

## SCHEDULE 1.4 ABANDONED MINES AND QUARRIES

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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 in close consultation with the Department of Environment, Land, Water and Planning (DELWP) to rehabilitate abandoned mines and quarries on Crown land in accordance with relevant sections of the *Management of Legacy and Abandoned Mines on Crown land* joint statement published in December 2020. The relevant sections of the joint statement are outlined in Table 1.

This Schedule recognises that, in accordance with the joint statement, DJPR is responsible for abandoned mines and quarries between the point at which a site is abandoned and when it is handed back to the Crown land manager and that during this time DELWP will generally be engaged in its capacity as a Crown land manager.

**Note:** This Schedule does not apply to legacy mines or quarries. Management of these sites is the responsibility of the landowner. For legacy mines and quarries on Crown land, the relevant Crown land manager (DELWP or Parks Victoria) holds these responsibilities.

### HOW TO READ THIS SCHEDULE

This Schedule sets out the working arrangements between DJPR and DELWP when mine or quarry sites on Crown land are abandoned.

This Schedule consists of a number of parts:

- **Preliminary:** This part outlines the scope of the Schedule, establishes definitions and sets out the sections of the joint statement and steps/processes that are relevant to the rehabilitation of an abandoned site (Table 1 and Figure 1).
- **Part A. General:** This part includes important information relevant to the rehabilitation process.
- **Part B. Rehabilitation of abandoned mines and quarries:** This part outlines the process DJPR and DELWP will follow in terms of management and rehabilitation of an abandoned site. This part consists of two stages:
  - Stage one: is to commence following identification of an abandoned site.
  - Stage two: is to commence in accordance with the timeframe agreed between DJPR and DELWP in stage one.

This Schedule may be read or navigated by undertaking the following steps:

<b>Step 1</b>	Refer to: <ul style="list-style-type: none"><li>• Table 1 to understand key sections of the joint statement and to identify the relevant section of the Schedule and</li><li>• Figure 1 to understand where the referral fits within the overall abandoned site rehabilitation process.</li></ul>
<b>Step 2</b>	Go to relevant section (Part B. or Part C.) of the Schedule and follow the process as outlined.
<b>Step 3</b>	As indicated in the relevant section of the Schedule, refer to Part A., Figure 1 and other Schedules.

### DEFINITIONS

1. **'Abandoned mine'** is a mine that was in operation or approved after 1990 (i.e. has been regulated under the MRSDA) that is no longer in operation and has no licence holder, individual or company that can be allocated responsibility for its rehabilitation.

2. **‘Abandoned quarry’** is a quarry that was in operation or approved after 1995 (following proclamation of the *Extractive Industries Development Act 1995*) that is no longer in operation and has no work authority holder or company that can be allocated responsibility for its rehabilitation.
3. **‘Abandoned site’** means all aspects, features and infrastructure associated with an abandoned mine or quarry, including but not limited to constructed facilities and structures, equipment, disturbed land and processed and residual chemicals and materials.
4. **‘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.
5. **‘Archaeological site’** has the same meaning as defined in the *Heritage Act 2017*.
6. **‘Crown land’** has the same meaning as in the MRSDA.
7. **‘Crown land manager’** means DELWP.
8. **‘Crown land Minister’** has the same meaning as defined in the MRSDA.
9. **‘DELWP Action Officer’** means a DELWP Officer engaged by the DELWP Case Manager to provide expert technical, policy, regulatory or operational inputs.
10. **‘DELWP Case Manager’** means the DELWP Officer responsible for coordinating Crown land manager comments and inputs on the rehabilitation of an abandoned mine or quarry.
11. **‘DJPR Officer’** means the DJPR Officer responsible for managing rehabilitation of an abandoned mine or quarry.
12. **‘Head Document’** means the head or relationship document, a component of the *Memorandum of Understanding for Earth Resource Industries Approvals and other Obligations and Responsibilities*, to which this Schedule is appended.
13. **‘Heritage’** means places or objects included in the Victorian Heritage Register, all historical archaeological sites including those in the Victoria Heritage Inventory and underwater cultural heritage.
14. **‘Joint statement’** has the same meaning as defined in the Head Document of this MoU.
15. **‘Legacy mines’** are historic mines that were closed or ceased operation before the MRSDA came into effect in 1990 that have no licence holder, individual or company that can be allocated responsibility for their rehabilitation.
16. **‘Legacy quarries’** are historic quarries that were closed or ceased operation before the *Extractive Industries Development Act 1995* came into effect that have no work authority holder, individual or company that can be allocated responsibility for their rehabilitation.
17. **‘Schedule Contact’** has the same meaning as defined in the Head Document of this MoU.

