

Mr Joe Fittell
Department of Planning, Industry and Environment

Via: Major Projects Portal / Email

Dear Mr Fittell,

Re. Wambo Modification 18 First Workings

I refer to your request of 2 December 2021 for advice regarding the Wambo Modification 18 First Workings. The Resources Regulator has determined that any identified risks or opportunities relating to rehabilitation matters can be effectively regulated through the conditions of mining authorities issued under the *Mining Act 1992*.

The proposed first workings are of a standard nature in support of later extraction of the associated longwall panels. The mine operator has assessed that the "There would be no change in subsidence impacts as the first workings for Longwall 24 would be designed to be long-term stable and non-subsiding. The Subsidence Impact Performance Measures in DA 305-7-2003 would continue to be met under the Modification." Based on the information provided, it is assessed that there are no feasibility issues in managing risks due to subsidence as a result of the proposed modification, and there is no need for changes to the mine layout in this context.

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 requests an opportunity to review any amended or additional documentation lodged by the proponent that affects rehabilitation outcomes.

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 condition of 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
Chief Inspector
Resources Regulator

18 January 2022