

Mr Jarod Blane
Department of Planning, Industry and Environment

Via: Major Projects Portal / Email

Dear Mr Blane,

Re. Modification Application and Report for the Mandalong Southern Extension (Mod 10) - Additional longwall (SSD-5144).

I refer to your request of 18 October 2021 for advice regarding the Mandalong Southern Extension - Additional longwall. The Resources Regulator has reviewed the request.

Assessment

From the report "Mandalong Mine - Modification report for modification to development consent SSD-5144", It is proposed to amend the conditions to read:

"On total fire ban days, a structured assessment of the risk of either igniting or becoming impacted by a fire must be completed by all exploration workers prior to commencing work on that day. The findings of the risk assessment will identify the risk of working along with the required additional controls and mitigation actions."

The Resources Regulator recommend that if the project conditions are to be modified to allow exploration drilling on total fire ban days, that the following should apply:

- a. The Bush Fire Management Plan Risk Assessment be reviewed to assess the risks associated with drilling on total fire ban days.
- b. The Bush Fire Management Plan be suitably updated to provide guidance if this activity is to be undertaken and additional controls that are to be implemented.

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@planning.nsw.gov.au)

Yours sincerely,



Garvin Burns
Executive Director
Resources Regulator

10 November 2021