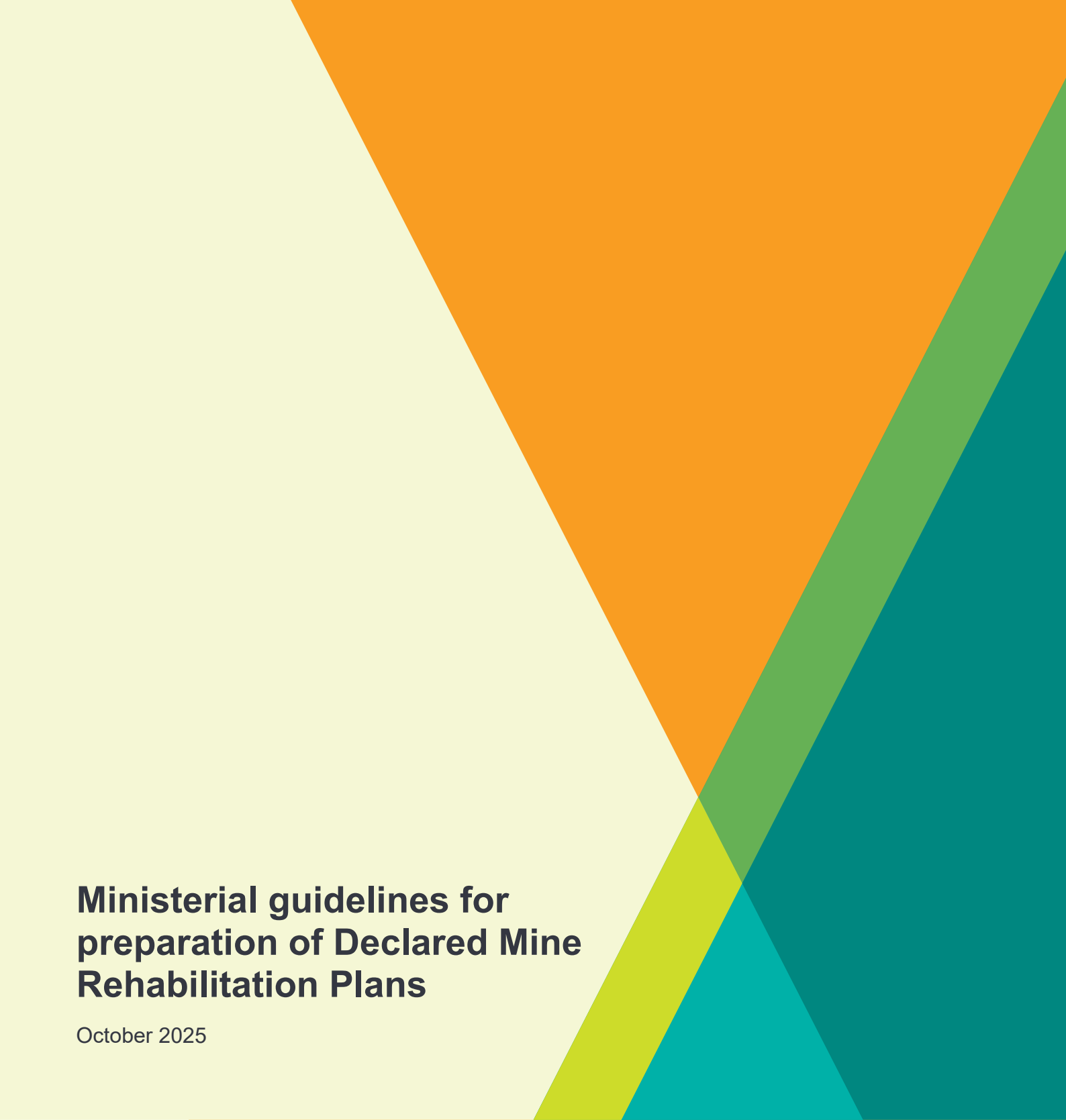




Ministerial guidelines for preparation of Declared Mine Rehabilitation Plans

October 2025

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

Resources Victoria is committed to genuinely partnering with Victorian Traditional Owners and Victoria's Aboriginal community to progress their aspirations.

© The State of Victoria Department of Energy, Environment and Climate Action October 2025.

Creative Commons

This work is licensed under a Creative Commons Attribution 4.0 International licence, visit the [Creative Commons website](http://creativecommons.org/licenses/by/4.0/) (<http://creativecommons.org/licenses/by/4.0/>).

You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, and the Victorian Government and Department logos.

ISBN 978-1-76176-250-5 (pdf)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

To receive this document in an alternative format, phone the Customer Service Centre on 136 186, email customer.service@delwp.vic.gov.au, or contact National Relay Service on 133 677. Available at [Resources Victoria website](https://resources.vic.gov.au/) (<https://resources.vic.gov.au/>).

Contents

1. Introduction	2
1.1. Purpose of these guidelines	2
1.2. Purpose of a Declared Mine Rehabilitation Plan.....	3
1.3. Scoping and preparing a DMRP	4
1.4. Iterative approach to DMRPs.....	5
2. Form and content of a DMRP	7
2.1. Cover page and checklist	7
2.2. Project context.....	7
2.3. Principles informing the DMRP	8
2.4. Rehabilitation vision	9
2.5. Rehabilitation objectives.....	10
2.6. Closure criteria	11
2.7. Traditional Owner Partnership	12
2.8. Stakeholder engagement	13
2.9. Risk assessment and management plan	14
2.10. Post-closure plan.....	16
2.11. Implementation plan	18
2.12. Regulatory approvals, licences and permits	19
3. References.....	21
Appendix 1: Declared Mine Rehabilitation Plan Checklist	22
Appendix 2: Rehabilitation Objectives and Closure Criteria – Worked Example	34

1. Introduction

1.1. Purpose of these guidelines

The purpose of the Ministerial guidelines for preparation of Declared Mine Rehabilitation Plans (guidelines) is to clarify expectations to assist declared mine licensees to prepare a Declared Mine Rehabilitation Plan (DMRP) in accordance with the *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act), and Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 (Minerals Regulations).

The scope of these guidelines is to inform the preparation of DMRPs for those mines currently declared under the MRSD Act – namely, the three Latrobe Valley coal mines. The guidelines are not intended to support the development of a DMRP for any mine or quarry that is declared after they are issued.

These guidelines are made under section 120A of the MRSD Act, which enables the Minister to make guidelines relating to any of the objectives or purposes of the MRSD Act or regulations made under the Act (Table 1). The content of these guidelines will assist in the process of developing a DMRP.

Table 1: Document hierarchy

Legislation	<i>Mineral Resources (Sustainable Development) Act 1990</i>
Regulations	Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019
Ministerial guidelines	This document
Policy	Latrobe Valley Regional Rehabilitation Strategy (June 2020) Latrobe Valley Regional Rehabilitation Strategy - Amendment (October 2023)

The preparation of a DMRP, including consultation on the plan, is a key stage in the overall regulatory process for rehabilitation of Declared Mines (Figure 1). Further information on the regulatory context for rehabilitation of Declared Mines is available in the *Latrobe Valley Regional Rehabilitation Strategy* (June 2020) (LVRRS) and *Latrobe Valley Regional Rehabilitation Strategy - Amendment* (October 2023) (LVRRS Amendment).

The following documents were drawn upon in preparing this document, represent good practice in mine rehabilitation and closure and should be considered in preparing a DMRP:

- *Integrated Mine Closure Good Practice Guide*; International Council on Mining and Metals (ICMM, 2025)
- DEMIRS 2024, *Guideline for preparing Mining Development and Closure Proposals*, Department of Energy, Mines, Industry Regulation and Safety (DEMIRS 2024)
- *Statutory Guidelines for Mine Closure Plans - Mining Act 1978*; Department of Mines, Industry Regulation and Safety, Government of Western Australia (DMIRS 2023a)
- *Mine Closure Plan Guidance - How to prepare in accordance with Part 1 of the Statutory Guidelines for Mine Closure Plans*; Department of Mines, Industry Regulation and Safety, Government of Western Australia (DMIRS 2023b)
- *International Standard ISO 21795-1:2021 Mine closure and reclamation planning*, International Organisation for Standardisation (ISO, 2021)
- *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978*, Department of Department of Transport and Planning (DTP, 2023)

Further to the references listed above, there is a wide range of readily available good practice guidance about mine rehabilitation. Licensees are expected to keep abreast of good practice to inform the preparation of their DMRPs as appropriate.

A vocabulary of key terms related to rehabilitation of Declared Mines is available on the Mine Land Rehabilitation Authority (MLRA)'s website here: <https://www.mineland.vic.gov.au/learn/vocabulary/>

1.1.1. How to use this guideline

These guidelines provide information on the manner and form in which a DMRP should be developed for assessment.

The guidelines are not intended to set new statutory regulatory requirements for rehabilitation planning processes or DMRP content. Rather, they intend to provide a clarifying read of existing requirements in the regulatory framework. Non-mandatory language is used in the guidelines where additional guidance is included to align with good practice rehabilitation and risk management, and to suggest concepts or DMRP sections that organise required information.

Section 1 comprises explanatory advice on the purpose of a DMRP and the regulatory framework. Section 2 outlines the content that must and should be included in the DMRP. Appendix 1 includes a checklist for reconciliation of DMRP content against regulatory requirements in the MRSD Act and Minerals Regulations. Completion of the checklist will help ensure regulatory requirements have been met and assist with the Department Head's consideration of the submitted DMRP. Appendix 2 provides a worked example of rehabilitation objectives and closure criteria linked to land use outcomes and the rehabilitation vision, informed by rehabilitation planning principles.

1.2. Purpose of a Declared Mine Rehabilitation Plan

Licensees of declared mine land are required (under section 84AZU of the MRSD Act) to prepare DMRPs, which include (in summary):

- an assessment of the risks posed by the declared mine land
- a rehabilitation plan to address the risks posed by the mined land
- closure criteria to measure achievement of the rehabilitation objectives and land use outcomes
- a post-closure plan that identifies any risks that may continue in post-closure and sets out the monitoring and maintenance to be carried out following the rehabilitation of the land.

