

James McDonough
Team Leader
Energy Resource Assessment

Via: Major Projects Portal

Dear Mr McDonough

Re. Martins Creek Quarry Amendment and Response to Submission report.

I refer to your request of 3 June 2021 for advice regarding Martins Creek Quarry's Amendment and Response to Submissions Report. The Resources Regulator has reviewed the request.

Assessment

Based on the review of the report and supporting documents, the Resources Regulator advises that the operation does not propose to extract a scheduled mineral (ie. igneous rock for aggregate and construction fill) under the *Mining Act 1992* and the operation's rehabilitation is therefore not regulated by the Resources Regulator.

Whilst the activity is not regulated by the Resources Regulator under the Mining Act the mine operator has an obligation to comply with the *Work Health and Safety Act 2011* and *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and associated regulations.

Regulatory requirements if approved

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.

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 'G Burns'.

Garvin Burns
Executive Director
Resources Regulator

2 July 2021