

Notice

Environmental Protection Act 1994

Information request

This information request is issued by the administering authority under section 140 of the Environmental Protection Act 1994 to request further information needed to assess an application for a PRCP schedule.

To: Newmont Landco Pty Ltd
Level 2 388 Hay Street
SUBIACO WA 6008

ATTN: Glen Ware
Glen.ware@newmont.com

Our reference: EPML00863713; 101/0008105

Further information is required to assess an application for a PRCP schedule

1. Application details

The application for a PRCP schedule was received by the administering authority on 30 September 2021.

Environmental authority: EPML00863713

Land description: ML10172, ML1546, ML10173, ML10148, ML10144.

2. Information request

The administering authority has considered the abovementioned application and is writing to inform you that further information is required to assess the application (an information request).

The information requested is specified in **Attachment 1: Information Requested (Table)** of this notice.

3. Actions

The abovementioned application will lapse unless you respond by giving the administering authority -

- (a) all of the information requested; or
- (b) part of the information requested together with a written notice asking the authority to proceed with the assessment of the application; or
- (c) a written notice –
 - i. stating that you do not intend to supply any of the information requested; and
 - ii. asking the administering authority to proceed with the assessment of the application.

A response to the information requested must be provided by **26 August 2022** (the information response period). If you wish to extend the information response period, a request to extend the period must be made at least 10 business days before the last day of the information response period.

The response to this information request or a request to extend the information response period can be submitted to the administering authority by email to ESCairns@des.qld.gov.au.

If the information provided in response to this information request is still not adequate for the administering authority to make a decision, your application may be refused as a result of section 176 of the *Environmental Protection Act 1994*, where the administering authority must have regard to any response given for an information request.

4. Human rights

A human rights assessment was carried out in relation to this decision and it was determined that the decision is compatible with human rights.

If you require more information, please contact Kirstie Treloar on the telephone number listed below.



Signature

26/11/2021

Date

Chris Wake
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
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Privacy statement

Pursuant to section 540 of the EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able to take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the EP Act. There is no general discretion allowing the Department to withhold documents or information required to be kept on the public register. For more information on the Department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

Attachments

Attachment 1: Information requested.

Attachment 1: Information requested

Item	Relevant section (proposed PRC plan, PRCP schedule and/or PRCP Guideline)	Matter	Information Request
PRC plan – Rehabilitation planning part			
1	Mt Leyshon PRC Plan, Section 1.2.2 – Ongoing Community Consultation and Appendix E (Mt Leyshon Community and Stakeholder Engagement Plan) Section 3.5 Community Consultation, PRCP Guideline (Version 2.00)	A community consultation plan is provided (Appendix E) with the PRC plan. The plan can be further improved to include greater detail regarding how ongoing consultation will occur with regards to the rehabilitation to be carried out under the PRC plan. The detail should include the objectives of consultation, the information that will be released to the community, how the community's feedback will be considered including any feedback regarding milestone timeframes. This is a requirement of the PRCP Guideline and necessary to meet the requirements of s126C(1)(c)(iv) of the EP Act.	Provide a revised PRC plan that details how ongoing consultation will be carried out in relation to the rehabilitation that will be carried out under the PRC plan.
2	Mt Leyshon PRC Plan, Section 1.5.1 General Rehabilitation Practices - Soil and Capping Material Assessment Section 3.6.1 General rehabilitation practices, PRCP Guideline (Version 2.00)	Capping/cover repairs to TSFs: Based on the information provided it appears that repairs to the TSF capping layer will incorporate 0.8m capping material, covered by 0.5m rock armour, overlain by a 0.3m layer of growth media. It is unclear if the capping repairs will be consistent with the previous strategy of using compacted oxide heap leach. A statement is made that the existing heap leach material stockpile may be used as a source for growth and capping material requirements. There are concerns regarding the suitability of the heap leach material for use as a capping layer, specifically regarding the later acknowledgment that	Provide a revised PRC plan that: • Confirms compacted oxide heap leach will not be used as the capping material; and • clarifies if the material drawn from the borrow pits will be porphyry waste rock.