The Minerals Regulations introduced matters to be included in the DMRP which align with the sustainable development principles in section 2A of the MRSD Act and encompass principles in the LVRRS, and accepted best practice industry guidance to:

- articulate regulatory obligations for licensees
- guide decision-makers in administering the declared mine obligations over the life of the mine, through closure and during post-closure
- provide licensees and the community with clear expectations about how sustainability is embedded in government decisions relating to declared mines.

DMRPs will identify rehabilitation and risk management activities to be undertaken throughout the mine lifecycle (Figure 1). This includes progressive rehabilitation undertaken during mining operations, final rehabilitation activities after mining operations cease, and post-closure management of the land after rehabilitation is complete (closure criteria are met). Rehabilitation monitoring and maintenance will occur throughout all rehabilitation phases, with a focused stage of rehabilitation monitoring after final rehabilitation works are complete to ensure rehabilitated landforms are performing to expectations and to demonstrate closure criteria have been met.

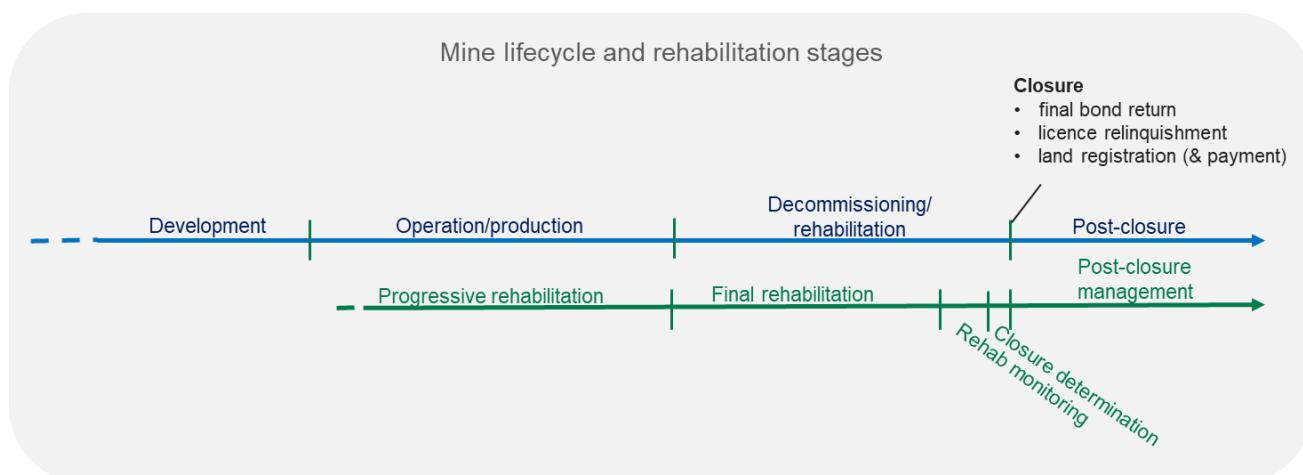


Figure 1: Mining lifecycle and stages of rehabilitation

1.3. Scoping and preparing a DMRP

Scoping and preparing the DMRP should be risk-based and outcomes-oriented, considering the site-specific context, best available information and scientific evidence. It should be undertaken by licensees in consultation with the Department of Environment Energy and Climate Action (DEECA), the Mine Land Rehabilitation Authority (MLRA), Traditional Owners, community and other stakeholders that have a statutory or policy interest in the project or are potentially impacted by the project, with the objective of seeking advice on:

- the project-specific matters that should be included in the DMRP
- availability of relevant existing data sets, research and other relevant information
- the need for, approach to and adequacy of studies, research and/or further investigations to inform the DMRP, including their consistency with good practice
- conformity of the proposal and studies with all relevant policy and statutory requirements
- design and implementation of the licensee's stakeholder engagement plan
- statutory approvals and coordination of procedures
- the technical adequacy of the DMRP and supporting evidence base, including any need for specialist independent peer reviews.

Early consideration, in consultation with DEECA and the MLRA, should be given to the need for independent verification or peer review of the scoping and preparation of the DMRP using suitably qualified third-party experts.

The DMRP should include a summary of the process undertaken to scope and prepare the DMRP in consultation with DEECA, the MLRA, Traditional Owners, stakeholders and third-party experts (see section 2.8).

If the rehabilitation works proposed in the DMRP have been or are potentially subject to an Environment Effects Statement (EES), then the licensee should seek to align the scope of the evidence base across processes. While the DMRP largely presents a plan for implementation of the preferred rehabilitation approach and landform, the DMRP should include a summary of the process undertaken to consider alternatives. See section 2.12 for further information on interactions between DMRP and EES processes.

The DMRP will replace the rehabilitation plan currently included in the approved work plan and is intended to function as a stand-alone document to support rehabilitation activities and the management of risks throughout rehabilitation phases. It is expected that operational information currently in the approved work plan and its contained rehabilitation plan will be relevant for the preparation of the DMRP. Other operational and risk management documents in the work plan may also be relevant for the DMRP, particularly where they relate to rehabilitation works or the management of risks during rehabilitation phases. These may include:

- ground control management plan

- groundwater management plan
- surface water management plan
- fire management plan
- dust and air emission management plan
- visual amenity management plan
- noise management plan
- weed and pest management plan
- contaminated land or hazardous material management plan.

Where components of the existing work plan and rehabilitation plan are required to meet DMRP content requirements, they should be included in the submitted DMRP in a manner that ensures the DMRP operates as a stand-alone document and that relevant rehabilitation and risk management activities can be considered by the Department Head for approval. Where components are referenced in the DMRP, supporting documents must be appended to the DMRP to ensure the DMRP operates as a stand-alone document (i.e. the approved work plan is not referenced for supporting details or as DMRP documentation).

1.4. Iterative approach to DMRPs

A DMRP is an iterative document that should be reviewed and refined over time, to ensure that it reflects the latest evidence base, best available information, the stage of the mine life, and the status of other regulatory processes (Figure 2). DMRPs, particularly their enclosed risk management plans and closure criteria, are refined over time as knowledge gaps about the mine site are filled through ongoing planning, investigations and studies, and stakeholder engagement.

The declared mine rehabilitation regulatory framework reflects that a comprehensive evidence base and all regulatory approvals may not be available for inclusion in the initial DMRP. The initial DMRP and its contained objectives, closure criteria and risk assessments are based on best available information. Where the best available information and/or all regulatory approvals are incomplete or insufficient to include refined closure criteria, risk assessments or post-closure plans, the DMRP must:

- be consistent with all regulatory framework requirements
- at a minimum, confirm the available evidence to demonstrate that the DMRP, including the principles, land use outcomes, objectives, closure criteria and post-closure plan, is conceptually achievable (within the documentation required under section 2 of this document)
- set out the specific risks and associated mitigants to the achievement of the land use outcomes, objectives, closure criteria or post-closure plan due to particular knowledge gaps, uncertainties in data or information, or regulatory approvals (within the documentation required under section 2.9.
- develop a plan and schedule for the technical studies, trials, monitoring and/or other work required to close knowledge gaps and uncertainties, obtain other regulatory approvals and update and refine the DMRP (see section 2.11).

The DMRP should give stakeholders and decision makers confidence that all relevant risks, issues and gaps have been identified and there is a time-bound plan for their management and inclusion in future variations to the DMRP.

A declared mine licensee may apply to the Department Head to vary a declared mine rehabilitation plan (section 84AZW of the MRSD Act). Similarly, the Department Head may direct the licensee to prepare a variation to a DMRP for the Department Head's approval (section 84AZX of the MRSD Act).

Where material changes to a mining operation occur, or are proposed to occur, an application or direction to vary the declared mine rehabilitation plan is likely to be required.

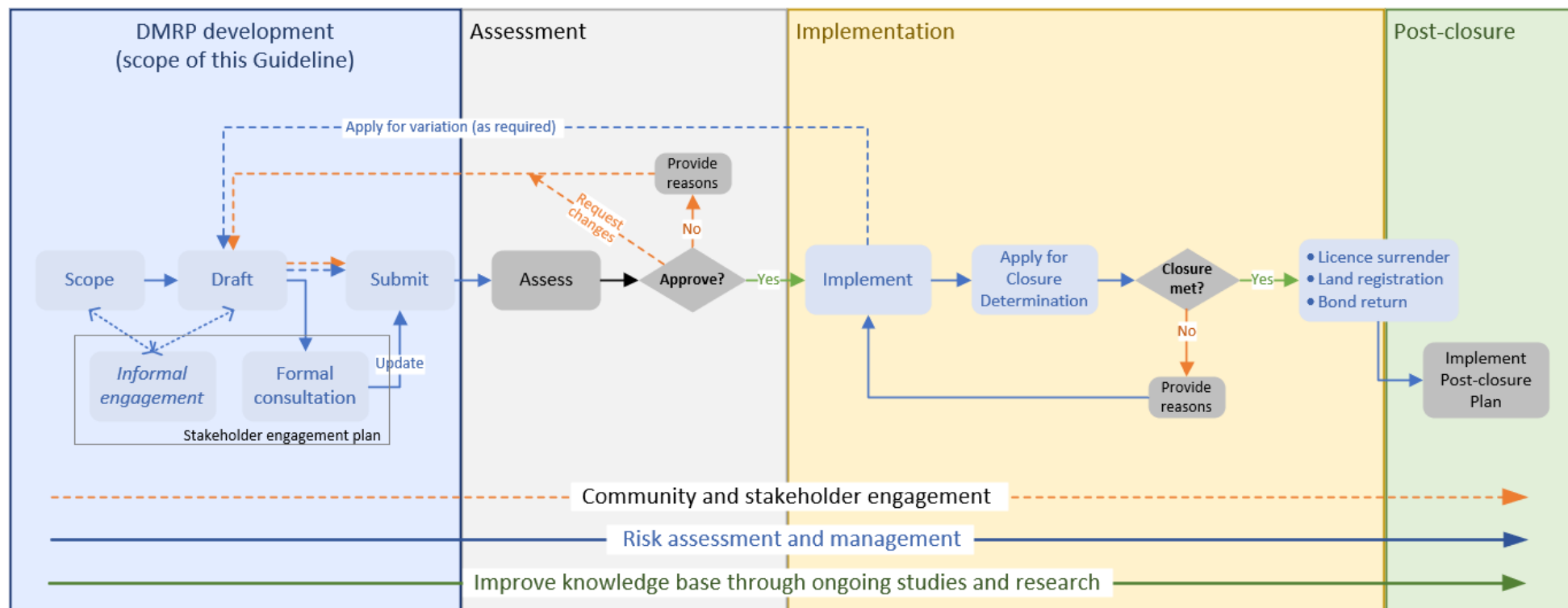


Figure 2: Declared Mine Rehabilitation Plan preparation, consultation, approval and implementation processes

2. Form and content of a DMRP

This section of the guidelines sets out the form and content to be included in a DMRP under section 84AZU of the MRSD Act for it to be submitted and assessed by the Department Head under section 84AZV of the MRSD Act. Other than the requirements outlined in section 2.1 of these guidelines, the structure of the DMRP can be proposed by the licensee.