18. **‘Work program’** means a site specific document developed by DJPR, in consultation with the Crown land manager, outlining the works and approvals required to address immediate risks/hazards present at an abandoned site.

## ROLES AND RESPONSIBILITIES FOR MANAGEMENT OF ABANDONED SITES

19. This section sets out, via Table 1, the key sections of the joint statement; roles and responsibilities of DJPR and DELWP; and a summary of the processes involved in the rehabilitation of an abandoned site. The abandoned site consultation process is illustrated in Figure 1.

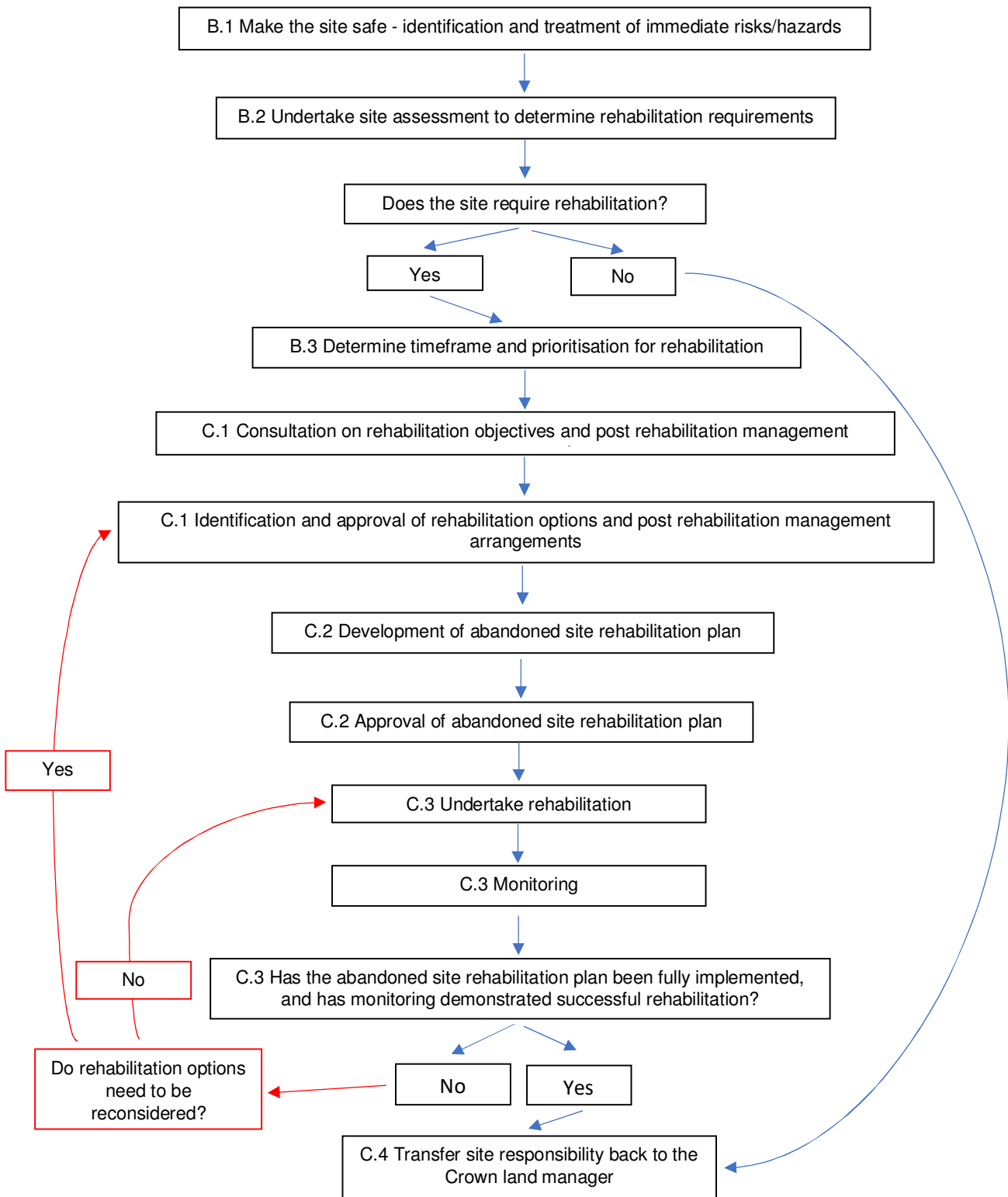
**Table 1: Key sections of the joint statement and processes relevant to this Schedule**

