

Ms Tegan Cole  
Senior Environmental Assessment Officer  
Planning and Assessment  
Department of Planning, Industry and Environment

Via: Major Projects Portal / Email

Dear Ms Cole,

**Re. MTW / HVO Lemington Underground Mine Water Storage Project Modification Report**

I refer to your request of 1 October 2021 for advice regarding the **MTW / HVO Lemington Underground Mine Water Storage Project Modification Report**. The Resources Regulator has reviewed the request and based on the application and report, we have no specific comments regarding mine safety or mine rehabilitation matters.

**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](mailto:ED.ResourcesRegulator@planning.nsw.gov.au))

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Orr', is positioned above the printed name and title.

**Steve Orr**  
**A/Executive Director**  
**Resources Regulator**

22 October 2021