2.1. Cover page and checklist

A DMRP should include a cover page(s) that includes:

- title of the project and site
- licence number(s)
- licence holder
- company name
- document title, ID and version number
- date of submission
- contact details (name, position title, address, phone number and email of the licensee)
- an undertaking by the declared mine licensee to pay the registration amount to the Minister on a registration direction being given for the declared mine land as required under the regulatory framework (see Appendix 1).

The DMRP should also include a completed DMRP checklist to help ensure compliance of the submitted plan with the regulatory framework requirements and to assist with the Department Head's consideration of the submitted DMRP. A checklist template is provided in Appendix 1.

2.2. Project context

2.2.1. Environment and community setting

The DMRP should document (referencing attachments or other existing documents as appropriate) the site and regional setting based on the best available information, including the physical and biological environments, as well as the social and economic setting (where relevant for successfully meeting rehabilitation objectives).

This section of the DMRP should also identify information gaps and uncertainties in the environment and social setting where these are material to achieving the rehabilitation objectives.

Additional guidance on documenting the site and regional setting (including identification of information gaps and uncertainties) is available from the Government of Western Australia (DEMIRS, 2024 and DMIRS 2023b) and the International Council on Mining and Metals (ICMM 2025).

2.2.2. Information on the mine site and operation

The DMRP should include:

- background information on any existing licences (including expiry dates) and the history and status of the mining operation
- any existing or approved mining operations (noting any current or proposed variations to the approved operation including progressive rehabilitation)
- estimated dates for the cease of mining and closure (end of rehabilitation)
- key elements of the mining operation, features and infrastructure relevant to the rehabilitation, closure and post-closure management of the mined land
- any known or potentially contaminated land or water, landfills or other potential hazards (including any previously undertaken or ongoing remediation works)

- reference to all statutory instruments or incumbrances on the subject land, e.g. landfill licences, debts in connection with the land, Environment Protection Authority Victoria remedial notices and directions
- at a high-level, information gaps, uncertainties and key dependencies in relation to the mining operation or proposed mining operation which are relevant to the rehabilitation, closure and post-closure management of the mined land (e.g. final extent of void at end of mining operations depending on demand for coal from integrated power station(s) and other offtakes).

2.2.3. Current state baseline data and analysis

The DMRP should include baseline data and analysis generally consistent with section 5 (Baseline and Closure Data and Analysis) of *Mine Closure Plan Guidance - How to prepare in accordance with Part 1 of the Statutory Guidelines for Mine Closure Plans* (DMIRS 2023b) or other relevant guidance as agreed with DEECA and the MLRA.

As per the Government of Western Australia (DMIRS 2023b), baseline data and analysis will support the DMRP and:

- informs successful rehabilitation and closure
- provides the basis for the risk management plan and identifies risks to be managed during rehabilitation phases
- informs the development and measurement of criteria or indicators for closure monitoring and performance
- informs the establishment of achievable closure outcomes and goals in a local and regional context
- establishes baseline conditions for rehabilitation and post-closure monitoring programs.

2.3. Principles informing the DMRP

A set of risk-based, outcomes-orientated principles should inform the development of the DMRP (and be documented in the DMRP). Principles are general in nature and can be applied to a range of sites or site aspects and inform the rehabilitation vision, objectives and closure criteria. Principles should be consistent with relevant legislation and policy, including specific requirements for Declared Mines under the MRSD Act and Minerals Regulations. Principles can be generated from a range of sources including the principles of sustainable development in section 2A of the MRSD Act, the LVRRS (vision, outcomes and implementation principles), the LVRRS Amendment, good practice guidelines (including the ICMM Integrated Mine Closure Good Practice Guide), company or other organisational strategies and corporate policies, and a broad understanding of prevailing stakeholder expectations.

Part 7A of the MRSD Act and the LVRRS Vision provides a core guiding principle for the development of DMRPs:

... that the Latrobe Valley coal mines and adjacent land are transformed to safe, stable and sustainable landforms, which support the next land use.

Some further relevant examples of principles being used to inform rehabilitation planning through the vision, objectives and closure criteria are included in the example in Box 1. The examples provided are not an exhaustive list, and DMRPs should be informed by a wide set of principles.

Principles should:

- give confidence to regulators, the community and other stakeholders that the development and intent of the DMRP is appropriate and well-considered
- be used to test whether the DMRP is consistent with the current legislative and policy environment and is likely to meet prevailing stakeholder expectations.

Box 1 – Example DMRP content: Principles, vision, objectives and closure criteria

Example principles (not complete list)

- The Latrobe Valley coal mines and adjacent land are transformed to safe, stable and sustainable landform, which support the next land use (LVRRS, vision)
- Requirements for ongoing management to sustain a safe and stable landform should be minimised as far as practicable (LVRRS, outcomes)
- There should be equity within and between generations; biological diversity should be protected and ecological integrity maintained (section 2A, MRSD Act)
- Mine rehabilitation will leave a positive legacy for the region and its community, with long-term safety and stability risks reduced as far as reasonably practicable (example organisational principle)

Example rehabilitation vision:

The Mine licence area will have multiple land uses, which will provide access to the community, and land for potential industrial, agricultural, residential and recreational uses. Areas and infrastructure requiring active management will be managed in a manner consistent with the post-closure plan, supported by the declared mine fund and in partnership with the Traditional Owners. The rehabilitated site will be safe, stable and sustainable, generate value for the Latrobe Valley, provide opportunities for First Nations People and benefits for the community.

Example rehabilitation objective

Domain – Overburden dumps

Proposed land use outcomes – Low-intensity, soft-hooved fauna grazing uses.

Rehabilitation objective – the final landform is capable of supporting the land use outcome, with slopes designed and constructed to suitable angles to support safe land uses (safety of land managers, stock and native fauna).

Example closure criterion (not a complete list)

1. Slopes are formed as designed to no steeper than X%. Slope length does not exceed A metres (informed by stability model xx and design standard yy). Final landform batters are verified with a survey, with an as-constructed survey indicating that batters are constructed within an X% tolerance of design parameters (consistent with the implementation and monitoring plan and relevant QA/QC).

Note. This example provides a sample of potential principles, objectives and closure criteria. A complete DMRP will include objectives across domains, each with multiple verifiable closure criteria. Appendix 2 provides a more detailed worked example of rehabilitation objectives and closure criteria.

2.4. Rehabilitation vision

The rehabilitation vision provides a high-level aspirational description of the licence area upon completion of all rehabilitation activities and includes the rehabilitation outcomes to be achieved. The rehabilitation vision is a guiding statement for the development of the DMRP; it is informed by rehabilitation principles and stakeholder engagement (including on post-mining land use outcomes) and provides a foundation for setting relevant rehabilitation objectives and closure criteria (Figure 3). While aspirational, the rehabilitation vision should be achievable (based on the current evidence base) and must align with relevant policy and statutory requirements. The rehabilitation vision can be supported by visual plans, maps and renders.

The DMRP must include proposed post-mining land use outcomes for defined areas (potentially specific for rehabilitation domains or end land use domains), where the given land is capable of being rehabilitated to support a post-mining land use (Regulation 64F (1)(c)). The rehabilitation vision can be used to incorporate land use outcomes into a high-level masterplan for the rehabilitated site. This allows for area-specific setting of relevant objectives and closure criteria that demonstrate the landform can support the proposed land use outcomes.

Identification of location-specific proposed post-mining land use outcomes is critical to providing the regulator, community and other stakeholders with confidence that the rehabilitation objectives and closure criteria, if achieved, will provide a landform capable of supporting the rehabilitation vision. Where land use outcomes have been presented as future opportunities in community engagement and other regulatory processes, this should be reflected in the vision, and cascade into rehabilitation objectives and closure criteria.

Where available knowledge indicates that land is not capable of being rehabilitated to support a proposed end land use outcome due to specific issues and risks, this area should be annexed in the DMRP and should be reflected in the vision, objectives and closure criteria. Reasons for the ongoing risks and issues, and plans for ongoing safe management should be included in relevant sections of the DMRP, including the risk management plan and post-closure plan.

This section of the DMRP should also include a high-level description of how the vision has been selected compared to alternatives.