Joint Statement/ part of Schedule	Description	Role/Responsibility
<b>Joint Statement</b>		
Joint statement	DJPR will manage all abandoned sites until either further mining occurs (new proponent takes on management responsibilities), or rehabilitation is completed to the mutual satisfaction of the Crown land manager and DJPR.	DJPR is responsible for abandoned sites until further mining occurs or the site is handed back to the Crown land manager following rehabilitation of the site by DJPR.
Joint statement	DJPR is responsible for all abandoned mine and quarry rehabilitation works (project lead) working in close consultation with the Crown land manager (DELWP).	DJPR, as the project lead, works with the DELWP to rehabilitate an abandoned site.
Joint statement	DJPR will engage in one of two rehabilitation strategies based on an assessment of likely future mining activity: <ul style="list-style-type: none"> <li>• If future mining activities are reasonably expected, DJPR will take action to ensure that the site is safe and not creating a risk to human health or the environment.</li> <li>• If no further mining activity is likely, DJPR will take action to rehabilitate the site towards a safe, stable and sustainable landform.</li> </ul>	DJPR will implement a rehabilitation strategy based on an assessment of likely future mining activity.
Joint statement	Abandoned sites will be rehabilitated to a mutually agreed and satisfactory standard before the site management is transferred to the Crown land manager.	DJPR and DELWP will agree on standard of rehabilitation and an abandoned site will be rehabilitated to this agreed standard before the site is transferred to DELWP.
Joint statement	When determining what constitutes satisfactory rehabilitation, DJPR and the Crown land manager will consider the underlying and surrounding land categories/uses/values. They will also determine any inherent long-term risks and liabilities associated with the site.	DJPR and DELWP will work together to determine what constitutes satisfactory rehabilitation.

Joint statement	Management of abandoned sites is returned to the Crown land manager only when they are rehabilitated as mutually agreed between DJPR and the Crown land manager.	DJPR and DELWP must agree that rehabilitation has been successfully completed prior to the land being returned to DELWP.
<b>B. Rehabilitation of abandoned mines and quarries – stage one</b>		
B.1	<p><b><i>Make the site safe – identification of immediate risks/hazards</i></b> DJPR arranges for an onsite risk assessment to be carried out that identifies any immediate risks/hazards to the community and the environment including chemical stability, public health and safety risks and ecological risks.</p> <p>DJPR will seek input and approvals from DELWP in relation to:</p> <ul style="list-style-type: none"> <li>• the identification of risks/hazards</li> <li>• approvals that may be required to carry out certain works on Crown land</li> <li>• the development of appropriate control measures and work program.</li> </ul>	<p>DJPR organises onsite risk assessment, working with DELWP to identify immediate risks/hazards.</p> <p>Within 14 days of completing risk assessment, DJPR provides this to DELWP.</p> <p>DJPR consults DELWP to identify if any approvals are required to carry out works on Crown land.</p> <p>If immediate risks/hazards are identified, DJPR, in consultation with DELWP, develops work program.</p> <p>DJPR refers work program to DELWP for approval.</p> <p>DELWP reviews work program and provides response/advice to DJPR.</p> <p>DJPR coordinates implementation of work program.</p>
B.2	<p><b><i>Site assessment</i></b> DJPR arranges for a site assessment to be carried out to determine the rehabilitation requirements of the site. DJPR will seek input from DELWP to assist with the identification of rehabilitation requirements including:</p> <ul style="list-style-type: none"> <li>• mining or quarry features</li> <li>• infrastructure that supported the operation</li> <li>• areas of known or potential contamination</li> <li>• opportunities for future mining or quarrying activity and</li> <li>• any other factors relevant to rehabilitation of the site.</li> </ul>	<p>DJPR arranges for site assessment to be carried out.</p> <p>DJPR works with DELWP to identify rehabilitation requirements.</p> <p>DJPR consults DELWP to determine possibility of future activity at the site.</p>
B.3	<p><b><i>Determine timeframe and prioritisation for rehabilitation</i></b> DJPR will consult with DELWP to determine the proposed timeframe and prioritisation for rehabilitation of the site based on:</p> <ul style="list-style-type: none"> <li>• advice from DELWP</li> <li>• extent of rehabilitation required</li> <li>• rehabilitation bond or funds available</li> <li>• public safety and environmental risks posed by the site and</li> </ul>	<p>DJPR seeks advice from DELWP re. the proposed timeframe for rehabilitation.</p> <p>DJPR determines the proposed timeframe for rehabilitation of the site.</p>

