

Tegan Cole
Department of Planning, Housing and Infrastructure
tegan.cole@planning.nsw.gov.au
Via: Major Projects Portal

ADVICE RESPONSE: Bengalla Modification 7 – Temporary Overburden Emplacement

Stage: Modification Report

Development Application: SSD-5170-Mod-7

Dear Tegan,

I refer to your correspondence dated 7 April 2025 inviting the Department of Primary Industries and Regional Development - NSW Resources to review the information supplied and provide comments on Bengalla Modification 7 – Temporary Overburden Emplacement (the Modification) submitted to Department of Planning, Housing and Infrastructure by Bengalla Mining Company Pty Limited (the Proponent).

NSW Resources has reviewed the information supplied in relation to the Modification and based on the review has no specific comments in relation to *Mining Act 1992* considerations and raises no issues regarding the Modification at this stage.

Please refer to NSW Resources Regulator advice Attachment A.

For further advice on this matter, please contact Sarah Maiorana, Project Officer, Industry Advisory and Mining Concierge unit on 02 4063 6860 or mining.concierge@dpird.nsw.gov.au.

Sincerely



Giselle Carney

Senior Advisory Officer Industry Advisory and Mining Concierge
Industry Development

for

Angela Hudson

Acting Executive Director Strategy, Performance and Industry Development
Department of Primary Industries and Regional Development - NSW Resources

Resources Regulator

Department of Primary Industries and Regional Development



Thursday, 17 April 2025

Tegan Cole
Department of Planning, Housing & Infrastructure
tegan.cole@planning.nsw.gov.au

Via: Major Projects Portal

Dear Tegan,

I refer to the Bengalla Mine – Mod 7 submitted to the Resources Regulator on 8 of April 2025 (SSD-5170-Mod-7). The Resources Regulator advises that it has no specific comments in relation to the proposal.

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 2022*.

CONTACT

Should you require any further information or clarification, please contact the Regulator on 1300 814 609 (Press Option 2 Press Option 5) or email nswresourcesregulator@service-now.com.

Yours sincerely,



Chris Rudens

Acting Principal Inspector Environment and Rehabilitation
Resources Regulator