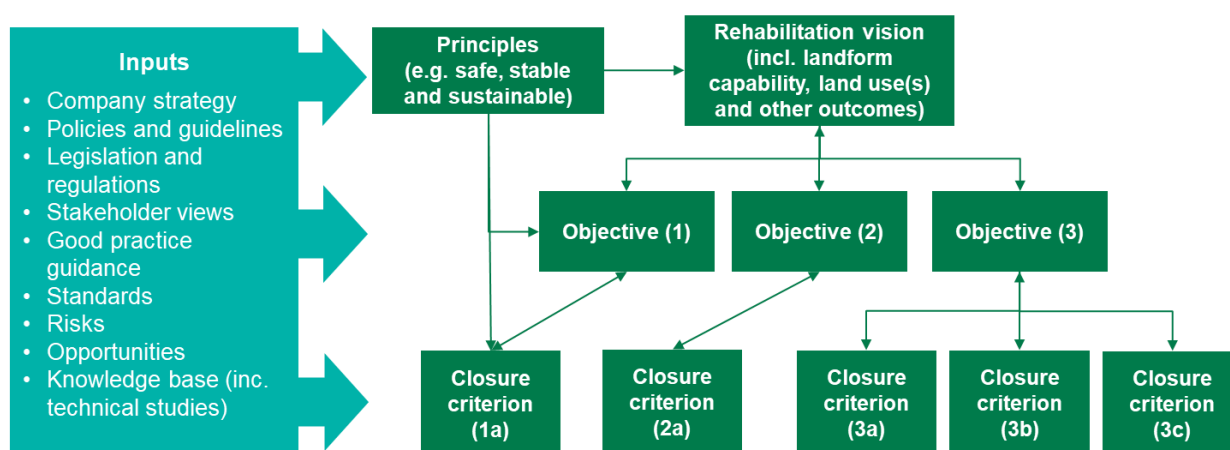


Figure 3: Tiered approach to DMRP objectives and closure criteria development and rehabilitation planning

2.5. Rehabilitation objectives

2.5.1. Overall requirements

The DMRP must contain proposed rehabilitation objectives (regulation 64F(2)(b)), which should describe the outcomes that must be achieved to demonstrate that the land has been successfully rehabilitated and that provide a framework for measurable closure criteria.

ICMM (2025) notes:

While the closure vision provides overarching direction for closure, and the principles provide a general framework, the closure objectives provide concrete, site-specific and typically measurable statements of what closure activities or measures aim to achieve. Individual objectives may be specific to mine domains such as pits, infrastructure and waste disposal facilities, or to aspects of closure. For instance, a site-specific objective could be that water quality in a flooded pit is safe for wildlife to drink.

ICMM (2025) also includes Tool 3 to help with developing rehabilitation objectives, including worksheets and examples.

The proposed rehabilitation objectives should be developed based on the principles, vision and proposed land use outcomes, stakeholder inputs, the rehabilitation risk assessment, and knowledge base (Figure 3). Objectives are site-specific and can be domain-specific or infrastructure/aspect-specific.

The example in Box 1 includes a specific example of a rehabilitation objective relating to slopes of overburden dumps. The example objective is informed by principles, contributes to the achievement of the rehabilitation vision (and land use outcomes), includes proposed landforms and is measurable using example closure criteria.

2.5.2. Rehabilitation domains

Domain-based planning involves separating the site into physically or spatially discrete rehabilitation domains. For the purposes of a DMRP, a domain could be an area of land, water or infrastructure within the mine site with similar rehabilitation requirements. A domain-based approach is an effective way to define landforms and landform capabilities, rehabilitation objectives, risks, closure criteria and rehabilitation activities to be undertaken.

The rehabilitation domain model provides a structured approach to developing rehabilitation objectives and criteria. The rehabilitation framework in these guidelines allows for multiple post-mining land use outcomes on a site. That is, each rehabilitation domain can have more than one post-mining landform, to allow, for example, grazing and recreation on different parts of the same site. Where domains are used during operations, rehabilitation domains may map to the operational or risk-management domains. However, in some cases, the development of new rehabilitation-specific domains may be a more effective approach, given that areas within each rehabilitation domain should have similar rehabilitation requirements.

Further guidance on domain-based planning is available from the International Council on Mining and Metals (ICMM 2025) and Government of Western Australia (DMIRS 2023b).

2.5.3. Proposed final landform(s)

Landform refers to the shape of the land surface, including any water bodies, and its characteristics. This includes above and below-ground features.

Proposed landforms must be specified as part of rehabilitation objectives and are to be capable of supporting any proposed post-closure land use outcomes or land capabilities consistent with the rehabilitation principles and vision.

Definition of proposed landforms (as part of rehabilitation objectives) should:

- include key topographical and environmental characteristics that inform the design approach – relevant maps and renders should be included (at the vision or objectives level)
- include key characteristics of the post-mining landform(s), having regard to land capability and any proposed land use outcomes
- demonstrate achievability and practical delivery implications, including the resources required
- demonstrate that the landform is sustainable and can adjust to threatening events such as fire, flood, seismicity and drought in a changing climate.

2.6. Closure criteria

2.6.1. Overall requirements

In preparing a DMRP, Division 3 of Part 7C of the MRSD Act requires that the DMRP include prescribed closure criteria to be met by the licensee for the closure of the mine on the declared mine land.

Closure criteria are intended to define successful rehabilitation and the point at which rehabilitation objectives are achieved (closure), and the licensee could apply to relinquish their mining licence.

The closure criteria described in regulation 64C are primarily a list of measures to be applied or actions to be taken (including risk assessments), that once complete will achieve a safe, stable and sustainable landform that support the proposed outcomes for land use (or landform capability) and allows for a determination of closure.

Measurable closure criteria should be embedded in the DMRP to demonstrate the achievement of rehabilitation objectives and collectively the rehabilitation vision and its contained land use outcomes (Figure 3).

In providing measurable indicators of successful achievement of rehabilitation objectives, proposed closure criteria should consider:

- description and measurement of post-closure (residual) risks, where achievement of closure criteria will not reduce risk to pre-mining levels and landforms will require ongoing monitoring and maintenance

- the inclusion of measurement of controls (construction, monitoring and performance).

Closure criteria should be based on relevant site-specific studies and risk assessments. They should align with regulatory requirements (including licenses and permits), DMRP principles, standards, good practice, and be developed in consultation with key stakeholders. There may be several closure criteria that collectively measure the achievement of each rehabilitation objective.

Closure criteria should follow the S.M.A.R.T principle and be:

- **Specific** enough to reflect a site-specific set of environmental, social and economic circumstances
- **Measurable** to demonstrate achievement of rehabilitation objectives
- **Achievable** in the context of the projected conditions at the estimated time of closure, and flexible enough to adapt to a reasonable range of changing conditions without fundamentally compromising rehabilitation objectives
- **Relevant** to the outcomes being sought and the risks being managed
- **Time-bound** so that monitoring can demonstrate closure criteria have been met, or that conditions are trending toward closure criteria being met at the anticipated rate.

2.6.2. Iterative approach to development of closure criteria

It is intended that an iterative approach be taken to DMRP development, including progressive refinement of closure criteria. Closure criteria should be developed based on best available information. Closure criteria will be reviewed and refined in DMRP revisions throughout the rehabilitation planning process and in response to changes to mining operations, proposed land use outcomes, monitoring, research and trial information.

The iterative intent of DMRPs acknowledges that best available information may not support the inclusion of detailed and measurable closure criteria in first versions. Where information gaps or uncertainties prevent the detailed definition of closure criteria in the initial DMRP, initial closure criteria should reflect the overall vision, principles and rehabilitation objectives and provide early examples of the indicators that will form closure criteria once technical studies, data collection and other rehabilitation planning works have progressed.

The DMRP must include:

- where information is sufficient or should otherwise be reasonably known:
 - measurable closure criteria
 - relevant information on standards, indicators, locations, data collection and timelines relating to closure criteria.
- where best available information is insufficient to define measurable closure criteria:
 - any further work required to refine closure criteria as part of an iterative approach to DMRP development on a time-bound schedule (for clarity, this should be included in the milestone-based and time-bound schedule of works included in the Implementation Plan).

2.7. Traditional Owner Partnership

The LVRRS and LVRRS Amendment clarify and confirm the government's expectations on partnering with Traditional Owners in planning for and implementing rehabilitation of declared mine land.

The Victorian Government recognises the Gunaikurnai people who are the Traditional Owners of a large area of Gippsland including the Latrobe Valley– the area spanning from Warragul in the west to the Snowy River in the east, and from the Great Dividing Range in the north to the coast in the south. The Victorian Government will continue to involve Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) in region-wide planning for rehabilitation and encourages mine licensees to engage with GLaWAC as they progress their rehabilitation planning.

GLaWAC has articulated Traditional Owner self-determined aspirations in documents including the *Gunaikurnai Whole-of-Country Plan* and *Pathways to Partnerships: Gunaikurnai and Major Projects*.

Traditional Owners are legal rights holders, distinct from other rehabilitation planning stakeholders and have specific rights related to Crown land. These rights are enshrined in the *Native Title Act 1993* (Commonwealth) and the *Traditional Owner Settlement Act 2010* (Vic).

Licensees must consult with Traditional Owners in relation to the DMRP (regulation 64G) and include a report on the consultations undertaken as part of any application for the approval of a declared mine rehabilitation plan (regulation 64J). In considering the DMRP under regulation 64K, the Department Head must consider whether rehabilitation outcomes in the plan:

- promote the wellbeing and prosperity of the community
- take into account the views of the community and Aboriginal persons
- acknowledge the knowledge, rights and aspirations of Traditional Owner groups in caring for country.

The development of a DMRP will consider the need for a cultural heritage management plan (CHMP) pursuant to the *Victorian Aboriginal Heritage Act 2006*. Further guidance on the regulatory and legislative process associated with CHMPs, specifically in relation to rehabilitation of declared mines, is available in the LVRRS Amendment.

The DMRP should include how these intents and obligations have been considered and what actions are still required. This could include agreed outcomes and benefits, actions for relevant parties, collaborative projects and agreements/contracts.

2.8. Stakeholder engagement

2.8.1. Overall requirements

Stakeholder engagement is critical to successful rehabilitation planning and DMRP development. Licensees should commence consultation processes as early as possible to maximise rehabilitation opportunities, ensure stakeholder expectations are well-understood, and minimise risks. Early consultation on DMRP development with Traditional Owners, the community, and other stakeholders aims to ensure that the DMRP considers stakeholder views and aspirations and beneficial post-mining land use outcomes. Early consultation with prescribed persons, including the Minister administering the *Environment Effects Act 1978* (Vic) will also inform interactions between DMRP and environmental impact assessment processes (see section 2.12).