	<ul style="list-style-type: none"> <li>any other matters raised by DJPR or DELWP.</li> </ul>	
<b>C. Rehabilitation of abandoned mines and quarries – stage two</b>		
C.1	<p><b>Engagement on rehabilitation objectives and options and post rehabilitation management arrangements</b></p> <p>DJPR will develop rehabilitation objectives and options and determine post rehabilitation management arrangements.</p> <p>DJPR will engage with DELWP seeking advice on:</p> <ul style="list-style-type: none"> <li>infrastructure that may be of interest</li> <li>critical issues that must be considered as part of the rehabilitation process</li> <li>proposed future land use/s</li> <li>approvals that may be required in order to carry out certain works on Crown land and</li> <li>matters relating to ongoing management arrangements post rehabilitation.</li> </ul>	<p>DJPR, in consultation with DELWP, develops rehabilitation objectives and options and determines post rehabilitation management arrangements.</p> <p>DJPR refers these to DELWP for approval.</p> <p>DELWP reviews and provides response to DJPR.</p>
C.2	<p><b>Development of an abandoned site rehabilitation plan</b></p> <p>Following approval of the rehabilitation objectives and options and post rehabilitation management arrangements, DJPR will coordinate development of the abandoned site rehabilitation plan, seeking approval of the plan from DELWP.</p>	<p>DJPR coordinates development of abandoned site rehabilitation plan.</p> <p>DJPR refers plan to DELWP for approval.</p> <p>DELWP reviews and provides a response to DJPR.</p> <p>DJPR provides a copy of the approved plan to DELWP.</p>
C.3	<p><b>Rehabilitation works</b></p> <p>Following approval of the abandoned site rehabilitation plan, DJPR will coordinate the implementation and monitoring of rehabilitation works, engaging with DELWP to ensure all relevant approvals are in place prior to commencing works.</p>	<p>DJPR coordinates implementation and monitoring of rehabilitation works.</p>
C.4	<p><b>Transfer responsibility for site back to the Crown land manager</b></p> <p>Once rehabilitation works are complete, DJPR will seek approval from DELWP for management of the site to be transferred back to the Crown land manager.</p>	<p>DJPR writes to DELWP requesting approval for management of the site to be transferred back to the Crown land manager.</p> <p>DELWP reviews request and confirms rehabilitation has been completed to a satisfactory standard.</p>

**Figure 1: Abandoned mine and quarry rehabilitation process**



## **PART A: GENERAL**

### **A.1 MANAGEMENT ARRANGEMENTS – ABANDONED MINES AND QUARRIES**

20. As the responsible authority for abandoned mines and quarries, between the point at which DJPR confirms that a site is abandoned and when it is handed back to the Crown land manager, DJPR is:
- considered to be in occupation and control of an abandoned site
  - responsible for making the site safe (includes coordination of things such as signage and fencing following initial abandonment)
  - responsible for insurance and liability (all risk management) pertaining to the site and
  - responsible for obtaining any statutory approvals and complying with any legal obligations that may arise as a result of rehabilitating an abandoned site.

### **A.2 CONTACT DETAILS: DJPR OFFICERS AND DELWP CASE MANAGERS**

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

**Table 2: Contact details: DJPR Officer and DELWP Case Managers**

<b>DJPR Officer</b>	<b>DELWP Case Manager</b>
<a href="mailto:TechnicalServices.err@ecodev.vic.gov.au">TechnicalServices.err@ecodev.vic.gov.au</a>	Barwon South West <a href="mailto:bsw.planning@delwp.vic.gov.au">bsw.planning@delwp.vic.gov.au</a>
	Gippsland <a href="mailto:gippsland.planning@delwp.vic.gov.au">gippsland.planning@delwp.vic.gov.au</a>
	Grampians <a href="mailto:grampians.planning@delwp.vic.gov.au">grampians.planning@delwp.vic.gov.au</a>
	Hume <a href="mailto:hume.planning@delwp.vic.gov.au">hume.planning@delwp.vic.gov.au</a>
	Loddon Mallee <a href="mailto:loddonmallee.planning@delwp.vic.gov.au">loddonmallee.planning@delwp.vic.gov.au</a>
	Port Phillip <a href="mailto:pp.planning@delwp.vic.gov.au">pp.planning@delwp.vic.gov.au</a>

