

Joe Fittell
Planning and Assessment Group
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2150

Via: Major Projects Portal

Dear Joe,

Re. Advice on Maxwell Underground Mine (MOD2) Mining Optimisation Modification (SSD-8526-Mod-2)

We refer to your request of 27 July 2022 for advice regarding Maxwell Underground Mine (MOD2). The Resources Regulator has reviewed the request and provides the following comments.

Assessment

Due to time constraints, we have undertaken a brief review of the modification in relation to subsidence risks to health and safety to identify where feasibility to manage such risks may be difficult without changes to mine layout.

Overall, the proposed modification does not substantially change the subsidence risks at the site as compared with the previously approved project. It is considered that the subsidence risks associated with the project can be managed with established risk control practices.

Our comments do not constitute any form of endorsement of the proposed mining in relation to work health and safety (WHS) laws. Section 5 of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* defines WHS laws as that Act, *Work Health and Safety Act 2011* and their respective regulations.

The mining operation will be regulated by the Resources Regulator under relevant provisions of the abovementioned WHS law, including in relation to subsidence Clause 33 *Notification of high-risk activities* and Clause 67 *Subsidence* of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

Any strategy, plan or program required under the Development Consent for the project that has an intended outcome related to the health and safety of people affected by the proposed mining should also be developed and implemented consistent with the relevant provisions of WHS law as described above.

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

10 August 2022