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		some of the heap leach material is PAF (Waste Characterisation, Rehabilitation Planning Part and Section 2.6.12, Mt Leyshon Closure Plan 2019). Capping Material drawn from borrow pits: Based on information provided in Table 1.17 Soil and Capping Material Requirements, it appears that rehabilitation works for the majority of landforms will incorporate a capping layer of 0.8m. As stated in the PRC plan, porphyry waste rock has been classified by site testing to be NAF and is a cover material that historically has been successfully applied to sloped surfaces. It is unclear if porphyry waste rock will be the material sourced and consequently, whether the borrow areas contain sufficient volumes of suitable capping material.	
3	Mt Leyshon PRC Plan, Section 1.5.1 General Rehabilitation Practices – Waste Characterisation	The Rehabilitation Planning Part refers on a number of occasions to a study (WMC 2009) which includes a geo-environmental assessment used to inform closure works. This study has not been provided as an attachment to the PRC plan and likely contains information relevant to the PRC plan assessment. Long term closure observed leaching results: It is noted that there are no dams or sumps suitably located to reflect the hydrochemistry of seepage from the NWSRF. Based upon data presented, it appears that there is a likely risk of contaminated seepage emanating from this landform. Further information is	Provide a revised PRC plan that: • Includes a copy of the referenced (WMC 2009) study. • identifies how it will be demonstrated that no environmental harm is being caused by seepage from the NWSRF; and • updates the labels on Figures 1.36 and 1.40 to correctly refer to pH units instead of precipitation.

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		sought to identify how it will be demonstrated that no environmental harm is being caused by seepage from the NWSRF. The legends for Figures 1.36 and 1.40 currently have labels on the right-hand Y-Axis that read "Precipitation (mm)". It is assumed that these labels should instead refer to pH values.	
4	Mt Leyshon PRC Plan, Section 1.5.1 General Rehabilitation Practices – Landform design	Design for Scats stockpile: The proposed landform design for the Scats Stockpile incorporates a 15° slope gradient for external batters. Currently, the Rehabilitation Planning Part does not provide justification that this slope gradient will be structurally and erosionally stable as it applies to the specific material characteristics of the scats. The department acknowledges the discussion that similar landform geometries are considered to be stable but understands that these landforms have been constructed from other materials with different geotechnical and erosional properties. It is also unclear what the slope gradients of internal faces of the stockpile fingers will be and whether these will be stable. It is noted that the Upper Plum Tree Creek Dam will be subsumed by the re-profiling works. This dam is currently used to monitor seepage from the Scats Stockpile.	Provide a revised PRC plan that: • Provides a discussion regarding the suitability of the design slope gradient for final batters on the Scats Stockpile, considering the specific material characteristics of the scats. • confirms if a new seepage monitoring sump/system will be employed to continue capture and monitoring of shallow seepage flows from the Scats Stockpile. • clarifies the objectives of the final rehabilitated surface of the Scats Stockpile landform regarding water management and its suitability for the proposed PMLU of grazing; and • provides examples and further description of specific QA/QC strategies.

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		Based on information presented (including Figures 1.42 – 1.45) it appears that unlike the other landforms with domed, free draining tops, the Scats Stockpile will involve a series of fingers with intermediate valleys. The addition of a Figure showing the profile of the final rehabilitated landform once re-shaping, application of capping and growth media activities are complete is recommended to demonstrate how the top surfaces of the Scats Stockpile will be free draining and water will be managed to avoid concentrated surface water flows. In addition, further discussion is recommended to clearly identify if the final surface of the rehabilitated Scats Stockpile will be suited to the proposed PMLU of grazing. Quality Assurance /Quality Control: The Rehabilitation Planning Part states that key controls will be put in place to manage the risks associated with each rehabilitation works but provides no detail regarding these measures.	
5	Mt Leyshon PRC Plan, Section 1.5.1 General Rehabilitation Practices – Cover design Appendix H Mt Leyshon Tailings Management Plan	For existing cover systems - it is unclear from the information presented if Newmont have been able to quantify the performance of individual cover systems in minimising rainfall infiltration and oxygen ingress. Demonstration that each cover system is functioning as intended will be necessary to provide evidence that the rehabilitated land achieves stable condition, and this will be demonstrated by the inclusion of specific milestone criteria in the PRCP schedule.	Provide a revised PRC plan that: - describes how the performance of existing cover systems will be measured and monitored. - provides quantifiable data and additional information sufficient to justify the timeframes proposed in the PRCP schedule; and