### **A.3 REHABILITATION TO MINIMISE ENVIRONMENTAL, CULTURAL, SOCIAL AND ECONOMIC IMPACTS**

22. The DJPR Officer, in consultation with the DELWP Case Manager, will develop an abandoned site rehabilitation plan and carry out rehabilitation works that ensures the rehabilitated land is safe, stable and sustainable and aim to:
- minimise negative environmental, cultural, social and economic impacts
  - protect communities/people, land, environment, heritage and cultural values and infrastructure
  - recognise, respect and involve Traditional Owners where relevant



- (d) ensure rehabilitated land is safe, stable and sustainable and capable of supporting the proposed land use/s
- (e) if future mining is reasonably expected, ensures the site is safe and not creating a risk to the community or the environment
- (f) minimise, wherever possible, the requirement for ongoing monitoring and maintenance and
- (g) minimise accrual of financial and other liabilities to the state or impacts on the community and the environment.

#### **A.4 PRIMARY DELWP CONSIDERATIONS OR AREAS OF INTEREST IN RELATION TO ABANDONED SITES**

23. Without limitation or restriction, for any consultation, referrals or requests for input from DELWP under this Schedule, DELWP's primary areas of interest will be:
- (a) environment, including protection of significant flora and fauna
  - (b) climate change
  - (c) energy
  - (d) land management, including operational considerations or constrains (protection of access roads, fire protection and management, Code Red forest closures etc)
  - (e) heritage
  - (f) contaminated land
  - (g) future land use
  - (h) water and catchments
  - (i) planning
  - (j) native vegetation removal and offset requirements
  - (k) Traditional Owners and Aboriginal Self-determination and
  - (l) public land users and regional communities.

**Note 1:** Where it is proposed to remove native vegetation beyond what was identified in the approved work plan that was in place immediately prior to the site being abandoned, DELWP will, as a minimum, require assessment and offsetting of native vegetation removal in accordance with the *Guidelines for the removal, destruction and lopping of native vegetation*, DELWP 2017, or its successor.

**Note 2:** Heritage Victoria has a decision-making role and regulatory responsibility under the *Heritage Act 2017* and any referrals or approvals required under the legislation must be complied with. The DELWP Case Manager will engage Heritage Victoria as required and relevant throughout an abandoned site rehabilitation project to ensure protection of heritage and cultural values and infrastructure.

#### **A.5 BASIS OF CONSULTATION AND COMMUNICATIONS**

24. In line with clause 5 of the Head Document of the MoU, the DJPR Officer will clearly express in writing to the DELWP Case Manager the basis for all referrals and communications under this Schedule, such that the DELWP Case Manager is fully informed in terms of the obligations and responsibilities of DELWP.
25. In addition to clause 24, the DJPR Officer will ensure that any referral or request made to the DELWP Case Manager contains adequate details and information on the matter to which the referral or request relates.
26. DELWP Action Officers from various groups and divisions within DELWP may need to be consulted on a request or referral from DJPR under this Schedule. The DELWP Case Manager will identify

the relevant DELWP Action Officers as early as possible in the consultation process and, as a general principle, coordinate their respective inputs as required.

27. In relation to all referrals under this Schedule, the DELWP Case Manager will, so far as is practical and reasonable, ensure that response/s to a given referral or request are:
- (a) in writing
  - (b) internally consistent and
  - (c) consistent with responses to any previous referrals or requests in relation to the same matter.

#### **A.6 COMPLIANCE WITH TIME LIMITS AND TIME EXTENSIONS**

28. The DJPR Officer and DELWP Case Manager will endeavour to ensure that all comments, advice, recommendations or documents, as relevant, are provided within:
- (a) fourteen (14) days following completion of the risk assessment (relates to provision of this information to the DELWP Case Manager – see clause 38) or
  - (b) the timeframe requested by the DJPR Officer or as otherwise agreed between the DJPR Officer and the DELWP Case Manager for all other requests/referrals.

29. Where a time limit or timeframe cannot be reasonably met, the DELWP Case Manager may seek a longer period for the provision of comments, advice or recommendations. The DELWP Case Manager will, within a timely manner, request in writing with reasons to the DJPR Officer that a longer period be allowed.

**Note:** Requests for time extensions under this clause should, as a general principle, indicate a revised date by which the response will be provided.

30. If a request is made by the DELWP Case Manager under clause 29, the DJPR Officer will assess the request and respond to the DELWP Case Manager, in writing, in a timely manner.

#### **A.7 COMMUNITY**

31. Where DELWP receives a complaint(s) from an adjacent landowner(s), occupier(s) or the public about impacts (i.e. noise, dust etc.) resulting from abandoned sites and/or rehabilitation works on Crown land, the relevant DELWP Officer will immediately advise the DJPR Officer of the nature of the complaint.
32. The DJPR Officer will investigate and attempt to resolve the complaint and advise the DELWP Officer of the results of any investigation and subsequent action as soon as practicable.

