

SCHEDULE 2.2: REHABILITATION APPROVALS AND BOND SETTING

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PRELIMINARY

SCOPE OF ARRANGEMENTS

This Schedule outlines the process/processes whereby the Department of Jobs, Precincts and Regions (DJPR) will work together with the Department of Environment, Land, Water and Planning (DELWP) to assess rehabilitation plans and set bonds in accordance with relevant sections of the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA). The relevant sections of the MRSDA are outlined in Table 1. Where applicable, this Schedule also applies to the preparation of abandoned site rehabilitation plans.

HOW TO READ THIS SCHEDULE

This schedule forms part of the approvals process for mining, extractives, exploration and rehabilitation of abandoned mines and quarries and is referred to from Schedules 1.1, 1.2, 1.3, 1.4 and 1.5. The procedures and agreements reflected in this Schedule are identical for each of these processes, except where explicitly outlined.

The Schedule consists of a number of parts:

- **Preliminary.** This part outlines the scope of the Schedule and establishes definitions and sets out the relevant legislation (Table 1).
- **Part A. General.** This part includes contact details relevant to rehabilitation plans and consultation on bond setting.
- **Part B. Principles and procedures** This part includes important information and procedures relevant to rehabilitation plans and consultation on rehabilitation bonds.

DEFINITIONS

1. **'Abandoned site rehabilitation plan'** means a plan developed by DJPR, in consultation with the Crown land manager, that identifies the end land use/s and form/s of an abandoned site and outlines the rehabilitation objectives, criteria and milestones required to achieve these.
2. **'Bond'** means a rehabilitation bond referred to in section 80 of the MRSDA.
3. **'Crown land'** has the same meaning as defined in the MRSDA.
4. **'Crown land Minister'** has the same meaning as defined in the MRSDA.
5. **'DELWP Action Officer'** means a DELWP Officer engaged by the DELWP Case Manager to provide expert technical, policy, regulatory or operational inputs.
6. **'DELWP Case Manager'** means the DELWP Officer responsible for coordinating DELWP responses to referrals.
7. **'DJPR Assessments Officer'** means the DJPR Assessments Officer responsible for work plan assessment.
8. **'DJPR RLAB Officer'** means the DJPR Officer responsible for rehabilitation liability assessments and bonds.

9. **‘Rehabilitation plan’** means a plan that is part of the work plan and identifies the end land use/s and form/s of an site and outlines the rehabilitation objectives, criteria and milestones required to achieve these.
10. **‘Work plan’** means a work plan lodged under section 40(1) and 77G of the MRSDA.
11. **‘Work plan variation’** means a work plan variation lodged under section 41(1) and 77H of the MRSDA.

Table 1. Sections of MRSDA relevant to this Schedule

MRSDA Section	Description	Role/Responsibility
Section 80(1)	Rehabilitation bond A licensee or an applicant for an extractive industry work authority must enter into a rehabilitation bond for an amount determined by the Minister.	DJPR sets a bond amount for a site.
Section 80(2)	If land covered by a mining licence or prospecting licence is private land, the Minister must, before determining the amount of a rehabilitation bond, consult with— (a) the council in whose municipal district the land is situated; and (b) the owner of the land.	DJPR will consult with DELWP on bond amounts for certain operations on Crown land.
Section 80(2A)	If the land that is proposed to be covered by an extractive industry work authority is private land, the Minister must, before determining the amount of the rehabilitation bond, consult with the council in whose municipal district the land is situated.	DJPR will consult with DELWP on bond amounts for certain operations on Crown land.
Section 80(4)	The Minister may, at any time after a rehabilitation bond is entered into and after consultation with the authority holder, by noticed served on the authority holder require the authority holder to enter into a further rehabilitation bond, for an amount determined by the Minister if he or she is of the opinion that the amount of the bond already entered into is insufficient. Note: While DJPR is not required to consult with DELWP on bond amounts under the MRSDA, it may still be appropriate to do so depending on the site and other factors.	DJPR is responsible for determining whether a further bond is required, if the Minister is of the opinion that the bond already entered into is insufficient.

