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LETT0003330

Lauren Evans
Team Leader
Resource Assessments
Department of Planning Industry and Environment
GPO Box 39
Sydney NSW 2001

By email: lauren.evans@planning.nsw.gov.au

Maxwell Underground Coal Mine (SSD-9526): Response to Submissions

Dear Lauren,

I refer to the correspondence dated 22 November 2019 inviting the Resources Regulator to review the Response to Submissions for the **Maxwell Underground Coal Mine SSD-9526**.

Development Details

The Maxwell Underground Coal Mine is located approximately 21km south of Muswellbrook, NSW. Maxwell Ventures (Management) Pty Ltd, a wholly-owned subsidiary of Malabar Coal Limited (Malabar) propose to:

- Extract run of mine coal from four seams within the Wittingham Coal Measures for approximately 26 years;
- Underground bord and pillar mining with partial pillar extraction in the Whynot Seam; Underground longwall extraction in the Woodlands Hill Seam, Arrowfield Seam and Bowfield Seam;
- Utilise existing infrastructure - areas within existing mining leases (including the CHPP, train load-out facilities and other infrastructure and services) and previous mining areas;

The Resources Regulator has previously provided the following advice:
Maxwell Underground Coal Mine Project (SSD-9526) - Adequacy of the Environmental Impact Statement (EIS) dated 25 September 2019 (DOC19/807485).

A summary of the advice is outlined below:

The Resources Regulator advises the Department of Planning and Environment – Resource Assessments that a number of items required further information and clarification for the rehabilitation objectives and preliminary completion criteria, rehabilitation methodology, rehabilitation schedule and barrier/limitations to effective rehabilitation.

In regards to the Response to Submissions, the Regulator provides the following advice:

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.

The Resources Regulator advises the Department of Planning and Environment that the information provided in the Response to Submissions document dated 22 November 2019 does not adequately address all of the issues raised in the submission from the Resources Regulator dated 25 September 2019 (Reference DOC19/807485). Outstanding issues to be addressed include the following:

- The Response to Submissions outlines that if no clear resolution to reduce the size of voids is reached by 2025 in relation to options for additional emplacement of rejects or overburden/interburden, Malabar would rehabilitate the South Void highwall and North Void low wall in accordance with the Final Void Management Plan (FVMP). As the FVMP has been incorporated in the approved Mining Operations Plan under the condition of the mining leases, the Regulator considers that the rehabilitation commitments for the final voids as outlined in this document should be included into the Environmental Impact Statement;
- Rehabilitation objectives need to be more specific to clarify outcomes in relation to the following:
 - the target capability of the land that will be returned to pasture (e.g. land capability classification); and
 - the target woodland communities that revegetation activities will be designed to achieve on site. Given the age of the existing rehabilitation areas, it is noted that it will not be the intent to create like-for-like vegetation communities. However, specificity of target communities should be provided to ensure that the woodlands that are established on site are consistent with local vegetation communities in terms of species composition as well as habitat value.
- Malabar has included objectives for the Maxwell Solar Farm Infrastructure Area. As this project does not have a current development consent, the Regulator is of the view that the rehabilitation obligations under the existing consent will continue to apply. A change in the rehabilitation obligation for this area will be dependent upon whether a development approval is granted for the solar project.

Mine Safety

Mine Safety Operations within the Resources 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 6444 or
nswresourcesregulator@service-now.com

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Newton', with a long horizontal stroke extending to the right.

Matthew Newton
Principal Inspector Environment & Rehabilitation Operations
Resources Regulator
NSW Department of Planning, Industry & Environment

11 December 2019

