

Ms Gabrielle Allan  
Department of Planning, Industry and Environment

Via: Major Projects Portal / Email

Dear Ms Allan,

**Re. Modification application and report for the Western Coal Service Mod 4**

I refer to your request of 2 February 2022 for advice regarding the Modification Application and Report for the MOD 4 - Water transfer and management system at Western Coal Services.

We have assessed the Western Coal Services Project, Modification Report for modification to SSD-5579 document dated December 2021 and have no issues of concern that require a specific response. No specific Environmental Assessment Requirements for this modification have been issued.

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

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 operator's 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 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 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](mailto:ED.ResourcesRegulator@planning.nsw.gov.au))

Yours sincerely,

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

**Tony Linnane**  
**Acting Executive Director**  
**Resources Regulator**

4 March 2022