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	Section 3.6.1 General rehabilitation practices, PRCP Guideline (Version 2.00)	The PRCP schedule proposes a 100-year monitoring period associated with the release of contaminants via seepage from constructed landforms. It is acknowledged that some discussion has been provided to identify the reduction in seepage flows from the TSF as a result of drawdown of pore water to date and improved cover performance which has reduced infiltration rates (Table 1.22). Appendix H outlines piezometer monitoring undertaken to verify if the phreatic surface within the TSF perimeter embankments is trending downwards as expected. However, Section 5.1 of the appendix states ‘the absence of piezometers across the top surface of the TSFs does not allow for direct measurement of the phreatic surface within the tailings deposit and accordingly makes it difficult to quantify the performance of the TSF cover systems in minimising rainfall infiltration.’ In order to assess the appropriateness of, and the risks associated with the extended period of time proposed in the PRCP schedule, further information is required to describe and quantify what is driving the rates of seepage; how long AMD generation is likely to continue within each of the landforms; demonstration that cover systems are minimising infiltration of oxygen and water; and the impacts of climatic conditions upon rates of seepage/flushing of contaminants from the landforms.	• Describes a cover design for the Scats Stockpile that meets requirements of section 3.6.1 of the PRCP Guideline.

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		The Schedule must allocate timeframes for each Rehabilitation Area that are unique to the performance of each cover system and demonstrate the staggered achievement of non-polluting landforms (i.e., different completion dates for RM7). A discussion regarding this should be included in the Rehabilitation planning part. Scats Stockpile cover design: The PRCP Guideline (pp. 31 – 32) articulates a number of specific details regarding cover designs that must be provided. Currently, the Rehabilitation planning part identifies optional approaches to capping layers/cover design, and this does not meet the requirements of the PRCP Guideline. It is necessary to confirm detailed design specifications for the cover system on the Scats Stockpile as this information will be used to inform the assessment of the proposed PRCP schedule and whether milestone criteria sufficiently demonstrate the land has achieved a stable condition. It is anticipated that the design performance criteria to be achieved by the proposed cover system will be present as milestone criteria in the PRCP schedule and also linked to other criteria demonstrating the ability of the receiving environment to assimilate the final water quality (and not cause environmental harm).	

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6	Mt Leyshon PRC Plan, Section 1.5.2 General Rehabilitation Practices – Tailings Storage Facilities Appendix H Mt Leyshon Tailings Management Plan	Considering information presented in the Rehabilitation planning part and Appendix H, it is unclear if spillways for each TSF have been designed adequately and reflect design criteria specific for closure scenarios (for example ANCOLD specifications). New Northern Tailings Storage Facility (page 113): “future rehabilitation improvement works planned:” – this statement is incomplete, with detail missing.	Provide a revised PRC plan that: - confirms if closure spillways on TSFs have been adequately designed; or alternatively, provide performance data to establish the stability of landforms; and - includes a description of the planned future rehabilitation improvement works for the NNTSF.
7	Mt Leyshon PRC Plan, Section 1.6 Risk Assessment Section 3.7 Risk assessment, PRCP Guideline (Version 2.00)	Risk Assessment: Currently the risk assessment provides no consideration of the failure for rehabilitated areas to sustain the PMLU. Regarding the Scats Stockpile, the risk assessment needs to consider the final rehabilitated landform. For example, the Risk Description “PMLU not safe to humans, animal or the environment” does not consider the risks present post re-shaping of the stockpile into the final landform. Another example is against the Risk Description regarding structural stability – the risk matrix discusses current landform geometries but needs to assess this based on the final rehabilitated landform. For matters associated with erosional stability – the risk matrix needs to consider risks associated with	Provide a revised PRC plan, with an updated Risk Assessment that: - considers the risks associated with a failure of rehabilitated areas to sustain the PMLU. - has addressed relevant risks for the Scats Stockpile from the perspective of the final rehabilitated landform. - considers risks associated with failure of the capping layer/growth media application and/or vegetation establishment. - proposes controls to minimise the potential for wind-borne material from the scats to be deposited in the receiving environment; and - identifies those responsible for the approval and implementation of the

