2021 for advice regarding Chain Valley Colliery's Modification 4 Response to Submission report. The Resources Regulator has reviewed the request.

Assessment

Based on the review of the RTS report, the Resources Regulator advises that it has no specific comments regarding mine rehabilitation matters in relation to the proposal. Notably the proponent has addressed issues related to rehabilitation raised in the Regulator's advice on the EIS provided in November 2020.

However, in relation to subsidence risks the Regulator notes that the peer review report prepared by an independent subsidence expert does not contain the results of the investigations previously recommended (i.e. site specific conditions of the Fassifern Seam floor in the NMA). We understand that these investigations may have been ongoing at the time of the submission report preparation.

We further note that the independent expert identified several issues in the proponent's subsidence assessments. These issues are related to the procedures and criteria for designing mine workings potentially affected by weak (and/or mechanically degradable) claystone floor and/or roof strata.

The Regulator expects that these issues will be addressed and appropriately managed through the Extraction Plan process and under the Work Health and Safety laws post-approval.

To further inform the Extraction Plan process the Regulator is currently undertaking a detailed assessment of the subsidence risk and potential management strategies in the proposal area. It is anticipated that this work will be completed within the next eight weeks and findings will be provided directly to the proponent and Energy Resource Assessment within DPIE.

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) when undertaking 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,



Anthony Keon
Executive Director
Resources Regulator

28 April 2021