#### **A.8 TRADITIONAL OWNERS**

33. The DJPR Officer and the DELWP Case Manager will collaborate, share learnings and promote best practice in meeting DJPR's and DELWP's respective obligation and responsibilities in regard to Traditional Owner Procedural Rights in the consideration of abandoned mine and quarry rehabilitation projects on Crown land.
34. The DJPR Officer and the DELWP Case Manager will collaborate, share learnings and promote best practice in actively seeking to identify opportunities for and better enable Traditional Owner self-determination. The DELWP Case Manager will seek to apply or operate under the principles of *Pupangarli Marnmarnepu 'Owning Our Future'*, DELWP Aboriginal Self-Determination Reform Strategy 2020-2025.

## **PART B: REHABILITATION OF ABANDONED MINES AND QUARRIES – STAGE ONE**

**Note:** This part is not intended to apply to emergency events. For sites/features where there is an emergency situation, these should be dealt with under the relevant legislation.

### **B.1 MAKE THE SITE SAFE – IDENTIFICATION OF IMMEDIATE RISKS/HAZARDS**

35. Refer to Table 1, Part A of this Schedule and Figure 1.
36. Upon identification and confirmation of an abandoned site, the DJPR Officer will arrange for an onsite risk assessment to be carried out. The risk assessment will identify any immediate risks/hazards to the community and the environment including, but not limited to, chemical stability, public health and safety risks and ecological risks.
37. As part of the risk assessment under clause 36, the DJPR Officer will work with the DELWP Case Manager and seek input from DELWP and/or relevant experts to assist with identification of risks/hazards.
38. Within fourteen (14) days of the risk assessment being completed, the DJPR Officer will provide this information to the DELWP Case Manager. The DELWP Case Manager will circulate this information to the appropriate DELWP Officers.
39. If immediate risks/hazards are identified, the DJPR Officer will consult with relevant agencies in the development of appropriate control measures and work program. This includes consultation with the DELWP Case Manager to identify any approvals that may be required to carry out certain works on Crown land.

**Note:** There are blanket provisions for the protection of archaeological sites, regardless of whether they are included in the Victorian Heritage Inventory or not. Heritage Victoria is the expert authority on this, and its advice should be sought.

40. The DJPR Officer will refer the work program to the DELWP Case Manager for approval.
41. Following receipt of the work program under clause 40, the DELWP Case Manager will review the referral and:
  - (a) provide a response to the DJPR Officer; or
  - (b) recommend any changes and/or request the DJPR Officer provide further information to assist consideration of the referral; or
  - (c) lodge with the DJPR Officer a request for an extension of time to assess and respond to the referral (refer to clauses 28-30).
42. If any changes are recommended and/or a request is made for further information under clause 41(b), the DJPR Officer will provide the amended work program and/or further information to the DELWP Case Manager in a timely manner and indicate when DJPR would like DELWP to respond.
43. Once the amended work program and/or further information has been forwarded to the DELWP Case Manager under clause 42, the DELWP Case Manager will respond to the DJPR Officer within the indicated or otherwise agreed timeframe.
44. Following approval of the proposed work program by the DELWP Case Manager under clause 41 or 43, the DJPR Officer will coordinate implementation of the work program.

## B.2 SITE ASSESSMENT

45. Refer to Table 1, Part A of this Schedule and Figure 1.
46. Following completion of the risk assessment under clause 36 the DJPR Officer will, in a timely manner (or as agreed with the DELWP Case Manager), arrange for a site assessment to be carried out to determine rehabilitation requirements. This site assessment includes identification of:
- (a) mining or quarry features such as open pits, underground mine openings to the surface, tailings and waste management features
  - (b) infrastructure that supported the operation including pipelines, buildings, generators, roads etc
  - (c) areas of known or potential contamination - both surface and subsurface e.g groundwater plume
  - (d) opportunities for future mining or quarrying activity and
  - (e) any other factors relevant to rehabilitation of the site e.g. ecology, biodiversity, subsidence risks, archaeological sites, Aboriginal cultural heritage, impacts that extend beyond the abandoned site etc.

**Note:** The approved work plan (including the rehabilitation plan) that was in place immediately prior to the site being abandoned can be used to help inform this assessment.

