

# Information Sheet

*Environmental Protection Act 1994*

## Common Issues with Progressive Rehabilitation and Closure Plan Applications (PRCP applications)

*This information sheet provides advice on how to meet certain content requirements for PRCP applications under section 126C and 126D of the Environmental Protection Act 1994 (EP Act) that are commonly not met.*

### Purpose

This information sheet will assist applicants prepare a proposed Progressive Rehabilitation and Closure Plan (PRC Plan) and Progressive Rehabilitation and Closure Plan Schedule (PRCP Schedule) that meets legislative requirements by providing advice on how to address common issues identified in PRCP applications. This information sheet provides learnings that the administering authority has identified since it began receiving PRCP applications.

This information sheet is applicable for sites transitioning into the PRC Plan and PRCP Schedule framework and for new site-specific applications for an environmental authority (EA) for a new mining activity relating to a mining lease, and must be read in conjunction with the Progressive Rehabilitation and Closure Plans Guideline (ESR/2019/4964)<sup>1</sup> (PRCP Guideline).

### Advice to meet PRCP application content requirements

#### 1. Approved forms

The PRC Plan must be submitted with the following two approved forms:

- Submission of a progressive rehabilitation and closure plan application form (ESR/2019/4957)<sup>1</sup> (PRCP application form)
- PRCP Schedule template (ESR/2019/5103)<sup>1</sup>. This Schedule template must be provided in the excel format.

#### 2. PRC Plan structure

Ensure that the proposed PRC Plan follows the required structure specified in Appendix 1 of the PRCP application form (ESR/2019/4957)<sup>1</sup>.

#### 3. Explain why PRCP Guideline requirements have been omitted

Some content requirements of the rehabilitation planning part of the PRC Plan may not apply to all operations. In this case, specific information requirements may be omitted where justification has been provided in the PRC Plan. It is requested that the PRC Plan structure specified in the PRCP application form (ESR/2019/4957)<sup>1</sup> is followed and in the appropriate section, a brief description be included to justify why content requirements don't apply.

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<sup>1</sup> This is the publication number. The publication number can be used as a search term to find the latest version of a publication at [www.qld.gov.au](http://www.qld.gov.au).

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**For example**, if a Tailings Storage Facility (TSF) is not a component of the project site, then structure the planning part as follows:

**Section 3.5.2 Tailings Storage Facilities**

There are no Tailings Storage Facilities located at the site.

**4. Describe all activities on the EA**

All activities undertaken on the land subject to the PRC Plan, including ancillary environmentally relevant activities (ERA), must be described in the PRC Plan.

**5. Describe existing rehabilitation**

If existing rehabilitation has been completed at the site at the time of PRC Plan submission, ensure a shapefile of the existing rehabilitation area(s) is provided and include the following information in the PRC Plan:

- A description of the rehabilitation works previously carried out
- When the rehabilitation works commenced and were completed
- Whether the rehabilitation has been applied for or approved as progressively certified under the EP Act.

**6. PRCP Schedule Maps**

The following two maps must be included in the application and will form part of the approved PRCP Schedule (see PRCP Guideline (ESR/2019/4964)<sup>2</sup> for examples):

- **Final site design**, which has the purpose of showing the community what the site will look like post surrender, depicting:
  - All Post Mining Land Uses (PMLU) and Non-Use Management Areas (NUMA) for all land within the relevant resource tenures, including undisturbed land
  - Maximum disturbance footprint
  - Resource tenure boundaries
  - Floodplain extent (if relevant).
- **Reference map(s)** which have the purpose of showing the boundary of each rehabilitation area (for PMLUs) and improvement area (for NUMAs). Only areas of disturbance need to be included on these reference maps.

**7. Spatial data**

There are two steps to the spatial data validation process that must be met:

- Metadata validation
  - The Spatial Information Submission Guideline (ESR/2018/4337)<sup>2</sup> specifies spatial information submission requirements such as naming conventions, file sizes, metadata requirements etc.

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- Attachment 1 the PRCP application form (ESR/2019/4957)<sup>3</sup> further specifies spatial information requirements relevant to PRCP applications.
- Provision of required files. The following shapefiles must be submitted with a PRCP application:
  - The location and maximum extent of disturbance footprint for the mine life
  - The PMLUs and NUMAs for the area within the resource tenure(s), including undisturbed land
  - The rehabilitation and improvement areas within the resource tenure(s), for a minimum 10-year period
  - Any sensitive receptors
  - Extent of a floodplain (if relevant)
  - Existing rehabilitation (if the PRC plan is for an existing EA).

**8. Community consultation**

The PRC Plan must include both a:

- **Community consultation register** – detailing consultation already undertaken; and
- **Community consultation plan** – outlining future commitments to consult regarding rehabilitation outcomes.

The extent that the PMLU or NUMA is consistent with the outcome of community consultation must be stated in the PRC Plan.