PART A: GENERAL

A.1 CONTACT DETAILS: DJPR OFFICERS AND DELWP CASE MANAGERS

12. Contact details for communications between DJPR and DELWP under this Schedule are outlined in Table 2.

Table 2: Contact details: DJPR Officers and DELWP Case Managers

DJPR Officer	DELWP Case Manager
DJPR Assessments Officer (Assessments inbox): workplan.approvals@ecodev.vic.gov.au	Barwon South West: bsw.planning@delwp.vic.gov.au
DJPR RLAB Officer (Rehabilitation Liability Assessments and Bonds inbox): rlab@ecodev.vic.gov.au	Gippsland: gippsland.planning@delwp.vic.gov.au
	Grampians: grampians.planning@delwp.vic.gov.au
	Hume: hume.planning@delwp.vic.gov.au
	Loddon Mallee: loddonmallee.planning@delwp.vic.gov.au
	Port Phillip: pp.planning@delwp.vic.gov.au

PART B: PRINCIPLES AND PROCEDURES

B.1 REHABILITATION TO MINIMISE ENVIRONMENTAL, CULTURAL, SOCIAL AND ECONOMIC IMPACTS

13. The DJPR Assessments Officer and DELWP Case Manager will apply the objectives (clause 14) and principles (clause 15) in the consideration of:
 - (a) assessment and approval of work plans and work plan variations (including rehabilitation plans), and during related pre-submission processes
 - (b) abandoned site rehabilitation plans
 - (c) any other rehabilitation of sites or rehabilitation activities performed by DJPR or DELWP
 - (d) the setting and review of bonds.
14. DJPR, in consultation with DELWP, will seek to ensure that the development of earth resources proposals, including the rehabilitation plan and abandoned site rehabilitation plans, achieves high standard rehabilitation that is safe, stable and sustainable and meets the following objectives:
 - (a) avoids or minimises environmental, cultural, social and economic impacts
 - (b) protects communities, people, land, environment and infrastructure
 - (c) recognises, respects and involves Traditional Owners
 - (d) ensures the rehabilitated land is capable of supporting the proposed future land use/s
 - (e) minimises, wherever possible, the requirement for ongoing monitoring and maintenance
 - (f) minimises accrual of financial and other liabilities to the state.
15. DJPR, in consultation with DELWP, will consider the following principles or methods to achieve the objectives outlined above:
 - (a) minimise footprint of operations
 - (b) consider alternatives of operations method (i.e. underground versus open cut) and locations (i.e. onsite versus off-site processing)
 - (c) minimise/replace or offset vegetation removal
 - (d) avoid perpetual water solutions
 - (e) where possible, avoid tailings dams and contamination that present long term risks or requirements for ongoing management
 - (f) encourage progressive rehabilitation
 - (g) consider end use and compatibility with surrounding land values and uses
 - (h) does not compromise the objectives of protection and management in relation to the land
 - (i) protection of flora and fauna, and cultural features
 - (j) consideration of Traditional Owners' input and values
 - (k) suitable application of risk analysis and mitigation for operations that eliminates or minimises risks as far as reasonably practicable.

B.2 REHABILITATION BOND SETTING CONSULTATION PROCESS

Note: This section refers to the situation where the bond is set or reviewed as a result of a work plan or work plan variation approval, or prior to a mine or quarry being transferred.

16. The DJPR RLAB Officer will consult with the DELWP Case Manager on determining or reviewing the bond amount when there is ground disturbing work, except for low impact exploration and code of practice operations where a standard bond applies.
17. When consulting with the DELWP Case Manager, the DJPR RLAB Officer will provide information (in writing) on the bond calculation that is sufficient for the DELWP Case Manager to determine whether DELWP will provide feedback.

18. In response to consultation on the bond, the DELWP Case Manager will, within twenty-eight (28) days:
 - (a) circulate the plan to the appropriate DELWP Action Officers for review (where necessary)
 - (b) provide feedback on the bond calculation
 - (c) notify the DJPR RLAB Officer in writing of a request for further information, or
 - (d) notify the DJPR RLAB Officer in writing of a request for an extension of time to provide feedback.
19. If there is no response from the DELWP Case Manager within twenty-eight (28) days, the DJPR RLAB Officer will assume that the DELWP Case Manager will not provide comment.
20. The DJPR RLAB Officer and DELWP Case Manager will continue to exchange information and responses in a timely manner to ensure that all relevant information is considered, on setting of the bond.
21. In finalising the bond amount or bond review, the DJPR RLAB Officer will take into consideration any feedback received under this part.

SIGNED ON BEHALF OF DJPR:


Executed on the 22 day of 06 2022



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Jenine Smith,
Acting Executive Director, Earth Resources Regulation
For Department of Jobs, Precincts and Regions

SIGNED ON BEHALF OF DELWP:

Executed on the 16 day of 06 2022



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John Bradley,
Secretary
For Department of Environment, Land, Water and Planning