



**Latrobe Valley
Mine Rehabilitation
Commissioner**

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Director, Policy and Legislation
Earth Resources Policy and Programs
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23 April 2019

Dear Linda,

Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019

Thank you for the opportunity to comment on the proposals for regulatory reform of the Mineral Resources Regulations.

We have confined our comments largely to those that are related to mine rehabilitation, although some comments extend to general considerations around reporting and regulation. The comments are considered in relation to the regulations detailed in Appendix A of the *Regulatory Impact Statement, Proposed Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019*.

Overarching Comment

Including a Rehabilitation and Closure Plan (RCP) in the mine licence and Work Plan approvals process provides certainty to multiple parties: to the Government and the community that the licensee has given due consideration to and has appropriately incorporated rehabilitation into the project's lifecycle; and, to the licensee that the regulatory bodies involved in mine licence approval understand the planned future use(s) of the land post-mining and are across the associated implications, such as any limitations on redevelopment or the volume and material required to backfill the void and approvals processes that may not be completely resolved at commencement of mining.

Rehabilitation planning therefore, should continue to be undertaken throughout the life of the mine, with the amount of work increasing as mining nears cessation. Progressive rehabilitation needs to be considered in the context of an evolving rather than a static overall rehabilitation plan. Interim RCP updates may be reviewed during this time. The final RCP, ideally delivered prior to cessation of mining, should provide an in-depth understanding of the remaining works to be undertaken to achieve the planned landform and an indication of the likely ongoing maintenance and monitoring requirements post-licence relinquishment.

Regulation 15: Additional information requirements – mining licence applications

Clause 1(d) requires details of the proposed program of work for each year of the licence. While this may be appropriate for short term licences or the initial years of a long term licence, this level of refinement is inappropriate for long licence periods especially where the licence period is expected to include closure and relinquishment. This is due to the imprecise nature of mining and its reliance on real-time data with respect to ore-quality, stability and economic viability. Revision of the wording ‘brief description of the proposed types for works’ for the licence application is recommended to provide greater clarity on the detail required and whether a yearly breakdown is appropriate.

Clause 1(i) requires details of the applicant’s experience in exploration and mining. Experience in rehabilitation of sites both post exploration and mining should also be requested to confirm the applicant is suitably qualified or has identified an appropriately qualified contractor to provide this expertise.

Regulation 43: Information required in work plans – rehabilitation plans

The regulations should include a Conceptual Rehabilitation Plan as a key criterion for licence approval, however the inherent unknowns and timescales involved in mining need to be considered when deciding on the level of detail required for the initial Work Plan:

- Clause (a): The Conceptual Rehabilitation Plan should identify an indicative base end land use, (e.g. agriculture, water body, native park or wetlands) which should be discussed with the community prior to initial Work Plan submission. The licensee should not be obliged, however, to develop with the community more sophisticated end land uses. First, miners are not and should not be required to be land developers. Second, land use needs can change dramatically over time, particularly as technology and transport change, so predicting future land uses is not an appropriate use of resources over long time scales. Third, over complicated land uses can create completion objectives that may render relinquishment impossible, preventing ongoing sustainable reuse of the land post-mining or deterring exploration of certain resources.
- Clause (d): A Conceptual Rehabilitation Plan is feasible with closure objectives at the start of mining but a detailed rehabilitation plan with closure criteria is not. Instead, the work plan should include a clear pathway for timely knowledge acquisition and management to

enable progressive rehabilitation and to develop the final rehabilitation plan and closure criteria before the planned cessation of mining.

- Clause (e): rehabilitation milestones should include the pathway for knowledge acquisition and progressive rehabilitation discussed in the previous bullet point.
- Clause (f): the level of detail in the risk assessment will increase throughout the life of the mining licence as rehabilitation plans advance from conceptual to final.

General comments:

Finally, we have the following observations that we recommend incorporating into the regulations:

- Geotechnical domains (defined based on stability risk) and rehabilitation domains (based on final landform) are different and should be defined as such.
- Multiple management plans will be required as accompanying documents for each Work Plan (initial and variations thereafter) e.g. risk, ground control, community engagement, fire (where appropriate), rehabilitation. These should be standalone documents that are referenced as such in the Work Plan. There should be a mechanism in the regulations that permits these documents to be used as a basis for regulation without the need to embed all relevant parts of these documents directly in the Work Plan as is presently required. The management plans are live documents, in so far as they are regularly updated to reflect improved knowledge and understanding. Thus, there needs to be a practical way of managing the version control for these plans that permits the regulator to know what changes are being made to the plans between versions and what version is currently applicable. This would achieve two outcomes. First, the risk of the workplan becoming divorced, in terms of its currency, from the versions of the management plans adopted by the mines is removed. Second, unnecessary duplication is avoided in the workplans. Third, changes to management plans would not trigger the need for a work plan variation.

Sincerely,



Rae Mackay
Latrobe Valley Mine Rehabilitation Commissioner



Rhonda Hastie
Technical Advisor