

Rose-Anne Hawkeswood
Team Leader
Resource Assessments
Department of Planning, Industry and Environment

Via: Major Projects Portal / Email

Dear Ms Hawkeswood,

Re. Modification Application and Report for the Boggabri Coal Mine - Increase in depth of mining (MP09_0182-Mod-8).

I refer to your request of 9 August 2021, for advice regarding the Modification Application and Report for the Boggabri Coal Mine. The Resources Regulator has reviewed the request.

Assessment

In relation to mine rehabilitation, the Resources Regulator requires further information to supplement the modification report as outlined below:

1. Figure 8 provided in the Modification Report and Figures 2 and 3 of Appendix M, do not provide an adequate level of detail for the Conceptual Final Landform plans (both visually and in text) and therefore are required to be updated to illustrate post-mining final land use(s) including vegetation boundaries and types, contours, drainage lines and domains for the entire site. This should be consistent with Figure 5.2 of the Rehabilitation Management Plan (April 2020).
2. It is noted that there is no defined final landform design or rehabilitation outcome in relation to the common boundary area shared between Boggabri Coal Mine and Tarrawonga Coal Mine. Further information is required to define how and when this strategy will be developed and what will be the key rehabilitation objectives that will underpin the design.
3. A life of mine rehabilitation strategy that includes an indicative project schedule and expected timeframes of rehabilitation progression and associated key assumptions.
4. Definitive final land use(s) (e.g. target native vegetation community, agricultural land use etc.) and associated rehabilitation objectives need to be clearly defined in the modification report and not just referred to in other documents.
5. Further information to identify whether there are any likely geotechnical constraints that will require specific stabilisation measures to ensure that the final void highwall is stable for the long term.

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 authorisations 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. To ensure consistency, the Regulator requests the opportunity to review a copy of the draft development consent prior to any approval of the project.

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,



Garvin Burns
Executive Director
NSW Resources Regulator

19 September 2021