It is highly recommended to provide both the register and the plan as a table, that includes columns for each of the items required by the PRCP Guideline (ESR/2019/4964)<sup>3</sup>, with **an example** provided below.

**Community Consultation Register**

| Consultation date | Community member | Consultation type | Information provided | Issues raised by community | How issues were considered | Decisions/ Outcomes | Commitments |
|-------------------|------------------|-------------------|----------------------|----------------------------|----------------------------|---------------------|-------------|
|                   |                  |                   |                      |                            |                            |                     |             |
|                   |                  |                   |                      |                            |                            |                     |             |

**Community Consultation Plan**

| Objective | Engagement type | Proposed consultation frequency | Released information | How feedback/comments are considered |
|-----------|-----------------|---------------------------------|----------------------|--------------------------------------|
|           |                 |                                 |                      |                                      |
|           |                 |                                 |                      |                                      |

For more information on the community consultation requirements for the purposes of developing PRCP applications, see the Community Consultation for Progressive Rehabilitation and Closure Plan Information Sheet (ESR/2019/5101)<sup>3</sup>.

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## 9. Rehabilitation milestone criteria for PMLUs

Milestone criteria must be specified in the PRCP Schedule and justified in the PRC Plan. These two parts should be consistent.

Milestones are legally enforceable commitments once the PRCP Schedule is approved. As such it is vital to ensure that all milestones are written in a manner that delivers on SMART principles, meaning that they are:

- **Specific** — it is clear what must be done
- **Measurable** — it must be possible to know when it has been achieved
- **Achievable** — it is capable of being achieved
- **Reasonable/relevant** — there is a clear connection between the milestone and the desired outcome(s), and the requirement is reasonable
- **Time Specific**—it is clear when the milestone will be completed.

Whilst rehabilitation criteria and/or milestones contained within Land Outcome Documents may be transitioned, it is reasonable that:

- Pre-existing milestone criteria may need to be modified to meet the SMART principle
- New milestone criteria may need to be developed to progress rehabilitation to achieve a stable condition.

**An example** of milestone criteria that doesn't meet the SMART principles is "Erosion is minimised". To meet the SMART principles, the milestone criteria can be rewritten as "Maximum erosion rate of 5 t/ha/yr."

## 10. Management milestones for NUMAs

Just as a PMLU must have rehabilitation milestones, a NUMA must have management milestones. The difference is:

- **Rehabilitation milestones** identify each significant event or step necessary to rehabilitate the land to a stable condition
- **Management milestones** identify each significant event or step necessary to achieve best practice management of the area and minimise risks to the environment.

Management milestones, supported by milestone criteria, must be specified in the PRCP Schedule and justified in the PRC Plan. Management milestones must be appropriate for achieving sufficient improvement of a NUMA so that each of the following is prevented or minimised to the greatest extent possible:

- The risk of the area collapsing, eroding, or subsiding
- The need to actively manage the area
- Access to the area by an animal or person
- The production and release of contaminants or, if prevention is not possible, the impact of the release of contaminants.

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## 11. Risk assessment

The risk assessments to be submitted within the PRC Plan should be specific to risks of rehabilitation not achieving a stable condition and risks of NUMAs causing environmental harm and not achieving a safe and structurally stable condition. The risk assessment won't reflect a standard corporate risk assessment.

The risk assessment will be the primary way to justify any time gaps between when an area is available for rehabilitation and when the milestones are to be achieved. This may be as a consequence of site-specific risks such as climatic conditions, fill availability, seed availability and vegetation maturation.

Ensure that the risk assessment that must be provided in the PRC Plan identifies:

- Risks specific to rehabilitation achieving a stable condition for a PMLU
- Risks specific to achieving a condition that does not cause environmental harm and is safe and structurally stable for a NUMA, and
- How the applicant intends to treat the risks through the creation of a risk treatment plan that can be incorporated in the risk assessment table.

The risk assessment should support and justify the milestone criteria in the proposed PRCP Schedule. Actions identified to control a risk to achieving a rehabilitation or management milestone, should be included as milestone criteria in the PRCP Schedule as the risk assessment identifies these actions as being necessary to achieve either a stable condition for a PMLU, or a condition that does not cause environmental harm and is safe and structurally stable for a NUMA.

**For example**, if the risk assessment identifies that a buttress is to be installed to provide greater stability for a TSF, then the action of buttress installation would become milestone criteria within the applicable rehabilitation milestone. The risk treatment section of the risk assessment would identify the reasons for selecting this treatment option, who is responsible and what resources are required and describe performance measures and constraints.

## 12. Explain and justify the PRCP Schedule in the PRC Plan

A PRC Plan consists of two parts:

- The **rehabilitation planning part** – prepared by the applicant to provide evidence and justification to support the development of the proposed PRCP Schedule
- **PRCP Schedule** – contains milestones and conditions that relate to the completion of progressive rehabilitation and mine closure that the applicant populates. The PRCP Schedule is subject to an approval process by the administering authority.