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		failure of the capping layer/growth media application and/or vegetation establishment. No controls are proposed to minimise potential for wind-borne material from the scats to be deposited in the receiving environment. The risk assessment does not identify those responsible for the approval and implementation of the plan, resource requirements, timing, and scheduling details for the risk treatment step. This information is required by the PRCP Guideline. The risk assessment is necessary to assess the adequacy of timeframes allocated in the PRCP schedule.	plan, resource requirements, timing, and scheduling details for the risk treatment step.
8	Mt Leyshon PRC Plan, Section 1.7 Monitoring and Maintenance, Appendix D (Mt Leyshon Rehabilitation and Pastoral Lease Condition Monitoring 2021), Appendix F (Mt Leyshon Closure Plan 2019)	There is discussion in section 1.7.3 that milestone criteria are relevant only to future rehabilitation works and are not applied retrospectively. There is also a statement that milestone criteria are used to inform if rehabilitation has been <i>or is likely</i> to be achieved. This position is somewhat inconsistent with the intent of the PRCP framework in that all areas disturbed by mining activities on the site are required to achieve the final outcome of 'land in a stable condition' for the PMLU of grazing or achieve sufficient improvement of the NUMA. To demonstrate this, all areas will be required to achieve rehabilitation milestones. While various areas which have previously been rehabilitated will not	Please note the comments regarding perceived inconsistencies of statements made in Section 1.7 of the PRC plan. If necessary, provide a revised PRC plan to clarify these statements. Provide a revised PRC plan with a Monitoring and Maintenance Program that: includes management milestones (and their relevant criteria) in the Monitoring and Maintenance Program.

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		be required to achieve some of the earlier milestones (such as Landform Shaping), they are still required to achieve subsequent/final milestones. Milestone criteria are parameters that demonstrate achievement of a milestone and cannot be ambiguous in allowing for the likelihood of achieving the outcome. For these reasons, milestone criteria must specifically demonstrate achievement of the Rehabilitation or Management Milestone, and the Monitoring and Maintenance program provided in the Rehabilitation planning part clearly articulate the systems that will be carried out in order to demonstrate the milestones and milestone criteria have been achieved. Management milestones for the NUMA are required to be included in the Monitoring and maintenance program. It is noted that a number of milestone criteria for RM7 refer to criteria that reflect LFA and EFA monitoring frameworks. However, the Rapid Assessment system utilised for monitoring appears to diverge away from these frameworks. It is not readily apparent how the proposed monitoring program will demonstrate achievement of criteria which rely on monitoring results obtained from the LFA/EFA frameworks. Table 1.32 links monitoring methods and frequency with each Rehabilitation Milestone. There is no indication of how surface and groundwater monitoring	• clarifies how the Rapid Assessment system will demonstrate achievement of those criteria that are based on LFA/EFA monitoring frameworks. • includes surface and groundwater monitoring. • includes a monitoring program to demonstrate performance of cover systems. • reflects any adjustments necessary to the Monitoring and Maintenance Program arising from items in this Information Request.