47. When completing the site assessment under clause 46, the DJPR Officer will work with the DELWP Case Manager to ensure input from DELWP Action Officers and/or relevant experts to assist with the identification of rehabilitation requirements.
48. In determining the possibility of future mining or quarrying activity at the site under clause 46(d), the DJPR Officer will consult with the DELWP Case Manager on the location of the site and the likelihood of a new operator obtaining the necessary Crown land approvals e.g. no new operations could occur in National Parks.

## B.3 DETERMINING TIMEFRAME AND PRIORITISATION FOR REHABILITATION

49. Refer to Table 1, Part A of this Schedule and Figure 1.
50. Following completion of the site assessment under clause 46, the DJPR Officer will, in consultation with the DELWP Case Manager, determine the proposed timeframe for rehabilitation of the site. In doing so, the DJPR Officer will consider:
- (a) advice from the DELWP Case Manager
  - (b) the extent of rehabilitation required
  - (c) the rehabilitation bond or funds available
  - (d) public safety and environmental risks posed by the site and
  - (e) any other matters deemed relevant by the DJPR Officer or the DELWP Case Manager.

## **PART C: REHABILITATION OF ABANDONED MINES AND QUARRIES – STAGE TWO**

**Note:** Steps required under this part will commence in accordance with the timeframe agreed in clause 50.

### **C.1 ENGAGEMENT ON REHABILITATION OBJECTIVES AND OPTIONS AND POST REHABILITATION MANAGEMENT ARRANGEMENTS**

51. Refer to Table 1, Part A of this Schedule and Figure 1.
52. In line with the proposed timeframe for rehabilitation agreed under clause 50, the DJPR Officer will engage with the DELWP Case Manager in the development of rehabilitation objectives and options and in determining post rehabilitation management arrangements. Any decision made regarding these matters must not be inconsistent with the advice provided by DELWP.
- Note:** In the development of rehabilitation objectives and options and in determining post rehabilitation management arrangements, the parties will, as a general principle, take into account the:
- (a) rehabilitation plan approved under the MRSDA that was in place immediately prior to the site being abandoned and
  - (b) environment effects statement and assessment done under the *Environmental Effects Act 1978* (where applicable).
53. In determining post rehabilitation management arrangements under clause 52, the DJPR Officer and DELWP Case Manager will facilitate consultation between the two departments on matters relating to:
- (a) insurance and liability (all risk management) pertaining to the site
  - (b) occupation and control of the site
  - (c) ongoing monitoring responsibilities
  - (d) water quality and availability (where relevant)
  - (e) contamination – both surface and subsurface e.g. groundwater plume (where relevant)
  - (f) impacts from failure of the rehabilitated site, including environmental impacts downstream in the event of dam failure, and development of Emergency Management Plans
  - (g) public access and use
  - (h) funding and
  - (i) any other matter deemed relevant by DJPR and/or DELWP.
54. When seeking the advice of DELWP under clause 52, the DJPR Officer will ensure the DELWP Case Manager has been provided:
- (a) information on the risks/hazards and associated work program (clause 36 and 39)
  - (b) information obtained during the site assessment (clause 46)
  - (c) the approved rehabilitation plan that was in place immediately prior to the site being abandoned
  - (d) information on any potential ongoing management issues post rehabilitation, including land use restrictions and the requirement for any ongoing monitoring and maintenance and
  - (e) information on options for management arrangements should the site require monitoring and maintenance after it has been rehabilitated and
  - (f) any other information or documents deemed relevant by the DJPR Officer or requested by the DELWP Case Manager.

55. As part of the engagement process, the DELWP Case Manager will provide the DJPR Officer with advice on:
- (a) infrastructure that may be of interest to DELWP
  - (b) critical issues that must be considered as part of the rehabilitation process e.g. water availability, threatened species and heritage values
  - (c) proposed future land use/s
  - (d) approvals that may be required in order to carry out certain works on Crown land
  - (e) matters relating to post rehabilitation management arrangements
  - (f) any other matters deemed to be of relevance by the DELWP Case Manager and
  - (g) any other matters as requested by the DJPR Officer.
56. Following identification of the rehabilitation objectives, the preferred rehabilitation option and post rehabilitation management arrangements, the DJPR Officer will refer these to the DELWP Case Manager for formal approval by DELWP. The DELWP Case Manager will respond to the DJPR Officer in a timely manner (or as agreed with the DJPR Officer).

**Note:** Consultation with DELWP on the post rehabilitation management arrangements for the site (clause 53) and obtaining DELWP's approval (clause 56) are important steps in the rehabilitation process. Failure to ensure agreement at this point may result in issues or delays during later stages of the rehabilitation process e.g. DELWP not accepting transfer of the site back to the Crown land manager once rehabilitation is complete.

