

Clay Preshaw
Executive Director Energy and Resource Assessments
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2124

Dear Clay,

**Re Balranald Mineral Sands Mine – Modification 1 (SSD-5285-Mod-1)
Advice on Modification Report**

I refer to your request of 24 May 2022 for advice regarding Balranald Mineral Sands Mine – Modification 1 (SSD-5285-Mod-1) Modification Report.

The Resources Regulator has reviewed the request.

Assessment

The Resources Regulator has reviewed the document entitled 'Extension of mining trial Balranald Mineral Sands Project Modification 1 - Modification report (SSD-5285_MOD1)' and requests that the proponent provide additional information in regards to progressive rehabilitation. Specifically, section 4.3.7 - Rehabilitation Schedule of Appendix Q Rehabilitation Assessment proposes that if underground mining is successful that Iluka would seek a Life of Mine (LOM) approval for final landform and closure deferred until after LOM. Clarification is required in terms of what rehabilitation activities would be deferred until after LOM. In addition, further information is required in relation to the sequence and timing of rehabilitation of the mining deposit to demonstrate that opportunities to maximise progressive rehabilitation has been incorporated into the mine plan.

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

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@regional.nsw.gov.au)

Yours sincerely,



Peter Day
Executive Director
Resources Regulator

28 June 2022