

Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124  
Attn: Jack Turner

Dear Jack Turner

### **Tahmoor North Underground Extension (DA 67/98) Modification 5 Application**

I refer to the Department of Planning, Industry and Environment's (DPIE) correspondence dated 30 July 2020 inviting the Resources Regulator to comment on the Tahmoor North Underground Extension (DA 67/98) Modification 5 Application. A response from both the Mining Act Inspectorate (MAI) and Mine Safety Inspectorate (MSI) within the Resources Regulator is outlined below.

#### **Mining Act Inspectorate**

The MAI 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. Based on review of the application, the MAI has no specific comments.

It should be noted that the Resources Regulator's does not provide any endorsement of the proposed rehabilitation methodologies presented in the MOD5 Report. 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. An authority holder may also be directed by the Resources Regulator to implement further risk control measures that may be required to achieve effective rehabilitation outcomes.

The Resources Regulator requests a review of the draft development consent conditions prior to finalisation and any granting of development consent.

#### **Mine Safety Inspectorate**

The area for the proposed Modification 5 includes the Picton Rail Tunnel on the Sydney-to-Melbourne Railway (i.e. the Main Southern Rail). This rail is used regularly by both goods and passenger trains. Unlike the risk management operations for rail tracks affected by subsidence, there is inadequate knowledge in NSW for managing railway tunnels affected by subsidence. It is therefore important that from a risk management viewpoint, any potential higher-than-predicted subsidence be critically considered when making planning decisions considering the potentially severe consequences if the Picton Rail Tunnel is adversely affected by subsidence.

The railway tunnel is a place of severely restricted access, it requires specific worksite safety processes that prevent train passage through the tunnel to gain access. Workers undertaking subsidence monitoring or installing risk control measures would be quite restrictive of normal railway operations.

In view of the above, the MSI recommends that before finalising the approval of Modification 5 sought by the Applicant (i.e. Tahmoor Coking Coal Operations - SIMEC), the Approving Authority seek advice from the Operator of the Main Southern Rail regarding the feasibility to implement effective risk controls prior to and/or during the development of subsidence for the Picton Rail Tunnel, especially those controls measures that may need to be installed urgently to ensure the safety of rail operations.

Notwithstanding the above observations, the MSI 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. The MSI will undertake assessments of the mine operators' proposed mining activities under clause 33 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 as well as necessary regulatory actions in response to any identified non-compliance.

The Resource Regulator reserves the right to communicate with you with regard to significant WHS matters.

If you require additional information, please contact the Resources Regulator on 1300 814 609 or via email at [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com).

Yours sincerely,

Matthew Newton  
Principal Inspector Environment & Rehab  
**Resources Regulator**

9 September 2020