

Information sheet

Environmental Protection Act 1994

Community consultation for Progressive Rehabilitation and Closure Plan

This information sheet provides guidance on community consultation requirements for the purposes of developing a Progressive Rehabilitation and Closure Plan under section 126C of the Environmental Protection Act 1994.

Overview

The *Environmental Protection Act 1994* (EP Act) requires site-specific applications for an environmental authority (EA) for a mining activity relating to a mining lease to submit a Progressive Rehabilitation and Closure Plan (PRC plan). Existing EA holders will be required to submit a PRC plan upon receiving a transition notice from the administering authority within a three-year transition period.

Community consultation must be undertaken when developing and implementing a PRC plan.

The PRC plan must include:

- details of the consultation undertaken by the applicant in developing the proposed PRC plan
- details of how the applicant will undertake ongoing consultation in relation to the rehabilitation to be carried out under the plan
- the extent to which each proposed post-mining land use (PMLU) or non-use management area (NUMA) is consistent with the outcome of consultation with the community in developing the plan.

The community consultation process for the development of the PRC plan differs from the public notification process for the EA application or environmental impact statement (EIS).

Community consultation

It is the responsibility of the applicant to identify, notify and engage the community regarding the rehabilitation and closure of the site and provide them the opportunity to comment. When selecting members of the community to engage with, applicants must consider who in the broader community is directly influenced by the rehabilitation process or final land outcomes. To be included in this consultation stage, members of the community must have a genuine interest in:

- the land where the activity will occur
- the land adjacent to where the activity will occur
- the land/amenities surrounding where the activity will occur that are likely to be impacted by the activity (e.g. groundwater/drinking water users within the surrounding area or community located upstream or downstream of the activity).

A genuine interest in the land must be demonstrable and legitimate. It may include, but is not limited to:

- direct impact interest (e.g. underlying and adjacent land holders)



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- cultural interest (e.g. Indigenous communities, Traditional Owners including Native Title holders)
- heritage interest (e.g. state or local government or relevant community groups where heritage value is identified on the land the activity is to occur)
- environmental interest (e.g. state or local government or relevant community groups where environmental value is identified on the land the activity is to occur)
- recreational interest (e.g. relevant community groups who use the immediate, adjacent, upstream or downstream land for recreational purposes)
- land use interest (e.g. overlapping tenure holders, agricultural entities or local government where a planning scheme for the land is in place)
- health interest (e.g. state or local government or relevant community groups who have health concerns relating to the rehabilitation processes and final land outcomes for the project).

The administering authority must be satisfied that the applicant has attempted to consult with all community members with a genuine interest in the rehabilitation and closure of the project. If the administering authority is not satisfied, it has the ability to request further information from the applicant.

Further information

The guideline Progressive Rehabilitation and Closure Plan (ESR/2019/4964) includes further information about the requirements of the proposed PRC plan.

Approved:

31 October 2019

Enquiries:

Please contact your relevant Business Centre if you have any enquiries in relation to this information sheet.

Version history

Version	Effective date	Comments
1.00	1 November 2019	First published version of the information sheet.
1.01	16 February 2024	Updated to align with the MOG