Stakeholder engagement is encouraged or required at stages throughout the development and life of the DMRP, which can be reflected in a dynamic stakeholder engagement plan. These include:

- early, informal consultation to inform DMRP scoping and development
- statutory consultation on a draft DMRP with prescribed persons and classes of persons, and the community
- ongoing stakeholder engagement throughout the life of the plan.

Licensees of all mines (including declared mines) have a requirement under section 39A of the MRSD Act for ongoing engagement throughout the period of the mine licence, including rehabilitation.

It is recommended that the mine licensee engage early with the Earth Resources Regulator (ERR) on a proposed list of identified and prescribed stakeholders to be consulted on the draft DMRP and included in the stakeholder engagement plan. Regarding public bodies and regulatory agencies, the proposal should identify where the agency's area of regulatory oversight or expertise interacts with the DMRP.

2.8.2. Stakeholder engagement plan

DMRPs must include a stakeholder engagement plan that identifies stakeholders that were consulted on a draft DMRP and who will be consulted throughout the life of the DMRP. The stakeholder engagement plan can also be used as a dynamic document to house stakeholder and community engagement information relevant to the stage in DMRP development and implementation.

The stakeholder engagement plan must include:

- the identified persons or classes of persons, including those prescribed in regulation 64G, Traditional Owners and community. Ideally, this would include the proposed level of consultation with these stakeholders with reference, for example, to IAP2 guidelines (IAPP 2015)
- a strategy and milestones for ongoing engagement with identified stakeholders during rehabilitation and closure of the mine
- a plan that sets out how the licensee will carry out its section 39A duty to consult with the community throughout the period of the licence.

The Stakeholder Engagement Plan included in the DMRP for submission may also be used to meet requirements under regulation 64J that a DMRP must include a report on the consultations undertaken on the draft DMRP. Following formal consultation on a draft DMRP (see section 2.8.3), the stakeholder engagement plan included in the DMRP should be updated to include the outcomes of consultations undertaken, including:

- a report on consultation undertaken on the draft DMRP that outlines how the matters raised through consultations and in any written submissions were considered and responded to
- attached copies of any written submissions received in response to draft DMRP consultations.

2.8.3. Formal consultation on a draft DMRP

Licensees are required to consult formally on a draft DMRP with stakeholders identified in the stakeholder engagement plan, which must include at least prescribed persons and classes of persons listed in regulation 64G and the community.

As part of formal consultation, licensees are required to publish a notice seeking submissions on a draft DMRP at least 60 days before submitting the DMRP for approval.

The notice must include:

- the name of the declared mine licensee
- the website maintained by the licensee where information about the DMRP is published including:
 - a draft DMRP that substantially addresses the form and content set out in these guidelines (some exclusions for commercially sensitive information may be appropriate, in consultation with ERR)
 - the draft stakeholder engagement plan, including the licensee's plan to carry out its section 39A duty to consult with the community throughout the period of the licence
- a description of the declared mined land, including a map of the land.

The notice must be published in newspapers with relevant local circulation or a newspaper with statewide circulation or by an alternative publication method approved by the Department Head¹. For the purposes of Declared Mines in the Latrobe Valley, appropriate newspapers may include the Latrobe Valley Express, Gippsland Times, Maffra Spectator, Warragul Gazette, South Gippsland Sentinel Times, and Bairnsdale Advertiser. The licensee must publish this notice on its website throughout the consultation period and for at least 21 days after lodging the DMRP with the Department Head for approval.

Licensees must provide a copy of the notice to the Department Head within 7 days of publication.

2.9. Risk assessment and management plan

An effective risk framework, including risk assessments and a management plan, is critical to successful rehabilitation planning and implementation. DMRPs are required to include an assessment of risks relevant to rehabilitation and post-closure.

¹ Licensees may submit an application to the Earth Resources Regulator to publish a notice by an alternative method, including how the alternative method will not reduce the opportunity for community awareness of the proposed draft DMRP. If the Department Head approves the alternative method then the Department Head must publish a notice of an approved alternative method in the Government Gazette.

The DMRP risk assessments and management plan should:

- identify and assess:
 - risks that may lead to early or sudden cessation of mining operations
 - rehabilitation risks and hazards
 - risks that may affect rehabilitation outcomes, objectives and milestones.
- adopt a tiered framework, structured to show links between high-level site-wide risk assessments and subordinate or detailed assessments.
- contain a description of the risk framework, which includes:
 - how risk assessments across tiers are linked (e.g. how the site-wide risk assessments link to subordinate domain or specific aspect risk assessments)
 - information on the methodology (e.g. source, receptor pathway model), risk matrix applied and the processes for identifying, evaluating and mitigating risks
 - key assumptions in the identification of risks
 - review periods (with rationales) for the risk management plan and its contained risk assessments.
- consider risks at different stages of mining and rehabilitation, including assessment of rehabilitation risks during:
 - Mine operations (risks posed by progressive rehabilitation activities and current landform)
 - Final rehabilitation activities and monitoring (risks posed by rehabilitation activities and landform at cessation of mining)
 - Post-Closure (risk posed by final landform and that will continue beyond closure, and mitigation measures required to manage the rehabilitated landform).
- identify all hazards (sources), pathways and receptors relevant to the progressive rehabilitation, final rehabilitation and post-closure of the site, including cumulative risks where relevant
- evaluate these risks to derive an inherent risk rating, prior to the application of treatments/controls
- identify appropriate risk treatments/controls, using the hierarchy of control
- identify critical controls and include the management systems, practices and procedures being applied to monitor and manage risks and to achieve risk management performance standards
- provide contingencies and contingent risks for any potential consequences that may arise from actions proposed within the plan, or as knowledge gaps are resolved, that may limit future rehabilitation options or potential land uses, consistent with the iterative intent of the DMRP as outlined in section 1.4.
- re-evaluate the risks to derive residual ratings, including those that will remain after closure criteria have been met and the ongoing mitigation actions that will form the post-closure plan (See section 2.10)
- demonstrate that risks have been eliminated or reduced as far as reasonably practicable with risks that will continue beyond closure identified, with controls included in the post-closure plan (the demonstration of whether risks have been eliminated or reduced as far as reasonably practicable should be consistent with the principle of harm reduction outlined in the *Environment Protection Act 2017*).

Risk assessments and management plans are dynamic and connected documents, which should be reviewed and updated frequently as new information becomes available. Implementation of the risk management plan (including any contingency planning), its effectiveness and achievement of performance standards should be monitored and reported on annually (see section 2.11).

Further to this section of the guidelines, the mine licensee is encouraged to develop its approach to the risk assessment and management plan in consultation with DEECA and the MLRA.

Mine licensees have existing risk management tools and frameworks, which may be appropriately extended to meet DMRP needs and requirements. For further information on assessing and managing rehabilitation and closure risks and opportunities, as well as worked examples, the International Council on Mining and Metals (ICMM 2025) provides useful guidance on developing a risk assessment and management plan, based on the Council of Standards Australia and the Council of Standards New Zealand, *AS ISO 31000:2018 Risk management guidelines*. The Western Australian Government (2023b, 2024) also provides useful guidance on rehabilitation risk assessment and management plans.

2.10. Post-closure plan

2.10.1. Overall requirements

The post-closure plan is designed to give visibility of the risks and required monitoring and maintenance that will remain post-closure to inform DMRP decision-making. The DMRP must contain a post-closure plan, which sets out the ongoing monitoring and maintenance to be carried out, and other risk management requirements following closure of the declared mine. The post-closure framework acknowledges that it may not be possible or practical to rehabilitate some landforms or site features to remove all risks and liabilities, and therefore, active post-closure management is required.

This post-closure management should include environmental, geotechnical and structural monitoring, scheduled maintenance, periodic maintenance², major scheduled works, and repairs following significant environmental events or structural failures. The post-closure plan sets out the management of post-closure risks and associated costs. Once closure is determined, the post-closure plan should be a stand-alone document that:

- can be implemented by the landowner, land manager or relevant authority to manage post-closure risks and ensure the rehabilitated site remains safe, stable and sustainable and is capable of supporting proposed post-mining land use outcomes
- provides a schedule of estimated costs (known and residual) to estimate required payments to the Declared Mine Fund at the point of closure and land registration to ensure the post-closure management of the site is economically sustainable long-term.

The post-closure plan should be developed based on the outcomes of the risk assessment, which identifies risks and liabilities that may remain after the declared mine land has been rehabilitated and closure criteria have been met.

The post-closure plan should include and cost all required activities to maintain the risk at the level agreed in setting rehabilitation objectives and closure criteria, or progressively reduce the risks over time (Figure 4).

The intended iterative approach to DMRP development extends to the preparation of a post-closure plan. While there may be uncertainties in the types and level of post-closure risks during the early stages of rehabilitation planning, the development of a post-closure plan must be provided within the initial submission of the DMRP.

The post-closure plan may commence at a conceptual stage. However, it must from the outset contain information on the matters listed under regulation 64D, it should undergo iterations based on the outcomes of rehabilitation activities, risk assessments, refinement of closure criteria and in response to any significant changes in the DMRP (e.g. changes in intended post-closure land use or landform capability). Where possible, the initial post-closure plan should detail ongoing risks and monitoring and maintenance schedules where rehabilitation objectives and closure criteria have been fully defined. Where closure criteria have not been fully defined in the DMRP, studies and other activities required to close knowledge gaps and uncertainties should include work required to understand post-closure risks and post-closure management activities and costs. As study milestones are completed and closure criteria are refined, the post-closure plan should be updated to include current assessments of risks that may continue post-closure and the associated ongoing monitoring and maintenance requirements.

² Works to remedy or avoid expected deterioration, erosion, etc. that may not be pre-scheduled but can be triggered by thresholds for remedial works.