## C.2 DEVELOPMENT OF ABANDONED SITE REHABILITATION PLAN

57. Refer to Table 1, Part A of this Schedule, Figure 1 and *Schedule 2.2 Rehabilitation Approvals and Bond Setting*.
58. Following approval of the rehabilitation objectives and option/s and post rehabilitation management arrangements by DELWP under clause 56, the DJPR Officer will coordinate the development of an abandoned site rehabilitation plan. At a minimum, the plan must contain:
- (a) clearly defined rehabilitation objectives and criteria for measuring whether those objectives have been met
  - (b) clearly defined landform/s and use/s for the affected land after it has been rehabilitated
  - (c) a description of, and schedule for, rehabilitation works milestones
  - (d) identification and assessment of relevant risks that the rehabilitated land may pose to the environment or community and proposed ways for managing these risks
  - (e) details of management arrangements should the site require ongoing monitoring and maintenance after it has been rehabilitated and
  - (f) any anticipated statutory approvals that may be required to authorise rehabilitation works.
- Note:** Where relevant, the abandoned site rehabilitation plan must be consistent with any remedial notice/s or direction/s issued by the Environment Protection Authority.
59. The DJPR Officer will refer the abandoned site rehabilitation plan to the DELWP Case Manager for approval. Following receipt of the abandoned site rehabilitation plan, the DELWP Case Manager will review the referral and:
- (a) provide a response to the DJPR Officer or
  - (b) recommend any changes and/or request the DJPR Officer provide further information to assist consideration of the referral or

- (c) lodge with the DJPR Officer a request for an extension of time to assess and respond to the referral (refer to clauses 28-30).
- 60. If any changes are recommended and/or a request is made for further information under clause 59(b), the DJPR Officer will provide the amended abandoned site rehabilitation plan and/or forward the further information to the DELWP Case Manager in a timely manner and indicate when DJPR would like DELWP to respond.
- 61. Once the amended abandoned site rehabilitation plan and/or further information has been forwarded to the DELWP Case Manager under clause 60, the DELWP Case Manager will respond to the DJPR Officer within the indicated or otherwise agreed timeframe.
- 62. An abandoned site rehabilitation plan is only deemed to have been accepted by DELWP following notification from the DELWP Case Manager, in writing, of approval of the plan under clause 59 or 61.
- 63. Following approval of the abandoned site rehabilitation plan by DJPR, the DJPR Officer will provide the DELWP Case Manager with a copy of the approved abandoned site rehabilitation plan.

### **C.3 REHABILITATION WORKS**

- 64. Refer to Table 1, Part A of this Schedule and Figure 1.
- 65. Following approval of the abandoned site rehabilitation plan in accordance with clause 62 and once all relevant statutory approvals or authorisations have been obtained, the DJPR Officer will coordinate implementation and monitoring of the rehabilitation works. The DJPR Officer will liaise with the DELWP Case Manager and other relevant agencies to ensure that all relevant approvals are in place prior to commencing works.
- 66. The DJPR Officer will liaise with the DELWP Case Manager throughout the implementation and monitoring of rehabilitation works, particularly in regard to rehabilitation progress and changes to the rehabilitation works milestones.

### **C.4 TRANSFER OF RESPONSIBILITY FOR SITE BACK TO THE CROWN LAND MANAGER**

- 67. Refer to Table 1, Part A of this Schedule and Figure 1.
- 68. Upon completion of rehabilitation works, the DJPR Officer will write to the DELWP Case Manager requesting approval for management of the site to be transferred back to the Crown land manager. At a minimum, this request must contain:
  - (a) evidence of full implementation of the abandoned site rehabilitation plan, including all objectives and milestones
  - (b) evidence of rehabilitation success, demonstrated by sufficient site monitoring
  - (c) information on post rehabilitation management arrangements, including ongoing monitoring and maintenance (if required), as agreed under clause 56 and
  - (d) any other information deemed appropriate by the DJPR Officer.

69. The transfer of the site back to DELWP is only deemed to have been approved following confirmation, in writing, by the DELWP Case Manager that DELWP agrees rehabilitation has been completed to a satisfactory standard.

**Note:** A decision under clause 69 cannot be inconsistent with matters previously approved by DELWP (see clauses 56 and 62).



**SIGNED ON BEHALF OF DJPR:**

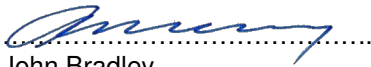
Executed on the 22 day of 06 2022



.....  
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



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