



Department of Energy, Environment  
and Climate Action

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Dear Ross,

**MINING LICENCE MIN4644 – WORK PLAN VARIATION ENDORSED – STATEMENT OF REASONS**

I, Leonardo Guaraldo, as the delegate of the Department Head acting under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990* (Act) hereby provide a statement of reasons for my decision, pursuant to section 77TD(5) of the Act to endorse with conditions issued by the department, authorities and agencies the work plan variation (PLN-001702) first lodged on 15 November 2022 and re-submitted on 5 July 2023 by Mandalay Resources Costerfield Operations Pty Ltd as the licensee for mining licence MIN4644 under section 77TC of the Act.

Section 41(2) of the Act requires that a work plan variation must contain the information prescribed including the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 (Regulations) and in particular, Division 6.

The work plan variation has been endorsed as I am satisfied that it contains all the information required by the Regulations and that it also provides an appropriate level of detail in relation to such information.

Further details regarding the reasons for conditions are provided in Attachment 1.

Yours sincerely,

**Leonardo Guaraldo**  
Delegate of the Department Head  
Assistant Director, Assessments  
Earth Resources Regulator

28 September 2023

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**ATTACHMENT 1**

For the purposes of section 41(2) of the *Mineral Resources (Sustainable Development) Act 1990* a work plan variation must contain the following:

<b>New or Changed Mining Hazard</b>	
Legislative provision	Regulation 48(1)(a) – If changes to the work or rehabilitation set out in the work plan are proposed, a description of any new or changed mining hazard or rehabilitation hazard arising from the proposed changes that significantly increases the risks posed to the environment, to any member of the public or to land, property or infrastructure in the vicinity of the work or rehabilitation.
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	The work plan variation and rehabilitation plan provides a description of the new works and all new or changing hazards arising from the proposed changes.
ERR Assessment	The work plan variation satisfactorily complies with regulation 48(1)(a) of the Regulations.

<b>Identification and Assessment of Risks and Risk Management Plan</b>	
Legislative provision	<p>Regulation 48(1)(b) – If any new or changed hazard is described under regulation 48(1)(a), the information specified in regulations 44 and 45 that relate to the new or changed hazard must be included, including the resulting proposed changes to the work plan.</p> <p>Regulation 44 of the Regulations states that a work plan must include:</p> <ul style="list-style-type: none"> <li>(a) if exploration work is to be carried out under the licence, details of exploration hazards that may arise from the exploration work;</li> <li>(b) if mining work is to be carried out under the licence, details of mining hazards that may arise from the mining work, including mining hazards arising from— <ul style="list-style-type: none"> <li>i. set up or construction; and</li> <li>ii. operations or production;</li> </ul> </li> <li>(c) details of the rehabilitation hazards that may arise from rehabilitation under the licence;</li> <li>(d) an explanation of how the identified hazards may harm or damage the sensitive receptors described in the work plan, including evidence to support the assessment of the potential for harm or damage to be caused;</li> <li>(e) an assessment of the risks that the identified hazards may pose to identified sensitive receptors, having regard to— <ul style="list-style-type: none"> <li>i. the nature of the hazard; and</li> <li>ii. the likelihood of the hazard causing, or contributing to, any harm or damage; and</li> <li>iii. the severity or consequence of the harm or damage that may be caused.</li> </ul> </li> </ul> <p>Regulation 45 of the Regulations states that a work plan must include a risk</p>

	<p>management plan that sets out what the licensee will do to eliminate or minimise the identified risks as far as reasonably practicable:</p> <ul style="list-style-type: none"> <li>(a) measures to be applied to eliminate or minimise the risks as far as reasonably practicable;</li> <li>(b) the performance standards to be achieved by either individual measures or some combination of measures;</li> <li>(c) management systems, practices and procedures that are to be applied to monitor and manage risks and compliance with performance standards;</li> <li>(d) an outline of the roles and responsibilities of personnel accountable for the implementation, management and review of the risk management plan.</li> </ul>
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	The work plan variation provides an updated risk management plan that address the new or changed hazards arising from the proposed changes.
ERR Assessment	<p>The work plan variation complies with regulation 48(1)(b) of the Regulations as it includes the information specified in regulations 44 and 45 that relate to the new or changed hazards, as set out above.</p> <p>However, additional risk management measures are needed to ensure risks of groundwater contamination are managed to an acceptable level.</p> <p>In response to statutory referral, the Environment Protection Authority required conditions to:</p> <ul style="list-style-type: none"> <li>• develop a Groundwater Risk Management Plan; and</li> <li>• implement controls required by Groundwater Risk Management Plan.</li> </ul>

