

Mr Joe Fittell
Team Leader
Energy Resources and Industry
Planning and Assessment
Department of Planning, Industry and Environment

Via: Major Projects Portal / Email

Dear Mr Fittell,

Re. Modification application for Bengalla Coal Mine

I refer to your request of 11 January 2022 for advice regarding the modification application for Bengalla Coal Mine. The Resources Regulator has reviewed the modification report for SSD-5170 and considers that there are limited implications with regards to mine rehabilitation and, as such, has no comment with its role in relation to the regulation of matters under the *Mining Act 1992*.

The risks around burial of tyres in-pit need to be addressed in the Rehabilitation Management Plan in accordance with the *Mining Act 1992*. The Resources Regulator's expectation is that the tyres should have a GIS location recorded and be submitted to the [Mine Rehabilitation Portal](#).

The Resources Regulator also requests the opportunity to review any draft conditions of development consent prior to them being finalised.

Limitations

It should be noted that the Resources Regulator does not provide 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 Resources Regulator undertakes 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 Resources Regulator is responsible for ensuring the mine operators' compliance with the 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,

A handwritten signature in black ink, appearing to be 'Tony Linnane', with a long horizontal flourish extending to the right.

Tony Linnane
Acting Executive Director
Resources Regulator

4 March 2022