

Brittany Golding
Planning Officer
Energy Resource Industry Assessments
Department of Planning and Environment

Via: Major Projects Portal

Dear Brittany

Re. Sunnyside Coal Mine (MOD 4)

I refer to your request of 22 April 2022 for advice regarding the Sunnyside Coal Mine (MOD 4) project. The Resources Regulator has reviewed the document entitled "Sunnyside Coal Mine - Highwall Drain Modification Report for Whitehaven Coal" and does not require any further information on the modification. However, the Regulator notes that the design in the modification report is conceptual only. Should the modification be approved, it will be the requirement of the title holder under the *Mining Act 1992* to develop a detailed design of the drain to address potential risks that may compromise the overall intent of the modification being to ensure the long-term stability of the highwall. This may include undertaking detailed hydrological assessments and the use of appropriately sized and competent rock material. In addition, suitable quality assurance processes will need to be implemented to validate that the drain is constructed and operated in accordance with the design.

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, specifically to ensure that appropriate rehabilitation objectives are included in relation to the long-term stability of the drain and associated highwall.

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)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'PJ Day'.

Peter Day
Executive Director
Resources Regulator

10 June 2022