

David Schwebel
Department of Planning, Housing and Infrastructure
david.schwebel@planning.nsw.gov.au
Via: Major Projects Portal

ADVICE RESPONSE: Orchard Hills Waste Facility MOD 3 - Increase clay/shale extraction dispatch limit

Stage: Modification Report

Development Application: MP09_0074-Mod-3

Dear David

I refer to your correspondence dated 8 October 2025 inviting the Department of Primary Industries and Regional Development - NSW Resources to review the Modification Report supplied and provide comments on Orchard Hills Waste Facility MOD 3 - Increase clay/shale extraction dispatch limit (the Modification), submitted to Department of Planning, Housing and Infrastructure by Bingo Industries Pty Ltd (the Proponent).

NSW Resources (NSWR) has reviewed the information supplied in relation to the Modification and provides the following advice.

It is noted that clay/shale is currently being extracted on-site as part of the approved development, and that the Modification seeks to increase the volume of extraction. Clay/shale is a prescribed mineral under Schedule 1 of the Mining Regulation 2016 and extraction is subject to the requirements of the *Mining Act 1992*.

NSWR requests the Proponent to provide the following information:

1. Clarify whether any incidental or secondary processing of the clay/shale occurs either prior to or following despatch
2. Provide details of the quantities of clay/shale despatched, including the destinations where the material is received
3. Confirm whether the clay/shale material is sold commercially
4. Specify the intended or actual end use of the despatched material.

It is noted that an application under Section 11A of the *Mining Act 1992* has been lodged with NSWR and is currently under review. The outcome of this application will determine if a mining authorisation is required in this instance

If a mining authorisation applies, further consideration of the Modification will be required by NSW, including a Resource and Economic Assessment (REA) review.

Please refer to NSW Resources Regulator advice Attachment A.

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

Sincerely

SJ Anson

Scott Anson

Manager Industry Advisory and Mining Concierge
Industry Development

for

Tony Linnane

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

Monday, 27 October 2025

David Schwebel
Department Planning, Housing and Infrastructure
David.Schwebel@planning.nsw.gov.au

Via: Major Projects Portal

Dear David,

I refer to the Orchard Hills Waste Facility -MOD 3 - Increase clay/shale extraction dispatch limit submitted to the Resources Regulator on 10 of October 2025 (MP09_0074-Mod-3). Based on the review of the modification report the Resources Regulator advises that it has no specific comments regarding mine safety in relation to the proposals.

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 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,



Anthony Margetts

Chief Inspector of Mines

Resources Regulator