### Rehabilitation planning part

In the rehabilitation planning part, it is fundamental to clearly articulate and link the rehabilitation methods, risks of not achieving land in a stable condition and how the monitoring and maintenance plan will demonstrate that progressive rehabilitation is occurring. Ensure there is enough information to explain, justify and support the progressive rehabilitation methods and timings and how the rehabilitation and/or management milestones in the PRCP Schedule will be achieved.

The administering authority's assessment process relies on applicants demonstrating that rehabilitation of land to a stable condition will be achieved progressively during the life of the mine. To demonstrate this, the PRC Plan should clearly explain rehabilitation milestone dates proposed in the PRCP Schedule and how this relates

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to Life of Mine planning. It is highly recommended to include this information as a table, with an example provided below.

| Relevant Activity                                       | Predicated Durations  | Size (ha) | Progressive Rehabilitation Availability   |
|---|---|-----------|---|
| <b>RA1 (Northern Area comprised of Pit A and Pit B)</b> |   |           |   |
| Insert domain (e.g. Haul Roads)                         | Present - 2032  | 21        | Available for rehabilitation once all resource extraction and backfilling of Northern Area has ceased   |
| Insert domain (e.g. Pit A)                              | Present – 2024<br>(Mining: 2021)<br>(Backfill: 2022-2024)   | 630       | Available for rehabilitation following completion of backfill. It is estimated to take three years to backfill based on the volumes required and haul distance  |
| Insert domain (e.g. Pit B)                              | 2026 – 2032<br>(Mining: 2026-2030)<br>(Backfill: 2031-2032) | 250       | Available for rehabilitation following completion of backfill. It is estimated to take 18 months to backfill based on a longer haul distance. A conservative timeframe of two years has been proposed to account for some uncertainty |
| Insert domain (e.g. Dam North 2)                        | Present - 2032  | 7         | Required for water management purposes until all pits are backfilled  |

**PRCP Schedule**

The PRCP Schedule must contain clear milestone criteria written in a manner that delivers on SMART principles. The PRCP Schedule should contain milestone criteria that are linked to the site-specific risks informed by the risk assessment. The milestone criteria should also be referenced in the monitoring and maintenance plan as this is the method to demonstrate that criteria can be achieved.

**For example**, the risk assessment in the PRC Plan may identify the risk of vegetation not striking due to insufficient seasonal rainfall. This could lead to an impact of contaminated water discharge and excessive weed growth which would limit the progression of the next rehabilitation milestone by the date nominated in the PRCP Schedule. The monitoring and maintenance section in the PRC Plan should describe the monitoring that will be performed to demonstrate recording vegetation strike. Considering that the milestone dates in the PRCP Schedule are a statutory obligation, a mitigation strategy may be to allow another season for vegetation establishment in the PRCP Schedule. This could be done by adding another year to the date that the cumulative area has achieved the rehabilitation milestone.

**13. Explain the translation of pre-approved land outcomes in the PRC Plan**

The provisions of the EP Act allow for the transition of existing rehabilitation and closure outcomes into the PRCP schedule, where these outcomes are specified in a land outcome document. It is important for the PRC Plan to be clear about where and how pre-approved outcomes are being transitioned. It is also important to recognise that there is a great deal of variability in how pre-approved outcomes are defined (e.g. some land outcome documents contain specific detail and some are more general) and in some cases it will be necessary to explain how the outcome from the land outcome document(s) has been translated into the PRC Plan.

For example, an EA condition could specify that areas disturbed by mining activity should be rehabilitated to either a native vegetation PMLU or a grazing PMLU. If there are no other land outcome documents that provide further detail it would be necessary for the applicant to explain in the PRC Plan which areas of disturbance have been assigned what pre-approved PMLU option and why. Having two PMLUs applying to the same area is

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generally not acceptable as the milestones and milestone criteria are likely to be different depending on the PMLU outcome to be achieved. It may also be the case that the native vegetation PMLU outcome is more suited to certain areas of disturbance (steep slopes, high risk structures, riparian areas etc) and articulating this in the PRC Plan provides a clear picture about how the pre-approved outcomes have been translated as well as a justified rationale for the allocation of the pre-approved PMLU options.

**14. Explain conclusions drawn from supporting reports**

The intention of the rehabilitation planning part of the PRC Plan is to be a standalone document that supports and justifies the proposed PRCP Schedule. Reliance on pre-existing information and/or information from technical reports is often necessary to meet application content requirements. To meet content requirements and to justify the development of the PRCP Schedule, it is desirable to articulate the relevant information from supporting reports in the PRC Plan rather than referring to the attachments.

**Disclaimer**

While this document has been prepared with care it contains general information and does not profess to offer legal, professional, or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

**Approved:**

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