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		has been integrated into the Monitoring and Maintenance program. It is expected that a post closure monitoring program is provided with the PRC plan and referred to in Table 1.32, to demonstrate the performance of cover systems including the parameters and spatial distribution. This program must comply with best practice (for example, section 8.3.2. of the Global Cover System Design – Technical Guidance Document published by the International Network for Acid Prevention (November 2017)).	
PRCP Schedule			
9	Rehabilitation Areas and Improvement Area - Commencement of first milestone (individual worksheets, Cell A5 and Cell E5) Rehabilitation and Management Milestones – Milestone Criteria Section 4.1, Step 5 PRCP Guideline (Version 2.00)	The PRCP template (Cell A5) requires an entry to identify the milestone reference relevant to “Commencement of first milestone”. For example – against the entry for RA1, this would be RM3. Milestone criteria are parameters that are measurable for achieving the milestone. Criteria must clearly demonstrate through SMART principles that the milestone has been successfully completed. They are used to demonstrate completion of progressive rehabilitation and improvement steps and events. An initial reading of the proposed PRCP schedule has identified instances where milestone criteria can be improved to ensure they meet the requirements outlined by Section 4.1, Step 5 in the PRCP Guideline.	Provide a revised PRCP schedule that includes a reference to the relevant Rehabilitation or Management Milestone at Cell A5. Consider the following items (10-18) and provide a revised PRCP schedule to include recommendations.

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		The following items (10-18) are examples of instances where this applies.	
10	RM1 Infrastructure Decommission and Removal Section 4.1, Step 5 PRCP Guideline (Version 2.00)	Milestone criteria are parameters to measure achievement of the milestone. They must be appropriate for achieving the milestone and facilitate achieving subsequent milestones. The first two criteria proposed against RM1 demonstrate an area's readiness for commencing the milestone, and do not provide a measure of achievement of the milestone. It is recommended that these are removed from the schedule. As currently proposed, the third criterion "prepare a decommissioning strategy to facilitate works" does not provide a measurable parameter to demonstrate achievement of the milestone. It is recommended to amend the text to identify that the infrastructure decommissioning and removal activities have been undertaken in accordance with a decommissioning strategy.	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.
11	RM2 Landform Shaping	To ensure criteria meet SMART objectives, it is recommended that specific landform design 'rules' (e.g., slope gradients) are identified as milestone criteria. This is important to ensure the various design specifications for different landforms are readily identified as being achieved.	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.

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		The criterion related to ESC structures should be amended to include reference to certification of the design and construction by an appropriately qualified person (refer to Table 1.32 of the Rehabilitation planning part). It is recommended that the third criterion is updated to include reference to certification by a suitably qualified person – “Report provided by a suitably qualified person to verify ‘as constructed’ complies with the final landform design”.	
12	RM3 Cover System Install	It is recommended that milestone criteria currently proposed for RM3 are amended to ensure each criterion meets SMART objectives and the criteria overall facilitate achieving subsequent milestones. As previously mentioned, it is expected that specific design criteria and performance outcomes regarding cover systems will be included in the PRCP schedule as milestone criteria.	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.
13	RM4 Final Surface Preparation	Table 1.32 of the Rehabilitation planning part outlines the nominated depths of growth media for specific locations. It is recommended the relevant criterion at RM4 is amended to specify nominated depth. For example: Growth media applied at the following minimum depths– • 0.45m on stockpiles • 0.1m on roads and mine infrastructure areas	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.

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		0.3m all other areas It is recommended the final criterion is amended to specify that an appropriately qualified person has undertaken conformance checks to verify final surface preparation has been completed in accordance with the design.	
14	RM5 Revegetation (Pasture Grazing)	To meet SMART criteria, it is recommended that a list of the target pasture species and nominated rates are listed as part of the relevant milestone criterion. In order to demonstrate a sustainable outcome of grazing is achieved, it is recommended a number of species are present in the seed mix. This improves the biodiversity and resilience of the pasture. It is recommended that a criterion is included to limit the proportion of invasive species present in the pasture. Weed management is identified in the Mt Leyshon Closure Plan.	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.
15	RM6 Achievement of rehabilitated landform	The proposed criteria do not sufficiently demonstrate achievement of the milestone and are not parameters that measure achievement of the milestone It is assumed that the purpose of this milestone is to allow sufficient time for pasture to mature, confirmation of the absence of site contamination,	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.

