

12 February 2018

NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Mine Rehabilitation Discussion Paper Team

Subject: Submission on Improving Mine Rehabilitation in NSW Discussion Paper

Thank you for the opportunity to comment on the Improving Mine Rehabilitation in NSW Discussion Paper, November 2017. Lake Macquarie City Council supports the review of policies and practice relating to the administration of mine rehabilitation in NSW.

General Comments

The review of mine rehabilitation policy and practice should specifically consider adopting objectives, principles or standards for maintaining and improving biodiversity and natural areas. Impacts on biodiversity and natural areas is a key consideration in most mining proposals, and mines and associated rehabilitation can be transformational for local and regional ecosystems.

NSW Government policy on mine rehabilitation should:

- formally apply the *National Standards for the Practice of Ecological Restoration in Australia 2017* (see <http://www.seraustralasia.com/standards/National%20Restoration%20Standards%202nd%20Edition.pdf>) as a default for mining developments within the state; and
- facilitate use of organic waste (compost and mulch produced from source-separated domestic waste) for rehabilitation through application of policies and principles to allow this practice to occur, and development of suitable standards where feasible.

Specific Comments

Please find below our specific comments and recommendations in relation to the proposals made in the Discussion Paper.

Our Ref: f2007/01473

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Element	Comment
Policy Principles to Regulate Mine Rehabilitation	
Proposal 1, Draft Principle 2	Our experience is that post-mining land use (especially in an urban or peri-urban context) is often unanticipated. Therefore, Draft Principle 2 should be amended to recognise that rehabilitation outcomes and uses should reflect proposed, as well as other feasible, post mining uses.
Proposal 1, Draft Principle 2b	This draft principle should use a more specific term rather than 'environmentally sustainable'. It would be preferable to use a defined term consistent with the <i>National Standards for the Practice of Ecological Restoration in Australia 2017</i> , such as 'rehabilitated' or 'restored'.
Proposal 1, Draft Principle 3	Draft Principle 3 should provide 'reasonable' certainty. In practice, for long-term and large-scale projects, such as mining, which are reasonably likely to evolve over the life of the project, it is not possible to provide definitive certainty.
	An additional point (g) should be added to include a risk assessment of the consequences if the preferred post-mining land use outcome cannot be achieved.
Proposal 1, Draft Principle 5	Publicly available information should include documentation of annual areas of disturbance and rehabilitation, and the standards of rehabilitation, so this can be tracked over time.
Final voids	
Proposal 2	Final voids are generally inappropriate and should not be considered acceptable, except in exceptional circumstances.
Proposal 2, Point 1	Beneficial re-use of final voids should not be considered a suitable option in proposals, unless it forms part of the project application, and is implemented during the life of the project, not after closure.
Proposal 2, Point 2	Specific reference should be made to potential hydrological and groundwater impacts under this dot point.

Element	Comment
Consideration of rehabilitation in early stages of mine planning	
Proposal 3	<p>The approach in the Discussion Paper is supported; however, there is a need to ensure that adequately skilled people are available to implement rehabilitation programs. Conditions of approval for mine operation plans should ensure that rehabilitation specialists are employed by mining companies, and that a sustainable rehabilitation industry is established.</p> <p>Land use planning strategies and plans covering the area of a mine can change significantly over the course of a mine's life, and after conditional approval of a mine is granted. Conditions of approval that relate to rehabilitation activities should require that, prior to commencement of mine closure or mine rehabilitation works, the mine operator contact the local council and the Department of Planning and Environment to determine the most desirable post-mining use for the land. In many instances, there is infrastructure available and a level of disturbance to the natural environment that would support another employment-generating activity on a mine site post closure. Rehabilitation to allow for other employment or urban activities may be in the economic and social interest of the locality, and provide for improved environmental outcomes at a regional scale, even though it may not have been identified as an end use when the mine was approved.</p>
Clear and enforceable rehabilitation requirements	
Proposal 4	The principles outlined are supported. It is important to ensure that appropriate objectives and standards are applied and referred to in policy documents, including the <i>National Standards for the Practice of Ecological Restoration in Australia 2017</i> .
Proposal 4	To improve enforceability of rehabilitation requirements, rehabilitation areas could be recognised in local environmental plans as a spatial overlay with specific plan provisions.

I look forward to finalisation of proposed improvements to mine rehabilitation practice described in the Improving Mine Rehabilitation in NSW Discussion Paper.

Should you require further information about this submission, please contact Council's Ecosystem Enhancement Coordinator, Symon Walpole, on 4921 0393.

Yours faithfully



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