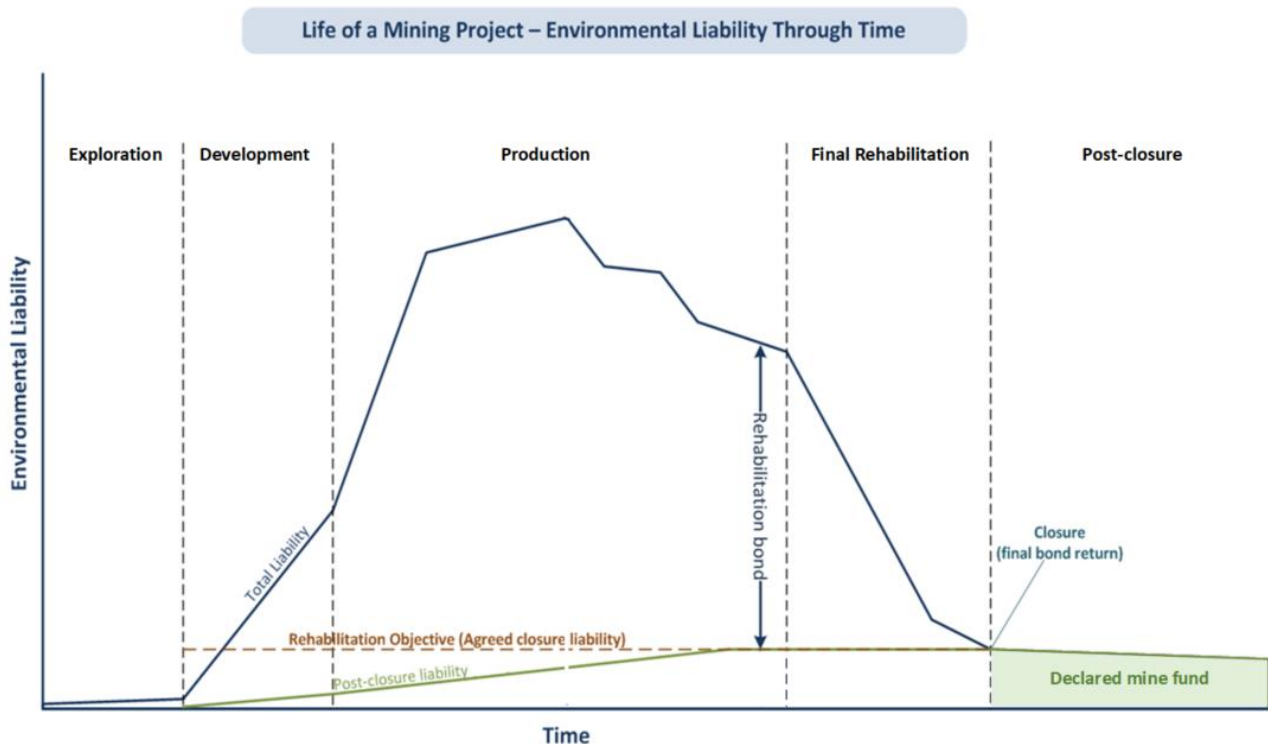


Figure 4: Liability through time – post-closure management to maintain agreed closure risk levels

2.10.2. Post-closure management

The post-closure plan must include a monitoring and maintenance framework and schedule. This must include an outline of both the time and manner in which monitoring and maintenance activities should be carried out post-closure to manage risks identified in the post-closure risk assessment and maintain or progressively reduce risks associated with rehabilitated landforms and features as specified in the closure criteria and risk management plan. The monitoring outlined within this phase should remain aligned with the closure criteria and be focused on the key post-closure risks.

Clear triggers and schedules for when activities such as remedial works are required should be included as part of the plan, and provisions should be made to manage impacts from adverse events such as major storms, fires or earthquakes (beyond the design capacity), which may occur infrequently over the post-closure period.

The post-closure plan should include any plant or other mining infrastructure that will be left on the declared mine land following closure to support delivery of the post-closure plan and any associated monitoring and maintenance. Where maintenance of the plant or infrastructure itself is required, this should also be included in the post-closure plan.

The post-closure plan should also clearly outline the status of land titles associated with the land governed by the post-closure plan. The plan should also outline the proposed plan for relinquishment of any parcels of land consistent with the post-closure land uses identified in the post-closure plan

The persons/parties responsible for undertaking post-closure monitoring and maintenance activities must be clearly defined, including whether the MLRA is the intended party. This may help inform the registration amount to be determined at closure.

2.10.3. Costing the post-closure plan

Where risks and liabilities that will remain after the declared mine has been rehabilitated are sufficiently known and defined (through closure criteria and risk assessments), they should be costed and included in the post-closure plan. This services the following key functions:

- provides visibility of the estimated costs of post-closure risks that are associated with the selection of rehabilitation objectives and closure criteria
- provides an estimate of the costs to implement the post-closure monitoring and maintenance activities

- informs the registration amount to be determined at closure
- provides a schedule of estimated costs to inform the drawdown of funds for post-closure monitoring and management activities by the responsible persons or parties, including the MLRA if it is the intended party.

There are two types of liabilities that should be considered and costed in a post-closure plan:

- **Known (planned) monitoring and maintenance:** an estimated present value of costs associated with the long-term or indefinite monitoring, verification, risk assessment, maintenance and repair of rehabilitated landforms, features, plant and equipment that require active management.
- **Residual liabilities (adverse events):** an estimate of the potential liabilities associated with the repair of site features, landforms and infrastructure. These liabilities are estimated through residual risk analysis of the likelihood and consequences (costs) of adverse events, which should be included in closure criteria and the post-closure risk assessment and management plan.

2.10.4. Information to support the post-closure plan

As part of registration of the declared mine land, licensees must provide all relevant data, reports and information to the MLRA for the purposes of monitoring and evaluating the performance of rehabilitated landforms and post-closure management. The post-closure plan should set out these data sources, reports and other information that will be transferred to the MLRA and other future landowners to support land registration and the implementation of the post-closure plan.

Where there are information gaps relevant to post-closure, the post-closure plan should detail the activities required to address knowledge gaps or uncertainties.

2.11. Implementation plan

2.11.1. Overall requirements

The DMRP should include an implementation plan, as a section to house required operational rehabilitation activities, milestones and schedules. The implementation plan should set out:

- progressive and final rehabilitation activities
- further studies, monitoring and quality assurance
- management of information and data
- key roles.

The implementation plan should include operational activities and milestones throughout the rehabilitation period, how the activities support achievement of rehabilitation objectives, how activities will close knowledge gaps and uncertainties, how programs will monitor quality and performance, obtain other regulatory approvals, and update the DMRP at defined stages (also see section 1.4).

This should be presented in a manner that can be monitored and reported on to meet regulatory requirements. Implementation of the risk management plan, including the success of mitigation actions and achievement of performance standards, should also be included in annual DMRP reports.

2.11.2. Progressive and final rehabilitation schedule and milestones

The DMRP must include a schedule of proposed progressive and final rehabilitation activities and milestones, to reduce risks and achieve rehabilitation closure criteria, objectives and the vision. This should include:

- a monitoring plan to demonstrate that progressive and final rehabilitation activities are on track or when adaptive management or intervention may be required
- intended quality assurance and quality control process for progressive and final rehabilitation activities

2.11.3. Further studies, monitoring and quality assurance

Further to section 1.4 of these guidelines, the DMRP implementation schedule should include milestones for further studies (intended or required) and analysis, data collection, trials, monitoring, quality assurance, stakeholder engagement and other work to support performance monitoring and iterative updates to the DMRP. This may include supporting the development of:

- an improved understanding of the current and potential future environmental setting
- an improved understanding of risks and the effectiveness of their management
- the rehabilitation vision, objectives, closure criteria and/or post-closure plan.

The DMRP should include a rationale for these studies and monitoring programs, and how they will contribute to closing knowledge gaps and uncertainties to develop and refine the DMRP. The milestone schedule should reflect the timing and scope of planned studies and monitoring programs.

Additional guidance on implementation of further research, investigation, trials and monitoring is available from the Government of Western Australia (DMIRS 2023b, DEMIRS 2024) and the International Council on Mining and Metals (ICMM 2025).

2.11.4. Management of information and data

The DMRP should include a strategy for data management, including systems and processes for the retention of mine records and all information and data relevant to mine rehabilitation, closure and post-closure management. This strategy should be generally consistent with Section 12 (Management of Information and Data) of *Mine Closure Plan Guidance - How to prepare in accordance with Part 1 of the Statutory Guidelines for Mine Closure Plans* (DMIRS 2023b) or other relevant guidance in consultation with DEECA and the MLRA.

2.11.5. Key personnel

Key roles with responsibility for developing and implementing the licensee's DMRP (including but not limited to risk assessment and the implementation, management and review of the risk management plan) must be identified. This must include the minimum qualifications and level of experience required for each key role, as well as the associated accountabilities.

2.12. Regulatory approvals, licences and permits

A DMRP must include all the legal approvals and permissions required for the activities or outcomes in the declared mine rehabilitation plan.

Further to section 1.4 of this document, the regulatory framework is premised on the basis that all the necessary legal approvals and permissions required to implement the DMRP may not be in place for the preparation of the initial DMRP. Where future legal approvals and permissions are required, the DMRP should:

- at a minimum, demonstrate that the DMRP is consistent with other relevant legal and policy frameworks, i.e. there is a reasonable pathway to obtain the necessary legal approvals and permissions
- define the specific risks to implementation of the DMRP due to dependence on future regulatory approvals and associated mitigants
- include all the current licenses and permits (including any conditions relevant to rehabilitation) held by the licensee and their purpose
- a plan and schedule related to existing licenses or permits (for example where permits require cancellation or transfer to the next landowners)
- a plan and schedule for the work required to obtain other regulatory approvals and permits and update the DMRP.

This should give stakeholders and decision-makers confidence that all relevant risks associated with future regulatory approvals have been identified and there is a time-bound plan for their management and inclusion in future updates to the DMRP.

Licensees should consult early with statutory decision-makers under other legislation. The Minerals Regulations set out the consultation that *must* be undertaken and included in the DMRP.