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		achievement of erosional stability and suitable quality of surface water runoff. To show that RM6 has been achieved, it is recommended that additional criteria to demonstrate achievement of the above parameters are proposed. For example - • Demonstration that vegetation establishment trends towards relevant analogue sites, or it is appropriate in terms of plant species, composition, diversity, abundance, cover and function (taken from Table 6.1 Newmont Tailings Management Plan).	
16	RM7 Achievement of PMLU to Stable Condition	In order to successfully demonstrate that land has achieved a stable condition, it is expected RM7 (as the final Rehabilitation Milestone) will have a suite of criteria that demonstrate: • The Geotechnical stability of TSFs (via FOS and closure spillway designs) • That land achieves erosional stability • That cover systems are performing – no dust generation, infiltration of O₂ and H₂O, ability of the cover to provide a substrate for the vegetation • No seepage through dam floors and base of landforms • Vegetative cover and the condition of pasture can sustain a grazing outcome	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.

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		- Land is non-polluting, particularly to surface and groundwater receiving environments. Currently, criteria proposed for RM7 demonstrate some of the qualities described above, but not all. Additional criteria are required. Comments are also proposed against the following criteria: <i>Infrastructure in RA removed from RA unless required to complement PMLU.</i> PRCP Guideline (Section 3.6.5) requires that built infrastructure is retained via formal agreement with the landholder. The criterion should reflect this. <i>Site contamination assessment for entire mine has been prepared by an approved auditor and mine site complies with Contaminated Sites Act 2003 and meets the requirements to be removed from the Environmental Management Register.</i> The relevant legislation in Queensland for contaminated land is the <i>Environmental Protection Act 1994</i>. The criterion should reflect this. In order to remove the site from the EMR, the EA holder must demonstrate that the land is suitable for any use. Based on the information presented in the PRC plan,	

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		this will not be achievable. Consideration should be given as to whether the criterion is achievable in its proposed form. <i>Soil surface stability greater than or equal to the lower limit of the average regional range (analogue sites) for three years of monitoring.</i> The criterion does not identify that it is based on an assessment of soil stability and erosion through Landscape Function Analysis (LFA) monitoring. The criterion should reference the LFA framework. <i>Erosion features less than or equal to the upper limit of the average regional range (analogue sites) for three monitoring years.</i> The criterion does not identify the framework or schema against which erosion is assessed. The criterion should reference this schema or adequately describe what defines an 'erosion feature'. It is noted that the presence of active erosion (in particular multiple rills and gullies) does not constitute demonstration of land in a stable condition. <i>Surface water completion criteria meets those established from the Receiving Environment Monitoring Program (REMP).</i>	

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		In order to demonstrate achievement of RM7 and that land is in a stable condition, specific and measurable surface and groundwater objectives that would protect all applicable environmental values are required and must be proposed as criteria. It is not appropriate to rely upon future identification of surface water criteria via the REMP. The PRCP schedule proposes two periods of time necessary to achieve RM6 - 20 years for areas not reliant on the water interception system and 100 years for areas reliant on the interception system. For those areas reliant on the water interception system - it is recommended that a criterion is proposed whereby a report is provided at regular intervals (e.g., 10-year periods) analysing long term trends regarding seepage volume and quality intercepted in the water management system, and an assessment as to whether the areas are positively trending towards achieving the final outcomes for the rehabilitated land.	
17	Improvement Area 1 – Available for improvement. Section 4.1, Step 3 PRCP Guideline (Version 2.00)	Currently, the PRC plan identifies that the void will be used as a water containment structure until the water interception system is no longer necessary. The PRCP Guideline identifies when disturbed land is available for the commencement of improvement.	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.

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		Consideration should be given to this definition and its application to the PRCP schedule.	
18	Management Milestones	On achieving sufficient improvement of a NUMA, each of the following is minimised – a) The risk of the area collapsing, eroding, or subsiding, b) The need to actively manage the area, and c) Access to the area by an animal or person. Management milestones must reflect the steps or actions necessary to progressively achieve best practice management of the area and minimise risks to the environment. The final milestone must demonstrate achievement of sufficient improvement. As proposed, the milestones currently demonstrate active management of the void (i.e., an operational aspect) rather than progressive improvement towards a closure outcome. It is recommended that the timeframes are reviewed to reflect when the void becomes available for improvement. Milestones should then be developed that demonstrate a progressive schedule of works towards achievement of sufficient improvement.	Consider the matters discussed and provide a revised PRCP schedule to include recommendations.