<b>Progressive Rehabilitation and Final rehabilitation and closure</b>	
Legislative provision	<p>Being an application for a work plan variation regarding mining work lodged on or after 1 July 2020, regulation 48(1)(d) and regulation 48(1)(f) apply.</p> <p>Regulation 48(1)(d) – If the proposed variation includes new or changed rehabilitation of land disturbed by mining, the information specified in regulation 43(2) that relates to the new or changed rehabilitation must be included, including the resulting proposed changes to the rehabilitation plan.</p> <p>Regulation 43(2) of the Regulations states that the rehabilitation plan included in the work plan must include:</p> <ul style="list-style-type: none"> <li>(a) proposed land uses for the affected land after it has been rehabilitated, that considers community views expressed during consultation; and</li> <li>(b) a land form that will be achieved to complete rehabilitation, which must—             <ul style="list-style-type: none"> <li>i. be safe, stable and sustainable; and</li> <li>ii. be capable of supporting the proposed land uses referred to in paragraph (a); and</li> </ul> </li> <li>(c) objectives that set out distinct rehabilitation domains that collectively amount to the land form described in paragraph (b); and</li> <li>(d) criteria for measuring whether the objectives described in paragraph (c) have been met; and</li> </ul>

	<p>(e) a description of, and schedule for, rehabilitation milestones; and                  (f) an identification and assessment of relevant risks that the rehabilitated land may pose to the environment, to any member of the public or to land, property or infrastructure in the vicinity of the rehabilitated land, including—</p> <ol style="list-style-type: none"> <li>i. the type, likelihood and consequence of the risks; and</li> <li>ii. the activities required to manage the risks; and</li> <li>iii. the projected costs to manage the risks; and</li> <li>iv. any other matter that may be relevant to risks arising from the rehabilitated land.</li> </ol> <p><b>relevant risks</b> means risks that may require monitoring, maintenance, treatment or other ongoing land management activities after rehabilitation is complete.</p> <p>Regulation 48(1)(f)— If the proposed variation is in respect of a work plan approved before 1 July 2020 that includes a rehabilitation plan that does not include the information prescribed in regulation 43(2), that information (other than information already included in the application under regulation 48(1)(d)) must be included, including the resulting proposed changes to the rehabilitation plan.</p>
<p>The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement</p>	<p><b>ADVERTISED PLAN</b></p>
<p>ERR Assessment</p>	<p>The work plan variation satisfactorily complies with regulations 48(1)(d) and 48(1)(f) regarding land disturbed by mining as it contains a rehabilitation plan that meets the requirements of regulation regulation 43(2), as set out above.</p> <p>However, additional management measures are needed to ensure stability and integrity of the final closure landforms for shafts and the portal/boxcut of Brunswick Pit</p> <p>Therefore, it was considered necessary to impose a work plan specific condition requiring a stability assessment to ensure the final landform design acceptance criteria will meet a Factor of Safety(FoS) of 1.6.</p>

<p>Community Engagement</p>	
<p>Legislative provision</p>	<p>Regulation 48(1)(g)— If the proposed variation includes or gives rise to any changes relating to community consultation, the proposed changes to the community engagement plan in the work plan, in relation to the information specified in regulation 46, must be included.</p> <p>Regulation 46 states that the information to be included in the community engagement plan is how the licensee will comply with their duty to consult with the community under section 39A of the Act throughout the period of the licence, in the form of a plan that—</p> <ol style="list-style-type: none"> <li>(a) identifies the community likely to be affected by the work under the licence;</li> </ol>

	<p>and</p> <p>(b) sets out how the licensee will share information with the community; and</p> <p>(c) sets out how the licensee will receive feedback from the community; and</p> <p>(d) sets out how the licensee will manage complaints and other communications from members of the community; and</p> <p>(e) in the case of a work plan for a mining licence that covers an area of more than 5 hectares, sets out how the licensee will—</p> <ol style="list-style-type: none"> <li>i. identify community attitudes and expectations; and</li> <li>ii. analyse community feedback, taking into account community concerns or expectations; and</li> <li>iii. register, document and respond to complaints and other communications from members of the community in relation to the mine operations.</li> </ol>
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	The work plan variation provides an updated community engagement plan that identifies the community likely to be affected by the work
ERR Assessment	The Community Engagement Plan satisfactorily meets the requirements of regulation 48(1)(g) of the Regulations as described above.

<b>Declared Mine Assessment</b>	
Legislative provision	Regulation 48(1)(h) – If the proposed variation includes any new or changed work to be carried out at a declared mine, the information that relates to, and is applicable to, the proposed changes to the work plan in relation to the requirements and processes set out in Schedule 12.
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	<p>The mine in relation to Licence MIN4644 is not a declared mine.</p> <p style="font-size: 2em; color: red; font-weight: bold;">ADVERTISED PLAN</p>
ERR Assessment	N/A

<b>Coal Mine Assessment</b>	
Legislative provision	Regulation 48(1)(i) – If the proposed variation includes any new or changed mining work that is the mining of coal, the information that relates to, and is applicable to, the proposed changes to the work plan in relation to the information specified in regulation 40(b)(iii).
The relevant section(s) of the Work Plan Variation application which	The mine in relation to MIN4644 is not a coal mine.

purports to address the legislative requirement	
ERR Assessment	N/A

<b>How the proposed variation to the work plan relates to the current approved work plan</b>	
Legislative provision	Regulation 48(1)(j) – A description of how the proposed variation to the work plan relates to the current approved work plan
The relevant section(s) of the Work Plan Variation application which purports to address the legislative requirement	The work plan variation describes the new work proposed in relation to the current approved work plan
ERR Assessment	The work plan variation satisfactorily complies with regulation 48(1)(j) of the Regulations.

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