

06 November 2020

NSW Resources Regulator
Head Office
Via email
rr.feedback@planning.nsw.gov.au

Attention: Resources Regulator

Dear Resources Regulator,

RE: Operational Rehabilitation Reforms Written Submission – MACH Energy Mount Pleasant Operation

MACH Energy recognises the efforts made by the Resources Regulator to prepare the revised Operational Rehabilitation Reforms and proposed Standard Conditions of Mining Leases – Rehabilitation (herein referred to as the 'Reforms'), and appreciates the opportunity to provide feedback on the Reforms, particularly as they will impact operational management and rehabilitation planning at the Mount Pleasant Operation (MPO).

MACH Energy understands that mine closure and rehabilitation planning is integral to life of mine planning and is aware of the level of local interest with respect to the shape and form of MPO final landforms. Accordingly, MACH Energy aims to design and operate the MPO to comply with regulatory requirements, and satisfy the expectations of key stakeholders and the local community. MACH Energy is cognisant of achieving these objectives and maintaining the MPO's significant contribution to local employment and business opportunities and the generation of royalties to the State of NSW. MACH Energy is an active member of the NSW Mineral Council (NSWMC), and considers the NSWMC's submission (dated 6 November 2020) comprehensively reflects industry's views on the proposed Reforms. As such, MACH Energy supports the NSWMC's submission.

In addition, MACH Energy specifically encourages the Resources Regulator to:

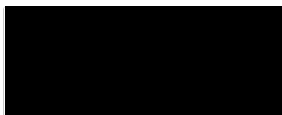
- Minimise duplication within the Standard Conditions and Form & Way documents as outlined in Key Issue 1 within the NSWMC submission.
- Address, with the NSW Department of Planning, Industry and Environment, the duplication of the requirement for a Rehabilitation Management Plan in development consents issued under the NSW *Environment Planning and Assessment Act 1979* (EP&A Act), and requirements relevant to progressive rehabilitation.
- Revise Clause 4(1) as outlined in Key Issue 2 within the NSWMC submission to provide certainty and clarity on final land use.

- Revise Clause 4(1)(b) to be consistent with the requirements of the EP&A Act which provide a reasonable and pragmatic approach for rehabilitating final landforms ‘generally in accordance’ with an approved final landform plan. Suggest Clause 4(1)(b) provide (underlined reflects proposed new wording): *for large mines – ~~as spatially depicted in~~ generally in accordance with the approved final landform and rehabilitation plan.*
- Provide flexibility in Clause 6(5) to allow for an alternate timeframe agreed with the Secretary to those specified in the Forward Program for implementation of the Rehabilitation Management Plan. Despite robust mine planning, mine development remains subject to a range of externalities which can result in unplanned cessation of operations. Suggest Clause 6(5) provides (underlined reflects proposed new wording): *The leaseholder must implement the prepared rehabilitation management plan and must do so in accordance with the timeframes for implementation specified in the forward program, or as otherwise agreed with the Secretary.*
- Issue the revised Guidelines to industry for further consultation prior to commencement of the Reforms to ensure they are practicable. MACH Energy considers the Guidelines to be key documents that industry will use to address the requirements of the Form & Way documents and the Standard Conditions.
- Provide clarity and guidance around the process to be undertaken when industry has identified the potential for a project to not achieve the rehabilitation progress reported in the previous year’s Forward Program, to avoid a non-compliance with, or breach of, Standard Conditions. Rehabilitation progress is subject to many influences, including seasonal/climatic conditions. MACH Energy considers this a key issue and requests the process be clearly articulated in the Form & Way document.
- MACH Energy agrees with the NSWMC with regards to Clause 9(2) and queries why industry must obtain written approval from the Secretary to amend an approved final landform and rehabilitation plan (including rehabilitation objectives and completion criteria and a Forward Program) in the instance where the Minister administering the EP&A Act grants a modification to a Development Consent which approves a changed final landform. MACH Energy suggests the Resources Regulator amend Clause 9 to recognise and provide for this circumstance.

MACH Energy looks forward to the Resources Regulator’s consideration of the above submission.

If you wish to discuss this matter further, please do not hesitate to contact the undersigned.

Yours sincerely,



Andrew Reid
Environmental Superintendent