The proposed works in a DMRP may be subject to assessments, advice and decisions under the *Environment Effects Act 1978* (Vic) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The LVRRS Amendment states:

The requirement for referrals under the Environment Effects Act 1978 (Vic) and the Environment Protection and Biodiversity Conservation Act 1999 (Cth) at Hazelwood has created a presumption that referrals are likely to be required for the remaining mines to inform submission of DMRPs by their due date of October 2025.

Licensees are required to consult on the DMRP with the Minister responsible for administering the *Environment Effects Act 1978* prior to the DMRP submission. The DEECA Department Head, as the decision-maker on DMRPs, may not be able to make a decision on a DMRP until the completion of an EES or alternative assessment process, should the Minister for Planning determine that such a process is required.

It is recommended licensees commence an EES pre-referral engagement process with the Impact Assessment Unit of the Department of Transport and Planning as soon as possible and well ahead of a referral or statutory application. If a referral or EES process is not yet underway, licensees should submit an EES pre-referral engagement form via the [Victorian Planning Portal](#).

The pre-referral engagement will assist in determining whether a referral is needed, and the timing, scope and approach for formal submission of the referral. Pre-referral engagement may also support statutory consultation on the draft DMRP with the Minister for Planning.

Further information on the EES pre-referral, referral and statutory application processes can be found in the [Ministerial Guidelines for Assessment of Environmental Effects](#).

Further guidance on stakeholder engagement to develop and submit a DMRP is available in section 2.5 of these guidelines.

Further guidance on the statutory process and principles for integrated rehabilitation planning, specific to Latrobe Valley's three brown coal mines, is available in the LVRRS and the LVRRS Amendment.

3. References

- DEECA 2023, *Latrobe Valley Regional Rehabilitation Strategy Amendment*, Department of Energy, Environment and Climate Action, October 2023
- DEMIRS 2024, *Guideline for preparing Mining Development and Closure Proposals*, Department of Energy, Mines, Industry Regulation and Safety, December 2024
- DJPR 2020, *Latrobe Valley Regional Rehabilitation Strategy*, Department of Jobs, Precincts and Regions, June 2020
- DMIRS 2023a, *Statutory Guidelines for Mine Closure Plans - Mining Act 1978*, Government of Western Australia, Department of Mines, Industry Regulation and Safety, Version 4.0, January 2023
- DMIRS 2023b, *Mine Closure Plan Guidance - How to prepare in accordance with Part 1 of the Statutory Guidelines for Mine Closure Plans*, Government of Western Australia, Department of Mines, Industry Regulation and Safety, Version 4.0, January 2023
- DTP 2023, *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978*, Department of Department of Transport and Planning, Eighth edition, 2023
- IAPP 2015, *Quality Assurance Standard for Community and Stakeholder Engagement*, International Association for Public Participation Australasia, May 2015
- ICMM 2025, *Integrated Mine Closure: Good Practice Guide*, International Council on Mining & Metals, Third Edition, February 2025
- ISO 2021, *International Standard ISO 21795-1:2021 Mine closure and reclamation planning*, International Organisation for Standardisation, 2021.

Appendix 1: Declared Mine Rehabilitation Plan Checklist

DECLARED MINE REHABILITATION PLAN CHECKLIST

Please cross-reference section or page numbers from the declared mine rehabilitation plan (DMRP) where appropriate and provide comments or reasons for No (N) or Not Applicable (NA) answers. For DMRP revisions, please indicate where updates have been made to the previous version and a brief summary of the change.

This checklist and the declared mine rehabilitation plan guidelines include some references to specific legislative provisions, including section 84AZU of the *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act) and regulations 64A-64J of the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 (Minerals Regulations), where useful to guide development of a DMRP and relevant regulatory requirements.

Q #	Regulatory description	MRSD Act / Minerals Regs reference ⁱ	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
Cover page and checklist							
1.	Has this checklist been endorsed by a senior representative within the mining licence company? (See bottom of checklist)	84AZU(3) r 64F(f) r 64I	2.1				
2.	Does the DMRP cover page include: • Project title and site • Licence number/s • Licence holder • Company name • Contact details (including name, position title, address, contact phone number and email address) • Document title, ID and version number - Date of submission (needs to match the date of this checklist)?	r 64I	2.1				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
3.	Does the DMRP include an undertaking (in the form at the end of this appendix) by the licensee to pay the registration amount to the Minister on a registration direction being given for the declared mine land?	s 84AL(kf) s 84AZU(3)(d) s 84AZZB r 64E r 64N(c) r 64Q	2.1				
Project Context							
4.	Does the DMRP document the site and regional setting (including physical and biological environments, and social and economic settings) relevant to achieving the rehabilitation objectives? (Relevant documents and attachments should be referenced, as appropriate)?	s 84AZU r 64F(1)(c)	2.2.1				
5.	Does the DMRP include background information on: - the history and status of the mining operation - any currently approved work plan or work plan variations (including the last-approved rehabilitation plan) - any proposed work plan variations for which approval is being sought - estimated date/s for cease of mining activities and closure of the mine date the licence expires?	s 41(1)(a) & (b) s 41AAB s 84AZU	2.2.2				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
6.	Does the DMRP provide information about progressive rehabilitation completed to date?	s 81(1) s 82(3) s 84AZU r 64F	2.2.2				
7.	Does the DMRP provide information about the key elements of the mining operation, features and infrastructure relevant to rehabilitation, closure and post-closure management of mined land?	s 84AZU r 64C r 64F	2.2.2				
8.	Does the DMRP include a gap analysis or information on uncertainties and key dependencies about the existing or proposed mining operation relevant to rehabilitation, closure and post-closure management of mine land?	s 84AZU r 64C r 64F	2.2.2				
Principles Informing the DMRP							
9.	Does the DMRP define the principles that will inform the development of the plan, consistent with: - the MRSD Act, including the principles of sustainable development - the LVRRS and LVRRS Amendment - relevant good practice guidelines - company or organisational strategies and corporate policies - prevailing stakeholder expectations?	s 2A Part 7C of the Act	2.3				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
Rehabilitation Vision							
10.	Does the DMRP set out a high-level aspirational description or vision for the licence area upon completion of all rehabilitation activities?		2.4				
11.	Does the vision include potential post-closure land use outcomes?		2.4				
Rehabilitation Objectives							
12.	Does the DMRP set out the rehabilitation objectives that describe the outcomes to be achieved to demonstrate the mine land has been successfully rehabilitated?	r 64F(1)(a) r 64F(2)(b)	2.5				
13.	Does the DMRP include proposed rehabilitation objectives?	r 64F(1)(a) r 64F(2)(b)	2.5				
14.	Does the DMRP specify the proposed landform/s as part of the rehabilitation objectives, including: • key topographical and environmental characteristics that inform the design approach (including relevant maps) • key characteristics of the post-mining landform, having regard to land capability and any proposed post-mining land uses • achievability and practical delivery implications, including any required resources • demonstrating the landform is resilient and adaptable to fire, flood and drought in a changing climate?	r 64F(1)(a) r 64F(2)(a) r 64F(2)(b)	2.4 2.5				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
15.	Are these proposed landform/s capable of supporting any proposed post-closure land use outcomes consistent with the rehabilitation vision and objectives?	r 64C(h) r 64F(1)(a) r 64F(2)(b)	2.5				
Closure Criteria							
16.	Does the DMRP include an appropriate set of S.M.A.R.T closure criteria	s 84AZU(3)(b) r 64C	2.6.1				
17.	Where there are data gaps or uncertainties about the closure criteria, has the licensee set out the further work required to refine closure criteria on a timebound schedule?	r 64C(k)	2.6.2				
Traditional Owner Partnership							
18.	Does the DMRP set out how traditional owners' rights and interests have been taken into account and what actions are intended or required, specifically in relation to partnering with Traditional Owners in planning for and implementing rehabilitation of the declared mine?	s 2(1)(c) s 2A s 5A s 26(7) s 58(1)(d) s 84AZU(4) r 64F(1)(b) 64G r 64J(a)	2.7				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
Stakeholder Engagement							
19.	Does the licensee have a community engagement plan in place to ensure affected communities are informed and engaged throughout the life of the mine, including during rehabilitation and closure?	s 2A s 39A r 64F(1)(b)	2.8				
20.	Has the licensee identified all stakeholders who were consulted on the proposed DMRP prior to it being submitted to the Department Head for approval?	s 84AZU(4) r 64F(1)(b) r 64G	2.8.2				
21.	Does the DMRP include a stakeholder consultation plan for consultation throughout the life of the DMRP?	r64F(1)(b)(i)(B)	2.8.3				
22.	Has the proposed DMRP been subject to a formal public consultation process before submitting the plan for approval?	s 84AZU(4) r 64G r 64H	2.8.3				
23.	Has the licensee made any changes to the draft DMRP to respond to the matters raised during consultation? If so, what changes have been made and how does this address the issues raised? Is this addressed in a report on consultation included in the draft DMRP (suggest in the stakeholder engagement plan)	r 64J(a)	2.8.3				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
Risk Assessment and Management Plan							
24.	Does the DMRP set out the licensee's risk assessment and management plan, explicitly covering risks in all temporal domains including current risks (to be addressed or mitigated through rehabilitation), implementation risks (during rehabilitation) and post-closure risks?	s 84AZU(3)(e) r 64C r64F(1)(a) r 64F(2)(d) r 64F(2)(e) r 64J(b)	2.9				
25.	Does the risk assessment and management plan cover the scope of risks and opportunities in the regulations and these guidelines?	r 64C r 64F r 64J(b)	2.9				
26.	Has the licensee developed their approach to the risk assessment and management plan based on industry good practice guidelines and standards, and in consultation with DEECA and the MLRA?	r 64J(b)	2.9				
Post-Closure Plan							
27.	Does the DMRP include a post-closure plan that sets out the monitoring and maintenance and other risk management requirements to be carried out by the licensee, the Mine Land Rehabilitation Authority and the landowner (as required) after closure of the declared mine land?	s 84AZU(3)(c) r 64D	2.10				
28.	Does the post-closure plan include the ongoing monitoring and maintenance activities required to	r 64D(a)	2.10.1				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
	maintain the declared mine land in a safe and stable state after closure?		2.10.2				
29.	Does the post-closure plan include a risk management plan for the mitigation of risks that may continue post-closure?	r 64D(b)	2.10.1 2.10.2				
30.	Does the post-closure plan include the plant that the declared mine licensee proposes— (i) to use to meet the closure criteria for the declared mine land; and (ii) to leave on the declared mine land and that will become the property of the Crown under section 114 of the Act?	r 64D(c)	2.10.1 2.10.2				
31.	Does the post-closure plan include who is responsible for post-closure monitoring and maintenance activities?	r 64D(d)	2.10.1 2.10.2				
32.	Does the post-closure plan include the time and manner in which the ongoing monitoring and maintenance activities will be carried out after closure?	r 64D(e)	2.10.1 2.10.2				
33.	Does the post-closure plan provide a schedule of costs (for routine and adverse events) to inform the amount of money to be paid into the Declared Mine Fund to ensure post-closure management is sustainable in the long term?	r 64Q	2.10.3				
34.	Does the post-closure plan include any further supporting data, reports and information that must be provided to the Rehabilitation Authority after the post-closure plan is registered, for the	r 64D(f)	2.10.4				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
	purposes of monitoring and evaluating the rehabilitation planning activities?						
35.	Where there are information gaps relevant to post-closure, does the post-closure plan detail the activities required to address knowledge gaps or uncertainties?	r 64D	2.10.4				
Implementation Plan							
36.	Does the DMRP include an implementation plan which includes activities and milestones over the rehabilitation period, how the activities support achievement of rehabilitation objectives, how they will close knowledge gaps and uncertainties, how they will monitor quality and performance, obtain other regulatory approvals, and update the DMRP at defined stages?	r 64F(1)(e) r 64F(2)(a) r 64F(2)(c)(i) r 64F(2)(c)(ii)	2.11.1				
37.	Does the DMRP contain a schedule of progressive and final rehabilitation activities and milestones?	r 64F(2)(a) r 64F(2)(c)(i) r 64F(2)(c)(ii)	2.11.2				
38.	Does the DMRP implementation schedule include milestones for further studies, monitoring, quality assurance and other work to: - monitor the performance of rehabilitation activities - improve understanding of the current and potential future environmental setting - improve understanding of risks/opportunities and their management	r 64F(1)(e)	2.11.3				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
	refine the DMRP vision, objectives, closure criteria and post-closure plan?						
39.	Does the DMRP include a strategy for data management, including systems and processes for the retention of mine records and all information and data relevant to mine rehabilitation, closure and post-closure management consistent with agreed guidance?	64F(2)(c) 64F(2)(e)(ii)	2.11.4				
40.	Does the Implementation Plan identify key roles of those personnel responsible for developing and implementing the DMRP, including information about their qualifications, experience and accountabilities?	64F(2)(f)	2.11.5				
Regulatory Approvals Licences and Permits							
41.	Is a consolidated summary or register provided of all legal approvals and permissions that have already been obtained, and those that will be required, for the activities or outcomes in the DMRP?	r 64F(1)(d) r 64F(2)(c)(iii)	2.12				
42.	Where future legal approvals and permissions are required, does the DMRP: - at a minimum, demonstrate that the DMRP is consistent with other relevant legal and policy frameworks, i.e. there is a reasonable pathway to obtain the necessary legal approvals and permissions - set out the specific risks to implementation of the DMRP due to	r 64F(2)(d)(iii) r 64F(2)(e)(ii)	2.12				

Q #	Regulatory description	MRSD Act / Minerals Regs reference ¹	Guideline section reference	Y / N / NA	Changes from previous version (Y/N)	DMRP section or page number	Comments
	dependence on future regulatory approvals and associated mitigants • set out all the current licenses and permits (including any conditions relevant to rehabilitation) held by the licensee and their purpose • a plan and schedule related to existing licenses or permits (for example where permits require cancellation or transfer to the next landowners) • a plan and schedule for the work required to obtain other regulatory approvals and permits and update the DMRP (including the post-closure plan)?						
43.	Does the DMRP include a schedule of completed and planned consultation with statutory decision-makers under other legislation, including the outcomes to date of such consultation?	r 64F(2)(d)(iii) r 64F(2)(e)(ii)	2.12				

Corporate Endorsement:

I hereby certify that to the best of my knowledge, the information within this declared mine rehabilitation plan and checklist is true and correct and addresses all the requirements of the MRSD Act and Minerals Regulations. Name: _____ Signed: _____

Position: _____ Date: _____

(NB: The corporate endorsement must be given by mining licence holder(s) or a senior representative authorised by the licensee, such as a Registered Manager or Company Director)

¹ Authorising Legislation:

- Declared mine rehabilitation plan requirements are set out in both the MRSD Act and the Minerals Regulations.
- For the purposes of the Declared Mine Guidelines, the relevant sections in the Act include sections 84AZU, 84AZV and 84AZUW. The regulation-making power in section 124 is also directly relevant.
- Section 124(1)(oc) of the Act is a broad power to make regulations to prescribe various matters and processes relating to the rehabilitation and closure of mines on declared mine land and the rehabilitation, management and monitoring of registered mine land. These authorise regulations relating to the following:
 - (i) the matters to be included in and requirements of declared mine rehabilitation plans; and
 - (ii) the matters to be included in and the process for determining the closure criteria for the closure of a mine on declared mine land; and
 - (iii) the risks to public safety, the environment and infrastructure to be taken into account in determining the closure criteria for the closure of a declared mine including the risks posed by geotechnical, hydrogeological, water quality or hydrological matters; and
 - (iv) the criteria and process for assessing the rehabilitation of declared mine land; and
 - (v) the process for registering declared mine land in the declared mine land register; and
 - (vi) the process and method for determining the amount to be paid to the Minister by a declared mine licensee or for determining payment into the Declared Mine Fund under section 83A.

Appendix 2: Rehabilitation Objectives and Closure Criteria – Worked Example

Note that this worked example is illustrative and non-exhaustive, and there may be other site-specific objectives and closure criteria relevant to overburden dumps.

Domain	Proposed outcomes for land use	Objective	Closure Criteria	Verification method	Knowledge Gap / Milestone (see Milestone Planning Section X)
Overburden Dumps	Low intensity, soft hooved fauna grazing uses.	Landform will have minimal erosion and be capable of supporting the proposed post-mining land use, with erosion on the coal-covered areas limited to X m ³ / year.	- Landform Evolution Modelling (LEM) predictions of final landform demonstrates that land erosion is stable over X (e.g., 100, 250, 500 years?) period. LEM stability confirmed by peer review. - Erosion and deposit rates measured via: - annual survey until vegetation cover (as per design informed by LEM) is achieved, - survey every 5 years, post achievement of vegetation cover (as per design informed by LEM), until soil losses achieve X standard and / or as per background erosion rates on adjacent lands with similar land uses, and - survey demonstrates that the above continues to be achieved after X number of years.	- Peer review of LEM model - Peer review concludes that land is stable over X time period. - Verification of LEM model outputs through survey of final landform (digital elevation model (DEM))	- Milestone A1: LEM currently under development (commenced in X), with model output and peer review expected to occur by X date. - Milestone A2: Trials currently underway to determine natural background erosion rates. Trials commenced in X. Trends expected to be established after X months.
			- X erosion traps (Figure X) will not exceed X m³ / year until X % vegetation cover (as per design informed by LEM, trials and soil assessments) is achieved. - X erosion traps (Figure X) will not exceed X m³ for X years post-achievement of X % vegetation cover.	- Visual inspection and measurements in accordance with erosion monitoring plan. - Erosion trap monitoring in accordance with erosion monitoring plan.	Milestone B: Drafting of erosion monitoring plan has yet to commence. First iteration of plan to be developed by X, and will be informed by:

	• Soil assessment	• X technical study, which is scheduled to commence and conclude by X and X respectfully. • LEM outcomes.
• No rilling exceeding X m by X m or gullies exceeding X m wide by X m deep or X tonnes / ha until X % vegetation cover is achieved. • X% vegetation (as per revegetation plan) cover over all overburden covers consistently over X years. No rilling exceeding X m by X m or gullies exceeding X m wide by X m deep or X tonnes / ha over X years.	• Visual inspection and measurements in accordance with erosion monitoring plan. • Erosion and vegetation cover surveying and monitoring in accordance with erosion monitoring plan.	• As per above.
• Sustainable cover vegetation community measured on X LFA (Landscape Function Analysis) quadrants (Figure X) determined over X trend.	• In accordance with LFA monitoring plan • Vegetation monitoring and management plan • Drone flyover	• Milestone C: Version X of LFA plan has been drafted (dated X) and currently implemented on site for use on analogue site. Plan to be reviewed and updated by X date, after completion of X and X studies.
• X samples per X tonnes of treated dispersive sub and topsoils tested for confirmation as per design X, prior to placement	• Sampling and analysis plan • Laboratory testing and selection of samples in accordance to AS XXXX and sampling and analysis plan.	• Version X of sampling and analysis plan currently implemented on site. Plan subject to periodic review every X years.

• The concentrations of any contaminants in the soil are within acceptable limits and compatible with the proposed post mining land use.	• Completion of contaminated site assessment and any required remediation in accordance with Environment Protection Authority Victoria (EPA) requirements. Validation (e.g., audit sign off, EPA acceptance) of any required remediation in accordance with EPA legislated requirements.	• Sign-off by EPA auditor and acceptance by EPA. • EPA environmental management plan.	• Milestone D: Engagement with EPA commenced on X. Assessment of land expected to be completed by Y, which will inform further works and actions.
• the final landform is capable of supporting the land use outcome, with slopes designed and constructed to suitable angles to support safe land uses (safety of land managers, stock and native fauna).	• Slopes are designed to no steeper than X%. Slope length does not exceed A m. Final landform batters are verified with survey, with as-constructed survey indicating that batters are constructed within an X% tolerance of design.	• As-built report demonstrates conformance to design. • Final survey at [date/milestone] shows no loose material / unstable faces.	